

Authorised Version No. 001

Parks Victoria Act 2018

No. 19 of 2018

Authorised Version as at
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The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The purpose of this Act is—

- (a) to repeal and re-enact with amendments the **Parks Victoria Act 1998**, further providing for the establishment of Parks Victoria; and
- (b) to make consequential and related amendments to certain other Acts.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 November 2018, it comes into operation on that day.

3 Definitions

In this Act—

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

corporate planning document means any of the following—

- (a) a statement of corporate intent;

(b) a corporate plan;

(c) a business plan;

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

land management plan means a land management plan, notice of the making of which is published under section 49, and includes such a plan as amended or varied by an amendment or variation, notice of the making of which is published under section 49;

land management strategy means the land management strategy, notice of the approval of which is published under section 42, and includes the strategy as amended or varied by an amendment or variation, notice of the approval of which is published under section 42;

native title holder has the same meaning as in section 224 of the Native Title Act 1993 of the Commonwealth;

Parks Victoria means the body established under section 5(1);

Parks Victoria land record means the land record for Parks Victoria kept under Part 7A of the **Conservation, Forests and Lands Act 1987**;

Parks Victoria managed land means—

(a) any land in the Parks Victoria land record; and

(b) any land managed under the **National Parks Act 1975** (including any land managed under section 19A, 19C, 19D, 19E or 32AA of that Act);

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

specified aboriginal party, in relation to an area of land, means any of the following—

- (a) if there are native title holders for the whole or part of the area of land, the native title holders;
- (b) if a traditional owner group entity has entered into a recognition and settlement agreement under the **Traditional Owner Settlement Act 2010** for the whole or part of the area of land, that traditional owner group entity;
- (c) if there is a registered Aboriginal party, within the meaning of the **Aboriginal Heritage Act 2006**, for the whole or part of the area of land, that registered Aboriginal party;

statement of obligations means a statement of obligations published under section 35 and includes such a statement as amended or varied by an amendment or variation that is published under section 35;

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

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

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

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

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

4 Transport Integration Act 2010

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

Part 2—Establishment of and general provisions about Parks Victoria

Division 1—Establishment, functions and powers of Parks Victoria

5 Establishment of Parks Victoria

- (1) There is established a body called Parks Victoria.
- (2) Parks Victoria—
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) may acquire, hold and dispose of personal property; and
 - (e) may—
 - (i) acquire, hold and dispose of real property for the purposes of the administration of Parks Victoria; and
 - (ii) take land on lease and grant subleases of leased land for any purpose; and
 - (f) may accept grants or donations of money or other personal property (whether by deed, will or otherwise) for a purpose related to the functions of Parks Victoria; and
 - (g) may do and suffer all acts and things that a body corporate may, by law, do and suffer.
- (3) The common seal of Parks Victoria must be kept as directed by Parks Victoria.

- (4) All courts must take judicial notice of the imprint of the common seal on a document and, until the contrary is proved, must presume that the document was properly sealed.
- (5) Section 9 of the **Financial Management Act 1994** does not apply to any grant or donation accepted by Parks Victoria under subsection (2)(f).

6 Parks Victoria represents the Crown

Parks Victoria represents the Crown.

7 Objects of Parks Victoria

- (1) The objects of Parks Victoria are to—
 - (a) protect, conserve and enhance Parks Victoria managed land, including its natural and cultural values, for the benefit of the environment and current and future generations; and
 - (b) recognise and support traditional owner knowledge of and interests in Parks Victoria managed land; and
 - (c) provide for and encourage the community's enjoyment of and involvement in Parks Victoria managed land; and
 - (d) improve the community's knowledge and appreciation of Parks Victoria managed land; and
 - (e) contribute to the wellbeing of the community through the effective protection and management of Parks Victoria managed land; and
 - (f) contribute to the achievement of State and regional land management outcomes as far as is consistent with the effective protection

and management of Parks Victoria managed land.

- (2) Parks Victoria must have regard to its objects in performing its functions, exercising its powers and carrying out its duties.

8 Functions of Parks Victoria

- (1) Parks Victoria has the following functions—
- (a) to control and manage Parks Victoria managed land, in a manner that protects, conserves and enhances the land and in a manner which provides for the land to be appropriately used, enjoyed and appreciated, including doing all or any of the following—
 - (i) developing management and other plans and strategies for Parks Victoria managed land in consultation with the community;
 - (ii) supporting the involvement of a specified aboriginal party for an area of land that is Parks Victoria managed land in the management of the land;
 - (iii) undertaking works, improvements and other activities on Parks Victoria managed land;
 - (iv) providing opportunities for the community to enjoy and appreciate Parks Victoria managed land and providing facilities, information and services to support that enjoyment and appreciation;
 - (v) monitoring and evaluating the condition and use of Parks Victoria managed land;

- (vi) conducting, co-ordinating and encouraging research activities relating to Parks Victoria managed land;
- (b) to enforce and ensure compliance with laws applying to Parks Victoria managed land;
- (c) to confer with and co-operate with the Secretary or any other land manager or body on the management of Parks Victoria managed land or land managed by the Secretary or another land manager;
- (d) to provide services for the prevention, suppression of or recovery from fire or any other emergency under any agreement or arrangement under section 11;
- (e) to provide services under any agreement or arrangement under section 12;
- (f) to provide advice to the Minister and the Secretary on matters relevant to its functions;
- (g) to promote good relations between Parks Victoria and the community;
- (h) to inform and educate the community about the benefits of and the threats to Parks Victoria managed land;
- (i) act as an agent of the Secretary in the carrying out of the Secretary's functions, powers and duties in relation to the management of land;
- (j) to carry out any other function conferred on it by or under this or any other Act.

Note

Other functions of Parks Victoria may include—

- (a) acting as a committee of management under the **Crown Land (Reserves) Act 1978** or the **Forests Act 1958**, when appointed as such a committee; and

- (b) acting as a waterway manager under the **Marine Safety Act 2010**, when declared as such a manager; and
 - (c) acting as the port manager of a local port under the **Port Management Act 1995**, when appointed as such a manager.
- (2) Parks Victoria must exercise its functions under subsection (1) in relation to any area of land consistently with the enactments applying to the management of the land.

9 Power of Parks Victoria

Parks Victoria has the power to do all things that are necessary or convenient to be done for or in connection with the achievement of its objects and the performance of its functions.

10 Functions, powers and duties in relation to Yarra River land

- (1) Parks Victoria, in performing a function or duty or exercising a power under this Act or any other enactment—
- (a) in relation to Yarra River land, must not act inconsistently with any part of a Yarra Strategic Plan that is expressed to be binding on Parks Victoria; and
 - (b) in relation to the Yarra Strategic Plan area that may affect Yarra River land, must have regard to the Yarra protection principles, and those parts of a Yarra Strategic Plan not expressed to be binding on Parks Victoria.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by Parks Victoria in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**.

11 Fire and other emergencies

- (1) Parks Victoria may enter into an agreement or arrangement with the Secretary for the carrying out of services in relation to the prevention or suppression of or recovery from fire or another emergency on land in respect of which—
 - (a) the Secretary has the responsibility for carrying out those services; or
 - (b) the Secretary has an agreement or arrangement to carry out or to assist in carrying out those services.
- (2) An agreement or arrangement may be entered into with the Secretary under subsection (1) whether the services to be provided are in—
 - (a) Victoria; or
 - (b) another State or a Territory of the Commonwealth; or
 - (c) another country.
- (3) Parks Victoria may enter into an agreement or arrangement with a person or body (other than the Secretary) for the carrying out of services in relation to the prevention or suppression of or recovery from fire or another emergency on land in respect of which—
 - (a) that person or body has the responsibility for carrying out those services; or
 - (b) that person or body has an agreement or arrangement to carry out or to assist in carrying out those services.
- (4) An agreement or arrangement may be entered into with a person or body under subsection (3) whether the services to be provided are in—

- (a) Victoria; or
 - (b) another State or a Territory of the Commonwealth; or
 - (c) another country.
- (5) Parks Victoria must not enter into an agreement or arrangement under subsection (3) unless Parks Victoria has first obtained the approval of the Minister in writing.
- (6) An agreement or arrangement under this section may provide for the use of employees of Parks Victoria for the carrying out of the services provided under the agreement.
- (7) In this section a reference to *Secretary* includes a reference to the occupant of the position of Department Head under the **Public Administration Act 2004** of the Department of Environment, Land, Water and Planning.

12 Other services

- (1) Parks Victoria may enter into an agreement or arrangement to provide services, of a kind related to its functions, powers or duties, with any person or body whether the services are to be provided in—
- (a) Victoria; or
 - (b) another State or a Territory of the Commonwealth; or
 - (c) another country.
- (2) Parks Victoria must not enter into an agreement or arrangement under subsection (1) unless—
- (a) the agreement or arrangement is in the public interest; and
 - (b) Parks Victoria has first obtained the approval of the Minister in writing.

- (3) An agreement or arrangement under subsection (1) may provide for the use of employees of Parks Victoria for the carrying out of services under the agreement or arrangement.

13 Delegation

- (1) Parks Victoria, by instrument, may delegate to any of the following persons or bodies any function, power or duty of Parks Victoria under this Act or any other enactment (other than this power of delegation)—
- (a) a member of Parks Victoria;
 - (b) a committee established under section 25;
 - (c) the chief executive officer or an employee or class of employee of Parks Victoria;
 - (d) the Secretary;
 - (e) a person or a class of person employed under the **Public Administration Act 2004** in the administration of this Act or the other enactment.
- (2) Subsection (1) does not apply to a function, power or duty that Parks Victoria has as a committee of management appointed under—
- (a) section 14 of the **Crown Land (Reserves) Act 1978**; or
 - (b) section 50(3) of the **Forests Act 1958**.
- (3) Parks Victoria, by instrument, may delegate to a person contracted by Parks Victoria any of the following powers that are specified in the instrument of delegation—
- (a) the power to grant a permit under section 21(1)(a) of the **National Parks Act 1975**;

- (b) the power to issue a permit for an event under regulations made under section 82 or 99 or Part 9A of the **Conservation, Forests and Lands Act 1987**, section 13 of the **Crown Land (Reserves) Act 1978**, section 50 of the **Forests Act 1958**, section 48 of the **National Parks Act 1975** or section 87 of the **Wildlife Act 1975**.

Division 2—Ministerial direction

14 Minister may give directions to Parks Victoria

- (1) The Minister may—
 - (a) give directions to Parks Victoria in relation to the performance of its functions or the exercise of its powers; and
 - (b) give directions to Parks Victoria in relation to the performance of its functions or the exercise of its powers as a committee of management appointed under—
 - (i) section 14 of the **Crown Land (Reserves) Act 1978**; or
 - (ii) section 50(3) of the **Forests Act 1958**; and
 - (c) give directions to Parks Victoria, in relation to the management of land that is the subject of an agreement under section 69 of the **Conservation, Forests and Lands Act 1987**, as to the management of the land by Parks Victoria on behalf of the Secretary.
- (2) At least 14 days before giving a direction to Parks Victoria, the Minister must give to Parks Victoria a notice of the proposal to give the direction that sets out the proposed substance of the direction.
- (3) Parks Victoria must comply with any direction given in accordance with this section.

15 Publication of directions

Parks Victoria must—

- (a) publish any direction given by the Minister under section 14 on the Internet site of Parks Victoria; and
- (b) include a summary of the contents of any direction given by the Minister under section 14 in its annual report under section 45 of the **Financial Management Act 1994**.

Division 3—Membership and decision making

16 Constitution and membership of Parks Victoria

- (1) Parks Victoria must consist of not less than 5 and not more than 9 members appointed by the Governor in Council.
- (2) The members of Parks Victoria must consist of—
 - (a) collectively, persons who have skills, knowledge or experience relevant to the objects and functions of Parks Victoria; and
 - (b) at least one person who has skills and experience in conservation; and
 - (c) at least one person who has skills and experience in financial management.

17 Chairperson and deputy Chairperson

The Chairperson and deputy Chairperson of Parks Victoria must be appointed from among the members of Parks Victoria by the Governor in Council.

18 Terms and conditions of appointment

A member of Parks Victoria—

- (a) holds office for the period, not exceeding 4 years, specified in the member's instrument of appointment; and
- (b) may be reappointed for a further term or terms; and
- (c) holds office on the terms and conditions specified in the member's instrument of appointment, including any terms and conditions as to any remuneration or allowances.

19 Vacancies

- (1) The office of a member of Parks Victoria becomes vacant if the member—
 - (a) becomes an insolvent under administration; or
 - (b) is convicted or found guilty of—
 - (i) an indictable offence; or
 - (ii) an offence that, if committed in Victoria, would be an indictable offence; or
 - (c) is absent from 2 consecutive meetings of Parks Victoria without the approval of Parks Victoria; or
 - (d) is removed from office; or
 - (e) retires or resigns.
- (2) If the office of a member becomes vacant before the end of the term of office, the Governor in Council may appoint a person in accordance with this Division to fill the vacancy and to hold office, subject to this Act, for the remainder of the term.

- (3) If the office of a member becomes vacant within 6 months before the end of the term of the office, the office may be left vacant for the remainder of the term.

20 Resignations

- (1) A member may resign the member's office in writing signed by the member and delivered to the Governor in Council.
- (2) If the Chairperson or deputy Chairperson resigns that position, the Chairperson or deputy Chairperson may remain in the position of a member of Parks Victoria.

21 Removals

The Governor in Council may remove a member from office—

- (a) if the member becomes incapable of performing the member's duties; or
- (b) if the member is negligent in the performance of those duties; or
- (c) if the member engages in improper conduct; or
- (d) if the member fails to declare a pecuniary or other interest as required under processes put in place by Parks Victoria under section 81(1)(f) of the **Public Administration Act 2004**; or
- (e) if the member is convicted or found guilty of—
- (i) an offence against this Act; or
 - (ii) an offence against a relevant law; or
 - (iii) an offence against a corresponding law of another State or a Territory of the Commonwealth; or

- (f) if the Minister considers that the person is no longer suitable to hold office as a member.

22 Validity of decisions of Parks Victoria

- (1) An act or a decision of Parks Victoria is not invalid merely because of—
 - (a) a defect or irregularity in, or in connection with, the appointment of a member; or
 - (b) a vacancy in the membership of Parks Victoria, including a vacancy arising from the failure to appoint a member.
- (2) Anything done by or in relation to a person purporting to act as Chairperson, as deputy Chairperson or as a member is not invalid merely because—
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in relation to the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion for the person to act had not arisen or had ceased.

23 Proceedings of Parks Victoria

- (1) Subject to subsection (2), meetings of Parks Victoria are to be held at the times and places that Parks Victoria determines.
- (2) The Chairperson may at any time convene a meeting, but must do so when requested by a member.
- (3) The Chairperson or, in the Chairperson's absence, the deputy Chairperson, or, in the absence of both, a member appointed by the members present at the meeting, must preside at the meeting.

- (4) A majority of the members for the time being constitutes a quorum of Parks Victoria.
- (5) Subject to section 24, a question arising at a meeting must be determined by a majority of votes of members present and voting on that question and, if the vote is equal, the person presiding has a casting vote as well as a deliberative vote.
- (6) Parks Victoria must ensure that minutes are kept of each of its meetings.
- (7) Subject to this section, Parks Victoria may regulate its own proceedings.

24 Resolutions without meetings

- (1) Parks Victoria may—
 - (a) determine that it may make a resolution without a meeting; and
 - (b) determine a method by which members are to indicate agreement with any proposed resolution.
- (2) Parks Victoria is taken to have made a resolution at a meeting if—
 - (a) without meeting, a majority of the members of Parks Victoria indicate agreement with the proposed resolution; and
 - (b) that agreement is indicated in accordance with the method determined by Parks Victoria under subsection (1); and
 - (c) all the members were informed of the proposed resolution, or reasonable efforts were made to inform the members of the proposed resolution.
- (3) For the purpose of subsection (2)(a), a member is not entitled to vote on a proposed resolution if the member would not have been entitled to vote on

that resolution if the matter had been considered at a meeting of Parks Victoria.

- (4) Parks Victoria must keep a record of the resolutions made in accordance with this section.

Division 4—Committees

25 Committees of Parks Victoria

- (1) Parks Victoria, by resolution, may establish one or more committees consisting of members of Parks Victoria for any purpose that Parks Victoria thinks fit.
- (2) Parks Victoria may determine the membership and any process or procedure of a committee established under subsection (1).

26 Advisory committees

- (1) Parks Victoria may establish and appoint members to advisory committees to give advice and information to Parks Victoria with respect to—
- (a) any Parks Victoria managed land; or
- (b) any land—
- (i) managed by a committee of management appointed under section 14 of the **Crown Land (Reserves) Act 1978** or section 50(3) of the **Forests Act 1958** constituted by Parks Victoria; or
- (ii) that is the subject of an agreement under section 69 of the **Conservation, Forests and Lands Act 1987** managed by Parks Victoria on behalf of the Secretary; or
- (c) any function of Parks Victoria.

- (2) Subject to this Act, a member of an advisory committee—
 - (a) holds office for the period, not exceeding 3 years, specified in the member's instrument of appointment; and
 - (b) may be reappointed for a further term or terms; and
 - (c) holds office on the terms and conditions specified in the member's instrument of appointment, including any terms and conditions as to any remuneration or allowances.

Division 5—Chief executive officer and staff

27 Chief executive officer

- (1) Parks Victoria may employ a person as the chief executive officer of Parks Victoria.
- (2) The chief executive officer holds office, subject to this Act, on the terms and conditions that are determined by Parks Victoria and specified in the chief executive officer's contract of employment.
- (3) The chief executive officer is not eligible to be appointed as a member of Parks Victoria.

28 Staff

- (1) Parks Victoria may employ the persons that are necessary for the performance of its functions and the exercise of its powers and duties.
- (2) The duties of employees of Parks Victoria include any duties in connection with the prevention or suppression of or recovery from fire and other emergencies as are determined by the Secretary in consultation with Parks Victoria.

Part 3—Obligations and planning responsibilities

Division 1—Corporate planning

29 Preparation of corporate planning documents by Parks Victoria

- (1) The Minister, in writing, may request Parks Victoria to prepare a corporate planning document to provide to the Minister.
- (2) If the Minister has requested Parks Victoria to prepare a corporate planning document, Parks Victoria must prepare the corporate planning document.
- (3) A request under subsection (1) must—
 - (a) specify the date by which the corporate planning document must be provided to the Minister; and
 - (b) specify the information to be included in the corporate planning document and the form in which the information must be provided.
- (4) A corporate planning document prepared by Parks Victoria under this section may be amended at any time by Parks Victoria with the approval of the Minister.
- (5) The Minister, in writing, may direct Parks Victoria to amend a corporate planning document prepared by Parks Victoria under this section at any time by including or omitting any specified information.
- (6) Parks Victoria must comply with a direction under subsection (5).

30 Parks Victoria to notify Minister of significant affecting events etc.

- (1) Parks Victoria must immediately notify the Minister if Parks Victoria is of the opinion that matters have arisen that may prevent or significantly affect the achievement of—
 - (a) the objects of Parks Victoria; or
 - (b) financial targets, if any, under a corporate planning document.
- (2) In a notification under subsection (1), Parks Victoria must set out the reasons for the opinion.

Division 2—Statements of obligations

31 Statement of obligations

- (1) The Minister may make a statement of obligations that sets out the obligations that Parks Victoria has in performing its functions and exercising its powers in relation to—
 - (a) Parks Victoria managed land; and
 - (b) land managed by a committee of management appointed under section 14 of the **Crown Land (Reserves) Act 1978** or section 50(3) of the **Forests Act 1958** constituted by Parks Victoria; and
 - (c) land that is the subject of an agreement under section 69 of the **Conservation, Forests and Lands Act 1987** that is managed by Parks Victoria on behalf of the Secretary.
- (2) Without limiting the generality of subsection (1), a statement of obligations may include provisions for or with respect to the following—
 - (a) governance;
 - (b) guiding principles;

- (c) performance standards and outcomes;
- (d) matters to be addressed in the land management strategy;
- (e) management priorities for any land which Parks Victoria manages;
- (f) the implementation of government policies and strategies;
- (g) innovation and knowledge sharing;
- (h) compliance and enforcement;
- (i) collaboration or consultation with other government bodies, traditional owners, non-government bodies and the community.

32 Amendment, variation or revocation of a statement of obligations

The Minister may amend, vary or revoke a statement of obligations.

33 Process for making a statement of obligations or amendment or variation

- (1) Before making, amending or varying a statement of obligations, the Minister must—
 - (a) give Parks Victoria notice of the proposal to make, amend or vary a statement of obligations that sets out the substance of the proposed statement, amendment or variation; and
 - (b) give Parks Victoria at least 28 days in which to make written submissions to the Minister on the proposal; and
 - (c) have regard to any submissions made by Parks Victoria under paragraph (b).

- (2) Subsection (1) does not apply to any amendment or variation of a statement of obligations that is of a machinery, declaratory or minor technical nature.

34 Issuing a statement of obligations or amendment, variation or revocation

- (1) As soon as possible after making a statement under section 31, the Minister must issue the statement to Parks Victoria.
- (2) As soon as possible after amending or varying a statement of obligations under section 32, the Minister must issue the statement of obligations as amended or varied to Parks Victoria.
- (3) As soon as possible after revoking a statement of obligations under section 32, the Minister must issue the notice of revocation of the statement of obligations to Parks Victoria.

35 Publication of statement of obligations or amendment, variation or revocation

- (1) Within 14 days after a relevant document is issued to Parks Victoria—
- (a) the Minister must publish the relevant document in the Government Gazette; and
- (b) Parks Victoria must publish the relevant document on the Internet site of Parks Victoria.
- (2) In this section—

relevant document means—

- (a) a statement made under section 31 as issued under section 34(1); or
- (b) a statement of obligations as amended or varied under section 32 as issued under section 34(2); or

- (c) a notice of revocation of a statement of obligations as issued under section 34(3).

36 Taking effect of statement of obligations

A statement of obligations, or the amendment, variation or revocation of a statement of obligations, has effect when it is published in the Government Gazette.

37 Compliance with statement of obligations

- (1) Parks Victoria must comply with a statement of obligations.
- (2) Parks Victoria must include a statement in its annual report under section 45 of the **Financial Management Act 1994** setting out how it has met its obligations under any statement of obligations.

Division 3—Land management strategy

38 Preparation of land management strategy

- (1) Parks Victoria must prepare a strategy that sets out the general long-term directions, strategies and priorities for the protection, management and use of—
 - (a) Parks Victoria managed land; and
 - (b) land managed by a committee of management appointed under section 14 of the **Crown Land (Reserves) Act 1978** or section 50(3) of the **Forests Act 1958** constituted by Parks Victoria; and
 - (c) land that is the subject of an agreement under section 69 of the **Conservation, Forests and Lands Act 1987** that is managed by Parks Victoria on behalf of the Secretary.

- (2) A strategy prepared under subsection (1) must—
- (a) be consistent with—
 - (i) legislation under which the land is managed and any other legislation applying to the land; and
 - (ii) government policies applying to the land; and
 - (b) address any matters specified by the Minister—
 - (i) in a direction given under section 14; or
 - (ii) in a statement of obligations.
- (3) Parks Victoria must prepare the first strategy after the commencement of this Act within 2 years after that commencement.

39 Preparation of amendment of the strategy

Parks Victoria may prepare an amendment of the land management strategy at any time, including by making amendments arising from any review of the strategy under section 44.

40 Process for preparing the strategy or an amendment

- (1) Before a strategy is prepared under section 38 or an amendment of the land management strategy is prepared under section 39, Parks Victoria must—
- (a) consult with—
 - (i) any Department or public authority whose interests may be affected by the strategy or amendment; and
 - (ii) any specified aboriginal party for any area affected by the strategy or amendment; and

- (b) make a draft of the strategy or amendment available for inspection by the public for at least 28 days before it is prepared; and
 - (c) publish a notice in a newspaper circulating generally in the State setting out where and when the draft can be inspected and inviting public comment by the date specified in the notice; and
 - (d) publish the draft on the Internet site of Parks Victoria; and
 - (e) have regard to any submissions made to Parks Victoria on the proposal by the date specified in the notice.
- (2) Subsection (1) does not apply to any amendment of the land management strategy that is of a machinery, declaratory or minor technical nature.

41 Approving the strategy or an amendment

- (1) After a strategy is prepared under section 38 or an amendment of the land management strategy is prepared under section 39, Parks Victoria must submit the strategy or amendment to the Minister.
- (2) After receiving a strategy or amendment under subsection (1), the Minister may—
 - (a) approve the strategy or amendment; or
 - (b) direct Parks Victoria to alter the strategy or amendment and resubmit the strategy or amendment to the Minister.
- (3) The Minister must make a decision under subsection (2) within 60 days of receiving the strategy or amendment.
- (4) Parks Victoria must comply with a direction of the Minister under subsection (2) within 60 days of receiving the direction, or any longer period specified by the Minister.

42 Publication and notice of the strategy or amendment

- (1) As soon as possible after the Minister approves the strategy under section 41, Parks Victoria must publish—
 - (a) the strategy on the Internet site of Parks Victoria; and
 - (b) notice of the Minister's approval in the Government Gazette.
- (2) As soon as possible after the Minister approves an amendment of the land management strategy under section 41, Parks Victoria must publish—
 - (a) the land management strategy as so amended on the Internet site of Parks Victoria; and
 - (b) notice of the Minister's approval in the Government Gazette.

43 Taking effect of the strategy or amendment

The land management strategy, or an amendment of the land management strategy, has effect when notice of its approval is published in the Government Gazette.

44 Review of the strategy

- (1) Parks Victoria must review the land management strategy—
 - (a) at least every 10 years after the first strategy has effect; and
 - (b) as soon as possible after the making of or any amendment or variation of the statement of obligations; and
 - (c) at any other time if so directed by the Minister.

- (2) A review under subsection (1)(a) must commence no later than the end of the 10 year period.
- (3) In conducting a review of the strategy, Parks Victoria must—
 - (a) consult with—
 - (i) any Department or public authority whose interests may be affected by the strategy; and
 - (ii) any specified aboriginal party for any area affected by the strategy; and
 - (iii) the public; and
 - (b) consider the results of any consultation under paragraph (a).
- (4) After conducting a review of the strategy, Parks Victoria may propose to the Minister—
 - (a) that Parks Victoria should prepare an amendment to the strategy or revoke and prepare a new strategy; or
 - (b) that no amendment is required to the strategy (other than any amendments of a minor technical nature).
- (5) After receiving a proposal from Parks Victoria under subsection (4), the Minister may—
 - (a) approve the proposal; or
 - (b) not approve the proposal and direct—
 - (i) Parks Victoria to prepare an amendment to the strategy or revoke and prepare a new strategy; or
 - (ii) that no amendment is required to the strategy (other than any amendments of a minor technical nature).

- (6) If the Minister requires Parks Victoria to prepare a land management strategy or an amendment to the land management strategy under subsection (5), the provisions of this Division apply to the preparation of the strategy or amendment.

45 Revoking the strategy

Parks Victoria may revoke the land management strategy if—

- (a) Parks Victoria has proposed that the strategy be revoked under section 44(4)(a) and the Minister has approved the proposal under section 44(5)(a); or
- (b) the Minister has directed that the strategy be revoked under section 44(5)(b)(i).

Division 4—Land management plans

46 Land management plans

- (1) Parks Victoria may make a plan setting out the way in which Parks Victoria will manage any area of—
- (a) Parks Victoria managed land; or
 - (b) land managed by a committee of management appointed under section 14 of the **Crown Land (Reserves) Act 1978** or section 50(3) of the **Forests Act 1958** constituted by Parks Victoria; or
 - (c) land that is the subject of an agreement under section 69 of the **Conservation, Forests and Lands Act 1987** that is managed by Parks Victoria on behalf of the Secretary.

- (2) A plan made under subsection (1) must be consistent with—
 - (a) legislation under which the land is managed and any other legislation applying to the land; and
 - (b) government policies applying to the land.
- (3) In making a plan under subsection (1), Parks Victoria must have regard to the land management strategy.
- (4) Parks Victoria must have regard to a Yarra Strategic Plan if making a plan under subsection (1) in relation to land that forms part of Yarra River land.
- (5) For any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of land for which a management plan has been made under subsection (1), the management plan under subsection (1) does not have effect to the extent that a joint management plan is in effect for that land.
- (6) This section does not derogate from any requirement in any other Act for the manager of land under that Act to prepare a land management plan (however described) for that land.

47 Amendment or revocation of land management plans

Parks Victoria may amend or revoke any land management plan for an area of land at any time including by making amendments arising from any review of the plan under section 51.

48 Process for making a land management plan or amendment

- (1) Before Parks Victoria makes a land management plan or an amendment of a land management plan, Parks Victoria must—
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- (a) consult with—
 - (i) any Department or public authority whose interests may be affected by the plan or amendment; and
 - (ii) any relevant specified aboriginal party; and
 - (b) make a draft of the plan or amendment available for inspection by the public for at least 28 days before making the plan; and
 - (c) publish a notice in a newspaper circulating generally in the State and in a newspaper circulating generally in the area in which the land is situated, setting out where and when the draft can be inspected and inviting public comment by the date specified in the notice; and
 - (d) publish the draft on the Internet site of Parks Victoria; and
 - (e) must have regard to any submissions made to Parks Victoria on the proposal by the date specified in the notice.
- (2) Subsection (1) does not apply to any amendment of the land management plan that is of a machinery, declaratory or minor technical nature.

49 Publication and notice of land management plan or amendment or revocation

- (1) As soon as possible after Parks Victoria makes a land management plan under this Division, Parks Victoria must publish—
- (a) the plan on the Internet site of Parks Victoria; and
 - (b) notice of the making of the plan in the Government Gazette.

- (2) As soon as possible after Parks Victoria makes an amendment of a land management plan under this Division, Parks Victoria must publish—
 - (a) the land management plan as so amended on the Internet site of Parks Victoria; and
 - (b) notice of the making of the amendment in the Government Gazette.
- (3) As soon as possible after revoking a land management plan under this Division, Parks Victoria must publish notice of the making of the revocation—
 - (a) on the Internet site of Parks Victoria; and
 - (b) in the Government Gazette.

50 Taking effect of land management plan

A land management plan or the amendment or revocation of a land management plan has effect when notice of its making is published in the Government Gazette.

51 Review of land management plans

- (1) Parks Victoria must review each land management plan for an area of land for each period of 15 years after the first plan for the area has effect.
- (2) A review under subsection (1) must commence no later than the end of the 15 year period.
- (3) In conducting a review under subsection (1), Parks Victoria must—
 - (a) consult with—
 - (i) any Department or public authority whose interests may be affected by the plan; and

- (ii) any specified aboriginal party for any area affected by the plan; and
 - (iii) the public; and
 - (b) consider the results of any consultation under paragraph (a).
- (4) On completing a review of the land management plan, Parks Victoria may—
- (a) revoke the plan and make a new land management plan under this Division for the area; or
 - (b) amend the plan under this Division; or
 - (c) only make amendments of a machinery, declaratory or minor technical nature to the plan.

Part 4—Transitional provisions

52 Definitions

In this Part—

commencement day means the day on which this Act comes into operation;

new body means Parks Victoria within the meaning of this Act;

old Act means the **Parks Victoria Act 1998**;

old body means Parks Victoria within the meaning of the old Act.

53 Repeal of Parks Victoria Act 1998

The **Parks Victoria Act 1998** is repealed.

54 Abolition of old body and provisions relating to transition to new body

- (1) Except as otherwise provided in this Act, on the commencement day—
 - (a) the old body is abolished; and
 - (b) all rights, property and assets that, immediately before the commencement day, were vested in the old body vest in the new body; and
 - (c) all debts, liabilities and obligations of the old body existing immediately before the commencement day become debts, liabilities and obligations of the new body; and
 - (d) the new body is substituted as a party to any proceedings pending in any court or tribunal to which the old body was a party immediately before the commencement day; and

- (e) the new body is substituted as a party to any contract or arrangement entered into by or on behalf of the old body and in force immediately before the commencement day; and
 - (f) the new body is substituted for the old body—
 - (i) as a declared waterway manager for any State waters for which the old body was the declared waterway manager under section 6 of the **Marine Safety Act 2010** immediately before the commencement day; and
 - (ii) as the port manager of any local port for which the old body was the appointed port manager under section 44A of the **Port Management Act 1995** immediately before the commencement day.
- (2) Except as otherwise provided in this Act, any reference to the old body in any Act or in any proclamation, Order in Council, rule, regulation, order, agreement, instrument, deed or other document, so far as it relates to any period on or after the commencement day, and if not inconsistent with the context or subject matter, must be construed as a reference to the new body.
- (3) On the commencement day, each member of the old body—
- (a) is taken to be a member of the new body, as if the member had been appointed under this Act; and
 - (b) is taken to be appointed—
 - (i) for the period that would have been the remaining period of that member's term of appointment under the old Act; and
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- (ii) on the same terms and conditions that the member had as a member of the old body immediately before the commencement day.
- (4) On the commencement day, the chief executive officer of the old body—
 - (a) is taken to be the chief executive officer of the new body, as if the chief executive officer had been appointed under this Act; and
 - (b) is taken to be appointed—
 - (i) for the period that would have been the remaining period of the chief executive officer's term of appointment under the old Act; and
 - (ii) on the same terms and conditions that the chief executive officer had as chief executive officer of the old body immediately before the commencement day.

55 Transfer of staff from old body to new body

- (1) On the commencement day, a person who was an employee of the old body immediately before the commencement day is taken to be an employee of the new body.
- (2) A transferred employee is taken to—
 - (a) be employed in the same position in the new body as the position that the transferred employee occupied in the old body, with effect on and from the commencement day; and
 - (b) be employed on the same terms and conditions as the transferred employee had under the transferred employee's

- employment with the old body immediately before the commencement day; and
- (c) have accrued an entitlement to benefits in connection with the employment with the new body that is equivalent to the entitlement that the transferred employee had accrued, as an employee of the old body, immediately before the commencement day.
- (3) The service of a transferred employee with the new body is taken to be continuous with that service of the transferred employee as an employee of the old body that ceased immediately before the commencement day.
- (4) A transferred employee is not entitled to receive any payment or other benefit merely because the transferred employee ceased to be an employee of the old body because of the operation of this Part.
- (5) The chief executive officer of the new body may give a certificate certifying that, by the operation of this section, the person named in the certificate was taken to be employed with the new body with effect on and from the commencement day.
- (6) A certificate purporting to be signed by the chief executive officer to the effect set out in subsection (5) is admissible in evidence in any proceeding and is proof of the matters stated in it.
- (7) The superannuation entitlements of any person who is a transferred employee are taken not to be affected by that person becoming a transferred employee.
- (8) If a transferred employee was, immediately before the commencement day, an officer within the meaning of the **State Superannuation Act 1988**, the transferred employee continues to be such an officer.
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(9) Nothing in this section prevents—

- (a) any of the terms and conditions of employment of a transferred employee from being altered by or under any law, award or agreement with effect on or after the commencement day; or
- (b) a transferred employee from resigning or being dismissed on or after the commencement day in accordance with the existing terms and conditions of the transferred employee's employment with the new body.

(10) In this section—

transferred employee means an employee of the old body who is taken to be an employee of the new body by subsection (1).

Part 5—Amendment of Conservation, Forests and Lands Act 1987

56 Definitions

- (1) In section 3(1) of the **Conservation, Forests and Lands Act 1987** insert the following definitions—

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

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

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

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

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

- (2) In section 3(1) of the **Conservation, Forests and Lands Act 1987**, in paragraph (d) of the definition of *land owner*, after "Secretary" insert "or Parks Victoria".

57 Delegation of powers and functions

- (1) After section 11(1)(ca) of the **Conservation, Forests and Lands Act 1987** insert—

"(cb) Parks Victoria or an employee of Parks Victoria; or".

- (2) After section 11(2)(d) of the **Conservation, Forests and Lands Act 1987** insert—

"(da) Parks Victoria or an employee of Parks Victoria; or".

- (3) Section 11(3A), (3AA), (3B) and (3C) of the **Conservation, Forests and Lands Act 1987** are **repealed**.

58 Charges and fees

- (1) In section 28(1) of the **Conservation, Forests and Lands Act 1987**—
 - (a) for "or Secretary—" **substitute** ", Secretary or Parks Victoria—";
 - (b) after "the Secretary" **insert** "or Parks Victoria (as the case requires)".
- (2) In section 28(2) of the **Conservation, Forests and Lands Act 1987**, after "Secretary" **insert** "or Parks Victoria".

59 Liability for charge or fee

In section 29 of the **Conservation, Forests and Lands Act 1987**, for "or Secretary" **substitute** ", Secretary or Parks Victoria".

60 Charge or fee may be recovered as debt

In section 30(1) of the **Conservation, Forests and Lands Act 1987**, for "or Secretary" **substitute** ", Secretary or Parks Victoria".

61 New Part inserted after Part 7

After Part 7 of the **Conservation, Forests and Lands Act 1987** insert—

"Part 7A—Parks Victoria land record

Division 1—Establishment and keeping of Parks Victoria land record

67A Parks Victoria land record

- (1) The Secretary must establish and maintain a record of certain Crown land that is to be controlled and managed by Parks Victoria.

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

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

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

67C Amendment of the record

- (1) The Secretary, with the approval of the Parks Victoria Minister, may amend the record kept under section 67A by including land in the record or removing land from the record.
- (2) The Parks Victoria Minister must not approve an amendment under subsection (1) unless the Parks Victoria Minister—

- (a) has first—
 - (i) given Parks Victoria written notice of the proposed amendment; and
 - (ii) considered any written submission made by Parks Victoria within 60 days of receiving the notice (or any longer period agreed to by the Parks Victoria Minister); and
 - (b) has first obtained consent to the proposed amendment from the Minister responsible for the administration of the provision of the Act under which the land is managed, if that is not the Parks Victoria Minister.
- (3) This section does not apply to a minor correction of information in the record.

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

67D Definitions

In this Division—

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

tour operator licence—

- (a) in relation to land under the **Crown Land (Reserves) Act 1978**, has the same meaning as in that Act;
- (b) in relation to land under the **Forests Act 1958**, has the same meaning as in that Act;
- (c) in relation to land under the **Wildlife Act 1975**, has the same meaning as in that Act.

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

- (1) On land being included in the Parks Victoria land record—
 - (a) all rights, property and assets in relation to any Parks Victoria matter that, immediately before the inclusion of the land in the record, were vested in the Secretary, vest in Parks Victoria; and
 - (b) all debts, liabilities and obligations of the Secretary in relation to any Parks Victoria matter that were existing immediately before the inclusion of the land in the record, become debts, liabilities and obligations of Parks Victoria; and
 - (c) Parks Victoria is substituted as a party to any proceedings in relation to any Parks Victoria matter pending in any court or tribunal to which the Secretary was a party immediately before the inclusion of the land in the record; and

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

67F Saving of tour operator licences

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

inclusion of the land in the record the licence is taken to continue in force—

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

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

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

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

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

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

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

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

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

If a lease granted by the Minister or a person authorised by the Minister under section 121 of the **Land Act 1958** applied to land

included in the Parks Victoria land record immediately before the inclusion of the land in the record, on the inclusion of the land in the record any reference in the lease to directions issued by the Secretary is taken to be a reference to directions issued by Parks Victoria.

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

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

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

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

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

permit were a reference to Parks Victoria.

67M Licences under section 16 of the Wildlife Act 1975

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

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

62 Powers of the Secretary

- (1) **Insert** the following heading to section 68 of the **Conservation, Forests and Lands Act 1987**—
"Powers of Secretary and Parks Victoria".
- (2) For section 68(1) of the **Conservation, Forests and Lands Act 1987** substitute—
"(1) With the Minister's approval, out of moneys available for the purpose—
 - (a) the Secretary may—
 - (i) grant or loan money to a land owner; and

- (ii) provide other assistance to a land owner; and
- (b) Parks Victoria, for and to the extent it benefits Parks Victoria managed land, may—
 - (i) grant or loan money to a land owner; and
 - (ii) provide other assistance to a land owner."
- (3) In section 68(2)(b) of the **Conservation, Forests and Lands Act 1987**—
 - (a) after "Secretary" **insert** "or Parks Victoria";
 - (b) for "determines." **substitute** "determines; and".
- (4) After section 68(2)(b) of the **Conservation, Forests and Lands Act 1987** **insert**—
 - "(c) a requirement that, in the case of Parks Victoria, the land of the land owner must adjoin Parks Victoria managed land."

63 Form and operation of agreement

- (1) In section 71(4) of the **Conservation, Forests and Lands Act 1987**, for "owner of the fee" (where twice occurring) **substitute** "holder of the estate in fee simple in the land".
- (2) In section 71(5) of the **Conservation, Forests and Lands Act 1987**, for "owner of the fee of the land" **substitute** "holder of the estate in fee simple in the land".

64 Role of Minister and Secretary where recognition and settlement agreement exists

- (1) In the heading to section 82AB of the **Conservation, Forests and Lands Act 1987**, for "**and Secretary**" substitute "**, Secretary and Parks Victoria**".
- (2) After section 82AB(2) of the **Conservation, Forests and Lands Act 1987** insert—
 - "(3) If public land is land in respect of which there is in force a recognition and settlement agreement, Parks Victoria in carrying out any function, duty or power under this Part must take all reasonable steps to give effect to any traditional owner land management agreement entered into in accordance with the recognition and settlement agreement."

65 Appointment and dismissal of members

After section 82M(3) of the **Conservation, Forests and Lands Act 1987** insert—

- "(3A) Before exercising a power under subsection (3)(c), the Secretary must consult with Parks Victoria in relation to the Secretary's proposed nomination if the Board will have responsibilities for Parks Victoria managed land."

66 Joint preparation of management plans

After section 82PA(1) of the **Conservation, Forests and Lands Act 1987** insert—

- "(1A) If a management plan referred to in subsection (1) applies to land that is Parks Victoria managed land, the Secretary, in consultation with Parks Victoria, must provide assistance and guidance to the Board to prepare the draft management plan."

67 Requirements of specific Acts as to management to apply

- (1) After section 82PB(2)(b) of the **Conservation, Forests and Lands Act 1987** insert—

"(ba) the requirements of any regulations made under Part 9A in relation to the management of reserved forest under the **Forests Act 1958**; and".

- (2) In section 82PB(4)(b) of the **Conservation, Forests and Lands Act 1987**, for "Act." substitute "Act; and".

- (3) After section 82PB(4)(b) of the **Conservation, Forests and Lands Act 1987** insert—

"(c) the requirements of any regulations made under Part 9A in relation to the management of reserved land under the **Crown Land (Reserves) Act 1978**".

- (4) In section 82PB(6)(b) of the **Conservation, Forests and Lands Act 1987**, for "Act." substitute "Act; and".

- (5) After section 82PB(6)(b) of the **Conservation, Forests and Lands Act 1987** insert—

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

68 Completion of preparation of management plan

After section 82PD(1) of the **Conservation, Forests and Lands Act 1987** insert—

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

- (a) before agreeing that the plan is completed; and
- (b) before and, where necessary, during carrying out consultation and the provision of advice under subsection (2)."

69 Making and consideration of submissions

After section 82PF(3) of the **Conservation, Forests and Lands Act 1987** insert—

- "(4) If a management plan applies to Parks Victoria managed land—
- (a) the Secretary must provide Parks Victoria with a copy of any relevant submission received on the draft plan; and
 - (b) the Secretary must consider each relevant submission received in consultation with Parks Victoria."

70 Agreement to management plan

After section 82PG(1) of the **Conservation, Forests and Lands Act 1987** insert—

- "(1A) If a management plan applies to Parks Victoria managed land, the Secretary must not agree to the plan unless the Secretary has consulted with Parks Victoria about the plan to the extent that it applies to Parks Victoria managed land."

71 Approval of plan by Minister

After section 82PH(1) of the **Conservation, Forests and Lands Act 1987** insert—

- "(1A) If a management plan referred to in subsection (1)(b) or (c) applies to Parks Victoria managed land, the Secretary must not submit that plan to the Minister for

approval unless the Secretary has consulted with Parks Victoria about the plan to the extent that it applies to Parks Victoria managed land."

72 Effect of plan

After section 82PI(2) of the **Conservation, Forests and Lands Act 1987** insert—

"(3) If a management plan applies to Parks Victoria managed land, before responding to the Minister on the proposed revocation of the plan under subsection (2)(b), the Secretary must consult with Parks Victoria about the plan to the extent that it applies to Parks Victoria managed land."

73 Delegations to or in relation to Traditional Owner Land Management Boards

After section 82Q(2) of the **Conservation, Forests and Lands Act 1987** insert—

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

74 New section 83AA inserted

Before section 83 of the **Conservation, Forests and Lands Act 1987** insert—

"83AA Definition

In this Part *relevant Parks Victoria land* means—

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

75 Appointment of authorised officers

(1) After section 83(1)(ad) of the **Conservation, Forests and Lands Act 1987** insert—

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

(2) After section 83(1) of the **Conservation, Forests and Lands Act 1987** insert—

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

(3) After section 83(2) of the **Conservation, Forests and Lands Act 1987** insert—

"(3) An authorised officer may be appointed under subsection (1A) for a specified relevant law or any specified power, function or duty of a specified relevant law."

(4) In section 83(5) of the **Conservation, Forests and Lands Act 1987**, after "officer" (where first occurring) insert "appointed under subsection (1)".

(5) After section 83(5) of the **Conservation, Forests and Lands Act 1987** insert—

"(6) Parks Victoria must give to each authorised officer appointed under subsection (1A) a certificate of appointment stating the relevant law for the purposes of which the person is appointed as an authorised officer and the land or area in respect of which the person is appointed."

76 Appointment of persons to perform certain functions of authorised officers

After section 84(1)(aa) of the **Conservation, Forests and Lands Act 1987** insert—

"(ab) a specified employee or a specified class of employee of Parks Victoria; or"

77 Statement of authorised officer is evidence

In section 87(b) of the **Conservation, Forests and Lands Act 1987**, for "Secretary or the Department" substitute "Secretary, the Department or Parks Victoria".

78 Certificate of Secretary is evidence

- (1) **Insert** the following heading to section 88 of the **Conservation, Forests and Lands Act 1987**—

"Certificate of Secretary or chief executive officer of Parks Victoria is evidence".

- (2) After section 88(1) of the **Conservation, Forests and Lands Act 1987** insert—

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

- (a) the person referred to in the certificate is an authorised officer appointed by Parks Victoria; or
- (b) the person holds an authority issued by Parks Victoria on such terms and conditions as referred to in the certificate or does not hold an authority; or
- (c) a road or track on Crown land (including reserved forest) that is relevant Parks Victoria land, is or is not closed (whether temporarily or permanently) for the purposes of a relevant law—

is evidence of that fact."

- (3) After section 88(2) of the **Conservation, Forests and Lands Act 1987** insert—

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

the contrary, is proof of the matters stated in the certificate."

(4) After section 88(3) of the **Conservation, Forests and Lands Act 1987** insert—

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

(5) After section 88(4) of the **Conservation, Forests and Lands Act 1987** insert—

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

79 Injunctions

At the end of section 89 of the **Conservation, Forests and Lands Act 1987** insert—

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

80 Parking infringements

(1) In section 94 of the **Conservation, Forests and Lands Act 1987**—

- (a) in paragraph (a), after "Crown land" insert "that is not relevant Parks Victoria land";
- (b) in paragraph (c), for "1993—" substitute "1993; and";

(c) after paragraph (c) **insert**—

"(d) Crown land that is relevant Parks Victoria land, as if it were land vested in Parks Victoria—".

(2) In section 94 of the **Conservation, Forests and Lands Act 1987**, for "Secretary" (where third occurring) **substitute** "Secretary, Parks Victoria".

81 Proceedings for offences

(1) For section 96(1) of the **Conservation, Forests and Lands Act 1987 substitute**—

"(1) The following persons are authorised to take offence proceedings—

- (a) an authorised officer;
- (b) a police officer;
- (c) a person authorised generally or in a particular case by the Secretary;
- (d) the Victorian Plantations Corporation in relation to freehold land, managed land or vested land within the meaning of the **Victorian Plantations Corporation Act 1993**".

(2) In section 96(1A) of the **Conservation, Forests and Lands Act 1987**, for "proceedings mentioned under subsection (1)" **substitute** "offence proceedings".

(3) In section 96(2) of the **Conservation, Forests and Lands Act 1987**, for "proceedings mentioned under subsection (1)" **substitute** "offence proceedings".

(4) In section 96(3) of the **Conservation, Forests and Lands Act 1987 omit** "section 46 of the **National Parks Act 1975**".

(5) After section 96(3) of the **Conservation, Forests and Lands Act 1987** insert—

"(4) For the purposes of this section, *offence proceedings* means—

- (a) proceedings for an offence against a relevant law; or
- (b) proceedings for an associated offence within the meaning of the **Fisheries Act 1995**; or
- (c) other proceedings provided for in this Act; or
- (d) proceedings on behalf of the Department, the Secretary or Parks Victoria."

82 Compensation

- (1) In section 97(1) of the **Conservation, Forests and Lands Act 1987**, after "Secretary" (where first occurring) insert "or Parks Victoria for relevant Parks Victoria land".
- (2) In section 97(1)(b) of the **Conservation, Forests and Lands Act 1987**, after "Secretary" (where twice occurring) insert "or Parks Victoria".
- (3) In section 97(1)(c) and (d) of the **Conservation, Forests and Lands Act 1987**, after "Secretary" insert "or Parks Victoria".

83 Action for damages

- (1) In section 98(1), (7) and (9) of the **Conservation, Forests and Lands Act 1987**, after "Secretary" (where twice occurring) insert "or Parks Victoria".
- (2) In section 98(2) of the **Conservation, Forests and Lands Act 1987**, after "Secretary" (wherever occurring) insert "or Parks Victoria".

- (3) After section 98(3)(a) of the **Conservation, Forests and Lands Act 1987** insert—
 "(ab) property of Parks Victoria;"
- (4) In section 98(4) and (11) of the **Conservation, Forests and Lands Act 1987**, after "Secretary" insert "or Parks Victoria".
- (5) In section 98(8)(b) of the **Conservation, Forests and Lands Act 1987**—
 (a) after "Secretary" (where first occurring) insert "or signed by the chief executive officer of Parks Victoria";
 (b) after "Secretary" (where second occurring) insert "or the chief executive officer of Parks Victoria".
- (6) In section 98(10) of the **Conservation, Forests and Lands Act 1987**, after "right" insert "or Parks Victoria's right".

84 New Part 9A inserted

After Part 9 of the **Conservation, Forests and Lands Act 1987** insert—

**"Part 9A—Regulations for certain
Parks Victoria recorded land**

101 Definitions

In this Part—

other relevant regulation means either of the following—

- (a) a regulation made under section 13 of the **Crown Land (Reserves) Act 1978** or any corresponding previous enactment to section 13 of that Act;

- (b) a regulation made under section 50(5) of the **Forests Act 1958**;

recorded land means land which is specified in the Parks Victoria land record as land in respect of which regulations may be made under this section.

102 Regulation making power for recorded land

- (1) The Governor in Council may make regulations for any recorded land for or with respect to—
- (a) the care, protection and management of any recorded land or any matter or thing in or on any recorded land or a feature of any recorded land; and
 - (b) protecting buildings, structures, other permanent works, facilities and amenities on any recorded land from damage or destruction; and
 - (c) regulating or prohibiting the entry of persons into any recorded land or any area in any recorded land; and
 - (d) the provision of services and facilities on any recorded land or any area in any recorded land and the conditions under which any services or facilities provided are to be available to or used by any person; and
 - (e) the carrying out of works and improvements on any recorded land; and

- (f) issuing permits and entering into agreements in relation to any recorded land or any area in any recorded land; and
- (g) regulating or prohibiting—
 - (i) the entry of vehicles and vessels into any recorded land or any area in any recorded land; and
 - (ii) the landing of helicopters and other aircraft in any recorded land or any area in any recorded land; and
- (h) prescribing periods during which persons, animals, vehicles, vessels, helicopters or other aircraft may remain in any recorded land or any area in any recorded land; and
- (i) prescribing—
 - (i) any area in any recorded land in which vehicles may be parked or left standing; and
 - (ii) the periods during which vehicles may be so parked or left standing; and
- (j) the imposition, collection and receipt of fees, tolls, rents or other charges for or in respect of—
 - (i) admitting persons, animals or vehicles to any recorded land or area of any recorded land; and
 - (ii) parking vehicles in any recorded land or area of any recorded land; and

- (iii) any improvement, services or facilities on any recorded land or area of any recorded land; and
- (iv) permits for the use of any recorded land or area of any recorded land; and
- (k) prohibiting or regulating the use by persons of any recorded land or areas of any recorded land and prescribing conditions to be observed by persons using any recorded land or area; and
- (l) setting aside areas in any recorded land in which specified activities are permitted, regulated or prohibited; and
- (m) prescribing measures to be taken for the safety of persons using any area of recorded land; and
- (n) prohibiting or regulating bringing animals into or allowing animals to enter and remain in any recorded land or any area of any recorded land; and
- (o) providing for any authorised officer to shoot, destroy or seize an animal, if the authorised officer is satisfied on reasonable grounds that—
 - (i) the animal has been brought into or allowed to enter or remain in any recorded land in contravention of regulations under paragraph (n); and
 - (ii) the animal is at large in the recorded land; and

- (p) providing that the power for an authorised officer to shoot or destroy an animal in regulations made under paragraph (o) can be exercised without incurring any liability, if the authorised officer shoots or destroys the animal speedily and without causing it unnecessary suffering; and
 - (q) providing that the power for an authorised officer to seize an animal in regulations made under paragraph (o) can be exercised without incurring any liability if the authorised officer delivers the animal—
 - (i) to a member of council staff of the municipal council within whose municipal district the recorded land is situated; or
 - (ii) to another appropriate person or body; and
 - (r) providing for offences for which the owner of an animal, or a person having care or control of an animal, is guilty if the animal is found in any recorded land or any area in any recorded land in contravention of the regulations; and
 - (s) prescribing penalties not exceeding 20 penalty units for a breach of or for failing to comply with the regulations.
- (2) Regulations made under subsection (1) may apply to more than one area of recorded land.
- (3) Regulations made under subsection (1) may—
- (a) be of general or limited application; and

- (b) differ according to differences in time, place or circumstance; and
 - (c) provide in a specified case or class of case for the exemption of any person or thing or a class of person or thing from any of the provisions of the regulations, whether—
 - (i) unconditionally or on specified conditions; and
 - (ii) either wholly or to any specified extent; and
 - (d) provide for exemptions from or the reduction, waiver or refund, in whole or in part, of any fee, toll, rent or other charge fixed or imposed; and
 - (e) confer a discretionary authority or impose a duty on a specified person or body, or a specified class of person or body.
- (4) Despite subsection (3)(e), the regulations must not empower any specified person or body, or specified class of persons or bodies, to increase any toll, fee, rent or charge or to introduce any new toll, fee, rent or charge.
- (5) If a regulation made under the power in this section applies to an area of land and there is any other relevant regulation applying to the land that deals with the same matter as the regulation made under this section or that is inconsistent with the regulation made under this section, the other relevant regulation ceases to apply to that area of land for the period that the regulation under this section is in force."

85 New section 124 inserted

After section 123 of the **Conservation, Forests and Lands Act 1987** insert—

"124 Transitional provision—delegation of powers and functions under section 11(3A), (3AA), (3B) or (3C)

Any delegation made under section 11(3A), (3AA), (3B) or (3C) which is in effect immediately before the commencement of the **Parks Victoria Act 2018** is revoked on and from that commencement."

Part 6—Amendment of Crown Land (Reserves) Act 1978

86 Definitions

In section 3 of the **Crown Land (Reserves) Act 1978**—

(a) **insert** the following definitions—

"accepted recommendation means—

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

section 10(3) of that Act (as so in force);

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

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

Parks Victoria recorded land has the same meaning as in the **Conservation, Forests and Lands Act 1987**;"

(b) for the definition of ***land manager substitute***—

land manager means—

- (a) in relation to land reserved under section 4 that is managed by trustees or a committee of management, the trustees or committee of management; or
- (b) in relation to land reserved under section 4 that is not managed by trustees or a committee of management—
 - (i) for Parks Victoria recorded land, Parks Victoria; or
 - (ii) for all other land, the Secretary;"

87 Appointment of committees of management

For section 14(4)(cb) of the **Crown Land (Reserves) Act 1978 substitute**—

"(cb) Parks Victoria, and the Parks Victoria Minister must first approve the appointment if the Parks Victoria Minister is different from the Minister administering this section;"

88 New section inserted after section 15

After section 15 of the **Crown Land (Reserves) Act 1978** insert—

"15A Delegation of functions, powers or duties of Parks Victoria as committee of management

A committee of management appointed under section 14(1) that is constituted by Parks Victoria, by instrument, may delegate to any of the following persons or bodies any function, power or duty of the committee of management under this Act, other than this power of delegation—

- (a) a member of Parks Victoria;
- (b) a committee, established under the **Parks Victoria Act 2018**, consisting only of members of Parks Victoria;
- (c) the chief executive officer or an employee, or class of employee, of Parks Victoria;
- (d) the Secretary;
- (e) a person or a class of person employed under the **Public Administration Act 2004** in the administration of this Act."

89 Licences for purposes other than those for which land is reserved

(1) For section 17B(1) of the **Crown Land (Reserves) Act 1978** substitute—

"(1) Despite anything in this Act and despite any regulations made under section 13 relating to the land concerned, if land reserved under section 4 is managed by trustees or a committee of management,

the trustees or committee of management may, with the written approval of the responsible Minister under subsection (3), for any purpose approved by the responsible Minister—

- (a) grant licences to enter and use any portion of the land or any building on the land for a period not exceeding 10 years; and
 - (b) enter into agreements to operate services and facilities on the land for a period not exceeding 10 years; and
 - (c) enter into tenancy agreements with persons to erect buildings and other structures and any such agreement—
 - (i) must be for a specific term which must not exceed 10 years; and
 - (ii) must be subject to termination at any time by direction of the responsible Minister; and
 - (iii) may provide that the trustees or the committee (as the case may be) requires the tenant to undertake the removal of the building or structure and the clearing of the site to the satisfaction of the trustees or committee on the expiry or termination of the agreement.
- (1A) If there are no trustees or committee of management of land reserved under section 4, the responsible Minister may—
- (a) grant licences to enter and use any portion of the land or any building on the land for a period not exceeding 10 years; and

- (b) enter into agreements to operate services and facilities on the land for a period not exceeding 10 years; and
 - (c) enter into tenancy agreements with persons to erect buildings and other structures and any such agreement—
 - (i) must be for a specific term which must not exceed 10 years; and
 - (ii) must be subject to termination at any time by direction of the responsible Minister; and
 - (iii) may provide that the responsible Minister requires the tenant to undertake the removal of the building and the clearing of the site to the satisfaction of the responsible Minister on the expiry or termination of the agreement."
- (2) In section 17B(2) of the **Crown Land (Reserves) Act 1978**, for "Subsection (1)" **substitute** "Subsections (1) and (1A)".
- (3) In section 17B(2)(a) of the **Crown Land (Reserves) Act 1978**, for "paragraph (l), (m), (n), (o), (w) or (ze) of subsection (1) of section 4" **substitute** "section 4(1)(l), (m), (n), (o), (w) or (ze)".
- (4) For section 17B(2)(a)(i) of the **Crown Land (Reserves) Act 1978 substitute**—
"i) the land is subject to an accepted recommendation and the granting of a licence under subsection (1)(a) or (1A)(a) or entering into of an agreement under subsection (1)(b) or (c) or (1A)(b) or (c) is consistent with the accepted recommendation; or".
-

(5) In section 17B(2)(a)(ii) of the **Crown Land (Reserves) Act 1978**, for "recommendation of a kind referred to in subparagraph (i)" **substitute** "accepted recommendation".

(6) After section 17B(3) of the **Crown Land (Reserves) Act 1978** insert—

"(3A) The Minister must not grant a licence or enter into an agreement under subsection (1A) unless—

(a) in the case of land referred to in subsection (2)(a)(ii), the Minister—

(i) is satisfied that there are special reasons which make granting the licence or entering into the agreement reasonable and appropriate in the particular circumstances and that to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under this Act; and

(ii) makes a written statement of the Minister's satisfaction of the matters referred to in subparagraph (i); or

(b) in the case of any other land, the Minister is satisfied that the purpose for which the licence is to be granted or the agreement entered into is not detrimental to the purpose for which the land is reserved."

(7) For section 17B(4) of the **Crown Land (Reserves) Act 1978** **substitute**—

"(4) A licence entered into under subsection (1)(a) or (1A)(a) or an agreement entered into under subsection (1)(b) or (c) or (1A)(b)

or (c) is subject to any terms and conditions determined by the trustees or committee of management and approved by the Minister or, where there are no trustees or committee of management, determined by the Minister."

- (8) In section 17B(5) of the **Crown Land (Reserves) Act 1978**, after "subsection (1)" **insert** "or (1A)".
- (9) In section 17B(6) of the **Crown Land (Reserves) Act 1978**, after "subsection (1)" **insert** "or (1A)".

90 Licence may be granted for term greater than 10 years in some circumstances

- (1) For section 17BAA(3) of the **Crown Land (Reserves) Act 1978** substitute—

"(3) If, despite section 17B(1A), there are no trustees or committee of management of land reserved under section 4, the Minister may, in accordance with subsection (6), grant a licence under section 17B(1A) if the proposed licensee is leasing land adjacent to the land in respect of which the licence may be granted."

- (2) In section 17BAA(5) of the **Crown Land (Reserves) Act 1978**, for "Secretary" substitute "Minister".

- (3) For section 17BAA(6) of the **Crown Land (Reserves) Act 1978** substitute—

"(6) The Minister must not give approval under subsection (1), or grant a licence under subsection (3), unless the Minister is satisfied that the purpose for which the licence is to be granted is not detrimental to the purpose for which the land is reserved."

91 Licence granted to a generation company

In section 17BA of the **Crown Land (Reserves) Act 1978**, for "section 17B(1)(a)" substitute "section 17B(1)(a) and (1A)(a)".

92 Continuation of uses of land for purposes other than those for which it is reserved—leases

For section 17C(2) of the **Crown Land (Reserves) Act 1978** substitute—

- "(2) Subsection (1) does not apply to land reserved under section 4—
- (a) which is reserved for a purpose specified in section 4(1)(l), (m), (n), (o) or (ze) or deemed to be reserved under section 4(6) for the protection of the coastline unless—
 - (i) the land is subject to an accepted recommendation; and
 - (ii) the granting of a lease under subsection (1) is consistent with the accepted recommendation; or
 - (b) which is reserved for a purpose specified in section 4(1)(w) and referred to in an accepted recommendation as a regional park, unless the granting of a lease under subsection (1) is consistent with the accepted recommendation; or
 - (c) which has been placed under the control and management of an authority pursuant to section 18(1)."

93 Leases for up to 21 years for other purposes

- (1) In section 17D(2)(a) of the **Crown Land (Reserves) Act 1978**, for "paragraph (l), (m), (n), (o), (w) or (ze) of subsection (1) of section 4"
-

substitute "section 4(1)(l), (m), (n), (o), (w) or (ze)".

(2) For section 17D(2)(a)(i) of the **Crown Land (Reserves) Act 1978 substitute—**

"(i) the land is subject to an accepted recommendation and the granting of a lease under subsection (1) or (1A) is consistent with the accepted recommendation; or".

(3) In section 17D(2)(a)(ii) of the **Crown Land (Reserves) Act 1978**, for "recommendation of a kind referred to in subparagraph (i)" **substitute** "accepted recommendation".

94 Parliamentary scrutiny of certain approvals

For section 17DA(1) of the **Crown Land (Reserves) Act 1978 substitute—**

"(1) The following must be given by the Minister by Order published in the Government Gazette—

(a) an approval that includes a statement referred to in section 17B(3)(a) or 17D(3)(a);

(b) a statement under section 17B(3A)(a)(ii).".

95 Use of reserved land for car parks

In section 17E(1) of the **Crown Land (Reserves) Act 1978**, for "trustees or committee of management of any land reserved under section 4 or, where there are no trustees or committee of management for any land reserved under section 4, the Secretary or a person authorized by the Secretary" **substitute** "land manager".

96 Management and control of reserved land

- (1) In section 18(1) of the **Crown Land (Reserves) Act 1978**, for "the Rural Water Commission" substitute "Parks Victoria".
- (2) In section 18(1A) and (3)(d) of the **Crown Land (Reserves) Act 1978**, for "the Secretary" substitute "Parks Victoria".
- (3) For section 18(1B) of the **Crown Land (Reserves) Act 1978** substitute—
"(1B) For the purposes of section 18A of the **Forests Act 1958**, any land that is a forest park is placed under the control and management of—
 - (a) Parks Victoria, if it is Parks Victoria recorded land; or
 - (b) the Secretary for the purposes of section 18A of the **Forests Act 1958**, if it is not Parks Victoria recorded land."
- (4) In section 18(2) of the **Crown Land (Reserves) Act 1978**, for "or the Secretary" substitute ", the Secretary or Parks Victoria".

97 Power of Secretary to enter into management agreements

For section 18B(4) and (5) of the **Crown Land (Reserves) Act 1978** substitute—

- "(4) The Secretary must consult with Parks Victoria before entering into a management agreement under subsection (3) in relation to Parks Victoria recorded land.
- (5) In entering into a management agreement under subsection (3), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the

Conservation, Forests and Lands Act 1987
in relation to the land.

- (6) If an agreement under subsection (3)—
- (a) provides for a Traditional Owner Land Management Board to manage any land that is reserved under this Act and that would otherwise be managed by Parks Victoria under this Act or any other enactment, Parks Victoria does not have power to manage that land, to the extent of the agreement; or
 - (b) provides for a Traditional Owner Land Management Board to carry out any function, power or duty in relation to any land that is reserved under this Act and that would otherwise be carried out by Parks Victoria, Parks Victoria does not have power to carry out that function, power or duty, to the extent of the agreement.
- (7) Subsection (6) has effect despite any provision of this Act or any other enactment to the contrary."

98 Obligations of Secretary and Parks Victoria in relation to Yarra River land

- (1) In the heading to section 18C of the **Crown Land (Reserves) Act 1978**, after "Secretary" insert "and Parks Victoria".
- (2) In section 18C(1) of the **Crown Land (Reserves) Act 1978**, after "Secretary" (wherever occurring) insert "or Parks Victoria".
- (3) In section 18C(2) of the **Crown Land (Reserves) Act 1978**, after "Secretary" insert "or Parks Victoria".

**99 Cutting and taking away fallen or felled trees—
Shepparton Regional Park**

In section 29IB(2) of the **Crown Land
(Reserves) Act 1978**—

- (a) for "The Secretary" substitute
"Parks Victoria";
- (b) for "the Secretary" substitute
"Parks Victoria".

**100 Repeal of spent provision—Grazing licences—
Kerang and Shepparton Regional Parks**

Section 29IC of the **Crown Land (Reserves)
Act 1978** is repealed.

**101 Cutting and taking away fallen or felled trees—
Murray River Park**

In section 63B(2) of the **Crown Land
(Reserves) Act 1978**—

- (a) for "The Secretary" substitute
"Parks Victoria";
- (b) for "the Secretary" substitute
"Parks Victoria".

102 New Part 6 of Second Schedule inserted

After Part 5 of the Second Schedule to the **Crown
Land (Reserves) Act 1978** insert—

"Part 6—Parks Victoria Act 2018

13 Definitions

In this Part—

new committee of management means the
committee of management as taken to
be appointed under clause 15;

old body means Parks Victoria within the meaning of the **Parks Victoria Act 1998**, as in force before its repeal;

old committee of management means the committee of management holding appointment immediately before the Parks Victoria commencement;

Parks Victoria commencement means the day on which the **Parks Victoria Act 2018** comes into operation.

14 Continuation of licences granted under section 17B

- (1) A licence or an agreement under section 17B(1) granted or entered into by the Secretary or a person authorised in writing by the Secretary over land reserved under section 4, and in force immediately before the Parks Victoria commencement, is taken to continue in force—
- (a) subject to its terms and conditions and this Act; and
 - (b) as if—
 - (i) the licence or agreement were granted or entered into by the responsible Minister rather than the Secretary or person; and
 - (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the licence or agreement were a reference to the responsible Minister.

- (2) Nothing in section 17B(1), as in force after the Parks Victoria commencement, affects a licence or agreement under section 17B(1) granted or entered into by a committee of management before the Parks Victoria commencement and in force immediately before that commencement.

15 Transitional provision, committees of management

If, immediately before the Parks Victoria commencement, the old body holds an appointment as a committee of management under section 14, on the Parks Victoria commencement—

- (a) Parks Victoria is taken to be appointed as the committee of management in substitution of the old body; and
- (b) all rights, property and assets that, immediately before the Parks Victoria commencement, were vested in the old committee of management vest in the new committee of management; and
- (c) all debts, liabilities and obligations of the old committee of management existing immediately before the Parks Victoria commencement become debts, liabilities and obligations of the new committee of management; and
- (d) the new committee of management is substituted as a party to any proceedings pending in any court or tribunal to which the old committee of management was a party immediately before the Parks Victoria commencement; and

- (e) the new committee of management is substituted as a party to any contract or arrangement entered into by or on behalf of the old committee of management and in force immediately before the Parks Victoria commencement."

Part 7—Amendment of Forests Act 1958

103 Definitions

In section 3(1) of the **Forests Act 1958**—

(a) **insert** the following definitions—

"accepted recommendation means—

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

land manager means—

- (a) for land that is Parks Victoria recorded land, Parks Victoria; or
- (b) for all other land, the Secretary;

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

Parks Victoria recorded land has the same meaning as in the **Conservation, Forests and Lands Act 1987**;";

- (b) in the definition of *lease licence permit or authority*—
 - (i) after "Governor in Council" (where second and third occurring) **insert** ", the Minister";
 - (ii) for "Secretary" (where twice occurring) **substitute** "land manager".

104 Minister or Secretary not to control mining

- (1) **Insert** the following heading to section 6 of the **Forests Act 1958**—

"Minister, Secretary or Parks Victoria not to control mining".

- (2) In section 6 of the **Forests Act 1958**, for "or the Secretary" **substitute** ", the Secretary, Parks Victoria".

105 Restriction on cutting or removing timber or forest produce

- (1) In section 7(2) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".
- (2) In section 7(3) of the **Forests Act 1958**, for "Secretary" (where twice occurring) **substitute** "land manager".

106 General powers of Secretary

- (1) **Insert** the following heading to section 18 of the **Forests Act 1958**—

"General powers of Secretary and Parks Victoria".

- (2) In section 18 of the **Forests Act 1958**, for "Secretary" (where first occurring) **substitute** "land manager".

107 New section 18AA inserted

After section 18 of the **Forests Act 1958 insert**—

"18AA Responsibilities of the Secretary in State forest that is Parks Victoria recorded land

Despite any other provision of this Act, the Secretary has responsibility for the following matters in any State forest that is Parks Victoria recorded land—

- (a) all matters relating to fire;
- (b) timber harvesting and the cutting or taking away of fallen or felled trees for domestic use as firewood;
- (c) the power to enter into an agreement under section 28."

108 Secretary to manage reserved land

- (1) **Insert** the following heading to section 18A of the **Forests Act 1958**—

"Secretary and Parks Victoria to manage reserve land".

- (2) After section 18A(1A) of the **Forests Act 1958 insert**—

"(1B) Parks Victoria must control, manage and use land placed under the control and management of Parks Victoria under

section 18(1B) of the **Crown Land (Reserves) Act 1978** for the purposes for which it is reserved."

- (3) In section 18A(2A), (3)(b), (3A) and (3B) of the **Forests Act 1958**, after "subsection (1A)" **insert** "or (1B)".
- (4) In section 18A(4) of the **Forests Act 1958**, for "a notice pursuant to section 10(3) of the **Land Conservation Act 1970** requiring that effect be given to a recommendation of the Land Conservation Council" **substitute** "an accepted recommendation".

109 Obligations of Secretary in relation to Yarra River land

- (1) In the heading to section 18B of the **Forests Act 1958**, after "Secretary" **insert** "and Parks Victoria".
- (2) In section 18B(1) of the **Forests Act 1958**, for "Secretary" (wherever occurring) **substitute** "land manager".
- (3) In section 18B(2) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

110 Other powers and duties of Secretary

- (1) **Insert** the following heading to section 20 of the **Forests Act 1958**—
"Other powers and duties of Secretary and Parks Victoria".
- (2) At the end of section 20 of the **Forests Act 1958** **insert**—
"(2) Subject to this Act, for Parks Victoria recorded land, Parks Victoria may make provision for the following out of the moneys available for the purpose—

- (a) facilities for public recreation and for the protection of native flora and fauna in State forests; and
- (b) the promotion of good relations between Parks Victoria and the public."

111 Special powers of Secretary

- (1) **Insert** the following heading to section 21 of the **Forests Act 1958**—

"Special powers of Secretary and Parks Victoria".

- (2) Section 21(1)(ea) and (eb) of the **Forests Act 1958** are **repealed**.

- (3) For section 21(1A) of the **Forests Act 1958** **substitute**—

"(1A) Subject to this Act, the land manager, for any State forest, may—

- (a) close by the erection of barriers either temporarily or, with the approval of the Governor in Council, permanently, the whole or any part of a relevant road, track, tramway or other works; or
- (b) subject to any conditions, limitations and restrictions as are prescribed or as the land manager considers appropriate to impose, permit the use of any closed relevant road, track, tramway or other works by specified persons or for specified purposes or both; or
- (c) without limiting paragraph (a), may authorise any authorised officer, either generally or in a particular case, to close to vehicular traffic any relevant road, track, tramway or other works by the erection of barriers, if the

authorised officer considers it to be dangerous for use by the public.

- (1B) For the purposes of subsection (1A), *relevant road, track, tramway or other works* means any road, track, tramway or other works—
- (a) constructed or maintained by the land manager; or
 - (b) under the control of the land manager."

112 Working plans for State forests

After section 22(2) of the **Forests Act 1958**
insert—

- "(3) Subsection (1) does not apply to State forest that is Parks Victoria recorded land except for the following matters—
- (a) the protection from destruction or damage by fire or otherwise; or
 - (b) timber harvesting on the land and the harvesting is subject to an accepted recommendation."

113 Power to enter into management agreements with Traditional Owner Land Management Boards

For section 28 of the **Forests Act 1958**
substitute—

"28 Management agreements with Traditional Owner Land Management Boards

- (1) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—
- (a) the management of any land that is reserved forest and that is appointed land of that Board; or

- (b) the carrying out of specified functions, powers or duties in relation to the management of any land that is reserved forest and that is appointed land of that Board.
- (2) The Secretary must consult with Parks Victoria before entering into a management agreement under subsection (1) in relation to Parks Victoria recorded land.
- (3) In entering into a management agreement under subsection (1), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the **Conservation, Forests and Lands Act 1987** in relation to the land.
- (4) If an agreement under subsection (1)—
 - (a) provides for a Traditional Owner Land Management Board to manage any land that is reserved forest and that would otherwise be managed by Parks Victoria under this Act or any other enactment, Parks Victoria does not have power to manage that land, to the extent of the agreement; or
 - (b) provides for a Traditional Owner Land Management Board to carry out any function, power or duty in relation to any land that is reserved forest and that would otherwise be carried out by Parks Victoria, Parks Victoria does not have power to carry out that function, power or duty, to the extent of the agreement.
- (5) Subsection (4) has effect despite any provision of this Act or any other enactment to the contrary."

114 Power to declare land in reserved forests to be a forest park etc.

- (1) In section 50(2) of the **Forests Act 1958**—
- (a) for "Secretary" **substitute** "Minister";
 - (b) for "Secretary's" **substitute** "Minister's".
- (2) After section 50(4) of the **Forests Act 1958** **insert**—
- "(4A) A committee of management appointed under subsection (3), that is constituted by Parks Victoria, by instrument, may delegate to any of the following persons or bodies any function, power or duty of the committee of management under this Act, other than this power of delegation—
- (a) a member of Parks Victoria;
 - (b) a committee, established under the **Parks Victoria Act 2018**, consisting only of members of Parks Victoria;
 - (c) the chief executive officer or an employee, or class of employee, of Parks Victoria;
 - (d) the Secretary;
 - (e) a person or a class of person employed under the **Public Administration Act 2004** in the administration of this Act."

(3) In section 50(5) of the **Forests Act 1958**, for "Secretary" (wherever occurring) **substitute** "land manager".

(4) In section 50(5)(e) of the **Forests Act 1958**—

 - (a) in subparagraph (v), for "section fifty-one or section fifty-two of this Act" **substitute** "section 51 or 52";

- (b) for "subparagraphs (i), (ii) or (iii) of this paragraph" **substitute** "subparagraphs (i), (ii) or (iii)";
- (c) for "subparagraphs (ii), (iii) or (iv) of paragraph (a) of subsection (1) of section fifty-two of this Act" **substitute** "section 52(1)(a)(ii), (iii) or (iv)".
- (5) In section 50(6) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".
- (6) In section 50(8) of the **Forests Act 1958**, for "Secretary" (where first and third occurring) **substitute** "land manager".
- (7) In section 50(8)(a) and (b) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

115 Leases of land in reserved forests

In section 51(1) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

116 Licences and permits with respect to forests

In section 52(1C)(f) of the **Forests Act 1958**, for "Secretary" **substitute** "Minister".

117 Power to submit certain leases licences or permits to auction or tender

In section 53(1) of the **Forests Act 1958**—

- (a) for "fifty-one of this Act" **substitute** "51";
- (b) for "fifty-two of this Act" **substitute** "52";
- (c) for "Secretary" **substitute** "land manager".

118 Dealing with interest in leased land

In section 56 of the **Forests Act 1958**—

- (a) for "Secretary" **substitute** "land manager";
- (b) for "his" **substitute** "the person's".

119 Grant of tour operator licence

In section 57F(1) and (2) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

120 Application for tour operator licence

In section 57G(1) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

121 Tour operator licence conditions

In section 57I(a) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

122 Variation of tour operator licence

- (1) In section 57K(1) and (2) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".
- (2) In section 57K(3) and (5) of the **Forests Act 1958**, for "Secretary" (where twice occurring) **substitute** "land manager".
- (3) In section 57K(4) of the **Forests Act 1958**—
 - (a) for "Secretary" (where twice occurring) **substitute** "land manager";
 - (b) for "Secretary's" **substitute** "land manager's".

123 Suspension of tour operator licence

In section 57L(1) of the **Forests Act 1958**, for "Secretary" (where twice occurring) **substitute** "land manager".

124 Making submissions on suspension

In section 57M(1), (2), (3) and (4) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

125 Cancellation of tour operator licence

- (1) In section 57N(1) and (2) of the **Forests Act 1958**, for "Secretary" (where twice occurring) **substitute** "land manager".
- (2) In section 57N(4) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".
- (3) In section 57N(4)(b) of the **Forests Act 1958**, for "Secretary's" **substitute** "land manager's".
- (4) In section 57N(5) of the **Forests Act 1958**, for "Secretary's" **substitute** "land manager's".

126 Proclamation of protected forests

For section 58(3) of the **Forests Act 1958** **substitute**—

- "(3) Subject to any leases or licences granted under any Act relating to Crown lands—
- (a) for protected forest that is Parks Victoria recorded land—
 - (i) all forest produce other than fallen or felled trees in a firewood collection area is under the control and management of Parks Victoria; and
 - (ii) forest produce that is fallen or felled trees in a firewood collection area is under the control and management of the Secretary; and
 - (b) for all other protected forest, all forest produce is under the control and management of the Secretary.

- (3A) Subject to subsection (3), Crown land in a protected forest—
- (a) that is Parks Victoria recorded land, is subject to the control and management of Parks Victoria; and
 - (b) that is not Parks Victoria recorded land, is subject to the control and management of, as the case requires—
 - (i) the Minister administering the **Land Act 1958**; or
 - (ii) the Minister administering the **Crown Land (Reserves) Act 1978**; or
 - (iii) another other person or body who has the control and management of the land under this Act, the **Crown Land (Reserves) Act 1978** or any other Act."

127 Declaration of protected public lands

- (1) In section 62(1A)(b) of the **Forests Act 1958**, for "the Secretary" **substitute** "Parks Victoria".
- (2) In section 62(1A)(c) of the **Forests Act 1958**, for "the Secretary" (where twice occurring) **substitute** "Parks Victoria".
- (3) For section 62(1A)(d) of the **Forests Act 1958** **substitute**—
 - "(d) the land is placed under the control and management of—
 - (i) Parks Victoria under section 18(1A) of the **Crown Land (Reserves) Act 1978** for the purposes of section 19B of the **National Parks Act 1975**; or

- (ii) the Secretary under section 18(1) or (1B) of the **Crown Land (Reserves) Act 1978** for the purposes of section 18A of the **Forests Act 1958**; or
- (iii) Parks Victoria under section 18(1B) of the **Crown Land (Reserves) Act 1978** for the purposes of section 18A of the **Forests Act 1958**—

the land is taken to be protected public land;".

128 Secretary may enter into agreements and arrangements relating to the prevention and suppression of fires

- (1) In the heading to section 62C of the **Forests Act 1958**, after "fires" insert "and recovery from fires".
- (2) In section 62C(a), (b), (c), (d) and (e) of the **Forests Act 1958**, after "suppression of fire" insert "and recovery from fire".

129 Immunity provision

In section 72(1)(b) of the **Forests Act 1958**, for "section 18 or 19 of the **Parks Victoria Act 1998**" substitute "section 27 or 28 of the **Parks Victoria Act 2018**".

130 Restriction on dealings by authorised officers

In section 84 of the **Forests Act 1958**, after "Secretary" insert "or Parks Victoria".

131 Agistment fees chargeable for cattle in reserved forest

In section 85 of the **Forests Act 1958**, for "Secretary" substitute "land manager".

132 Unbranded wild cattle to belong to Crown

In section 89(1) and (2) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

133 Offences

In section 96(d) and (q) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

134 Regulations

In section 99(15) of the **Forests Act 1958**, for "Secretary" **substitute** "land manager".

135 New section inserted after section 104

After section 104 of the **Forests Act 1958** **insert—**

"105 Transitional provision—Parks Victoria Act 2018

- (1) If, immediately before the Parks Victoria commencement, the old body holds an appointment as a committee of management under section 50(3), on the Parks Victoria commencement—
- (a) Parks Victoria is taken to be appointed as the committee of management in substitution of the old body; and
 - (b) all rights, property and assets that, immediately before the Parks Victoria commencement, were vested in the old committee of management vest in the new committee of management; and
 - (c) all debts, liabilities and obligations of the old committee of management existing immediately before the Parks Victoria commencement become debts, liabilities and obligations of the new committee of management; and

- (d) the new committee of management is substituted as a party to any proceedings pending in any court or tribunal to which the old committee of management was a party immediately before the Parks Victoria commencement; and
 - (e) the new committee of management is substituted as a party to any contract or arrangement entered into by or on behalf of the old committee of management and in force immediately before the Parks Victoria commencement.
- (2) In this section—

new committee of management means the committee of management as taken to be appointed under subsection (1)(a);

old body means Parks Victoria within the meaning of the **Parks Victoria Act 1998** as in force before its repeal;

old committee of management means the committee of management holding appointment immediately before the Parks Victoria commencement;

Parks Victoria commencement means the day on which the **Parks Victoria Act 2018** comes into operation."

Part 8—Amendment of Land Act 1958

136 Definitions

In section 3(1) of the **Land Act 1958** insert the following definitions—

"accepted recommendation means—

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

land manager means—

- (a) for Parks Victoria recorded land, Parks Victoria; or
- (b) for all other land, the Secretary;

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

Parks Victoria recorded land has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

137 Power to enter into management agreements with Traditional Owner Land Management Boards

For section 4B of the **Land Act 1958** substitute—

"4B Management agreements with Traditional Owner Land Management Boards

- (1) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—
 - (a) the management of any unreserved Crown land under this Act that is appointed land of that Board; or
 - (b) the carrying out of specified functions, powers or duties in relation to the management of any unreserved Crown land under this Act that is appointed land of that Board.
- (2) The Secretary must consult with Parks Victoria before entering into a management agreement under subsection (1) in relation to Parks Victoria recorded land.
- (3) In entering into a management agreement under subsection (1), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the

Conservation, Forests and Lands Act 1987
in relation to the land.

- (4) If an agreement under subsection (1)—
- (a) provides for a Traditional Owner Land Management Board to manage any unreserved Crown land under this Act that would otherwise be managed by Parks Victoria under this Act or any other enactment, Parks Victoria does not have power to manage that land, to the extent of the agreement; or
 - (b) provides for a Traditional Owner Land Management Board to carry out any function, power or duty in relation to any unreserved Crown land under this Act that would otherwise be carried out by Parks Victoria, Parks Victoria does not have power to carry out that function, power or duty, to the extent of the agreement.
- (5) Subsection (4) has effect despite any provision of this Act or any other enactment to the contrary."

138 General conditions regarding licences

In section 130AC(d) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

139 Licence presumed where fee paid

In section 130B(1) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

140 Application of sections 130B and 130C, loss of licence

In section 130D(3) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

141 Application of sections 130B and 130C, period for licence

In section 130D(4)(a) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

142 Agistment permits

(1) In section 133A(1) of the **Land Act 1958**, for "Secretary" (where twice occurring) **substitute** "land manager".

(2) In section 133A(4) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

143 Remittance or waiver of rent or fees in times of hardship

In section 133B of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

144 Compensation for improvements on forfeiture of lease or cancellation of licence

(1) In section 133D(1) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

(2) In section 133D(2) of the **Land Act 1958**, for "Secretary" (where twice occurring) **substitute** "land manager".

145 Notice of intention to apply for licence to be published

In section 140B(2) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

146 Licence fee

In section 140DA(1) of the **Land Act 1958**, for "Secretary" (where twice occurring) **substitute** "land manager".

147 Renewal presumed where fee paid

In section 140E(1) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

148 Conditions associated with lease of land

- (1) **Insert** the following heading to section 140F of the **Land Act 1958**—

"Conditions associated with licence of land".

- (2) In section 140F(1) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".
- (3) In section 140F(6) of the **Land Act 1958**, for "Secretary" (where twice occurring) **substitute** "land manager".

149 Land over which bee site licence may be granted

- (1) In section 143(1)(d)(ii) and (iii) of the **Land Act 1958**, for "the Secretary" **substitute** "Parks Victoria".

- (2) For section 143(2)(e) of the **Land Act 1958** **substitute**—

"(e) land which is subject to an accepted recommendation—

- (i) that the land be a reference area under the **Reference Areas Act 1978**; and
- (ii) that has been wholly accepted by Government or partly accepted if that partial acceptance includes the recommendation that the land be a reference area."

150 Offences

For section 149(2)(e) of the **Land Act 1958** **substitute**—

"(e) land which is subject to an accepted recommendation—

- (i) recommending that the land be a reference area under the **Reference Areas Act 1978**; and

- (ii) that has been wholly accepted by Government or partly accepted if that partial acceptance includes the recommendation that the land be a reference area."

151 Effect of cancellation of a licence

In section 406(2)(a) of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

152 Municipal councils to be notified of grant, transfer etc. of licences

In section 411 of the **Land Act 1958**, for "Secretary" **substitute** "land manager".

Part 9—Amendment of National Parks Act 1975

153 Definitions

(1) In section 3(1) of the **National Parks Act 1975**, the definition of *committee* is **repealed**.

(2) In section 3(1) of the **National Parks Act 1975**, for the definition of *Director substitute*—

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

(3) In section 3(1) of the **National Parks Act 1975**, **insert** the following definitions—

"accepted recommendation means—

(a) in relation to a report under section 23 or 26E of the **Victorian Environmental Assessment Council Act 2001**—

(i) the most recent Government response to the report published under section 25(4) or 26G(4) of that Act (if any); or

(ii) if such a Government response has been amended by an amendment published under section 26(5) or 26H(5) (as the case requires) of that Act, that most recent response as amended;
or

(b) if there is no response to which paragraph (a)(i) or (ii) applies, the most recent (if any) relevant recommendation of the Land Conservation Council under

section 5(1) of the **Land Conservation Act 1970** (as in force immediately before its repeal) applying to the land, of which notice has been given by the Governor in Council under section 10(3) of that Act (as so in force);

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

154 Sections 5 and 6 repealed

Sections 5 and 6 of the **National Parks Act 1975** are **repealed**.

155 Sections 14 and 15 repealed

Sections 14 and 15 of the **National Parks Act 1975** are **repealed**.

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

In section 16 of the **National Parks Act 1975** **omit** "or of an advisory committee or as a member of a committee".

157 Secretary may enter into management agreements

For section 16A of the **National Parks Act 1975** **substitute**—

"16A Management agreements with Traditional Owner Land Management Boards

- (1) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—
 - (a) the management of any land in a park that is appointed land of that Board; or

- (b) the carrying out of specified functions, powers or duties in relation to the management of any land in a park, that is appointed land of that Board.
- (2) The Secretary must consult with Parks Victoria before entering into a management agreement under subsection (1).
- (3) In entering into a management agreement under subsection (1), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the **Conservation, Forests and Lands Act 1987** in relation to the land.
- (4) If an agreement under subsection (1)—
 - (a) provides for a Traditional Owner Land Management Board to manage any land in a park that would otherwise be managed by Parks Victoria under this Act or any other enactment, Parks Victoria does not have power to manage that land, to the extent of the agreement; or
 - (b) provides for a Traditional Owner Land Management Board to carry out any function, power or duty in relation to any land in a park that would otherwise be carried out by Parks Victoria, Parks Victoria does not have power to carry out that function, power or duty, to the extent of the agreement.
- (5) Subsection (4) has effect despite any provision of this Act or any other enactment to the contrary."

158 National parks and State parks

- (1) In section 17(2) of the **National Parks Act 1975**, for "The Secretary shall, subject to this Act—" **substitute** "Subject to any agreement entered into under section 16A(1), Parks Victoria has the control and management of each national and State park and must—".
- (2) In section 17(2)(b) of the **National Parks Act 1975**, for "ensure that" **substitute** "consult, as far as is practicable, with the Secretary to ensure that, as far as is practicable,".
- (3) In section 17(2)(d) of the **National Parks Act 1975**, after "State park" **insert** ", which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**".
- (4) In section 17(3) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".
- (5) In section 17(4) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

159 Wilderness parks—Schedule Two A

- (1) In section 17A(2) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Subject to any agreement entered into under section 16A(1), Parks Victoria has the control and management of each wilderness park and".
- (2) After section 17A(2)(a) of the **National Parks Act 1975 insert**—
 - "(ab) to consult, as far as is practicable, with the Secretary to ensure that, as far as is practicable, appropriate and sufficient measures are taken to protect each wilderness park from injury by fire; and".

- (3) In section 17A(3) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".

160 Management plans

In section 17B(1) of the **National Parks Act 1975**—

- (a) for "The Secretary" substitute "Parks Victoria";
- (b) after "wilderness parks" insert ", which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**".

161 Prohibition on development and other activities

- (1) In section 17C(1) of the **National Parks Act 1975**, for "The Secretary" substitute "Parks Victoria".
- (2) In section 17C(2)(a), (c), (d) and (e) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".
- (3) In section 17C(2)(f) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria or the Secretary".
- (4) In section 17C(3) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria or the Secretary (as the case may be)".

162 Marine national parks and marine sanctuaries

- (1) In section 17D(3) of the **National Parks Act 1975**, for "The Secretary must—" substitute "Subject to any agreement entered into under section 16A(1), Parks Victoria has the control and management of each marine national park and marine sanctuary and must—".

- (2) In section 17D(3)(c) of the **National Parks Act 1975**, after "sanctuary" **insert** ", which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**".

163 Other parks

- (1) In section 18(2) of the **National Parks Act 1975**, for "The Secretary shall, subject to this Act—" **substitute** "Subject to any agreement entered into under section 16A(1), Parks Victoria must—".
- (2) In section 18(2)(b) of the **National Parks Act 1975**, for "ensure that" **substitute** "consult, as far as is practicable, with the Secretary to ensure that, as far as is practicable,".
- (3) In section 18(2)(d) of the **National Parks Act 1975**, after "(1)" **insert** ", which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**".

164 Management of land prior to its reservation

- (1) In section 19AA(1) of the **National Parks Act 1975**, for "the Secretary" (where twice occurring) **substitute** "Parks Victoria".
- (2) In section 19AA(2) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

165 Management agreements with Trust for Nature

- (1) In section 19A(1) and (4) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".
- (2) In section 19A(2) of the **National Parks Act 1975**—
- (a) for "the Secretary" **substitute** "Parks Victoria";

- (b) after "national park" (where twice occurring) **insert** ", State park".
- (3) In section 19A(2A) of the **National Parks Act 1975**, after "national park" (where twice occurring) **insert** ", State park".
- (4) In section 19A(3) of the **National Parks Act 1975**, after "Schedule Two" **insert** ", Schedule Two B".

166 Secretary to manage reserved land

- (1) **Insert** the following heading to section 19B of the **National Parks Act 1975**—
"Parks Victoria to manage reserved land".
- (2) In section 19B(1) of the **National Parks Act 1975**, for "the Secretary" (where twice occurring) **substitute** "Parks Victoria".
- (3) At the foot of section 19B(1) of the **National Parks Act 1975 insert**—
"Note
See section 67I of the **Conservation, Forests and Lands Act 1987** for a transitional provision relating to section 18(1) of the **Crown Land (Reserves) Act 1978**."
- (4) In section 19B(2), (4), and (6) of the **National Parks Act 1975**, for "the Secretary" (wherever occurring) **substitute** "Parks Victoria".
- (5) For section 19B(3) of the **National Parks Act 1975 substitute**—
"(3) Despite subsections (1) and (2), where land is subject to an accepted recommendation, Parks Victoria may give effect to that accepted recommendation even if the accepted recommendation conflicts with the purposes for which the land is reserved."

- (6) In section 19B(5) of the **National Parks Act 1975**, for "officers or employees appointed or employed for the purposes of this Act" **substitute** "employees of Parks Victoria".

167 Minister may make management agreements with public authorities

In section 19C(1), (3) and (4) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

168 Minister may make agreements with other States

In section 19D of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

169 Leasing and managing of land adjacent to parks

In section 19E(2) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".

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

In section 19F(1) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

171 Powers of Secretary

- (1) **Insert** the following heading to section 20 of the **National Parks Act 1975**—
"Powers of Parks Victoria".
- (2) In section 20(1) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".
- (3) In section 20(2) of the **National Parks Act 1975**—
 - (a) for "the Secretary" (wherever occurring) **substitute** "Parks Victoria";
 - (b) for "he" **substitute** "Parks Victoria".

172 Obligations of Secretary in relation to Yarra River land

- (1) In the heading to section 20A of the **National Parks Act 1975**, after "Secretary" insert "**and Parks Victoria**".
- (2) In section 20A(1), (1)(a), (1)(b) and (2) of the **National Parks Act 1975**, after "Secretary" insert "or Parks Victoria".

173 Secretary may grant certain permits etc.

- (1) **Insert** the following heading to section 21 of the **National Parks Act 1975**—
"Parks Victoria may grant certain permits etc.".
- (2) For section 21(1) of the **National Parks Act 1975** **substitute**—
 - "(1) Parks Victoria may grant to a person a permit to occupy a building, camping place or other facility erected, set apart or provided in a park—
 - (a) for a period determined by Parks Victoria, but that is not to exceed 6 weeks; and
 - (b) subject to any terms and conditions determined by Parks Victoria; and
 - (c) subject to the payment of any fees and charges as the Minister determines under subsection (2).
 - (1AA) Parks Victoria may grant to a person a permit to carry on a trade or business in the park consistent with the objects of the Act other than a trade or business in a park to which Division 3A applies—
 - (a) for a period not exceeding 3 years; and

- (b) subject to terms and conditions determined by Parks Victoria; and
- (c) subject to the payment of any fees and charges as the Minister determines under subsection (2).

Note

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

- (3) In section 21(1A) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".
- (4) For section 21(2) of the **National Parks Act 1975** **substitute**—
 - "(2) In relation to permits granted or that may be granted under subsection (1) or (1AA), the Minister may do the following—
 - (a) determine fees and charges payable—
 - (i) by the class or type of permit; and
 - (ii) at different times of the year;
 - (b) set—
 - (i) specific fees and charges; and
 - (ii) maximum fees and charges; and
 - (iii) minimum fees and charges;
 - (c) discount fees and charges payable;
 - (d) exempt a person, or class or persons, from paying any fees or charges;
 - (e) waive any fees and charges payable."

(5) In section 21(2A) of the **National Parks Act 1975**—

- (a) for "(1)(c)(ii)" **substitute** "(1AA)";
- (b) for "the Minister" **substitute** "Parks Victoria".

(6) In section 21(3) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".

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

(1) In section 21A(1) of the **National Parks Act 1975**—

- (a) for "The Secretary" **substitute** "Parks Victoria";
- (b) for "the Secretary" **substitute** "Parks Victoria".

(2) In section 21A(2) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

175 Protection of remote and natural areas

In section 21C(1) and (2) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".

176 Management of remote and natural areas

(1) In section 21D(2) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

(2) In section 21D(3)(a), (b), (c) and (d) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

- (3) In section 21D(4) of the **National Parks Act 1975**—
- (a) for "The Secretary" **substitute** "Parks Victoria";
 - (b) paragraph (d) is **repealed**.
- (4) After section 21D(4) of the **National Parks Act 1975 insert**—
- "(4A) Subject to section 17(2)(b), the Secretary may do anything which the Secretary considers necessary for the prevention and control of fire."
- (5) In section 21D(5) of the **National Parks Act 1975**—
- (a) for "The Secretary" **substitute** "Parks Victoria";
 - (b) for "the Secretary" **substitute** "Parks Victoria".
- (6) In section 21D(6) of the **National Parks Act 1975**—
- (a) for "The Secretary" **substitute** "Parks Victoria";
 - (b) for "the Secretary" **substitute** "Parks Victoria";
 - (c) for "he or she" **substitute** "it".
- (7) After section 21D(6) of the **National Parks Act 1975 insert**—
- "(7) The Secretary must undertake, or cause to be undertaken, rehabilitation work or any other measures that the Secretary considers necessary to prevent or minimise loss or degradation as a result of activities relating to the prevention or control of fire carried out under subsection (4A)."

**177 Navigation lights—Sandpatch and Wilsons
Promontory wilderness zones**

In section 22B of the **National Parks Act 1975**, for "The Secretary" (where twice occurring) **substitute** "Parks Victoria".

178 Deer hunting in some wilderness zones

In section 22D(2) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".

179 Permanent works that may be carried out in parks

At the end of section 23 of the **National Parks Act 1975** **insert—**

"(2) The Minister must approve the carrying out of any works under subsection (1), before the works are carried out, unless the Minister has specified by notice published in the Government Gazette works, or a class of works, for which approval is not required."

180 Continuation of existing uses

(1) In section 25A(1) of the **National Parks Act 1975**, for "a notice pursuant to section 10(3) of the **Land Conservation Act 1970**" **substitute** "an accepted recommendation".

(2) In section 25A(2) of the **National Parks Act 1975—**

(a) for "*recommendation*" **substitute** "*accepted recommendation*";

(b) for "recommendation" **substitute** "accepted recommendation".

181 Harvesting of a pine plantation in Lake Eildon National Park

In section 25B of the **National Parks Act 1975**, for "the Secretary" (where twice occurring) **substitute** "Parks Victoria".

182 Special provisions for certain parks

In section 26 of the **National Parks Act 1975** **omit** "the park described in Part 2 of Schedule Two B or".

183 Tenancies or licences for certain purposes

For section 26A(b)(iii) of the **National Parks Act 1975** **substitute**—

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

184 Rights of public authorities in respect of parks

- (1) In section 27(1) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".
- (2) In section 27(2) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".
- (3) In section 27(3) of the **National Parks Act 1975**, for "the Secretary" (where twice occurring) **substitute** "Parks Victoria".

185 Secretary must have regard to Yarra Strategic Plan if preparing a management plan in relation to a park

- (1) In the heading to section 27BA of the **National Parks Act 1975**, for "Secretary" **substitute** "Parks Victoria".
- (2) In section 27BA of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".

186 Grant of tour operator licence

In section 27D(1) and (2) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".

187 Application for tour operator licence

In section 27E(1) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

188 Tour operator licence conditions

In section 27G(a) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

189 Variation of tour operator licence

- (1) In section 27I(1) and (2) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".
- (2) In section 27I(3) and (5) of the **National Parks Act 1975**, for "the Secretary" (where twice occurring) **substitute** "Parks Victoria".
- (3) In section 27I(4) of the **National Parks Act 1975**—
 - (a) for "The Secretary" **substitute** "Parks Victoria";
 - (b) for "the Secretary's" **substitute** "Parks Victoria's";
 - (c) for "the Secretary" **substitute** "Parks Victoria".

190 Suspension of tour operator licence

In section 27J(1) of the **National Parks Act 1975**, for "the Secretary" (where twice occurring) **substitute** "Parks Victoria".

191 Making submissions on suspension

- (1) In section 27K(1) and (3) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".
- (2) In section 27K(2) and (4) of the **National Parks Act 1975**, for "The Secretary" substitute "Parks Victoria".

192 Cancellation of tour operator licence

- (1) In section 27L(1) of the **National Parks Act 1975**—
 - (a) for "The Secretary" substitute "Parks Victoria";
 - (b) for "the Secretary" substitute "Parks Victoria".
- (2) In section 27L(2) of the **National Parks Act 1975**—
 - (a) for "the Secretary" substitute "Parks Victoria";
 - (b) for "he or she" substitute "Parks Victoria".
- (3) In section 27L(4) of the **National Parks Act 1975**—
 - (a) for "the Secretary" substitute "Parks Victoria";
 - (b) for "the Secretary's" substitute "Parks Victoria's".
- (4) In section 27L(5) of the **National Parks Act 1975**, for "the Secretary's" substitute "Parks Victoria's".

193 Introduction or use of cattle in specific parks

In section 28(2)(c) of the **National Parks Act 1975**, for "**Parks Victoria Act 1998**" substitute "**Parks Victoria Act 2018**".

194 Operations in the Alpine National Park

In section 30A(1)(c) of the **National Parks Act 1975**, for "the Director" substitute "Parks Victoria".

195 Protection of access rights of freeholders in relation to certain parks

In section 30I(4)(b) of the **National Parks Act 1975** omit "Part 30,".

196 Glenample Homestead

- (1) In section 32AA(1) and (2) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".
- (2) In section 32AA(3) of the **National Parks Act 1975**, for "the Secretary" substitute ", Parks Victoria,".

197 Section 32AE repealed

Section 32AE of the **National Parks Act 1975** is repealed.

198 Authorities to search for minerals in certain parks

- (1) In section 32D(1)(b)(i) of the **National Parks Act 1975**, after "31" insert "or 49".
- (2) In section 32D(1)(b)(ii) of the **National Parks Act 1975** omit "or 30".
- (3) In section 32D(2) and (3) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".

199 Protection of designated water supply catchment areas and their water resources

- (1) In section 32H(1) of the **National Parks Act 1975**—
 - (a) for "The Secretary" **substitute** "Parks Victoria";
 - (b) for "his or her" **substitute** "Parks Victoria's".
- (2) In section 32H(2) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".
- (3) In section 32H(3) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".

200 Management agreements with managing water authorities

- (1) In section 32I(1) of the **National Parks Act 1975**, for "The Secretary" **substitute** "Parks Victoria".
- (2) In section 32I(2)(b) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".
- (3) In section 32I(3)(a) of the **National Parks Act 1975**, for "the Secretary" **substitute** "Parks Victoria".
- (4) In section 32I(3)(d)(v) of the **National Parks Act 1975**, for "the Minister administering section 17 of the **State Owned Enterprises Act 1992**" **substitute** "the Treasurer".

201 Control and management of structures and installations in designated water supply catchment areas

In section 32K(1) of the **National Parks Act 1975**, after "the Secretary" **insert** "or Parks Victoria".

202 Extraction of forest produce from Kinglake National Park and Yarra Ranges National Park

In section 32L(1) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".

203 Determination of disputes

In section 32M(1) of the **National Parks Act 1975**—

- (a) for "the Secretary" (where twice occurring) substitute "Parks Victoria";
- (b) for "the Minister administering section 17 of the **State Owned Enterprises Act 1992**" substitute "the Treasurer".

204 Drainage licences

- (1) In section 32R(1) of the **National Parks Act 1975**, for "The Secretary" substitute "Parks Victoria".
- (2) In section 32R(2)(c) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".
- (3) Section 32R(3) of the **National Parks Act 1975** is repealed.
- (4) In section 32R(4) of the **National Parks Act 1975**, in the definition of *drainage land*, for "Cobboboonee;" substitute "Cobboboonee".
- (5) The definition of *drainage licence* in section 32R(4) of the **National Parks Act 1975** is repealed.

205 Rehabilitation works—Great Otway National Park

In section 32S(1) of the **National Parks Act 1975**, for "The Secretary" substitute "Parks Victoria".

206 Rents etc. to be paid into the Consolidated Fund

In section 33(3)(g)(ia), (iii) and (iv) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".

207 Annual Report

In section 35(1) of the **National Parks Act 1975**, for "The Secretary" substitute "Parks Victoria".

208 Secretary may consent to certain guns or other weapons being carried or used

(1) **Insert** the following heading to section 37 of the **National Parks Act 1975**—

"Parks Victoria may consent to certain guns or other weapons being carried or used".

(2) In section 37(1) of the **National Parks Act 1975**—

(a) for "The Secretary" substitute "Parks Victoria";

(b) for "his" substitute "the authorized officer's or another person's";

(c) for "he" substitute "Parks Victoria".

(3) In section 37(2) and (3) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".

(4) In section 37(4) and (5) of the **National Parks Act 1975**, for "The Secretary" substitute "Parks Victoria".

209 Secretary may consent to weapons other than guns being carried through parks

(1) **Insert** the following heading to section 37AA of the **National Parks Act 1975**—

"Parks Victoria may consent to weapons other than guns being carried through parks".

- (2) In section 37AA(1) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".

210 Minister may cause to be erected signs to indicate parks

- (1) **Insert** the following heading to section 37A of the **National Parks Act 1975**—
"Parks Victoria may cause to be erected signs to indicate parks".
- (2) In section 37A(1) of the **National Parks Act 1975**, for "The Minister" substitute "Parks Victoria".
- (3) In section 37A(3) of the **National Parks Act 1975**, for "the Secretary" substitute "Parks Victoria".

211 Authorised officer may demand name etc.

- (1) In section 38(1) of the **National Parks Act 1975**, for "authorized" substitute "authorised".
- (2) In section 38(1)(a) of the **National Parks Act 1975**—
- (a) for "where he" substitute "if the authorised officer";
- (b) for "him to state his" substitute "the person to state the person's".
- (3) In section 38(1)(b) of the **National Parks Act 1975**—
- (a) for "where he" substitute "if the authorised officer";

- (b) for "him to leave" **substitute** "the person to leave".
- (4) In section 38(1)(c) and (d) of the **National Parks Act 1975**, for "where he" **substitute** "if the authorised officer".
- (5) In section 38(1)(e) of the **National Parks Act 1975**—
- (a) for "where he" **substitute** "if the authorised officer";
- (b) for "he or she" **substitute** "the person".

212 Production of identification

In section 38AA(2) of the **National Parks Act 1975**, after "Secretary" **insert** ", for authorised officers appointed by the Secretary, and in a form approved by Parks Victoria, for authorised officers appointed by Parks Victoria".

213 Application of section 188A of the Land Act 1958

In section 39(b) of the **National Parks Act 1975**, for "authorized" **substitute** "authorised".

214 Impounding of livestock

- (1) In section 41 of the **National Parks Act 1975**, for "the Secretary" (wherever occurring) **substitute** "Parks Victoria".
- (2) In section 41(d) of the **National Parks Act 1975**, for "the Secretary's" **substitute** "Parks Victoria's".

215 Section 46 repealed

Section 46 of the **National Parks Act 1975** is **repealed**.

216 Evidence

- (1) For section 47(1) of the **National Parks Act 1975** **substitute**—

"(1) In proceedings for an offence against this Act or the regulations or any other Act—

- (a) a certificate purporting to be signed by the Secretary certifying that particular land is in a park; or
- (b) a certificate purporting to be signed by the chief executive officer of Parks Victoria certifying as to the granting or cancellation of, or matters contained in a lease, licence, permit, tenancy or other instrument given under this Act—

is evidence of the matters so certified."

- (2) In section 47(2) of the **National Parks Act 1975**—

- (a) for "the Secretary" (where first occurring) **substitute** "the chief executive officer of Parks Victoria";
- (b) for "the Secretary" (where second and third occurring) **substitute** "Parks Victoria".

217 Section 47C repealed

Section 47C of the **National Parks Act 1975** is **repealed**.

218 Regulations

- (1) Section 48(1)(e) of the **National Parks Act 1975** is **repealed**.
- (2) In section 48(2)(ca) of the **National Parks Act 1975**, after "the Secretary" **insert** "or Parks Victoria".

219 New Part X inserted

After Part IX of the **National Parks Act 1975**
insert—

**"Part X—Transitional provisions—
Parks Victoria Act 2018**

80 Definitions

In this Part—

Parks Victoria commencement means
the day on which the **Parks Victoria
Act 2018** comes into operation;

Parks Victoria matter means any function,
power or duty as to the management
of land under this Act that is conferred
on Parks Victoria by the amendment
of this Act by the **Parks Victoria
Act 2018** or by the enactment of that
Act.

**81 Transfer of property from the Secretary
to Parks Victoria**

- (1) On the Parks Victoria commencement—
- (a) all rights, property and assets in
relation to any Parks Victoria matter
that, immediately before the Parks
Victoria commencement, were vested
in the Secretary, vest in Parks Victoria;
and
 - (b) all debts, liabilities and obligations of
the Secretary in relation to any Parks
Victoria matter that were existing
immediately before the Parks Victoria
commencement, become debts,
liabilities and obligations of Parks
Victoria; and

- (c) Parks Victoria is substituted as a party to any proceedings in relation to any Parks Victoria matter pending in any court or tribunal to which the Secretary was a party immediately before the Parks Victoria commencement; and
 - (d) Parks Victoria is substituted as a party to any contract or arrangement that relates to any Parks Victoria matter entered into by or on behalf of the Secretary and in force immediately before the Parks Victoria commencement.
- (2) Any reference to the Secretary in any proclamation, Order in Council, rule, regulation, order, agreement, instrument or other document that relates to any Parks Victoria matter is taken to be a reference to Parks Victoria—
- (a) so far as it relates to any period on or after the Parks Victoria commencement; and
 - (b) if not inconsistent with the context or subject matter.
- (3) Any decision made or action taken by the Secretary under any proclamation, Order in Council, rule, regulation, order, agreement, instrument or other document that relates to any Parks Victoria matter, and that is in effect immediately before the Parks Victoria commencement, is taken to be a decision made or action taken by Parks Victoria—
- (a) so far as it relates to any period on or after the Parks Victoria commencement; and

- (b) if not inconsistent with the context or subject matter.

82 Saving of licences, permits, consents or authorities

If, in relation to any land under this Act, a licence, permit, consent or authority granted or issued under this Act was in force immediately before the Parks Victoria commencement, on the Parks Victoria commencement the licence, permit or authority is taken to continue in force—

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

83 Applications for tour operator licences and variations of tour operator licences

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

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

84 Agreements with Trust for Nature under section 19A

On the Parks Victoria commencement, in relation to any management agreement between the Minister and the Trust for Nature under section 19A(1) that is in force immediately before the Parks Victoria commencement—

- (a) the agreement is taken to be an agreement for Parks Victoria to manage the land rather than the Secretary; and
- (b) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement is taken to be a reference to Parks Victoria.

85 Agreements with public authorities under section 19C

On the Parks Victoria commencement, in relation to any management agreement between the Minister and a public authority under section 19C(1) that is in force immediately before the Parks Victoria commencement—

- (a) the agreement is taken to be an agreement for Parks Victoria to manage the land rather than the Secretary; and

- (b) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement is taken to be a reference to Parks Victoria.

86 Agreements with other governments under section 19D

On the Parks Victoria commencement, in relation to any management agreement between the Minister and another Minister of the Commonwealth or another State or an authority under section 19D that is in force immediately before the Parks Victoria commencement, if the agreement is for the Secretary to manage the land—

- (a) the agreement is taken to be an agreement for Parks Victoria to manage the land rather than the Secretary; and
- (b) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement is taken to be a reference to Parks Victoria.

87 References relating to Orders under section 19F

On the Parks Victoria commencement, any reference to the Secretary, in relation to land subject to an Order under section 19F, in any Act or in any proclamation, Order in Council, rule, regulation, order, agreement, instrument, deed or other document, in force immediately before that commencement, is taken to be a reference to Parks Victoria—

- (a) so far as it relates to any period on or after the Parks Victoria commencement; and
- (b) if not inconsistent with the context or subject matter.

88 Management agreements with managing water authorities

- (1) On the Parks Victoria commencement, any management agreement between the Secretary and Melbourne Water Corporation under section 32I(1)(a) that is in force immediately before the Parks Victoria commencement is taken to continue in force—
- (a) subject to its terms and conditions and this Act; and
 - (b) as if—
 - (i) the agreement were entered into by Parks Victoria rather than the Secretary; and
 - (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement, other than in relation to matters in the agreement which are the subject of section 32I(3)(d)(ii), were a reference to Parks Victoria.
- (2) On the Parks Victoria commencement, any management agreement between the Secretary and Barwon Water under section 32I(1)(b) that is in force immediately before the Parks Victoria commencement is taken to continue in force—
- (a) subject to its terms and conditions and this Act; and
 - (b) as if—
 - (i) the agreement were entered into by Parks Victoria rather than the Secretary; and

- (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement, other than in relation to matters in the agreement which are the subject of section 32I(3)(d)(ii), were a reference to Parks Victoria.
- (3) On the Parks Victoria commencement, any management agreement between the Secretary and Wannon Water under section 32I(1)(c) that is in force immediately before the Parks Victoria commencement is taken to continue in force—
 - (a) subject to its terms and conditions and this Act; and
 - (b) as if—
 - (i) the agreement were entered into by Parks Victoria rather than the Secretary; and
 - (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement, other than in relation to matters in the agreement which are the subject of section 32I(3)(d)(ii), were a reference to Parks Victoria.

89 Glenample Homestead

On the Parks Victoria commencement, any authorisation made under section 32AA(1) for the management of the land referred to in that section by the Secretary, that is in force immediately before the Parks Victoria commencement, is taken to be an

authorisation for the management of the land
by Parks Victoria."

**220 Schedule One AA—Transitional provisions—repeal
of spent provisions**

Clauses 2, 3, 5, 6, 21, 22, 23, 24, 25 and 26
of Schedule One AA to the **National Parks
Act 1975** are **repealed**.

Part 10—Amendment of Water Industry Act 1994

221 Definitions

In section 3(1) of the **Water Industry Act 1994**—

(a) **insert** the following definition—

"Parks Victoria recorded land has the same meaning as in the **Conservation, Forests and Lands Act 1987**";

(b) for the definition of *Secretary substitute*—

"Secretary has the same meaning as in the **Conservation, Forests and Lands Act 1987**";

222 Power of Secretary to enter into management agreements

At the end of section 132 of the **Water Industry Act 1994** **insert**—

"(2) The Secretary must not enter into an agreement under subsection (1) in relation to any Parks Victoria recorded land."

Part 11—Amendment of Wildlife Act 1975

223 Definitions

In section 3(1) of the **Wildlife Act 1975** insert the following definitions—

"accepted recommendation means—

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

land manager means—

- (a) for Parks Victoria recorded land, Parks Victoria; or
- (b) for all other land, the Secretary;

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

Parks Victoria recorded land has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

224 Management and control of lands

- (1) **Insert** the following heading to section 14 of the **Wildlife Act 1975**—

"Land manager has management and control of lands".

- (2) In section 14 of the **Wildlife Act 1975**—

- (a) for "Secretary" (where first occurring) **substitute** "land manager";
- (b) in paragraph (b)(ii)—
 - (i) for "the recommendation of the Land Conservation Council" **substitute** "an accepted recommendation";
 - (ii) for "Secretary" (where twice occurring) **substitute** "land manager".

225 Obligations of Secretary in relation to Yarra River land

- (1) For the heading to section 14A of the **Wildlife Act 1975** **substitute**—

"Obligations of Secretary and Parks Victoria in relation to Yarra River land".

- (2) In section 14A(1) of the **Wildlife Act 1975**, for "Secretary" (wherever occurring) **substitute** "land manager".

- (3) In section 14A(2) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

226 State Wildlife Reserves

- (1) In section 15(1) and (3) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

- (2) After section 15(1) of the **Wildlife Act 1975** **insert—**

"(1A) To avoid doubt, the entering into of an agreement under section 18A(1) for the management of land that is a State Wildlife Reserve by a Traditional Owner Land Management Board does not affect the status of the land as a State Wildlife Reserve."

227 Management and control of State Wildlife Reserves

- (1) **Insert** the following heading to section 16 of the **Wildlife Act 1975—**

"Land manager has management and control of State Wildlife Reserves".

- (2) In section 16(1) and (2) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

228 Management and control of Nature Reserves

- (1) **Insert** the following heading to section 16A of the **Wildlife Act 1975—**

"Land manager has management and control of Nature Reserves".

- (2) In section 16A(1) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

- (3) In section 16A(2) of the **Wildlife Act 1975—**
(a) for "Secretary" **substitute** "land manager";

(b) for "a notice pursuant to section 10(3) of the **Land Conservation Act 1970** requiring that effect be given to a recommendation of the Land Conservation Council" **substitute** "an accepted recommendation".

(4) In section 16A(3) of the **Wildlife Act 1975**—

(a) **omit** "on the recommendation of the Secretary";

(b) in paragraph (a), for "Secretary" **substitute** "land manager".

229 Moneys received paid into Consolidated Fund

In section 17(1) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

230 Preparation of management plans for reserves

(1) **Insert** the following heading to section 18 of the **Wildlife Act 1975**—

"Land manager to prepare management plans for reserves".

(2) In section 18(1) of the **Wildlife Act 1975**, for "Secretary" (where twice occurring) **substitute** "land manager".

(3) In section 18(2) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

(4) After section 18(4) of the **Wildlife Act 1975** **insert**—

"(4A) A plan of management under this section may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**."

**231 Power to enter into management agreements with
Traditional Owner Land Management Boards**

For section 18A of the **Wildlife Act 1975**
substitute—

**"18A Management agreements with Traditional
Owner Land Management Boards**

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

manage that land, to the extent of the agreement; or

- (b) provides for a Traditional Owner Land Management Board to carry out any function, power or duty in relation to any land in a State Wildlife Reserve or Nature Reserve that would otherwise be carried out by Parks Victoria, Parks Victoria does not have power to carry out that function, power or duty, to the extent of the agreement.
- (5) Subsection (4) has effect despite any provision of this Act or any other enactment to the contrary."

232 Limitation on mining etc. on State Wildlife or Nature Reserves

In section 19(3) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

233 Removing sand etc. from State Wildlife Reserve or Nature Reserve

In section 21(1), (2) and (3) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

234 Grant of tour operator licence

In section 21B(1) and (2) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

235 Application for tour operator licence

In section 21C(1) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

236 Tour operator licence conditions

In section 21E(a) of the **Wildlife Act 1975**, for "Secretary" **substitute** "land manager".

237 Variation of tour operator licence

- (1) In section 21G(1) and (2) of the **Wildlife Act 1975**, for "Secretary" substitute "land manager".
- (2) In section 21G(3) and (5) of the **Wildlife Act 1975**, for "Secretary" (where twice occurring) substitute "land manager".
- (3) In section 21G(4) of the **Wildlife Act 1975**—
 - (a) for "Secretary" (where twice occurring) substitute "land manager";
 - (b) for "Secretary's" substitute "land manager's".

238 Suspension of tour operator licence

In section 21H(1) of the **Wildlife Act 1975**, for "Secretary" (where twice occurring) substitute "land manager".

239 Making submissions on suspension

In section 21I(1), (2), (3) and (4) of the **Wildlife Act 1975**, for "Secretary" substitute "land manager".

240 Cancellation of tour operator licence

- (1) In section 21J(1) of the **Wildlife Act 1975**, for "Secretary" (where twice occurring) substitute "land manager".
- (2) In section 21J(2) of the **Wildlife Act 1975**—
 - (a) for "Secretary" substitute "land manager";
 - (b) for "he or she" substitute "the land manager".

(3) In section 21J(4) of the **Wildlife Act 1975**—

- (a) for "Secretary" **substitute** "land manager";
- (b) for "Secretary's" **substitute** "land manager's".

(4) In section 21J(5) of the **Wildlife Act 1975**, for "Secretary's" **substitute** "land manager's".

241 Wildlife Management Co-operative Areas

- (1) In section 32(3) and (4) of the **Wildlife Act 1975**, after "Secretary" **insert** ", Parks Victoria".
- (2) In section 32(5) of the **Wildlife Act 1975**, after "Department" **insert** ", Parks Victoria".

242 Review of decisions

In section 86C(1) of the **Wildlife Act 1975**, after "Secretary" (where twice occurring) **insert** ", Parks Victoria".

243 Regulations

In section 87(7) of the **Wildlife Act 1975**, after "Secretary" **insert** ", Parks Victoria".

Part 12—Other consequential amendments

244 Aboriginal Heritage Act 2006

In section 4(1) of the **Aboriginal Heritage Act 2006**, in the definition of *Parks Victoria*, for "Parks Victoria Act 1998" substitute "Parks Victoria Act 2018".

245 Country Fire Authority Act 1958

In section 30A(1)(b) of the **Country Fire Authority Act 1958**, for "18 or 19 of the Parks Victoria Act 1998" substitute "27 or 28 of the Parks Victoria Act 2018".

246 Land (Revocation of Reservations and Other Matters) Act 2009

In section 9 of the **Land (Revocation of Reservations and Other Matters) Act 2009**, in the definition of *Parks Victoria*, for "Parks Victoria Act 1998" substitute "Parks Victoria Act 2018".

247 Mineral Resources (Sustainable Development) Act 1990

In section 91(b)(ii) of the **Mineral Resources (Sustainable Development) Act 1990**, for "Parks Victoria Act 1998" substitute "Parks Victoria Act 2018".

248 Port Management Act 1995

In section 83 of the **Port Management Act 1995**, in the definition of *authorised person*, for "Parks Victoria Act 1998" substitute "Parks Victoria Act 2018".

249 Safe Drinking Water Act 2003

- (1) In section 3 of the **Safe Drinking Water Act 2003**, in paragraph (c) of the definition of *water supplier*, for "**Parks Victoria Act 1998**" substitute "**Parks Victoria Act 2018**".
- (2) In section 17(2)(b) of the **Safe Drinking Water Act 2003**, for "**Parks Victoria Act 1998**" substitute "**Parks Victoria Act 2018**".
- (3) In section 53(d)(iii) of the **Safe Drinking Water Act 2003**, for "**Parks Victoria Act 1998**" substitute "**Parks Victoria Act 2018**".

250 Traditional Owner Settlement Act 2010

- (1) In section 3 of the **Traditional Owner Settlement Act 2010** insert the following definition—

"Parks Victoria has the same meaning as in the **Parks Victoria Act 2018**;"
- (2) After section 28(m) of the **Traditional Owner Settlement Act 2010** insert—

"(ma) the making of a land management plan under section 46 of the **Parks Victoria Act 2018** and the amending of a land management plan under section 47 of that Act;"
- (3) In section 29(h) of the **Traditional Owner Settlement Act 2010**, for "the Secretary" substitute "Parks Victoria".
- (4) In section 29(i) of the **Traditional Owner Settlement Act 2010**, for "Secretary within the meaning of that section;" substitute "land manager within the meaning of section 3 of the **Wildlife Act 1975**;"

- (5) In section 29(j) of the **Traditional Owner Settlement Act 2010**, for "Secretary within the meaning of that section;" **substitute** "land manager within the meaning of section 3 of the **Wildlife Act 1975**;"
- (6) After section 29(j) of the **Traditional Owner Settlement Act 2010** insert—
- "(ja) in relation to the making of a land management plan under section 46 of the **Parks Victoria Act 2018**, Parks Victoria;"

251 Transport Integration Act 2010

- (1) In section 3 of the **Transport Integration Act 2010**, in paragraph (c) of the definition of *interface body*, for "**Parks Victoria Act 1998**" **substitute** "**Parks Victoria Act 2018**".
- (2) In section 3 of the **Transport Integration Act 2010**, in paragraph (i) of the definition of *interface legislation*, for "**Parks Victoria Act 1998**" **substitute** "**Parks Victoria Act 2018**".

252 Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017

- (1) In section 3(1) of the **Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017** insert the following definitions—
- accepted recommendation* has the same meaning as in the **Crown Land (Reserves) Act 1978**;
- land manager* means—
- (a) for Parks Victoria recorded land, Parks Victoria; or
- (b) for all other land, the Secretary;"

- (2) In section 3(1) of the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017**—
- (a) in paragraph (c) of the definition of *relevant plan entity*, for "**Parks Victoria Act 1998**" substitute "**Parks Victoria Act 2018**";
 - (b) in paragraph (c) of the definition of *responsible public entity*, for "**Parks Victoria Act 1998**" substitute "**Parks Victoria Act 2018**".
- (3) In section 45(2)(b) of the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017**—
- (a) for "the Secretary" substitute "Parks Victoria";
 - (b) for "inconsistency." substitute "inconsistency; or".
- (4) After section 45(2)(b) of the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017** insert—
- "(c) any land management plan under the **Parks Victoria Act 2018** unless Parks Victoria gives a specific written endorsement to the lead agency authorising the inconsistency."
- (5) After section 45(3)(b) of the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017** insert—
- "(ba) any land management plan under the **Parks Victoria Act 2018** unless Parks Victoria gives a specific written endorsement to the lead agency authorising the inconsistency; or"
- (6) For section 45(3)(c) and (d) of the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017** substitute—
- "(c) an accepted recommendation."
-

- (7) In section 45(4)(b) of the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017**—
- (a) for "Secretary" **substitute** "land manager";
 - (b) for "inconsistency." **substitute** "inconsistency; or".
- (8) After section 45(4)(b) of the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017** insert—
- "(c) any land management plan under the **Parks Victoria Act 2018** unless Parks Victoria gives a specific written endorsement to the lead agency authorising the inconsistency."

Part 13—Repeal of Parts

253 Repeal of Parts

Parts 5 to 12 and this Part are **repealed** on
1 November 2019.

Note

The repeal of these Parts does not affect the continuing
operation of the amendments made by them (see section 15(1)
of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 21 February 2018

Legislative Council: 1 May 2018

The long title for the Bill for this Act was "A Bill for an Act to repeal and re-enact with amendments the **Parks Victoria Act 1998** and to make consequential and related amendments to certain other Acts and for other purposes."

The **Parks Victoria Act 2018** was assented to on 5 June 2018 and came into operation on 12 September 2018: Special Gazette (No. 386) 21 August 2018 page 1.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

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

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

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

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the **Parks Victoria Act 2018** by Acts and subordinate instruments.

3 Amendments Not in Operation

This publication does not include amendments made to the **Parks Victoria Act 2018** by the following Act/s.

Parks Victoria Act 2018, No. 19/2018

<i>Assent Date:</i>	5.6.18
<i>Commencement Date:</i>	S. 253 on 12.9.18: Special Gazette (No. 386) 21.8.18 p. 1
<i>Note:</i>	S. 253 repeals Pts 5–13 (ss 56–253) on 1.11.19
<i>Current State:</i>	This information relates only to the provision/s amending the Parks Victoria Act 2018

At the date of this publication, the following provisions amending the **Parks Victoria Act 2018** were Not in Operation:

Amending Act/s:

Parks Victoria Act 2018, No. 19/2018

253 Repeal of Parts

Parts 5 to 12 and this Part are **repealed** on
1 November 2019.

Note

The repeal of these Parts does not affect the continuing operation of the amendments made by them (see section 15(1) of the **Interpretation of Legislation Act 1984**).

4 Explanatory details

No entries at date of publication.