

**Authorised Version No. 002**  
**Land Conservation (Vehicle Control)**  
**Regulations 2013**

**S.R. No. 3/2013**

Authorised Version incorporating amendments as at  
27 October 2015

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**1 Objective**

The objective of these Regulations is to regulate the use of vehicles on public land.

**2 Commencement**

These Regulations come into operation on 29 January 2013.

**3 Authorising provision**

These Regulations are made under section 3 of the **Land Conservation (Vehicle Control) Act 1972**.

**4 Revocation**

The following Regulations are **revoked**—

- (a) the Land Conservation (Vehicle Control) Regulations 2003<sup>1</sup>;
- (b) the Land Conservation (Vehicle Control) (Amendment) Regulations 2004<sup>2</sup>.

**5 Definitions**

In these Regulations—

*motor vehicle* has the same meaning as in the **Road Safety Act 1986**;

*off-road access area* means any area of public land to which a declaration under regulation 7(1) applies;

*parking area* means any of the following—

- (a) an area of land that is a parking area within the meaning of the Road Safety Road Rules 2009;
- (b) an area of public land to which a declaration under regulation 10(1) applies;
- (c) an area of land that is otherwise lawfully designated as a parking area under any other Act or regulations;

*prohibited access area* means any area of public land to which a declaration under regulation 9(1) applies;

*public authority land* means land of the type described in paragraph (e) of the definition of *public land* in section 2 of the Act;

Reg. 5 def. of *public authority land* inserted by S.R. No. 123/2015 reg. 4.

Reg. 5 def. of *relevant land Act* inserted by S.R. No. 123/2015 reg. 4.

*relevant land Act* means—

- (a) the **Crown Land (Reserves) Act 1978**;  
or
- (b) the **Forests Act 1958**; or
- (c) the **Land Act 1958**; or
- (d) the **National Parks Act 1975**; or
- (e) Parts II and IIA of the **Wildlife Act 1975**; or
- (f) any other Act—
  - (i) that provides for the use, management or control of particular land, or a particular class of land, reserved under the **Crown Land (Reserves) Act 1978**; and

(ii) under which a lease, licence or other authority may be granted, issued or given in respect of such land; or

(g) any other Act under which a lease, licence or other authority may be granted, issued or given in respect of public authority land;

***restricted access area*** means any area of public land to which a declaration under regulation 8(1) applies;

***road*** means a road open to the public formed for the passage of motor vehicles having 4 or more wheels;

***the Act*** means the **Land Conservation (Vehicle Control) Act 1972**;

***vehicle*** has the same meaning as in the **Road Safety Act 1986** but does not include any of the following—

- (a) a wheelchair;
- (b) a motorised wheelchair;
- (c) a pram or stroller;
- (d) any other device used for the conveyance of disabled or injured persons.

## **6 Application of certain regulations**

Regulations 13, 14, 15 and 16 do not apply to any of the following persons—

- (a) a person acting in accordance with the direction or written permission of the person having management or control of public land;

Reg. 6(d)  
substituted by  
S.R. No.  
123/2015 reg.  
5.  
Reg. 6(e)  
substituted by  
S.R. No.  
123/2015 reg.  
5.

- (b) a person acting in the course of his or her duties as an officer, employee, contractor or volunteer of the person having management or control of public land;
- (c) a person acting in the course of his or her duties as an officer, employee, contractor or volunteer of a government department or statutory authority;
- (d) a person acting in accordance with a lease, licence or other authority granted, issued or given under a relevant land Act;
- (e) an employee, agent or contractor of a person referred to in paragraph (d) when acting in their capacity as an employee, agent or contractor of that person and in accordance with that lease, licence or authority;
- (f) a person undertaking timber harvesting operations that are authorised operations referred to in section 45(2)(a) and (b)(i) of the **Sustainable Forests (Timber) Act 2004**.

## 7 Declaring off-road access areas

- (1) Subject to regulation 11, a person having management or control of public land may declare an area of that public land to be an off-road access area.
- (2) A declaration under subregulation (1) must be published in the Government Gazette.
- (3) A declaration under subregulation (1) may include any conditions of use of an off-road access area, including any restrictions or prohibitions on the use of any class of motor vehicle in that area.

## **8 Declaring restricted access areas**

- (1) Subject to regulation 11, a person having management or control of public land may declare an area of that public land to be a restricted access area.
- (2) A declaration under subregulation (1) must be published in the Government Gazette.
- (3) A declaration under subregulation (1) may include any conditions of use of a restricted access area including any restrictions on the use of any class of vehicle in that area.

## **9 Declaring prohibited access areas**

- (1) Subject to regulation 11, a person having management or control of public land may declare an area of that public land to be a prohibited access area.
- (2) A declaration under subregulation (1) must be published in the Government Gazette.
- (3) A declaration under subregulation (1) may include any prohibitions on the use of any class of vehicle in that area.

## **10 Declaring parking areas**

- (1) Subject to regulation 11, a person having management or control of public land may declare an area of that public land to be a parking area.
- (2) A declaration under subregulation (1) must be published in the Government Gazette.
- (3) A declaration under subregulation (1) may include any conditions of use of that parking area.

## **11 Ministerial consent**

- (1) A person having management or control of public land must not make a declaration under these Regulations unless the Minister has given written consent to the making of the declaration.
- (2) The Minister must not give written consent under subregulation (1) unless the Minister is satisfied that the declaration—
  - (a) is in the public interest; and
  - (b) addresses any matters concerning public safety; and
  - (c) is appropriate based on the nature of the land, having regard to the vehicles or any class of vehicles or activities to be undertaken on it.

## **12 Display of signs and notices**

- (1) A person having management or control of public land must as soon as practicable after making a declaration under these Regulations ensure that signs or notices informing the public of a declaration are displayed at the areas affected by a declaration.
- (2) A sign or notice required under subregulation (1) must—
  - (a) be displayed in a place and manner that is likely to be seen by any person affected by the declaration; and
  - (b) state any conditions included in the declaration.

### **Note**

The Road Safety (Traffic Management) Regulations 2009<sup>3</sup> apply if a sign or notice is also a traffic control device within the meaning of those Regulations.

**13 Offence in relation to motor vehicles on public land**

A person must not use or operate any motor vehicle in any area of public land except—

- (a) on a road; or
- (b) in a parking area; or
- (c) in a place immediately adjacent to a road where parking is not prohibited; or
- (d) in an off-road access area where that class of motor vehicle is permitted; or
- (e) in a restricted access area where that class of motor vehicle is permitted.

Penalty: \$500.

**14 Offences in relation to vehicles on public land—  
damage and obstruction**

- (1) A person must not use or operate a vehicle on public land in a manner that damages that land.

Penalty: \$500.

- (2) A person must not leave a vehicle on public land in a manner that damages that land.

Penalty: \$500.

- (3) A person must not cause or permit any vehicle to be parked or left standing on public land if the vehicle obstructs any vehicle or person from entering or leaving a road or a parking area.

Penalty: \$500.



**15 Offence to contravene conditions declarations**

- (1) If a declaration made under these Regulations applies to an area of public land, a person must not use or operate a vehicle that is of a class of vehicle permitted to be in that area in contravention of any conditions of that declaration.

Penalty: \$500.

- (2) If a declaration made under these Regulations applies to an area of public land, a person must not leave a vehicle that is of a class of vehicle permitted to be in that area in contravention of any conditions of that declaration.

Penalty: \$500.

**16 Offences in relation to vehicles in prohibited access areas**

- (1) A person must not use or operate a vehicle in a prohibited access area in contravention of the declaration applying to that area.

Penalty: \$500.

- (2) A person must not leave a vehicle in a prohibited access area in contravention of the declaration applying to that area.

Penalty: \$500.

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Land Conservation (Vehicle Control) Regulations 2013, S.R. No. 3/2013 were made on 29 January 2013 by the Governor in Council under section 3 of the **Land Conservation (Vehicle Control) Act 1972**, No. 8379/1972 and came into operation on 29 January 2013: regulation 2.

The Land Conservation (Vehicle Control) Regulations 2013 will sunset 10 years after the day of making on 29 January 2023 (see section 5 of the **Subordinate Legislation Act 1994**).

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

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

##### References to ILA s. 39B

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

##### Interpretation

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

- **Headings**

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

- **Examples, diagrams or notes**

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

- **Punctuation**

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

- **Provision numbers**

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

- **Location of "legislative items"**

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

- **Other material**

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

Land Conservation (Vehicle Control) Regulations 2013  
S.R. No. 3/2013  
Endnotes

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## 2 Table of Amendments

This publication incorporates amendments made to the Land Conservation (Vehicle Control) Regulations 2013 by statutory rules, subordinate instruments and Acts.

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**Land Conservation (Vehicle Control) Amendment Regulations 2015,  
S.R. No. 123/2015**

*Date of Making:* 27.10.15  
*Date of Commencement:* Regs 4, 5 on 27.10.15

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### **3 Amendments Not in Operation**

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

#### **4 Explanatory details**

<sup>1</sup> Reg. 4(a): S.R. No. 11/2003 as amended by S.R. No. 140/2004.

<sup>2</sup> Reg. 4(b): S.R. No. 140/2004.

<sup>3</sup> Reg. 12: S.R. No. 129/2009 as amended by S.R. Nos 66/2011  
and 162/2012.