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Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (PHILLIP ISLAND NATURE PARK) REGULATIONS 2010

TABLE OF PROVISIONS

Regulation	Page
PART 1 – PRELIMINARY	3
1 Objectives	3
2 Authorising provisions	3
3 Commencement	3
4 Revocation	3
5 Expiry	3
6 Definitions	3
7 Application of certain regulations	4
PART 2 – ADMINISTRATION OF THE PARK BY THE COMMITTEE	4
8 Opening hours of the Park	4
9 Restricted or prohibited access areas	4
10 Determination of the Committee	5
11 Permits	5
12 Entry fees	6
PART 3 – USE AND CONTROL OF THE PARK	6
13 Dogs, horses and other animals	6
14 Removal of animal faeces	7
15 Vehicles	7
16 Vessels	7
17 Aircraft	8
18 Camping	8
19 Lighting, kindling or maintaining fires	8
20 Protection of flora	8
21 Introducing flora	8
22 Interfering with archaeological or historical remains	9
23 Interfering with rocks or similar natural objects	9
24 Digging or removal of material	9
25 Animals and nests	9
26 Fishing	10
27 Poisons, firearms, snares and traps	10
28 Flashlights, spotlights and torches	10
29 Research or scientific study	10
30 Destroying improvements or facilities	10
31 Erecting or using buildings and structures	11

SPECIAL

32	Umbrellas and shading devices	11
33	Use of soap and detergents	11
34	Hygiene	11
35	Use of toilets, showers and other facilities	11
36	Pathways	11
37	Engaging in sport or recreational activity	12
38	Organised events	12
39	Dangerous or disturbing activities	12
40	Advertising and soliciting	13
41	Conduct of commercial activities	13
42	Operating devices or equipment	13
43	Possession of liquor and glass containers and bottles	14
	PART 4 – GENERAL	14
44	Directions to leave	14
	SCHEDULE	15
	NOTES	16

Crown Land (Reserves) Act 1978**CROWN LAND (RESERVES) (PHILLIP ISLAND NATURE PARK) REGULATIONS 2010**

I, Rodney Warren, Statewide Program Leader – Public Land Services, as delegate of the Minister for Environment and Climate Change, make the following Regulations.

PART 1 – PRELIMINARY**1 Objectives**

The objectives of these Regulations are to –

- (a) provide for the care, protection and management of Phillip Island Nature Park; and
- (b) provide for the enjoyment and safety of persons in Phillip Island Nature Park; and
- (c) set maximum fees for entry to specified parts of Phillip Island Nature Park.

2 Authorising provisions

These Regulations are made under section 13 of the **Crown Land (Reserves) Act 1978**.

3 Commencement

These Regulations come into operation on the day that they are published in the Government Gazette.

4 Revocation

The Crown Land Reserves (Phillip Island Nature Park) Regulations 2000 made by Sherryl Garbutt, Minister for Environment and Conservation, and published in Government Gazette, No. G 20, 18 May 2000, pages 981–990, are revoked.

5 Expiry

These Regulations expire on the day that is 10 years after the day on which they come into operation.

6 Definitions

In these Regulations –

aircraft includes an aeroplane, helicopter, glider, hot air balloon, model aeroplane, model helicopter, kite, hang glider, paraglider and parachute;

authorised officer means a person appointed as an authorised officer under the **Conservation, Forests and Lands Act 1987** for the purposes of the **Land Act 1958**;

camp means –

- (a) to erect, occupy or use a tent or any similar form of accommodation including a swag; or
- (b) to erect, park, occupy or use a caravan, camper van or other movable form of accommodation or temporary structure –

for the purposes of accommodation;

Committee means the committee of management appointed to manage the Park pursuant to the Act;

damage includes to alter, cut or deface;

fauna means any animal-life which is indigenous to Victoria, whether vertebrate or invertebrate and in any stage of biological development and includes any other living thing generally classified as fauna, but does not include humans or fish;

firearm has the same meaning as in the **Firearms Act 1996**;

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

flora means a plant or part of a plant in any stage of biological development, whether the plant or part of a plant is vascular or non-vascular and whether alive or dead;

life-saving aid includes any life-saving equipment, life hook, drag, grapnel, lifebuoy, warning sign, barrier, fire extinguisher, fire hose or similar equipment;

pathway means a footpath, bicycle path, shared path or other thoroughfare constructed or developed for use by members of the public other than with a motor vehicle;

prohibited access area means an area set aside by a determination of the Committee under regulation 9(1)(a);

restricted access area means an area set aside by a determination of the Committee under regulation 9(1)(b);

take means –

- (a) in relation to flora, to kill, injure or disturb any live flora, or to remove or collect all or part of any flora, whether dead or alive; and
- (b) in relation to fauna and other animals, to kill, injure or disturb any fauna or other animal or to remove any dead fauna or other animal;

the Act means the **Crown Land (Reserves) Act 1978**;

the Park means Phillip Island Nature Park, the land shown cross hatched on plans marked LEGL./99–44, LEGL./99–191, LEGL./99–192, LEGL./99–193 lodged in the Central Plan Office;

vehicle has the same meaning as in the **Road Safety Act 1986** but does not include a wheelchair, motorised wheelchair, pram, stroller or other similar device for the conveyance of children or disabled or injured persons;

vessel has the same meaning as in the **Marine Act 1988**.

7 Application of certain regulations

These Regulations do not apply to –

- (a) an employee of the Committee who is acting in the course of his or her duties;
- (b) an authorised officer who is acting in the course of his or her duties;
- (c) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the Committee or an employee of the Committee;
- (d) a person acting in accordance with a lease, licence, tenancy or permit granted or issued in relation to the Park under the Act or another Act relating to Crown land.

PART 2 – ADMINISTRATION OF THE PARK BY THE COMMITTEE

8 Opening hours of the Park

- (1) Subject to subregulations (4) and (5), a person must not enter or be in the Park or part of the Park outside the times and days determined by the Committee to be the times and days when the Park or part of the Park is open to the public.
- (2) The Committee must erect signs indicating the times and days on which the Park or part of the Park is open to the public.
- (3) The Committee may determine the times and days on which the whole or any part of the Park is available for use by the public.
- (4) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued under subregulation (5).
- (5) The Committee may issue a permit to a person to enter or be in the Park outside the time or days when the Park or that part of the Park is open to the public.

9 Restricted or prohibited access areas

- (1) The Committee may, by determination, set aside a specified area of the Park as being –
 - (a) a prohibited access area; or
 - (b) a restricted access area.

- (2) A person must not enter or be in a prohibited access area unless that person does so under and in accordance with a permit issued under subregulation (4).
- (3) A person must not enter or be in a restricted access area unless that person does so –
 - (a) in accordance with the determination of the Committee under which the area is set aside; or
 - (b) under and in accordance with a permit issued under subregulation (4).
- (4) The Committee may issue a permit to a person to enter or be in a prohibited access area or a restricted access area.

10 Determination of the Committee

- (1) In a determination by the Committee made under these Regulations relating to the nature or use of an area of the Park, the Committee may specify conditions on the use of that area.
- (2) If the Committee has made a determination under these Regulations, the Committee must cause signs or notices to be erected or displayed at or near the entrance to an area indicating –
 - (a) if appropriate, that it is a prohibited access area or a restricted access area; and
 - (b) if appropriate, any specific use that the Committee has determined is permitted, prohibited or restricted in that area; and
 - (c) any conditions on the use of the area specified under subregulation (1).
- (3) The Committee may revoke or amend a determination made under these Regulations.
- (4) If the Committee revokes or amends a determination under subregulation (3), it must –
 - (a) in the case of revocation, ensure that any signs or notices erected under subregulation (2) relating to that determination are removed.
 - (b) in the case of amendment, ensure that the details of the amendment are included on any signs or notices erected under subregulation (2).

11 Permits

- (1) A permit issued by the Committee under these Regulations authorises the holder of the permit to use an improvement, service or facility or to enter or be in an area of the Park –
 - (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit; andsubject to any terms and conditions specified in the permit.
- (2) A permit issued by the Committee under these Regulations must be in writing.
- (3) The holder of a permit must comply with any terms and conditions of that permit.
- (4) The Committee may cancel a permit at any time –
 - (a) if the holder of the permit has –
 - (i) breached the conditions of the permit; or
 - (ii) otherwise breached these Regulations; or
 - (b) if the continuation of the permit is likely to be detrimental to, or interfere with, the management and protection of the natural environment, features or visitors in the Park; or
 - (c) for the purposes of management of the Park.

- (5) If a permit is cancelled under subregulation (4), the Committee must cause the holder of the permit to be notified in writing of the cancellation of the permit within 28 days after the cancellation.
- (6) The cancellation of a permit under subregulation (4) comes into effect when the holder of the permit receives notice of that cancellation in accordance with subregulation (5).
- (7) A person must not interfere with or obstruct the entry or use –
 - (a) by the holder of a permit; and
 - (b) his or her invitees –
 of any improvement, service, facility or area of the Park that is the subject of the permit.
- (8) The holder of a permit issued under this regulation must produce the permit upon request of a member of the Committee or an authorised officer.

12 Entry fees

- (1) The Committee may impose fees for entry to the Park or an area of the Park.
- (2) The fee that may be imposed by the Committee for entry to the Park or an area of the Park under subregulation (1) must not exceed the amount set out in Column 2 of the Table in the Schedule.
- (3) If the Committee has imposed a fee for entry to the Park or an area of the Park under subregulation (1), the Committee must cause notices indicating the amount of the fee payable to be displayed in a conspicuous place at or near the entrances to the relevant area.
- (4) A person must not enter the Park or an area of the Park without paying the relevant fee, if any, imposed by the Committee under subregulation (1).

PART 3 – USE AND CONTROL OF THE PARK

13 Dogs, horses and other animals

- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which dogs, horses or other animals are permitted subject to any conditions specified in the determination.
- (2) A person must not bring a dog, horse or other animal into the Park.
- (3) The owner or person responsible for the care and control of a dog, horse or other animal must not allow that dog, horse or other animal to be in the Park.
- (4) Subregulations (2) and (3) do not apply to a person who brings a dog, horse or other animal into the Park if –
 - (a) the person does so in accordance with a determination made under subregulation (1); or
 - (b) the dog, horse or other animal is brought into the Park –
 - (i) to assist a disabled person with respect to that person’s disability; or
 - (ii) to be trained to assist disabled persons with respect to disabilities; or
 - (c) the animal is bait for fishing purposes; or
 - (d) the person does so under and in accordance with a permit issued under subregulation (5) –
 and the dog, horse or other animal is effectively controlled for the purpose of preventing nuisance, injury, unreasonable disturbance or damage to any person, fauna or other animal, flora, garden, building, fencing or other improvement.
- (5) The Committee may issue a permit to a person authorising the holder to bring a dog, horse or other animal into the Park or to allow a dog, horse or other animal to be in the Park or area of the Park.

14 Removal of animal faeces

- (1) A person in control of a dog, horse or other animal in the Park must collect and remove from the Park any faeces deposited in the Park by that dog, horse or other animal.
- (2) A person in control of a dog, horse or other animal in the Park must carry a receptacle, bag or other similar item in which to place the faeces of that dog, horse or other animal.

15 Vehicles

- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which the presence and operation of all vehicles or classes of vehicles specified in the determination are prohibited or restricted.
- (2) A person must not operate a vehicle in an area of the Park or bring a vehicle into an area of the Park in contravention of a determination of the Committee under subregulation (1), unless that person does so in accordance with a permit issued under subregulation (5).
- (3) A person must not operate a vehicle in contravention of a notice or sign erected by the Committee that relates to the operation of vehicles in the Park.
- (4) A person must not park or leave a vehicle stationary in the Park in a manner that –
 - (a) obstructs other vehicles; or
 - (b) is likely to damage any flora or destroy or injure any fauna or other animal; or
 - (c) is likely to damage or destroy any natural or cultural feature; or
 - (d) contravenes any sign or notice erected by the Committee.
- (5) The Committee may issue a permit to a person authorising the holder to bring a vehicle into an area of the Park or operate a vehicle in an area of the Park in which vehicles are otherwise prohibited or restricted.
- (6) An authorised officer or an employee of the Committee may, in the interests of safety of persons using the Park, and the care, protection and management of the Park, direct the operator of a vehicle to remove that vehicle from the Park or an area of the Park.
- (7) A person to whom a direction is given under subregulation (6) must comply with that direction.
- (8) An authorised officer or an employee of the Committee may give directions to an operator of a vehicle as to the –
 - (a) movement;
 - (b) direction;
 - (c) speed;
 - (d) stopping; or
 - (e) parking –of the vehicle in the Park.
- (9) A person operating a vehicle in the Park must, as soon as it is safe to do so, comply with any direction of an authorised officer or an employee of the Committee under subregulation (8).

16 Vessels

- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which a person may launch, land, moor, anchor, operate, load or unload a vessel or a specified class of vessel.
- (2) A person must not, in the Park, launch, land, moor, anchor, operate, load or unload a vessel unless that person does so –
 - (a) in accordance with a determination made under subregulation (1); or
 - (b) under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to launch, land, moor, anchor, operate, load or unload a vessel in the Park.

17 Aircraft

- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which a person may –
 - (a) launch or land; or
 - (b) deliver anything by –
an aircraft or a specified class of aircraft.
- (2) A person must not, in the Park –
 - (a) launch or land an aircraft; or
 - (b) deliver anything by an aircraft –
unless that person does so –
 - (c) in accordance with a determination made under subregulation (1); or
 - (d) under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to launch or land an aircraft in the Park or to deliver anything by aircraft to the Park.

18 Camping

- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which a person may camp.
- (2) A person must not camp in the Park unless that person does so –
 - (a) in an area set aside for camping by determination under subregulation (1) and in accordance with that determination; or
 - (b) under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to camp in the Park.
- (4) A person who camps in an area of the Park set aside under subregulation (1) or in accordance with a permit issued under subregulation (3) must –
 - (a) maintain his or her campsite in a clean and tidy condition; and
 - (b) before vacating his or her campsite, clear all his or her litter and personal equipment from the site.

19 Lighting, kindling or maintaining fires

- (1) A person must not light, kindle or maintain a fire in the Park.
- (2) Subregulation (1) does not apply to a person who lights, kindles or maintains a fire in the Park under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to light, kindle or maintain a fire in the Park.
- (4) In this regulation **fire** includes a fire lit, kindled or maintained in a barbecue or other cooking or heating device that uses solid, liquid or gaseous fuel.

20 Protection of flora

- (1) A person must not, in the Park, fell, pick, take, destroy or damage any flora.
- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to fell, pick, take, destroy or damage any flora in the Park.

21 Introducing flora

- (1) A person must not knowingly bring, plant or introduce any flora in or into the Park.
- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to bring, plant or introduce any flora in or into the Park.

22 Interfering with archaeological or historical remains

- (1) A person must not, in the Park, knowingly excavate, remove, destroy, damage or interfere with any archaeological or historical remains or relics.
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to excavate, remove, destroy, damage or interfere with archaeological or historical remains or relics in the Park.

23 Interfering with rocks or similar natural objects

- (1) A person must not, in the Park, intentionally excavate, remove, destroy, damage or interfere with any rock or similar natural object.
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to excavate, remove, destroy, damage or interfere with any rock or similar natural object in the Park.

24 Digging or removal of material

- (1) A person must not—
 - (a) dig or remove from the Park; or
 - (b) knowingly take into the Park – any gravel, shell, grit, sand, soil or other similar material.
- (2) Subregulation (1) does not apply to a person acting –
 - (a) in accordance with a determination made under these Regulations; or
 - (b) under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to dig or remove from the Park or take into the Park any gravel, shell, grit, sand, soil or other similar material.

25 Animals and nests

- (1) A person must not in the Park –
 - (a) harass, hunt, capture or take any fauna or other animal; or
 - (b) possess any fauna or other animal, if the animal is not brought into the Park in accordance with these Regulations; or
 - (c) damage, disturb or interfere with the nest, bower, display mound, lair or burrow of any fauna or other animal.
- (2) A person must not, in the Park –
 - (a) feed, offer food or offer any object as food to any fauna or other animal, if the animal is not brought into the Park in accordance with these Regulations; or
 - (b) allow food to be taken from the possession of the person by any fauna or other animal.
- (3) Subregulation (1) does not apply to a person –
 - (a) acting under and in accordance with a permit issued under subregulation (5); or
 - (b) who is lawfully fishing in the Park.
- (4) Subregulation (2) does not apply to a person who feeds or offers food to a species of animal that is not fauna in accordance with a determination made under subregulation (6).

- (5) The Committee may issue a permit to a person authorising the holder to, in relation to an animal that is not fauna, engage in an activity referred to in subregulation (1).
 - (6) The Committee may by determination set aside a specified area of the Park as an area in which specified species of animal that are not fauna may be fed or offered food.
 - (7) In subregulation (1), **fauna or other animal** does not include bait for fishing that has been lawfully brought into the Park for that purpose.
- 26 Fishing**
- (1) A person must not fish in an area of the Park that has been set aside by a determination made under subregulation (2).
 - (2) The Committee may, by determination, set aside a specified area of the Park as an area in which fishing is prohibited.
- 27 Poisons, firearms, snares and traps**
- (1) A person must not, in the Park, possess, carry or use –
 - (a) poison; or
 - (b) a firearm; or
 - (c) a bow, spear gun, hand-held spear; or
 - (d) a trap, snare, net or similar equipment.
 - (2) Subregulation (1) does not apply to a person who possesses, carries or uses a spear gun, hand-held spear or net to lawfully fish in an area of the Park in which fishing has not been prohibited under regulation 26(2) or possesses or carries a spear gun, hand-held spear or net with the intention of lawfully fishing outside the Park.
 - (3) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued under subregulation (4).
 - (4) The Committee may issue a permit to a person authorising the holder to possess, carry or use poison, a firearm, a bow, speargun, hand-held spear or a trap, snare, net or similar equipment in the Park.
- 28 Flashlights, spotlights and torches**
- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which the carriage or use of a flashlight, spotlight or torch is prohibited or restricted.
 - (2) A person must not carry or use a flashlight, spotlight or torch in an area of the Park in contravention of a determination of the Committee under subregulation (1), unless that person does so in accordance with a permit issued under subregulation (3).
 - (3) The Committee may issue a permit to a person authorising the holder to carry or use a flashlight, spotlight or torch.
- 29 Research or scientific study**
- (1) A person must not in the Park conduct any formal research or scientific study.
 - (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued under subregulation (3).
 - (3) The Committee may issue a permit to a person authorising the holder to conduct formal research or scientific study in the Park.
- 30 Destroying improvements or facilities**
- (1) A person must not in the Park, destroy, damage, remove, displace or interfere with anything constructed, erected or provided in the Park by the Committee.
 - (2) Subregulation (1) does not apply to a person who uses a life-saving aid for the purpose of saving life.

31 Erecting or using buildings and structures

- (1) A person must not, in the Park –
 - (a) erect or place any building or structure (whether permanent or temporary), including but not limited to any marquee or similar structure or any inflatable castle or similar device; or
 - (b) enter, occupy or use any building or structure which is provided for public use except in accordance with the purposes for which the building or structure is provided.
- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to erect or place any building or structure or to enter, occupy or use any building or structure in the Park for a purpose other than the purpose for which it is provided.

32 Umbrellas and shading devices

A person who uses an umbrella or device for providing shade or weather protection in the Park must ensure that the device is –

- (a) held or controlled by hand in a safe manner; or
- (b) securely anchored in a manner that ensures it cannot cause damage or injury to persons or property.

33 Use of soap and detergents

A person must not use or dispose of any soap, detergent or similar substance in the Park within 50 metres of any sea, river, stream, creek, well, spring, dam, lake, reservoir, bore or waterbody.

34 Hygiene

- (1) A person must not leave behind or deposit faeces in the Park unless the person does so in toilet facilities provided.
- (2) A person who occupies or uses an area of the Park must remove all his or her litter from the site before vacating it.

35 Use of toilets, showers and other facilities

- (1) A person must not, in the Park, enter or use a toilet, shower or other facility designated solely for the use of persons of the opposite sex.
- (2) Subregulation (1) does not apply to the entering or use of a toilet, shower or other facility by –
 - (a) a child under eight years of age when accompanied by an adult; or
 - (b) a disabled person; or
 - (c) a carer of a disabled person when caring for that person.

36 Pathways

- (1) The Committee may, by determination, set aside a specified area of the Park as a pathway.
- (2) A person must not use an area of the Park set aside as a pathway unless the person does so in accordance with –
 - (a) the determination made under subregulation (1); and
 - (b) any signs or notices erected by the Committee on or near the pathway; and
 - (c) any markings caused by the Committee to be made on the pathway.
- (3) A person must not use a pathway or an area adjacent to a pathway in a manner that is likely to obstruct, hinder or prevent any other person using the pathway or an area adjacent to the pathway in accordance with these Regulations.

- (4) A person must, in the Park, remain on a pathway if the Committee has erected a sign or notice on or immediately adjacent to that pathway requiring persons to remain on that pathway.
- (5) Subregulations (2) and (4) do not apply to a person who is acting in accordance with a permit issued or a determination made under these Regulations.

37 Engaging in sport or recreational activity

- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which –
 - (a) one or more specified sports or recreational activities may be conducted; or
 - (b) the conduct of one or more specified sports or recreational activities is prohibited.
- (2) A person must not engage in a sport or recreational activity unless that person does so –
 - (a) in accordance with a determination made under subregulation (1); or
 - (b) under and in accordance with a permit issued under subregulation (5).
- (3) A person must not interfere with or prevent the conduct of a sport or recreational activity to which a determination under subregulation (1)(a) relates in an area set aside by that determination.
- (4) A person must not engage in a sport or recreational activity in an area that has been set aside under subregulation (1)(b) as an area where the conduct of that sport or recreational activity is prohibited, unless that person does so under and in accordance with a permit issued under subregulation (5).
- (5) The Committee may issue a permit to a person authorising the holder to play or conduct a specified sport or activity in the Park.

38 Organised events

- (1) A person must not, in the Park, conduct –
 - (a) subject to regulation 37, an organised sporting event, entertainment or show; or
 - (b) a festival, tour, carnival, fete, or public meeting; or
 - (c) a demonstration, training class or similar event; or
 - (d) an animal show or competition; or
 - (e) a wedding or similar ceremony –unless the person does so –
 - (f) under and in accordance with a permit issued under subregulation (3); or
 - (g) in accordance with a determination made under subregulation (4).
- (2) A person must not, in the Park, conduct a private event, that is not a wedding or similar ceremony, for 20 or more persons unless the person does so under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to conduct an activity, event or function referred to in subregulation (1) or (2) in the Park.
- (4) The Committee may, by determination, set aside a specified area of the Park as an area in which one or more of the activities referred to in subregulations (1)(a), (1)(b), (1)(c), (1)(d) or (1)(e) may be conducted.

39 Dangerous or disturbing activities

A person must not, in the Park –

- (a) throw an object; or
- (b) play a game; or
- (c) engage in any other activity –

in a manner that is likely to cause danger or unreasonable disturbance to persons, flora, fauna or other animals or property.

40 Advertising and soliciting

- (1) A person must not, in the Park, solicit or collect money unless the person does so under and in accordance with a permit issued under subregulation (3).
- (2) A person must not, in the Park –
 - (a) display any advertising; or
 - (b) hand out or disseminate any advertising, commercial or promotional material –unless the person does so under and in accordance with a permit issued under subregulation (3).
- (3) The Committee may issue a permit to a person authorising the holder to solicit or collect money, display advertising or hand out or disseminate advertising, commercial or promotional material in the Park.

41 Conduct of commercial activities

- (1) A person must not, in the Park –
 - (a) sell, trade or hire any goods or services or advertise, offer or display any goods or services for sale, trade or hire; or
 - (b) take any photograph, film, video or audio recording or make any television or radio broadcast for commercial purposes; or
 - (c) offer or display any vehicle for hire or carry passengers for reward; or
 - (d) conduct any form of instruction for reward; or
 - (e) undertake any other commercial activity –unless the person does so under and in accordance with a permit issued under subregulation (3).
- (2) Subregulation (1)(c) does not apply to any person operating a commercial passenger vehicle within the meaning of section 86 of the **Transport Act 1983**.
- (3) The Committee may issue a permit to a person authorising the holder to sell, trade or hire any goods or services or advertise, offer or display any goods or services for sale, trade or hire; or take any photograph, film, video or audio recording or make any television or radio broadcast for commercial purposes; or offer or display any vehicle for hire or carry passengers for reward; or conduct any form of instruction for reward; or undertake any other commercial activity in the Park.

42 Operating devices or equipment

- (1) A person must not, in the Park, play or operate any sound producing device at a volume likely to –
 - (a) cause inconvenience or nuisance to any person; or
 - (b) disturb fauna or other animals –unless the person does so under and in accordance with a permit issued under subregulation (4).
- (2) A person must not, in the Park, operate equipment that is not a sound producing device in a manner that is likely to –
 - (a) cause inconvenience or nuisance to any person; or
 - (b) disturb fauna or other animals –except in an area of the Park that is set aside as an area in which that equipment can be operated by a determination made under subregulation (5).

- (3) Subregulation (2) does not apply to a person who –
 - (a) operates equipment under and in accordance with a permit issued under subregulation (4); or
 - (b) uses the equipment for necessary medical purposes; or
 - (c) operates a vehicle lawfully.
- (4) The Committee may issue a permit to a person to authorising the holder to play or operate a sound producing device or operate equipment that is not a sound producing device in the Park.
- (5) The Committee may, by determination, set aside a specified area of the Park as an area in which specified equipment may be used or operated.
- (6) In this regulation sound producing device means a device, the main function of which is to make, reproduce or amplify sound.

43 Possession of liquor and glass containers and bottles

- (1) A person must not possess liquor in an area of the Park that has been set aside as an area in which the possession or consumption of liquor is prohibited under subregulation (3).
- (2) A person must not possess or carry a glass bottle, glass container or glass utensil in an area of the Park that has been set aside under subregulation (3) as an area in which such a bottle, container or utensil must not be possessed or carried.
- (3) The Committee may, by determination, set aside a specified area of the Park as an area in which liquor may not be possessed or consumed or in which a glass bottle, glass container or glass utensil may not be possessed or carried.

PART 4 – GENERAL

44 Directions to leave

- (1) An authorised officer may, in the interests of safety of persons using the Park, direct a person –
 - (a) to leave the Park or an area of the Park; or
 - (b) to remain in the Park or an area of the Park.
- (2) A person to whom a direction is given under subregulation (1) must comply with that direction.
- (3) If an authorised officer reasonably believes that a person has contravened any of these Regulations, the authorised officer may direct the person to leave the Park or any area of the Park.

SCHEDULE

Regulation 12

MAXIMUM FEES FOR ENTRY TO THE PARK

<i>Column 1</i>	<i>Column 2</i>
AREA OF PARK	MAXIMUM FEE
Penguin Parade (available after 4.00 pm)	
Adult	\$21.20
Australian Pension Card Holder	\$10.60
Child (4 to 15 years of age)	\$14.80
Family (2 Adults and 2 Children)	\$53.00
Penguin Visitor Centre Day Entry (available before 4.00 pm)	
Adult	\$4.00
Australian Pension Card Holder	\$2.00
Child (4 to 15 years of age)	\$2.50
Family (2 Adults and 2 Children)	\$10.50
Koala Conservation Centre	
Adult	\$10.60
Child (4 to 15 years of age)	\$5.30
Australian Pension Card Holder	\$7.40
Family	\$26.50
Churchill Island	
Adult	\$10.60
Child (4 to 15 years of age)	\$5.30
Australian Pension Card Holder	\$7.40
Family	\$26.50

NOTES

- (1) A person who contravenes any one of these Regulations is liable to the imposition of penalties as set out in section 13(5) or (6) of the **Crown Land (Reserves) Act 1978**.
- (2) In addition to these Regulations the following laws also apply with respect to activities within the Park –

Fires

The **Country Fire Authority Act 1958** regulates the lighting of fires in the open air and failure to adhere to that legislation may result in the imposition of penalties.

Fireworks

The use of fireworks is regulated under the **Dangerous Goods Act 1985** and Regulations under that Act. A person who fails to comply with the requirements of that legislation is liable to the imposition of penalties under that Act and those Regulations.

Fishing

Fishing is governed by the **Fisheries Act 1995** and Regulations under that Act, and failure to adhere to that legislation may result in the imposition of penalties under that Act and those Regulations.

Litter

The depositing of litter in the Park is prohibited under the **Environment Protection Act 1970** and may result in the imposition of penalties under that Act.

Motor vehicles

Under the Land Conservation (Vehicle Control) Regulations 2003, motor vehicles are prohibited within the Park except on a road, in a parking area or in an area declared to be a free access area. A contravention may result in the imposition of penalties under those Regulations.

Wildlife

The taking, hunting or destroying of wildlife, including game, is regulated under the **Wildlife Act 1975** and Regulations under that Act. A person who fails to comply with the requirements of that legislation is liable to the imposition of penalties under that Act and those Regulations.

Dated 13 May 2010

RODNEY WARREN
Statewide Program Leader
Public Land Services
as delegate of the Minister for Environment and Climate Change

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