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GENERAL

Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

The Secretary to the Department of Energy, Environment and Climate Action makes a Declaration of Public Safety Zone pursuant to section 4(1) of the **Safety on Public Land Act 2004**:

1. Definitions

For the purposes of this declaration:

- (i) 'the Act' means the **Safety on Public Land Act 2004**;
- (ii) 'Buffer' means an area of State forest that extends 150 metres outside the perimeter of any Fire or Forest Operations Area;
- (iii) 'Fire Operations' means any activities undertaken on State forest to meet the obligations of the Secretary under section 62(2) of the **Forests Act 1958**, that are:
 - (a) Identified on a Joint Fuel Management Program; or
 - (b) Ancillary works to the activities identified on a Joint Fuel Management Program;
- (iv) 'Forest Operations' means select activities undertaken on State forest to meet the obligations of the Secretary under section 18 of the **Forests Act 1958**, that are identified on an Operational Forest Management Plan as ecological thinning, hazardous tree removal or activities associated with the DAR project;
- (v) 'Fire Operations Area' means any area of State forest designated as 'burn', 'planned burn', 'non-burn fuel treatment', 'Strategic Fuel Break', 'minor fuel break', 'storm debris management' or 'hazardous tree treatment', in any approved Joint Fuel Management Program or in any map approved from time to time under a Joint Fuel Management Program;
- (vi) 'Forest Operations Area' means any area of State forest designated as a worksite for the purposes of protection, control and management of forest health and included on an approved Operational Forest Management Plan for ecological thinning, hazardous tree removal and activities associated with the DAR project;
- (vii) Both 'Joint Fuel Management Program' and 'Operational Forest Management Plan' means any plan that has been or is:
 - (a) prepared from time to time in accordance with the Code of Practice for Bushfire Management on Public Land prepared from time to time under Part 5 of the **Conservation, Forests and Lands Act 1987**, and
 - (b) issued or published and applies from time to time during the period of this declaration, related to the role of the Secretary under section 62(2) or section 18 of the **Forests Act 1958**;
- (viii) 'Public Safety Zone' has the same meaning as in the Act;
- (ix) 'Secretary' means the Secretary to the Department of Energy, Environment and Climate Action;
- (x) 'DAR project' is the Deletite Arm Reforestation project.

2. Incorporation of spatial areas by reference

Pursuant to section 4(3) of the Act, this declaration incorporates as a matter any area of State forest designated in any Joint Fuel Management Program or Operational Forest Management Plan, or in any map approved from time to time under any Joint Fuel Management Program or Operational Forest Management Plan as 'burn', 'planned burn', 'non-burn fuel treatment', 'Strategic Fuel Break', 'minor fuel break', 'ecological thinning', 'hazardous tree removal', 'activities associated to the DAR project'.

3. Exclusions

Not applicable.

4. Declaration of Public Safety Zone and areas to which the declaration applies

Any area of State forest that is a Fire Operations Area, Forest Operations Area or Buffer is declared to be a Public Safety Zone and, pursuant to section 5(1)(a) of the Act, is an area to which this declaration applies.

5. Purpose for which the areas have been declared

Pursuant to section 5(1)(b) of the Act, the purpose for which a Public Safety Zone has been declared are specified as:

- a) fire operations; and
- b) the maintenance of public safety;
- c) select forest operations.

6. Period of the declaration

Pursuant to section 5(1)(c) of the Act, the period for which the Public Safety Zones are declared is specified to be the period commencing from 1 December 2024 to 28 February 2025 inclusive.

7. Periods when access is prohibited

For the purposes of section 5(1)(d) of the Act, the period during which access to a Public Safety Zone is prohibited is the period from commencement of Fire Operations or Forest Operations in a Public Safety Zone to the cessation of Fire Operations or Forest Operations in that Public Safety Zone, as determined by the following:

Fire Operations:

- a) commence or commenced in a Public Safety Zone upon either of the following occurring or having occurred:
 - (i) a notice being displayed on or near that Public Safety Zone in accordance with section 11(1) of the Act,
 - (ii) equipment, machinery, or vehicles for fire operations being present in that Public Safety Zone, and
- b) cease upon a notice of the completion of Fire Operations in that Public Safety Zone being displayed on or near that Public Safety Zone by an employee of the Department of Energy, Environment and Climate Action, Parks Victoria, or Melbourne Water.

Forest Operations:

- a) commence or commenced in a Public Safety Zone upon either of the following occurring or having occurred:
 - (i) a notice being displayed on or near that Public Safety Zone in accordance with section 11(1) of the Act,
 - (ii) equipment, machinery, or vehicles for fire operations being present in that Public Safety Zone, and
- b) cease upon a notice of the completion of Forest Operations in that Public Safety Zone being displayed on or near that Public Safety Zone by an employee of the Department of Energy, Environment and Climate Action, Parks Victoria, or Melbourne Water.

For the purposes of this declaration, Fire Operations or Forest Operations can commence and cease more than once in a Public Safety Zone.

8. Activities prohibited

- a) For the purposes of section 5(1)(e) of the Act, the activities that are prohibited in the areas declared to be Public Safety Zones are specified to be:
 - (i) activities that interfere with exempt persons undertaking fire or forest operations;
 - (ii) activities that would expose any person to risks to their health or safety.

- b) In clause 8(a) of this declaration –
- (i) ‘activity’ includes:
 - (a) entering a Public Safety Zone,
 - (b) remaining in or being present in a Public Safety Zone,
 - (c) walking, riding or driving in a Public Safety Zone,
 - (d) camping or setting up a camp in a Public Safety Zone, and
 - (e) placing an obstruction within a Public Safety Zone.
 - (ii) ‘exempt person’ means any person or class of person specified in:
 - (a) clause 9 of this declaration; and
 - (b) section 9 of the Act.

9. Exempt person or class of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) Employees, agents and contractors of the Department of Energy, Environment and Climate Action, Parks Victoria, Melbourne Water, Country Fire Authority and Hancock Victorian Plantations who are trained in Basic Wildfire Awareness or higher or are accompanied by a person trained in Basic Wildfire Awareness or higher.
- (b) Employees, agents and contractors of the Department of Energy Environment and Climate Action, Parks Victoria, and Melbourne Water engaged in carrying out their functions.
- (c) Employees, agents, and contractors of the Country Fire Authority, WorkSafe, Environment Protection Authority and the State Emergency Services engaged in carrying out their functions.
- (d) Members of Victoria Police engaged in carrying out their functions.

10. Charter Assessment

A charter assessment has been undertaken for proper consideration to a relevant human right in making the Declaration, as required under section 38(1) of the Charter.

Dated 26 November 2024

Executed by the Secretary to the Department of Energy,
Environment and Climate Action by being signed by its delegate
CHRIS HARDMAN,
Chief Fire Officer
pursuant to a delegation (dated 16 October 2019)
made under section 11(2) of the
Conservation Forests and Lands Act 1987

Notes:

1. Joint Fuel Management Program, and Operational Forest Management Plan maps approved in or under these plans are held at the Department of Energy, Environment and Climate Action (DEECA) Regional Offices at Ballarat, Bendigo, Benalla, Geelong, Traralgon and at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment with the State Fuel Management Coordinator). The maps are also available on the following web site: www.ffm.vic.gov.au/jfmp and <https://www.ffm.vic.gov.au/forest-management>
2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary,
 - an authorised officer,
 - a utility engaged in the carrying out of its functions in a State forest,
 - a transport authority engaged in the carrying out of its functions in a State forest,
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.