



Victoria Government Gazette

No. S 333 Wednesday 3 December 2008
By Authority, Victorian Government Printer

Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES)
(ALBERT PARK RESERVE AND ALBERT RESERVE) REGULATIONS 2008

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1 – PRELIMINARY	
1 Objectives	3
2 Authorising provision	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	
8 Opening hours of the Park	5
9 Areas set aside as restricted or prohibited access areas	5
10 Determination of the Committee setting an area aside	5
11 Permits	5
12 Fees and charges	6
PART 3 – USE AND CONTROL OF THE PARK	
13 Entry of animals	6
14 Removal of animal faeces	7
15 Vehicles	7
16 Vessels	8
17 Aircraft	8
18 Camping	8
19 Lighting or maintaining fires	8
20 Protection of flora	9
21 Introducing flora	9
22 Interfering with archaeological or historical remains	9
23 Interfering with rocks or similar natural objects	10
24 Digging or removal of material	10
25 Animals and nests	10
26 Fishing	11
27 Use of fishing nets	11
28 Poisons, firearms, snares and traps	11
29 Research or scientific study	11
30 Interfering with structures etc.	11
31 Erecting or using buildings and structures	11

SPECIAL

32	Use of toilets, showers and other facilities	11
33	Gates	12
34	Pathways	12
35	Engaging in sport or recreational activity (other than golf)	12
36	Organised events	12
37	Dangerous or disturbing activities	13
38	Advertising and soliciting	13
39	Conduct of commercial activities or trades and businesses	13
40	Operating annoying or disturbing device or equipment	13
41	Possession of liquor and glass containers and bottles	14
PART 4 – GOLF		
42	Golf courses	14
43	Golf carts	14
PART 5 – GENERAL		
44	Directions to leave	14
SCHEDULE		15
NOTES		17

Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES)

(ALBERT PARK RESERVE AND ALBERT RESERVE) REGULATIONS 2008

I, Gavin Jennings, Minister for Environment and Climate Change, make the following Regulations:

Dated 28 November 2008

Responsible Minister:

GAVIN JENNINGS

Minister for Environment and Climate Change

PART 1 – PRELIMINARY**1 Objectives**

The objectives of these Regulations are to provide for the –

- (a) care, protection and management of Albert Park Reserve and Albert Reserve; and
- (b) preservation of good order and the safety of persons in Albert Park Reserve and Albert Reserve; and
- (c) use of any services or facilities in Albert Park Reserve and Albert Reserve.

2 Authorising provision

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 (Albert Park Regulations) 1998 made by the delegate of the Minister for Conservation and Land Management on 3 December 1998 and published in Government Gazette, No. 48, 3 December 1998, pages 2942–2951, 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, hang glider, paraglider and parachute;

‘**Albert Park Reserve**’ means the land shown hatched on plan LEGL. /08 – 028 lodged in the Central Plan Office of the Department of Sustainability and Environment;

‘**Albert Reserve**’ means the land shown cross-hatched on plan LEGL. /08 – 028 lodged in the Central Plan Office of the Department of Sustainability and Environment;

‘**authorised officer**’ has the same meaning as in the Act;

‘**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 bodies appointed to manage the Park pursuant to the Act;

‘**damage**’ means 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 any 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;

‘**golf buggy**’ means a device (other than a golf cart) for the conveyance of golf clubs;

‘**golf cart**’ means a motorised vehicle for the conveyance of a person or golf clubs;

‘**golf course**’ means an area set aside under regulation 42 for the purposes of playing or practising golf, and includes a golf links, driving range, practice green and practice fairway;

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

‘**mooring**’ includes any equipment, facility or structure for the securing of a vessel;

‘**navigational aid**’ means any lighthouse, buoy, beacon, signal, flag or similar equipment and any adjacent supporting structure or post;

‘**Park**’ means Albert Park Reserve and Albert Reserve;

‘**pathway**’ means a footpath, bicycle path or other thoroughfare constructed or developed for use by members of the public other than with a motor vehicle whether or not the pathway is shared, segregated or otherwise categorised so far as allowable uses are concerned;

‘**prohibited access area**’ means an area set aside under regulation 9 as an area to which access is prohibited;

‘**public fireplace**’ means a fireplace including a gas or electric barbecue provided in the Park for general use by visitors;

‘**restricted access area**’ means an area set aside under regulation 9 as an area to which access is restricted;

‘**stone**’ has the same meaning as in the **Extractive Industries Development Act 1995**;

‘**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 remove any dead fauna or other animal;

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

‘**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 disabled or injured persons or children;

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

7 Application of certain regulations

These Regulations do not apply to any of the following persons –

- (a) an employee of the Committee when acting in the course of his or her duties;
- (b) an authorised officer when 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, permit or authority granted or issued under the Act or another Act relating to Crown land, over land and water in the Park.

PART 2 – ADMINISTRATION OF THE PARK BY THE COMMITTEE**8 Opening hours of the Park**

- (1) A person must not enter or remain in the Park or part of the Park outside the times and days determined by the Committee and indicated by signs erected by the Committee to be the times and days on which the Park or part of the Park is open to the public.
- (2) For the purposes of subregulation (1), the Committee may determine the times and days on which the whole or any part of the Park is available or unavailable for use by the public.
- (3) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued by the Committee.
- (4) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

9 Areas set aside as restricted or prohibited access areas

- (1) The Committee may make a determination setting aside an area in the Park as being –
 - (a) a prohibited access area; or
 - (b) a restricted access area.
- (2) A person must not enter or remain in an area set aside under subregulation (1) as a prohibited access area, unless that person does so under and in accordance with a permit issued by the Committee.
- (3) A person must not enter or remain in an area set aside under subregulation (1) as 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 by the Committee.
- (4) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (2) or (3).

10 Determination of the Committee setting an area aside

- (1) In a determination of the Committee under these Regulations setting aside an area, the Committee may specify conditions under which the use of the area to which the determination relates may or may not be carried out.
- (2) If the Committee has made a determination setting aside an area under these Regulations in which a particular use of an area is restricted or prohibited, the Committee must cause signs or notices to be erected or displayed at or near the entrance to the area indicating –
 - (a) the area that has been set aside under the determination; and
 - (b) in the case of a use that is restricted, the conditions under which a particular use that is restricted may be carried out in the area so set aside.

11 Permits

- (1) A permit issued under regulation 8, 9, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 28, 29, 31, 35, 36, 38, 39, 40 or 43 authorises the holder of the permit to enter and use an improvement, service, facility or area of the Park –
 - (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit; and
 - (c) subject to any terms and conditions in respect of that entry or use determined by the Committee and specified in the permit.

- (2) A permit issued by the Committee under these Regulations must be in writing.
- (3) The holder of any current 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) 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 Park management.
- (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 a reasonable time after the cancellation.
- (6) The cancellation of a permit under subregulation (4) comes into effect when the holder of the permit is given notification of that cancellation in accordance with subregulation (5).
- (7) A person must not interfere with or obstruct the use by the holder of a permit and his or her invitees of any improvement, service, facility or area of the Park that is the subject of the permit.

12 Fees and charges

- (1) The Committee may impose fees for the use of improvements, services or facilities in the Park provided that such fees do not exceed the amounts specified in the Schedule.
- (2) If the Committee has imposed a fee for use of improvements, services or facilities in 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 improvement, service or facility.
- (3) A person must not use an improvement, service or facility within the Park without paying the appropriate fee, if any, imposed by the Committee under subregulation (1).
- (4) Subregulation (3) does not apply to a person who is engaging in –
 - (a) a sport or recreational activity (other than golf) under regulation 35; or
 - (b) an organised event under regulation 36; or
 - (c) a commercial activity under regulation 39 –unless that person is responsible for the conduct of that sport or recreational activity, organised event, or commercial activity.

PART 3 – USE AND CONTROL OF THE PARK

13 Entry of animals

- (1) The Committee may, by determination, set aside an area of the Park as an area –
 - (a) into which dogs, horses or other animals may be brought; and
 - (b) in which dogs, horses or other animals may remain –subject to the conditions specified in the determination.
- (2) A person must not bring a dog, horse or other animal into the Park or allow a dog, horse or other animal to remain in the Park.

- (3) If a dog, horse or other animal is found in the Park, and is not under the control of any person, the owner of the dog, horse or other animal or, if another person has the care and control of the dog, horse or other animal, that other person, is guilty of an offence.
- (4) Subregulation (2) does not apply to a person who brings a dog, horse or other animal into the Park or allows the dog, horse or other animal to remain in the Park if –
 - (a) the person does so in an area of the Park that is set aside by a determination of the Committee under subregulation (1) and in accordance with that determination; 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 dog, horse or other animal is confined in a vehicle; or
 - (d) the person brings into the Park bait for fishing purposes; or
 - (e) the person brings into or allows to remain in the Park a dog, horse or other animal under and in accordance with a permit issued by the Committee –
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, or garden, building, fencing or other improvement.
- (5) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (4)(e).

14 Removal of animal faeces

- (1) A person in charge of a dog, horse or other animal in the Park must immediately collect and remove all of the excrement left in the Park by that dog, horse or other animal or ensure that the excrement is placed in a receptacle provided in the Park for that purpose.
- (2) A person in charge of a dog, horse or other animal in the Park must carry a receptacle, bag or other similar device in which to place the excrement of that dog, horse or other animal.

15 Vehicles

- (1) The Committee may, by determination, set aside an area of the Park as an area –
 - (a) to which entry is prohibited for all vehicles or for those classes of vehicles specified in the determination; or
 - (b) in which the remaining in of all vehicles or of those classes of vehicles specified in the determination is prohibited; or
 - (c) to which entry is restricted for all vehicles or for those classes of vehicles specified in the determination; or
 - (d) in which the remaining in of all vehicles or those classes of vehicles specified in the determination is restricted; or
 - (e) in which the parking in of all vehicles or of those classes of vehicles specified in the determination is restricted.
- (2) A person who is in charge of a vehicle must not cause the vehicle to enter, remain in or park in an area of the Park in contravention of a determination of the Committee under subregulation (1), unless the person does so under and in accordance with a permit issued by the Committee.

- (3) A person who is in charge of a vehicle in the Park must not operate that vehicle in contravention of a notice or sign erected by the Committee that specifies the direction of movement or speed of vehicles in the Park.
- (4) A person must not park or leave a vehicle standing in the Park in a manner that –
 - (a) obstructs other persons or other vehicles; or
 - (b) damages any flora or destroys or injures any fauna or other animal; or
 - (c) is in contravention of any sign or notice erected by the Committee.
- (5) The Committee may issue a permit to a person for the purposes of subregulation (2).

16 Vessels

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

17 Aircraft

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

18 Camping

A person must not camp in the Park.

19 Lighting or maintaining fires

- (1) A person must not light or maintain a fire in the Park.
- (2) Subregulation (1) does not apply to a person who lights or maintains a fire in the Park during a time or period when the lighting of fires is not prohibited under any Act, and the person does so –
 - (a) in a public fireplace; or
 - (b) in an area set aside by a determination of the Committee under subregulation (5) in which –
 - (i) a fire or a particular type of fire may be lit and maintained; or

- (ii) a fire may be lit or maintained in a particular type or types of fireplace or appliance or using a particular type or types of fuel –
in accordance with that determination; or
 - (c) under and in accordance with a permit issued by the Committee.
- (3) A person who lights or maintains a fire in accordance with subregulation (2)(a) or (2)(b) must ensure that –
 - (a) the ground and airspace within a distance of 3 metres of the fire are clear of flammable material; and
 - (b) if the fire is in a commercial appliance –
 - (i) the fuel used in the appliance is of a type that the appliance has been designed and manufactured to use; and
 - (ii) the fire is contained in the appliance; and
 - (iii) the appliance is placed in a stable position when the fire is alight.
- (4) A person who has lit or maintained a fire in accordance with this regulation must extinguish that fire before leaving the place of the fire.
- (5) The Committee may, by determination, set aside an area of the Park for the purposes of subregulation (2)(b).
- (6) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).
- (7) In this regulation ‘fire’ includes a fire lit or maintained in a barbecue 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 –
 - (a) engaged in a sport or recreational activity or playing or practising golf in accordance with these Regulations; or
 - (b) acting under and in accordance with a permit issued by the Committee.
- (3) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

21 Introducing flora

- (1) A person must not, in the Park, knowingly bring in, plant or introduce any flora.
- (2) Subregulation (1) does not apply to a person who –
 - (a) brings firewood into an area of the Park that has been set aside by a determination of the Committee as an area into which firewood may be brought, and the firewood is brought into the set aside area in accordance with that determination; or
 - (b) is acting under and in accordance with a permit issued by the Committee.
- (3) The Committee may, by determination, set aside an area of the Park into which firewood may be brought.
- (4) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

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 by the Committee.
- (3) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

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 by the Committee.
- (3) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

24 Digging or removal of material

- (1) A person must not, in the Park –
 - (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 under these Regulations; or
 - (b) under and in accordance with a permit issued by the Committee.
- (3) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

25 Animals and nests

- (1) A person must not in the Park –
 - (a) take or poison any fauna or other animal; or
 - (b) possess any fauna or other animal, where the animal is not lawfully brought into the Park; or
 - (c) damage or disturb the lair, burrow, habitat or nest 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, where the animal is not lawfully brought into the Park; or
 - (b) permit or 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 acting under and in accordance with a permit issued by the Committee.
- (4) Subregulation (2) does not apply to a person who feeds or offers food to a species of animal that is not fauna in an area set aside by a determination of the Committee as an area in which food may be fed or offered to that species of animal that is not fauna, provided that person does so in accordance with that determination.
- (5) The Committee may issue a permit to a person 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 –
 - (a) set aside an area of the Park; and
 - (b) specify a species of animal that is not fauna – for the purposes of subregulation (4).
- (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) The Committee may, by determination, set aside an area of the Park as an area in which fishing may be carried out.
- (2) A person must not fish in an area of the Park unless the person does so in an area set aside for such purposes and in accordance with the determination by the Committee under subregulation (1) setting the area aside.

27 Use of fishing nets

- (1) A person must not, in the Park, use a net that is designed to be used for fishing.
- (2) Subregulation (1) does not apply to a person who, in an area set aside for fishing under regulation 26, lawfully uses a net that is designed to be used for fishing.

28 Poisons, firearms, snares and traps

- (1) A person must not, in the Park, possess, carry or use any –
 - (a) poison; or
 - (b) bow, firearm, spear gun, spear; or
 - (c) trap, snare, net (that is not designed to be used for fishing) or similar equipment.
- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Committee.
- (3) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

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 by the Committee.
- (3) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

30 Interfering with structures etc.

A person must not, in the Park, destroy, damage, remove, displace or interfere with anything constructed, erected or provided in the Park.

31 Erecting or using buildings and structures

- (1) A person must not, in the Park –
 - (a) erect or place any building or structure, including any marquee or similar structure or any inflatable castle or similar inflatable device; or
 - (b) enter, occupy or use the whole or any part of any building or structure which is provided for public use, unless that entry, occupation or use is 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 by the Committee.
- (3) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

32 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 when accompanied by an adult; or
 - (b) disabled person when accompanied by a carer; or
 - (c) carer of a disabled person whilst caring for that person.

33 Gates

A person must not, in the Park, leave any gate open unless that gate is already open.

34 Pathways

- (1) The Committee may, by determination, set aside an 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 under subregulation (1) setting the area aside; and
 - (b) any signs or notices displayed on or near the pathway; and
 - (c) any markings on the pathway.
- (3) A person must not use a pathway or an area adjacent to a pathway in a manner that obstructs, hinders or prevents any other person using the pathway or an area adjacent to the pathway in accordance with these Regulations.
- (4) A person must not, in the Park, leave 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 by the Committee or any determination under these Regulations.

35 Engaging in sport or recreational activity (other than golf)

- (1) The Committee may, by determination, set aside an area of the Park as an area where –
 - (a) one or more sports or recreational activities (other than golf) may be conducted; or
 - (b) the conduct of one or more sports or recreational activities (other than golf) is prohibited.
- (2) A person must not engage in a sport or recreational activity to which a determination under subregulation (1)(a) relates in an area set aside by the determination in contravention of the determination.
- (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 the 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 the person does so under and in accordance with a permit issued by the Committee.
- (5) The Committee may issue a permit to a person for the purposes of subregulation (4).

36 Organised events

- (1) A person must not, in the Park, conduct –
 - (a) an organised sporting event (that is not in accordance with regulation 35), 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 by the Committee; or
 - (g) in accordance with a determination of the Committee setting aside an area of the Park under subregulation (4) as an area where one or more activities referred to in subregulation (1)(a), (1)(b), (1)(c), (1)(d) or 1(e) may be conducted.

- (2) A person must not, in the Park, conduct a private event, that is not a wedding or similar ceremony, for 100 or more persons unless the person does so under and in accordance with a permit issued by the Committee.
- (3) The Committee may issue a permit to a person to conduct an organised event referred to in subregulation (1) or (2).
- (4) The Committee may, by determination, set aside an area of the Park for the purposes of subregulation (1)(g).

37 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 other persons, flora, fauna, other animals or property.

38 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 by the Committee.
- (2) A person must not, in the Park –
 - (a) display any sign for the purposes of 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 by the Committee.
- (3) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1) or (2).

39 Conduct of commercial activities or trades and businesses

- (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) undertake any other commercial activity –unless the person does so under and in accordance with a permit issued by the Committee.
- (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 to engage in an activity referred to in subregulation (1).

40 Operating annoying or disturbing device 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 by the Committee.

- (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 –
 in an area of the Park that is not set aside by the Committee for the purposes of operating that equipment.
- (3) Subregulation (2) does not apply to a person who –
 - (a) operates the equipment under and in accordance with a permit issued by the Committee; or
 - (b) uses the equipment for necessary medical purposes; or
 - (c) operates a vehicle or vessel lawfully.
- (4) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1) or (2).
- (5) The Committee may, by determination, set aside an area of the Park to allow an activity referred to in subregulation (2).
- (6) In this regulation ‘**sound producing device**’ means a device, the main function of which is to make, reproduce or amplify sound.

41 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 by the Committee as an area in which the possession of liquor is prohibited.
- (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 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 an area of the Park for the purposes of subregulation (1) or (2).

PART 4 – GOLF

42 Golf courses

- (1) The Committee may determine that an area of the Park be set aside as a golf course for the purposes of the playing or practising of golf.
- (2) A person must not, in the Park, play or practise golf, other than on a golf course and in accordance with the determination of the Committee setting aside the area of the Park as a golf course.
- (3) A person must not interfere with or prevent another person from the playing or practising of golf in an area of the Park that has been set aside as a golf course by a determination of the Committee under subregulation (1).

43 Golf carts

- (1) A person must not, in the Park, operate a golf cart unless the person operates that golf cart on a golf course –
 - (a) under and in accordance with a permit issued by the Committee; and
 - (b) in accordance with any sign or notice erected by the Committee that directs the operation of a golf cart.
- (2) The Committee may issue a permit to a person to engage in an activity referred to in subregulation (1).

PART 5 – GENERAL

44 Directions to leave

If an authorised officer reasonably believes that a person has contravened these Regulations, the authorised officer may direct the person to leave the Park or any part of the Park.

SCHEDULE

Regulation 12

MAXIMUM FEES

**1. MAXIMUM FEES FOR USE OF IMPROVEMENTS, SERVICES OR FACILITIES
(OTHER THAN GOLF COURSES) IN THE PARK
(fees are per day or part thereof unless otherwise stated)**

IMPROVEMENT, SERVICE OR FACILITY	MAXIMUM FEE
Reserved use of picnic area or similar facility for an organised event (Regulations 36 and 39)	
< 100 persons	\$166.00
100 – 150 persons	\$254.00
151 – 200 persons	\$334.00
201 – 250 persons	\$414.00
251 – 300 persons	\$454.00
301 – 500 persons	\$843.00
Reserved use of open space areas for an organised event (Regulations 36 and 39)	
< 50 persons	\$122.00
50 – 100 persons	\$175.00
101 – 200 persons	\$232.00
201 – 500 persons	\$464.00
501 – 1000 persons	\$843.00
1001 – 2000 persons	\$1,672.00
2001 – 5000 persons	\$3,344.00
> 5000 persons	\$8,013.00
Reserved use of oval/sports ground to engage in a sport or recreational activity (other than golf) or an organised sporting event (Regulations 35, 36 and 39)	
Weekday	\$160.00
Weekend	\$290.00
Reserved use of lake to engage in a sport or recreational activity (other than golf) or an organised event (Regulations 16, 35, 36 and 39)	
Non-exclusive use of lake up to 4 hours	\$808.00
Non-exclusive use of lake > 4 hours	\$1,206.00
Exclusive use of lake	\$5,000.00
Exclusion zone on lake per hour	\$192.00

IMPROVEMENT, SERVICE OR FACILITY	MAXIMUM FEE
Reserved use of Amphitheatre (commercial) (Regulation 39)	
Up to 4 hours	\$322.00
> 4 hours	\$488.00
Reserved use of lake path (Regulations 35, 36 and 39)	
100 – 500 persons	\$410.00
501 – 1000 persons	\$808.00
1001 – 2000 persons	\$927.00
2001 – 5000 persons	\$1,159.00
> 5000 persons	\$1,391.00
Reserved use of Pit Building (Regulations 35, 36 and 39)	
Ground or 1st floor in Pit Building 1 per hour	\$162.00
Ground or 1st floor in Pit Building 1 per week	\$2,319.00
Pit Building 5 or Pit Building 6 per hour	\$141.00
Pit Building 5 or Pit Building 6 per week	\$2,319.00
Reserved use of closed road (Regulations 15, 35, 36 and 39)	
Road closure (by negotiation) of full road per hour	\$1,159.00
Road closure (by negotiation) of partial road per hour	\$488.00
Use of vehicle parking area (Regulation 15)	
Per hour – 8 am to 5 pm on weekdays	\$4.00
Flat rate – 5 pm to 9 pm on weekdays and all day on weekends	\$3.00
Flat rate – all day on weekdays	\$10.00

2. MAXIMUM FEES FOR USE OF ALBERT PARK GOLF COURSE

IMPROVEMENT, SERVICE OR FACILITY	MAXIMUM FEE
Golf Course (Regulation 42)	
Green fee: Adult – 18 holes – weekday	\$29.00
Green fee: Adult – 18 holes – weekend	\$31.00
Green fee: Adult – 9 holes (weekday only)	\$22.00
Green fee: Pensioners and under 16 – 18 holes	\$21.00
Green fee: Pensioners and under 16 – 9 holes	\$16.00
Green fee: Seniors – 18 holes	\$26.00
Green fee: Seniors – 9 holes	\$20.00

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 –

Albert Park Lake

The use of vessels on Albert Park Lake is governed by the **Marine Act 1988**.

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

In addition to regulations 26 and 27, 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 from being 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.

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