



Victoria Government Gazette

No. S 91 Monday 5 March 2018
By Authority of Victorian Government Printer

Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (CAULFIELD RACECOURSE RESERVE) REGULATIONS 2018

I, Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, make the following Regulations.

Dated 28 February 2018

HON. LILY D'AMBROSIO MP
Minister for Energy, Environment and Climate Change

PART 1 – PRELIMINARY

1 Objectives

The objectives of these Regulations are to –

- (a) provide for the care, protection and management of the reserve; and
- (b) provide for the preservation of good order and decency in the reserve; and
- (c) provide for the safety of persons in the 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 on which they are published in the Government Gazette.

4 Expiry

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

5 Revocation

All regulations listed in the Schedule to these Regulations and any other previous regulations made under section 13 of the **Crown Land (Reserves) Act 1978** or any corresponding provision of the **Land Act 1958**, or previous enactments, insofar as they apply to the reserve, are revoked.

6 Definitions

In these Regulations –

aircraft includes, but is not limited to, the following –

- (a) an aeroplane;
- (b) a helicopter (including a multi-rotor helicopter);
- (c) a glider;
- (d) a hot air balloon;
- (e) a hang glider;
- (f) a paraglider;
- (g) a parachute –

whether or not the aircraft is piloted or remote controlled;

animal means any animal, whether vertebrate or invertebrate, in any stage of biological development and whether alive or dead, but does not include any human or fish;

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assistance dog has the same meaning as in the **Equal Opportunity Act 2010**;

authorised officer has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

camp means –

- (a) to erect, occupy or use a tent, tarpaulin or any similar kind of shelter or temporary structure for accommodation; or
- (b) to occupy or use a swag or sleeping bag for accommodation; or
- (c) to occupy or use a vehicle or vessel for accommodation;

emergency has the same meaning as in the **Emergency Management Act 2013**;

emergency activity has the same meaning as in the **Emergency Management Act 1986**;

emergency services agency has the same meaning as in the **Emergency Management Act 1986**;

event day means such day or days determined to be a Race Day or a non-Race Day event pursuant to the provisions of a licence of the licensed area dated 22 November 2017 granted by the Secretary to the Victoria Amateur Turf Club (incorporating Melbourne Racing Club) under the **Crown Land (Reserves) Act 1978**;

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;

fireplace means a facility constructed of stone, metal, concrete or other non-flammable material that is for the lighting and maintaining of fires;

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

flora has the same meaning as in the **Flora and Fauna Guarantee Act 1988**;

leased area means the land in the reserve shown hatched on the plan numbered LEGL./18-012 and lodged in the Central Plan Office;

licensed area means the land in the reserve shown crosshatched on the plan numbered LEGL./18-012 and lodged in the Central Plan Office;

reserve means the Caulfield Racecourse Reserve which has the same meaning as *Reserve* in the **Caulfield Racecourse Reserve Act 2017**;

Secretary means the Secretary to the Department of Environment, Land, Water and Planning, being the body corporate established under the **Conservation, Forests and Lands Act 1987**;

take means, in relation to fauna, to kill, injure or disturb any live fauna or to remove or collect all or any part of any fauna whether alive or dead;

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

vehicle means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes a bicycle or other pedal-powered vehicle, trailer whether towed by a vehicle or animal, tram-car and air-cushion vehicle but does not include –

- (a) a railway locomotive or railway rolling stock; or
- (b) an aircraft; or
- (c) a wheelchair, motorised wheelchair, pram, stroller or other device for the conveyance of children or disabled or injured people;

vessel has the same meaning as in the **Marine Safety Act 2010**;

Victoria Amateur Turf Club (incorporating Melbourne Racing Club) has the same meaning as in the **Caulfield Racecourse Reserve Act 2017**;

volunteer emergency worker has the same meaning as in the **Emergency Management Act 1986**.

7 Application of Regulations on event days

- (1) These Regulations do not apply to the reserve on an event day.
- (2) The Minister must cause signs or notices informing the public of the date or dates of an event day to be erected or displayed at all entrances to the reserve.

8 Application of Regulations to permit, lease or licence holders etc.

These Regulations do not apply to a person who is acting under and in accordance with the terms and conditions of any permit, lease, licence or other authority granted under the Act, or agreement entered into under the Act, or another Act governing Crown land to the extent that the activities authorised by the permit, lease, licence or authority are inconsistent with these Regulations.

9 Application of Regulations to employees etc.

These Regulations do not apply to any of the following persons if that person is carrying out their duties or functions as –

- (a) an authorised officer;
- (b) a police officer or protective services officer within the meaning of the **Victoria Police Act 2013**;
- (c) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the Minister;
- (d) a person employed under Part 3 of the **Public Administration Act 2004** who is carrying out a duty or function under a relevant law within the meaning of the **Conservation, Forests and Lands Act 1987**;
- (e) an operational staff member within the meaning of the **Ambulance Services Act 1986**; or
- (f) an officer, employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity or the discharge of a responsibility, function or other role in relation to an emergency.

PART 2 – ADMINISTRATION OF ACCESS TO THE RESERVE**10 Public access to the licensed area**

A person must not enter or remain in the licensed area in the reserve between sunset and 9.45 am.

Penalty: 5 penalty units

11 Public access to the leased area

A person must not enter or remain in the leased area in the reserve between sunset and 9.45 am and between the hours of 1.30 pm and 4.00 pm.

Penalty: 5 penalty units

12 Permits

- (1) Subject to these Regulations, the Minister may issue a permit authorising the holder of the permit to engage in an activity or to use an improvement, service or facility or to enter or remain in the reserve or an area of the reserve –
 - (a) for the purpose specified in the permit;
 - (b) in the place or area specified in the permit;
 - (c) at the time, or during the period, specified in the permit;
 - (d) if applicable, in respect of the vehicle or class of vehicle, or the vessel or class of vessel, or aircraft or class of aircraft, specified in the permit;
 - (e) by the person, or class of person, specified in the permit;
 - (f) subject to any other conditions specified in the permit.

- (2) The Minister may cancel a permit at any time –
 - (a) if the holder of the permit has –
 - (i) contravened 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 reserve; or
 - (c) for the purposes of management of the reserve.
- (3) The cancellation of a permit under subregulation (2) does not take effect until the holder of the permit is given notification of that cancellation.

13 Signs

A sign or notice required under regulation 7(2) must be displayed in a place and manner that is likely to be seen by any person.

14 Directions to leave

- (1) Subject to subregulation (2) an authorised officer may direct a person –
 - (a) to leave the reserve or an area of the reserve; or
 - (b) to remain in the reserve or an area of the reserve.
- (2) An authorised officer must not give a direction under subregulation (1) unless the authorised officer reasonably believes that the direction is necessary –
 - (a) to avoid a contravention of these Regulations;
 - (b) to prevent the continuing contravention of these Regulations;
 - (c) in the interests of public safety; or
 - (d) for the care, protection or management of the reserve.
- (3) A person to whom a direction is given under subregulation (1) must comply with that direction.
Penalty: 5 penalty units
- (4) If a direction is given under subregulation (1), and includes a direction to not re-enter the reserve or any area of the reserve within 24 hours, a person must comply with that direction.
Penalty: 10 penalty units

PART 3 – PROTECTION OF NATURAL FEATURES

15 Interfering with rocks

A person must not, in the reserve, excavate, remove, destroy, damage, deface or move any rock.

Penalty: 10 penalty units

16 Interfering with archaeological or historical remains prohibited

A person must not, in the reserve, excavate, remove, destroy, damage, deface or move any archaeological or historical remains or relics.

Penalty: 20 penalty units

17 Digging, removal or bringing of material

- (1) A person must not, in the reserve, dig or remove from the reserve any gravel, shell, grit, sand, soil or other similar material.
Penalty: 5 penalty units
- (2) A person must not knowingly bring into the reserve any gravel, shell, grit, sand, soil or other similar material.
Penalty: 5 penalty units

18 Animals and nests

- (1) A person must not, in the reserve, disturb, harass, hunt, capture or take any fauna or other animal.
Penalty: 20 penalty units
- (2) A person must not, in the reserve, destroy, damage or disturb the nest, bower, display mound, lair or burrow of any fauna.
Penalty: 20 penalty units
- (3) A person must not, in the reserve—
- (a) feed, offer food or offer any object as food to any fauna; or
 - (b) permit or allow food to be taken from the possession of that person by any fauna.
- Penalty: 10 penalty units

19 Waterways

A person must not, in the reserve, do anything which is likely to pollute any waterway or conduct any activity which may pollute water.

Penalty: 10 penalty units

PART 4 – RESTRICTIONS ON BRINGING ANIMALS INTO THE RESERVE**20 Dogs**

- (1) Subject to subregulation (2), a person must not bring a dog into, or allow a dog to enter or remain in, an area in the reserve, unless the dog is under the immediate control of that person at all times.
Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person who brings a dog into the reserve and the dog is –
- (a) that person's assistance dog; or
 - (b) confined in a vehicle that is in transit through the reserve.
- (3) A person who brings a dog into the reserve must collect and remove from the reserve all of the faeces deposited by that dog.
Penalty: 5 penalty units

21 Horses

A person must not ride, drive or lead a horse into the reserve or allow a horse to enter or remain in the reserve unless that person is acting under and in accordance with a lease or licence issued for that purpose under the Act or a lease issued for that purpose under the **Caulfield Racecourse Reserve Act 2017**.

Penalty: 10 penalty units

PART 5 – RECREATION, SAFETY AND AMENITY**22 Camping**

A person must not camp in the reserve unless that person does so under and in accordance with a permit issued for that specified purpose.

Penalty: 5 penalty units

23 Barbeques

A person must not, in the reserve, light or maintain a barbeque unless –

- (a) that person does so at a time and during a period when the lighting of fires is not prohibited under any Act; and

- (b) either –
 - (i) the fire is contained in an appliance designed and commercially manufactured for use as a barbeque and the appliance when alight is placed in a stable position; or
 - (ii) that person does so in a properly constructed fireplace or barbeque; and
- (c) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of flammable material.

Penalty: 20 penalty units

24 Extinguishment of barbeques

- (1) A person who has lit, kindled or maintained a barbeque in the reserve, or is in charge of a barbeque, must, before leaving the place of the barbeque –
 - (a) completely extinguish the fire; or
 - (b) ensure that a person who has the capacity and means to extinguish the fire is in charge of the fire.

Penalty: 20 penalty units

- (2) A person who has lit, kindled or maintained a barbeque in the reserve, or is in charge of a barbeque, must extinguish the fire immediately when required to do so by an authorised officer.

Penalty: 20 penalty units

25 Dangerous or disturbing activities

A person must not, in the reserve, engage in any activity in a manner that is causing, or is likely to cause, a danger or unreasonable disturbance to people, flora or property.

Penalty: 10 penalty units

26 Operating annoying or disturbing devices or equipment

A person must not, in the reserve, use or operate any device or equipment that produces noise or lighting that is likely to cause inconvenience or nuisance to any person, unless that person –

- (a) uses the equipment for necessary medical purposes; or
- (b) uses or operates the equipment by lawfully and reasonably entering or leaving an area in a vehicle or vessel; or
- (c) uses or operates the equipment under and in accordance with a permit issued for that specified purpose.

Penalty: 10 penalty units

SCHEDULE**LIST OF REGULATIONS THAT ARE REVOKED (REGULATION 5)**

	Name of regulations	Date made	Publication
1.	Caulfield Racecourse Reserve – Regulations	Common Seal of the Board of Land and Works affixed on 27 September 1876	Published in the Government Gazette No. G 72 on 6 October 1876, pages 1846-1847
2.	Caulfield Racecourse Reserve Regulations	Approved by the Governor in Council on 30 September 1889	Published in the Government Gazette No. G 103 on 4 October 1889, pages 3952-3953
3.	Regulations for the Care, Protection and Management of the Reserve for Racing, Recreation, and Public Park Purposes known as the Caulfield Racecourse	Approved by the Governor in Council on 6 September 1915	Published in the Government Gazette No. G 115 on 15 September 1915, page 3356
4.	Alteration of Regulations for the Care and Management of the Reserve for Racing Recreation and Public Park Purposes known as the Caulfield Racecourse	Approved by the Governor in Council on 20 March 1917	Published in the Government Gazette No. G 55 on 28 March 1917, page 1044
5.	Regulations for the Care, Protection and Management of the Caulfield Racecourse Reserve	Approved by the Governor in Council on 13 October 1931	Published in the Government Gazette No. G 240 on 21 October 1931, pages 3029-3031
6.	Additional Regulations for the Care, Protection, and Management of the “Caulfield Racecourse Reserve”	Approved by the Governor in Council on 31 October 1950	Published in the Government Gazette No. G 822 on 8 November 1950, page 5657
7.	Amendment of Regulations for the Care, Protection, and Management of the “Caulfield Racecourse Reserve”	Approved by the Governor in Council on 31 March 1953	Published in the Government Gazette No. G 248 on 1 April 1953, page 1397
8.	Amendment of Regulations for the Care, Protection and Management of the “Caulfield Racecourse Reserve”	Approved by the Governor in Council on 24 August 1965	Published in the Government Gazette No. G 71 on 1 September 1965, page 2709
9.	Amendment of Regulations for the Care, Protection and Management of the “Caulfield Racecourse Reserve”	Approved by the Governor in Council on 12 July 1966	Published in the Government Gazette No. G 54 on 20 July 1966, pages 2633-2634
10.	Amendment of Regulations for the Care, Protection and Management of the “Caulfield Racecourse Reserve”	Approved by the Governor in Council on 27 April 1967	Published in the Government Gazette No. G 38 on 3 May 1967, page 1606

	Name of regulations	Date made	Publication
11.	Amendment of Regulations for the Care, Protection and Management of the "Caulfield Racecourse Reserve"	Approved by the Governor in Council on 17 October 1967	Published in the Government Gazette No. G 80 on 18 October 1967, page 3151
12.	Amendment of Regulations for the Care, Protection and Management of the Caulfield Racecourse Reserve	Approved by the Governor in Council on 26 August 1969	Published in the Government Gazette No. G 78 on 3 September 1969, page 3053
13.	Amendment of Regulations for the Care, Protection and Management of the Caulfield Racecourse Reserve	Approved by the Governor in Council on 17 November 1970	Published in the Government Gazette No. G 105 on 25 November 1970, page 3694
14.	Amendment of Regulations for the Care, Protection and Management of the Caulfield Racecourse Reserve	Approved by the Governor in Council on 17 August 1971	Published in the Government Gazette No. G 81 on 25 August 1971, page 2868
15.	Amendment of Regulations for the Care, Protection and Management of the Caulfield Racecourse Reserve	Approved by the Governor in Council on 9 October 1973	Published in the Government Gazette No. G 99 on 17 October 1973, page 3479
16.	Amendment of Regulations for the Care, Protection and Management of the Caulfield Racecourse Reserve	Approved by the Governor in Council on 14 September 1976	Published in the Government Gazette No. G 85 on 22 September 1976, page 2836
17.	Amendment of Regulations for the Care, Protection and Management of the Caulfield Racecourse Reserve	Approved by the Governor in Council on 16 May 1979	Published in the Government Gazette No. G 43 on 23 May 1979, page 1548
18.	The Caulfield Racecourse Reserve Amendment of Regulations	Approved by the Governor in Council on 18 March 1980	Published in the Government Gazette No. G 22 on 26 March 1980, page 934
19.	The Caulfield Racecourse Reserve Amendment to Regulations	Approved by the Governor in Council on 28 September 1982	Published in the Government Gazette No. G 101 on 6 October 1982, page 3330
20.	The Caulfield Racecourse Reserve Amendment to Regulations	Approved by the Governor in Council on 13 June 1984	Published in the Government Gazette No. G 77 on 11 July 1984, page 2344
21.	The Caulfield Racecourse Reserve Amendment to Regulations	Approved by the Governor in Council on 7 May 1985	Published in the Government Gazette No. G 56 on 5 June 1985

	Name of regulations	Date made	Publication
22.	Amendment of Regulations The Caulfield Racecourse Reserve	Approved by the Governor in Council on 23 September 1986	Published in the Government Gazette No. G 83 on 8 October 1986, pages 3880- 3881
23.	Amendment of Regulations The Caulfield Racecourse Reserve	Approved by the Governor in Council on 28 April 1987	Published in the Government Gazette No. G 24 on 24 June 1987, pages 1608-1609
24.	The Caulfield Racecourse Reserve Amendment of Regulations	Approved by the Governor in Council on 6 December 1988	Published in the Government Gazette No. G 13 on 5 April 1989, page 768
25.	Amendment of Regulations The Caulfield Racecourse Reserve	Approved by the Governor in Council on 15 May 1989	Published in the Government Gazette No. G 25 on 28 June 1989, page 1572
26.	Amendment of Regulations The Caulfield Racecourse Reserve	Approved by the Governor in Council on 19 December 1989	Published in the Government Gazette No. G 6 on 7 February 1990, pages 361- 362
27.	Amendment of Regulations The Caulfield Racecourse Reserve	Approved by the Governor in Council on 10 September 1991	Published in the Government Gazette No. G 37 on 25 September 1991, pages 2660- 2661
28.	Caulfield Racecourse Reserve Amendment of Regulations	Approved by the Governor in Council on 6 August 1991	Published in the Government Gazette No. G 38 on 2 October 1991, page 2735
29.	Amendment of Regulations The Caulfield Racecourse Reserve	Approved by the Governor in Council on 4 November 1992	Published in the Government Gazette No. G 46 on 25 November 1992, pages 3523- 3524
30.	The Caulfield Racecourse Reserve Amendment of Regulations	Approved by the Governor in Council on 3 May 1994	Published in the Government Gazette No. G 25 on 23 June 1994, page 1741
31.	Amendment of Regulations The Caulfield Racecourse Reserve	17 August 1994	Published in the Government Gazette No. G 35 on 1 September 1994, page 2350 (renumbered 2620)
32.	Amendment of Regulations The Caulfield Racecourse Reserve	31 July 1995	Published in the Government Gazette No. G 31 on 10 August 1995, pages 2073- 2074
33.	Caulfield Racecourse Reserve (Amendment) Regulations 1997	Approved by the Governor in Council on 23 September 1997	Published in the Government Gazette No. G 38 on 25 September 1997, pages 2711- 2712

	Name of regulations	Date made	Publication
34.	Caulfield Racecourse Reserve (Amendment) Regulations 1999	Approved by the Governor in Council on 6 July 1999	Published in the Government Gazette No. G 29 on 22 July 1999, pages 1718-1719
35.	Caulfield Racecourse Reserve (Amendment) Regulations 2000	Approved by the Governor in Council on 29 August 2000	Published in the Government Gazette No. G 35 on 31 August 2000, pages 2243-2245
36.	Caulfield Racecourse Reserve (Amendment) Regulations 2001	Approved by the Governor in Council on 18 September 2001	Published in the Government Gazette No. G 38 on 20 September 2001, pages 2423-2424
37.	Caulfield Racecourse Reserve (Amendment) Regulations 2003	Approved by the Governor in Council on 30 September 2003	Published in the Government Gazette No. G 40 on 2 October 2003, pages 2570-2571
38.	Caulfield Racecourse Reserve (Amendment) Regulations 2004	Approved by the Governor in Council on 21 September 2004	Published in the Government Gazette No. G 39 on 23 September 2004, pages 2665-2666
39.	Caulfield Racecourse Reserve (Amendment) Regulations No. 1 2006	Approved by the Governor in Council on 25 July 2006	Published in the Government Gazette No. G 30 on 27 July 2006, pages 1599-1600
40.	Caulfield Racecourse Reserve (Amendment) Regulations No. 2 2006	Approved by the Governor in Council on 24 October 2006	Published in the Government Gazette No. G 43 on 26 October 2006, page 2327
41.	Caulfield Racecourse Reserve (Amendment) Regulations No. 1 2007	Approved by the Governor in Council on 17 July 2007	Published in the Government Gazette No. G 29 on 19 July 2007, pages 1682-1683

NOTES

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2017 is \$158.57. The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Other relevant legislation

In addition to these Regulations, the following laws also apply to activities within the reserve –

Aboriginal Sites and Relics

Aboriginal heritage (including Aboriginal objects, places and remains) is protected under the **Aboriginal and Torres Strait Islander Heritage Protection Act 1984** (Commonwealth) and the **Aboriginal Heritage Act 2006** (Victoria). A contravention of this legislation may also result in the imposition of penalties.

Fires

The **Forests Act 1958**, the Forests (Fire Protection) Regulations 2014 and the **Country Fire Authority Act 1958** also limits the lighting of fires in certain areas.

A person who fails to comply with the **Forests Act 1958**, the Forests (Fire Protection) Regulations 2014 and the **Country Fire Authority Act 1958** may be liable to the imposition of penalties.

Firearms

The possession, carriage and use of firearms are regulated under the **Firearms Act 1996**. A contravention of that Act may result in the imposition of penalties.

Fishing

Fishing is regulated by the **Fisheries Act 1995** and Regulations made under that Act. Failure to adhere to that legislation may result in the imposition of penalties.

Litter

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

Motor vehicles

Under the Land Conservation (Vehicle Control) Regulations 2013, the use or operation of a motor vehicle is not permitted within the reserve except on a road, in a parking area, in a place immediately adjacent to a road where parking is not prohibited, or in an area declared as an off-road access area or a restricted access area where that class of vehicle is permitted. A contravention of those requirements may result in the imposition of penalties.

Historic Places and Objects

All archaeological sites and artefacts are protected under the **Heritage Act 2017**. A contravention of that Act may result in the imposition of penalties.

Wildlife

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

Domestic Animals

The responsible ownership of dogs and cats is regulated by the **Domestic Animals Act 1994** and Regulations made under that Act. Failure to adhere to that legislation may result in the imposition of penalties.

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