

**MELBOURNE PARKS AND GARDENS
(JOINT TRUSTEE RESERVES)
REGULATIONS 1994**

Title

1. These Regulations may be cited as the “Melbourne Parks and Gardens (Joint Trustee Reserves) Regulations 1994”.

Objectives

2. The objectives of these Regulations are to provide for the care, protection and management of the Reserves listed in Regulation 5 and Schedule 1.

Authorising provision:

3. These Regulations are made under section 13 of the *Crown Land (Reserves) Act 1978*, by the Minister for Conservation and Environment and the Melbourne City Council as trustee, with the approval of the Governor in Council.

Commencement

4. These Regulations come into operation on the day on which they are published in the Victoria Government Gazette.

Application

5. Except as otherwise provided, these Regulations apply to each of the Crown Lands in the City of Melbourne known as –

Alexandra Park Fawkner Park North Melbourne Recreation Reserve Princes Park Yarra Park ² , Darling Square Lincoln Square Macarthur Square Murchison Square, and	Powlett Reserve, Flemington and Kensington Park, Flinders Park ¹ , Argyle Square, Curtain Square ³ , Carlton Gardens, Fitzroy Gardens, Flagstaff Gardens, University Square –
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All which have been –

- (a) permanently reserved by Orders in Council under section 4 of the Act or corresponding previous enactments for the purposes of public parks and gardens or for the recreation, convenience or amusement of the people; and

¹ No parkland remains in Flinders Park

² Balance of Crown Grant revoked by the *Melbourne Cricket Ground and Yarra Park Amendment Act 2009*.

³ Curtain Square is now located in the Yarra City Council

- (b) by the Crown grants listed in Schedule 1 opposite the names by which the lands are respectively known, vested jointly in the Minister for Conservation and Environment and the Melbourne City Council –

and of which the Melbourne City Council has in each case been appointed a Committee of Management by the Orders in Council listed in Schedule 1 opposite the names by which and lands are respectively known.

Revocation:

6. All previous Regulations made for and with respect of a Reserve listed in Regulation 5 and Schedule 1 are revoked.

Definitions:

7. In these Regulations –

- “animal” includes every species of quadruped and every species of bird whether in a natural or domestic state.
- “Act” means the *Crown Land (Reserves) Act 1978*.
- “Appointed Officer” means any persons appointed in writing by the Committee of Management as an appointed officer for the purpose of these Regulations and (except for the purpose of receipt of any fees or the grant, variation or revocation of any permit, licence or lease) also includes any member of the police force and any person appointed or deemed to be appointed an authorised officer under section 83 of the *Conservation Forests and Lands Act 1987*.
- “Committee” means the Melbourne City Council appointed under the Act as a Committee of Management of each of the Reserves.
- “Reserve” means any one of the Reserves listed in Regulation 5 and Schedule 1.
- “sell” means –
- (a) sell, barter or exchange;
 - (b) agree to sell, barter or exchange;
 - (c) offer or expose for sale, barter or exchange;
 - (d) send, forward, deliver or receive for or on sale or for barter or exchange;
 - (e) keep or have in possession for sale, barter or exchange;

(f) attempt any such act or thing; and

“sale” and “sold” have a corresponding meaning.

“toy vehicle”	means a vehicle designed to be propelled by human power, and includes a bicycle, tricycle, scooter, skateboard, roller skates, inline skates or similar devices, but does not include a wheelchair.
“vehicle”	means a conveyance designed to be propelled or drawn by any means, but does not include a train, tram, toy vehicle or wheelchair.

Reserves to be open to the public:

8. Except as otherwise provided in these Regulations, a Reserve is open to the public free of charge.

Prohibited Activities:

9. A person must not in a Reserve –
- (a) deface, disfigure, remove or affix anything to or otherwise interfere with, damage or destroy any decoration, embellishment, light, fire-prevention appliance or other fitting or any fountain, water feature, statue, gate, fence, building, notice, notice board, sign, pole, post, stonework, tree, tree guard, public convenience, seat or other structure of any kind;
 - (b) damage, disturb, raise or remove or otherwise interfere with any part of any pavement or other surface, whether asphalt, brick, concrete, gravel, stone, earth, grass or other material;
 - (c) obstruct or interfere with any drain, sewer, irrigation, equipment or other item associated with the transmission of conveyance of electricity, water, gas or communication;
 - (d) walk on or over or otherwise damage any flower bed, flower box or garden plot;
 - (e) leave or deposit any rubbish in a Reserve except in a receptacle provided for the purpose; or
 - (f) cause personal injury, risk of personal injury or damage to property by climbing over, sitting on, sliding down or walking on or over any structure, part of a building, fixture, free standing object, appliance or tree, other than play equipment or fun and fitness equipment installed by the Committee.

Behaviour:

10. A person must not in a Reserve –
- (a) commit any nuisance or indecent or offensive act;

- (b) use any threatening, abusive or insulting words;
- (c) annoy, molest or obstruct any other person;
- (d) spit, defecate or urinate, except in a public convenience; or
- (e) play or operate a musical instrument, radio, record or cassette or compact disc player, television set, or similar device, in such a manner as to interfere with the reasonable comfort and convenience of any other person.

Lighting or maintaining fires:

11. A person must not light or maintain a fire in a Reserve.

Use of barbecues:

12. A person must not use a gas fuelled barbecue and spit roast appliance in a Reserve –
- (a) unless it is used in an open area which is not within 5 metres of any foliage or tree trunk;
 - (b) unless a protective mat is placed underneath to prevent heat damage to the surface of the ground;
 - (c) unless all fat and residue is collected, wrapped and disposed of in a rubbish receptacle; or
 - (d) on a day of Total Fire Ban.

Firearms, offensive weapons and explosive substances:

13. A person must not in a Reserve be in possession of, carry or use –
- (a) any fireworks or explosive substance, without the written consent of the Committee or Appointed Officer; or
 - (b) Firearms, offensive weapon or instrument.

Swimming:

14. A person must not in a Reserve swim or bathe in any pond, lake, watercourse or fountain.

Advertising and selling:

15. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer –

- (a) give out, distribute or place on any vehicle or permanent structure or plant or tree, any advertisement, book, handbill, notice, pamphlet, paper, placard, program or other printed matter; or
- (b) sell or offer or expose for sale any goods or service

Use of amplification equipment:

16. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer, use or operate any amplifier, loud speaker, microphone or other public address apparatus.

Functions and events:

17. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer, assemble for or conduct a concert, rally, festival, fete, function, meeting or picnic for 50 or more persons;

Construction or erection of structures:

18. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer, –
- (a) use, erect or cause to be used or erected any booth, kiosk, tent or other temporary building or structure; or
 - (b) erect any temporary building, enclosure, tent or structure for public entertainment, exhibition or meeting purposes and charge for admittance.

Horticultural exhibition:

- 19.⁴ (1) The Committee may, once in each twelve month period, approve that part of Carlton Gardens delineated and shown hatched on the plan in Schedule 2, to be enclosed and used for a period not exceeding 18 days for the holding of a specially mounted horticultural exhibition of flowers, plants, shrubs and trees in those Gardens.
- (2) While such an exhibition as provided for in sub-regulation (1) is being held in the Carlton Gardens and is open to the public -
- (a) the Committee; or
 - (b) the persons or organisation responsible for mounting and holding the exhibition, with the consent of the Committee –

⁴ Amended by Victoria Government Gazette, No S37 16 April 1996, further amended by Victoria Government Gazette, No S92 21 March 2012 and further amended by Victorian Government Gazette No G5 31 January 2013

may determine, make and collect a daily charge not exceeding \$35.00 in 2020; \$36.00 in 2021; \$38.00 in 2022 and \$40.00 in 2023 ⁵per person for entry to the exhibition.

Automotive Exhibition

- 19A.⁶ (1) The Committee may, once in each year ending 31 December, approve that part of Argyle Square delineated and shown hatched on the plan in Schedule 3, to be enclosed and used for a period not exceeding four (4) days for the holding of an automotive exhibition.
- (2) While an exhibition as provided for in sub regulation (1) is being held in Argyle Square and is open to the public –
- (a) the Committee; or
 - (b) the persons or organisation responsible for mounting and holding the exhibition, with the consent of the Committee –
- may determine, make and collect a daily charge not exceeding \$10.00 per person for entry to the exhibition.

Entry and occupation of structures and areas:

20. A person must not in a Reserve –
- (a) enter or remain in any area, building, enclosed area, place, room or structure that is not open to the public or after having been directed to leave by an Appointed Officer or authorised representative of the Committee; or
 - (b) enter any area, building, enclosed area, place, room or structure which requires the payment of an entry fee, unless the entry fee is paid to an Appointed Officer or authorised representative of the Committee; or
 - (c) occupy or remain in any area, building, enclosed area, place, room or structure during any period in which the Committee or Appointed Officer has given written consent for the exclusive use of that area, building, enclosed area, place, room or structure to another person, unless associated with the use consented to in writing.

Camping:

21. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer, bring in or use any caravan, structure, tent, trailer or vehicle for camping purposes.

Animals:

⁵ Amended by Victoria Government Gazette, No S56 2 April 2002, further amended by Victoria Government Gazette, No S98 30 March 2006, further amended by Victoria Government Gazette, No S104 27 March 2012, further amended by Victoria Government Gazette, No G44 31 October 2013, further amended by Victorian Government Gazette No G51 22 December 2016 and further amended by Victorian Government Gazette No S102 3 March 2020

⁶ Inserted by Victoria Government Gazette, No S17 5 March 1996

22. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer –
- (a) disturb or destroy any nest or burrow, or shoot, wound, snare, poison, destroy or interfere in any way with any animal;
 - (b) bring in or allow to remain any animal, except –
 - (i) a domestic dog or cat which is restrained by a hand lead or cord not more than 120 centimetres in length; or
 - (ii) a horse being ridden along a defined horse-riding trail; or
 - (c) allow any domestic dog or cat to defecate and if the animal does defecate the owner or person in charge must ensure the animal's faeces is collected, wrapped and disposed of in a rubbish receptacle.

Apiculture:

23. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer, bring into or allow to remain any apiary beehive.

Sale or distribution of liquor:

24. A person must not sell or distribute any liquor in a Reserve unless that person –
- (a) holds a licence or permit under the Liquor Control Act 1987 authorising the licensee or permit holder to sell or distribute the liquor in a Reserve; or
 - (b) is an employee or agent of a person who holds such a licence or permit.

Use of aircraft:

25. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer, land, launch, fly or control any aircraft, helicopter, glider, hang glider or similar flying machine, hot air balloon, parachute or hand or remote controlled model aeroplane or model helicopter.

Games and sports

26. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer –
- (a) roll, throw or discharge any stone or other substance;
 - (b) play any video game for the purpose of deriving income or winning a prize as a result of playing;
 - (c) bet, play or take part in any gambling;
 - (d) play or practice archery, discus, golf, hammer, javelin or shot put, unless within a portion of a Reserve set aside for that purpose;

- (e) conduct classes or give instruction for a fee or conduct formal club activities on a regular basis in relation to any sport, gymnastic exercise; or
 - (f) play or practice any organised sports or games.
27. A person must not play or practice unorganised games or recreational activities –
- (a) in the Carlton Gardens, Fitzroy Gardens or Flagstaff Gardens, except for tennis, volleyball or netball on the courts provided for that purpose in the Carlton Gardens and Flagstaff Gardens; or
 - (b) in a Reserve if the activity is likely to interfere with other users of the Reserve or likely to cause risk of damage to any property.

Vehicles:

28. A person must not in a Reserve, without the written consent of the Committee or Appointed Officer, drive or ride or bring in or allow to remain any vehicle or toy vehicle, except in or on a part of a Reserve designed by the Committee for that purpose.
29. A person must not in a Reserve drive or ride any vehicle at a speed greater than that which is shown on a speed restriction sign.
30. When the places set out in column 1 of Part A of the Table to these Regulations are used for the purposes of sport, recreation or entertainment or for any other public purpose of any kind, the Committee may set aside for the parking of vehicles an area of the Reserve set out in column 2 of that Part.
31. When the places set out in column 1 of Part A of the Table to these Regulations are used for the purposes of sport, recreation or entertainment or for any other public purpose of any kind, the Committee may set charges not exceeding those set out in Part B of the Table that may be made and taken by the Committee or its authorised representatives for the parking of vehicles in the area or areas of the Reserve so set aside.
- 31A⁷ When a Reserve, or portion of a Reserve, is required to be used for car parking by persons who do not use the Reserve for the purposes for which it has been reserved, and the Minister has given his approval for this use of a Reserve or portion of a Reserve under Section 17E(1) of the Crown Land (Reserves) Act 1978, the Committee may set charges not exceeding those set out in part B of the Table that may be made and taken by the Committee or its authorised representatives for the parking of vehicles in the Reserve or portion of Reserve so approved by the Minister.

Permit or written consent:

32. (1) The Committee or an Appointed Officer may issue a permit or consent for any purpose (for which consent is required under these Regulations).

⁷ Inserted by Victoria Government Gazette, No S5 15 January 1997

- (2) A permit or consent given under these Regulations authorises the holder to enter and use the Reserve for the purpose specified, for the period specified and subject to the terms, conditions and fees, consistent with these Regulations, as the Committee or an Appointed Officer may from time to time determine either generally or in a particular case.
- (3) Where a person is in contravention of any condition of a permit or consent given by the Committee or Appointed Officer under these Regulations, the permit or consent may be cancelled or amended as required by the Committee or Appointed Officer.

Appointed Officers:

- 33. A person in a Reserve must comply with any reasonable direction of an Appointed Officer.

Removal of property:

- 34. (1) An Appointed Officer may remove or cause to be removed any parked, stranded or broken-down vehicle from any road or area within a Reserve.
- (2) Any vehicle left unattended within a Reserve for a continuous period exceeding 48 hours may be removed by an Appointed Officer and stored at an appropriate location.
- (3) An Appointed Officer may remove or cause to be removed any tent, caravan or other structure which –
 - (a) has been placed in a Reserve without written consent; or
 - (b) in the opinion of the Appointed Officer has been abandoned in a Reserve;
 and store such property at an appropriate location.
- (4) Any person who contravenes Regulation 15(b) apart from being liable for prosecution under these Regulations must on direction by an Appointed Officer remove property associated with the activity from the Reserve.
- (5) If a person fails to comply with the direction of an Appointed Officer under sub-regulation (4) an Appointed Officer may remove and store the property at an appropriate location.
- (6) In the case of property removed in accordance with this regulation the Committee or an Appointed Officer must within 48 hours –
 - (a) contact the owner, if known, and make arrangements for him or her to claim that property; or
 - (b) if the owner is not known, display a notice at a suitable location at or near where the property was found detailing –

- (i) the name of the Appointed Officer responsible for the removal of the property; and
- (ii) a contact telephone number for the Appointed Officer; and
- (iii) reference to the relevant Regulations; and
- (iv) a period of time, not less than 7 days, from the date of the notice for the owner to claim and remove the property.

General Exemption:

35. Nothing in these Regulations prevents a –

(a) member of

- (i) the Victoria Police; or
- (ii) the Metropolitan Fire Brigade; or
- (iii) the Victorian Ambulance Service; or
- (iv) any first aid or emergency service organisation; or
- (v) any civil defence force; or

(b) any officer or employee of –

- (i) any public authority; or
- (ii) the Committee; or
- (iii) any contractor employed by the Committee; -

from performing any of the duties he or she is lawfully permitted or required to perform.

Offences:

36. A person who contravenes or fails to comply with any provision of these Regulations or a permit or consent granted under these Regulations is guilty of an offence.

Penalties:

37. A person guilty of an offence against these Regulations is liable to the penalties prescribed in section 13 of the Act.

JOINT TRUSTEE RESERVES

SCHEDULE 1

CROWN GRANT

Crown Land known as	Volume	Folio	Date of Grant
Alexandra Park	4083	816583	18/12/1917
Fawkner Park	600	119904	13/06/1873
Flemington & Kensington Park	2441	488130	04/10/1889
Flinders Park	600	119903	13/06/1873
Princes Park	600	119908	13/06/1873
Yarra Park ⁸	600	119902	13/06/1873
Carlton Gardens	600	119905	13/06/1873
Fitzroy Gardens	600	119906	13/06/1873
Flagstaff Gardens	600	119907	13/06/1873
Powlett Reserve	4505	900983	16/12/1921
North Melbourne Recreation Reserve	1792	358388	23/10/1885
Argyle Square	600	119913	13/06/1873
Curtain Square ⁹	887	177273	05/05/1876
Darling Square	1331	266131	19/07/1880
Lincoln Square	600	119910	13/06/1873
Macarthur Square	600	119911	13/06/1873
Murchison Square	600	119909	13/06/1873
University Square	600	119912	13/06/1873

COMMITTEE OF MANAGEMENT

Crown Land known as	Date of Appointment	Government Gazette Notice
Alexandra Park	28/07/1959	05/08/1959, page 2418
Fawkner Park	09/10/1917	17/10/1917, page 3258
Flemington & Kensington Park	10/08/1915	18/08/1915, page 2957
Flinders Park	09/10/1917	17/10/1917, page 3258
Princes Park	09/10/1917	17/10/1917, page 3258
Yarra Park	09/10/1917	17/10/1917, page 3258
Carlton Gardens	09/10/1917	17/10/1917, page 3258
Fitzroy Gardens	09/10/1917	17/10/1917, page 3258
Flagstaff Gardens	09/10/1917	17/10/1917, page 3258
Powlett Reserve	28/07/1959	05/08/1959, page 2418
North Melbourne Recreation Reserve	28/07/1959	05/08/1959, page 2418
Argyle Square	09/10/1917	17/10/1917, page 3258
Curtain Square	09/10/1917	17/10/1917, page 3258

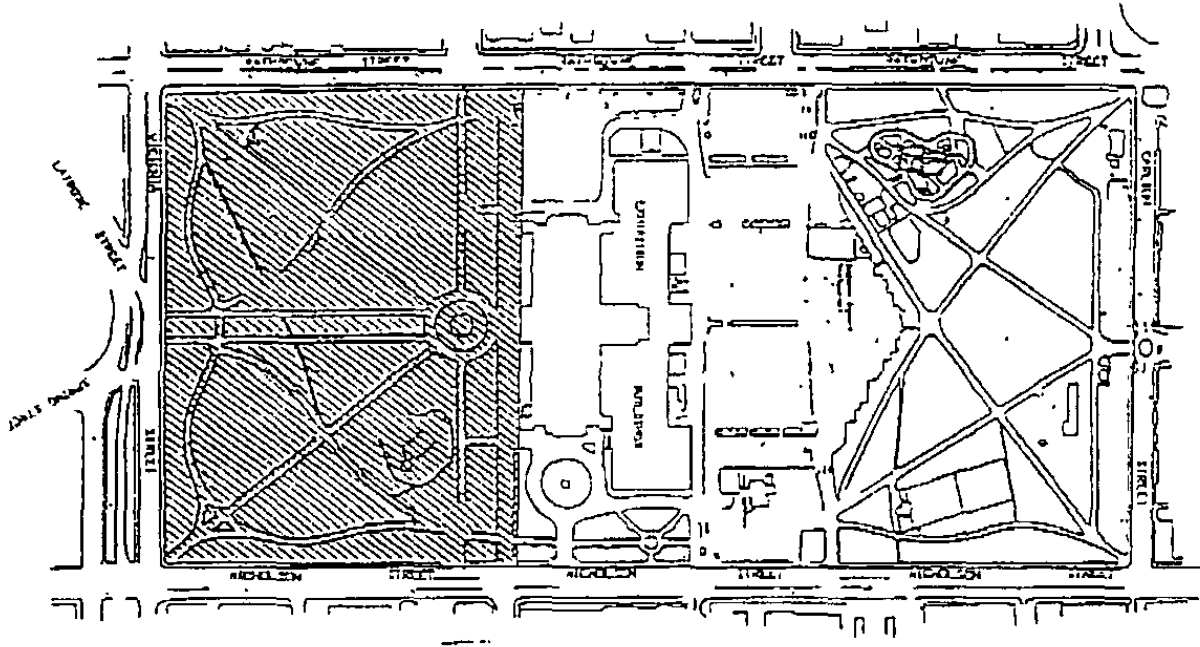
⁸ Balance of Crown Grant revoked by the *Melbourne Cricket Ground and Yarra Park Amendment Act 2009*.

⁹ Curtain Square is now located in the Yarra City Council and the Crown grant has been surrendered.

Darling Square	09/10/1917	17/10/1917, page 3258
Lincoln Square	09/10/1917	17/10/1917, page 3258
Macarthur Square	09/10/1917	17/10/1917, page 3258
Murchison Square	09/10/1917	17/10/1917, page 3258
University Square	09/10/1917	17/10/1917, page 3258

**SCHEDULE 2
HORTICULTURAL EXHIBITION AREA CARLTON GARDENS¹⁰**

HORTICULTURAL EXHIBITION AREA CARLTON GARDENS



¹⁰ Amended by Victoria Government Gazette, No S37 16 April 1996

TABLE**Part A**

Column 1 Place Known As	Column 2 Reserve
Carlton Recreation Ground	Princes Park
Melbourne Cricket Ground	Yarra Park
National Tennis Centre	Yarra Park
Olympic Park	Yarra Park (section between Melbourne to Richmond railway and Swan Street, west of line in prolongation northwards of eastern boundary of Olympic Park)
Richmond Cricket Ground	Yarra Park
State Swimming Centre (Frank Beaurepaire Pool)	Yarra Park
Fitzroy Gardens	Yarra Park

Part B

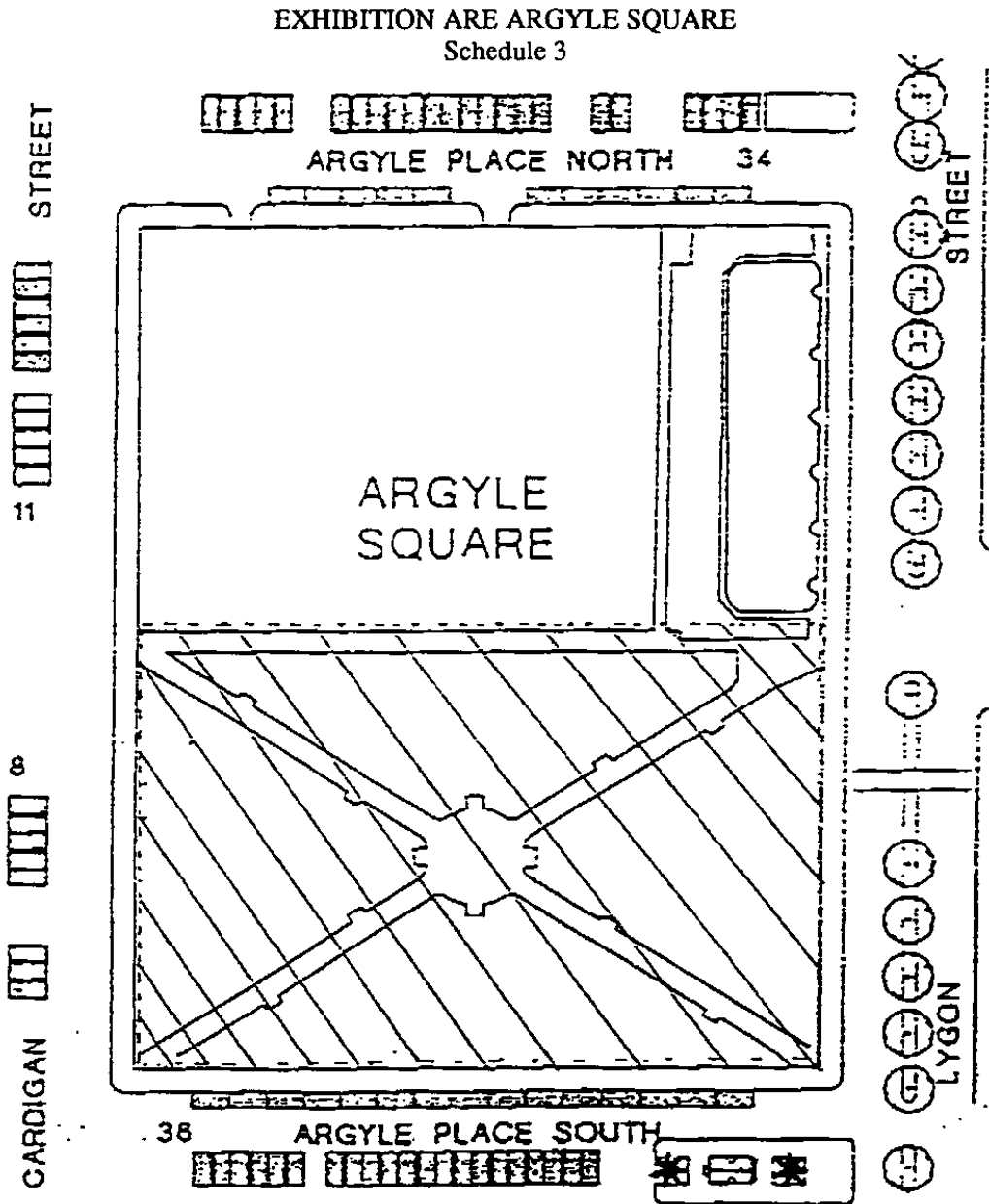
Charge –

- (a) for each vehicle other than a commercial passenger vehicle, a public commercial passenger vehicle or a private omnibus referred to in paragraph (b) of this Part –
- \$4.00 in relation to Princes Park and \$8.00 in relation to Yarra Park¹¹; and
- (b) for each commercial passenger vehicle, public commercial vehicle or private omnibus licenced to carry more than 22 passengers –
- \$8.00.

SCHEDULE 3

¹¹ amended by Victoria Government Gazette, No S138 26 November 1998, further amended by Victoria Government Gazette, No G51 20 December 2001 and further amended by Victoria Government Gazette, No G4 24 January 2008.

EXHIBITION AREA ARGYLE SQUARE¹²



¹² Inserted by Victoria Government Gazette, No S17 5 March 1996

Given under my Hand at Melbourne on

Minister for Conservation and Environment

Resolution for the making of these regulations passed by the Melbourne City Council on 1994

The COMMON SEAL of the)
MELBOURNE CITY COUNCIL was affixed)
Hereto in accordance with the resolution of) Chairperson
Council made on 23 November, 1993.)

Chief Executive Officer

Approved by the Administrator in Council on 25 October 1994 the Administrator in Council being satisfied that there are special reasons justifying these Regulations in so far as they impose charges and fees.

Clerk of the Executive Council