

Authorised Version No. 013
Zoological Parks and Gardens Regulations
2003

S.R. No. 29/2003

Authorised Version incorporating amendments as at
1 July 2011

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PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are—

- (a) to provide for fees payable for entry to zoological parks;
- (b) to provide for concessional charges for entry to zoological parks;
- (c) to provide for the exemption from payment of fees or charges for entry to zoological parks for certain classes of person;
- (d) to make provision for the care, protection and management of zoological parks and managed land;
- (e) to make provision for the care, protection and management of the zoological collections in zoological parks or on managed land.

2 Authorising provision

These Regulations are made under section 41 of the **Zoological Parks and Gardens Act 1995**.

3 Commencement

These Regulations come into operation on
1 May 2003.

4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

(1) In these Regulations—

Act means the **Zoological Parks and Gardens Act 1995**;

animal means mammal (other than a human being), bird, reptile, amphibian, invertebrate or fish;

director means—

- (a) in relation to a zoological park, the Chief Executive Officer or a director of the zoological park; or
- (b) in relation to managed land adjoining a zoological park, the Chief Executive Officer or a director of the zoological park; or
- (c) in relation to any other managed land, the Chief Executive Officer;

domestic partner of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

Healesville Sanctuary means the zoological park at Healesville existing on the lands shown on the plan in Part 3 of Schedule 1 to the Act and known as the Sir Colin MacKenzie Zoological Park;

Melbourne Zoo means the zoological park at Royal Park existing on the lands shown on the plan in Part 1 of Schedule 1 to the Act and known as the Royal Melbourne Zoological Gardens;

public holiday means any day appointed as a public holiday under the **Public Holidays Act 1993**;

Reg. 5(1)
def. of *public holiday*
inserted by
S.R. No.
46/2011 reg. 4.

spouse of a person means a person to whom the person is married;

structure includes a building, tent, screen, awning or enclosure;

Werribee Zoo means—

- (a) the zoological park at Werribee existing on the lands shown on the plan in Part 2 of Schedule 1 to the Act and known as Victoria's Open Range Zoo at Werribee; and
 - (b) the managed land at Werribee being the land indicated on the plan in Schedule 2.
- (2) For the purposes of the definition of *domestic partner* in subregulation (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.

6 Application of regulations

These Regulations do not apply to any of the following persons when acting in the course of his or her duties—

- (a) an employee or agent of the Board;
- (b) a member of the police force;

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- (c) a person dealing with a fire, flood or other public emergency, when authorised to do so by or under an Act or regulations made under that Act.

7 Minimum opening hours of zoological parks

The zoological parks are to be open to the public for at least the hours between 10.00 am and 4.00 pm on each day of the year unless admission of the public has been prohibited or restricted under section 14 of the Act.

PART 2—ENTRY FEES AND CHARGES

8 Persons must pay entry fee

A person must not enter a zoological park unless the relevant fee or charge (if any) determined in accordance with these Regulations has been paid in respect of the entry of that person.

Penalty: 5 penalty units.

9 General fees for entry to zoological parks

- (1) The Board may determine the fees to be paid for entry to a zoological park by the classes of person or group of persons set out in Column 2 of the Table in Schedule 3.
- (2) A fee determined by the Board under subregulation (1) for a class of person or group of persons—
 - (a) must not exceed the relevant fee set out in the Table in Schedule 3 for that class of person or group of persons; and
 - (b) must not be less than 75% of the relevant fee for that class of person or group of persons.
- (3) A fee is not payable by a person under this regulation for entry to a zoological park if a concessional charge applies to that entry under regulation 10.

10 Concessional charges for entry

- (1) The Board may determine concessional charges to be paid for entry to a zoological park by a class of person or group of persons.
- (2) A concessional charge determined by the Board for a class of person or group of persons must be less than the fee for entry that would otherwise apply to that class of person or group of persons under regulation 9(1).

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- (3) A concessional charge determined by the Board for a class of person or group of persons must not be less than 50% of the relevant fee set out in the Table in Schedule 3 that is applicable to that class of person or group of persons.
- (4) In determining a concessional charge the Board must have regard to one or more of the following factors—
- (a) whether the charge relates to a member of a group of 10 or more persons;
 - (b) the nature of the visit;
 - (c) the time of day of the entry;
 - (d) the day of the week of the entry;
 - (e) any weather factors;
 - (f) any seasonal considerations;
 - (g) any promotional or marketing considerations.

11 Exemption from payment of entry fees or charges to zoological parks

- (1) On any day on which the Healesville Sanctuary, the Melbourne Zoo or the Werribee Zoo is open to the public, the following persons are exempt from paying the fee or charge (if any) for entry determined under this Part—
- (a) a child under 4 years of age;
 - (b) a person who is the prime carer in attendance of a physically or intellectually disabled person;
 - (c) a teacher, supervisor or supervising parent (a *supervising person*) accompanying children or students on a group visit from a pre-school, primary school or secondary school;

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- (d) a member of the Board and the member's spouse or domestic partner and any child of the member or of the member's spouse or domestic partner;
 - (e) a person who is employed by the Board and the person's spouse or domestic partner and any child of the person or of the person's spouse or domestic partner;
 - (f) a person who holds a complimentary pass issued by the Board;
 - (g) a person approved by the Board who enters a zoological park for the purposes of providing voluntary services to that zoological park;
 - (h) a member of an organisation approved by the Board to provide voluntary services to a zoological park and the member enters that zoological park for the purposes of providing voluntary services to that zoological park;
 - (i) a member of an organisation approved by the Board in accordance with subregulation (3).
- (2) An exemption in subregulation (1)(c) is limited to one supervising person for the respective number of children or students on a group visit in each of the following categories—
- (a) for groups from registered pre-schools, one supervising person for every 3 children;
 - (b) for school groups, one supervising person for every 5 students in the preparatory year to year 2;
 - (c) for school groups, one supervising person for every 10 students in years 3 to 12.

(3) The Board may only approve an organisation under subregulation (1)(i) if the Board is satisfied that the organisation is established primarily for the following or similar purposes—

- (a) to encourage public interest in, and increase public understanding of, wildlife conservation; and
- (b) to support the development and operation of the zoological parks and projects connected with those parks.

12 Exemption from payment of fees or charges—except Sundays or public holidays

On any day on which the Healesville Sanctuary or the Melbourne Zoo is open to the public, except a Sunday or a public holiday, the following persons are exempt from paying the fee or charge (if any) for entry determined under this Part—

- (a) a physically or intellectually disabled person on a group visit from an institution at which the person is resident if the relevant director has approved the visit prior to the visit;
- (b) a person who is a carer or supervisor of a group referred to in paragraph (a).

12A Exemption from payment of entry fees—child (under 16 years of age)

On any Saturday, Sunday, public holiday or school holiday on which the Healesville Sanctuary, the Melbourne Zoo or the Werribee Zoo is open to the public, children under 16 years of age are exempt from paying the fee or charge (if any) for entry determined under this Part.

S. 12A
inserted by
S.R. No.
46/2011 reg. 5.

13 Fees and charges for entry to be displayed

The director of a zoological park must cause signs or notices to be displayed at the entrance of a zoological park specifying the fees payable for entry to that zoological park.

**PART 3—CARE, PROTECTION AND MANAGEMENT OF
ZOOLOGICAL PARKS AND MANAGED LAND**

14 Requests to leave zoological parks and managed land

- (1) An employee of the Board who is authorised by the Board for the purposes of this regulation may request a person to leave a zoological park or managed land on the grounds of—
 - (a) the preservation of public order; or
 - (b) the preservation of the zoological collections; or
 - (c) public safety.
- (2) A person must leave a zoological park or managed land when requested to do so under subregulation (1) by an authorised employee of the Board.

Penalty: 5 penalty units.

15 Protection of animals and animal habitats

- (1) A person must not, while in a zoological park or on managed land, injure, tease or interfere with any animal in the zoological collections.
- (2) A person must not, while in a zoological park or on managed land, attempt to injure, tease or interfere with any animal in the zoological collections.
- (3) A person must not, while in a zoological park or on managed land, interfere with, damage or destroy the habitat or exhibit of any animal in the zoological collections.

Penalty: 20 penalty units.

- (4) A person must not, while in a zoological park or on managed land, interfere with, destroy or remove any nest or egg of any animal in the zoological collections.

Penalty: 20 penalty units.

16 Protection of flora

- (1) A person must not, while in a zoological park or on managed land, cut, fell, pick, remove, destroy, uproot, climb upon or intentionally damage any tree, plant or other flora.

Penalty: 20 penalty units.

- (2) A person must not, while in a zoological park or on managed land, remove any dead timber, log or stump, whether standing or fallen.

Penalty: 20 penalty units.

17 Contact with animals

A person must not enter any exhibit or have contact with any animal in the zoological collections in a zoological park or on managed land—

- (a) except in accordance with the written authority of the relevant director; or
- (b) unless that entry or contact is in an area set aside as a Free Contact area.

Penalty: 20 penalty units.

18 Free Contact areas

- (1) The Board may set aside any area in a zoological park or on managed land as a Free Contact area.
- (2) The Board may determine reasonable conditions to which entry or use of a Free Contact area is subject, having regard to the care, protection and management of the zoological collections and public safety.

- (3) The Board must cause signs to be displayed in appropriate places setting out the conditions to which entry or use of a Free Contact area is subject.
- (4) A person who enters or has contact with an animal in the zoological collection in a Free Contact area must comply with the conditions (if any) to which the entry or use of that area is subject.

Penalty: 5 penalty units.

19 Bringing animals into zoological parks or on managed land

- (1) A person must not, except in accordance with the written authority of the relevant director, bring into, or allow to remain in any zoological park or managed land, any animal (whether living or dead) or any part of an animal, excluding food for human consumption and manufactured goods.

Penalty: 20 penalty units.

- (2) If a person brings into or allows to remain in a zoological park or on managed land any animal (whether living or dead) or part of an animal or any thing that the relevant director considers represents or may represent a threat to—
 - (a) any animal in the zoological collections in that zoological park or on managed land; or
 - (b) any person in that zoological park or on that managed land—

the relevant director may cause any action that he or she thinks necessary to be taken to remove that animal, part of an animal or thing.

20 Destruction or removal of animals

- (1) A person must not destroy, remove or capture any animal in the zoological collections in a zoological park or on managed land except in accordance with the written authority of the relevant director.

Penalty: 20 penalty units.

- (2) A person must not attempt to destroy, attempt to remove or attempt to capture any animal in the zoological collections in a zoological park or on managed land except in accordance with the written authority of the relevant director.

Penalty: 20 penalty units.

21 Vehicles

A person in charge of a vehicle must not bring that vehicle onto, in or across a zoological park or managed land except—

- (a) in accordance with the written authority of the relevant director; or
- (b) when entering or leaving an area set aside for parking in that zoological park or on that managed land.

Penalty: 10 penalty units.

22 Persons not to enter or remain in areas closed to the public

A person must not enter or remain in any area of a zoological park or managed land that is closed to the public—

- (a) unless he or she is attending a private function approved by the Board; or
- (b) except in accordance with the written authority of the relevant director.

Penalty: 10 penalty units.

23 Authorities

- (1) A director may give a person a written authority for the purposes of this Part.
- (2) An authority given under this Part is subject to any reasonable conditions determined by the director and specified in the authority in respect of—
 - (a) the care, protection and management of the zoological parks, managed land or the zoological collections; or
 - (b) the safety of persons and preservation of property within zoological parks or on managed land.
- (3) A director may cancel an authority at any time if the holder of the authority has—
 - (a) breached the conditions of the authority; or
 - (b) breached these Regulations.
- (4) If a director cancels an authority under subregulation (3), the director must, within a reasonable time after the cancellation, notify the holder of the authority in writing of the cancellation of the authority.

24 Board may determine conditions of entry

- (1) The Board may determine conditions of entry to zoological parks and managed land.
- (2) The conditions of entry must relate to the care, protection and management of the zoological parks and managed land and the zoological collections.
- (3) Conditions of entry determined by the Board under subregulation (1) may include conditions relating to the following matters—

- (a) the safety and well being of animals in the zoological collections;
- (b) the bringing of items into zoological parks or onto managed land;
- (c) the protection of structures, improvements and facilities in zoological parks or on managed land;
- (d) the parking of vehicles in zoological parks or on managed land;
- (e) the behaviour of visitors in zoological parks or on managed land to the extent that it may—
 - (i) pose a risk to the animals or flora in the zoological parks or on managed land; or
 - (ii) pose a risk to the safety of other visitors in zoological parks or on managed land; or
 - (iii) interfere with other visitors' enjoyment of zoological parks or managed land; or
 - (iv) interfere with employees of the Board in carrying out their duties in zoological parks or on managed land;
- (f) the carrying on of commercial activities in zoological parks or on managed land.

25 Board must display signs notifying conditions of entry

The Board must cause signs notifying the conditions of entry determined under regulation 24 to be displayed in a conspicuous place at or near each entrance to the zoological parks or managed land.

PART 4—TRANSITIONAL

26 Transitional provision—exemptions for members of Friends of the Zoos

Despite the revocation of the Zoological Parks and Gardens (Administration) Regulations 1992 by these Regulations, a person who is a member of the society known as the "Friends of the Zoos" immediately before 1 May 2003, is exempt from paying the fee or charge (if any) determined under Part 2 for entry to the Healesville Sanctuary or the Melbourne Zoo on any day that either of those zoos is open to the public, on presentation of a current membership card—

- (a) for the remainder of the person's current period of membership of the society; or
- (b) until 30 April 2004—

whichever is the sooner.

SCHEDULES

SCHEDULE 1

Regulation 4

REGULATIONS REVOKED

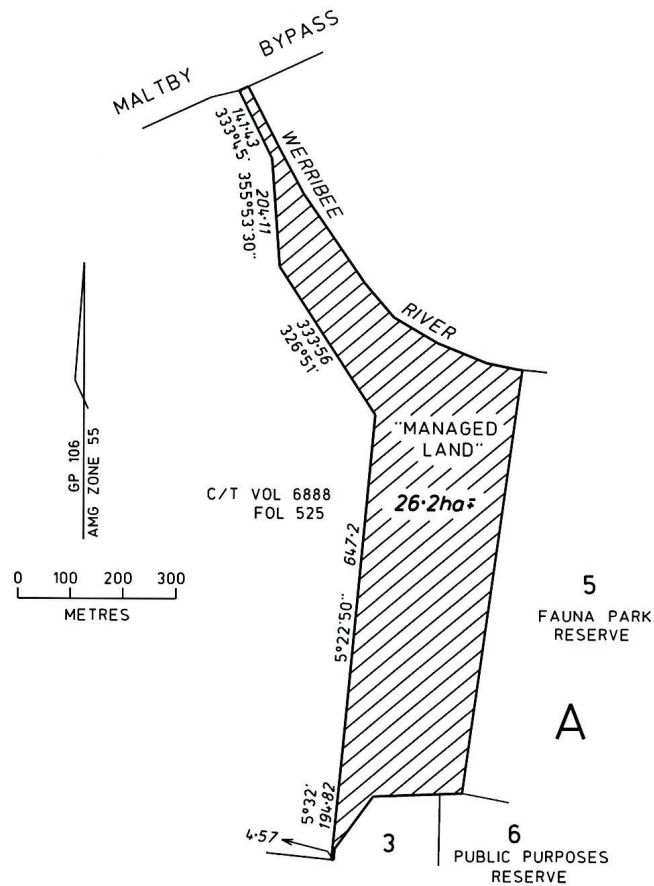
<i>S.R. No.</i>	<i>Title</i>
306/1992	Zoological Parks and Gardens (Administration) Regulations 1992
205/1993	Zoological Parks and Gardens (Administration) (Fees) Regulations 1993
80/1994	Zoological Parks and Gardens (Administration) (Fees) Regulations 1994
88/1995	Zoological Parks and Gardens (Administration) (Charges) Regulations 1995
53/1996	Zoological Parks and Gardens (Administration) (Charges) Regulations 1996
55/1997	Zoological Parks and Gardens (Administration) (Charges) Regulations 1997
1/1998	Zoological Parks and Gardens (Administration) (Amendment) Regulations 1998
74/1998	Zoological Parks and Gardens (Administration) (Charges) Regulations 1998
81/1999	Zoological Parks and Gardens (Administration) (Charges) Regulations 1999
68/2000	Zoological Parks and Gardens (Administration) (Charges) Regulations 2000
59/2001	Zoological Parks and Gardens (Administration) (Charges) Regulations 2001
32/2002	Zoological Parks and Gardens (Administration) (Charges) Regulations 2002

Sch. 2

SCHEDULE 2

Regulation 5(1)

MANAGED LAND AT WERRIBEE ZOO



PARISH OF MAMBOURIN

COUNTY OF BOURKE

Zoological Parks and Gardens Regulations 2003
S.R. No. 29/2003

Sch. 3

SCHEDULE 3

Regulation 9

MAXIMUM FEES FOR ENTRY TO A ZOOLOGICAL PARK

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Visitor Class</i>	<i>Column 3</i> <i>Entry Fee</i>
1	Adult (16 years of age or more)	2·08 fee units
2	Child (under 16 years of age)	1·03 fee units
3	Physically or intellectually disabled child under 16 years of age	\$6.23
4	Family (a group of 4 persons including up to 2 adults)	4·75 fee units
5	Full time student on presentation of proof of full time enrolment in secondary school or post secondary educational institution	1·61 fee units
6	Eligible person within the meaning of the State Concessions Act 2004 on presentation of a current health care card, pensioner concession card or Gold Card issued by the Commonwealth Government	1·61 fee units

Sch. 3
amended by
S.R. Nos
89/2004 reg. 4,
91/2006 reg. 4,
87/2008 reg. 5,
78/2009 reg. 5,
59/2010 reg. 4,
46/2011 reg. 6.

Zoological Parks and Gardens Regulations 2003
S.R. No. 29/2003

Endnotes

ENDNOTES

1. General Information

The Zoological Parks and Gardens Regulations 2003, S.R. No. 29/2003 were made on 23 April 2003 by the Governor in Council under section 41 of the **Zoological Parks and Gardens Act 1995**, No. 106/1995 and came into operation on 1 May 2003: regulation 3.

The Zoological Parks and Gardens Regulations 2003 will sunset 10 years after the day of making on 23 April 2013 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Zoological Parks and Gardens Regulations 2003 by statutory rules, subordinate instruments and Acts.

Zoological Parks and Gardens (Fees) Regulations 2004, S.R. No. 89/2004

Date of Making: 6.7.04

Date of Commencement: 12.7.04: reg. 3

Zoological Parks and Gardens (Fees) Regulations 2006, S.R. No. 91/2006

Date of Making: 18.7.06

Date of Commencement: 1.8.06: reg. 3

Zoological Parks and Gardens (Fees) Amendment Regulations 2008,
S.R. No. 87/2008

Date of Making: 1.7.08

Date of Commencement: 1.7.08: reg. 3

Zoological Parks and Gardens Amendment (Fees) Regulations 2009,
S.R. No. 78/2009

Date of Making: 30.6.09

Date of Commencement: 1.7.09: reg. 3

Zoological Parks and Gardens Amendment (Fees) Regulations 2010,
S.R. No. 59/2010

Date of Making: 30.6.10

Date of Commencement: 1.7.10: reg. 3

Zoological Parks and Gardens (Fees) Amendment Regulations 2011,
S.R. No. 46/2011

Date of Making: 28.6.11

Date of Commencement: 1.7.11: reg. 3

3. Explanatory Details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2011 is \$12.22. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee 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 fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.