****

**PROPOSED AUSTRALIAN GRANDS PRIX (FORMULA ONE) REGULATIONS 2016**

Regulatory Impact Statement

DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES

SECTOR DEVELOPMENT AND PROGRAMS

**PROPOSED AUSTRALIAN GRANDS PRIX (FORMULA ONE) REGULATIONS 2016**

REGULATORY IMPACT STATEMENT

This Regulatory Impact Statement has been prepared in accordance with the requirements of the *Subordinate Legislation Act 1994*.

**May 2016**

**Australian Grand Prix Regulations: Regulatory Impact Statement**

This Regulatory Impact Statement (RIS) has been prepared to facilitate public consultation on the proposed *Australian Grands Prix (Formula One) Regulations 2016* (the Regulations). Copies of the draft Regulations are attached.

A key function of the RIS process is to allow members of the public to comment on the proposed Regulations before they have been finalised. Public involvement can provide valuable information and perspectives and improve the overall quality of the final Regulations.

The proposed Regulations were circulated to key stakeholders and preliminary feedback has been gathered in informing this assessment. The Department of Economic Development, Jobs, Transport and Resources welcomes and encourages further feedback on the proposed Regulations.

All submissions will be treated as public documents. Public comments and submissions are invited by **30 August 2016** and should be forwarded to:

Mr David Skipper

Manager, Major Events Policy

Tourism, Events and Visitor Economy

Department of Economic Development, Jobs, Transport and Resources

GPO Box 2219T

Melbourne VIC 3001

**Table of Contents**

**1. Summary**

**2. Introduction**

**3. The Event**

 **3.1 *The Australian Grands Prix Act 1994***

**3.2 *Protest Against the Grand Prix***

**4. Nature and Extent of the Problem to be Addressed by the Regulations**

 **4.1 *Operational Arrangements***

**4.2 *Security and Amenity***

 **4.3 *Protecting Commercial Interests***

**5. Objectives of the Proposed Regulations**

**6. *Area of Albert Park Covered by the Proposed Regulations***

**7. Changes from the Previous Regulations**

**8. Anticipated Costs and Benefits of the Proposed Regulations**

 **8.1 *Burdens Imposed on the Public***

**8.2 *Negligible / Minor Burden***

 **8.3 *Moderate Burden***

 **8.4 *Burdens Imposed on the Australian Grand Prix Corporation***

 **8.5 *Other Costs***

 **8.6 *Summary of Costs***

 **8.7 *Benefits Provided by the Proposed Regulations***

 **8.8 *Commercial Benefits***

 **8.9 *Summary of Costs and Benefits***

**9. Fees**

**10. Options analysis**

 **10.1 *Regulatory Environment Beyond the Proposed Regulations***

 **10.2 *Management of Albert Park***

 **10.3 *Crowd Management and Public Safety***

 **10.4 *Major Sporting Events Act 2009***

 **10.5 *Conditions of Entry and Contract Law***

 **10.6 *Operating Without the Regulations***

**11. Conclusion**

**12. Appendix One: Summary of the Proposed Regulations**

**1. Summary**

Staging the Formula One Australian Grand Prix poses unique logistical and crowd management issues. The event is considered to necessitate the largest temporary infrastructure requirements in Australasia and attracts hundreds of thousands of patrons over a four day period.

A specific regulatory regime has been developed to support operations and the legislative framework underpinning the event. This statement concludes that the benefits of this regime outweigh the costs, and that it is a preferable way of achieving policy objectives related to the event, than relying on any other alternative means.

**2. Introduction**

The Formula One Australian Grand Prix (the Grand Prix) has been staged in Albert Park for the past 21 years. It requires the establishment of significant temporary infrastructure within a public park capable of supporting the attendance of approximately 275,000-300,000 estimated attendees over a four day period. The race itself involves Formula One racing cars competing on a closed public street circuit at speeds of up to 320 kilometres an hour. The event poses unique logistical and safety requirements for both competitors and spectators. This Regulatory Impact Statement (RIS) asserts that the complex problems encountered by the event, unlike any other event, warrant specific regulatory solutions beyond those generally available.

The *Australian Grands Prix (Formula One) Regulations* (the Regulations) were first created in 1996 and were remade in 2006. The Regulations are due to sunset in October 2016, and it is considered that they should be remade. They seek to ensure the safety of patrons and protect the event’s commercial interests by providing a framework to control the conduct of individuals within declared and designated access areas associated with the Grand Prix, including anti-social behaviour, hawking, advertising and interfering with works required to stage the event.

The Grand Prix is currently scheduled to continue at Albert Park until 2023, and the Regulations remain an important tool to ensure safety at future events. The proposed Regulations are essentially the same as the former Regulations, with minor changes to improve clarity and modernise language and concepts.

This Regulatory Impact Statement (RIS) has been prepared to comply with the requirements of the *Subordinate Legislation Act 1994*, which necessitates a thorough assessment of any regulatory proposal which imposes ‘an appreciable economic or social burden on a sector of the public’. While it is not apparent that the Regulations do impose such a burden, given the high profile of the Grand Prix and the public nature of the event venue, it is considered desirable to prepare a thorough assessment of the proposal and release it for public consultation.

**3. The Event**

Melbourne has built an international reputation as a pre-eminent sporting and major event location on the basis of important events such as the Australian Open, the Melbourne Cup and the Grand Prix. The Grand Prix is a particularly important event for promoting Melbourne to the world and has been a long standing asset in the tourism portfolio. It is a part of Victoria’s major events calendar which contributes $1.8bn to the economy.[[1]](#footnote-1) Many countries compete for the privilege of hosting a Formula One Grand Prix, and the event provides significant advantages in promoting Australia and Melbourne to the world as a desirable tourist destination.

In 2015 the Grand Prix attracted 3.82 million viewers in Australian capital cities alone and drew an estimated attendance of 296,600 across the 4 days of the event from Victoria, interstate and overseas.[[2]](#footnote-2) The event generates significant benefits for the hospitality industry.

In recognition of the benefits brought by the event, the Victorian government investment in the Grand Prix in 2015 was $61.735 million.[[3]](#footnote-3)

The Grand Prix itself is staged on a street circuit that is specially constructed around Albert Park Lake. A number of events are held over four days, including the Formula One World Championship and support categories such as the Porsche Carrera Cup and V8 Supercar Challenges. A wide range of off track entertainment is also staged, incorporating stunt displays, music and attractions for children and other young event goers.

3.1 *The Australian Grands Prix Act 1994*

The *Australian Grands Prix Act 1994* provides for the establishment of the Australian Grand Prix Corporation (the AGPC) and facilitates the staging of the Grand Prix annually at Albert Park and Australian Motorcycle Grand Prix at Phillip Island. Under section 30 of the Act the AGPC must manage and control the declared area in which the event occurs, suspending the powers of Albert Park’s committee of management in that area.

The Act provides essential powers necessary to stage the Grand Prix, including:

* the power to declare race areas and the race period (section 27);
* powers to enter Albert Park (section 31);
* fencing of land (section 32);
* designated access areas (section 32A);
* fenced off areas (section 32B);
* road closures (section 33);
* control of filming (section 35);
* removal of unattended vehicles (section 37); and
* a prohibition on unauthorised advertising (section 40).

The proposed Regulations support the objectives of the Act and provide an operational framework for delivering the Grand Prix. It is important to note that a majority of the burdens imposed on the public by the event are enabled through the *Australian Grands Prix Act 1994* rather than the Regulations. Importantly, the ability of Ministers to declare the race area and the race period, the power to licence the AGPC to conduct works in Albert Park and the power of the AGPC to manage and control the declared area are all established under the Act, rather than the Regulations.[[4]](#footnote-4) The Regulations centre around restraining conduct that is inappropriate or unsafe within a Formula One racing venue, and are not implicated in the inconvenience to the public represented by the use of a public park as a major sporting event venue.

3.2 *Protest Against the Grand Prix*

The proposed Regulations do not limit the rights of peaceful protestors.

**4. Nature and Extent of the Problem to be Addressed by the Regulations**

The Regulations seek to ensure the safety of patrons, workers, officials, contractors and competitors, in unique and challenging conditions. While other major events staged in Victoria such as the Melbourne Cup Carnival and the AFL Grand Final attract large numbers of spectators, these events take place within purpose built permanent venues, specifically designed for the event conditions. The Albert Park Grand Prix circuit and its associated infrastructure is effectively rebuilt each year to Formula One specifications. This requires the construction of significant temporary infrastructure in a park environment.

Organisers of other major events do not encounter the logistical difficulties faced by the AGPC in preparing for and executing events, and have strong general rights to control venues and set conditions of entry as land managers. The AGPC, on the other hand, requires specific regulatory assistance to achieve equivalent powers to achieve these outcomes with respect to the Grand Prix.

4.1 *Operational Arrangements*

The Regulations support the completion of necessary works in order to stage the Grand Prix. If they are not finished in accordance with specifications or there are delays, due to vandalism, trespassers or impaired access to the Park, the AGPC can incur significant costs. As the staging of the event is dependent on financial support from the Victorian Government, these are costs that are passed on to tax payers.

The Grand Prix requires considerable event infrastructure to stage the event, which is temporary in nature and must be erected and removed every year from a public park in which there are many other users. The street circuit surrounding the park must be maintained at an appropriate standard to enable Formula 1® cars to compete on it at speeds of up to 310 kilometres per hour. Motor racing is inherently dangerous for participants and occasionally for spectators and the event venue must provide the best protection possible against all reasonably foreseeable accidents and incidents. The event area within Albert Park encompasses 225 hectares and historically has sustained an estimated attendance of around 100,000 people on its most popular day. All these factors raise unique patron and competitor safety considerations, which must be carefully controlled by the event organiser.

4.2 *Security and Amenity*

While many of the controls provided in the Regulations may appear to regulate trivial behaviours, such as the prohibition of glass objects within designated areas, given the context of the event relatively insignificant incidents may have serious consequences – such as glass on the track causing an accident.

Other controls encompass sensible rules for regulating the behaviour of large numbers of people within a confined space, such as a prohibition on possessing dangerous items or blocking stairs, exits or entrances.

In addition, strongly attended events such as the Grand Prix may become a focus for violent protest or terrorist activity. Australia is currently at a high level of alert in which the threat of terrorist attack is considered probable.[[5]](#footnote-5) Australian event organisers are mindful of the increased risk to their events in the modern climate. Being able to screen spectators for dangerous items, remove unattended vehicles and control access to the Grand Prix venue are particularly important powers within this context.

4.3 *Protecting Commercial Interests*

Grand Prix revenue is generated from ticket sales, sponsorship, licence fees, associated royalties and the provision of State Government funding. As the event is dependent on public funding it is vital that revenue is maximised and that commercial arrangements are protected. Unauthorised hawking and selling has the potential to undermine the event’s revenue base and affect the viability of Melbourne as a venue for the Grand Prix.

The high concentration of spectators at the event makes it an attractive target for sellers of food, souvenirs, merchandise and other forms of hawking and ambush marketing within the declared area. These activities may not only compromise the exclusivity of agreements reached with legitimate event partners, but also affect the reputation of the event and the spectator experience.

A small number of proposed regulations relate to protecting the commercial interests of the event organiser and its sponsors. These include a prohibition on recording or transmitting an event and prohibitions on advertising and the sale of goods and services during the race period in a declared or designated area. This prevents other operators, including those in direct competition with sponsors, from ambush marketing within the Park. The proposed regulation relating to the prohibition on the sale of goods and services also restrains an individual from seeking to scalp a ticket to the Grand Prix at the event, which might undermine commercial revenue from ticket sales as well as protecting the public from purchasing a counterfeit ticket. A proposed regulation also provides the AGPC with the ability to prevent businesses from distributing flyers or products to the public, which may be distracting or annoying for patrons.

While these protections are quite narrow – they only apply during the race period at the venue – they represent a fundamental tool to enable the AGPC to protect its commercial agreements, reputation and brand.

**5. Objectives of the Proposed Regulations**

The objectives of the Regulations are primarily to regulate the behaviour of people within declared and designated access areas during the race period for the Grand Prix, and to provide for the safety of people within the same areas during works in preparation for the event. They also facilitate operational arrangements by prohibiting interference with works associated with the Grand Prix and protect the commercial interests of the event organiser and sponsors by regulating unauthorised commercial activities in the event area, such as advertising and the provision of goods and services without the approval of the AGPC.

The power to make the Regulations is provided for under section 51 of the *Australian Grands Prix Act 1994*. The Regulations relate only to the Grand Prix at Albert Park and do not apply to the Motorcycle Grand Prix at Phillip Island, which is staged on private land.

**6. Summary of the Proposed Regulations**

*Area of Albert Park covered by the proposed Regulations*

The area of Albert Park where the Grand Prix is held is referred to as the ‘declared area’, which is declared in accordance with section 27 of the Act. The Act also allows for the specification of ‘designated access areas’ to enable unimpeded passage of official vehicles during the construction and dismantling phase, and access by patrons during the race period. The proposed Regulations only apply within the declared area and the designated access areas.

The proposed Regulations provide for the following:

* Part 1 – Preliminary: Objective, Authorising provision, Commencement, Revocation, and Definitions (Regulations 1-5);
* Part 2 – Authorised Persons: Appointment and identification of ‘authorised persons’, Offence to interfere with an authorised person (Regulations 6-8);
* Part 3 – Access to Certain Areas: Control of entry into and exit from the event and reserved areas within the declared area (Regulations 9-16);
* Part 4 – Conduct in Declared Area or Designated Access Area: Prohibits certain items and conduct or activities within the declared area (Regulations 17-38);
* Part 5 – Advertising and Sale of Goods: Prohibits unauthorised advertising or sale of goods and services (Regulations 39-40);
* Part 6 – Enforcement: Empowers police and authorised persons to inspect bags and direct a person to leave/expel a person from the declared area (Regulations 41-46);
* Part 7 – Regulation during the Specified Period: Provides for safe and orderly conduct of construction and dismantling of the Grand Prix infrastructure and other works (Regulations 47-49); and
* Part 8 – General: Prescribes a fee for retrieval of a vehicle and specifies that the AGPC may make it a condition of entry that certain items other than ‘prohibited items’ may not be brought into the declared area (Regulations 50-51).

**7. Changes from the previous Regulations**

The proposed Regulations remain largely unchanged from the expiring regulations. No changes to fee or penalty units have been made, and minimal alterations to substantive powers have been implemented.

Primary changes include:

* Improving wording and the simplification of concepts, for example removing the words ‘in respect of a year’ from numerous regulations, because this is implied within the context of the Regulations;
* Replacing references to ‘alcohol’ with references to ‘liquor’, in accordance with accepted practice across the statute book (alcohol can include such things as alcoholic chocolate whereas liquor refers to bottled alcohol, which is the subject of concern in the context of the Grand Prix);
* Modernising the document: updating language which refers to people with a disability, referring to assistance dogs instead of guide dogs, and the inclusion of Segways and aerial surveillance devices as prohibited items, to respond to technological and social developments;
* Providing that notice of the Grand Prix opening and closing times must be published on the AGPC’s website, in addition to notices in newspapers and on signs erected at entrance and exit points;
* Amalgamation of two regulations relating to causing damage or defacing certain items, to avoid unnecessary repetition, and to clarify that the AGPC can authorise such activities, where required;
* Broadening inspection powers to make it explicit that the AGPC can require patrons to walk through screening equipment, or pass their belongings through screening equipment, in keeping with a similar provision in the *Major Sporting Events Act 2009*; and
* A regulation which provided that an individual could be removed from the venue for causing unreasonable annoyance is considered too uncertain, and has been adjusted to refer to behaviour which is unreasonably disruptive, in accordance with the standard established in the *Major Sporting Events Act* 2009. The proposed regulation is now also supported by a penalty for failing to comply, making it enforceable.

**8. Anticipated Costs and Benefits of the Proposed Regulations**

8.1 *Burdens imposed on the public*

By their very nature regulations are designed to modify behaviour in order to achieve specified objectives, often imposing costs or requiring individuals to forgo rights or privileges. This section examines the likely cost imposed by the Regulations, including administrative and compliance costs imposed on the community.

A number of patrons of Albert Park may be affected by the proposed Regulations, including recreational users who may be unable to access certain areas of the Park during the construction and dismantling phases of the Grand Prix. The regulations which limit entry to certain areas should be distinguished, however, from the provisions of the overarching legislation which set out powers to establish Grand Prix infrastructure in the Park and exclude others from those areas.

During the race period spectators will be constrained in which items they are able to bring into the declared area and the types of behaviours they may engage in.

Businesses, advertisers and marketers may be restricted from conducting commercial activities in the declared area, unless they have been authorised by the AGPC.

While efforts were made to quantify the financial impact of the proposed Regulations, these are not really material, as the Regulations primarily seek to modify behaviour and control access to specified areas. It is important to recognise that the Regulations generally impose minor inconveniences and minimal sacrifice on the vast majority of patrons. Arguably those who will bear the highest burden under the proposed Regulations are individuals engaging in anti-social or unsafe behaviour, unauthorised commercial activity or attempting to access unauthorised areas.

In addition, unlike most other regulations in Victoria, the proposed Regulations only operate in a specific geographical area for a limited period of time.

The ‘specified period’ in which the regulations apply begins 12 weeks before the race period and ends four weeks after the race period has concluded. This is the maximum period available for the regulations to operate, as provided in section 51(ca) of the Act. The AGPC has advised that the maximum period permitted by the Act is required to ensure the safety of workers and the public during the construction and dismantlement of temporary infrastructure necessary to stage the Grand Prix. Without the ability to control access to the work site and the conduct of individuals within those areas, the AGPC could not guarantee public health and safety, nor could it secure valuable assets against theft or vandalism. In the department’s view a reduced period of operation would not adequately satisfy the objectives of the regulations.

The proposed Regulations were examined for the likely burdens they will impose upon the community, business and the AGPC. The proposed Regulations have been grouped into categories according to their likely impact on stakeholders.

This grouping places the regulations into categories that:

• control access to areas;

• manage patron/general public behaviour and conduct;

• impact on business; and

• impose costs on the AGPC.

Given the difficulty in assigning a dollar value to most of the proposed Regulations, the regulations were assessed in terms of their likely level of burden on affected persons. This was done by examining the groups affected by the proposed Regulations and attempting to weight the potential impact according to numbers of persons affected and the likely number of incidences. An indicative weighted burden was then ascribed to each regulation. Most of the regulations are considered to impose a negligible or minor burden. A small number are considered to impose a moderate burden, including regulations relating to liquor, smoking, and inspection powers.

Stakeholder feedback on the regulatory burden imposed by the regulations has not been obtained in the last ten years of their operation. Stakeholders are invited to comment on the department’s assessment of the burden imposed by these regulations, particularly in relation to those assessed as being negligible or minor. The department welcomes any and all submissions that may more fully inform its understanding of the impact of these regulations.

8.2 *Negligible/Minor Burden*

The majority of the proposed Regulations were assessed as having a negligible or minor burden. This reflects the limited time for which the regulations apply and the relatively small incidence of activity that would breach specified regulations. For example, the burdens imposed by Regulation 10 (persons trying to regain entry to the declared area after having been directed to leave or expelled) and Regulation 12 (unauthorised vehicles must not be brought into the declared area) are considered negligible. These regulations potentially impose penalties of 20 penalty units and 10 penalty units respectively, which may be considered onerous, but very few breaches occur annually. Given that these regulations apply to a small area in Victoria, for a limited period and to a small number of persons, the overall impact of these regulations was judged to be negligible.

Other regulations assessed as having a negligible/minor burden were also assessed against the significance of an incident upon a sector of the public, giving due regard to the level of risk. Notwithstanding that a regulation may have a negligible overall impact and the number of breaches may appear small, the nature of risk attached to the potential incidents means that even a single breach can potentially compromise safety or lead to a catastrophic event.

8.3 *Moderate Burden*

Regulation 9 (control of entry and exit into the declared area) may impose a moderate burden on the community. This regulation is part of the overall regime which controls access to the declared area (that is, the general authority to declare an area and fence it off derives from the Act rather than the regulations). Persons not holding valid tickets or who are not authorised cannot gain access to this area. This potentially affects thousands of park users over the race period. It could also be anticipated that large numbers of ‘free-riders’ would attempt to attend the event if there were not access controls to the area.

Regulation 17 (restrictions on bringing liquor into the declared area) may also impose a moderate burden. This is because it is probable that many patrons would like to bring their own liqor into the declared area. The restrictions on liquor are imposed for safety and commercial reasons. First, prohibiting privately purchased liquor from the event prevents individuals from bringing in inappropriately large quantities of alcohol which could lead to intoxication. By requiring patrons to purchase alcohol in the declared area, responsible service of alcohol practices can be applied. Second, this regulation protects commercial sponsorship and licensing rights. While patrons may pay higher prices for alcohol at the event, this does not represent an overall cost to the community (it represents an economic transfer from patrons to sponsors/licensees, who in turn pay the AGPC for the exclusive right to sell their products at the event).

Regulations 39 (prohibition of advertising) and 40 (prohibition of selling goods or services) notionally impose an opportunity cost (or opportunity forgone) on those wishing to engage in these activities but have not been authorised by the AGPC to do so. Again, the limitation is only imposed in a declared or designated access area during the race period and exists otherwise generally in the Park under local laws.

Regulation 37 (prohibition of smoking in certain areas) arguably imposes a moderate burden. Given that around 13 per cent of Australians aged 14 and over smoke on a daily basis, it could be assumed that the regulation will affect possibly tens of thousands of persons over the race period that may wish to smoke in these areas.[[6]](#footnote-6) Against this, smoking is only restricted to certain areas within the declared area, and smoking is still permitted outside these areas. The restriction on smoking in certain areas promotes safety and respects the rights of non-smokers. Given that smoking is generally prohibited in all major sporting event venues and restrictions on public smoking have been generally accepted by the community over recent decades, these restrictions are considered in line with accepted community practice.

Regulation 42 (inspection) may also impose a moderate burden on the community. This is because the regulation potentially affects every patron entering the declared area that has a bag, bulky coat, ‘esky’, or other receptacle. The regulation also empowers the AGPC to require patrons to pass through or submit to screening equipment. Vehicles belonging to AGPC staff, racing team members, suppliers, contractors and others are also randomly inspected when they enter the declared area. Such inspections impose a time cost on patrons as a result of the inconvenience, perceived intrusiveness and queuing and may impinge upon their amenity. Inspections, however, are an important enforcement procedure for a number of the proposed Regulations, including Regulations 17 (restrictions on bringing liquor into the declared area) and 18 (restrictions regarding prohibited items). In addition, inspection and screening powers are essential in a heightened security environment in which security personnel are scanning large volumes of people for items related to terrorist attacks, as well as anti-social behaviour. While this regulation has been assessed as imposing a significant collective burden on the community, for individuals this burden will be relatively minor and constitutes accepted practice at many public venues.

8.4 *Burdens imposed on the Australian Grand Prix Corporation*

An estimation of the direct costs to the AGPC imposed by the proposed Regulations has been made. The AGPC incurs costs related to the Regulations through providing identification for authorised persons, marking designated areas and preparing signage, including no smoking signs, and advertising opening and closing times. These costs do not exceed $10,000 in any given year of the event. Importantly, the AGPC advises that even if the Regulations were not in place, it is likely that it would incur these costs in any case, as part of responsible and effective event management.

It was not possible to calculate a number of costs for conceptual and commercial in confidence reasons. For example, proposed Regulation 6 provides that the AGPC may appoint ‘authorised persons’ (for example, security guards) for the purposes of enforcing the regulations. Arguably, the AGPC would need to appoint security guards in any case as part of its requirement under section 30 of the Act to manage and control the event (and would do so regardless as part of good event management). However, such security guards would not have the prescribed powers that an ‘authorised person’ would have under the proposed Regulations. Similarly, the cost of fencing off the areas is entirely attributable to the Act (that is, section 32 of the Act, Fencing of Land despite the proposed Regulations that prohibit certain behaviour in fenced off areas) .

More generally, contractual arrangements between the AGPC and contractors are treated by AGPC as commercial-in-confidence. It is certain that costs imposed by the proposed Regulations represent a negligible percentage of the total cost of staging the event.

8.5 *Other Costs*

The *Subordinate Legislation Act 1994* requires a RIS to assess environmental and social costs, as well as economic impacts.

As the proposed Regulations deal almost exclusively with controlling behaviours of various kinds, it is not apparent that any tangible environmental costs may be assessed, although there may be some effect in relation to minimising damage to trees (regulation 33), the excavation of Albert Park (regulation 30) or interference with local fauna (regulation 34).

Environmental impacts resulting from the Grand Prix, including the impact of event infrastructure on Albert Park and emissions from Formula One racing cars, are not related to the proposed Regulations and are not relevant to this assessment.

During the race period and the construction and dismantling phases, the proposed Regulations are likely to affect recreational users of the park, including walkers and joggers, persons using the sporting facilities in Albert Park, and picnickers. There are also a number of sporting, sailing and recreational clubs located within the park area. Potentially hundreds or thousands of park users will be affected over the 16 week works period to the extent that the works area prevents or curtails these activities. Despite affecting possibly large numbers of persons, the impact during the works phase is likely to be relatively minor given that the majority of Albert Park remains open for use. The larger impact is likely to be imposed during the race period itself, when larger parts of Albert Park are fenced-off (however, this period represents only a small part of the year).

While it may be possible to quantify this loss of amenity, to do so would be costly and likely to be fraught with methodological issues (for example, a comprehensive analysis would also need to examine the utility or amenity gained by motor racing fans against the amenity lost by park users). Moreover, many park users are likely to mitigate any such costs by temporarily substituting activities to other locations or venues. Some local residents may experience loss of amenity as a result of the noise and traffic congestion generated by the event, and it is acknowledged that it is difficult for local residents to mitigate such costs.

It is important to recognise, however, that the amenity impact of the proposed Regulations is only minor given that the overall impact from the event mostly derives from the Act.

*8.6 Summary of Costs*

The proposed Regulations have the function of prescribing operational aspects of the Act, and to that extent most of the costs are attributable to the legislation rather than the proposed Regulations. Given that most of the proposed Regulations deal with access to areas and managing crowd behaviour, it is difficult to quantify the costs imposed by the proposed Regulations.

This section concludes that the proposed Regulations impose a relatively modest incremental burden on the Victorian community. This RIS also highlights that while the absolute numbers of incidents may appear small, it is the nature of risk attached to those incidents that can lead to dangerous or catastrophic results. The proposed Regulations seek to manage and mitigate these risks for the Victorian Government and the community.

8.7 *Benefits Provided by the Proposed Regulations*

As with the costs, the benefits directly attributable to the proposed Regulations are difficult to quantify. The economic benefit and exposure of Victoria as a tourist destination produced by the Grand Prix are mostly attributable to the Act. However, to the extent that the proposed Regulations contribute to an operational framework which delivers a safe and successful event, then some level of dollar benefit can be attributed to the proposed Regulations.

The specific benefits associated with the proposed Regulations include:

• orderly use of Albert Park during the construction and dismantling stages;

• safety benefits; and

• commercial certainty benefits.

The proposed Regulations seek to minimise the disruption to users of Albert Park during the construction and dismantling stages and to provide the AGPC with authority to direct persons from works areas (for example, Regulations 47, 48 and 16). While safety is also a key objective, the avoidance of delays from disruptions is an important consideration. The safe and smooth construction of Grand Prix infrastructure and other works is an important element of staging a successful event. In the absence of the proposed Regulations the AGPC could incur substantial costs.

Regulations 17 to 38 deal primarily with patron conduct and safety. As elaborated above, when large groups of people are concentrated in an area and adequate controls are not in place, injuries or harm can occur. In terms of a safety regime, the worst case scenario is the death of a person. The inherently risky nature of motor racing events was highlighted when the death of a marshal occurred following a crash during the staging of the Australian Grand Prix in 2001. It could be reasonably expected that the proposed Regulations contribute to lower numbers of fatalities and injuries than would otherwise occur. This serves to illustrate the order of benefits derived from ensuring crowd safety.

8.8 *Commercial Benefits*

Proposed Regulations 39 and 40 seek to preserve commercial benefits granted to the sponsors and licensees by the AGPC. As shown above, the AGPC charges a premium for these rights and this forms an important part of the AGPC’s revenue. In the absence of the proposed Regulations, this revenue could be threatened. This is an even stronger consideration given that the event relies on State Government subsidies to run, and any shortfall in sponsorship is made up by taxpayers.

It should also be noted that these commercial activities are prohibited in Albert Park at all times of the year under the *Crown Land (Reserves) (Albert Park) Regulations 1998* without a permit from Parks Victoria, and in surrounding areas under the City of Port Phillip local laws.

**9. Fees**

Proposed Regulation 50 prescribes a fee for the purposes of section 37 of the Act. Section 37 allows the AGPC to remove an unattended vehicle to a convenient place if it is parked in a declared area or designated access areas during the race period. The prescribed fee for the proposed Regulations is 20 fee units ($279.00 in the 2016-2017 financial year) for towing the vehicle plus five fee units ($70) for each day or part of a day during which the unattended vehicle is kept in a convenient place. Rather than being punitive, the fee reflects the costs incurred by the AGPC with respect to towing and storing a vehicle.

**10. Options analysis**

The *Subordinate Legislation Act 1994* requires that a RIS identify practical alternatives to the proposed Regulations and assesses their costs and benefits compared to the proposed Regulations. The RIS is not required to identify alternatives which are not feasible, or which are beyond the scope of the Act. A number of regulatory and non-regulatory alternatives were examined but most were not considered feasible. These included establishing education programs, industry self-regulation, establishing voluntary codes of practice and negative licensing. The practical regulatory options are:

• allow the Regulations to lapse; relying instead on alternative laws; or

* remake the Regulations.

10.1 *Regulatory Environment Beyond the Proposed Regulations*

An assessment of the regulatory environment that exists in the absence of the proposed Regulations is necessary in order to appreciate the costs and benefits of additional regulatory measures. This ‘base case’ describes those laws and regulations currently in existence which may cover the activities addressed in the proposed Regulations. A number may be relevant, including land management regulations, legislation relating to criminal conduct and major sporting event laws.

10.2 *Management of Albert Park*

If the proposed Regulations were not in place the Grand Prix would still be staged under the *Australian Grands Prix Act 1994*. Under section 30(2) of this Act the AGPC manages Albert Park during the ‘race period’, which is declared under section 27 and published in the Government Gazette. In 2016 the race period commenced on 15 March and concluded on 21 March. During the rest of the year (outside the race period) the *Crown Land (Reserves) Act 1978* and the *Crown Land (Reserves) (Albert Park Reserve and Albert Reserve) Regulations 1998* apply within the Park.

These regulations are primarily concerned with the protection of the land, the preservation of order in the area and the use and management of facilities in the Park. There is a small area of overlap between the *Crown Land (Reserves) (Albert Park Reserve and Albert Reserve) Regulations 1998* and the proposed Regulations, including the ability to make a determination prohibiting vehicles[[7]](#footnote-7) and vessels[[8]](#footnote-8) from parts of the Park, a prohibition on interfering with wildlife[[9]](#footnote-9) or damaging flora,[[10]](#footnote-10) and some restrictions on commercial activities.[[11]](#footnote-11)

10.3 *Crowd Management and Public Safety*

In the absence of the proposed Regulations the AGPC would need to rely on the existing matrix of summary offences and criminal laws for crowd management purposes. These include the Victorian *Crimes Act 1958* (which contains provisions relating to property damage and civil arrest), *Unlawful Assemblies and Processions Act 1958* and common law offences including riot, rout, common assault, unlawful assembly, civil trespass and public nuisance.

The *Summary Offences Act 1966* contains numerous provisions designed to maintain public order. Victoria Police officers may prevent or prosecute various activities within public locations, including:

* obscene, indecent or threatening conduct,
* offensive language, songs, ballads, artwork, flags and other symbols, and
* summary activity of a riotous, offensive or insulting nature.

Additional prohibitions may apply to

* obstructing traffic,
* wilful trespass,
* damaging fountains, shrines, monuments, statues and other public structures,
* criminal damage and entry,
* property destruction,
* defacing public property with chalk, spray paint, placards or posted bills,
* lighting fires,
* setting off fireworks,
* throwing missiles,
* annoyance,
* public drunkenness, and
* possession of offensive weapons likely to cause injury to persons or property.

The *Crimes Act 1958* also contains a number of provisions that may be relevant for managing large Grand Prix crowds and maintaining public order in the Park. These include:

* intentionally causing serious injury,
* recklessly causing serious injury,
* intentionally and recklessly causing injury,
* threats to kill,
* breach of the peace against a person entitled to possession of land,
* criminal damage,
* going equipped to steal or cheat, and
* possession with intent to damage or destroy property.

10.4 *Major Sporting Events Act 2009*

Since the Regulations were first created in 1996 and remade in 2006, the regulation of major sporting events in Victoria has evolved with the implementation of the *Major Sporting Events Act* (MSEA) in 2009. This piece of legislation provides powers to regulate key aspects of major sporting events, including commercial arrangements, crowd management, advertising within venues, unauthorised aerial advertising and ticket scalping.

While the *Major Sporting Events Act 2009* provides a comprehensive set of crowd management and a small number of operational arrangement powers, these have not been activated with respect to the Grand Prix. It has not been considered necessary to employ the Act in this context, as the Regulations provide a better constructed set of controls for the specific conditions of the event. Only the aerial advertising provisions of the *Major Sporting Events Act 2009* apply to the Australian Formula One Grand Prix.

No other controls within the Act apply to the event, although specific provisions exist to make clear that a major sporting event order will not interfere with the operations of the Grand Prix.[[12]](#footnote-12)

A number of proposed Regulations provide crowd management powers that are essentially replicated in the *Major Sporting Events Act 2009*. Specifically, regulations relating to the possession of alcohol not purchased at the venue, prohibited items, damaging or defacing infrastructure, blocking stairs, exits or entrances, throwing or kicking projectiles, obstructing the view of a seated person and the unauthorised use of loud hailers are all substantially or identically reproduced in the *Major Sporting Events Act 2009*. Conversely, a number of the proposed Regulations have no equivalent in the *Major Sporting Events Act 2009*.

10.5 *Conditions of Entry and Contract Law*

In the absence of the proposed Regulations the AGPC would need to rely on conditions of entry to manage issues associated with the staging of the event. Conditions of entry to the Grand Prix are published on the event’s website and on signage at the entrances to declared areas. The conditions complement the proposed Regulations, but operate on a different legal foundation. Where an individual breaches the conditions of entry the AGPC may have the right to ask the individual to leave or to pursue a claim for breach of contract.

It is difficult to enforce contractual terms in an event context, not least of all because a representative of the event organiser has no powers to demand the name and contact details of an individual who commits a breach. Actions are rarely practical or efficient, and may provide little deterrent for offenders determined to disrupt an event or engage in anti-social behaviour. Remedies and damages are likely to be minimal and a fraction of the cost of bringing a proceeding. Additionally, court injunctions are not an appropriate instrument to deal with breaches of conditions of entry. Court proceedings are not timely or efficient for pragmatically addressing poor behaviour within the event venue.

Terms and conditions could be used to eject patrons who engage in unsafe or disruptive behaviour, but the proposed Regulations provide the AGPC with more authority, and an effective means of enforcement if an individual refuses to leave.

10.6 *Operating Without the Regulations*

While the matrix of regulation outlined above may provide powers for some parties to address problems arising from the staging of the Grand Prix, they are inadequate to provide the event organiser, the entity most intimately concerned with the safe and efficient operation of the event, from resolving commonly arising difficulties.

It may be noted that some of the powers provided under the *Crown Land (Reserves) (Albert Park Reserve and Albert Reserve) Regulations 1998* relate to similar matters in the proposed Regulations (interference with flora and fauna, prohibitions on commercial activities). From this it might be asserted that the existing matrix of regulation might be employed to address the problems raised by the Grand Prix.

The *Crown Land (Reserves) (Albert Park Reserve and Albert Reserve) Regulations 1998,* however, would not be of assistance in the regulation of the event. Firstly, the operation of these regulations is suspended during the race period by the *Australian Grands Prix Act 1994*, when they would be most urgently required. Further, these regulations are enforced by officers employed by Parks Victoria, which may have little or no incentive to protect the interests of the Grand Prix or the safety of its patrons. It might even be beyond the mandate of the organisation to deploy the numbers of officers necessary to monitor public conduct at the event, as the organisation is concerned with objectives relating to managing the land as a public park and not as a major event venue.

In the absence of the proposed Regulations the AGPC would be reliant on Victoria Police officers enforcing Victorian criminal law, to regulate crowd behaviour. This again takes control of crowd safety out of the hands of the event organiser while it bears full legal responsibility for maintaining the safety of spectators and participants. While security staff may seek to enforce conditions of entry, including conditions relating to behaviour, without any regulatory power or authorisation to exercise such power, options for managing a range of behaviours is limited. The specific penalties outlined in the proposed Regulations, such as being on the Grand Prix circuit during the race period without authorisation[[13]](#footnote-13) would not be available to officers. The Regulations also provide penalties for behaviours, such as being in a declared or designated access area during the race period outside of designated opening and closing times.[[14]](#footnote-14) This provides a mechanism to deter individuals who may seek to damage or interfere with essential event infrastructure, allowing the AGPC to control the event venue as though it was a private venue.

It might be argued that the Grand Prix could be staged without the Regulations, relying instead on the crowd management provisions of the *Major Sporting Events Act 2009*. Employment of this model, however, would leave the AGPC with significantly fewer crowd management powers, many of which have been specifically tailored for the unusual conditions of the event. For example, Regulation 24 provides a penalty for hindering, obstructing or interfering with drivers – a very important restriction within the context of the event. Crowd management Regulations also factor in the public nature of the event venue, to include such prohibitions as excavating parts of the Park, erecting structures, entering Albert Park Lake, damaging trees and disturbing or interfering with fauna. Such specific behaviours, which are clearly destructive within the context of the Grand Prix, may not easily translate to other major events, which are typically conducted within stadiums and cannot be controlled under the *Major Sporting Events Act 2009*.

The specific powers in the Regulations which enable the AGPC to control access to the venue for the purposes of establishing the infrastructure of the races and to run the event would also be absent. These include prohibitions on obstructing, hindering or endangering the safe and orderly carrying out of works and the ability to control access to a declared area where interference with works occurs.

In addition, powers under the *Major Sporting Events Act 2009* may only be exercised by officers authorised under that Act (and appointed by the Secretary of the Department of Economic Development, Jobs, Transport and Resources)[[15]](#footnote-15) and members of Victoria Police. The proposed Regulations provide, however, for the appointment of authorised persons to exercise functions under the Regulations (in conjunction with members of Victoria Police) by the AGPC. Authorised persons must be appropriately qualified or experienced. This enables the AGPC to authorise personnel to control the enforcement of the regulatory regime without being dependent on external agencies to train and appoint staff.

**11. Conclusion**

The burden imposed by the proposed Regulations is minor, particularly given their limited operation for a specified time period each year in a defined location. It may be argued that the regulations restrain civil liberties, but they are generally the liberties of an audience that voluntarily chooses to attend the event. It may also be counter-argued that fewer spectators would attend the event without such restrictions, because crowd conditions would be less safe and arguably less conducive to families. The burden on the public, in terms of restraining behaviour, is not significant, is consistent with community expectations for large sporting events and encourages greater attendance by a broader section of the community.

It is apparent that the burdens imposed by the Regulations do not outweigh the benefits provided, in relation to safe and orderly construction and dismantlement of event infrastructure, commercial certainty and patron safety. Imposing the proposed Regulations would also result in greater benefits than relying on the alternative matrix of existing regulation.

It is therefore concluded that the net benefit of the proposed Regulations are greater than any practical alternative and the benefits to society outweigh the costs.

**Appendix One: Summary of the Proposed Regulations**

***Part 1 – Preliminary: Objective, Definitions (Regulations 1-5)***

***Part 2 – Authorised Persons (Regulations 6-8)***

***Part 3 – Access to Certain Areas (Regulations 9-16)***

***Part 4 – Conduct in Declared Areas (Regulations 17-38)Part 5 – Advertising and Sale of Goods (Regulations 39-40)***

***Part 6 – Enforcement (Regulation 41-46)***

***Part 7 – Regulations During the Specified Period Regulation 47-49)***

***Part 8 – General (Regulations 50-51)***

*Part 1 – Preliminary: Objective, Definitions, (Regulations 1-5)*

Regulation 1 sets out the objectives of the proposed Regulations, which are to regulate the conduct of persons in the declared area during the race period for the Grand Prix, to ensure an appropriate degree of safety of persons in the declared area during works for the Grand Prix and to facilitate operational arrangements for the Grand Prix.

Regulation 2 identifies section 51 of the Act as the source of statutory power for the regulations.

Regulation 3 provides the commencement date of the Regulations, which will be on 23 October 2016.

Regulation 4 revokes the *Australian Grands Prix (Formula One) Regulations 2006*, which are due to expire on 24 October 2016.

Regulation 5 defines ‘acceptable no smoking sign’, ‘authorised person’, ‘dangerous goods’, ‘designated entrance’, ‘designated exit’, ‘distress signal’, ‘glass object’, ‘grand prix circuit’, ‘laser pointer’, ‘liquor’, ‘permitted entrant’, ‘prohibited item’, ‘reserved area’, ‘reserved seat’, ‘specified period’, ‘the Act’, ‘ticket’, vehicle’, ‘vessel’, and ‘works area’.

‘Prohibited item’ includes a glass object or container; a beverage container with the manufacturer’s seal broken; a drinks cooler or ice box (other than one predominantly constructed of polystyrene); a chair, lounge, bench or stool (other than a folding chair or folding stool); animal (other than an assistance animal if a person has a disability or a police dog or police horse); a flag or banner larger than 1 metre by 1 metre or with handles longer than 1 metre; a laser pointer; distress signal; a whistle or loud hailer; dangerous weapons, and dangerous goods, firearms, a bicycle, skateboard, roller skates, roller blades, scooter or Segway, a firework, a horn or bugle, a public address system, a drone or aerial surveillance device, items in commercial quantity and items which do not have an ordinary and reasonable use which may be used in the commission of an offence.

*Part 2 - Authorised Persons (Regulation 6-8)*

Regulation 6 enables the AGPC to appoint authorised persons for the purposes of the Regulations and Regulation 7 provides that he or she must be clearly identified and produce identification when asked. Regulation 8 prohibits a person from interfering with, obstructing or hindering an authorised person in the exercise of powers functions or duties under the Regulations. The maximum penalty for breach of regulation 8 is 20 penalty units.[[16]](#footnote-16)

*Part 3 - Access to Certain Area (Regulations 9-16)*

Regulation 9 restricts entry or attempts to enter the declared area during the race period to persons who are not permitted entrants and requires permitted entrants to use designated entrances and exits. The maximum penalty for breach of this Regulation is 10 penalty units (not using designated entrances and exits) or 20 penalty units (entry by a person who is not a permitted entrant).

Regulation 10 prohibits a person who has been directed to leave or has been expelled from the declared area on any day during the race period from re-entering or attempting to re-enter such an area for 24 hours unless authorised by the AGPC. The maximum penalty for breach of this regulation is 20 penalty units.

Regulation 11 prohibits a person from being, or attempting to be, on the Grand Prix circuit at any time during the race period unless authorised by the AGPC. The maximum penalty for a breach of this regulation is 20 penalty units. Regulation 12 prohibits a person from bringing or attempting to bring a vehicle into the declared area during the race period unless authorised by the AGPC. The maximum penalty for breach of this regulation is 10 penalty units.

Regulation 13 provides for the AGPC to fix opening and closing times for each day during the race period. The AGPC must publish opening and closing times in a newspaper generally circulating in the state and on its website, and must erect signs or notices at each entrance stating the opening and closing times. The regulation also prohibits a person from entering or remaining in the declared area before opening time or after the closing time unless authorised by the AGPC. The maximum penalty for breach of this regulation is 20 penalty units.

Regulation 14 enables the AGPC to set aside reserved areas and reserved seats in the declared area during the race period. Unauthorised entry or attempting to enter into these areas or occupancy of those seats is prohibited. An authorised person or member of the police force may request a person to produce a ticket entitling the holder to enter and remain in the reserved area or occupy a reserved seat. Regulation 15 prohibits a person from removing or attempting to remove from a reserved area certain glass objects obtained in that area unless authorised by the AGPC. The maximum penalty for breach of these regulations is 5 penalty units.

Regulation 16 prohibits a person from entering or remaining, or attempting to enter or remain, in an area fenced or cordoned off without the authority of the AGPC. Unlike the other regulations, this regulation applies throughout the year and relates to areas which are fenced or cordoned off by AGPC in accordance with section 32 of the Act. This allows the AGPC to prevent any interference with or hindrance of works conducted in areas cordoned off by AGPC during the year. For example, an area of the road might require resurfacing. This regulation was formerly contained in the *Australian Grands Prix (Works) Regulations 1995* and the *Australian Grands Prix Regulations* 2006, and is included in the proposed Regulations. The maximum penalty for breach of this regulation is 20 penalty units.

*Part 4 – Conduct in Declared Area (Regulations 17-38)*

Regulation 17 prohibits a person in the declared area during the race period from possessing liquor that has not been purchased in that area, except as authorised by the AGPC. The maximum penalty for breach of this regulation is 20 penalty units. This Regulation also permits an authorised person or police member to direct a person whom they reasonably believe has taken out or is taking liquor in an unsealed container out of the declared area, to dispose of the contents of that container.

Regulation 18 prohibits a person, without the authorisation of the AGPC, from possessing certain items in the declared area during the race period.

Regulation 19 prohibits a person from misusing, defacing, damaging or tampering with any infrastructure, building, seat, chair, table, structure, vehicle, vessel, truck, pipe, tap, tap fitting, conduit, electrical equipment, wiring, or sign, or attempting to do any of those things.

Regulation 20 prohibits a person from blocking stairs, exits, entries, and other forms of thoroughfare unless authorised to do so by the AGPC (10 penalty units).

Regulation 21 prohibits a person from throwing or kicking, or attempting to throw or kick, any projectile, including stones or bottles. Regulation 22 prohibits a person from deliberately obstructing the view of a seated person (10 penalty units). Regulation 23 prohibits a person from disrupting or interrupting, or attempting to disrupt or interrupt, or behaving in any manner that may disrupt any race, event or activity comprising a Formula One event. Regulation 24 prohibits a person from hindering, obstructing or interfering with, or attempting to disrupt, obstruct or interfere with, the driver of any vehicle or vessel taking part in a Formula One event. Regulation 25 prohibits a person from acting in such a way as to adversely affect the safety of the public within the declared area. Except where stated, the maximum penalty for breach of these regulations is 20 penalty units.

Regulation 26 prohibits a person from making, recording or transmitting, or attempting to make, record or transmit, any form of film or sound recording of any part of a Formula One event without the written authorisation of the Corporation, other than for the private enjoyment of the person making, recording or transmitting it (20 penalty units).

Regulation 27 prohibits a person from using, or attempting to use, a loud hailer, public address system, broadcast device or any other device that may interfere with electronic or radio communications, unless authorised to do so by the AGPC. Regulation 28 prohibits a person from conducting public surveys or opinion polls, or soliciting money, donations or subscriptions from members of the public without the written authorisation of the AGPC. Regulation 29 prohibits a person from erecting or displaying any sign or banner, without the written authorisation of the AGPC. Regulation 30 prohibits a person from excavating, or attempting or causing to be excavated any part of the declared area. Regulation 31 prohibits a person from erecting, or attempting to erect, a structure without written authorisation from the AGPC, and an authorised person or member of the police force may dismantle or remove any such structure. The maximum penalty for breach of these regulations is 20 penalty units.

Regulation 32 prohibits a person from entering or attempting to enter or remaining in the lake in Albert Park, or causing any other person to enter or remain in the lake, unless authorised by the AGPC. Regulation 33 prohibits a person from picking, damaging or uprooting, or attempting to pick, damage or uproot, any tree or shrub within the declared area. Regulation 34 prohibits a person from disturbing or interfering with any fauna within the declared area. Regulation 35 prohibits a person from climbing on or remaining on, or attempting to climb on, any tree or structure within the declared area. Regulation 36 enables the AGPC, during the race period, to designate any part of the declared area as a no smoking area. The regulation requires the AGPC to place acceptable no smoking signs at those designated areas and prohibits a person from smoking in such areas. Regulation 37 prohibits a person from busking within the declared area during the race period, unless authorised by the AGPC. The maximum penalty for breaching these regulations is 5 penalty units.

Regulation 38 permits an authorised person or member of the police force to direct a person who is in the declared area to leave the declared area if the authorised person or police member believes on reasonable grounds that the person is causing unreasonable disruption to spectators or persons officiating at the event or persons employed or contracted by the AGPC. A person must comply with a direction, without delay. Failure to do so may result in a penalty of 5 penalty units.

*Part 5 – Advertising and Sale of Goods (Regulations 39-40)*

Regulation 39 prohibits a person during the race period from placing, distributing or displaying, or attempting to display, to the public unauthorised advertising material within the declared area. An authorised person may remove unauthorised advertising. The maximum penalty for breach of this regulation is 20 penalty units. Regulation 40 prohibits unauthorised hawking, sale or offering for sale goods or services, including Grand Prix tickets, during the race period within the declared area.

This regulation also prohibits a person from bringing, or attempting to bring, goods into such an area during the race period for the purpose of distribution or sale to the public without the AGPC’s authorisation. The maximum penalty for breach of this regulation is 10 or 20 penalty units, depending on the type of prohibited conduct.

*Part 6 – Enforcement (Regulation 41-46)*

Regulation 41 enables an authorised person to request a person to surrender any item that is in the declared area in contravention of Regulation 17 (liquor) or 18 (prohibited items) or is being used in a manner that contravenes any of the Regulations 17 to 36 (conduct within the declared area) or Regulations 39 and 40 (distributing promotional material or selling an item).

Regulation 42 enables an authorised person or member of the police force during the race period to request to inspect any bag or other receptacle that a person intends to bring or has brought into the declared area, to request a person who intends to enter or has entered such an area to turn out his or her pockets or to submit to screening using walk through or hand held equipment. A person outside these areas who refuses to comply with this request must not enter the declared area during the race period. The maximum penalty for breach of this regulation is 20 penalty units.

Regulation 43 enables an authorised person or member of the police force to direct a person to leave the reserved area or a reserved seat if that person refuses to produce a ticket, and an authorised person or member of the police force may direct a person to leave the declared area if they refuse to surrender an item or produce or open for inspection a bag, basket or other receptacle.

Regulation 44 provides that an authorised person or a member of the police force may direct a person to leave a reserved area, a reserved seat or the declared area, as the case requires, if the authorised person or member of the police force believes on reasonable grounds that a person has committed an offence under specified regulations and they have requested the person to leave and the person has refused.

Regulation 45 provides that a member of the police force may use reasonable force to expel a person from a reserved area, a reserved seat or a no smoking area, if the person has refused to comply with a direction to leave under regulations 43 or 44. The police may also use reasonable force to expel a person from the declared area if the person has refused to comply with a direction to leave under the proposed Regulations, or if the person has unlawfully entered the declared area and cannot produce satisfactory evidence of their entitlement to be there. The police may also use reasonable force to prevent a person re-entering the declared area within 24 hours in contravention of Regulation 10.

Regulation 46 sets out additional powers of authorised persons and police during the race period, including the power to prevent a person entering or to expel a person from the declared area in certain circumstances.

 *Part 7 – Regulation during the Specified Period (Regulation 47-49)*

Regulation 47 prohibits certain conduct during the specified period (as defined in Regulation 5, being a period commencing 12 weeks before the race period and ending 4 weeks after the race period) that could interfere with the safe and orderly carrying out of works within the declared area, including unauthorised entry into a works area.

The maximum penalty for a breach of this regulation is 20 penalty units. Regulation 48 permits an authorised person or member of the police force to direct a person to leave the declared area if that person obstructs, hinders, or endangers the carrying out of works or the provision of services. A person so directed must do so. The maximum penalty for breach of this regulation is 20 penalty units.

Regulation 49 prescribes a regime for excluding from the declared area for a certain period a person who interferes with the safe and orderly conduct of works in such an area during the specified period.

*Part 8 – General (Regulation 50-51)*

Regulation 50 provides that a prescribed fee for the purposes of section 37 of the Act is 20 fee units plus 5 fee units for each day or part of a day during which an unattended vehicle removed by the AGPC under section 37 of the Act is kept in a convenient place.[[17]](#footnote-17)

Regulation 51 allows the AGPC to make it a condition of entry that certain items, in addition to those listed under ‘prohibited items’, must not be brought into the declared area. Such items must be identified on signs or notices at each entrance bearing the names of those items and stating that the item must not be brought into the declared area.

Authorised by the Hon John Eren, MP, Minister for Tourism and Major Events.
Department of Economic Development, Jobs, Transport and Resources
1 Spring Street Melbourne Victoria 3000
Telephone (03) 9653 9709

© Copyright State of Victoria,
Department of Economic Development, Jobs, Transport and Resources 2016

Except for any logos, emblems, trademarks, artwork and photography this document is made available under the terms of the Creative Commons Attribution 3.0 Australia license.

This document is also available in an accessible format at economicdevelopment.vic.gov.au

1. “An Eventful Year: Economic impact of the Victorian Major Event Calendar”, Ernst & Young/Victorian Major Events Company joint research project, September 2014. [↑](#footnote-ref-1)
2. Australian Grand Prix Corporation Annual Report 2015, p 2. [↑](#footnote-ref-2)
3. Australian Grand Prix Corporation Annual Report 2015, p 18. [↑](#footnote-ref-3)
4. Matters which are subject to change, such as the ‘race period’, ‘declared area’ and ‘designated access area’ are declared by the Minister by way of a Government Gazette publication, as provided for in the Act, rather than the regulations. [↑](#footnote-ref-4)
5. According to the Australian Security Intelligence Organisation http://www.asio.gov.au/asio-and-national-security/threat-environment.html. [↑](#footnote-ref-5)
6. Australian Institute of Health and Welfare, 2014, 2013 National Drug Strategy Household Survey: key findings, Canberra. [↑](#footnote-ref-6)
7. Regulation 15 [↑](#footnote-ref-7)
8. Regulation 16 [↑](#footnote-ref-8)
9. Regulations 25, [↑](#footnote-ref-9)
10. Regulations 20, 23 [↑](#footnote-ref-10)
11. Regulations 38, 39. These prohibit advertising, soliciting money, disseminating material, selling goods or providing services in the Park without a permit from the committee of management. [↑](#footnote-ref-11)
12. For example, section 116(4)(b) provides that advertising relating to the Australian Formula One Grand Prix displayed in Albert Park, authorised under the Regulations or under the *Australian Grands Prix Act 1994* will not be captured by the prohibition on advertising where it might apply with respect to another event occurring in the vicinity at the same time. Part 12 of the *Major Sporting Events Act 2009* provides that nothing in the Act will interfere with operations necessary to stage the Grand Prix, including works in Albert Park, road closures or the exercise of the powers under the *Australian Grands Prix Act 1994.* [↑](#footnote-ref-12)
13. Proposed Regulation 11. [↑](#footnote-ref-13)
14. Proposed Regulation 13. [↑](#footnote-ref-14)
15. *Major Sporting Events Act 2009* section 183. [↑](#footnote-ref-15)
16. In accordance with the *Monetary Units Act 2004*, the value of a penalty unit for the financial year 2016-2017 is $155.46. [↑](#footnote-ref-16)
17. This fee is not a fine or penalty but seeks to recover costs incurred by the AGPC of towing the vehicle and holding it until the owner recovers the vehicle. [↑](#footnote-ref-17)