Authorised Version No. 002

Alpine Resorts (Management) Regulations 2020

S.R. No. 128/2020

Authorised Version incorporating amendments as at 16 August 2022

TABLE OF PROVISIONS

Regulation		*Page*
Part 1—Preliminary		**1**
Division 1—General		**1**
1	Objective	1
2	Authorising provision	2
3	Definitions	2
Division 2—Application of Regulations		**8**
4	Application of Regulations to parties to certain agreements	8
5	Offences do not apply to certain persons acting in the course of their duties	8
6	Application of Regulations to members of traditional owner groups	9
Division 3—Common provisions for determinations and authorities		**10**
7	What is a set aside determination?	10
8	Board may declare snow season for alpine resorts	10
9	Determinations setting areas aside	11
10	Offence not to comply with conditions of determinations setting areas aside	12
11	Issuing of authorities	12
12	Board may issue replacement authority	12
13	Surrender and cancellation of authorities	13
14	Offence to fail to comply with an authority	14
Part 2—Entry into alpine resorts		**15**
Division 1—Entry generally		**15**
15	Temporary closure of alpine resort to entry	15

16 Board may determine parts of alpine resort to which entry is prohibited 17
17 Authorised officer or police officer may direct person to remain or leave an alpine resort or an area of an alpine resort 17

Division 2—Fees for entry to alpine resorts 18

18 Board may determine fees for entry 18
19 Offence to enter an alpine resort without paying a fee determined by the Board 20

Part 3—Vehicles and aircraft 22

Division 1—Using, driving or parking vehicles in alpine resorts 22

20 Using, driving or parking vehicles in alpine resorts 22
21 Board may determine fees for the use, driving or parking of vehicles 23
22 Board may waive fee for the use, driving or parking of vehicles 24

Division 2—Wheel chains in alpine resorts 24

23 Definitions in this Division 24
23A Determination of devices that are wheel chains by the Mount Buller and Mount Stirling Alpine Resort Management Board 25
24 Requirement to carry wheel chains during the snow season 26
25 Requirement to fit wheel chains during the snow season 28
26 Powers of authorised officers, authorised persons or police officers in relation to wheel chains 28

Division 3—Powers to direct or remove vehicles 29

27 Appointment of authorised person 29
28 Powers of authorised officers, authorised persons or police officers in relation to vehicles 30
29 Power of authorised officers to remove vehicles 30

Division 4—Restrictions on use of aircraft 31

30 Using aircraft prohibited without an authority 31

Part 4—Restrictions on bringing animals into alpine resorts 32

31 Riding and bringing horses or pack animals into an alpine resort 32
32 Bringing dogs into alpine resorts 33
33 Bringing other animals into alpine resorts 33
34 Appropriate disposal of animal faeces 34
35 Seizure and impounding of live animals 34

Regulation *Page*

Part 5—Recreation **36**

Division 1—Snowplay **36**

36 Areas for skiing, snowboarding and other snowplay activities 36
37 Use of toboggans, sleds, ski-bobs, inflatable devices, kite skis or snow feet 36
38 Cross country skiing 37
39 Board may determine fee for use of area set aside for cross country skiing 37
40 Ski equipment to be fitted with certain mechanisms 39
41 Use of ski lifts 39

Division 2—Camping **40**

42 Camping 40
43 Board may determine fee for camping in an alpine resort 42

Division 3—Fires **42**

44 Areas for lighting or maintaining fires 42
45 Campfires or barbecues using solid fuel 43
46 Campfires or barbecues using liquid fuel, gaseous fuel or chemical fuel 44
47 Extinguishment of campfires and barbecues 45
48 Litter and pollution 45

Part 6—General use and control of alpine resorts **47**

Division 1—Public safety and amenity **47**

49 Dangerous or disturbing activities 47
50 Firearms, weapons and other dangerous objects 47
51 Prohibition on possessing or consuming liquor 47
52 Hygiene 48
53 Buildings, structures and signs 48
54 Obstruction 50
55 Advertising, soliciting and public speaking 50
56 Organised events 51
57 Authorised officer or police officer may direct person to cease an activity in an alpine resort 52

Division 2—Protection of natural features **52**

58 Interfering with animals 52
59 Interfering with vegetation 53
60 Introduction and planting of vegetation 54
61 Interfering with rocks or similar natural objects 55
62 Interfering with cultural heritage 55
63 Digging or taking of material 56
64 Introduction of material 56
65 Beehive prohibited in an alpine resort 56

66 Use of soap, detergent or similar substance 57

Schedule 1—Maximum fees for entry to an alpine resort 58

Schedule 2—Maximum fees for cross country skiing 59

Endnotes 60

1 General information 60

2 Table of Amendments 62

3 Explanatory details 63

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Part 1—Preliminary

Division 1—General

1 Objective

The objective of these Regulations is to provide for the protection, management and control of alpine resorts by—

(a) prohibiting access to areas of alpine resorts or parts of alpine resorts by persons and vehicles; and

(b) setting aside areas in alpine resorts for public use for—

(i) the use and parking of vehicles; and

(ii) camping; and

(iii) cross country skiing; and

(iv) skiing and snowboarding; and

(v) the use of snowplay equipment; and

(vi) the landing of aircraft; and

(vii) riding and leading horses; and

(c) regulating the use, driving and parking of vehicles in alpine resorts; and

(d) prescribing offences for—

(i) the protection of flora and fauna and water supply catchments in alpine resorts; and

(ii) regulating the behaviour of persons in alpine resorts; and

(e) prescribing fees for—

(i) entry into alpine resorts; and

(ii) access and use of areas set aside for public use; and

(f) prescribing other matters to give effect to the **Alpine Resorts (Management) Act 1997**; and

(g) preserving traditional owner rights and customs where a traditional owner group entity has an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**.

2 Authorising provision

These Regulations are made under section 57 of the **Alpine Resorts (Management) Act 1997**.

3 Definitions

In these Regulations—

agreed activity has the same meaning as in section 79 of the **Traditional Owner Settlement Act 2010**;

aircraft includes an aeroplane, helicopter, glider, hot air balloon, hang-glider, paraglider, parasail, parachute and drone, whether piloted or remote controlled;

animal means any animal except any human or fish, whether vertebrate or invertebrate, in any stage of biological development and whether alive or dead;

assistance animal has the same meaning as in the Disability Discrimination Act 1992 of the Commonwealth;

authorised officer means a person appointed as an authorised officer under Part 9 of the **Conservation, Forests and Lands Act 1987** for the purposes of the Act;

authorised person means a person appointed under regulation 27(1);

authority means an authority issued under these Regulations by the Board of an alpine resort;

Board means an Alpine Resort Management Board established under Part 4 of the Act;

bus means a motor vehicle with seats for more than 9 persons;

camp means—

(a) to erect, occupy, or use, for accommodation, a tent, tarpaulin or any similar form of accommodation, shelter or temporary structure; or

(b) to occupy or use a swag or sleeping bag; or

(c) to occupy or use for accommodation purposes a vehicle, vessel or other moveable form of accommodation;

campfire or barbecue means a fire lit or kindled for the purpose of preparing meals or providing personal comfort, and includes a fire lit or kindled in an appliance designed and manufactured for cooking or heating;

commercial motor vehicle has the same meaning as in the **Road Safety Act 1986**;

cross country skiing means the activity of skiing across open country, but does not include skiing on downhill ski runs;

cultural heritage has the same meaning as in the **Heritage Act 2017**;

day visitor means a person who enters an alpine resort after 7.00 a.m. and leaves the alpine resort before midnight on the same day;

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

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

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

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

firearm has the same meaning as in the **Firearms Act 1996**;

firewood means dead plant material not attached to a standing plant including a shrub or tree;

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

inflatable device means a pneumatic tube or similar device capable of being used for sliding down snow slopes;

kite ski means a board, ski or other device that uses the power of a kite or similar equipment to propel a person across the snow;

liquid fuel, gaseous fuel or chemical fuel includes any manufactured fuel which can be ignited;

liquor has the same meaning as in the **Liquor Control Reform Act 1998**;

litter means any solid or liquid domestic or commercial waste, refuse, debris or rubbish and includes any waste glass, metal, plastic, paper, fabric, wood, food, soil, sand, concrete or rocks, abandoned vehicles, abandoned vehicle parts and garden remnants and clippings;

motor cycle has the same meaning as in the **Road Safety Act 1986**;

motor vehicle has the same meaning as in the **Road Safety Act 1986**;

pack animal includes any animal, other than a horse, that is capable of being ridden or carrying a load;

public fireplace means a fireplace provided in an alpine resort by a Board for the general use of visitors;

road has the same meaning as in section 3(1) of the **Road Management Act 2004**;

ski-bob means a non-powered vehicle consisting of a low seat and steering handles and supported by one or 2 skis, that is able to be used for sliding down ski slopes;

snow feet means a shoe or boot attachment that is equipped with a ski edge allowing for ease of movement across snow;

snow season means—

(a) any period declared by the Board of an alpine resort under regulation 8 to be the snow season in respect of the alpine resort in the year or years specified in the declaration; or

(b) if a declaration under regulation 8 has not been made in respect of an alpine resort for a particular year, the period commencing on 1 June in the year and ending on 31 October in the year;

solid fuel includes—

(a) vegetation, wood, coal and coke; and

(b) manufactured solid combustible material made from vegetation, wood, coal or coke, including but not limited to, paper, cardboard, sawdust or coal or coke by-products;

the Act means the **Alpine Resorts (Management) Act 1997**;

traditional owner group has the same meaning as in the **Traditional Owner Settlement Act 2010**;

traditional owner group agreement means an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**;

traditional owner group entity has the same meaning as in the **Traditional Owner Settlement Act 2010**;

vegetation means any algae, fungi, non-vascular or vascular plant including any tree, bush, shrub or herb in any stage of biological development and whether alive or dead but does not include—

(a) food for human or animal consumption; or

(b) plant-based manufactured objects;

vehicle has the same meaning as in the **Road Safety Act 1986** but does not include any of the following—

(a) a wheelchair;

(b) a motorised wheelchair;

(c) a pram or stroller;

(d) any other device used for the conveyance of disabled or injured persons;

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

waste includes—

(a) any matter whether solid, liquid, gaseous or radio-active which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; and

(b) any greenhouse gas substance emitted or discharged into the environment; and

(c) any discarded, rejected, unwanted surplus or abandoned matter; and

(d) any otherwise discarded, rejected, unwanted surplus or abandoned matter intended for—

(i) recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter; or

(ii) sale.

Division 2—Application of Regulations

4 Application of Regulations to parties to certain agreements

A person acting under the terms and conditions of any agreement entered into under the Act, or a lease or licence granted over or in relation to an alpine resort, is not subject to these Regulations to the extent that the activities authorised by that agreement, lease or licence are inconsistent with these Regulations.

5 Offences do not apply to certain persons acting in the course of their duties

The following persons do not commit an offence under these Regulations when acting in the course of their duties or functions—

(a) the Alpine Resorts Co-ordinating Council or a Board;

(b) an employee of the Alpine Resorts Co-ordinating Council or a Board;

(c) a contractor, agent or volunteer or other person carrying out any work for or acting on the authority or instruction of the Alpine Resorts Co-ordinating Council or a Board;

(d) an authorised officer;

(e) a police officer;

(f) a person employed under Part 3 of the **Public Administration Act 2004** who is carrying out a duty or function under a relevant law within the meaning of the **Conservation, Forests and Lands Act 1987**;

(g) an operational staff member within the meaning of the **Ambulance Services Act 1986**;

(h) an officer, agent, contractor or employee of VicRoads while carrying out or engaged in works connected with the management of access roads to alpine resorts;

(i) an officer, employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity or discharge of a responsibility, function or other role in relation to an emergency;

(j) an authorised officer within the meaning of the **Aboriginal Heritage Act 2006**.

6 Application of Regulations to members of traditional owner groups

(1) If a traditional owner group entity has a traditional owner group agreement, any provision of these Regulations (other than a regulation specified in subregulation (2)) that provides for an offence in relation to an activity that is an agreed activity within the meaning of that Part does not apply to a member of the traditional owner group—

(a) who is bound by the agreement; and

(b) who carries out the agreed activity to which the offence relates in accordance with the agreement and on land to which the agreement applies.

(2) For the purposes of subregulation (1) the following regulations are specified—

(a) regulation 17;

(b) regulation 20;

(c) regulation 24;

(d) regulation 25;

(e) regulation 26;

(f) regulation 28;

(g) regulation 32(3);

(h) regulation 47;

(i) regulation 57.

Division 3—Common provisions for determinations and authorities

7 What is a set aside determination?

In this Division, ***set aside determination*** means a determination made by the Board of an alpine resort under any of the following—

(a) regulation 16(1);

(b) regulation 20(1);

(c) regulation 29(1);

(d) regulation 30(1);

(e) regulation 31(1);

(f) regulation 36(1);

(g) regulation 37(1);

(h) regulation 38(1);

(i) regulation 42(1);

(j) regulation 44(1);

(k) regulation 51(1);

(l) regulation 59(3).

8 Board may declare snow season for alpine resorts

The Board of an alpine resort may, by instrument, declare any period in any years specified in the declaration, to be the snow season for the alpine resort.

9 Determinations setting areas aside

(1) A set aside determination may specify all or any of the following—

(a) that it applies to the whole of the alpine resort or a specific area or areas of the alpine resort;

(b) that it applies on all days, times or periods or on specific days, times or periods;

(c) that it applies to all persons, vehicles or aircraft or a class of person, vehicle or aircraft;

(d) that it applies to all equipment or a class of equipment;

(e) any conditions to which the use of the area set aside is subject.

(2) A set aside determination must be in writing.

(3) The Board of an alpine resort must ensure that signs or notices informing the public of a set aside determination are displayed in such places and in such a manner that the signs or notices are likely to be seen by any person affected by the determination.

(4) A sign or notice displayed under subregulation (3) must indicate—

(a) the nature of the determination; and

(b) any conditions to which the use of the area set aside is subject.

(5) The Board of an alpine resort may amend or revoke a set aside determination.

(6) If a Board of an alpine resort amends or revokes a set aside determination the Board must ensure that any sign or notice displayed under subregulation

(3) is amended or removed to reflect that amendment or revocation.

10 Offence not to comply with conditions of determinations setting areas aside

A person entering or engaging in conduct or an activity in an area set aside by a set aside determination, other than by a set aside determination under regulation 16(1), must comply with any conditions included in the set aside determination applying to that area.

Penalty: 10 penalty units.

Note

There is a separate offence under regulation 16(3) for contravention of a set aside determination made under regulation 16(1).

11 Issuing of authorities

(1) An authority issued by the Board of an alpine resort authorises the holder to enter the alpine resort or use an area of the alpine resort or engage in an activity in the alpine resort specified in the authority—

(a) for the purposes specified in the authority; and

(b) for the period specified in the authority; and

(c) subject to any conditions in respect of that entry, use or activity that are specified in the authority.

(2) An authority issued by the Board of an alpine resort must be in writing.

12 Board may issue replacement authority

(1) If an authority issued under these Regulations is lost, stolen or damaged, the person to whom the authority was issued may apply for a replacement authority to the Board which issued the authority.

(2) A Board of an alpine resort may determine a fee that is payable to it by a person to make an application under subregulation (1).

(3) A fee determined by a Board under subregulation (2) must not exceed 2·43 fee units.

13 Surrender and cancellation of authorities

(1) The holder of an authority issued under these Regulations may surrender the authority by writing given to the Board.

(2) The Board of an alpine resort may cancel an authority issued by the Board by written notice served on the holder of the authority—

(a) if the holder of the authority has—

(i) breached the conditions of the authority; or

(ii) breached these Regulations; or

(b) if the continuation of the authority is likely to be detrimental to, or interfere with the management and protection of, the natural environment, features, or visitors in an alpine resort; or

(c) for the purposes of management of the alpine resort.

(3) The notice of the cancellation must be served on the holder—

(a) by delivering it personally to the person; or

(b) by leaving it at the person's usual or last known place of residence or business with someone who is apparently—

(i) over the age of 16 years; and

(ii) residing at that place or, in the case of a place of business, in charge of or employed at that place; or

(c) by registered post; or

(d) if the person has given an electronic address as an available means of service, by electronic communication to that electronic address.

(4) Cancellation of the authority takes effect—

(a) if the notice is served personally, at the time of service; or

(b) if the notice is left at the person's usual or last known place of residence or business, at the time it is left; or

(c) if the notice is served by registered post, at the time the post is delivered; or

(d) if the person has given an electronic address as an available means of service, at the time of electronic communication to that electronic address.

14 Offence to fail to comply with an authority

The holder of an authority must comply with the authority.

Penalty: 10 penalty units.

Part 2—Entry into alpine resorts

Division 1—Entry generally

15 Temporary closure of alpine resort to entry

(1) The Board of an alpine resort may by determination temporarily close the alpine resort or an area of the alpine resort to entry by the public if, in the opinion of the Board, there is likely to be a significant danger to public safety due to—

(a) a fire, avalanche, land slip, earthquake or other disaster; or

(b) a threat of a fire, avalanche, land slip, earthquake or other disaster; or

(c) any other emergency.

(2) The Board of an alpine resort must, as soon as practicable after making a determination under subregulation (1)—

(a) publish notice of the determination in one or more of the following ways—

(i) in a newspaper generally circulating in the Melbourne metropolitan area and in the locality to which the notice relates;

(ii) by means of a broadcast from a broadcasting station in the State;

(iii) by publication on the website of the alpine resort; and

(b) as far as practicable, ensure that signs or notices setting out details of the determination are displayed in such a place and manner that the details are reasonably likely to be seen by persons affected by them at the entrances to the alpine resort.

(3) A person must not enter the alpine resort or an area of the alpine resort to which a determination under subregulation (1) applies.

Penalty: 20 penalty units.

(4) A determination made under subregulation (1) remains in force for 14 days after it is made, unless revoked earlier by the Board under subregulation (5).

(5) If the circumstances that led to the determination being made under subregulation (1) no longer apply, the Board must, as soon as practicable, revoke the determination and reopen the alpine resort or area of the alpine resort to entry by the public.

(6) The Board of an alpine resort must, as soon as practicable after a determination has been revoked under subregulation (5)—

(a) publish notice of the revocation in one or more of the following ways—

(i) in a newspaper generally circulating in the Melbourne metropolitan area and in the locality to which the notice relates;

(ii) by means of a broadcast from a broadcasting station in the State;

(iii) by publication on the website of the alpine resort; and

(b) cause the signs and notices referred to in subregulation (2)(b) to be removed.

16 Board may determine parts of alpine resort to which entry is prohibited

(1) The Board of an alpine resort may by determination set aside an area of an alpine resort as an area where entry is—

(a) prohibited; or

(b) restricted.

(2) A determination under subregulation (1) may be made for all or any of the following—

(a) reasons of public safety;

(b) to re-establish vegetation or to protect, conserve or preserve flora, fauna or natural features;

(c) to carry out works or improvements or to protect works, improvements, facilities or amenities;

(d) to protect water supply catchments or waterways or the water quality of water supply catchments or waterways;

(e) any other purpose connected with the protection, control and management of the alpine resort.

(3) A person must not enter an area in an alpine resort in contravention of a determination made under subregulation (1).

Penalty: 10 penalty units.

17 Authorised officer or police officer may direct person to remain or leave an alpine resort or an area of an alpine resort

(1) Subject to subregulation (3), an authorised officer or police officer may direct a person—

(a) to leave an alpine resort or an area of an alpine resort; or

(b) to remain in an area of an alpine resort which appears to be safe; or

(c) to remain in an alpine resort if it appears unsafe to leave.

(2) A direction given under subregulation (1)(a) may include a direction not to re-enter an alpine resort or an area of an alpine resort for a specific period not exceeding 24 hours.

(3) An authorised officer or police officer may give a direction under subregulation (1) only if the authorised officer or police officer considers the direction is necessary for all or any of the following purposes—

(a) to avoid a contravention of these Regulations;

(b) to prevent the continuing contravention of these Regulations;

(c) public safety within an alpine resort;

(d) the care, protection and management of an alpine resort.

(4) A person to whom a direction is given under subregulation (1) or (2) must comply with that direction.

Penalty: 20 penalty units.

Division 2—Fees for entry to alpine resorts

18 Board may determine fees for entry

(1) The Board of an alpine resort may determine fees that are payable for persons to enter the alpine resort—

(a) as a passenger in a bus; or

(b) in a motor vehicle other than a bus; or

(c) by means other than a motor vehicle.

(2) Any fee determined under subregulation (1) must not exceed the amount specified in—

(a) Column 3 of the table in Schedule 1, for each day that the person remains in the alpine resort; or

(b) Column 4 of the table in Schedule 1, for entry in a motor vehicle other than a bus, at any time during a period of 12 months.

(3) A determination made under subregulation (1) may specify different fees according to differences in time, place or circumstances, including—

(a) time of year, including seasons, or days of the week or length of stay within the alpine resort; and

(b) class of persons, including age or student enrolment status; and

(c) classes of vehicles.

(4) The Board of an alpine resort may grant an exemption from or a waiver or reduction, in whole or in part, of any fee determined under subregulation (1), including if the person applying to pay the fee has paid an annual fee to enter or use public areas in another alpine resort in respect of that vehicle for that year.

(5) If a Board makes a determination under subregulation (1), the Board must—

(a) cause signs or notices to be displayed in a place and in a manner likely to be seen by any persons affected by the determination; and

(b) publish any fee imposed on the website of the alpine resort.

19 Offence to enter an alpine resort without paying a fee determined by the Board

(1) A person must not, unless that person has paid the relevant entry fee, if any, determined by the Board of an alpine resort under this Division—

(a) enter an alpine resort; or

(b) bring a motor vehicle into an alpine resort.

Penalty: 5 penalty units.

(2) A person does not commit an offence against subregulation (1) if that person—

(a) is travelling directly through the alpine resort to a place outside that resort; or

(b) is a driver of a bus, commercial motor vehicle or aircraft, who has entered the alpine resort for the purpose of bringing persons to that alpine resort; or

(c) is a person entering the alpine resort outside the snow season who is not given a reasonable opportunity to pay the fee for entry or use of the public areas in the alpine resort; or

(d) is acting under an authority issued by the Board under subregulation (3); or

(e) is a member of a traditional owner group who is bound by a traditional owner group agreement and is entering the alpine resort for the purpose of carrying out an agreed activity.

(3) The Board of an alpine resort may issue an authority authorising a person to enter an alpine resort without paying a fee.

(4) The person in charge of a motor vehicle for which a fee is paid under subregulation (1) must display any ticket issued for payment of the fee on the windscreen, side window or other prominent place on the vehicle at all times while the vehicle is in the alpine resort.

Penalty: 5 penalty units.

(5) An offence against subregulation (1)(b) is an operator onus offence for the purposes of Part 6AA of the **Road Safety Act 1986**.

Part 3—Vehicles and aircraft

Division 1—Using, driving or parking vehicles in alpine resorts

20 Using, driving or parking vehicles in alpine resorts

(1) The Board of an alpine resort may by determination set aside any area in the alpine resort as an area where—

(a) using, driving or parking a vehicle or a vehicle of a class is permitted without an authority of the Board; or

(b) using, driving or parking a vehicle or a vehicle of a class is prohibited unless the person using, driving or parking the vehicle holds an authority issued under subregulation (3).

(2) A person must not use, drive or park a vehicle in an alpine resort unless—

(a) that person does so in an area set aside under subregulation (1) for that specified purpose; and

(b) if the area is set aside under subregulation (1)(b), that person—

(i) uses, drives or parks the vehicle in accordance with an authority issued under subregulation (3); and

(ii) has paid the fee determined by the Board under regulation 21.

Penalty: 10 penalty units.

(3) The Board of an alpine resort may issue an authority to a person to use, drive or park a vehicle, or a vehicle of a class, in an area set aside under subregulation (1)(b).

(4) A person who uses, drives or parks a vehicle in accordance with an authority issued under subregulation (3) must ensure that the authority remains displayed on the windscreen, side window or other prominent place of the vehicle to which the authority relates—

(a) if the authority relates to the whole of the alpine resort, at all times while the vehicle is within the alpine resort; or

(b) if the authority relates to an area or areas set aside under subregulation (1), at all times while the vehicle is within the area or areas.

Penalty: 5 penalty units.

(5) An offence against subregulation (2) or (4) is an operator onus offence for the purposes of Part 6AA of the **Road Safety Act 1986**.

21 Board may determine fees for the use, driving or parking of vehicles

(1) The Board of an alpine resort may determine fees for using, driving or parking vehicles under an authority.

(2) A fee determined by the Board for—

(a) using and driving a vehicle in accordance with an authority must not exceed 33·15 fee units per year; or

(b) using, driving and parking a vehicle in accordance with an authority must not exceed 57·37 fee units per year; or

(c) using, driving and parking a vehicle in accordance with an authority that is transferable to another vehicle must not exceed 191·22 fee units per year; or

(d) using, driving and parking a vehicle specifically designed for use on or over snow in accordance with an authority must not exceed 2·32 fee units per year.

(3) A determination under subregulation (1) may be of general application or may apply to a specified class or classes of cases.

(4) In determining a fee under subregulation (1), the Board must take into account—

(a) commercial and marketing considerations; and

(b) whether the vehicle is being used or driven for commercial or private purposes; and

(c) the manner and the places in which the vehicle may be used, driven or parked.

22 Board may waive fee for the use, driving or parking of vehicles

If a person is required, under the terms or conditions of a lease, a licence, an authority or an agreement with the Board of an alpine resort, to provide a vehicle in connection with the purposes of that lease, licence, authority or agreement, the Board may reduce or waive any fee payable for using, driving or parking that vehicle in the alpine resort under an authority.

Division 2—Wheel chains in alpine resorts

23 Definitions in this Division

In this Division—

4 wheel drive vehicle includes an all-wheel drive vehicle;

snow tyre means a tyre whose tread pattern, tread compound and structure are specifically designed to achieve better performance, on a

road affected by snow or ice, than that of a normal tyre with regard to its ability to initiate, maintain or stop vehicle motion;

Reg. 23 def. of *wheel chains* substituted by S.R. No. 67/2022 reg. 4.

wheel chains means any devices designed to be fitted to wheels of a motor vehicle to increase the directional stability and traction of the wheels of that vehicle on a road affected by snow or ice that are—

(a) if the motor vehicle is within the Mount Buller Alpine Resort or the Mount Stirling Alpine Resort, devices determined to be wheel chains in any determination made under regulation 23A that applies to the Resort; and

(b) in any other case, devices made up of chains in a diamond pattern.

Reg. 23A inserted by S.R. No. 67/2022 reg. 5.

23A Determination of devices that are wheel chains by the Mount Buller and Mount Stirling Alpine Resort Management Board

(1) The Mount Buller and Mount Stirling Alpine Resort Management Board (***the Board***) may determine that devices are wheel chains for motor vehicles for the purposes of this Division within the Mount Buller Alpine Resort or the Mount Stirling Alpine Resort or both of those alpine resorts.

(2) A determination made under subregulation (1) must specify the following—

(a) either or both of the alpine resorts referred to in subregulation (1) to which the determination applies;

(b) the type or description of the devices that are determined to be wheel chains;

(c) the motor vehicles or classes of motor vehicles on which the devices may be fitted.

(3) In making a determination under subregulation (1), the Board must have regard to—

(a) the safety of the public; and

(b) the suitability of the devices to be used according to the general conditions of the roads within an alpine resort to which the determination applies during the snow season.

(4) A determination made under subregulation (1) must be published in the Government Gazette.

(5) A determination made under subregulation (1) comes into effect on the date it is published in the Government Gazette or any later date specified in the determination.

(6) As soon as practicable after a determination made under subregulation (1) is published in the Government Gazette, the Board must—

(a) publish the details of the determination on any website maintained by the Board; and

(b) display a copy of the determination at the entrance to an alpine resort to which the determination applies.

(7) The Board may vary or revoke a determination made under subregulation (1) at any time during which the determination is in force.

(8) A determination made under subregulation (1) ceases to have effect on 31 October 2022, unless revoked earlier under subregulation (7).

24 Requirement to carry wheel chains during the snow season

(1) Subject to subregulation (2), the driver of a motor vehicle who enters an alpine resort must at all times during the snow season carry in the motor

vehicle wheel chains suitable to be properly fitted to that motor vehicle.

Penalty: 20 penalty units.

(2) The Southern Alpine Resort Management Board may determine that subregulation (1) does not apply to the driver of a motor vehicle who is a day visitor on a specified day in an alpine resort for which the Board is responsible.

(3) A determination made under subregulation (2) may specify that the determination applies to—

(a) all motor vehicles, when entering or remaining in the alpine resort; or

(b) a class or classes of motor vehicles, when entering or remaining in the alpine resort.

(4) In making a determination under subregulation (2), the Southern Alpine Resort Management Board must take into account public safety considerations, including—

(a) the general conditions of the roads; and

(b) the extent of any snow or ice on the roads; and

(c) the latest available weather forecasts.

(5) The Board must ensure that signs or notices informing the public of a determination made under subregulation (2) and providing any details of the motor vehicles or classes of motor vehicles to which the determination relates, are displayed adjacent to roads within the alpine resort in such a place and manner that those signs and notices are reasonably likely to be seen by any person affected by the determination.

25 Requirement to fit wheel chains during the snow season

(1) The Board of an alpine resort may erect a sign or notice in an alpine resort during the snow season (a ***fit wheel chains sign***), requiring the driver of a motor vehicle to ensure that wheel chains are properly fitted to that motor vehicle.

(2) The driver of a motor vehicle must not drive past a fit wheel chains sign unless—

(a) the motor vehicle is properly fitted with wheel chains; or

(b) the fit wheel chains sign exempts the class of motor vehicle the driver is driving from the requirement to fit wheel chains.

Penalty: 20 penalty units.

Example

A fit wheel chains sign could exempt vehicles that have snow tyres fitted to all wheels.

(3) The Board of an alpine resort must ensure that a fit wheel chains sign—

(a) is displayed adjacent to roads within the alpine resort in such a place and manner that the sign is reasonably likely to be seen by any person affected; and

(b) provides details of the vehicles or classes of vehicles to which the sign relates.

(4) An offence against subregulation (2) is an operator onus offence for the purposes of Part 6AA of the **Road Safety Act 1986**.

26 Powers of authorised officers, authorised persons or police officers in relation to wheel chains

(1) An authorised officer, police officer or authorised person may, at any time during the snow season, for reasons of safety or for the management,

protection or control of an alpine resort, direct the driver of a motor vehicle—

(a) to produce wheel chains suitable to be properly fitted to that motor vehicle; or

(b) to ensure that wheel chains are properly fitted to the drive wheels of that motor vehicle or, in the case of a 4 wheel drive vehicle, to either the front or rear wheels of that vehicle; or

(c) if the person fails to comply with subregulation (1)(a) or (1)(b), to leave the alpine resort.

(2) The driver of a motor vehicle must comply with a direction of an authorised officer, authorised person or police officer made under subregulation (1).

Penalty: 20 penalty units.

(3) Subregulations (1) and (2) do not apply to a driver of a motor vehicle who is acting in accordance with a determination made under regulation 24(2) or driving a vehicle specified in a fit wheel chains sign under regulation 25(2)(b).

Division 3—Powers to direct or remove vehicles

27 Appointment of authorised person

(1) The Board of an alpine resort may appoint an employee, contractor or agent of that Board as an authorised person for the purpose of giving directions under regulation 26(1) or 28(1).

(2) An appointment under subregulation (1) must be in writing.

28 Powers of authorised officers, authorised persons or police officers in relation to vehicles

(1) An authorised officer, authorised person or police officer may give directions to a person in charge of a vehicle in relation to the movement, direction, speed, stopping or parking of the vehicle in an alpine resort.

(2) An authorised officer, authorised person or police officer must not give a direction under subregulation (1) unless the authorised officer, authorised person or police officer is satisfied on reasonable grounds that it is—

(a) in the interests of safety to do so; or

(b) for the management, protection or control of an alpine resort.

(3) A person in charge of a vehicle must comply with a direction given under subregulation (1).

Penalty: 20 penalty units.

29 Power of authorised officers to remove vehicles

(1) The Board of an alpine resort may by determination set aside an area in the alpine resort as an area where impounded vehicles may be stored under this regulation.

(2) A person must not enter an area set aside by the Board of an alpine resort under subregulation (1) without the permission of the Board.

Penalty: 10 penalty units.

(3) An authorised officer may, in an alpine resort, remove or cause to be removed by means of lifting and carrying, or towing a vehicle to a part of the resort set aside under subregulation (1), if satisfied on reasonable grounds that the vehicle has been parked or left standing in a way that obstructs—

(a) a road; or

(b) a right of way; or

(c) any other place in a resort that is open to access by vehicle.

(4) The Board of an alpine resort may impound a vehicle removed under subregulation (3) until the owner of the vehicle has paid a fee to the Board representing the reasonable costs incurred in removing and impounding the vehicle.

Division 4—Restrictions on use of aircraft

30 Using aircraft prohibited without an authority

(1) The Board of an alpine resort may by determination set aside an area of the alpine resort as an area where aircraft may be landed or used with an authority of the Board.

(2) The Board of an alpine resort may issue an authority to a person to land or use an aircraft in an area of an alpine resort set aside under subregulation (1).

(3) A person must not land or use an aircraft in an alpine resort unless—

(a) the aircraft is landed or used in an area set aside under subregulation (1) for that purpose; and

(b) the person does so in accordance with an authority issued under subregulation (2).

Penalty: 20 penalty units.

Part 4—Restrictions on bringing animals into alpine resorts

31 Riding and bringing horses or pack animals into an alpine resort

(1) The Board of an alpine resort may by determination set aside any area of the alpine resort as an area where horses or pack animals are permitted with an authority of the Board.

(2) The Board of an alpine resort may issue an authority to a person to bring a horse or pack animal into, or lead or ride a horse or pack animal in, an area of the alpine resort set aside under subregulation (1).

(3) A person must not bring a horse or pack animal into, or lead or ride a horse or pack animal in, an alpine resort unless that person does so—

(a) in an area set aside under subregulation (1) for that purpose; and

(b) under an authority issued under subregulation (2).

Penalty: 20 penalty units.

(4) A person who brings a horse or pack animal into, or leads or rides a horse or pack animal in, an alpine resort must do so in a manner that does not endanger any other person or animal.

Penalty: 20 penalty units.

(5) The person in charge of a horse or pack animal must ensure that, in an alpine resort, the horse or pack animal is under the immediate control of that person at all times.

Penalty: 20 penalty units.

(6) Subregulations (3) and (5) do not apply if the horse or pack animal—

(a) is confined to a vehicle that is in transit through an alpine resort; or

(b) is an assistance animal.

32 Bringing dogs into alpine resorts

(1) The Board of an alpine resort may issue an authority to a person to bring a dog into, or allow a dog under that person's control to enter or be in an alpine resort.

(2) A person must not bring a dog into, or allow a dog under that person's control to enter or be in an alpine resort unless that person does so under an authority issued under subregulation (1).

Penalty: 10 penalty units.

(3) The owner of a dog, or if another person has the care and control of the dog, the person in charge of a dog must ensure that, in an alpine resort, the dog is under the immediate control of that person at all times.

Penalty: 10 penalty units.

(4) Subregulations (2) and (3) do not apply if the dog—

(a) is confined to a vehicle that is in transit through an alpine resort; or

(b) is an assistance animal.

33 Bringing other animals into alpine resorts

(1) The Board of an alpine resort may issue an authority to a person to bring an animal into, or allow an animal under that person's control to be in an alpine resort.

(2) A person must not bring an animal into, or allow an animal under that person's control to enter or be in an alpine resort unless that person does so under an authority issued under subregulation (1).

Penalty: 15 penalty units.

(3) The owner of an animal, or if another person has the care and control of the animal, the person in charge of an animal, must ensure that the animal is under the immediate control of that person at all times in an alpine resort.

Penalty: 15 penalty units.

(4) Subregulations (2) and (3) do not apply if the animal—

(a) is confined to a vehicle that is in transit through an alpine resort; or

(b) is an assistance animal.

(5) In this regulation, ***animal*** does not include a dog, horse or pack animal.

34 Appropriate disposal of animal faeces

A person who brings an animal into an alpine resort must—

(a) collect and remove from the alpine resort any faeces deposited by that animal; or

(b) ensure that any faeces deposited by that animal are placed in a receptacle provided in the alpine resort for that purpose.

Penalty: 10 penalty units.

35 Seizure and impounding of live animals

(1) An authorised officer or police officer may seize a live animal found at large in an alpine resort if the authorised officer or police officer is satisfied on reasonable grounds that the live animal—

(a) has been brought into, allowed to enter, or allowed to remain in an alpine resort in contravention of these Regulations; or

(b) is not fauna; or

(c) is likely to damage, destroy, harass or cause harm to the resort including any flora, fauna or people using the resort, other animals, property or water supply catchments in the resort.

(2) An authorised officer or police officer may deliver a live animal seized under subregulation (1) to a member of staff of the municipal council whose municipal district abuts the alpine resort.

Part 5—Recreation

Division 1—Snowplay

36 Areas for skiing, snowboarding and other snowplay activities

(1) The Board of an alpine resort may by determination set aside any area of the alpine resort as an area where skiing, snowboarding or engaging in other snowplay activities is permitted.

(2) A person must not ski, snowboard or engage in snowplay activities in an alpine resort unless that person does so in an area set aside under subregulation (1) for that purpose.

Penalty: 10 penalty units.

37 Use of toboggans, sleds, ski-bobs, inflatable devices, kite skis or snow feet

(1) The Board of an alpine resort may by determination set aside any area of the alpine resort as an area where the use of toboggans, sleds, ski-bobs, inflatable devices, kite skis, snow feet, or other snowplay equipment is permitted.

(2) A person, in an alpine resort, must not use a toboggan, sled, ski-bob, inflatable device, kite ski, snow feet or other snowplay equipment unless that person does so in an area set aside under subregulation (1) for that purpose.

Penalty: 10 penalty units.

Note

Under regulation 9(1) the determination could specify a class of equipment that may be used in the area set aside. For example, an area could be set aside for the use of toboggans and sleds only.

38 Cross country skiing

(1) The Board of an alpine resort may by determination set aside an area of the alpine resort as an area where—

(a) cross country skiing is permitted without an authority of the Board; or

(b) cross country skiing is prohibited unless the person holds an authority issued under subregulation (3).

(2) A person must not cross country ski in an alpine resort unless—

(a) that person does so in an area set aside under subregulation (1); and

(b) if the area is set aside as an area in which an authority is required under subregulation (1)(b), that person cross country skis—

(i) under an authority issued under subregulation (3); and

(ii) has paid the fee determined by the Board under regulation 39.

Penalty: 10 penalty units.

(3) The Board of an alpine resort may issue an authority to a person to cross country ski in an area set aside under subregulation (1)(b).

39 Board may determine fee for use of area set aside for cross country skiing

(1) The Board of an alpine resort may determine fees for using an area set aside for cross country skiing under an authority during the snow season.

(2) A fee determined by the Board under subregulation (1)—

(a) to use an area set aside for cross country skiing in the alpine resort for a day during the snow season in accordance with an authority of the type specified in Column 2 of the table in Schedule 2, must not exceed the amount specified in Column 3 of that table in respect of that type of authority; or

(b) to use an area set aside for cross country skiing in the alpine resort at any time during the snow season in accordance with an authority of the type specified in Column 2 of the table in Schedule 2, must not exceed the amount specified in Column 4 of that table in respect of that type of authority.

(3) In determining a fee under subregulation (1), the Board must take into account—

(a) commercial and marketing considerations; and

(b) seasonal conditions; and

(c) whether the authority is for midweek use or weekend use; and

(d) whether the persons to whom the authority is to be issued are—

(i) school children on an official group visit arranged with the Board; or

(ii) eligible pensioners within the meaning of the **State Concessions Act 2004**.

40 Ski equipment to be fitted with certain mechanisms

(1) A person who uses skis, a snowboard or other device for skiing in an alpine resort, must ensure that the device is fitted with a strap or other mechanism that is designed for and capable of stopping the device if the device becomes detached from the person.

Penalty: 20 penalty units.

(2) Subregulation (1) does not apply to a person who uses cross country skis or a snowboard that is attached to the person by a mechanism incapable of automatic release.

41 Use of ski lifts

(1) A person in an alpine resort must not embark on or disembark from a ski lift other than at the place where the ski lift commences or finishes.

Penalty: 20 penalty units.

(2) A person in an alpine resort must not throw or intentionally drop any object from a ski lift.

Penalty: 20 penalty units.

(3) A person in an alpine resort must not, while on, or embarking on, or disembarking from a ski lift, behave in a manner that is likely to—

(a) interfere with the safe operation of the ski lift; or

(b) cause danger to any other person.

Penalty: 20 penalty units.

(4) A person in an alpine resort must not place any object in an uphill track of a J-bar, T-bar, platter pull, rope tow or any other surface lift.

Penalty: 20 penalty units.

(5) A person in an alpine resort must not embark on a ski lift that is indicated by signs or notices to be closed at that time.

Penalty: 20 penalty units.

(6) Subregulation (1) does not apply to a person who embarks on or disembarks from a ski lift—

(a) in the event of a stoppage of the ski lift and under the instruction of the ski lift operator; or

(b) in an emergency.

Division 2—Camping

42 Camping

(1) The Board of an alpine resort may by determination set aside an area of the alpine resort as an area where—

(a) camping is permitted without an authority of the Board; or

(b) camping is prohibited unless the person holds an authority issued under subregulation (3).

(2) A person must not camp in an alpine resort unless—

(a) that person does so in an area set aside under subregulation (1) for that specified purpose; and

(b) if the area is set aside as an area in which an authority is required under subregulation (1)(b), that person camps—

(i) under an authority issued under subregulation (3); and

(ii) has paid the fee determined by the Board under regulation 43.

Penalty: 10 penalty units.

(3) The Board of an alpine resort may issue an authority to a person to camp in an area set aside under subregulation (1)(b).

(4) Despite anything in a determination made under subregulation (1), a person who camps in or occupies a camping area or other amenity must not do so within 20 metres of any river, stream, creek, well, spring, dam, lake, reservoir, lagoon, pond, swamp, marsh, bore water body or watercourse.

Penalty: 10 penalty units.

(5) Subregulations (2) and (4) do not apply to a person who camps in the alpine resort in an emergency.

(6) If an authority issued under subregulation (3) does not specify a period for which a person may camp under the authority, a person must not camp under the authority for more than 21 consecutive nights.

Penalty: 5 penalty units.

(7) An authorised officer may, if satisfied on reasonable grounds that a person has contravened subregulation (2), (4) or (6), direct that person to—

(a) if the contravention relates to a structure or tent, dismantle and remove it from the site; and

(b) if the contravention relates to a vehicle, vessel or other moveable form of accommodation, remove it from the site.

(8) It is an offence for a person to fail to comply with a direction of an authorised officer under subregulation (7).

Penalty: 10 penalty units.

43 Board may determine fee for camping in an alpine resort

(1) The Board of an alpine resort may determine a fee for camping in an area of an alpine resort set aside for camping under regulation 42.

(2) A fee determined by the Board under subregulation (1) must not exceed 1·03 fee units for each night in the alpine resort, for a maximum of 6 people.

(3) In determining a fee under subregulation (1), the Board must take into account—

(a) commercial and marketing considerations; and

(b) seasonal conditions and the cost of fee collection.

Division 3—Fires

44 Areas for lighting or maintaining fires

(1) The Board of an alpine resort may by determination set aside an area of the alpine resort as an area where lighting, kindling or maintaining a fire in a place other than a public fireplace is permitted.

(2) A person must not light, kindle or maintain a fire in the open air in an alpine resort.

Penalty: 20 penalty units.

(3) Subregulation (2) does not apply to a person who lights, kindles or maintains a fire in an alpine resort at a time and during a period when the lighting or maintaining of fires is not prohibited under any Act and the person does so in—

(a) a public fireplace; or

(b) an area set aside under subregulation (1).

(4) In addition to any conditions imposed under regulation 9(1)(e), it is a condition of the use of an area set aside under a determination made under subregulation (1) that a person who lights, kindles or maintains a fire in an alpine resort under subregulation (3) must not do so within 20 metres of any river, stream, creek, well, spring, dam, lake, reservoir, lagoon, pond, swamp, marsh, bore water body or watercourse.

Note

Conditions of use in an area set aside by determination must be displayed in accordance with regulation 9(4)(b). Contravention of a condition of use is an offence under regulation 10.

45 Campfires or barbecues using solid fuel

(1) A person who lights, kindles or maintains a campfire or barbecue that uses solid fuel and that is in the open air in an alpine resort must ensure that—

(a) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of flammable material; and

(b) the area of the campfire or barbecue is not in excess of 1 square metre; and

(c) the dimension of any piece of solid fuel that is being used in the campfire or barbecue is not more than 1 metre in any direction.

Penalty: 20 penalty units.

(2) The person in charge of a campfire or barbecue that uses solid fuel and that is in the open air in an alpine resort must not—

(a) be outside the line of sight of the campfire or barbecue; or

(b) be more than 50 metres from the perimeter of the campfire or barbecue.

Penalty: 20 penalty units.

46 Campfires or barbecues using liquid fuel, gaseous fuel or chemical fuel

(1) A person who lights, kindles or maintains a campfire or barbecue that uses liquid fuel, gaseous fuel or chemical fuel and that is in the open air in an alpine resort must ensure that—

(a) the ground and airspace within a distance of 1·5 metres from the outer perimeter and uppermost point of the fire are clear of flammable material; and

(b) if the fire is lit or maintained in an area of an alpine resort set aside under regulation 44(1)—

(i) the fire is contained in an appliance designed and commercially manufactured to use that fuel; and

(ii) the appliance when alight is placed in a stable position.

Penalty: 20 penalty units.

(2) The person in charge of a campfire or barbecue that uses liquid fuel, gaseous fuel or chemical fuel and that is in the open air in an alpine resort must not—

(a) be outside the line of sight of the campfire or barbecue; or

(b) be more than 50 metres from the perimeter of the campfire or barbecue.

Penalty: 20 penalty units.

47 Extinguishment of campfires and barbecues

(1) A person who has lit, kindled, maintained or used a campfire or barbecue in an alpine resort must remain within the line of sight of the campfire or barbecue and within 50 metres of the perimeter of the campfire or barbecue unless—

(a) the fire is completely extinguished; or

(b) another person who has the capacity and means to extinguish the fire is in charge of the fire.

Penalty: 20 penalty units.

(2) A person who has lit, kindled, maintained or used a campfire or barbecue or who has been left in charge of a campfire or barbecue in an alpine resort must extinguish the fire immediately when requested to do so by an authorised officer or police officer.

Penalty: 20 penalty units.

48 Litter and pollution

(1) A person who camps in or occupies a camping area or other amenity, or lights, kindles or maintains a fire in an alpine resort, must maintain the site clear of litter at all times.

Penalty: 10 penalty units.

(2) A person who camps in or occupies a camping area or other amenity, or lights, kindles or maintains a fire in an alpine resort, must before vacating that site, clear from that site—

(a) all litter; and

(b) any equipment for which that person is responsible.

Penalty: 10 penalty units.

Part 6—General use and control of alpine resorts

Division 1—Public safety and amenity

49 Dangerous or disturbing activities

(1) A person in an alpine resort must not engage in any activity in a manner that causes, or is likely to cause, danger to any person.

Penalty: 20 penalty units.

(2) A person in an alpine resort must not engage in any activity in a manner that causes, or is likely to cause, unreasonable disturbance to any person.

Penalty: 10 penalty units.

50 Firearms, weapons and other dangerous objects

(1) A person in an alpine resort must not possess or carry a firearm, bow or missile.

Penalty: 10 penalty units.

(2) A person in an alpine resort must not use a firearm, bow or missile.

Penalty: 20 penalty units.

(3) Subregulations (1) and (2) do not apply to a person who is acting under an authority issued under subregulation (4).

(4) The Board of an alpine resort may issue an authority authorising a person to possess, carry or use a firearm, bow or missile in the alpine resort.

51 Prohibition on possessing or consuming liquor

(1) The Board of an alpine resort may by determination set aside an area of the alpine resort as an area where the possession or consumption of liquor is prohibited.

(2) A person must not possess or consume liquor in an area set aside under subregulation (1) where the possession or consumption of liquor is prohibited.

Penalty: 5 penalty units.

52 Hygiene

A person must not leave behind or deposit faeces in an area of an alpine resort unless—

(a) if the person is in an area in which toilet facilities are provided and readily available, the person does so in those facilities; or

(b) if the person is not in an area in which toilet facilities are provided or readily available, the person does so by burying those faeces to a depth of at least 20 centimetres and at least 100 metres away from any river, stream, creek, well, spring, dam, lake, reservoir, lagoon, pond, swamp, marsh, bore water body or watercourse.

Penalty: 15 penalty units.

53 Buildings, structures and signs

(1) A person in an alpine resort must not erect, construct or place any building or similar structure (that is not a temporary structure) on, over or under the land.

Penalty: 10 penalty units.

(2) A person in an alpine resort must not destroy, remove, damage, displace, deface or interfere with anything erected or constructed in the alpine resort by or on behalf of the Board of the alpine resort.

Penalty: 20 penalty units.

(3) A person in an alpine resort must not erect, construct or place any temporary structure on, over or under the land unless that person does so—

(a) in the course of camping in accordance with regulation 42; or

(b) under an authority issued under subregulation (6).

Penalty: 10 penalty units.

(4) A person in an alpine resort must not erect, construct or place any sign or similar structure on, over or under the land unless that person does so under an authority issued under subregulation (6).

Penalty: 10 penalty units.

(5) A person in an alpine resort must not enter, occupy or use the whole or any part of any building or similar structure provided for public use, unless that person does so—

(a) in accordance with the purpose for which the building or similar structure is provided; or

(b) under an authority issued under subregulation (6).

Penalty: 5 penalty units.

(6) The Board of an alpine resort may issue an authority authorising a person to engage in an activity prohibited by subregulation (1), (2), (3), (4) or (5).

54 Obstruction

(1) A person, other than a person acting in accordance with an authority issued under subregulation (2), must not obstruct a road, right of way or area set aside for cross country skiing managed by the Board of an alpine resort.

Penalty: 20 penalty units.

(2) The Board of an alpine resort may issue an authority to a person to obstruct a road, right of way or area set aside for cross country skiing managed by the Board of the alpine resort.

(3) A person must not, in an alpine resort, obstruct, impede or interfere with the operations or works of—

(a) the Board of the alpine resort; or

(b) a person who is acting as—

(i) an employee of the Board; or

(ii) a contractor of the Board; or

(iii) a subcontractor of a contractor of the Board; or

(iv) an employee of a contractor of the Board or a subcontractor of a contractor of the Board.

Penalty: 10 penalty units.

55 Advertising, soliciting and public speaking

(1) A person, other than a person acting in accordance with an authority issued under subregulation (2), must not in an alpine resort—

(a) solicit or collect money; or

(b) display a sign for the purposes of advertising; or

(c) hand out or disseminate any advertising or commercial or promotional material, including pamphlets or handbills; or

(d) use any amplifier, public address system, loud hailer or any similar device to deliver an address of a commercial nature.

Penalty: 10 penalty units.

(2) The Board of an alpine resort may issue an authority authorising a person to engage in an activity referred to in subregulation (1).

56 Organised events

(1) A person must not in an alpine resort, conduct or organise an event or function that involves 30 or more persons, unless that person does so under an authority issued under subregulation (2).

Penalty: 10 penalty units.

(2) The Board may issue an authority authorising a person to conduct or organise an event or function that involves 30 or more persons.

(3) Without limiting regulation 11(1), an authority issued under subregulation (2) may include conditions relating to the—

(a) purpose of the event or function; and

(b) number of persons permitted to attend the event or function; and

(c) type and size of any structure that may be used as part of the event or function; and

(d) number and type of additional portable toilets required to be supplied by the applicants to service the event or function.

(4) In this regulation, an ***event or function*** includes—

(a) an entertainment or show; and

(b) a festival, rave party, fete, or public meeting; and

(c) a demonstration, training class or similar event; and

(d) a car rally, fishing competition or other competitive event; and

(e) a wedding or other ceremony; and

(f) a sport or recreational event.

57 Authorised officer or police officer may direct person to cease an activity in an alpine resort

(1) If satisfied on reasonable grounds that it is in the interests of safety to do so, an authorised officer or police officer may direct a person in an alpine resort who is engaging in an activity to cease engaging in the activity.

(2) A person must comply with a direction of an authorised officer or police officer under subregulation (1).

Penalty: 20 penalty units.

Division 2—Protection of natural features

58 Interfering with animals

(1) A person, other than a person acting in accordance with an authority issued under subregulation (3), must not in an alpine resort disturb, harass, hunt, capture, take, kill, injure or otherwise destroy or interfere with any animal.

Penalty: 20 penalty units.

(2) A person, other than a person acting in accordance with an authority issued under subregulation (3), must not in an alpine resort destroy, disturb, take or interfere with the nest, bower, display mound, lair or burrow of any animal.

Penalty: 20 penalty units.

(3) The Board of an alpine resort may issue an authority to a person to engage in an activity prohibited by subregulation (1) or (2).

59 Interfering with vegetation

(1) A person must not, in an alpine resort, cut, fell, pick, take, destroy or damage any vegetation.

Penalty: 20 penalty units.

(2) Subregulation (1) does not apply to—

(a) a person cutting and taking away firewood in an area set aside under subregulation (3); or

(b) a person cutting, felling, picking, taking, destroying or damaging any vegetation under and in accordance with an authority issued under subregulation (4).

(3) The Board of an alpine resort by determination may set aside an area of an alpine resort as an area where collecting firewood for the purposes of lighting or maintaining an indoor fireplace, campfire or barbecue within the resort in accordance with regulation 44 is permitted.

(4) The Board of an alpine resort may issue an authority authorising a person to engage in an activity prohibited by subregulation (1).

(5) A person who collects firewood in an alpine resort must not—

(a) remove the firewood from the alpine resort; or

(b) cut or take more than 0·25 cubic metres of firewood in a day; or

(c) sell the firewood to another person; or

(d) cut or take away fallen or felled trees that are visibly hollow; or

(e) cut or take away fallen or felled trees growing moss or fungi; or

(f) tow or winch fallen or felled trees along the ground.

Penalty: 20 penalty units.

60 Introduction and planting of vegetation

(1) A person, other than a person acting in accordance with an authority issued under subregulation (3), must not knowingly bring any vegetation into an alpine resort.

Penalty: 20 penalty units.

(2) A person, other than a person acting in accordance with an authority issued under subregulation (3), must not plant or cultivate any vegetation in an alpine resort.

Penalty: 20 penalty units.

(3) The Board of an alpine resort may issue an authority to a person to engage in an activity prohibited by subregulation (1) or (2).

(4) A person does not commit an offence against subregulation (1) by bringing vegetation into an alpine resort if—

(a) the vegetation is a manufactured wooden object; or

(b) the vegetation is firewood and is brought into an alpine resort for the purposes of lighting or maintaining a fire in accordance with regulation 44.

61 Interfering with rocks or similar natural objects

(1) A person, other than a person acting in accordance with an authority issued under subregulation (2), must not—

(a) damage, deface or otherwise interfere with any rock or similar natural object in an alpine resort; or

(b) remove any rock or similar natural object from an alpine resort.

Penalty: 20 penalty units.

(2) The Board of an alpine resort may issue an authority to a person to engage in an activity prohibited by subregulation (1).

62 Interfering with cultural heritage

(1) A person, other than a person acting in accordance with an authority issued under subregulation (2), must not—

(a) excavate, damage, deface or otherwise interfere with any cultural heritage in an alpine resort; or

(b) remove any cultural heritage from an alpine resort.

Penalty: 20 penalty units.

(2) The Board of an alpine resort may issue an authority to a person to engage in an activity prohibited by subregulation (1).

(3) In this regulation, ***cultural heritage*** does not include ***Aboriginal cultural heritage*** within the meaning of the **Aboriginal Heritage Act 2006**.

63 Digging or taking of material

(1) A person must not dig or take from an alpine resort any gravel, shell grit, sand, soil or other similar material.

Penalty: 10 penalty units.

(2) A person does not commit an offence against subregulation (1) by—

(a) depositing or burying faeces in accordance with regulation 52; or

(b) camping or erecting a temporary structure in accordance with regulation 42 or 53; or

(c) extinguishing a fire in accordance with regulation 47; or

(d) acting in accordance with an authority issued under subregulation (3).

(3) The Board of an alpine resort may issue an authority to a person to engage in an activity prohibited by subregulation (1).

64 Introduction of material

A person must not knowingly bring into an alpine resort any gravel, shell grit, sand, soil or other similar material.

Penalty: 10 penalty units.

65 Beehive prohibited in an alpine resort

A person must not bring a beehive into an alpine resort or keep a beehive in an alpine resort.

Penalty: 10 penalty units.

66 Use of soap, detergent or similar substance

(1) A person must not use any soap, detergent or similar substance in any river, stream, creek, well, spring, dam, lake, reservoir, lagoon, pond, swamp, marsh, bore water body or watercourse in an alpine resort.

Penalty: 10 penalty units.

(2) A person who uses any soap, detergent or similar substance outdoors in an alpine resort must dispose of that substance—

(a) at least 50 metres away from any river, stream, well, spring, creek, dam, bore or watercourse; and

(b) at least 50 metres landward of the high-water mark of any pond, lake or reservoir.

Penalty: 10 penalty units.

Schedule 1—Maximum fees for entry to an alpine resort

Regulation 18(2)

Column 1	*Column 2*	*Column 3*	*Column 4*
Item No.	*Form of entry*	*Maximum entry fee (per day)*	*Maximum annual entry fee*
1	Passenger in a bus	1·31 fee units	
2	Motor vehicle	4·14 fee units	49·67 fee units
3	Other	1·31 fee units	

Schedule 2—Maximum fees for cross country skiing

Regulation 39(2)

Column 1	*Column 2*	*Column 3*	*Column 4*
Item No.	*Type of Authority*	*Maximum fee for daily authority*	*Maximum fee for season authority (if applicable)*
1	Family (up to 6 persons with a maximum of 2 adults)	2·55 fee units	30·60 fee units
2	Adult	1·02 fee units	12·75 fee units
3	Child (aged between 5 and 17 years)	$7.72	6·37 fee units

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Alpine Resorts (Management) Regulations 2020, S.R. No. 128/2020 were made on 17 November 2020 by the Governor in Council under section 57 of the **Alpine Resorts (Management) Act 1997**, No. 89/1997 and came into operation on 17 November 2020.

The Alpine Resorts (Management) Regulations 2020 will sunset 10 years after the day of making on 17 November 2030 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.
See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the Alpine Resorts (Management) Regulations 2020 by statutory rules, subordinate instruments and Acts.

Alpine Resorts (Management) Amendment Regulations 2022, S.R. No. 67/2022
Date of Making: 16.8.22
Date of Commencement: 16.8.22

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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 2022 is $15.29. 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.

Penalty Units

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

The value of a penalty unit for the financial year commencing 1 July 2022 is $184.92. The amount of the calculated penalty may be rounded to the nearest dollar.

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