

Alpine Resorts (Management) Interim Regulations 2009

S.R. No. 47/2009

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STATUTORY RULES 2009

S.R. No. 47/2009

Alpine Resorts (Management) Act 1997

**Alpine Resorts (Management) Interim Regulations
2009**

The Governor in Council makes the following Regulations:

Dated: 12 May 2009

Responsible Minister:

GAVIN JENNINGS

Minister for Environment and Climate Change

RYAN HEATH

Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objectives

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

- (a) regulating the general use and control of alpine resorts; and
- (b) prescribing fees for the purposes of the **Alpine Resorts (Management) Act 1997**.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on the day that they are made.

4 Revocation

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

5 Definitions

In these Regulations—

authorised officer means a person appointed by the Secretary as an authorised officer under section 83 of the **Conservation, Forests and Lands Act 1987** for the purposes of the Act;

authority means a written authority issued by a Board under regulation 13 in respect of the alpine resort for which that Board is responsible;

bus has the same meaning as it has in the **Road Safety Act 1986**;

camel includes a llama or alpaca;

camping permit means a permit issued by the relevant Board under regulation 29;

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

contractor includes an employee or subcontractor of a contractor;

cross country ski trail permit means a permit issued by the relevant Board under regulation 22;

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;

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

four wheel drive vehicle permit means a permit issued by the relevant Board under regulation 25;

helicopter entry permit means a permit issued by the relevant Board under regulation 21;

horse includes a mule or donkey;

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

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**, but does not include a commercial motor vehicle or a motor cycle;

off-season means the period outside the snow season;

oversnow vehicle means a vehicle specifically designed for use on or over snow;

oversnow vehicle permit means a permit issued by the relevant Board under regulation 31;

prescribed Board means—

- (a) the Lake Mountain Alpine Resort Management Board; or
- (b) the Mount Baw Baw Alpine Resort Management Board; or
- (c) the Mount Buller and Mount Stirling Alpine Resort Management Board;

relevant Board means the Alpine Resort Management Board established under Part 4 of the Act in respect of a particular alpine resort;

road means—

- (a) a thoroughfare or way under the control of a Board within an alpine resort; and

- (b) a declared road within the meaning of the **Transport Act 1983**;

ski-bob means a non-powered vehicle consisting of a low seat and steering handles and supported by 1 or 2 skis, that is used for sliding down ski slopes;

ski lift means any mechanism (not being a vehicle) provided for the transport of members of the public up and between ski slopes;

snow season means—

- (a) any period declared by a Board under regulation 7 to be the snow season in respect of the alpine resort for which it is responsible in the year or years specified in the declaration; or
- (b) if a declaration under regulation 7 has not been made in respect of an alpine resort for a particular year, the period commencing on 1 June in each year and ending on 31 October in that year;

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

vehicle includes—

- (a) a motor vehicle;
- (b) a motor cycle;
- (c) a bicycle, cart, trailer, caravan or horse-drawn vehicle;
- (d) a motor vehicle that is used or intended to be used in a public place that is not a tractor as defined in the **Road Safety Act 1986**.

6 Application of Regulations

- (1) These Regulations do not apply to make the Council, a Board, or any employee or agent of the Council or of a Board or an authorised officer, who is acting in the course of duty, liable for an offence.
 - (2) Parts 3 and 4 of these Regulations do not apply to—
 - (a) an officer, contractor, agent or employee of VicRoads while the officer is carrying out or engaged in works connected with the management of access roads to alpine resorts; or
 - (b) an officer or employee of the Secretary, a member of the police force, ambulance services, State Emergency Service or Country Fire Authority when acting in the course of his or her duty.
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PART 2—POWERS OF BOARDS IN RELATION TO ALPINE RESORTS

7 Board may declare snow season for alpine resorts

The relevant Board may, by instrument in writing, declare any period in any year specified in the declaration, to be the snow season for the alpine resort for which that Board is appointed.

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

- (1) The relevant Board may determine that any area forming part of the alpine resort for which that Board is responsible is an area where entry—
 - (a) is prohibited completely; or
 - (b) is prohibited during the times determined by the Board; or
 - (c) is prohibited for certain persons or classes of person or certain vehicles or classes of vehicle as determined by the Board.
 - (2) A determination under subregulation (1) may be made for all or any of the following—
 - (a) reasons of public safety; or
 - (b) the re-establishment of vegetation or the protection, conservation or preservation of flora, fauna or natural features; or
 - (c) the carrying out of works or improvements or the protection of works, improvements, facilities or amenities; or
 - (d) any other purpose connected with the protection, control and management of the alpine resort.
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- (3) A determination under subregulation (1) must specify—
- (a) the times or periods during which entry is prohibited; and
 - (b) the reasons why entry is prohibited; and
 - (c) the persons or class of persons or vehicles or class of vehicles to which entry to that part of the alpine resort is prohibited (if any).

9 Board may determine places in alpine resort for entry and parking of vehicles

- (1) The relevant Board may determine that a place in the alpine resort for which that Board is responsible is an area where the entry or parking of vehicles is permitted during the times determined by the Board.
- (2) A determination under subregulation (1) must specify—
 - (a) the times or periods during which entry or parking is permitted; and
 - (b) the details of any restrictions applying to the entry or parking of vehicles in that area.

10 Board may set aside areas for public use

- (1) The relevant Board may determine that a specified area or areas in the alpine resort for which that Board is responsible be set aside for public use—
 - (a) as an area where camping in tents, caravans or other vehicles is permitted; or
 - (b) as an area where tobogganing or the use of a sled or inflatable device is permitted; or
 - (c) as an area where the use of oversnow vehicles is permitted during the snow season; or

- (d) as a cross country ski trail during the snow season; or
 - (e) as an area where access by particular classes of vehicle is permitted; or
 - (f) as an area where the landing of helicopters is permitted; or
 - (g) as an area where the landing of aircraft (other than a helicopter), hang-gliding, parasailing or paragliding is permitted; or
 - (h) as an area where the riding or bringing of horses or camels is permitted; or
 - (i) as an area where the parking of vehicles or classes of vehicles is permitted; or
 - (j) as an area where downhill skiing is permitted during the snow season; or
 - (k) as an area where any other public use is permitted.
- (2) The relevant Board may determine that a specified area or areas in the alpine resort for which that Board is responsible be set aside for public use—
- (a) as an area in which skiing or the use of a snowboard or other snowplay activities is prohibited; or
 - (b) as an area in which the possession or consumption of alcohol is prohibited.
- (3) A determination under this regulation must specify—
- (a) the times or periods during which the area is set aside for public use; and
 - (b) the purposes for which the area has been set aside; and
 - (c) any determination made or other conditions applying to the use of that area.
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11 Board must display signs and notices

A Board must ensure that signs or notices informing the public of a determination under regulation 8, 9 or 10 including any details relating to the determination are displayed in such a place and manner that those details are reasonably likely to be seen by any person affected by them.

12 Determination may be amended or revoked

- (1) A determination under regulation 8, 9 or 10 may be amended or revoked by the relevant Board.
- (2) If a Board amends a determination under regulation 8, 9 or 10, the Board must ensure that the details of the amendment are included on any signs erected under regulation 11.
- (3) If a Board revokes a determination under regulation 8, 9 or 10, the Board must ensure that any signs erected under regulation 11 relating to that determination are removed.

13 Board may grant authority for certain purposes

- (1) The relevant Board may issue an authority for a person to undertake an activity which would otherwise contravene regulation 14(1), 15(1), 16(1), 35(1), 37(1), 42(1), 43(1), 44(1), 46(1), 51(1)(a) or (b), 52(1), (2) or (3) or 53(1), (2) or (3).
- (2) An authority issued under subregulation (1) may be subject to any conditions the Board considers necessary—
 - (a) for the effective management, protection and control of the alpine resort or of any operations or works in the alpine resort; or
 - (b) for the safety of persons or property within the alpine resort.

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Part 2—Powers of Boards in Relation to Alpine Resorts

- (3) A Board may, in writing, revoke an authority issued under subregulation (1).
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PART 3—ENTRY AND PERMITS FOR OTHER PURPOSES

Division 1—Fees for access or use of alpine resorts

14 Offence to enter an alpine resort as a bus passenger without paying fee

- (1) A person must not enter an alpine resort as a passenger in a bus unless that person has paid the fee determined by the relevant Board in accordance with subregulation (2).

Penalty: 5 penalty units.

- (2) A relevant Board may determine a fee that is payable for persons to access or use areas in the alpine resort for which that Board is responsible that are set aside by or under regulations made under the Act for public use.

- (3) The fee determined by the Board under subregulation (2) for entry to the alpine resort during the snow season must not exceed \$13.25.

- (4) The fee determined by the Board under this regulation for entry to the alpine resort in the off-season must not exceed one-third of the amount specified in subregulation (3).

15 Offence to enter an alpine resort in a motor vehicle without paying fee

- (1) A person must not enter an alpine resort in a motor vehicle unless the fee determined in accordance with subregulation (3) by the relevant Board has been paid.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person if the person enters the alpine resort in a motor vehicle in respect of which an annual fee determined in accordance with regulation 17(1) by the relevant Board has been paid.
 - (3) A relevant Board may determine a fee that is payable for persons to access or use areas in the alpine resort for which that Board is responsible that are set aside by or under regulations made under the Act for public use.
 - (4) In the case of entry to the alpine resort in a motor vehicle during the snow season, the fee determined by the Board under subregulation (3) must not exceed—
 - (a) \$42.00 for the motor vehicle for each day that the motor vehicle remains in the alpine resort; or
 - (b) if the Board so determines—
 - (i) if the motor vehicle contains the minimum number (as determined by the Board) of persons or more, \$39.75 for the motor vehicle for each day, that the motor vehicle remains in the alpine resort; or
 - (ii) if the motor vehicle contains less than the minimum number of persons, \$13.25 for each person in the motor vehicle for each day that the motor vehicle remains in the alpine resort.
 - (5) The fee determined by the Board under this regulation to access or use areas in the alpine resort in the off-season must not exceed one-third of any amount specified in subregulation (4).
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16 Offence for persons to enter alpine resorts by means other than in buses and motor vehicles without paying fee

- (1) A person must not enter an alpine resort, other than as a passenger in a bus or in a motor vehicle, unless the fee determined in accordance with subregulation (2) by the relevant Board has been paid.

Penalty: 5 penalty units.

- (2) A relevant Board may determine a fee that is payable for persons to access or use areas in the alpine resort for which that Board is responsible that are set aside by or under regulations made under the Act for public use.
- (3) In the case of entry to the alpine resort during the snow season, the fee determined by the Board under subregulation (2) must not exceed \$13.25 for each person for each day that the person remains in that alpine resort.
- (4) The fee determined by the Board under this regulation to access or use areas in the alpine resort in the off-season must not exceed one-third of the amount specified in subregulation (3).

17 Power of Boards to determine annual fee for access or use of alpine resorts

- (1) A relevant Board may determine a fee that is payable in respect of a motor vehicle for persons in that motor vehicle to access or use areas, in an alpine resort for which that Board is responsible that are set aside by or under regulations made under the Act for public use, at any time during any period of 12 months determined by the Board.
- (2) The fee determined by the Board under subregulation (1) must not exceed \$504.00.
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- (3) The Board may determine to reduce or waive the fee determined under subregulation (1) if the person applying to pay the fee has paid an annual fee to access or use such set-aside areas in another alpine resort in respect of that vehicle for that year.

18 Considerations Board must take into account in determining fees

In determining a fee under regulation 14(2), 15(3) or 16(2), a relevant Board must take into account—

- (a) any commercial considerations; or
- (b) any marketing considerations.

19 Classes of person not required to pay access or use fees

A person who is in any one of the following classes is not required to pay a fee determined by a relevant Board under this Division in relation to the alpine resort for which that Board is responsible—

- (a) a person acting in accordance with an authority issued by the relevant Board that allows that person to access or use the areas in the alpine resort set aside by or under regulations made under the Act for public use without paying the fee for that access or use;
 - (b) a person authorised to access or use the areas in the alpine resort set aside by or under regulations made under the Act for public use without paying the fee for that access or use by—
 - (i) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or
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- (ii) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of the alpine resort;
 - (c) a person entering the alpine resort during the off-season who is not given a reasonable opportunity to pay the fee for access and use of the areas in the alpine resort set aside by or under regulations made under the Act for public use;
 - (d) a person travelling directly through the alpine resort to a place outside that resort;
 - (e) a member, employee, agent or contractor of the Council or the relevant Board of the alpine resort who is acting in the course of his or her duties as such a member, employee, agent or contractor in the alpine resort;
 - (f) an authorised officer who is acting in the course of his or her duties as such an officer in the alpine resort;
 - (g) a person who has entered the alpine resort at the request of the Board for the purpose of assisting the Board in search and rescue activities.

20 Board may reduce or waive fees for access or use of alpine resorts

A relevant Board may determine to reduce or waive a fee determined under this Division that is payable for a person to access or use areas in the alpine resort for which that Board is responsible if the Board is satisfied that—

- (a) the person is in the course of conducting official business with the Board; or

- (b) the person has been invited by the Board (in the course of carrying out its functions) to enter the resort; or
- (c) in respect of any day, a fee has already been paid on that day for that person to access or use areas in another alpine resort; or
- (d) the person is a pilot of a helicopter that has entered the alpine resort for the purpose of bringing other persons to the resort to access or use areas in the resort.

Division 2—Helicopter entry permits

21 Board may issue helicopter entry permit

- (1) The relevant Board may issue a permit authorising entry by a helicopter into the alpine resort for which that Board is responsible.
- (2) A person in charge of a helicopter must not enter an alpine resort in the helicopter unless the person is the holder of a current valid helicopter entry permit.

Penalty: 20 penalty units.

- (3) Subregulation (2) does not apply to a person who—
 - (a) lands a helicopter in an alpine resort in an emergency; or
 - (b) lands a helicopter in an alpine resort in the course of rescue or safety operations or exercises; or
 - (c) is otherwise authorised to enter the alpine resort without a permit under—
 - (i) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or

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- (ii) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.
- (4) A helicopter entry permit—
- (a) may authorise entry to the alpine resort that is specified in the permit by the helicopter specified in the permit; and
 - (b) is subject to the condition that the helicopter lands in an area that has been set aside as an area where the landing of helicopters is permitted under regulation 10; and
 - (c) is subject to any other conditions specified in the permit.
- (5) A person must comply with a helicopter entry permit.
- Penalty: 20 penalty units.

Division 3—Permits to use areas set aside for public use

22 Board may issue cross country ski trail permit

- (1) On payment of a fee determined by the Board under regulation 23, the relevant Board may issue a permit authorising the use of cross country ski trails in the alpine resort for which that Board is responsible.
- (2) A person must not use a cross country ski trail in an alpine resort unless that person is the holder of a current valid cross country ski trail permit.
- Penalty: 5 penalty units.
- (3) Subregulation (2) does not apply to a person who uses a cross country ski trail without a cross country ski trail permit if that person is a child aged less than 5 years.

- (4) A cross country ski trail permit—
 - (a) may authorise the use of cross country ski trails in that alpine resort; and
 - (b) may apply for the whole of the snow season or any part of the snow season as specified in the permit; and
 - (c) is subject to any other conditions specified in the permit.
- (5) A person must comply with a cross country ski trail permit.

Penalty: 5 penalty units.

23 Board may determine fee for cross country ski trail permit

- (1) The relevant Board may determine the fee for a cross country ski trail permit for the use of cross country ski trails in the alpine resort for which that Board is responsible.
 - (2) A fee determined by a Board under subregulation (1) must not exceed, for a cross country ski trail permit of the type specified in column 2 of the Table in Schedule 2—
 - (a) to use cross country ski trails in that alpine resort for a day during the snow season, the amount specified in column 3 of the Table in that Schedule; or
 - (b) to use cross country ski trails in that alpine resort for that snow season, the amount specified in column 4 of the Table in that Schedule.
 - (3) In determining a fee under subregulation (1), a Board must take into account—
 - (a) commercial and marketing considerations;
 - (b) seasonal conditions;
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- (c) whether the permit is for mid-week use or weekend use;
 - (d) whether the persons to whom the permit is to be issued are—
 - (i) school children on an official group visit arranged with the relevant Board; or
 - (ii) eligible pensioners within the meaning of the **State Concessions Act 2004**.

24 Board may reduce or waive fee for use of cross country ski trail

The relevant Board may reduce or waive the fee payable for a season permit for the use of a cross country ski trail in the alpine resort for which that Board is responsible if the person applying for that permit holds a season permit for the use of a cross country ski trail in another alpine resort for that snow season.

25 Board may issue four wheel drive vehicle permit

- (1) On payment of a fee determined by the Board under regulation 26, the relevant Board may issue a permit authorising the use of a four wheel drive vehicle for access to or access to and parking in, areas that have been set aside as areas where access by four wheel drive vehicles is permitted in the alpine resort for which that Board is responsible.
- (2) A person must not, during the snow season, use or park a vehicle in an area in an alpine resort that has been set aside as an area where access by four wheel drive vehicles is permitted unless that vehicle is a four wheel drive vehicle in respect of which a four wheel drive vehicle permit has been issued.

Penalty: 20 penalty units.

- (3) Subregulation (2) does not apply to a person who uses or parks a vehicle in an area of an alpine resort set aside where access by four wheel drive vehicles is permitted in accordance with—
- (a) a lease, licence or other agreement issued under this Act or a corresponding previous enactment; or
 - (b) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.
- (4) A four wheel drive vehicle permit—
- (a) may authorise the use by the vehicle specified in the permit (or other four wheel drive vehicle in the case of a transferable permit) for access to, or access to and parking in the areas in that alpine resort that have been set aside as areas where access by four wheel drive vehicles is permitted; and
 - (b) may specify that the permit is, or is not, transferable to other vehicles; and
 - (c) applies for the snow season that is specified in the permit; and
 - (d) is subject to any other conditions specified in the permit.
- (5) A person must comply with a four wheel drive vehicle permit.

Penalty: 20 penalty units.

26 Board may determine fee for four wheel drive vehicle permit

- (1) The relevant Board may determine the fee for a four wheel drive vehicle permit for the alpine resort for which that Board is responsible.
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- (2) A fee determined by a Board under subregulation (1) must not exceed—
- (a) for a four wheel drive permit allowing access to a Village, \$286.00; and
 - (b) for a permit allowing access to and parking in a Village, being a four wheel drive (transferable) permit, \$1650.00; and
 - (c) for a four wheel drive permit allowing access to and parking in a Village, \$495.00.
- (3) In determining a fee under subregulation (1), a Board must take into account—
- (a) commercial and marketing considerations;
 - (b) whether the vehicle is being used for commercial or private purposes;
 - (c) the manner and the places in which the vehicle may be used or parked.

27 Board may issue a permit for use of vehicle for access etc. in certain areas

- (1) On payment of a fee determined by the Board under regulation 28, the relevant Board may issue a permit authorising the use of a vehicle for access to, or access to and parking in, an area which has been set aside under regulation 10(1)(e) in the alpine resort for which that Board is responsible and which area is specified in the permit.
- (2) A person must not, during the snow season—
- (a) use a vehicle for access to; or
 - (b) park a vehicle in—
- an area set aside under regulation 10(1)(e) unless that vehicle is a vehicle in respect of which a permit has been issued under subregulation (1).

Penalty: 20 penalty units.

- (3) Subregulation (2) does not apply to a person who uses or parks a vehicle in an area of an alpine resort set aside under regulation 10(1)(e) in accordance with—
- (a) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or
 - (b) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.
- (4) A vehicle permit issued under this regulation—
- (a) may authorise the use by the vehicle specified in the permit (or other vehicle in the case of a transferable permit) for access to, or access to and parking in the areas in that alpine resort that have been set aside as areas where access by those classes of vehicles is permitted; and
 - (b) may specify that the permit is, or is not, transferable to other vehicles; and
 - (c) applies for the snow season that is specified in the permit; and
 - (d) is subject to any other conditions specified in the permit.
- (5) A person must comply with a vehicle permit issued under this regulation.
- Penalty: 20 penalty units.
- (6) This regulation does not apply to a vehicle which is a bicycle.

28 Board may determine fee for vehicle permit under regulation 27

- (1) The relevant Board may determine the fee for a vehicle permit under regulation 27 for the alpine resort for which that Board is responsible.
- (2) A fee determined by a Board under subregulation (1) must not exceed—
 - (a) for a permit allowing access to a Village, \$286.00; and
 - (b) for a permit allowing access to and parking in a Village, being a permit which is transferable to another vehicle, \$1650.00; and
 - (c) for a permit allowing access to and parking in the Village, \$495.00.
- (3) In determining a fee under subregulation (1), a Board must take into account—
 - (a) commercial and marketing considerations;
 - (b) whether the vehicle is being used for commercial or private purposes;
 - (c) the manner and the places in which the vehicle may be used or parked.

29 Board may issue camping permit

- (1) On payment of a fee determined by the Board under regulation 30, the relevant Board may issue a permit authorising the use of an area set aside in the alpine resort for camping in the alpine resort for which that Board is responsible.
 - (2) A camping permit—
 - (a) may authorise the use of an area or areas that have been set aside for camping in the alpine resort that is specified in the permit and by the person specified in the permit; and
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- (b) applies for the period that is specified in the permit; and
 - (c) is subject to any other conditions specified in the permit.
- (3) A person must comply with a camping permit.
Penalty: 5 penalty units.

30 Board may determine fee for camping permit

- (1) The relevant Board may determine a fee for a camping permit to camp in the alpine resort for which that Board is responsible.
- (2) A fee determined by a Board under subregulation (1) must not exceed \$3.30 per day for each person to which that permit applies.
- (3) In determining a fee under subregulation (1), a Board must take into account—
 - (a) commercial and marketing considerations;
 - (b) seasonal conditions.

31 Board may issue oversnow vehicle permit

- (1) On payment of a fee of \$20.00, the relevant Board may issue a permit authorising the use of an oversnow vehicle in areas that have been set aside as areas where the use of oversnow vehicles is permitted in the alpine resort for which that Board is responsible.
 - (2) A person must not use an oversnow vehicle in an alpine resort unless a permit has been issued under subregulation (1) in respect of that oversnow vehicle.
Penalty: 20 penalty units.
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- (3) An oversnow vehicle permit—
- (a) may authorise the use of an oversnow vehicle specified in the permit in areas of that alpine resort that have been set aside as areas where the use of oversnow vehicles is permitted; and
 - (b) applies for the snow season that is specified in the permit; and
 - (c) is subject to any other conditions specified in the permit.
- (4) A person must comply with an oversnow vehicle permit.

Penalty: 20 penalty units.

32 Board may waive fee for permit for use of oversnow vehicle

If a person is required, under the terms or conditions of an authority or an agreement with the relevant Board, to provide oversnow vehicles in connection with the purposes of that authority or agreement, the Board may reduce or waive the fee for the issue of a permit for the use of one or more oversnow vehicles in that alpine resort.

Division 4—General matters relating to entry and permits

33 All permits to be affixed to vehicle

A person who uses a vehicle or an oversnow vehicle for which a permit has been issued under this Part must take reasonable steps to ensure that the permit remains affixed to the windscreen, side window or other prominent place of the vehicle to which the permit relates at all times while the vehicle is within the alpine resort.

Penalty: 5 penalty units.

34 Board may issue replacement permit

- (1) If a permit under this Part is lost, stolen or damaged, the person to whom the permit was issued may apply in writing for a replacement permit to the Board which issued the permit.
 - (2) An application under subregulation (1) must be accompanied by a fee of \$20.00.
 - (3) On receipt of an application in accordance with subregulations (1) and (2), the relevant Board may issue a replacement permit.
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PART 4—GENERAL USE AND CONTROL OF ALPINE RESORTS

35 Offence relating to entry and use of certain areas

- (1) Subject to the Act and these Regulations, a person must comply with a determination of a Board under regulation 8, 9 or 10.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who does not comply with a determination—

(a) pursuant to an authority; or

(b) pursuant to—

(i) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or

(ii) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.

36 Behaviour

A person must not, in an alpine resort, behave in a riotous, indecent, offensive, threatening, abusive or insulting manner or in a manner that is likely to cause danger or unreasonable disturbance to other persons.

Penalty: 20 penalty units.

37 Damaging or defacing property etc.

- (1) A person must not in an alpine resort intentionally deface or damage—

(a) any natural rock surface or flora; or

(b) a building, seat, table, post, fence, tower, railing, pillar or other structure; or

- (c) any skiing facilities, equipment or property of a Board.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who undertakes an activity specified in that subregulation—
 - (a) in accordance with an authority; or
 - (b) in accordance with—
 - (i) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or
 - (ii) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.

38 Games and activities

- (1) A person must not in an alpine resort—
 - (a) throw a stone or missile; or
 - (b) play a game; or
 - (c) take part in any activity—

in a manner which is intended to cause danger, injury or unreasonable disturbance to any other person.

Penalty: 20 penalty units.

- (2) A person must not in an alpine resort—
 - (a) throw a stone or missile; or
 - (b) play a game—

in a manner that is likely to damage any equipment, structure, flora or natural rock surface.

Penalty: 20 penalty units.

39 Alcohol

A person must not possess or consume alcohol in an area that the Board has determined is an area set aside for public use in which the possession or consumption of alcohol is prohibited.

Penalty: 5 penalty units.

40 Camping

(1) A person must not, in an alpine resort, camp, erect a tent or use a caravan or other mobile structure for camping unless he or she—

(a) is the holder of a current valid camping permit; and

(b) does so in an area that has been set aside as an area where camping is permitted under regulation 10.

Penalty: 5 penalty units.

(2) Subregulation (1) does not apply to a person who camps or erects a tent in any alpine resort in an emergency.

41 Hygiene and use of fireplaces

(1) A person who camps in or occupies a camping area or other amenity or uses a fireplace in an alpine resort must—

(a) maintain the site occupied in a clean and tidy condition at all times; and

(b) before vacating a site that has been used or occupied by that person, clear and remove all litter from the site and extinguish any fires; and

- (c) camp not less than 20 metres from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse; and
- (d) dispose of any soap, detergent or similar substance not less than 50 metres from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse; and
- (e) not use any soap, detergent or similar substance in any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 20 penalty units.

- (2) A person in an alpine resort in which toilet facilities are not readily accessible must bury all faeces not less than 100 metres from any river, stream, creek, lake, lagoon, swamp, marsh, well, spring, dam, bore or watercourse.

Penalty: 20 penalty units.

42 Dogs

- (1) A person must not—
 - (a) bring a dog into an alpine resort; or
 - (b) allow a dog under that person's control to enter or remain in an alpine resort.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who, in accordance with—
 - (a) an authority; or
 - (b) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or

(c) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort—

brings or allows a dog under his or her control to enter or remain in an alpine resort, if the dog—

(d) is kept on a leash and is under that person's effective control at all times; or

(e) is restrained from causing—

(i) danger or unreasonable disturbance to other persons; and

(ii) damage or interference to property; and

(iii) disturbance or injury to wildlife.

(3) Subregulation (1) does not apply to a person who brings or allows a dog under his or her control to enter or remain in an alpine resort if the person—

(a) is visually or hearing impaired and is using that dog as a guide dog; or

(b) is transporting a dog through an alpine resort in a vehicle.

43 Horses and camels

(1) A person must not ride, bring or lead a horse or camel into an alpine resort or allow a horse or camel under that person's control to enter or remain in an alpine resort.

Penalty: 20 penalty units.

(2) Subregulation (1) does not apply to a person who rides, brings or leads a horse or camel in an alpine resort—

(a) in an area set aside under regulation 10 as an area where horses or camels are permitted; and

- (b) in accordance with—
 - (i) an authority; or
 - (ii) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or
 - (iii) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.
- (3) Subregulation (1) does not apply to a person who rides, brings or leads a horse or camel in an alpine resort—
 - (a) for the sole purpose of mustering or droving cattle through an alpine resort; or
 - (b) if the person is transporting horses or camels through an alpine resort in a vehicle.
- (4) A person who rides, brings or leads a horse or camel in an alpine resort in accordance with subregulation (2) or (3) must do so in a manner that does not endanger any other person or animal.

Penalty: 20 penalty units.

44 Other animals

- (1) A person must not—
 - (a) bring any animal into an alpine resort other than a dog brought into an alpine resort in accordance with regulation 42 or a horse or camel in accordance with regulation 43; or
 - (b) allow an animal (other than a dog, horse or camel) under his or her control to remain in an alpine resort.

Penalty: 20 penalty units.

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- (2) Subregulation (1) does not apply to a person who brings or allows to remain in an alpine resort, an animal other than a horse, dog or camel—
- (a) if the person is a drover in charge of cattle, who is passing through an alpine resort with those cattle; or
 - (b) if the person is transporting the animal through an alpine resort in a vehicle; or
 - (c) if the person is acting in accordance with—
 - (i) an authority; or
 - (ii) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or
 - (iii) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.

45 Apiculture

- (1) A person must not keep an apiary in an alpine resort.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who keeps an apiary in accordance with a licence issued under the **Crown Land (Reserves) Act 1978**.

46 Firearms and other weapons

- (1) A person must not in an alpine resort—

- (a) carry or discharge a firearm or bow; or
- (b) carry or discharge a missile, explosive or firework.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—
- (a) carries or discharges a firearm, bow, missile, explosive or firework—
 - (i) if the person is a member of the police force acting in the course of his or her duty; or
 - (ii) if the person is participating in safety or rescue operations or exercises; or
 - (iii) in accordance with an authority; or
 - (b) discharges a flare in an emergency.

47 Skiing and snowplay in certain areas

A person must not ski or use a snowboard or engage in other snowplay activities in an area that the Board has determined is an area set aside for public use in which those activities are prohibited.

Penalty: 20 penalty units.

48 Use of toboggans, sleds, ski-bobs or inflatable devices

- (1) A person must not in an alpine resort use a toboggan, sled, ski-bob or inflatable device.
- Penalty: 20 penalty units.
- (2) Subregulation (1) does not apply to a person who uses a toboggan, sled or inflatable device in an alpine resort in an area that has been set aside under regulation 10 where the use of those devices is permitted.

49 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 it is fitted with a strap or other mechanism that is designed for and capable of stopping the skis, snowboard or other device if it becomes unattached from the skier.

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 skier by a mechanism incapable of automatic release.

50 Use of ski lifts

- (1) A person must not in an alpine resort—
- (a) embark on or disembark from a ski lift other than at the place where the ski lift commences or finishes; or
 - (b) throw or drop any object from a ski lift; or
 - (c) while on or embarking on or disembarking from a ski lift, behave in a manner—
 - (i) that is likely to interfere with the safe operation of the ski lift; or
 - (ii) that is likely to cause danger to any other person; or
 - (d) place in an uphill track of a J-bar, T-bar, platter pull, rope tow or any other surface lift, any object that could cause another skier to fall; or
 - (e) embark on a ski lift that is indicated by signs to be closed at that time.

Penalty: 20 penalty units.

- (2) Subregulation (1) (a) 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.

51 Hang-gliding, parasailing and paragliding, landing of aircraft and by parachute

- (1) A person must not in an alpine resort—
- (a) land an aircraft (other than a helicopter); or
 - (b) land by parachute or deliver any person or thing by aircraft or other means by air; or
 - (c) take part in hang-gliding, parasailing or paragliding.

Penalty: 20 penalty units.

- (2) Paragraphs (a) and (b) of subregulation (1) do not apply to a person who lands an aircraft or parachute—
- (a) in an emergency; or
 - (b) in the course of rescue or safety operations or exercises; or
 - (c) in accordance with—
 - (i) an authority; or
 - (ii) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or
 - (iii) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.
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- (3) Subregulation (1)(c) does not apply to a person who takes part in hang-gliding, parasailing or paragliding in an area set aside under regulation 10 as an area where those activities are permitted.

52 Offences relating to roads, works, etc. in an alpine resort

- (1) A person must not place any obstruction across a road in an alpine resort.

Penalty: 20 penalty units.

- (2) A person must not damage or obstruct any bridge, sewer pipe, water pipe, gas pipe or any other works of a Board on, over, under or along any road in an alpine resort.

Penalty: 20 penalty units.

- (3) A person must not in an alpine resort—

- (a) remove or damage any sign, gate, barrier or lock; or
- (b) damage a road, ski trail or other area within an alpine resort; or
- (c) drive a vehicle beyond a locked gate or barrier within an alpine resort.

Penalty: 20 penalty units.

- (4) Subregulations (1), (2) or (3) do not apply to a person who undertakes an activity specified in any of those subregulations in accordance with—

- (a) an authority; or
- (b) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or
- (c) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort.

53 Vehicles

- (1) A person must not, in an alpine resort, park or drive a vehicle so as to obstruct, impede or interfere with the operations or works of a Board, its employees or contractors.

Penalty: 20 penalty units.

- (2) A person must not drive on, park or leave a vehicle standing on any grassland or rehabilitated surface in an alpine resort.

Penalty: 20 penalty units.

- (3) A person must not drive on, park or leave a vehicle standing on any area set aside as a cross country ski trail in an alpine resort during the snow season.

Penalty: 20 penalty units.

- (4) Subregulations (2) and (3) do not apply to a person who, in accordance with—

- (a) an authority; or
- (b) a lease, licence or other agreement issued under the Act or a corresponding previous enactment; or
- (c) a lease or licence issued under the **Crown Land (Reserves) Act 1978** in respect of an alpine resort—

drives on, parks or leaves a vehicle standing—

- (d) on any grassland or rehabilitated surface; or
- (e) on a cross country ski trail during the snow season.

54 Use of wheel chains on vehicles

- (1) A person in charge of a vehicle who enters an alpine resort must at all times during the snow season, carry wheel chains suitable to be properly fitted to that vehicle.

Penalty: 20 penalty units.

- (2) An authorised officer may, at any time, for reasons of safety or for the control or protection of an alpine resort, direct a person in charge of a vehicle to ensure that wheel chains are properly fitted to the drive wheels of that vehicle or, in the case of a four wheel drive vehicle, to either the front or rear wheels of that vehicle.

- (3) A person in charge of a vehicle entering or in an alpine resort during the snow season must, when directed to do so by an authorised officer under subregulation (2), ensure that wheel chains are properly fitted to the vehicle in the manner directed by that officer.

Penalty: 20 penalty units.

55 Prescribed Board may waive carrying of wheel chains on certain days

- (1) A prescribed Board may determine that regulation 54 does not apply to day visitors on a specified day in an alpine resort for which the Board is responsible.
- (2) The prescribed Board may make a determination under subregulation (1) on the day specified in the determination or on the day prior to that day in relation to either—
- (a) all vehicles, when entering or remaining in the alpine resort; or
 - (b) those classes of vehicles that are specified in the determination, when entering or remaining in the alpine resort.
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- (3) In making a determination under subregulation (1), the prescribed 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.
- (4) The prescribed Board must ensure that signs or notices informing the public of a determination made under subregulation (1), including any details relating to the determination, are displayed adjacent to roads within the alpine resort in such a place and manner that those details are reasonably likely to be seen by any person affected by them.

56 Authorised officer may request person to leave area in an alpine resort

- (1) An authorised officer may, if satisfied on reasonable grounds that a person, in an area in an alpine resort to which entry has been prohibited under regulation 8, has contravened or is contravening regulation 35, request that person to leave that area.
- (2) An authorised officer may, if satisfied on reasonable grounds that it is in the interests of safety to do so, request a person to leave an area in an alpine resort that has been set aside for public use under regulation 10.
- (3) A person must comply with a request of an authorised officer under subregulation (1) or (2).

Penalty: 5 penalty units.

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

- (1) An authorised officer may, if satisfied on reasonable grounds that it is in the interests of safety to do so, direct a person who, in an alpine resort, undertakes any activity that is permitted in that alpine resort, to cease doing that activity immediately.
- (2) A person must comply with a direction of an authorised officer under subregulation (1).

Penalty: 20 penalty units.

58 Powers of authorised officers in relation to vehicles

- (1) An authorised officer may, if satisfied on reasonable grounds that it is in the interests of safety to do so, or for the management, protection or control of an alpine resort, 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) A person driving or in charge of a vehicle on a road or track in an alpine resort must immediately comply with a direction of an authorised officer in relation to the movement, direction, speed, stopping or parking of the vehicle, given under subregulation (1).

Penalty: 20 penalty units.

PART 5—REVOCATION

59 Revocation

These Regulations are revoked on 4 November
2009.

SCHEDULES

SCHEDULE 1

REVOKED REGULATIONS

<i>S.R. No.</i>	<i>Title</i>
71/2000	Alpine Resorts (Management) (Fees) Regulations 2000
31/2005	Alpine Resorts (Management) (Amendment) Regulations 2005

Exhibits

SCHEDULE 2

Regulation 23(2)

FEEES FOR CROSS COUNTRY SKI TRAIL PERMIT

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item No.</i>	<i>Type of permit</i>	<i>Maximum fee for daily permit</i>	<i>Maximum fee for season permit (if applicable)</i>
1	Family (up to 6 people with a maximum of 2 adults)	\$22.00	\$264.00
2	Adult	\$8.80	\$110.00
3	Child (aged between 5 and 17 years)	\$4.40	\$55.00

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