



Victoria Government Gazette

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Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (SOUTHERN ALPINE RESORTS) REGULATIONS 2020

I, Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, make the following Regulations.

Dated 6 November 2020

HON. LILY D'AMBROSIO MP
Minister for Energy, Environment and Climate Change

PART 1 – PRELIMINARY

1 Objectives

The objectives of these Regulations are to provide for the –

- (a) care, protection and management of the Southern Alpine Resorts; and
- (b) preservation of good order and safety of person in the Southern Alpine Resorts; and
- (c) imposition of fees for the use of any improvements, services or facilities in the Southern Alpine Resorts or for permits for the use of any improvements, services or facilities or to enter, or be in an area, of the Southern Alpine Resorts.

2 Authorising provision

These Regulations are made under section 13 of the **Crown Land (Reserves) Act 1978**.

3 Commencement

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

4 Expiry

These Regulations expire on the day that is 10 years after the day on which they come into operation.

5 Revocation

The following regulations are **revoked** –

- (a) Crown Land (Reserves) (Lake Mountain Alpine Resort) Regulations 2010;
- (b) Crown Land (Reserves) (Mount Baw Baw Alpine Resort) Regulations 2010;
- (c) to the extent that they apply to the Reserve, any regulations made under section 13 of the **Crown Land (Reserves) Act 1978**.

6 Definitions

In these Regulations –

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;

land manager means the committee of management appointed to manage the Reserve pursuant to the Act;

Southern Alpine Resorts means the Lake Mountain Alpine Resort and the Mount Baw Baw Alpine Resort;

the Act means the **Crown Land (Reserves) Act 1978**;

the Reserve means the Southern Alpine Resorts;

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

SPECIAL

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**;

7 Application of Regulations to permit, lease or licence holders etc.

These Regulations do not apply to a person who is acting in accordance with the terms and conditions of any permit, lease, licence or other authority granted under the Act, or agreement entered into under the Act, or another Act governing Crown land to the extent that the activities authorised by the permit, lease, licence or authority are inconsistent with these Regulations.

8 Application of Regulations to employees etc.

These Regulations do not apply to any of the following persons if that person is carrying out their duties or functions as –

- (a) an employee of the land manager;
- (b) an authorised officer;
- (c) a police officer or protective services officer within the meaning of the **Victoria Police Act 2013**;
- (d) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the land manager;
- (e) 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**;
- (f) a person employed by a public entity within the meaning of the **Public Administration Act 2004** who is carrying out a duty or function under –
 - (i) a relevant law within the meaning of the **Conservation, Forests and Lands Act 1987**; or
 - (ii) the **Water Act 1989**;
- (g) an operational staff member within the meaning of the **Ambulance Services Act 1986**;
- (h) an officer, employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity or the discharge of a responsibility, function or other role in relation to an emergency.

9 Application of these Regulations to traditional owner groups

If a traditional owner group entity has entered into a traditional owner group agreement, any of these Regulations that provide for an offence to carry out an agreed activity under that agreement do 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.

PART 2 – PERMITS AND FEES

10 Permits

- (1) The land manager may issue a permit to a person to use an improvement, service or facility or to enter and use an area of the Reserve.
- (2) A permit issued under these Regulations authorises the holder of the permit to use an improvement, service or facility or to enter and use an area of the Reserve specified in the permit –
 - (a) for any purposes specified in the permit; and
 - (b) for the period specified in the permit; and
 - (c) subject to any terms and conditions in respect of that entry or use that are specified in the permit.

- (3) A permit issued under these Regulations must be in writing.
- (4) A permit holder must produce the permit when requested by an authorised officer or police officer.
Penalty: 10 penalty units
- (5) The land manager may cancel a permit issued under these Regulations at any time –
 - (a) if the holder of the permit has –
 - (i) failed to comply with the conditions of the permit; or
 - (ii) failed to comply with these Regulations; or
 - (b) if the continuation of the permit is likely to be detrimental to, or interfere with, the management and protection of the natural environment, features, or visitors in the Reserve; or
 - (c) for the purposes of management of the Reserve.
- (6) The cancellation of a permit under subregulation (5) does not take effect until the holder of the permit is given notification of that cancellation.
- (7) If a person has paid a fee for a permit under these Regulations and that permit is subsequently cancelled under subregulation (5)(b) or (c), the person to whom the permit was issued may apply in writing to the land manager, for a pro rata refund of the fee.
- (8) Upon receipt of an application under subregulation (7), the land manager may refund the remaining portion of the fee, calculated from the time at which the cancellation becomes effective until the time the permit would have expired.

11 Fees

- (1) The land manager may impose and recover reasonable fees for or in respect of any of the following –
 - (a) entry to the Reserve or an area of the Reserve;
 - (b) the use of any improvement, service or facility in the Reserve;
 - (c) the issuing of a permit under these Regulations.
 - (2) The land manager must publish any fee imposed under subregulation (1) on its website.
 - (3) A person must not enter or use an area of the Reserve or enter or use an improvement, service or facility in the Reserve without paying the appropriate fee, if any, imposed by the land manager under subregulation (1).
Penalty: 5 penalty units
 - (4) The land manager may grant an exemption from or a reduction, waiver or refund, in whole or in part, of any fee imposed under subregulation (1)
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