

Version No. 032
Alpine Resorts Act 1983
Act No. 9974/1983

Version incorporating amendments as at 25 January 2001

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An Act to make Provision for the Establishment of an Alpine Resorts Commission, to make Provision with respect to the Powers, Duties and Functions of that Commission and the Development, Management and Improvement of Alpine Resorts, to amend the **Forests Act 1958**, the **Local Government Act 1958**, to repeal the **Mount Hotham Alpine Resort Act 1972** and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

PART I—INTRODUCTORY

1. Short title, commencement and Parts

- (1) This Act may be cited as the **Alpine Resorts Act 1983**.
- (2) The several provisions of this Act shall come into operation on a day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the Government Gazette.

* * * * *

S. 1(3)
amended by
No. 55/1986
s. 9(2),
repealed by
No. 74/2000
s. 3(Sch. 1
item 8).

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Part I—Introductory

s. 2

Victorian Legislation Parliamentary Documents

S. 2 def. of
"alpine resort"
amended by
No. 55/1986
s. 4.

S. 2 defs of
"chairman",
"chief
executive
officer",
"Comm-
ission",
"Council",
"member"
repealed by
No. 89/1997
s. 66.

S. 2 def. of
"prescribed"
repealed by
No. 89/1997
s. 66.

S. 2 def. of
"regulation"
repealed by
No. 89/1997
s. 66.

2. Definitions

In this Act unless inconsistent with the context or subject-matter—

"**alpine resort**" means any area of the State of Victoria declared to be an alpine resort under Part IV of this Act or added by this Act to an area declared to be an alpine resort;

* * * * *

"**national park**" means national park within the meaning of the **National Parks Act 1975**;

* * * * *

"**public Authority**" means any body (whether corporate or unincorporate) constituted by or under an Act of Parliament for a public purpose;

* * * * *

3. Act to bind Crown

This Act shall bind the Crown and every public authority.

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Part I—Introductory

s. 4

* * * * *

Pt 2
(Heading and
ss 4–15)
amended by
Nos 10046
s. 33, 45/1987
s. 205(Sch.
item 4),
50/1988
s. 93(2)(Sch. 2
Pt 2 item 3),
24/1992 s. 4,
31/1994
s. 4(Sch. 2
item 5),
42/1995
s. 224(Sch. 2
item 5),
repealed by
No. 89/1997
s. 69.

* * * * *

Pt 3
(Heading and
ss 16–18)
repealed by
No. 89/1997
s. 69.

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Part IV—Declaration of Alpine Resorts

s. 19

PART IV—DECLARATION OF ALPINE RESORTS

19. Declaration of alpine resorts

- (1) The Governor in Council on the recommendation of the Minister may by Order published in the Government Gazette declare to be an alpine resort for the purposes of this Act any Crown lands (other than lands in a national park) at any of the places specified in the Schedule.
- (2) Every Order under sub-section (1) shall describe the boundaries of the alpine resort by reference to a plan lodged in the Central Plan Office of the Department of Property and Services.
- (3) The area of an alpine resort shall not be diminished except by the express provisions of an Act of Parliament.
- (4) Any lands within the boundaries of an alpine resort that are not Crown lands shall for the purpose of any of the provisions of this Part or of Part VI be deemed to be part of the alpine resort and the occupiers of any such lands shall be liable to make contributions under Part VI in respect of those lands.

* * * * *

21. Alpine resorts deemed to be permanently reserved

- (1) All Crown lands in alpine resorts shall be deemed to be Crown lands permanently reserved as alpine resorts under section 4(1)(v) of the **Crown Land (Reserves) Act 1978**.

Victorian
Legislation
Parliamentary
Documents

S. 19(2)
amended by
No. 41/1987
s. 103(Sch. 4
item 2.1).

S. 20
repealed by
No. 45/1987
s. 205(Sch.
item 5).

S. 21(1)
amended by
Nos 55/1986
s. 5, 45/1987
s. 205(Sch.
item 6),
89/1997 s. 67.

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r. 22

- (2) Any reservation proclamation or declaration affecting any land in any alpine resort for any other purpose than that referred to in subsection (1) whether under the said section 4 or pursuant to the provisions of any other Act or law but not including any declaration of a special water supply catchment area under the **Catchment and Land Protection Act 1994**, is hereby revoked.

S. 21(2)
 amended by
 No. 52/1994
 s. 97(Sch. 3
 item 3).

22. Construction of reference

On and from the commencement of section 9(2) of the **National Parks (Amendment) Act 2000**, in the Order in Council made under this Act on 16 April 1985 and published in the Government Gazette on 17 April 1985, a reference to 'the plan numbered ARA No. 2 and entitled "Falls Creek Alpine Resort" lodged in the Central Plan Office of the Division of Survey and Mapping, Department of Conservation, Forests and Lands, Melbourne on 25 March 1985' is to be construed as a reference to "the plan numbered A.R.A. 2/2 lodged in the Central Plan Office".

S. 22
 repealed by
 No. 45/1987
 s. 205(Sch.
 item 5),
 new s. 22
 inserted by
 No. 89/1997
 s. 68,
 substituted by
 No. 50/2000
 s. 12.

23. Roads not part of reservations

On the commencement of this section, section 21 ceases to apply to the land comprised in—

- (a) that part of the Great Alpine Road (Alpine Tourist Road) which is within the Mount Hotham Alpine Resort;
- (b) that part of the Mount Buller Tourist Road which is within the Mount Buller Alpine Resort;
- (c) that part of the Bogong High Plains Tourist Road which is within the Falls Creek Alpine Resort;

S. 23
 amended by
 Nos 55/1986
 s. 6(a)–(c),
 9/1987
 s. 9(Sch. 3
 item 1.1),
 repealed by
 No. 45/1987
 s. 205(Sch.
 item 5),
 new s. 23
 inserted by
 No. 89/1997
 s. 68.

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s. 24

(d) that part of the Lake Mountain Tourist Road which is within the Lake Mountain Alpine Resort—

and the land becomes unalienated land of the Crown.

* * * * *

S. 23A inserted by No. 9/1987 s. 9 (Sch. 3 item 1.2), repealed by No. 45/1987 s. 205(Sch. item 5).

S. 24 inserted by No. 89/1997 s. 68.

24. Land deemed not to be part of municipal district

Despite the **Local Government Act 1989**, any land which is in an alpine resort is deemed not to be part of any municipal district within the meaning of the **Local Government Act 1989** and may not be added to a municipal district by an Order made under that Act.

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Part IV—Declaration of Alpine Resorts

s. 22

*	*	*	*	*	<p>Pt 4A (Heading and ss 22, 23) inserted by No. 24/1992 s. 5(1), repealed by No. 89/1997 s. 69.</p>

*	*	*	*	*	<p>Pt 5 (Heading and ss 24–26) amended by Nos 41/1987 s. 116(6), 12/1989 s. 4(1)(Sch. 2 item 5.1), repealed by No. 89/1997 s. 69.</p>

*	*	*	*	*	<p>Pt 6 (Heading and ss 27–31) amended by Nos 55/1986 ss 7, 8(a)(b), 45/1987 s. 205(Sch. item 5), 12/1989 s. 4(1)(Sch. 2 items 5.2–5.5), 79/1995 s. 31, 48/1996 s. 32(1)(2), 84/1996 s. 467(Sch. 6 item 2.1), repealed by No. 89/1997 s. 69.</p>

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Part IV—Declaration of Alpine Resorts

r. 32

Pt 7
(Heading and
ss 32–46)
amended by
Nos 55/1986
s. 9(1),
29/1988
s. 57(1),
94/1990
s. 40(1),
24/1992
s. 6(a)(b),
115/1993
s. 32(1),
31/1994
s. 3(Sch. 1
item 4),
repealed by
No. 89/1997
s. 69.

* * * * *

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Sch.

SCHEDULE

Ss 9(a), 20(1),
24(6).

PART A

Sch. Pt A
(Heading)
inserted by
No. 55/1986
s. 10(a).

Mount Hotham
Falls Creek
Mount Buller
Mount Stirling
Mount Baw Baw
Lake Mountain
Mount Torbreck

Sch. Pt A
amended by
No. 57/1995
s. 47.

* * * * *

Sch. Pts B, C
inserted by
No. 55/1986
s. 10(b),
repealed by
No. 89/1997
s. 69.



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Endnotes

ENDNOTES

1. General Information

The **Alpine Resorts Act 1983** was assented to on 29 November 1983 and came into operation as follows:

Sections 1–43, 44(2) on 28 March 1984: Government Gazette 28 March 1984 page 977; rest of Act on 17 April 1985: Government Gazette 17 April 1985 page 1101.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Alpine Resorts Act 1983** by Acts and subordinate instruments.

Public Service (Amendment) Act 1984, No. 10046/1984

Assent Date: 1.5.84
Commencement Date: S. 9 on 30.4.85; rest of Act on 20.6.84: Government Gazette 13.6.84 p. 1886
Current State: All of Act in operation

Alpine Resorts (Amendment) Act 1986, No. 55/1986

Assent Date: 27.5.86
Commencement Date: 24.6.86: s. 2
Current State: All of Act in operation

Planning Appeals (Amendment) Act 1987, No. 9/1987 (as amended by No. 85/1987)

Assent Date: 28.4.87
Commencement Date: 1.8.87: Government Gazette 29.7.87 p. 1992
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: Ss 103(Sch. 4 item 2.1), 116(6) on 1.7.87: Government Gazette 24.6.87 p. 1694
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

Planning and Environment Act 1987, No. 45/1987

Assent Date: 27.5.87
Commencement Date: S. 205(Sch. items 4–6) on 16.2.88: Government Gazette 10.2.88 p. 218
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

State Bank Act 1988, No. 29/1988

Assent Date: 17.5.88
Commencement Date: 9.6.88: Government Gazette 8.6.88 p. 1582
Current State: All of Act in operation

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(2)(Sch. 2 Pt 2 item 3) on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

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Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 5.1–5.5) on 1.11.89: Government Gazette 1.11.89 p. 2798
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

State Bank (Succession of Commonwealth Bank) Act 1990, No. 94/1990

Assent Date: 18.12.90
Commencement Date: S. 40(1) on 1.1.91: Special Gazette (No. 73) 31.12.90 p. 1
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

Alpine Resorts (Amendment) Act 1992, No. 24/1992

Assent Date: 16.6.92
Commencement Date: 16.6.92
Current State: All of Act in operation

Rural Finance (VEDC Abolition) Act 1993, No. 115/1993

Assent Date: 7.12.93
Commencement Date: 7.12.93
Current State: All of Act in operation

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 3(Sch. 1 item 4) on 7.7.94: Government Gazette 7.7.94 p. 1878—see **Interpretation of Legislation Act 1984**; s. 4(Sch. 2 item 5) on 1.1.95: Government Gazette 28.7.94 p. 2055
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

Catchment and Land Protection Act 1994, No. 52/1994

Assent Date: 15.6.94
Commencement Date: S. 97(Sch. 3 item 3) on 15.12.94: s. 2(3)
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

Equal Opportunity Act 1995, No. 42/1995

Assent Date: 14.6.95
Commencement Date: S. 224(Sch. 2 item 5) on 5.10.95: Government Gazette 28.9.95 p. 2731
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

National Parks (Yarra Ranges and Other Amendments) Act 1995, No. 57/1995

Assent Date: 20.6.95
Commencement Date: S. 47 on 15.12.95: Government Gazette 14.12.95 p. 3488
Current State: This information relates only to the provision/s amending the **Alpine Resorts Act 1983**

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Electricity Industry (Further Amendment) Act 1995, No. 79/1995

Assent Date: 28.11.95
Commencement Date: S. 31 on 28.11.95: Special Gazette (No. 116) 28.11.95
 p. 1
Current State: This information relates only to the provision/s
 amending the **Alpine Resorts Act 1983**

Electricity Industry (Further Amendment) Act 1996, No. 48/1996

Assent Date: 26.11.96
Commencement Date: 26.11.96: s. 2
Current State: All of Act in operation

Co-operatives Act 1996, No. 84/1996

Assent Date: 23.12.96
Commencement Date: S. 467(Sch. 6 item 2.1) on 1.10.97: Special Gazette
 (No. 122) 1.10.97 p. 1
Current State: This information relates only to the provision/s
 amending the **Alpine Resorts Act 1983**

Alpine Resorts (Management) Act 1997, No. 89/1997

Assent Date: 9.12.97
Commencement Date: S. 68 on 16.12.97: Special Gazette (No. 159) 16.12.97
 p. 1; ss 66, 67, 69 on 30.4.98: Government Gazette
 30.4.98 p. 926
Current State: This information relates only to the provision/s
 amending the **Alpine Resorts Act 1983**

National Parks (Amendment) Act 2000, No. 50/2000

Assent Date: 14.6.00
Commencement Date: S. 12 on 25.1.01: Government Gazette 25.1.01 p. 100
Current State: This information relates only to the provision/s
 amending the **Alpine Resorts 1983**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 8) on 22.11.00: s. 2(1)
Current State: This information relates only to the provision/s
 amending the **Alpine Resorts Act 1983**

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Endnotes

3. Explanatory Details

No entries at date of publication.