

# COMPLIANCE AND ENFORCEMENT

## ARV Corporate Policy

### 1. Statement

Alpine Resorts Victoria (ARV) is required to protect, manage and control the Falls Creek, Lake Mountain, Mt Baw Baw, Mt Buller, Mt Hotham and Mt Stirling Alpine Resorts in line with the Alpine Resort (Management) Act 1997 (the Act) and the Alpine Resort (Management) Regulations 2020 (the Regulations).

### 2. Scope

This policy outlines how the Act and Regulations (and other Acts and Regulations) will be applied and how ARV will exercise its judgement and discretion in its compliance and enforcement activity. It applies to and is binding upon all ARV:

- Authorised Officers and Persons
- Employees, including volunteers
- Contractors, consultants and labour hire employees whose contract requires them to comply with this policy.

## 3. Requirements

### 3.1 Regulatory Principles

ARV will be guided by the following principles regarding compliance and enforcement:

1. **Risk-based**
  - a. Use evidence and intelligence information to assess the likelihood and consequences of a risk occurring
  - b. Focus efforts where the worst harms/non-compliances are occurring
  - c. Use resources to achieve the greatest impact.
2. **Proportionate**
  - a. The response to the non-compliance should be commensurate with the risk posed
  - b. Corrective action should not require unnecessary regulatory burden.
3. **Encouraging behavioural change**
  - a. Advice and information about rights and responsibilities should be easy to understand and implement
  - b. Compliance interventions should have a broad impact
  - c. Non-compliance should be minimised through intelligence gathering, early intervention, education and engagement.
4. **Transparent**
  - a. The reasons for decisions and actions should be clearly explained
  - b. This policy should be readily available publicly.
5. **Accountable**
  - a. All staff performing compliance or enforcement duties are to act impartially, professionally and consistently
  - b. Enforcement actions will be subject to third party scrutiny.

### 3.2 Supporting Compliance

ARV recognises that most people want to comply with the law. ARV will provide clear and accessible information to support an understanding of the Act and the Regulations by publishing standards and guidelines on our website, permit documentation and via signage on site, as appropriate.

### 3.3 Monitoring and Assessment

ARV will monitor compliance using community information, environmental monitoring, patrols, inspections and audits.

It is not practical or appropriate to take compliance and enforcement action in response to every alleged or suspected breach. To maximise the outcomes we achieve through regulating, our effort will be focussed where there is the greatest risk of harm or impact on our regulatory outcomes and where they can have the greatest positive impact for the community, the environment, our reputation, and on our regulatory outcomes.

### **3.4 Enforcement Action**

If a breach of the Act and/or Regulations has been determined, ARV will assess and take the most appropriate form of action based on the principle of a graduated and proportionate response. This could include:

- Cautions, warnings or findings letters
- Infringements
- Insertion of conditions in approvals, permissions or authorisations
- Referral to another regulatory, agency or professional body
- Suspension, revocation or cancellation of permissions or authorisations
- Civil proceedings
- Prosecution

ARV will exercise discretion when applying enforcement tools in a manner that is procedurally fair and maximises the public interest. Authorised Officers will be guided by factors including:

- The seriousness of the offence; including harm or potential harm
- Whether the conduct was inadvertent and the result of ignorance, a lack of competence, an accident, or whether it was wilful, reckless or negligent
- How foreseeable the harm was, how practicable it was to control and what controls were available
- Whether the conduct is widespread, involves a new or emerging issue, or has a significant impact on the resorts
- Whether enforcement is likely to have a worthwhile educative or deterrent effect
- What compliance and enforcement options are appropriate.

### **3.5 Infringements**

The issuing of infringement fines is a discretionary power exercised independently by enforcement agencies. Agencies have the option to refrain from enforcing some offences, or to issue warnings instead of fines. ARV will exercise appropriate discretion and flexibility when determining infringements and internal reviews, including the consideration of the individual circumstances of a case.

### **3.6 Prosecution**

ARV will first assess whether there is sufficient admissible and reliable evidence to support a reasonable prospect of conviction of the identified accused person/s. Where there is a reasonable prospect of conviction, ARV may proceed unless it is not in the public interest. In determining whether the public interest is served by proceeding to prosecution, ARV will consider a range of factors including:

- Seriousness and age of the offence.
- Impact on the environment, conservation, natural and heritage values, public safety, equity and community.
- The offender's culpability, history, character and cooperation.
- Resource implications.
- Any other mitigating or aggravating circumstances.

### 3.7 Interacting with the Community

All staff performing compliance or enforcement duties will uphold the [Victorian Public Service Code of Conduct](#), including:

- Assist people to understand their obligations under the Act and the Regulations
- Treat people equally, without prejudice or favour
- Act with honesty, impartiality, and in a manner that is procedurally fair
- Act in the public interest
- Collect, store and use a range of information to inform decision-making
- Promote compliance with the law
- Promote confidence and trust that the Act and Regulations are being enforced.

### 3.8 Requests for review of infringements

Requests for review of infringements should follow the process (and timeframe) specified on the infringement notice.

ARV will ensure that each request for review is handled:

- With fairness, respect and courtesy
- Confidentially
- By an Authorised Officer who was not directly involved in the original decision
- With procedural fairness for all parties
- Within a timely manner.

ARV undertakes to learn from each review, as appropriate.

### 3.9 Complaints

ARV recognises the importance of a fair, transparent and responsive complaints management system. Any allegations of misconduct should be reported immediately to ARV [via this complaints form](#).

Complaints might include:

- Inappropriate or offensive language
- Aggressive or rude behaviour or use of excessive force
- Misuse of statutory powers
- Failure to comply with legislative obligations
- Discrimination or harassment
- Behaviour reflecting badly on the Victorian public service.

ARV will manage all external complaints in accordance with the [ARV External Complaints and Grievances Resolution Policy](#).

Any complaints relating fraud and/or corruption should be referred directly to Independent Broad-based Anti-Corruption (IBAC).

### 3.10 Safety

ARV is committed to protecting the safety and wellbeing of our staff and ensuring safety is integral to how we work. We actively support the physical and mental health and wellbeing of our people and promote a healthy workplace by maintaining safe systems of work. We expect our people to take reasonable care for their own health, safety and wellbeing and that of their colleagues, visitors and communities affected by our work.

The work of regulatory investigation and enforcement carried out by our Authorised Officers can sometimes involve risks. Authorised Officers are often required to work in a variety of environments including investigating and enforcing the law in:

- remote locations
- difficult terrain
- situations involving interactions with wildlife
- dealing with aggressive and threatening members of the community who may inflict harm on our officers.

ARV will provide our people with the training, equipment, policies and processes to ensure that our compliance and enforcement activities are undertaken in a safe manner. We will proactively address and pursue instances where our Authorised Officers have been verbally threatened or abused or physically assaulted.

## 4. Responsibilities

Position	Responsibility
Authorised Officers & Persons (and all staff, contractors, volunteers etc)	Apply this Policy, and the underpinning Principles, in all compliance activity. Prioritise education, awareness and avoiding non-compliance. Interact with the public appropriately.
Head of Governance & Risk	Maintain this Policy. Monitor the authorised officer function.
FRAC	Approve this Policy Oversee compliance, enforcement and prosecution.

## 5. Legislation

- [Alpine Resort \(Management\) Act 1997](#)
- [Alpine Resort \(Management\) Regulations 2020](#)

## 6. Related Documents

- [Victorian Public Service Code of Conduct](#)
- [ARV External Complaints and Grievances Resolution Policy](#)

## 7. Definitions

For the purposes of this policy, the following definitions apply:

Term	Definition
Act	Means the Alpine Resort (Management) Act 1997
Authorised Officer(s)	Means staff member(s) of ARV who are duly trained, experienced and authorised by ARV and the Conservation Regulator to undertake compliance and enforcement activities.
Infringement	Means a fixed penalty issued in the form of an Infringement Notice (a fine) if you are caught breaking the law for some offences, that is an option rather than going to court.
Regulations	Means the Alpine Resort (Management) Regulations 2020.

## 8. Approval and implementation

Policy Custodian	Policy contact details	Approval Date	Approver
General Manager Central Services	HOGR <a href="mailto:geoff.fallon@alpineresorts.vic.gov.au">geoff.fallon@alpineresorts.vic.gov.au</a>	May 2026	FRAC

## 9. Version Control

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