

## Alpine Resorts Bill

### EXPLANATORY MEMORANDUM

#### PART 1—PRELIMINARY

- Clause 1 The clause sets out the purposes of the Act, the chief of which are to establish new management arrangements for alpine resorts through an Alpine Resorts Co-ordinating Council and Alpine Resorts Management Boards and to repeal the existing alpine resorts legislation.
- Clause 2 The first two sections of the Act will come into effect at the date of Royal Assent. The remainder comes into effect on a day or days to be proclaimed, but no later than 31 October 1998.
- Clause 3 This clause defines terms used in the Act, including definitions of all the alpine resorts by reference to plans lodged with the Central Plan Office.
- Clause 4 This clause reserves all land within the alpine resorts for the purposes of an alpine resort and deems the various Boards and the Council to be the Committee of Management over the relevant land.
- Clause 5 The clause provides that the reservation of the land does not apply to those parts of certain roads which lie within the resorts. This is to ensure that the road is able to be declared under the **Transport Act**.
- Clause 6 This clause provides that land within an alpine resort is not part of any municipal district. Some of the services normally provided by a municipal council are provided by the Council and Boards established under this Act.

#### PART 2—SPECIFIC POWERS IN RELATION TO ALPINE RESORTS

- Clause 7 Leases in alpine resorts will be granted consistent with the provisions of the **Crown Land (Reserves) Act 1978**, except that leases for a period of up to 99 years must not be granted without the consent of the Minister.
- Clause 8 Alpine Resort Management Boards will have the ability to set an amount to be paid by a lessee of Crown land or an occupier of land in an alpine resort towards the cost of certain services. The section provides for notice to be given of any amount to be levied and for the Board to recover penalty interest on any default.

### **PART 3—ALPINE RESORTS CO-ORDINATING COUNCIL**

- Clause 9 This clause establishes the Council as a body corporate.
- Clause 10 This clause provides that the Council acts on behalf of the Crown.
- Clause 11 This clause provides for the Council to be generally accountable to the Minister.
- Clause 12 The membership of the Council is set out in this clause and includes both members appointed by the Governor in Council and the chairpersons of each of the Alpine Resort Management Boards established under this Act.
- Clause 13 The functions of the Council set out in this clause cover both its role as a co-ordinating body for matters affecting resorts in general and its role as an Alpine Resort Management Board for those resorts where a Board has not been appointed.
- Clause 14 This clause confers general powers on the Council to carry out its functions, including a general power to enter into contracts and arrangements.
- Clause 15 This clause deems the Council to be an incorporated committee within the terms of the **Crown Land (Reserves) Act**.
- Clause 16 This clause confers power on the Council to act as a Board for those resorts where a Board has not been appointed and provides that reporting requirements as a Board may be included in its reporting under its role as a co-ordinating body.
- Clause 17 This clause specifies the powers which the Council may delegate.
- Clause 18 The terms of appointment of members are provided in this clause.
- Clause 19 This clause sets out the process for resignation and removal of members of the Council
- Clause 20 This clause provides that a vacancy in the membership of the Council may be filled in accordance with this Act.
- Clause 21 The Council is empowered by this clause to establish , abolish and set procedures for committees from among its members.
- Clause 22 This clause sets out the entitlements of members to receive fees and allowances.

- Clause 23 This clause provides for the validity of decisions notwithstanding defects in appointment of members.
- Clause 24 This clause sets out who shall preside at meetings of the Council.
- Clause 25 The clause provides for meeting procedures of the Council.
- Clause 26 Members of the Council are required to disclose direct or indirect pecuniary interests in matters before the Council and this clause sets out the process to be followed .
- Clause 27 The Council is accountable to the Minister through an annual corporate plan and this clause sets out the process for preparing and if necessary, modifying the plan.
- Clause 28 A statement of corporate intent constitutes a part of the corporate plan and this clause sets out the information which must be included.
- Clause 29 This clause provides that the Council must advise the Minister of any matter which may prevent or significantly affect the achievement of objectives or financial targets in its corporate plan.
- Clause 30 The Council is required under this clause to establish a General Account into which must be paid all monies received by the Council and from which it must meet its expenses.

#### **PART 4—ALPINE RESORT MANAGEMENT BOARDS**

- Clause 31 This clause establishes Boards for Mount Hotham, Mt Buller and Falls Creek and provides that they are bodies corporate.
- Clause 32 This clause provides that the Boards act on behalf of the Crown in carrying out their functions
- Clause 33 The clause provides that the Minister may give directions and guidelines to the Boards and the Boards must comply with any direction or guideline
- Clause 34 Boards are to consist of not more than seven members and not less than 3 members.
- Clause 35 This clause sets out the functions of the Board, which relate largely to the day to day management of the relevant resort.

- Clause 36 This clause confers general powers on Boards to carry out their functions, including a general power to enter into contracts and arrangements.
- Clause 37 This clause deems the Boards to be incorporated Committees of Management within the terms of the **Crown Land (Reserves) Act 1978**.
- Clause 38 The clause confers power on the Boards to employ staff.
- Clause 39 The clause sets out the terms of appointment of Board members.
- Clause 40 This clause provides that a chairperson and deputy chairperson must be appointed from among the members of each Board.
- Clause 41 This clause specifies the terms of appointment of a chairperson or deputy chairperson.
- Clause 42 This clause sets out the process for resignation or removal of members of Boards.
- Clause 43 This clause provides that a vacancy in the membership of a Board may be filled in accordance with this Act.
- Clause 44 A Board is empowered by this clause to establish, abolish and set procedures for committees from among its members.
- Clause 45 This clause sets out the entitlements of members to receive fees and allowances.
- Clause 46 This clause provides for the validity of decisions notwithstanding defects in appointment of members.
- Clause 47 This clause sets out who shall preside at meetings of a Board.
- Clause 48 The clause provides for meeting procedures of Boards.
- Clause 49 Members of Boards are required to disclose direct or indirect pecuniary interests in matters before the Council and this clause sets out the process to be followed .
- Clause 50 Boards are accountable to the Minister through an annual corporate plan and this clause sets out the process for preparing and modifying the plan.
- Clause 51 A statement of corporate intent constitutes a part of the corporate plan and this clause sets out the information which must be included.

Clause 52 This clause provides that Boards must advise the Minister of any matter which may prevent or significantly affect the achievement of objectives or financial targets in a corporate plan.

Clause 53 Boards are required under this clause to establish a General Account into which must be paid all monies received by them.

#### **PART 5—MISCELLANEOUS**

Clause 54 This clause provides that the Minister may grant a lease of land in the Falls Creek Alpine Resort to a generation company.

Clause 55 This clause provides that the Falls Creek Alpine Resort Management Board may grant a licence over land in the Falls Creek Alpine Resort to a generation company.

Clause 56 This clause sets out the regulation making powers under this Act.

#### **PART 6—TRANSITIONAL ARRANGEMENTS AND AMENDMENTS OF OTHER ACTS**

Clause 57 This clause defines the meanings of terms required for this part in transferring responsibilities to the new legislation.

Clause 58 This clause repeals the **Alpine Resorts Act 1983**.

Clause 59 This clause provides for the Council and the Boards, as appropriate, to be the successors in law of the Alpine Resorts Commission and for rights and obligations to transfer to them. The Minister has the power to determine any dispute over matters dealt with under this section.

Clause 60 This clause amends references to alpine resorts in the **Building Act 1993**.

Clause 61 The effect of this clause is to make the Act a relevant law for the purposes of the **Conservation, Forests and Lands Act 1987**. This enables the provisions of that act to be used for matters such as appointment of authorised officers.

Clause 62 This clause amends references to alpine resorts in the **Forests Act 1958**.

Clause 63 This clause amends references to alpine resorts in the **Mineral Resources Development Act 1990**.

Clause 64 This clause amends references to alpine resorts in the **Planning Appeals Act 1983**.

Clause 65 This clause amends references to alpine resorts in the **Planning and Environment Act 1987**.