
FALLS CREEK RESORT MANAGEMENT BOARD POLICY

FCRM GOVERNANCE FRAMEWORK

1.1.1 PURPOSE

Falls Creek Resort Management is required to have a clear understanding of the governance framework within which it operates.

1.1.2 BACKGROUND

The principle Act governing the Board's activities is the *Alpine Resorts (Management) Act 1997*. However there are many others which have a lesser but nonetheless important influence on the day to day management of the resort.

One of the legislated functions of an Alpine Resort Management Board is to:

“carry out any other function conferred on the Board by or under this [the Alpine Resorts (Management) Act 1997] or any other Act.”

Operating underneath this body of legislation is the Board's policy framework. Policy guidance can provide a reference point for decision making on matters of importance to the resort. Policies are a useful tool for the recording and promulgation of the Board's position on key issues.

1.1.3 DEFINITIONS

- **Accountable Officer:** is the Chief Executive Officer of Falls Creek Resort Management.
- **Compliance Officer:** is the Director of Corporate Services.

1.1.4 SCOPE

This policy applies to Board members and all employees of FCRM.

1.1.5 RESPONSIBILITIES

The following delegations apply in relation to this policy and responsibilities are set as follows:

CEO

- is the Accountable Officer for FCRM.

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Compliance Officer

- is responsible for implementing a compliance framework and monitor and report thereon.

All Managers and Portfolio Managers

- are responsible for ensuring the policy is carried out.

All Employees

- are responsible for ensuring that procedures established in relation to this policy are carried out.

The Finance, Risk and Audit Committee

- is responsible for overseeing the Resort's financial management and accountability by ensuring that proper internal control processes are established.

1.1.6 POLICY

It is essential that management is familiar with the content of the Board's enabling legislation and other relevant legislation, and that any changes to these Acts etc., are quickly identified and complied with where appropriate. It is also essential that management is familiar with the content of the Board's policies and other relevant Victorian Government policy.

Alpine Resorts (Management) Act 1997

It is important that individual managers are fully familiar with the content of the Alpine Resorts (Management) Act 1997 and any Regulations which are drawn therefrom. This requirement points to the need for each manager to maintain access to a current version of this Act and its Regulations so that it is always readily available to provide guidance on the legal basis on which resort management is established.

Other Acts and Regulations

Other legislation may be grouped in the following way:

- Legislation aiming to improve administration such as:
 - the [Public Records Act 1973](#)
 - the [Information Privacy Act 2000](#)
- Legislation emphasising stewardship including:
 - the [Financial Management Act 1994](#)
 - the [Audit Act 1994](#)
- Legislation with public entity accountability and transparency as a focus such as:

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- the [Freedom of Information Act 1982](#)
- the [Whistleblowers Protection Act 2001](#)
- the [Ombudsman Act 1973](#)

It is important that individual managers are fully familiar with the content of current legislation pertaining to their area of responsibility. Current technology provides a facility which provides access to all Victorian Government legislation through the Internet at www.legislation.vic.gov.au. Access to this facility is considered essential for all managers.

A brief listing of other legislation most likely to be of regular interest to the resort is also attached at [Appendix A](#).

The Compliance Officer will develop a framework to monitor and improve legislative compliance within the organisation, and report thereon on a six monthly basis to the Finance, Risk and Audit Committee.

Victorian Government Policy

As a Victorian Government statutory authority, FCRM is required to comply with a range of Victorian Government policies which may have a bearing on the way in which the resort operates. These statements can take a variety of forms and they are usually issued through the Ministerial / Departmental channel of communication.

FCRM Board Policy

The Board is empowered to adopt Board Policies to provide guidance to delegated employees or Committees, when making decisions on matters of importance to the resort.

Employees should be expected to be familiar with the substance of all board policies and should be encouraged to make constructive suggestion on the relevance and practical application of these policies at working level.

They need to be reviewed regularly to ensure they remain current and that all appropriate matters are covered.

The Compliance Officer will facilitate a cyclical board policy review process to ensure the Board's policies are kept current.

Review Provisions

This policy shall be periodically reviewed at least every two years, or more frequently at the discretion of the Falls Creek Resort Management Board. The review shall be designed to continuously improve the policies and procedures under which the organisation operates and reflect changes in business/operations, legislation, technologies and best practice trends.

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1.1.7 REFERENCES

Alpine Resorts (Management) Act 1997

State Services Authority website (www.ssa.vic.gov.au)

AUTHORISATIONS AND DOCUMENT PARAMETERS

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APPENDIX A – Listing of relevant legislation for Board Compliance

LEGISLATION	PRINCIPAL AGENCY	SCOPE
Aboriginal & Torres Straits Islander Heritage Protection Act 1984 (Commonwealth)	Minister for Environment and Water Resources (Commonwealth)	Establishes the system for reporting and conserving such heritage items, including consultation with irrelevant indigenous groups.
Alpine Resorts (Management) Act 1997	Minister for Water, Environment and Climate Change	Provides for management of Alpine resorts by establishing the Boards and setting their operating parameters. Also establishes Alpine Resorts Co-ordinating Council.
Alpine Resorts Act 1983	Minister for Water, Environment and Climate Change	Provided for the management of Alpine resorts until commencement of the Alpine Resorts (Management) Act 1997. Alpine resort reservations retained under this Act.
Archaeological & Aboriginal Relics Preservation Act 1972	Minister for Aboriginal Affairs	Provides for preservation of archaeological relics and Aboriginal artefacts.
Audit Act 1994	Premier	Provides for financial and performance audits in public sector; examination of bodies that receive public grants; and for administration and audit of Auditor-General.
Australian Heritage Council Act 2003 (Commonwealth)	Minister for Environment and Water Resources (Commonwealth)	Establishes Australian Heritage Council. Responsible for compiling and maintaining a register of the National Estate.
Building Act 1993	Minister for Health	By gazettal, Board is the responsible agency for issuing and regulating all building matters.
Catchment & Land Protection Act 1994	Minister for Water, Environment and Climate Change	Provides for integrated catchment planning, establishment and empowerment of the Victorian Catchment and Land Protection Council, Regional Catchment and Land Protection Boards and Catchment Management Authorities.

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LEGISLATION	PRINCIPAL AGENCY	SCOPE
Charter of Human Rights & Responsibilities Act 2006	Attorney-General	Protects and promotes human rights by setting out the human rights that Parliament specifically seeks to protect and promote, and ensuring that all statutory provisions are interpreted compatibly with human rights
Civil Aviation Act 1988 (Commonwealth)	Minister for Transport and Regional Affairs (Commonwealth)	Establishes Civil Aviation Authority, responsible for safety of aircraft, including use of helicopters.
Conservation, Forests & Lands Act 1987	Minister for Water, Environment and Climate Change	Public agencies must obtain Department of Sustainability and Environment advice before any works above 1220m AHD, and comply with any Codes of Practice.
Country Fire Authority Act 1958	Minister for Police and Emergency Services	Country Fire Authority is responsible for fire protection services at Mt Buller, Falls Creek and Mt Hotham and for fire protection standards in buildings.
Crown Lands (Reserves) Act 1978	Minister for Water, Environment and Climate Change	Provides for the management of Crown land. Boards are appointed as Committee of Management under this Act is the authority for all Crown licences.
Dangerous Goods Act 1985	Minister for Police and Emergency Services	To promote the safety of persons and property in relation to the manufacture, storage, transport, transfer, sale and use of dangerous goods and the import of explosives into Victoria.
Electricity Industry (Residual Provisions) Act 1993	Treasurer	Licensing for electrical generation, transmission, connections and retailing.
Emergency Management Act 1986	Minister for Police and Emergency Services	Provides for disaster planning and management in Victoria. Alpine Resorts (Management) Act 1997 specifically establishes Boards as municipal councils for the purposes of this Act. Requires an Emergency Management Plan.

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LEGISLATION	PRINCIPAL AGENCY	SCOPE
Energy Safe Victoria Act 2005	Minister for Energy and Resources	Establishes Energy Safe Victoria, and abolishes Office of Gas Safety and of the Chief Electrical Inspector.
Environment Effects Act 1978	Minister for Planning	Minister for Planning is responsible for assessment of Environment Effects Statements.
Environment Protection Act 1970	Minister for Water, Environment and Climate Change	Environment Protection Authority responsible to prevent and control pollution and ensure proper waste management; preparation of Statements of Environment Protection Policy, licensing for treated effluent discharge and solid waste disposal.
Environment Protection & Biodiversity Conservation Act 1999 (Commonwealth)	Minister for Environment and Water Resources (Commonwealth)	Requires approval for any significant impact on listed matters of National Environmental Significance, including threatened species and communities.
Fair Trading Act 1999	Minister for Consumer Affairs	Enables suppliers of recreational services to obtain consent from customers to waive their rights, including taking legal action against the supplier if they die or are injured while using the services. RMB ensured signs are displayed.
Financial Management Act 1994	Treasurer	Specifies financial management standards and practices to be observed.
Flora & Fauna Guarantee Act 1988	Minister for Water, Environment and Climate Change	Department of Sustainability and Environment to prevent extinction of flora and fauna; listing threatened species, taxa, communities and habitat; preparation of Action Statements.
Food Act 1984	Minister for Health	By gazettal, Board has responsibility for registration and tri-annual inspection of food outlets.
Forests Act 1958	Minister for Water, Environment and Climate Change	Vests responsibility for fire protection at Lake Mountain and Mt Baw Baw with Department of Sustainability and Environment.

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LEGISLATION	PRINCIPAL AGENCY	SCOPE
Freedom of Information Act 1982	Attorney-General	Gives the public rights of access to Government documents.
Gas Safety Act 1997	Minister for Energy and Resources	Provides for the safe conveyance, sale, supply, measurement, control and use of gas.
Health Act 1958	Minister for Health	By gazetta, Board has responsibility for registration and tri-annual inspection of food outlets.
Heritage Act 1995	Minister for Planning	Establishes State Heritage Council and provisions for listing heritage items.
Information Privacy Act 2000	Attorney-General	To balance the public interest in the free flow of information with the public interest in protecting the privacy of personal information in the public sector. Requires Board to nominate a Privacy Officer to deal with relevant matters and complaints.
Infringements Act 2006	Minister for Energy and Resources	Provides new framework for issuing, serving and enforcing infringement notices.
Liquor Control Act 1987	Minister for Consumer Affairs	Establishes Liquor Licensing Commission, responsible for licensing of premises involving liquor dealings. Board has inspection responsibilities.
Local Government Act 1989	Minister for Local Government	Provides for agreements to be made for provision of council services in Alpine resorts. Used for contracts for building, environmental health, food, tobacco and other services delivery.
Mineral Resources (Substantial Development) Act 1990	Minister for Energy and Resources	Lists Alpine resorts as protected public land
National Parks Act 1975	Minister for Water, Environment and Climate Change	Director of National Parks responsible for National Parks adjoining Alpine Resorts; land management agreements for land.

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LEGISLATION	PRINCIPAL AGENCY	SCOPE
Native Title Act 1993 (Commonwealth)	Minister for Families, Community Services and Indigenous Affairs (Commonwealth)	Establishes process for native title claims and determination of native title rights.
Occupational Health & Safety Act 2004	Minister for Finance, WorkCover and the Transport Accident Commission	To secure the health, safety and welfare of persons at work.
Planning & Environment Act 1987	Minister for Planning	Establishes Minister for Planning as responsible for preparation of planning schemes in Alpine resorts and issue of planning permits; via Department of Sustainability and Environment.
Penalty Interest Rates Act 1983	Minister for Finance, WorkCover and the Transport Accident Commission	Applies to the Board and its debtors, when in default of payment.
Police Regulation Act 1958	Minister for Finance, WorkCover and the Transport Accident Commission	Establishes Victorian Police as responsible for search and rescue operations in Alpine resorts.
Privacy Act 1988 (Commonwealth)	Attorney-General (Commonwealth)	2001 amendments give more control over the way private organisations collect, use, disclose and store information.
Property Law Act 1958	Attorney-General	Provides for property title registration, conveyancing and dealings.
Public Administration Act 2004	Premier	Provides framework for good governance in public sector and public administration in Victoria.
Public Sector Employment (Awards Entitlements) Act 2006	Minister for Industrial Relations	Continues to provide fair minimum employment conditions to public sector employees.
Retail Leases Act 2003	Minister for Small Business	Applies to residential leases at Mt Hotham. Small Business Commissioner has agreed to exempt each lease of more than 15 years term.
Road Safety Act 1986	Minister for Roads and Ports	Provides for safety standards & management of public roads, including Declaration of Hazardous Areas.

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Road Management Act 2004	Minister for Roads and Ports	Reforms the law relating to road management in Victoria.
Safe Drinking Water Act 2003	Minister for Health	Provides standards, plans and audits to ensure safe drinking water.
State Concessions Act 2004	Minister for Community Services	Provides for fee reductions for pensioners.
State Superannuation Act 1988	Minister for Finance, WorkCover and the Transport Accident Commission	Established Trustees and administration of the State Superannuation Fund
Sustainability Victoria Act 2005	Minister for Water, Environment and Climate Change	Establishes Sustainability Victoria as successor to Sustainable Energy Authority Victoria and EcoRecycle Victoria
Tobacco Act 1987	Minister for Health	Prohibits certain sales or promotion of tobacco products and establishes Victorian Health Promotion Foundation.
Transport Act 1983	Minister for Public Transport	Provides for planning, construction and maintenance of public roads; provides for licensing of commercial passenger vehicles.
Tourism Victoria Act 1992	Minister for Tourism	Establishes Tourism Victoria for the marketing and promotion of Victoria. Board is required to co-operate.
Trade Measurement Act 1995	Minister for Consumer Affairs	By gazettal, Board has responsibility for regulation of weights and measures.
Valuation of Land Act 1960	Attorney-General	Establishes Valuer-General, who produces lease valuations as basis for Crown rent.
Victoria State Emergency Services Act 2005	Minister for Police and Emergency Services	Provides for the establishment and coordination of State Emergency Services groups.
Victorian Civil and Administrative Tribunal Act 1998	Attorney-General	Establishes this Tribunal, which hears third party appeals into planning applications; and other matters.

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LEGISLATION	PRINCIPAL AGENCY	SCOPE
Victorian Managed Insurance Authority Act 1996	Minister for Finance, WorkCover and the Transport Accident Commission	Authority is to assist in establishing programs for the identification, quantification and management of risks and provided risk management advice. Board obliged to use VMIA as insurer.
Water Act 1989	Minister for Water, Environment and Climate Change	Licensing of on-stream storages and water supply harvesting; establishment of water authorities.
Whistleblowers Protection Act 2001	Attorney-General	Facilitates disclosures of improper conduct by public officers / bodies and provides protection for persons who make those disclosures; and for matters disclosed to be properly investigated and dealt with.
Wildlife Act 1975	Minister for Water, Environment and Climate Change	Enables the establishment of controls over the taking of wildlife and for the protection and management of Wildlife and Nature Reserves.
Workplace Rights Advocate Act 2005	Minister for Industrial Relations	Establishes Office of Workplace Rights Advocate to inform, promote and monitor fair industrial relations practices.