

# Committees of Management

## Responsibilities and Good Practice Guidelines



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# 1. Introduction

These guidelines are written to assist committees of management of Crown land reserves in Victoria to fulfil their duties and responsibilities.

This chapter includes information about:

- the nature and functions of a committee of management
- these guidelines
- ‘help from DELWP’.

## 1.1 About committees of management

A Crown land reserve is public land that is set aside for the benefit and enjoyment of the people of Victoria. Examples include coastal foreshores, recreation reserves, public halls, and rail trails.

Members of the public have been involved in the management of Crown land reserves in Victoria for over 150 years. Their contribution benefits the community in a variety of ways – environmentally, socially and economically.

The role of a committee of management is to ‘manage, improve, maintain and control’ an allocated Crown land reserve for the purposes for which it is reserved under the *Crown Land (Reserves) Act 1978*. The committee is accountable for its actions and decisions to the Minister for Environment, Climate Change and Water.

**Across Victoria there are approximately:**

- **1,500 reserves managed by 1,200 local committees of management**
- **2,800 reserves managed by municipal councils as committees of management.**

### The instrument of appointment

The Minister, or the Minister’s delegate, formally appoints each member of a committee of management via a written instrument of appointment, in accordance with the *Crown Land (Reserves) Act 1978*. The powers and responsibilities of a committee are derived from that Act. The Minister has the right to place conditions and limitations on how these powers are executed by a committee and to prescribe in more detail the extent of the committee’s responsibilities. Generally, the Minister does this at the time of appointment of each committee in the instrument of appointment.

### Legal obligations and powers

Each committee must meet its obligations under the *Crown Land (Reserves) Act 1978*. In addition, it is bound by public sector laws, such as the *Public Administration Act 2004*, and by laws that govern the wider community on matters such as employment, taxation, contracts, tenancy, licensing, and providing services.

The powers given to a committee under the *Crown Land (Reserves) Act 1978* enable the committee to:

- manage, improve, maintain and control the land for the purposes for which it is reserved
- undertake financial transactions (including, for incorporated committees who have the consent of the Victorian Treasurer, borrowing money)
- enter into contracts
- negotiate leasing and licensing arrangements for all or part of the reserve, subject to Minister’s approval
- employ people
- exercise all such powers, functions and authorities and carry out all such duties as are conferred or imposed on it by any regulations
- maintain records and administer its affairs as a public entity
- report on its finances and other issues as directed by the Department of Environment, Land, Water and Planning (DELWP) on behalf of the Minister.

## Relationship with the community

It is important for the committee to establish and maintain good relationships with the community. This will help to ensure that the reserve benefits and is used and enjoyed by the community, who are the committee's main client group. Good communication is key to this process.

- The community's aspirations for the future of its surrounds are embodied in the local planning scheme, service club activities, interest groups, schools, sporting and recreation club business plans, chamber of commerce activities and annual festivals and events. Committees need to be familiar with as many of these interests as possible.
- Individual members of the community may also have specific knowledge regarding flora, fauna, cultural significance and history, recreational needs, etc. that the committee can tap into.

The committee needs to be mindful of managing community expectations when developing plans for the reserve. The level of community involvement will be guided, in part, by the type of reserve and its activities and uses. A major development or activity, for example, may require information sessions, workshops, public meetings and surveys undertaken with the community.

Day-to-day community involvement can be fostered by means such as:

- encouraging involvement in working bees, tree plantings and similar activities
- encouraging attendance at the Annual General Meeting (AGM), which is a public event
- if the committee is elected by the community, encouraging attendance at the election, which is a public event
- reporting activities in the local newspaper and on social media
- where appropriate, inviting members of the community to attend committee meetings.

## The role of the department (DELWP)

The Department of Environment, Land, Water and Planning (DELWP) oversees and supports committees of management on behalf of the Minister. The DELWP Customer Service Centre, phone 136 186, can provide information and advice in relation to general matters such as:

- fire protection
- conservation and protection of flora and fauna
- tree-growing advice
- pest plant and animal control
- current grants programs
- native title
- public liability insurance
- freedom of information
- conservation and protection of cultural heritage.

Specific matters and issues should be referred to your local [DELWP regional office](#), including:

- preparation of management plans
- preparation of leases, licences and contracts
- landowner's consent.

Any official correspondence from committees that is to be forwarded to the Minister should be addressed to the relevant reserves contact person at the nearest [DELWP office](#).

## 1.2 About these guidelines

These guidelines and the other guidance materials offered by DELWP bring together current advice and good practice in the management of Crown land reserves. They are for use as follows:

### Small committees

The guidelines are written for small (category 3) committees. They are updated from time to time. Please visit the [Committees of Management](#) support module on DELWP's governance website, On Board, to check you have the latest version. Other guidance is also available – see 'help from DELWP', below.

### Large committees

The guidelines may also be a useful for large (category 1 and 2) committees. However, these committees have additional legal and administrative obligations which they need to comply with. Related guidance, including model policies and guidance notes, is available from your local DELWP regional office or from the support modules for major DELWP agencies on [On Board](#).

### Coastal committees

Committees which manage coastal reserves require specific information to complement these guidelines. This is available from your local DELWP regional office and from the [DELWP website](#).

When using these guidelines, please remember:

- no set of guidelines can address every situation or issue that may need to be considered by a committee of management. Guidance on specific issues is available from your local [DELWP regional office](#)
- if you are reading online you can click the underlined links for further information. If you are reading a printed version you can see the full hyperlink in the chapter 14, 'Contacts and useful links'.

## 1.3 'Help from DELWP'

DELWP offers a range of simple, easy to understand guidance for small committees, including:

- **induction pack** with guidance notes on topics such as meetings and decisions, conflict of interest, code of conduct, and dispute resolution. The induction pack can also be used as a 'refresher pack' to assist experienced committee members to keep up to date with governance requirements.
- **policy pack** with model policies on topics that your committee is expected to have a suitable policy on. Your committee can simply insert its name into the model policies and adopt them.

The resources offered by DELWP are listed in the *Help from DELWP* guidance note. They are available from the [Committees of Management](#) support module or contact your local [DELWP office](#).

### Quick links

Small (category 3) committees - Committees of management support module

[www.delwp.vic.gov.au/committees](http://www.delwp.vic.gov.au/committees)

Large (category 1 and 2) committees - On Board, DELWP's governance website

[www.delwp.vic.gov.au/onboard](http://www.delwp.vic.gov.au/onboard)

## 2. Membership of a committee

This chapter looks at:

- how committees are appointed
- role and tenure of committee members
- duties of outgoing committee
- induction of incoming committee.

### 2.1 How committees are appointed

Committees of management are appointed by the Minister or, where applicable, the Minister's delegate. Most are appointed for a three year term. Usually, all members are appointed with the same start and finish date. However, sometimes a casual vacancy arises and is filled for the remainder of the term of the committee.

It is Victorian government policy that all appointments to public sector boards and committees should, as far as practicable, reflect the diversity of the Victorian community (e.g. approximately 50% women).

The process of appointment or reappointment depends on the type of committee: community elected, user group, or 'skills-based'.

#### Community elected committees

For small (category 3) committees, appointments are usually made following a public election process:

- The committee is notified by DELWP in writing four months before its term expires of the need to hold a public election meeting. The committee advertises the public election meeting in the local newspaper and other forums, such as community notice boards. The notice includes details of the date, time, place and purpose of the election meeting; invites readers to stand as candidates for committee membership; and encourages public attendance and voting.
- If the committee holds an annual general meeting (AGM), the election meeting is often held straight after it on the same day.
- The election meeting is chaired by the retiring chair or by a person chosen from outside, such as a local council representative.
- Those in attendance at the election meeting vote to choose the candidates who will be recommended to the Minister for appointment to the incoming committee. Proxy and postal votes are not usually permitted. Contact your local DELWP regional office for further information.
- Details of the recommended candidates are submitted for Minister approval via the DELWP regional office.

A person who wishes to be a candidate in the election but cannot attend the election meeting can be nominated in advance in writing.

#### User group committees

For user-group committees:

- The committee is notified by DELWP in writing four months before its term expires.
- Members are asked to contact their respective user groups to have representatives nominated to the incoming committee. If there are council representatives, council is asked to nominate a representative to the incoming committee.
- If any committee member positions are not linked to a user group, candidates are elected and recommended for appointment in the same way as for community elected committees (see above).

- When all the recommended candidates have been determined, their details are submitted to the Minister for approval, via the DELWP regional office.

### ‘Skills-based’ committees

For large (category 1 and 2) committees, vacancies are usually advertised on the DELWP website, print media and/or social media, and may also be advertised on the Victorian Government website for [board vacancies](#). Candidates with the requisite skills and expertise submit an expression of interest in being appointed to serve on the committee. Following a skills-based selection process, the Minister appoints the new committee.

### Casual vacancies

A casual vacancy is one that arises during the committee’s three year term, for example, if a committee member resigns or is removed by the Minister. A casual vacancy must be filled if the committee has less than three people remaining. It should also be filled if there is difficulty maintaining a quorum at meetings or if skills which are needed on the committee are absent. Casual vacancies are also usually filled if there is more than 12 months of the committee’s term remaining or if the committee requests this occur. The Minister makes the appointment in accordance with the relevant process. For further information, contact your local DELWP office.

### Documents required before appointment

Certain forms must be completed and submitted to DELWP during the appointments process. These include:

- a consent to probity checks being conducted
- a declaration of interests that may conflict with your duties as a committee member.

### Probity checks

Personal and professional integrity are vital attributes for a committee member. The [Appointment and Remuneration Guidelines for Victorian Government Boards, Statutory Bodies and Advisory Committees](#) require that applicants undergo certain probity checks. A Statutory Declaration attesting to your integrity cannot negate this requirement.

The minimum probity checks that DELWP must conduct, with your written permission, are a National Criminal Record check (a police check), an Australian Securities and Investment Commission (ASIC) check, and an Australian Financial Security Authority (AFSA) check.

In limited circumstances, the Secretary of DELWP can waive the police check requirement. However, a waiver is usually only possible for small (category 3) committees and is not possible for every such committee. ASIC and AFSA checks are still always required. Your DELWP regional office has information on whether a waiver applies to your committee.

### Declaration of Private Interests

As part of the appointments process, you must submit a *Declaration of Private Interests*, in which you declare any interests that may cause a conflict with your role as a committee member. To see the form, go to the ‘Information for Committees of Management’ page on the [DELWP website](#).

It is important to note that having interests that may conflict with your role as a board member does not usually preclude you from being appointed to a committee. If you are appointed, the interests are recorded in the *Register of Interests*. If a conflict arises with an item on the agenda at a committee meeting, you declare the interest and it is managed in accordance with your committee’s policy on *Conflict of Interest*. For details, see ‘Conflict of Interest’ in chapter 4.

### Secure storage of information provided

The results of probity checks, *Declaration of Private Interests*, and other information provided to DELWP by a candidate as part of their application are stored securely and dealt with in accordance with the *Privacy Protection and Data Act 2014* and the *Public Records Act 1973*.

## 2.2 Role of committee members

### Responsibilities of committee members

Committee members co-operate together as a team to manage, improve, maintain and control the reserve, and are collectively accountable to the Minister. A committee member's responsibilities include:

- attending committee meetings and participating in discussion and decision making
- participating in committee activities and business
- participating in the preparation and implementation of any required plans (management, financial, business) and subsequent reporting against these plans
- bringing any identified problems or issues to the committee's attention.

### Additional responsibilities of office bearers

Certain committee members have additional responsibilities as officer bearers. Each committee must have a chair and may appoint a secretary and a treasurer. Some committees also appoint other office bearers, for example, large committees may need a deputy chair, assistant secretary, and assistant treasurer. On the other hand, small committees sometimes combine the functions of secretary and treasurer into one position. To help maintain transparency and accountability, the role of chair and treasurer should always be held by different committee members. If this is not possible, contact your local [DELWP regional office](#) for advice.

#### Chair

For incorporated committees, the Minister appoints a member as chair. For unincorporated committees, either the Minister appoints a member as chair or the committee is permitted to do so.

The key responsibility of the chair is to facilitate the committee's operations. This includes:

- providing guidance and leadership to ensure the successful functioning of the committee
- representing the committee in the public domain
- presiding at committee meetings. For details see 'Chair's role at committee meetings' in chapter 3
- monitoring to ensure that administrative and other tasks arising from committee meetings are carried out
- on behalf of the committee, notifying the Minister, via the local DELWP regional office, of any significant risks to the effective management of the reserve.

#### Secretary

The committee appoints one of its members as secretary. The key responsibility of a secretary is the administration of the committee. This includes:

- recording the minutes of all committee meetings
- receiving incoming correspondence and bringing it to the attention of the committee
- drafting and despatching outgoing correspondence
- keeping committee members properly informed, including sending them agendas with notice of upcoming meetings, copies of correspondence, reports, etc.
- maintaining and securely storing committee records
- liaising with the chair between meetings so as to ensure that the business of the committee is attended to.

#### Treasurer

The committee appoints the treasurer. The key responsibility of the treasurer is to keep the committee's financial records in good order. This includes:

- maintaining a bank account in the name of the committee (signatories to the account should be the chair, the secretary and the treasurer, with any two to sign)
- recording and banking money received

- paying accounts as authorised by the committee
- keeping all invoices, receipts, cheque butts, bank statements and other financial records for audit purposes
- reporting current details on bank balances, transactions since the previous report, the committee's current financial position and any other information that the committee may require, at each committee meeting
- preparing an annual financial report based on the financial year immediately past (1 July–30 June)
- submission of the annual return to DELWP if required.

## Assistance from volunteers and staff – maintaining role distinction

Sometimes, a committee engages a person who is not a committee member to undertake particular tasks, for example:

- a person with relevant skills to keep the books and/or undertake secretarial duties (e.g. a volunteer or local accountant or bank manager engaged on a retainer or honorarium)
- a manager employed to manage the reserve and/or undertake administrative work.

This person's role must never be confused with that of a committee member. To help maintain role distinction and the committee's independence, volunteers and staff members do not attend committee meetings unless invited by the chair for specified agenda items; do not participate in committee discussion unless invited to do so; and never participate in committee decision-making. The committee remains accountable for the tasks that the person performs. For details, see 'Invited guests' in chapter 3.

## 2.3 Resignation or removal from office

### Resignations

#### Resigning from the committee

If you decide to resign from the committee, you must submit your resignation in writing to the Minister or, where applicable, the Minister's delegate. To arrange this, contact your local DELWP regional office for details of the correct process to follow. Reasonable notice should be given so that a new committee member can be recruited if necessary. If you resign, you must hand over all committee records in your possession to the committee.

#### Resigning as an office bearer but remaining on the committee

Sometimes, a member decides to remain on the committee but to resign from their position as chair, treasurer, secretary, or other office bearer.

- To resign as chair but remain on the committee, submit your resignation in writing to the person (or position) who appointed you. If you are submitting your resignation to the Minister, or the Minister's delegate, contact your local [DELWP regional office](#) for information about the correct procedure. Also notify the committee in writing.
- To resign as treasurer, secretary, or other office bearer but remain on the committee, notify the committee in writing. The committee will record your resignation in committee minutes and choose another member to fill the office.

You must hand over all committee records associated with your office, so that these can be treated in accordance with the requirements of the *Public Records Act 1973* and provided to the new office bearer.

### Removal from office

Under the *Crown Land (Reserves) Act 1978*, the Minister has the power to remove committee members at any time. Misconduct or non-performance are examples of when this might occur. In addition, a position on an incorporated committee automatically becomes vacant in certain circumstances.

#### Non-performance

The judgement that a fellow committee member is not satisfactorily carrying out their duties is difficult and subjective. If this issue arises, the first step is for the chair or committee as a whole to discuss the matter with the

member concerned. Often, this will resolve the issue, with either the member accepting that more is required of them or resigning. If poor performance continues and the member is reluctant to resign, the other committee members should contact their local DELWP office for advice.

### **Incorporated committees – position becomes vacant in certain circumstances**

Under the *Crown Land (Reserves) Act 1978*, a committee member's position on an incorporated committee also becomes vacant if he or she:

- is absent from four consecutive meetings without the committee's permission
- becomes bankrupt or has property that becomes the subject to control under bankruptcy laws
- is convicted of an indictable (serious) offence
- becomes incapable of performing their duties as a committee member, for example, due to chronic illness
- is removed from office by the minister.

## **2.4 Outgoing committee – the hand over process**

An outgoing committee has a duty to properly brief the incoming committee and to hand over all committee records that it holds. The outgoing chair leads this process, with assistance from the outgoing secretary and outgoing treasurer. It should be conducted in a professional, courteous, and timely manner by all outgoing and incoming members involved.

### **Committee records**

All committee records must be handed over to the custody of the incoming committee, including the electronic version, if it was created that way. This includes all:

- minutes and related papers
- correspondence received and copies of correspondence sent
- management plans/statements and corresponding performance reports
- business plans, work schedules, financial plans and annual budgets
- other financial records and reports
- documentation relating to contracts (leases, licences, contracts for services, etc.)
- employment records and contracts
- committee policies.

In addition, as part of the hand over process, the outgoing treasurer:

- balances the books prior to hand over
- provides an appropriate briefing, including advising the incoming committee about any committed funds
- organises the changeover of bank account details
- advises service providers (such as gas, phone, water) of the incoming committee's contact details
- advises the [Australian Taxation Office](#) of the incoming committee's contact details.

For further information about committee records, see 'Record keeping' in chapter 5.

### **Confidentiality and proper use of information - ongoing requirement**

It is important for outgoing members to remember that even when they are no longer a committee member they are still bound by the confidentiality and proper use of information requirements in the *Public Administration Act 2004*. For details, see chapter 4.

## 2.5 Incoming committee – the induction process

The incoming committee should ensure that it is properly briefed by the outgoing committee and that all committee records held by the outgoing committee, including those listed above, are handed over to them.

All members of the incoming committee should familiarise themselves with their responsibilities as committee members, including the decision-making standards and processes that must be complied with. Each member should ensure they have their own copy of and read:

- the guidance notes in DELWP's **induction pack**. Topics include meetings and decisions, conflict of interest, code of conduct, and dispute resolution.
- the committee's policies on the above topics. The incoming committee should also ensure that its policies on these topics are consistent with the model policies in DELWP's **policy pack**. If no suitable policy exists, the committee can simply insert its name into the model policy and adopt it at a committee meeting.
- these guidelines and the [Director's Code of Conduct](#).

Committee members should also ensure they understand the particulars of the reserve which the committee has been appointed to manage. The new committee should review the management plan or management statement and update it if necessary.

It is important to note that new committee members are not formally appointed and cannot conduct committee business until approved by the Minister or, if applicable, the Minister's delegate.

### Guidance

The guidance resources (e.g. policy pack with model policies, induction pack with guidance notes) offered by DELWP to assist committees are listed in the *Help from DELWP* guidance note.

They are available from the [Committees of Management](#) support module ([www.delwp.vic.gov.au/committees](http://www.delwp.vic.gov.au/committees)) or contact your local regional [DELWP office](#). An induction video is also available on [YouTube](#).

## 3. Committee meetings

This chapter looks at:

- how committee meetings are conducted
- how committee decisions are made.

### 3.1 Meetings and decision policy

Your committee's role is to manage, improve, maintain and control crown land 'for the purposes for which it is reserved'. The purpose of committee meetings is for members to exchange information and views, consider issues, and make decisions that are in the public interest – that is, the best interests of managing the reserve on behalf of the Victorian community, in accordance with the committee's accountability to the Minister and with good public sector practice.

Your committee should have a *Meetings and Decisions* policy in place that fulfils its legal obligations and complies with good public sector governance practice. To assist, DELWP offers:

- a model policy for small (category 3) committees. It is available from the [Committees of Management](#) support module on DELWP's governance website, on Board.
- a model policy suitable for large (category 1 and category 2) committees and other major DELWP agencies. It is available from the [Board Meetings and Decisions](#) support module on [On Board](#).

Although each committee can decide its own meeting times, schedules and styles, these must be consistent with its legal obligations and good public sector governance practice, as set out in the relevant DELWP model policy.

### 3.2 Chair's role at committee meetings

The chair presides at committee meetings or, if the chair is absent, a member appointed by the members who are present. This task includes ensuring that:

- the *Register of Interests* and all relevant policies are present at the meeting and readily accessible by members
- conflicts of interest are managed in accordance with committee's policy on *Conflict of Interest*
- committee members treat one another with respect and courtesy and participate actively and constructively in each decision
- no decision is taken without the required quorum
- committee meetings run in an effective and timely manner.

Overall, the chair balances the need to ensure that each committee member has a fair opportunity to express their views and ask questions with the need to progress the meeting in a timely manner, taking into account the nature, complexity, and importance of the issue being discussed and decided, and all other relevant circumstances. All committee members have a duty to assist the chair in this process, and in ensuring that meetings and decisions occur in accordance with the committee's policy.

If a dispute arises between members, the chair actively manages its resolution in accordance with the committee's policy on *Dispute Resolution*.

## 3.3 Meeting schedule and agenda

### Meeting schedule

Your committee's *Meetings and Decisions* policy should set out how frequently the committee usually meets each year. Additional meetings can be arranged as needed. The aim is to meet as often as necessary for the good management of the reserve. For a large reserve, or a reserve that has seasonal fluctuations, such as a foreshore camping area, fortnightly or monthly meetings might be necessary. For small reserves, meetings might be every couple of months or every three to four months. DELWP usually recommends that at least three to four committee meetings occur annually.

The chair should set the meeting schedule in consultation with the other members of the committee. The schedule can be set at the beginning of the year or, alternatively, at the end of each meeting the committee can decide when the next meeting will be.

### Meeting agenda

The agenda for each committee meeting is set by the chair in consultation with the other members of the committee and, if the committee has staff, with the executive officer or equivalent. For an agenda template, see later in this chapter.

#### Standing items at the start of the meeting

Certain 'standing items' should always occur at the start of a committee meeting:

- **Apologies** – who is unable to attend the meeting and has sent their apologies?
- **Quorum** – are enough committee members present, either in person or by remote attendance, for a valid decision? For details see 'Quorum', later in this chapter.
- **Agenda** – do any additions or changes need to be made to the agenda? The addition of new items is acceptable, but a proposed new item may need to be deferred to the next meeting, for example, if it is not urgent and the agenda is full or it is contentious and some members are absent. Depending on its strategic importance, a new item will either be added as a priority item early in the agenda or will be included in 'other business' towards the end of the meeting.
- **Register of interests** – do any committee members present need to update their entries in the *Register of Interests* to ensure that these are complete and correct? For details see 'Conflict of Interest' in the next chapter.
- **Conflict of interest** – does any committee member present have a conflict of interest with any item on the agenda and, if so, how will the committee decide to manage this in the public interest? For details see 'Conflict of Interest' in the next chapter.
- **Minutes of previous meeting** – are the minutes of the previous meeting accurate and confirmed? What is the progress of any actions arising from those minutes? For details see 'Minutes', later in this chapter.

The meeting then proceeds with the priority items listed on the agenda, followed by routine reports and other business.

#### Priority and routine items

Overall, the business that a committee deals with at a regular meeting will be largely determined by its level of activity:

- **Priority items:** items of strategic significance, such as decisions on works to be undertaken on the reserve or progress reports on works that are underway, should be listed on the agenda before routine matters, such as regular reports, so that everyone is 'fresh' and there is sufficient time for discussion and decisions on priority items.
- **Routine items:** the basics that need to be covered at a meeting are the regular reports from the chair, treasurer and secretary (including correspondence sent and received). If the committee has an executive officer, reserve manager or equivalent, regular reports should also be received from them.

## Sending out the meeting papers

The agenda and any related papers, including the draft minutes of the previous meeting, should be circulated at least five working days, and preferably ten, prior to the meeting. This is to ensure that there is reasonable time for each committee member to fulfil their obligation to:

- read all the materials
- consider the issues
- fully prepare for the meeting.

## 3.4 Attendance at committee meetings

### Committee members

You are expected to attend all committee meetings. A minimum attendance of 75% is required unless good reason exists otherwise, for example, illness or family crisis. In these situations, the chair, secretary or other office bearer should be contacted to tender your apology, which will be recorded in the minutes.

If your committee is incorporated under the *Crown Land (Reserves) Act 1978*, you cease to be a committee member if you are absent without the committee's permission for four consecutive meetings.

### Remote attendance

Attendance in person at a committee meeting is preferable. However the committee may permit you to attend 'remotely', for example, via teleconference call or internet video link. If you wish to attend a meeting remotely, contact the chair beforehand to ascertain whether this is likely to be suitable. The committee's decision whether to allow you to attend remotely is made at the start of the meeting. Permission should not be withheld unreasonably. On the other hand, remote attendance should not be your standard way of attending, unless good reason exists and it does not impede the proper functioning of the committee.

Regardless of any decision to allow you to attend remotely, if a document is tabled at the meeting to inform a proposed decision then, unless you can read (or be read) the document and properly comprehend it, abstain from the vote.

### Nominees not permitted

You cannot nominate another person to attend a committee meeting on your behalf or to exercise any of your decision-making powers or rights as a committee member.

### Invited guests

A non-committee member may only attend a committee meeting if invited by the chair or another member on behalf of the committee. The committee can choose whether its usual practise is to allow the public to attend meetings, with the right to close part or all of a meeting or to rescind this practise at any time, or whether its usual practice is that only committee members attend meetings unless guest(s) are specifically invited.

It is up to the committee to determine the item(s), or part thereof, which the invited guest may attend. A non-committee member must not participate in any committee discussions unless requested to do so by the chair and never takes part in any committee decision. This applies to both external guests and staff of the committee.

### Staff

If your committee employs staff, then to assist the committee to maintain its independence, the chair should ensure that no staff member is present as 'a matter of course' during committee meetings and that there is a period of time during each committee meeting when no staff member is present.

### Members of the public

Whilst some committees choose to allow members of the public to be present during certain items on the agenda:

- there is no public 'right of entry' to committee meetings for non-members;
- no external guest should be present during discussion and decision-making on confidential items, such as discussion on an employee's salary and conditions. These should always be conducted in private ('in

camera'); the chair may advise external guests that, as a condition of attending the meeting, they must refrain from discussing any matters raised at the meeting with non-committee members;

- the committee may set other conditions for public participation in committee meetings (see below).

### Public participation at committee meetings

Good relations with the local community are important. For this reason, the committee may decide to distribute information about its committee meetings, such as:

- how to arrange to attend a committee meeting;
- when permission to attend (part of) a meeting will usually be granted or refused – for example, the type of agenda items that are always discussed in private by the committee;
- how an external guest must conduct themselves at a committee meeting – for example, that as a condition of attending, they must act with courtesy and respect towards others; only take part in committee discussion if invited to by the chair; be silent or leave when instructed to do so by the chair; and never attempt to vote on any matter before the committee.

If the committee wishes to encourage public participation, it can also distribute information about how this will typically occur, with a notation that these community engagement strategies are not binding on the committee. Possible strategies include inviting:

- deputations and petitions
- questions in writing from the public for consideration at the meeting
- questions 'from the floor' - for example, at the start of the meeting or during general business, with say, a limit of two questions per guest. If this occurs, the chair should ensure that it does not take over the agenda or 'drain' committee members before priority items are addressed. The chair should curtail or call a halt to questions if it threatens to do so.

Depending on the level of public interest in the management of a reserve, it is usually good practice to publish either or both:

- the annual meeting schedule, if it has been determined
- the date of, and arrangements for, the next committee meeting.

### Public participation at AGM and elections

The public is always invited to an Annual General Meeting of the committee, which is a public event to report back to the community. For details, see later in this chapter. Similarly, if a committee is elected by the community, the election takes place at a public meeting. For details, see previous chapter.

## 3.5 Conflict of interest – standing item

### Register of interests

Your committee should have a *Register of Interests* in which the interests of all members that may give rise to a conflict of interest are recorded. The chair brings the register to each committee meeting. At the start of the meeting, the chair asks for each member to confirm that their interests as recorded in the register are complete and correct. A member who has new interests that are not yet included in the register must declare them. The interests will be recorded in the minutes and the chair will arrange for them to be entered into the register. If there are no changes, the minutes will note that 'all committee members present confirmed that their entries in the *Register of Interests* are complete and correct'. For details, see the 'Conflict of interest' in the next chapter.

### Declarations of conflict of interest

In addition to checking that the *Register of Interests* is up-to-date (see above), at the start of each committee meeting the chair asks for all members present to declare any interest they have in relation to **any item on the agenda**. A member must declare any such interest *even if it is already recorded in the register*. The committee then decides how to manage the conflict. For example:

When Dan first joined the committee a year ago he recorded in the *Register of Interests* that he is coach of the local football team, which has a license to use part of the reserve. At its next meeting, the committee will consider an application by the club to extend the term of its license. Dan must declare his interest in this agenda item, formally reminding the other committee members that he is the team's coach. The committee will then decide how to manage this 'material' (serious) conflict of interest.

The standard procedure for 'material' (serious) conflicts of interest is for the member with the conflict to leave the room for all discussion and decision-making on the issue. For details, including where a lesser option may be appropriate, see the next chapter.

### 3.6 Addressing the meeting

For small committees, the usual approach is for committee members to address other members directly during the meeting, to facilitate the exchange of ideas. However, the chair may decide to implement a more formal approach at times – for example, if discussion is becoming heated and members are not complying with the expected standards of conduct, the chair may direct that all remarks be addressed to him or her until further notice. Some committees, in particular, larger committees, adopt this more formal approach as the usual method of addressing the meeting.

The chair should provide any non-committee members who are present with clear directions as to whether they can participate in committee discussion and, if so, when and how. If guests must address the meeting through the chair, it may be appropriate that members also do so during this time.

### 3.7 Due consideration

As part of each member's duty to exercise due care, diligence and skill, prior to making a decision the committee should:

- ascertain all relevant information
- objectively consider all relevant facts and criteria (and avoid irrelevant considerations)
- consider all relevant options
- understand the full strategic, financial, community and other implications of the proposed decision.

Each committee member should balance respect for the expertise of others with their own duty to speak up, ask questions, and ensure that the correct decision is made.

### Advice and reports

The committee should ensure it has the information and advice needed to fulfil its role effectively. The reports that the committee receives, such as regular financial reports, must be suitable to its needs, in particular, contain all the relevant information in a way that is easy-to-read and understand. The format of reports should be reviewed periodically.

### Courtesy and respect

Prior to a decision being made, there should be an appropriate opportunity for each member present to ask questions, express ideas, and offer opinions. It is a fundamental requirement that all committee members treat one another with courtesy and respect during this process, and at all other times in their role as a committee member. Whilst the chair has a key role in ensuring that this occurs, all committee members share this duty.

Each member must comply with the public sector values in section 7 of the *Public Administration Act 2004*, which are explained in the binding [Director's Code of Conduct](#) issued by the Victorian Public Sector Commission. Treating other members with respect is a requirement under section 7(1)(e) of that Act.

A committee member who is addressing the meeting should not be interrupted by another member. However the chair has the right to provide the member who is speaking with directions, for example, about the length of time being taken, speaking to the point, appropriate language, and so on. The chair can also provide directions to other members about refraining from interrupting, treating another member appropriately, and related matters.

## 3.8 Decision-making

### Decisions must be valid and in the public interest

The committee must ensure that each of its decisions is:

- **valid**, including that it is consistent with:
  - the committee's role and powers
  - quorum and voting requirements
  - all applicable laws and procedures – for example, a contract may need to be in writing and, if your committee is incorporated, the common seal affixed.
- in the **public interest**, that is, the best interests of managing the reserve on behalf of the Victorian community, including that it is consistent with:
  - government policy
  - the public sector values, which require that all decisions of the committee be ethically sound and fair, including that each decision must be made in good faith, with honesty and integrity, without bias, in a financially responsible manner, and with a reasonable degree of care, diligence and skill. For details see the *Directors' Code of Conduct*, which is available from your local DELWP regional office and can be downloaded from the [Committees of Management](#) support module on On Board.

### Quorum requirements

The minimum number of committee members (quorum) who must **attend** a committee meeting, in person or remotely, and **participate** in a decision for it to be valid is the 'majority of the members for the time being in office'. In other words, half plus one of the committee – for example, a committee of six has a quorum of four.

If a quorum has not been obtained within 30 minutes of the scheduled start of the meeting, or other reasonable waiting period agreed by the committee, the chair will:

- postpone the meeting, or
- conduct the meeting, or part thereof, but defer all decisions to a subsequent meeting when a quorum is present.

It is important to note that there may be a quorum for some decisions at a meeting but not for others. If a member is unable to vote on a particular decision, the chair should check that a quorum still exists before the vote proceeds. Common reasons for a member being unable to vote on a particular decision include:

- the member is absent from the room due to a conflict of interest
- the member is attending the meeting remotely and must abstain because they cannot read (or be read) and properly comprehend a document that is tabled at the meeting to inform the proposed decision.

Sometimes, it will be necessary to defer a decision in relation to certain items on the agenda or to close the meeting early because a quorum cannot be maintained.

### Proxy or absentee decision-making is not permitted

Proxy or absentee voting is not permitted. Only committee members who attend the meeting, in person or remotely, are part of the quorum.

### Voting requirements

Each decision is made by **formal vote**. It is not appropriate, for example, for the chair to glance around the room and say words to the effect of 'I think we are all in favour of that'.

A decision is determined by 'the majority of votes of members who are present and voting on the question'. In the event of a deadlock, the chair or presiding member has a casting (second) vote.

Whilst it is vital for the committee to consult together as a team, each member must decide **individually** whether to agree with, or dissent from, a proposed decision, and make their choice known through their formal vote.

## Decision process

A committee decision is made by the simple process of:

- a **motion** (proposed decision) being 'moved' by a member and 'seconded' by another member
- the chair checking that there is a **quorum** (see above) for a vote to occur on the proposed decision
- the motion being **passed** if the majority of members voting on the decision are in favour of it.

Any member may move or second a motion. This could be as simple as:

"I move that the treasurer's report be accepted," says Bill Smith.

"I second the motion," says Lucy Tran.

If the motion is contentious, complex, or wordy, it is good practice for it to be written down and read out or circulated prior to voting, so that everyone is clear about what is to be decided.

After checking that there is quorum for the vote, the chair asks "All in favour?" (counts three raised hands). "All against?" (counts one raised hand). "The motion is carried."

## 3.9 Minutes of the meeting

Minutes are the formal, written record of a meeting. They must be kept for each committee meeting. The secretary of the committee records the minutes, or arranges for someone else to do so. The minutes must be an accurate record. They should be clear and succinct, with enough detail to enable a member who was not present to be informed of all decisions taken and actions arising, with a brief note of the key factors in the decision, but should avoid details of 'who said what'. For a minutes template, with example wording, see later in this chapter.

The minutes should include:

- **Attendance and quorum**
  - committee members attending, apologies, and confirmation of a quorum
  - if a committee member leaves the room during the meeting, for example, due to a conflict of interest, the agenda item(s), or part thereof, for which they are absent
  - any non-committee members attending and the agenda item(s), or part thereof, for which they are present.
- **Agenda items**
  - the time each agenda item commences and finishes
  - details of standing items, in particular, confirmation or updating of the Register of Interests and recording of any conflicts of interest with items on the agenda and how they will be managed. For details of what needs to be included about the register and conflicts of interest, see next chapter.
- **Decisions**
  - each committee decision, including the exact wording of the motion. (The members moving and seconding the motion can also be recorded if the committee so chooses.)
  - a brief note of key factors in the decision, avoiding details of 'who said what'
  - the vote, including who votes in favour, who dissents, and who abstains and why they abstain (e.g. due to a conflict of interest or due to the member attending remotely and a lengthy document being tabled at the meeting for consideration which he/she cannot read (or be read) and properly comprehend)
  - action items, if any, flowing from the decision; who is responsible for completing each action; and any relevant timelines.

Other matters may also need to be included in the minutes from time to time (e.g. if the committee decides to take a question on notice from a member of the public or to receive a deputation, or there is a guest speaker).

The draft minutes, with page number and meeting date on each page, are sent to the chair for review, preferably within a few days of the meeting, and then to the other committee members. The minutes are endorsed by the committee, with any necessary amendments, at the next meeting. *Only members who were present at a meeting can endorse the minutes of that meeting.*

Once the minutes have been endorsed as a true and accurate account of the meeting, they are signed and dated by the chair at the bottom of each page on behalf of the committee. Once signed, they are a formal record and must never be altered.

The minutes and related papers (including copies of any documents tabled at the meeting) must be retained as an enduring record of the committee's decisions. They must be stored and archived in accordance with the *Public Records Act 1973*, because committees of management are public bodies. For details see 'Record keeping' in chapter 5.

An outgoing committee must hand the minutes of its meetings to the incoming secretary. Other record keeping requirements also apply. For details, see 'Outgoing committee – hand over process', in the previous chapter.

### Minutes are a public record but are not automatically open to the public

As with other documents produced by the committee, for example, the *Register of Interests*, committee minutes are a public document. However, this does not mean they are automatically 'open to the public'. Unless the committee agrees, a member of the public who wants to see the minutes would need to lodge an application under the *Freedom of Information Act*. If this occurs, the committee can contact the department, which can provide advice and assist the committee to assess whether the minutes are exempt from disclosure.

## 3.10 Other requirements and good practice

### Confidentiality and proper use of information

Any information that a committee member receives in their role must only be used for proper purposes. It must not be used to gain advantage for the member, or any other person, or to cause detriment to the management of the reserve. It must also be kept confidential, even after the member resigns or otherwise leaves the committee.

### Notifying the department of major risks

If the committee decides that there is a major risk to the proper management of the reserve, the chair is required to notify the local regional office of DELWP.

### Traditional owner acknowledgement

Committees are encouraged to acknowledge the traditional owners of the land at the start of each meeting. Your local DELWP regional office can assist with appropriate wording.

### Annual general meeting (AGM)

The AGM is a public meeting where the committee reports to its community. Whilst not required by the *Crown Land (Reserves) Act 1978*, it is good practice to report back to the community. Such a 'report back' includes:

- ratification of the previous AGM's minutes
- a chair's report on the committee's activities of the past 12 months
- presentation by the treasurer or secretary of financial statements for approval
- an outline of the committee's proposed activities for the next 12 months, which may also include seeking the community's approval of those plans.

Committees should advertise the AGM in advance by some or all of the following methods: in local newspapers, on public noticeboards, by post, by an email to users of the reserve.

Committee members should receive the agenda, reports and minutes from the last AGM at least five business days, and preferably ten, before the meeting.

Members of the public can attend the AGM and can ask questions of the committee in the time set aside in the meeting to do so. But it is not a forum for taking motions from the floor or voting on proposals. These actions can only be undertaken by committee members and any such business should be held over to the next regular meeting.

For an AGM agenda/minutes template, see later in this chapter.

### 3.11 Template – agenda for committee meetings

This template is from DELWP's model policy on *Meetings and Decisions* for small (category 3) committees. Large (category 1 and 2) committees should use the template from DELWP's model policy for major agencies.

<i>[insert name of committee]</i>	
<b>Agenda - committee meeting</b>	
Date and time <i>[and, if applicable, also insert meeting no.]</i>	
Location	
No.	Item (for decision, noting, recording, endorsing, etc.)
<b>1.</b>	<b>Opening Formalities</b>
1.1	Opening and Welcome
1.2	Apologies
1.3	Confirmation of quorum
1.4	Confirmation of agenda (including any proposed additions)
<b>2.</b>	<b>Register of interests</b>
	Members confirm that their entries in the register are complete and correct (or update their details).
<b>3.</b>	<b>Conflict of interest</b>
3.1	Declarations - committee members declare any interest (i.e. private interest or duty to another organisation) in respect to any item on the agenda.
3.2	Management – the committee determines (i) whether the conflict of interest is ‘material’ (serious) and (ii) how it will be managed.
<b>4.</b>	<b>Minutes of previous meeting</b>
4.1	Endorse minutes: endorse minutes of previous meeting, noting any amendments. (Only members who were present can endorse.)
4.2	Actions arising: review the progress of actions arising from the previous minutes.
<b>5.</b>	<b>Priority item A – <i>[insert title, e.g. Shelter shed]</i></b>
	Description: <i>[Insert– e.g. ‘Need for minor repairs to the shelter shed on the reserve, including repainting.’]</i>
<b>6.</b>	<b>Priority item B – <i>[insert title]</i></b>
	<i>[As above]</i>
<b>7.</b>	<b>Reports and operational matters</b>
7.1	<i>[Insert – e.g. Chair’s report (dated XXX) - attached]</i>
7.2	<i>[Insert – e.g. Treasurer’s report - including financial report (dated XXX) - attached]</i>
7.3	<i>[Insert – e.g. Secretary’s report – including correspondence sent and received (dated XXX) - attached]</i>
<b>8.</b>	<b>Other business</b>
	<i>Items not on the agenda can be raised for discussion, subject to the chair’s permission.</i>
<b>9.</b>	<b>Next meeting</b>
	<i>Decide or confirm the date, time, and location of next meeting.</i>
<b>10.</b>	<b>Meeting adjourns</b>
	Meeting closes.

### 3.12 Template - minutes of a committee meeting

This template is from DELWP's model policy on *Meetings and Decisions* for small (category 3) committees. Large (category 1 and 2) committees should use the template from DELWP's model policy for major agencies.

Start time	No.	Item	Actions arising (if any) who is responsible; due date
<i>[insert name of committee]</i>			
<b>Minutes - committee meeting</b>			
Date and time <i>[and if applicable, also insert the meeting no.]</i>			
Location			
Chair (or presiding member)			
Committee members present <i>[List committee members in attendance. If a member is absent for any item(s), or part thereof, record this beside their name. If they attend remotely, note this also (e.g. teleconference)]</i>			
Invited guests present (if any) <i>[List any invited guests in attendance. Record the item(s), or part thereof, they are present for. If they attend remotely, note this (e.g. teleconference).]</i>			
Apologies <i>[List names and any relevant titles – e.g. chair.]</i>			
<i>[Insert]</i>	1.	<b>Opening formalities</b>	
	1.1	The meeting was opened by the chair.	
	1.2	Apologies as listed above.	
	1.3	Confirmation of quorum: <i>[Insert – e.g. 'There being X committee members present the required quorum of Y is satisfied.']</i>	
	1.4	The committee confirmed the agenda <i>[Insert if applicable: 'with the following changes ...']</i>	
<i>[Insert]</i>	2.	<b>Register of interests</b>	
		All committee members present affirmed that their entries in the Register of Interests are complete and correct <i>[Insert if applicable: 'subject to the following additions/changes: then set out or attach any additions/changes']</i>	
<i>[Insert]</i>	3.	<b>Conflicts of interest</b>	
		'The committee noted that there were no conflicts of interest (real, potential or perceived) in relation to any item on the agenda.' <i>OR, if a conflict of interest is declared, record:</i>	
		<ul style="list-style-type: none"> <li>• who declared the conflict;</li> <li>• a description of the interest and conflict (\$ value does not need to be recorded);</li> <li>• the committee's decision on whether the conflict is 'material' (serious); and</li> <li>• the committee's decision on what action will be taken to manage the conflict.</li> </ul>	
<i>[Insert]</i>	4.	<b>Minutes of previous meeting</b>	
	4.1	The committee endorsed the minutes of the previous meeting <i>[insert meeting date and/or number]</i> as complete and accurate. <i>[Insert if applicable: 'subject to the following amendments ...']</i>	
	4.2	<i>[Insert – e.g. 'The committee noted the current status of the actions arising from the previous meeting']</i>	

Start time	No.	Item	Actions arising (if any) who is responsible; due date
[Insert]	5.	<b>Priority item A – [insert title, e.g. Shelter shed]</b>	
		<p><b>Description</b>                      [Insert – e.g. ‘Need for minor repairs to shelter shed on the reserve, including repainting.’]</p> <p><b>Key factors</b>                      [Briefly note key factors in the committee’s decision. Avoid details of ‘who said what’.                      – e.g. ‘The condition of the shelter shed is deteriorating. It also looks unsightly. Boards are starting to fall off and it needs repainting. Unless minor repairs occur soon, the shed is likely to require more extensive repairs within a few months and may become hazardous. It would also be preferable to fix it before winter’.]</p> <p><b>Decision/outcome</b>                      The committee voted that [Insert - e.g. ‘A working bee will be held on 1 March. It will be organised by X and Y in consultation with other committee members. Z will seek donations of paint from the local hardware store and elsewhere.’]</p> <p>- <b>Voting in favour:</b> [Insert names of members voting in favour OR insert ‘All’]</p> <p>- <b>Voting in dissent:</b> [Insert names of members voting in dissent (and, if requested, briefly note key factors material to their decision here or above in ‘key factors’) OR insert ‘Nil’]</p> <p>- <b>Abstained from vote:</b> [Insert if applicable – e.g. ‘As a result of a conflict of interest, X was absent for all discussion and decision-making on this item’ OR ‘X abstained from the vote on the basis that he was attending remotely and was unable to satisfactorily read or be read Y document, which was tabled at the meeting and was relevant to the decision’.]</p> <p>[The member moving/seconding the motion can also be recorded if the committee so chooses.]</p>	
[Insert]	6.	<b>Priority item B – [insert title]</b>	
		[As above.]	
[Insert]	7.	<b>Reports and operational matters</b>	
	7.1	[Insert – e.g. Chair’s report (dated X)] Key factors: [Briefly note, avoiding details of ‘who said what’ - e.g. ‘No changes to the report as written’.] Decision/outcome: [Insert – e.g. ‘The committee noted the Chair’s report.’]	
	7.2	[Insert – e.g. Treasurer’s report - including financial report (dated X)] [‘Key factors’ and ‘Decision/outcome’ as above.]	
	7.3	[Insert – e.g. Secretary’s report – including correspondence sent and received (dated X)] [‘Key factors’ and ‘Decision/outcome’ as above, including decisions in relation to correspondence. List correspondence in and out.]	
[Insert]	8.	<b>Other business</b>	
	8.1	[Insert title and brief description] Key factors: [Briefly note, depending on whether for decision, noting, etc. Avoid details of ‘who said what’.] Decision/outcome: [Insert, depending on whether for decision, noting, etc.]	
	8.2	[As above]	
[Insert]	9.	<b>Next meeting</b>	
		The next meeting is as follows: [insert date, time, and location.]	
[Insert]	10.	<b>Meeting Adjourns</b>	
		The meeting was closed by the chair.	

### 3.13 Template - annual general meeting (AGM)

The following templates are for an annual general meeting of the committee:

#### Agenda for an AGM

**AGENDA – Annual General Meeting**

*[insert name of committee]*

Meeting for the financial period of 1 July [year] to 30 June *[insert year]*

Meeting date: *[insert]*

Meeting time: *[insert]*

Location: *[insert]*

List of present members of the committee: *[insert]*

Contact for enquiries: *[insert name and contact details for enquiries about the AGM]*

Item	Responsible person
1. Welcome	Chair
2. Apologies	Secretary
3. Minutes of last annual general meeting	
4. Annual management report	<i>[usually presented by the chair]</i>
5. Annual financial report	<i>[usually presented by the treasurer]</i>
6. Election of new committee (including, if applicable, reappointments)	
7. Thanks to outgoing committee of management	
8. Other business	
9. Close of meeting	

#### Minutes for an AGM

The minutes of an AGM will follow the same items as the agenda template.

## 4. Standards of conduct

This chapter looks at the required standards of conduct in relation to:

- conflicts of interest
- gifts
- confidentiality and proper use of information
- dispute resolution.

### 4.1 Committee policies

Committee members must comply with certain standards of conduct (e.g. honesty and integrity) and with certain procedures (e.g. ensuring that conflicts of interest are properly declared and managed). Your committee should have suitable policies in place on the following topics, so that all members are clear on these requirements:

- Code of conduct (including gifts)
- Conflict of interest
- Meetings and decisions (see previous chapter)
- Dispute resolution.

#### Policy pack (model policies)

To assist committees to have suitable policies in place, DELWP offers a 'policy pack' for small (category 3) committees. Your committee can choose to simply insert its name into a DELWP's model policy and adopt it at a committee meeting. The policy pack is available from the [Committees of Management](#) support module on On Board or contact your local DELWP regional office.

Large (category 1 and 2) committees have additional obligations and should use the model policies and guidance notes for major agencies. See DELWP's governance website, [On Board](#).

Your committee's policies should be consistent with DELWP's model policies.

### 4.2 Code of Conduct

Your committee is expected to have a *Code of Conduct* policy. This is the committee's policy which sets out:

- the over-arching standards of conduct that each committee member is required to comply with; and
- the collective accountabilities of the committee.

The basis for this policy is the *Public Administration Act 2004* and related codes, such as the Directors' Code of Conduct, both of which are legally binding on committee members. DELWP offers a model policy for small (category 3) committees which is available from the [Committees of Management](#) support module on On Board. The model policy for large (category 1 and 2) committees is available from the [Code of conduct](#) support module.

Your committee's policy should be consistent with DELWP's model policy, which your committee can choose to simply insert its name into and adopt. It includes requirements that are essential to good public sector governance, such as:

- acting with honesty, integrity, and other required standards of conduct
- following your committee's policies
- limitations on accepting or offering gifts in your role as a committee member (see 'Gifts, benefits and hospitality', later in this chapter)
- maintaining confidentiality and the proper use of information (see 'confidentiality and proper use of information', later in this chapter).

## 4.3 Conflict of interest

Conflicts of interest should be avoided where possible. If a conflict exists, it must be declared and managed in the **public interest**. This means it must be resolved in the best interests of managing the reserve on behalf of the Victorian community, rather than in the best interests of a committee member or any organisation to which he or she owes a duty.

### Conflict of Interest policy

Your committee should have a *Conflict of Interest* policy that fulfils its legal obligations and complies with good public sector governance practice. DELWP's model policy for small (category 3) committees is available from the [Committees of Management](#) support module on On Board. The model policy suitable for large (category 1 and category 2) committees is available from the [Conflict of interest](#) support module.

### Register of interests

Your committee should have a *Register of Interests* in which the interests of all committee members that may give rise to a conflict of interest are recorded. You are responsible for ensuring that your interests as recorded in the register are correct and complete. The chair will ensure that the register is stored in a manner that maintains the confidentiality of committee members.

#### Confirming your interests are complete and correct

The chair will bring the *Register of Interests* to all committee meetings. At the start of each meeting, he or she will ask you and the other committee members to confirm that your interests as recorded in the register are complete and correct.

If there are no changes, the minutes will note that 'all committee members present confirmed that their entries in the *Register of Interests* are complete and correct'.

If you have new interests that are not yet included in the register you must declare them, so that they can be recorded in the minutes. The chair will then arrange for them to be entered into the register.

### What is the definition of a conflict of interest?

A conflict of interest is a conflict between:

- your **public duty** to act in the best interests of the management of the reserve; and
- your **private interests**.

A 'conflict of duty', also known as a 'conflict of role', is a conflict of interest that can occur *even if you do not have any private interest at stake*. It is a conflict between:

- your **public duty** to act in the best interests of the management of the reserve; and
- your **duty to another organisation (private or public)**. It exists due to your role with the other organisation, for example, as a committee member, employee, volunteer, or member.

### How broad is the definition?

The definition of a conflict of interest is broad. The following applies to all conflicts of interest, including conflicts of duty:

#### Real, potential or perceived

A conflict of interest exists whether it is:

- **real** – it currently exists
- **potential** – it may arise, given the circumstances
- **perceived** – members of the public could reasonably form the view that a conflict exists or could arise that may improperly influence the performance of your duty as a committee member, now or in the future.

### Direct or indirect

A private interest can be:

- **direct** - held by you
- **indirect** - held by a relative or close associate, for example: an immediate family member, such as a spouse, partner, child, parent, sibling or other relative; a regular household member; a friend; a business associate; or a rival or enemy.

### Pecuniary or non-pecuniary

A private interest can be **pecuniary** (financial) or **non-pecuniary** (non-financial), or a mixture of both. It can arise from a wide range of personal or professional/business-related sources.

**Pecuniary interests** - include actual, potential, or perceived financial gain or loss. Money does not need to change hands. The interest exists if you or a relative or close associate:

- own property
- hold shares, investments or other business interests
- have a position in a company bidding for government work
- receive benefits such as concessions, discounts, gifts or hospitality from a particular source
- hold office in a corporation (public, private or trustee), an incorporated association, or other entity
- have any other relevant financial interest, for example, are:
  - entitled to receive income derived from a contract
  - a beneficiary or trustee of a trust
  - entitled to receive income from an office held for payment/reward or from a trade, vocation, or profession.

**Non-pecuniary interests** - may arise from your personal or family relationships, or from your involvement in sporting, social, or cultural or other activities. They include a tendency towards favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group. If your personal values are likely to impact on the proper performance of your public duty, this can also lead to a conflict of interest.

### Declaring a conflict of interest at the start of a committee meeting

At the start of each committee meeting the chair should ask you and the other committee members present to declare any interest (private interest or duty to another organisation) you have in relation to any item on the agenda. You must declare any such interest even if it is already recorded in the register.

If, during the meeting, you realise that you have an undeclared interest, declare it immediately. Similarly, if you believe another member may have an undeclared interest, raise a query to enable him or her to declare the interest, if it exists.

## Options for managing a conflict of interest

The committee must manage all conflicts of interest in the public interest. Depending on the particular conflict, options for managing a conflict of interest are:

1. **Remove** – the committee member with the conflict leaves the room and does not participate at all in any discussion or decision-making on the ‘conflicted’ matter.
2. **Record** – details of the conflict of interest are recorded in the minutes. Monitoring occurs to check whether this remains the appropriate option.
3. **Restrict** – the member’s involvement in discussion and/or decision-making on the matter is restricted to the extent that matches the public interest. Monitoring occurs to check whether this remains the appropriate option.
4. **Recruit** – an impartial third party is engaged to provide advice, such as a probity adviser, lawyer, or governance expert from DELWP or the Victorian Public Sector Commission.
5. **Relinquish or resign** – the committee member relinquishes their private interest or steps down from their role with the other organisation on a temporary or permanent basis. Alternatively, the committee member resigns from the committee itself.

It is up to the committee, not the individual member with the conflict, to determine how a conflict of interest will be dealt with. The process that the committee should use for deciding is set out below. It starts with the committee determining whether the conflict is ‘material’ (serious).

### Is the conflict material?

The committee should start by deciding whether the conflict is material (serious). To do so, it should take into account all the relevant factors and circumstances, including:

- the objectives and functions of the committee
- the matter that is to be discussed and determined
- the nature of the conflict - for example, is it real, potential, or perceived?
- the **severity** of the conflict, including:
  - the amount, scope, and likelihood of any expected benefit - for example, is it a large benefit primarily to the member or a small benefit that thousands of people including the member will receive?
  - any other relevant circumstances - for example, if the conflict relates to a member’s partner working at an organisation about which the committee is to make a decision: is the partner currently working there as the CEO? Or did they leave a few years ago from a large organisation in which their work was not connected to the decision being made by the committee?
- the **potential effect** of the conflict, including:
  - the extent to which the member’s ability to make an impartial decision in the public interest could be compromised, or could reasonably be seen to be compromised
  - the overall likelihood that the conflict of interest may affect public confidence in the integrity of the committee and its decisions.

The standard procedure for dealing with a material conflict of interest is ‘remove’ – that is, for the member with the conflict to leave the room and not take part in any discussion or decision-making on the issue. For a non-material conflict, there is more likelihood that a lesser option will be in the public interest. See below for details.

## Managing a material conflict of interest

### Standard procedure

The committee's standard procedure for managing a material conflict of interest should be to remove the 'conflicted' member from all participation in the matter. The member should:

- leave the room at the start of the relevant agenda item and not return until the start of the next agenda item;
- not discuss the matter at all with any other committee member (either in the meeting or elsewhere); and
- not participate in any committee decision on the matter.

The standard procedure should be followed unless the committee determines and records in the minutes clear reasons why it is not in the public interest.

### Stronger option

If the public could reasonably form the view that the conflict is of unacceptable frequency and/or duration then to maintain public confidence and protect the reputation of the committee it may be necessary, in the public interest, for the 'conflicted' member to:

- relinquish their private interest
- resign or stand down on a temporary basis from the other organisation to which he or she has a duty, or
- resign from the committee.

If the committee is unsure whether a stronger option is in the public interest the local regional DELWP office should be contacted for advice.

### Lesser options

A lesser option (record, restrict or recruit) will not usually be in the public interest for managing material conflicts of interest. If the committee is unsure whether a lesser option is in the public interest it should err on the side of caution.

If the committee decides on a lesser option then, in addition to recording in the minutes why it is in the public interest, careful monitoring should occur to ensure that the lesser option remains appropriate.

### Examples

Examples of where a lesser option may be in the public interest are:

- **Discussion:** If the 'conflicted' member was appointed on the basis of their knowledge of the matter then it may be in the public interest for them to be present for part of the committee's discussions. However, if an 'unconflicted' member is absent who also has this expertise then it will usually be in the public interest for discussion to be held over to the next meeting instead.
- **Decision:** If the recommended procedure would mean that there is no quorum for the decision even if all 'unconflicted' members are present then a lesser option will be in the public interest. However, if 'unconflicted' member(s) are absent then it will usually be in the public interest for the decision to be held over to the next meeting instead.

## Managing a non-material conflict of interest

For a non-material conflict of interest, there is more likelihood that a lesser option (record, restrict or recruit) will be in the public interest. In making its decision, the committee will take into account all relevant factors and circumstances. For example, the lower the severity of the conflict, the more likely that a lesser option will be in the public interest.

If the committee decides on a lesser option then, in addition to minuting why it is in the public interest, careful monitoring should occur to ensure that it remains appropriate. For example, the committee may initially determine to only 'record' the conflict but after monitoring may decide instead that the member can participate in part of the discussion but must be 'removed' from all decision-making on the matter.

If the committee is unsure whether a lesser option is in the public interest it should err on the side of caution and decide on the standard procedure of 'remove' – that is, the member leaves the room and does not participate in any discussion or decision-making on the matter.

## Recording in the minutes

The minutes of the committee meeting should record:

- a description of the interest and the conflict (the \$ value of a financial interest does not need to be included)
- whether the conflict is material
- how it will be managed - including, if an option other than 'remove' is decided upon, why it is in the public interest
- where applicable, the times and item (or part thereof) for which the 'conflicted' member is absent from the room.

## What if your committee's policy is breached?

If you may have breached your committee's *Conflict of Interest* policy, notify the chair immediately. If you believe another committee member may have breached the policy but not notified the chair, advise the chair or approach the other member, who should then notify the chair. If the committee decides a breach has occurred, the regional director of DELWP should be notified.

## 4.4 Gifts, benefits and hospitality

Unless good reason exists otherwise, committee members should avoid accepting or giving gifts in their role as a committee member.

- A 'gift' is a free or heavily discounted item or service (e.g. an offer to paint your fence at a reduced rate).
- The term 'gift' also includes a benefit or hospitality that exceeds common courtesy (e.g. an offer of a cup of coffee is a common courtesy, an offer of a \$100 glass of wine is a gift offer).

The more valuable or significant a gift, the less likely that it will be in the public interest to accept or give it. When in doubt, committee members should err on the side of caution. The local regional office of DELWP can be contacted for advice. In particular, the following requirements apply:

### When a gift offer must be refused

You must:

- never solicit gifts
- always refuse and report any attempt to bribe you
- never accept any gift that may cast doubt on your integrity or impartiality or that of the committee. Examples of gifts that must never be accepted include:
  - gifts from a donor who is likely to be affected by a decision that the committee makes, now or in the future (e.g. from a person who is likely to apply for a contract or tender with the committee)
  - money or other items that are easily converted into money.

The above restrictions apply to gifts offered to a committee member directly or indirectly (e.g. grand final tickets offered to the spouse of a committee member by someone who is seeking a licence from the committee).

Note that a gift offer 'to the reserve' also needs consideration to determine whether it should be accepted. It is a welcome contribution for community members to volunteer their labour and/or to provide free or discounted materials to assist the upkeep and improvement of the reserve - e.g. for a local shop keeper to provide discounted paint for the community hall. However, the offer of discounted paint from a person who will be tendering for a contract to repair the building's roof should not be accepted.

## Restrictions on gift giving

The committee should never purchase a gift from committee funds unless it can *clearly* be justified in the public interest, which is rare. This applies to gifts to committee members and to non-committee members. Any such expense should be recorded in the committee's records, as required by section 15(8) of the *Crown Land (Reserves) Act 1978*. For further information, contact your local DELWP regional office.

## 4.5 Confidentiality and proper use of information

Any information that you receive in your role as a committee member:

- must only be used for proper purposes. It must not be used to gain advantage for you, or any other person, or to cause detriment to the management of the reserve.
- must be kept confidential.

These are legal requirements. They continue to apply even after you are no longer a member of the committee.

For further information, contact your local DELWP regional office.

## 4.6 Dispute resolution

A 'dispute' exists if the committee's performance is being adversely affected because two or more members of the committee have difficulty working with each other (e.g. due to a personality conflict or ideological differences).

A difference of opinion as to the best decision that a committee should make on a particular issue is not a 'dispute' and should be decided in accordance with the committee's policy on *Meetings and Decisions* – see previous chapter.

Your committee should have a *Dispute resolution* policy that is consistent with DELWP's model policy. For small (category 3) committees see the model policy and guidance note in the [Committees of Management](#) support module on On Board. For large (category 1 and 2) committees see the [Dispute resolution](#) support module for major agencies.

## 4.7 Induction pack (guidance notes on these topics)

Further information on the topics in this chapter is available from the guidance notes in the 'induction pack' offered by DELWP, which is available from the [Committees of Management](#) support module on On Board or contact your local [DELWP regional office](#).

## 5. Good work practices

This chapter looks at:

- benefits and safety of incorporation
- dealing with public complaints
- good record-keeping.

### 5.1 Benefits and safety of incorporation

The *Crown Land (Reserves) Act 1978* provides a mechanism for committees to become incorporated. Most committees take up this opportunity, which provides a number of benefits and safeguards, for example:

- Incorporation turns a committee into an entity that is recognised in law as a legal ‘person’. Legal action can be carried out by or against the entity, rather than individual committee members, and continues uninterrupted by changes in membership. An incorporated committee, rather than the individual committee members, is liable for legal judgements made against it.
- Members of the public, tenants and contractors find it easier to deal with an ongoing body corporate rather than with a group of individuals who will join and leave the committee over time.

Incorporation under the *Crown Land (Reserves) Act* is a simple, straightforward process that is undertaken by DELWP on behalf of the committee. If your committee is not yet incorporated, it is strongly recommended that this occur.

An incorporated committee’s official signature on legal documents, such as contracts, is its corporate seal.

### 5.2 Dealing with public complaints

At some stage, a committee may receive a complaint from a member of the public about something it did or did not do. Most of these complaints will be resolved fairly easily and to everyone’s satisfaction. Remember that the complaint, decisions and actions of the committee in response, and whether the person was satisfied with the outcome should be recorded. The committee will need to contact its local DELWP office with problems that prove more difficult to resolve.

From time to time, DELWP receives complaints from members of the public, or a member of the committee itself, about how the committee is operating. Depending on the nature of the complaint, DELWP may work with the committee to resolve the issue, conduct an investigation, or refer the allegation to the Ombudsman, Independent Broad-based Anti-corruption Commission or Victoria Police.

#### The Victorian Ombudsman

The Victorian Ombudsman investigates complaints about administrative actions by government agencies and public authorities. Members of the public may complain to the Ombudsman about decisions of committees. The Ombudsman investigates where a complaint or allegation is unfair or unlawful.

#### Protected disclosures and Independent Broad-based Anti-corruption Commission (IBAC)

The *Protected Disclosure Act 2012* provides protection from reprisal for individuals known as whistleblowers who wish to make a disclosure about serious misconduct or corruption by a government agency or a public body such as a committee of management.

A disclosure is made directly to the Independent Broad-based Anti-corruption Commission (IBAC). It can be made by a member of the public or a member of the committee itself. In order for the whistleblower to be

protected, they must keep their disclosure confidential (not talk to anyone about it) and make it directly and only to IBAC, in accordance with the Act.

IBAC will assess the disclosure and, if appropriate, refer it to the Ombudsman or Victoria Police. For further information visit the [IBAC website](#) or call 1300 735 135.

### 5.3 Record keeping

Committees of management have a responsibility to maintain good records of their activities for legal purposes. Sound recordkeeping is an essential part of good practice for committees. In addition to the *Crown Land (Reserves) Act 1978*, record keeping obligations fall under the *Freedom of Information Act 1982* (the FOI Act), the *Public Records Act 1973* and the *Privacy and Data Protection Act 2014*.

#### What constitutes a committee record?

Records are evidence of business conducted by an organisation. Under the *Public Records Act 1973*, committees of management are considered to be public bodies and the records of the committee are public records, regardless of the status or age of the records.

Records can come in many formats such as written notes or letters, emails, word or excel documents, photographs, information on websites, etc. It is the information that is included that determines whether it needs to be preserved as a record, not the format.

#### Normal administrative practice (NAP)

Some information produced or collected by a committee does not constitute a committee record, and should not be treated as such. This includes working notes, duplicate copies, reference material collected from books, the internet, and newspapers, and so forth.

Information which is not a committee record should be disposed of under Normal Administrative Practice (NAP) once its use is completed. Avoid mixing too much NAP material in with committee records, as this makes it difficult to manage committee records efficiently. Failing to dispose of NAP material when its use is completed also makes it difficult for future committee members to locate the committee's records amongst it.

Usually, NAP materials can be disposed of in recycling or rubbish. However, if any sensitive information is included, such as photocopies of employment details or contracts, it must be shredded or otherwise rendered unreadable before it is disposed of.

#### Public records that must be maintained by a committee include, but are not limited to:

1. Minutes of meetings
2. Correspondence
3. Tenure agreements
4. Financial records
5. Contracts
6. Employment records
7. Any other information that documents a decision, agreement or communication to the public made

## Creating and storing records

Records created must be full and accurate to enable future committee members to take appropriate action and make decisions, to protect the financial, legal and other rights of the committee, and to protect people affected by any actions and decisions made by the committee.

To ensure the committee creates full and accurate records, it is recommended that committee members:

- maintain a simple filing system using manila folders. On each file make sure to note:
  - a simple title which explains what the file is about (something like *Wombaloo Mechanics Hall Committee - Committee meeting minutes - 2014* is enough)
  - the date the file was created
  - the name of the person that created the file
- print any emails or electronic documents where practical and place them on the file. Note: if they are not printed, electronic versions will need to be kept and passed on to the next committee
- take notes of any important phone conversations and either formalise them in an email or table them at the next committee meeting
- make sure committee records are stored responsibly in a readily accessible, clean, dry and secure place, using a system that other people will be able to understand.

All committee records that are essential to its function, such as minutes and contracts, must be identified and special care taken to prevent their loss or damage. If possible, duplicates of such records should be made and stored at a different location to the originals.

## Retention of records

All records created by a committee are public documents. Committees may not destroy or allow the destruction of committee records in their custody. Only NAP materials can be disposed of when no longer in use (see above.)

Note that being a public document is different from being 'open to the public'. Committee records can only be viewed by members of the public if the committee agrees or if a successful application is made under freedom of information laws. For details, see 'FOI - access to records', later in this chapter.

## Hand over of records from the outgoing committee to the incoming committee

Committee records are not the property of the committee members who created them. An outgoing committee must hand over all committee records in its custody to the incoming committee, so that the incoming committee can properly carry out its duties. For details, see 'Outgoing committee – hand over process' in chapter 2.

## Transfer of records to DELWP

If a committee ceases to exist, all committee records in its custody must be transferred to DELWP. They will be stored for periods determined by the Public Records Office of Victoria (PROV). Some important records will be transferred by DELWP to PROV, to ensure their permanent preservation.

## Financial records

A committee must keep records of all its financial transactions.

- The Australian Taxation Office publishes [Record keeping for Small Businesses](#) (reference code NAT 3029), which is a good resource to assist in this task.
- Another helpful guide on record keeping for treasurers can be found on the [Our Community website](#).

## Freedom of information (FOI) – access to records

Under the *Freedom of Information Act 1982* (FOI Act), the community has the right to request access to documents generated or held by all government agencies, including committees of management.

When a committee receives a request to access documents under the FOI Act it must seek advice from DELWP's FOI Unit as soon as possible. The FOI Unit can be contacted on 9637 8186 or email [FOI.Unit@delwp.vic.gov.au](mailto:FOI.Unit@delwp.vic.gov.au).

The FOI Unit will provide advice regarding any FOI enquiries and support for the processing of requests. Cooperation in locating and providing relevant documents and advice in a timely manner is required as the FOI Act only provides 45 days in which to process a request.

## Privacy - personal information

The *Privacy and Data Protection Act 2014* requires a committee to comply with the ten Information Privacy Principles in the Act, which can be found at [Privacy Victoria](#), when collecting, using, disclosing, storing or destroying personal information.

Personal information means recorded information or opinion about an identifiable individual. Personal information includes name, address, sex, age, financial details, marital status, education, criminal record or employment history.

It is good privacy practice not to include personal contact details on publicly available documents and registers, such as the volunteer attendance register (see chapter 11 'Insurance') without the person's permission

## 6. Regulating the reserve

This chapter provides an overview of:

- the range of local council laws that apply to a reserve
- the process for deciding whether to recommend that the minister issue reserve-specific regulations under the *Crown Land (Reserves) Act 1978*.

Commonwealth and state laws and enforcement procedures apply to all Crown land reserves. Local government laws also apply and are enforced by council bylaws officers. If the need arises, the committee can request the Minister to also issue regulations under the *Crown Land (Reserves) Act 1978* that are specific to the reserve.

### 6.1 Local council

The local council regulates and enforces a wide range of areas that affect the reserve, for example: planning, building, open space and recreation, conservation and the environment, health services and human services, and physical services, such as roads and drains. The local council is an important source of information, advice and resources. A good relationship with the local council will make the committee's job much easier.

#### Council bylaws

Council bylaws are the primary regulatory controls that operate on reserves. Most of the controls a committee needs to manage its reserves are covered by these local laws, so committees should know the local bylaws officers and these laws.

#### Planning scheme

Reserves are subject to the local planning scheme administered by the council, which details the allowable use and development of all land in the municipality. Committees should familiarise themselves with the general outline of the scheme, zoning and other details applicable to the reserve under their management.

Any changes or developments on a reserve must comply with the planning scheme. A committee should liaise with its council about the requirement for planning permits and for changes or developments which will be exempt. Major works will usually require a planning permit and the Minister's permission before proceeding.

It is important that a committee does not plan for works or development that is prohibited. When developing a management plan or statement for the reserve (see chapter 7, Managing the reserve), check that any proposed changes or developments to the reserve will either:

- comply with the scheme (no permit required), or
- comply with conditions (permit required before development can proceed).

For further information, see chapter 9, Developing the Reserve.

#### Cultural heritage

Places of heritage significance to a locality may be protected by a heritage overlay in a local council planning scheme. If a development is proposed for a site included in the heritage overlay, a planning permit must be obtained before any works or activities are undertaken. For further advice, contact the planning department of the local council.

#### Building permits

All building and demolition works require a permit. Local councils no longer have sole responsibility for issuing such permits, but they remain a good source of information and advice on how to apply and what is required.

## Open space and recreation

Most local councils have an open space strategy to guide their development of formal (e.g. sports grounds) and informal (e.g. wetlands) open space. If a committee is managing an open space reserve, it is a good idea to link with the council's strategy, with the aim of helping to develop and implement it to the benefit of the reserve. A cooperative approach provides synergies between municipal and Crown land reserves, avoids the possibility of duplication of open space facilities, and may make it easier to access funding for the reserve's maintenance and development.

## Conservation and environment

Local councils are actively involved in conserving and protecting the environment. The types of activities that councils undertake include protecting land and biodiversity under the planning scheme, and developing and implementing local conservation plans. Many council activities can be of direct benefit to the reserve. Examples may include providing plants for revegetation, developing a wildlife corridor, running recycling programs and developing walking and bicycle path networks.

## Physical services

Councils provide many physical services that support reserves, such as the development and maintenance of roads, footpaths, bike paths, drains, waste management, and parks and gardens.

## Health and human services

The local council's environmental health officer can provide advice on regulations relating to septic tanks, health standards in food areas, noise standards, pollution standards and pest control.

## 6.2 Reserve-specific regulations (issued by the Minister)

For most committees, the combination of commonwealth, state and local government laws provides all the protection and controls required. However:

- If existing laws do not cover some activities that a committee needs to control, it can recommend that the Minister make reserve-specific regulations.
- If the committee wants to charge fees, regulations made by the Minister are required.

The *Crown Land (Reserves) Act 1978* lists the subject matter that regulations may address.

To decide if the committee needs to request reserve-specific regulations:

- list all activities the committee wants to regulate
- obtain a set of local laws for the municipality
- list activities that can be regulated by local laws
- list activities that cannot be regulated by local laws.

The committee should contact DELWP and discuss any reserve-specific regulations that it believes are needed well prior to formally submitting an application (via DELWP) for the Minister to make the regulations.

Regulations for a reserve are not enforceable until they have been made and published in the *Government Gazette*.

Committee of management members should not need to enforce regulations due to the availability of Victoria Police, local council bylaws officers and DELWP-authorized officers. If enforcement of regulations is considered necessary, committees of management should not place themselves in dangerous situations. Contact emergency services if there is an actual or imminent threat to the reserve or people on the reserve. When the situation is under control the [local DELWP office](#) should be contacted.

## 7. Managing the reserve

This chapter looks at key principles, management tools and legal obligations that the committee needs to take into account in its management of the reserve.

### 7.1 Tools to manage the reserve

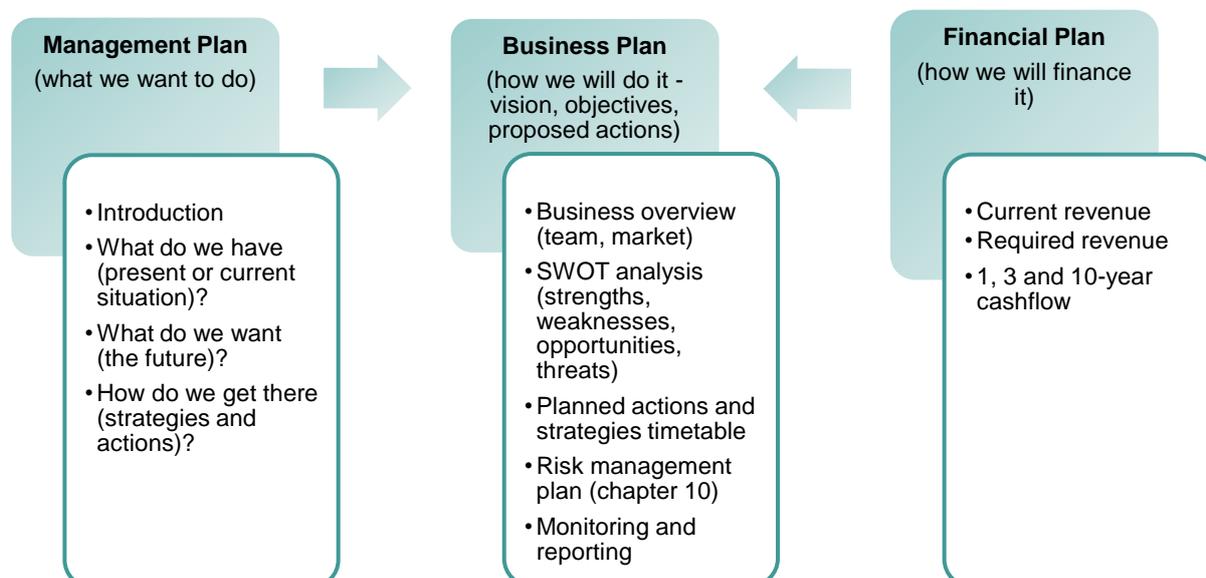
The main guiding principle in managing a reserve is that it is public land for the use and enjoyment of all. This principle must be balanced with the need to protect and maintain the reserve, its natural features and its assets, which may require some regulation or control on use and access. Management tools include management plans, business plans, financial plans and work plans. As well as managing the reserve and its assets, committees of management may also develop and enhance them.

### 7.2 Management, business and financial plans

To help achieve the best possible outcomes, the management of reserves must be planned rather than ad hoc. It is strongly recommended that committees, in consultation with their local DELWP office and local government, prepare a management plan or works schedule with a corresponding business plan or annual budget so that plans remain consistent with the aims of the local community. The benefit of these documents is that they provide a context for financial expenditure to which every member has agreed, and they draw together the big picture of what the committee wants to achieve. Management documents may include the following:

- **Management plan** or management statement, which outlines the committee’s aspirations for the use and development of the reserve over its term of office. It details what the committee intends to do to maintain and develop the reserve.
- **Business plan**, which outlines how the committee will implement its management plan. It details what actions the committee will need to take over its term to achieve its objectives, where it has the power to do so, such as employ staff, enter into leases or licences and seek grant money. It also incorporates the risk management plan (see chapter 10 for further details).
- **Financial plan**, which details the income and expenditure needed to achieve the management plan. A financial plan is often incorporated into the business plan.

The amount of detail in these documents may vary depending on the specific reserve. These three plans may be developed as one, rather than three separate documents (see diagram below). Smaller reserves may wish to simplify this process further into a simple **management statement** that contains a 12 month vision, together with receipts and expenses.



When preparing a plan it is a good idea to contact the local DELWP office, which may be able to provide your committee with assistance, such as a plan template.

### Coastal Committees

Committees that manage coastal land have additional management requirements under the *Coastal Management Act 1995*. Their management plan must accord with the requirements of that Act. Further guidance is available from the [DELWP website](#) or contact your local DELWP regional office.

## 7.3 Other management tools

In addition to developing plans or statements, the committee may wish to consider other tools that can assist in its management of the reserve, such as:

### Allocating and controlling use

If all or part of the reserve requires protection, a committee may control its use by limiting numbers and types of users, physical access or the times and conditions of use and access. A reserve for conservation purposes, for example, may need to limit public access to areas of the reserve undergoing revegetation. Rules (regulations) and pricing (fees and charges) are two effective mechanisms to allocate and regulate use.

### Use of subcommittees

Apart from council committees, a committee cannot delegate its powers to any other body, but it may establish subcommittees to consider certain matters. These subcommittees may be either standing committees with ongoing functions (for example, a finance subcommittee) or working groups for a particular task (for example, a spring planting subcommittee).

Subcommittees have no power in their own right and cannot make decisions on behalf of the committee. Their recommendations must be brought back to the full committee to be considered, approved, amended or rejected. It is therefore possible for committees to include non-committee members with relevant skills/knowledge on their subcommittees.

## 7.4 Legal obligations

When managing the reserve, the committee also needs to take into account the legal obligations that apply, including:

### Native vegetation permitted clearing regulations

A planning permit is required to remove, destroy or lop native vegetation on public and private land, unless an exemption applies. Activities which may be exempt from the requirement for a permit in certain circumstances include:

- mowing or slashing of grass for maintenance
- lopping and pruning for maintenance
- removing planted vegetation
- removing regrowth less than 10 years old
- removing native vegetation for bushfire protection around buildings used for accommodation.

For clarification on which works to native vegetation are exempt from requiring a planning permit, please contact your local council's statutory planning team or your local DELWP office.

### Applying for a permit

The *Permitted clearing of native vegetation – Biodiversity assessment guidelines* outline the application requirements for a permit to remove native vegetation. The [DELWP website](#) provides information and tools to assist with the application process to remove native vegetation.

Note that if the proposed works would have significant impact on a matter of national significance then referral to the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* may also be required.

## Protected flora controls

The *Flora and Fauna Guarantee Act 1988* requires that a Protected Flora Licence or Permit is obtained to collect protected flora or undertake activities on public land, which might kill, injure or disturb protected native plants. See the [DELWP website](#) for further information on protected flora controls.

## Trees and electric power lines

Committees of management are only responsible for any low voltage electric line which solely services the reserve land and for the maintenance of any trees on its reserve that may overhang a boundary and interfere with a low voltage private power line on a neighbour's property. An electricity distribution company will be responsible for keeping the whole or any part of a tree clear of any other electric power lines that run through or into the reserve land.

## Pest and weed control

A committee, as the delegated land manager, has an obligation to control all weeds and pests on its reserve and ensure that they do not invade neighbouring land. Grants may be available from DELWP to assist in pest and weed control. Contact the [local DELWP office](#) for details and an application form.

## Emergency management and fire prevention works

All committees should have a bushfire management plan which meets Country Fire Authority (CFA) requirements. On rural reserves this plan may include fire prevention works which may need to be carried out by the committee prior to the summer months, to reduce the risk of bushfire ignition and/or bushfire spread.

As a first step, the committee should contact the Fire Management Officer at its [local DELWP office](#). The officer will assist the committee to assess its obligations relating to fire prevention work, including how to assess whether permits are required, how to assess biodiversity values and how to notify neighbours of intended work. For many reserves, the committee will also need to contact the Municipal Fire Prevention Officer at their local council. For further information on bushfire management planning visit the [CFA website](#).

## Fencing

The *Fences Act 1968* sets out the requirements for construction, maintenance and repair of boundary fences by landholders. The Act applies to "occupiers" of adjoining land. The term "occupier" refers to those actually occupying properties as a licensee or lessee and those entitled to occupy them as owners.

The Crown is exempt from the requirements of the *Fences Act* stipulating that neighbours must share fencing costs. Therefore, neither DELWP nor committees are not required to contribute to the construction, maintenance or repair of fences, although they may choose to do so as a good neighbour.

The reverse also applies: if a committee wants to construct a fence, it cannot use provisions of the *Fences Act* to recover costs from its neighbour(s).

In certain circumstances, where the Crown land has been leased or licensed to a private person or company, the occupiers of Crown land (the lease or licence holder) will be required to contribute to the maintenance and repair of boundary fences, for example:

A private property owner is licensing an unused road (Crown land) that runs between the boundary of their land and the boundary of a neighbouring privately-owned property. As there is only one common fence between the two properties they must both contribute to maintenance and repair of the fence, even though the licensee pays a rental for use of the unused road (Crown land).

### **Fencing along a shared boundary with Crown land**

In most cases, it is not a requirement for private land owners of adjoining land to construct a fence along a shared boundary with Crown land. However, at times it may be in the landowner's best interests to do so. Some situations where it would be beneficial for an adjoining private landholder to construct a fence include:

- where the adjoining private land is being used for grazing and a fence is required to prevent livestock entering the Crown land
- the adjoining Crown land is publically accessed and a fence is required to prevent public access to the private land.

Any fencing constructed must be of sufficient standard for the intended use of the private land, for example, a stock proof fence would be required to retain any livestock within the private property boundary.

### **Fire damage to fences**

For information about boundary fencing damaged by fire visit the [damaged or destroyed fences](#) page on the DELWP website.

## 8. Leasing and licensing

The *Crown Land (Reserves) Act 1978* makes provisions for committees to lease or licence the reserve to tenants. This chapter will assist committees to make the right choices in these matters.

### 8.1 Issuing leases and licences

#### Difference between a lease and a licence

There are two types of tenure that a committee can issue:

- A lease which grants permission for exclusive use and possession of a parcel of land or a building for a defined term. The committee is the lessor and the entity accepting possession is the lessee. A lease includes the lessee paying rent to the lessor. A lease may be for part or all of the reserve and may include or exclude buildings.
- A licence which grants permission for non-exclusive use of a parcel of land for a defined period. The committee is the licensor and the entity accepting possession is the licensee. A licence may be for part or all of the reserve, and it may be continuous for the period of the tenure or intermittent. Where it won't interfere with existing licence rights, more than one licence at a time may be granted over the same parcel of land.

#### Consultation with DELWP is required

DELWP is responsible for the development and implementation of policy relating to leasing and licensing of reserved and unreserved Crown land. Leasing and licensing must not be detrimental to the public purpose designation over the land and be in the public interest. The leasing and licensing of Crown land must also preserve the environmental, historic, recreation, tourism, natural resource, social and culturally significant values of the land.

Before entering into any lease or licence negotiations, the committee needs to discuss the arrangements with its [local DELWP office](#) or contact the DELWP Call Centre (136 186).

#### Minister's approval is required

While the committee negotiates the leases and licences on its reserve, the Minister must first approve them. All proposed leases or licences require the in-principle approval of the Minister before negotiations begin. The details of a proposed lease or licence should be forwarded to the [local DELWP office](#).

#### Standard written documents

DELWP has developed standard lease and licence documents for use by all committees, which are available from [the local DELWP office](#) or the DELWP Call Centre on 136 186. These documents must be used unless other documents are approved by DELWP. A handshake agreement to establish a tenure is not acceptable.

The standard documents include a requirement that lessees and licensees take out public liability insurance cover which indemnifies the committee from any loss, damage or injury resulting from the tenant's activities. Tenants are not covered by DELWP's public liability insurance.

#### Checking insurance

Committees need to obtain proof of a tenant's public liability insurance cover and retain relevant certificates on file. Committees should also audit leases and long term licences regularly for insurance conditions. See chapter 11 for further information on insurance.

## 8.2 Leases

A lease is for the exclusive use of part or all of a reserve. It is suitable where large facilities are being used entirely for a particular group, such as social clubrooms. It is usually the most appropriate form of tenure if buildings or other facilities are being built by the entity taking out the lease, for example if a golf club builds a course on a reserve.

A committee may decide to lease an area for a particular purpose and then seek expressions of interest to operate it, for example, a kiosk. A request may also have been made to the committee by an external organisation to lease an area, for example, a football club seeks to lease its clubrooms to ensure that it has exclusive use.

### Crown land leasing guidelines

The *Leasing Policy for Crown Land in Victoria* 2010 aims to ensure that leased Crown land is managed sustainably and provides maximum benefits to the community. A guideline explaining the legislative requirements needed to issue a lease under the Crown Land (Reserves) Act 1978, Land Act 1958 and Forests Act 1958 accompanies the policy and is available on the DELWP website.

The policy is centred around three broad principles to guide the leasing of Crown land.

#### **Principle 1 – To provide benefits to the public through leasing**

Crown land is controlled by the state for the benefit of the Victorian community.

Granting exclusive occupation of Crown land under a lease should not occur except where it can be justified in terms of benefits to the community.

Decisions to lease need to consider social, economic and environmental outcomes that may result from a lease proposal.

#### **Principle 2 – To ensure consistency and transparency in leasing**

Leasing process must be fair, open and impartial, whether the lease is allocated through a competitive selection process or through direct negotiations.

All lease proposals require the in-principle approval of the Minister before a land manager agrees or commits to lease Crown land. A lease also requires the Minister's approval to the terms and conditions of the lease.

Leases must contain terms and conditions which align with the permitted purpose of the reserve and which conform to government policy and statutory requirements.

#### **Principle 3 – To manage leased Crown land in an ecologically sustainable manner**

All Victorians depend on the health of the state's natural assets: its water, biodiversity and land. The economic, social and cultural benefits the community derives from the leasing of Crown land depends on the long term sustainable management of this important natural resource. Proposals to lease Crown land need to demonstrate the application of sustainable management principles.

### Points to consider

When considering a lease for a reserve, the following points should be considered.

- Lease proposals require the in-principle approval of the Minister before negotiations begin.
- A lease may only be considered if it is in the public interest. This means that, on balance, the public's interest in and benefit from the reserve will not be compromised by granting exclusive use to part or all of the reserve to a particular person or group.
- Leases must comply with DELWP requirements. In the first instance, discuss the details of any proposed lease with the [local DELWP office](#) or call the DELWP Call Centre on 136 186.
- The committee may only issue leases with a maximum term of 21 years. Licence terms should reflect the use and nature of service provided. In other words, shorter terms may be appropriate for some uses, kiosks for example.

- The Minister may grant leases for a term in excess of 21 years and up to a maximum term of 65 years where the investment by the tenant is of a substantial nature. The committee may be authorised by the Minister to carry out the day to day management of the lease. Significant documentation may be required to justify granting this type of lease.
- Developments or improvements undertaken by a tenant may become the property of the committee or may be retained by the tenant, depending on the terms and conditions specified in the lease. Committees should advise the tenant of the specific terms and conditions of the lease in relation to this.
- The committee must use standard DELWP lease documents available from [the local DELWP office](#) or the DELWP Call Centre on 136 186

## Retail leases

The *Retail Leases Act 2003* binds the Crown, which means leases granted by committees of management under the *Crown Land (Reserves) Act 1978* must comply with the Act if the lease is for retail premises. In general, retail premises are premises from which goods are sold or there is retail provision of services, such as caravan parks, kiosks or shops. The *Retail Leases Act 2003* impacts on a greater range of commercial activities than covered under previous retail legislation. It includes a wider range of businesses that committees of management authorise under leasing arrangements.

[A separate guide has been published to assist committees and their tenants in managing leases under the \*Retail Leases Act 2003\* and is available on the DELWP website.](#)

## 8.3 Licences

Licences are for non-exclusive use of part or all of a reserve. They are suitable where there are many users of the reserve who need regular access (for example, several sporting clubs that want to use the oval of the reserve at different times).

The three broad principles for leasing also apply to licences. The following points should be considered when negotiating for a licence.

- Licence proposals require DELWP approval and must comply with DELWP requirements. In the first instance, the details of any proposed licence should be discussed with the [local DELWP office](#).
- A licence may only be considered if it is in the public interest. This means that, on balance, the public's interest in and benefit from the reserve will not be compromised by granting use of part or all of the reserve to a particular person or group.
- A licence can be issued for up to 10 years.
- The committee must use standard DELWP licence documents available from the [local DELWP office](#).

## 8.4 Rental rates for leases and licences

In general terms, commercial use of Crown land attracts full market rates as determined by valuation from a qualified valuer. Community use of Crown land under lease or licence will be discounted.

Committees should contact the [local DELWP office](#) or the DELWP Call Centre on 136 186 for advice on the rental policy applicable to a particular lease or licence proposal.

## 9. Developing the reserve

This chapter looks at what committees need to be aware of and approvals they may require as they seek to make improvements to their reserve.

Many committees choose to develop their reserve by upgrading existing facilities, constructing new facilities and/or landscaping the reserve. A committee may develop its reserve by extending, altering or changing the reserve's assets (built or natural), but only after first obtaining all necessary approvals. Any proposed development must be consistent with the use and purpose of the reserve.

All proposals are subject to a process that is designed to ensure that only appropriate developments proceed. This includes the need to:

- obtain the Minister's consent
- gain any required local council, state government, and/or commonwealth government approvals.

### 9.1 Obtaining the Minister's consent

#### Initial consultation with DELWP before planning begins

Before developing any plans or seeking any approvals, the committee should first contact DELWP for advice. DELWP officers will advise on the process for obtaining the minister's consent as land owner and, if applicable, consent under the *Coastal Management Act 1995*. They can also provide information on other matters, such as potential Aboriginal cultural heritage responsibilities, etc.

#### Applying for the Minister's consent

The Minister for Environment, Climate Change and Water is the landowner of Crown land on behalf of the Victorian government.

- The minister's consent as landowner is required for all developments. The committee's application for landowner's consent should be provided in writing and include supporting material such as site plans and specification of works.
- For coastal Crown land, the minister's consent is also required under the *Coastal Management Act 1995*.

The Crown, not the committee, will become the owner of development works on a reserve. Developments or improvements undertaken by a tenant may become the property of the Crown or may be retained by the tenant, depending on the terms and conditions of the lease.

### 9.2 Gaining council and government approval

Once the landowner's consent is obtained every committee is subject to the same requirements for planning, building and approvals as a developer of private land.

#### Local government

For any development, the planning unit of the local council will be the committee's next contact once the minister's consent is obtained. Council can provide information and advice on all the approvals likely to be required by any level of government. A planning permit and/or a building permit are approvals that may be required from the local council. Application forms and further information can be obtained from the local council. (Also see chapter 6, Regulating the Reserve.)

Note that maintenance and minor works such as routine painting, gardening and repairs are not development works and do not usually require external approvals. However committees should check with their local council planning officer for advice on whether any external approvals are, in fact, required – e.g. restoration to return an old building to its original condition may involve substantial work and so may not be regarded as maintenance.

## State government

If a development is proposed for a site **nominated** for the *Victorian Heritage Register*, send advice on the activity or proposal to the Executive Director, Heritage Victoria. Where a development is proposed for a place **listed** on the *Victoria Heritage Register*, consent is required from Heritage Victoria. For further advice, contact [Heritage Victoria](#).

Under the *Aboriginal Heritage Act 2006* landowners or land managers have responsibilities to protect Aboriginal cultural heritage when undertaking development work or other activities that may create significant ground disturbance. For further advice contact [Aboriginal Affairs Victoria](#).

If a proposed development includes the addition or expansion of liquor or gaming facilities, an appropriate licence is required. For details and further advice, contact the [Australian Business Licence and Information Service](#).

## Commonwealth government

### *Native Title Act 1993*

Native title may exist over areas of Crown land or waters, regardless of whether there is a native title claim in the area, which will affect the development application and approval process for committees. For further information visit the [Native Title](#) section in the DELWP website.

## 10. Risk

This chapter looks at how committees should identify, assess, treat and monitor risks relating to the reserve.

### 10.1 Risk management process

Risk management is a process of identifying, assessing, treating and monitoring risks that may adversely affect a committee's management of its reserve. The size of the committee will also have an impact on the committee's risk management decisions.

The committee should undertake a risk management process to manage the specific risks identified during a risk assessment, as outlined below. This process and the decisions made should be documented in a risk management plan.

Documenting the steps the committee has taken to arrive at the risk management plan is important for demonstrating the committee's actions undertaken to address the risk and liability issues.

The following link provides further information on risk management, including checklists, tools and templates which may assist committees undertake risk assessments and treat their risks.

- [Insurance and Risk Management Help Centre for Not-for-Profits](#)

### 10.2 Risk management plan - key points to consider and document

Key points to consider and document in a risk management plan include:

#### Risk identification

What risks have been identified? Were any risks identified and then removed from the list? If so, why were they removed?

#### Risk importance

Why were the identified risks thought to be important?

Include evidence such as photos. For example, a tree was rated as a high risk because an arborist's inspection reported it was damaged, or a path was high risk because of a previous visitor fall.

#### Risk treatments

Which risk treatments were considered by the committee? Which risk treatments did the committee agree upon, and how were these expected to reduce the risk?

For example, barriers may stop a visitor walking along a dangerous path, or signage may enable the visitor to decide to take a different path, making an incident less likely. Improving the condition of the path may make it less dangerous and reduce the likelihood and severity of injury.

#### Rationale for risk treatments

Why were those risk treatments agreed upon and why they were preferred to other risk treatments? Particularly, why they were preferred over treatments that are ranked higher in terms of effectiveness?

For example, when balanced against the fact that there are very few visitors to areas other than the designated lookout points, it was deemed too expensive to erect barriers along 20 kilometres of cliffs. Instead, the committee decided to erect barriers only along the designated lookout points and surrounds.

#### Expert advice

What expert advice was obtained by the committee during the risk assessment process? If expert advice was not followed, or was followed in a modified way, why was this the case?

For example, retain documentation of expert advice and minute the committee's decision, including the rationale not to follow expert advice as well as the risk assessment of the modified approach.

### Key stakeholders

Does the committee need to consider key stakeholders, such as other local, state and federal government agencies, which may have overlapping responsibilities on the reserve?

For example, there is a river on the reserve which the public accesses via an area controlled by another body. In these cases the committee will need to cooperate with other agencies to ensure that the public safety risk is reduced as much as is reasonably practicable and that accountability is appropriately assigned.

### Recording risk treatments

Documents such as invoices that show the risk treatments have been completed should be kept on record. Photos of the area before and after the risk treatment is implemented are particularly helpful.

For example, a contractor invoice for fencing or a notice announcing a working bee.

## 10.3 Key stages of the risk management process



### Step 1 - Identify risks

There is no one set of risks that applies to every committee and every reserve. When considering "what can happen?" committees will need to identify what could go wrong by working through each aspect of the reserve and its management. The following categories can be used as a guide:

- Finance and administration
- Safety
- Assets/maintenance
- Relationship management

A risk assessment should be conducted with the committee taking a wide view of safety issues on the land in question rather than focusing on a single specific issue. This will improve the chances of the committee identifying all risks including those to public safety.

The committee members may need to visit the site of interest, engage with visitors, users and stakeholders, including other agencies, and take notes of their observations and conversations.

Identify any hazards present from which a person may be injured or killed, for example, a fall from a height, rough surf or slippery rocks.

The committee should identify key causes and scenarios or description of the risks. For example:

Risk category	Risk example
Assets/maintenance	Noxious weeds spread to adjoining land
Assets/maintenance	Person injured at private function in hall for hire
Safety	Branch falls onto tent and campers camping under trees
Safety	Injury to a new volunteer as a result of risky behaviour
Finance and administration	Committee funds unaccounted for
Finance and administration	Computer containing committee records stolen
Relationship management	Dispute with reserve tenant

### Note on public safety

Public safety risks are particularly relevant to committees of management, although other kinds of risk exist. As a land manager, the committee owes a duty of reasonable care to see that people using the land it is responsible

for do not come to harm. The committee must take reasonable steps to avoid foreseeable risks of injury to people entering, and activities on, the reserve. If a person comes to harm as a result of the committee failing to take such reasonable steps the committee may be found to have been negligent and legal remedies could apply.

## Step 2 - Assess risks

Once a risk has been identified, the risk has to be assessed. This means to measure how serious the risk is. To begin, identify and rank the existing controls in place to manage the risks. An existing control is something, such as a process or action, already being done or already in place to address the risk.

### How effective are the controls currently in place?

Control rating	Description
<b>Good</b>	Nothing needs to be done except monitor the controls. The controls are effectively and reliably treating the cause of the risk.
<b>Satisfactory</b>	Most controls are in place and effectively treating the risk, though they can be improved.
<b>Poor</b>	The controls in place are not very effective as there are gaps, they do not treat the root causes and/or they do not operate effectively, and need to be significantly improved.
<b>Uncontrolled</b>	There is no risk control currently in place.

For example:

Risk category	Risk example	Existing control(s)	Effectiveness of existing control(s)
Assets/maintenance	Noxious weeds spread to adjoining land	Monthly spraying of weeds	Satisfactory
Safety	Branch falls onto tent and campers camping under trees	Check dangerous branches annually	Satisfactory
Safety	Injury to a new volunteer as a result of risky behaviour	New volunteers work alongside experienced volunteers	Satisfactory
Safety	Person injured at private function in hall for hire	Committee has event insurance	Poor
Finance and administration	Committee funds unaccounted for	Financial records reviewed at every committee meeting	Good
Finance and administration	Computer containing committee records stolen	Computer records backed up on external hard drive stored offsite	Good
Relationship management	Dispute with reserve tenant	Tenant invited to regular committee meetings	Satisfactory

Whether a risk is a high, medium or low risk is determined by estimating the likelihood of the risk occurring and the consequence if it does, taking into account the effectiveness of the existing controls. Where there is more than one consequence the committee should select the worst consequence or largest impact the risk may have.

### How likely is the risk to occur?

Likelihood	Description
<b>Low</b>	Could occur at some time (less than once in 10 years)
<b>Medium</b>	Might occur at some time (at least once in 3 years)
<b>High</b>	Will probably occur in most circumstances (at least once a year)

For example:

- Determine if the hazard is accessible. Is it reasonable to expect someone might access the hazard? Is there free public access to a cliff top or an inviting pathway to dangerous water, or is access prevented by thick vegetation or other natural obstacles?
- Measure how frequently people visit the site where the hazard exists. An unfenced cliff top in a highly frequented area is quite different to an unfenced cliff top in a remote regional area where visitor numbers are minimal.
- Identify particularly vulnerable groups. Do children frequently visit the reserve? Are visitors participating in activities such as surfing, bike riding, skiing, swimming or climbing that may increase their risks?

### What are the consequences?

Estimate the severity of consequences of a likely incident, for example, fatality, broken limbs, cuts or bruising.

Consequence	Description
<b>Low</b>	<p><b>Financial</b> (under 10% of annual income and/or cash balance)</p> <p><b>Safety</b> (minor injury possibly requiring on-site first aid only)</p> <p><b>Assets/maintenance</b> (minor repairs or remediation)</p> <p><b>Relationship management</b> (local issue for committee resolution, user satisfaction affected for a short period)</p>
<b>Medium</b>	<p><b>Financial</b> (10 - 40% of annual income and/or cash balance)</p> <p><b>Safety</b> (injury requiring medical attention)</p> <p><b>Assets/maintenance</b> (major repairs/remediation or construction work)</p> <p><b>Relationship management</b> (issue raised at DELWP or with local council, major issue impacting user satisfaction in the long term)</p>
<b>High</b>	<p><b>Financial</b> (over 40% of annual income and/or cash balance)</p> <p><b>Safety</b> (life-threatening or permanent injury or death)</p> <p><b>Assets/maintenance</b> (irreversible damage to reserve or loss of asset)</p> <p><b>Relationship management</b> (issue raised with police or at court level for resolution or action, issue causing irreparable damage to relationships with users)</p>

### Risk evaluation matrix

	Consequence		
Likelihood	High	Medium	Low
High	A	A	B
Medium	A	B	C
Low	B	C	D

### Risk rank and classification

Rank	Classification
<b>A</b>	Risk is intolerable and cannot be justified on any grounds.
<b>B</b>	Risk must be reduced unless the cost or effort of reducing the risk is grossly disproportionate to the benefits gained.
<b>C</b>	Risk may be reduced unless the cost or effort of reducing the risk is disproportionate to the benefits gained.
<b>D</b>	Maintain current systems of monitoring and review. Generally, no additional action is required to reduce the risk.

Next, the committee should decide which risks are to be treated and how. For example:

Risk category	Risk example	Existing control(s)	Effectiveness of existing control(s)	Likelihood	Consequence	Score
Assets/maintenance	Noxious weeds spread to adjoining land	Monthly spraying of weeds	Satisfactory	Medium	Low	<b>C</b>
Safety	Branch falls onto tent and campers camping under trees	Check dangerous branches annually	Satisfactory	Medium	High	<b>A</b>
Safety	Injury to a new volunteer as a result of risky behaviour	New volunteers work alongside experienced volunteers	Satisfactory	Medium	Medium	<b>B</b>
Safety	Person injured at private function in hall for hire	Regular inspection of hall for physical risks	Satisfactory	High	Medium	<b>A</b>
Administration	Committee funds unaccounted for	Financial records and bank statements reviewed at every committee meeting	Good	Low	Low	<b>D</b>
Administration	Computer containing committee records stolen	Computer records backed up on external hard drive stored offsite	Good	Low	Low	<b>D</b>
Relationship management	Dispute with reserve tenant	Tenant invited to regular committee meetings	Satisfactory	Medium	Medium	<b>B</b>

The A and B risks identified above continue to be worked through for the rest of this chapter.

### Step 3 - Treat risks

From here, the committee can discuss possible risk treatments and determine what action, if any, to take. An action can be taken to reduce the likelihood of the risk occurring, lessen the consequence of the risk or reduce both the likelihood and consequence by addressing the key causes of the risk.

For very high risk activities the committee may decide to reduce the likelihood completely by discontinuing an activity. The committee can also reduce the consequences by transferring the risk by way of contract or insurance.

#### Balance between risk and effort

It is expected that committees take all sensible, practicable precautions based on the significance of the risk compared to the effort required to reduce it. The balance is to take into account:

- the expense or difficulty of reducing or eliminating the risk
- any other conflicting responsibilities which the committee may have, and
- any other relevant factors.

The committee should then decide what effect the new risk treatment will have and assign a new rating to each risk accordingly. For example:

Risk category	Risk example	Existing control(s)	Effectiveness of existing control(s)	New control	Effectiveness of new control	Revised Likelihood	Revised Consequence	New Score
Safety	Branch falls onto tent and campers camping under trees	Check dangerous branches annually	Satisfactory	Fence off dangerous trees and erect signage to warn campers of the risk	Good	Low	High	<b>B</b>
Safety	Injury to a new volunteer as a result of risky behaviour	New volunteers work alongside experienced volunteers	Satisfactory	Conduct occupational health and safety training for volunteers	Good	Low	Medium	<b>C</b>
Safety	Person injured at private function in hall for hire	Regular inspection of hall for physical risks	Satisfactory	Require or provide hirer's insurance	Good	Medium	Low	<b>C</b>
Relationship management	Dispute with reserve tenant	Tenant invited to regular committee meetings	Satisfactory	No further action at this time	Satisfactory	Medium	Medium	<b>B</b>

### Step 4 - Monitor risks

The committee must annually review its risks to identify new risks or whether anything has changed which may affect the risks already identified. The most common way of monitoring risks is through a risk register and physical inspections. A sample risk register is provided on the [Our Community website](#).

#### Reporting on risk

Significant risks that cannot be treated and concerns the committee might have should be reported to the [local DELWP office](#).

# 11. Insurance

This chapter looks at:

- types of insurance cover provided for the committee by DELWP
- groups not covered under this insurance
- insurance the committee may need to purchase
- incidents and claims.

## 11.1 DELWP's insurance cover for committees of management

DELWP provides public liability, professional indemnity and personal accident insurance for Committees of Management of Crown land reserves. Committees do not need to purchase these types of insurance policies.

The table below shows the cover DELWP's insurance policy provides to committees of management. Certificates of currency for these policies can be obtained from DELWP. Certificates are issued from 30 June each year, though they may not be immediately available from this date, and are valid for one year.

Insurance	Description	Covers
<b>Public and product liability</b>	Cover against legal liabilities for injury or loss to third parties (members of the public and others)	Committee of management
<b>Professional indemnity</b>	Cover to protect committee members from claims of breach of 'professional duty' alleged to have been made in the conduct of the committee's activities	Committee of management
<b>Group personal accident</b>	Cover for a volunteer (including a committee member) who is injured while engaged in voluntary activities organised or authorised by or under the control of a committee of management.	All authorised volunteers including committee members

### Personal accident insurance (volunteers)

DELWP's personal accident insurance covers individual volunteer activities for a purpose directly connected to the purpose of the reserve and authorised by the committee.

The committee must maintain records of who volunteered and when and the nature of the activity. See below for an example of a volunteer attendance register.

#### Example volunteer attendance register

Date	Name	Time in	Time out	Event (if applicable)	Task(s) performed	Volunteer's signature
17/4/12	John Smith	10:30am	12pm	Monthly working bee	Weeding Painting	

## 11.2 Groups not insured under DELWP's insurance policies

A Crown land reserve might be used by many different groups in a variety of ways. The department's insurance program only provides public liability insurance for the committee. This is why the committee needs to think about who else uses the reserve in a way that might cause damage or injury to a member of the public.

### Lease or licence holders

Lease and licence holders are not covered by the department's insurance policies. Lease and licence holders should be required, under the conditions of their lease or licence, to maintain public liability insurance. The committee must also make sure lease or licence holders produce a copy of their insurance policy certificates to them each year.

The committee can also require a tenant to insure any buildings they occupy if they are the sole occupant.

Organisations which have a lease or a licence should also have insurance to cover any of their property stored on reserve premises.

### Regular users

The reserve might be used by an organisation or group on a regular basis where there is no formal agreement in place. For example a sporting group might practice at the reserve on a seasonal basis, or an interest group might meet at the reserve monthly. The committee should consider whether to request evidence that the user has liability insurance in place depending on the nature of the activity and the level of risk (see chapter 10 for further information on risk).

### Contractors

Contractors are not covered by the department's insurance policies and committees must ensure they have their own insurance before they are engaged to carry out work on the reserve. The type of insurance required by the contract will depend on the nature of the work being undertaken. For example, an arborist would need public liability and professional indemnity insurance. On the other hand, a person mowing the oval may only require public liability insurance.

### Casual hirers and users

Some Crown land reserves have facilities that can be hired out to organisations or individuals for a one-off event, such as a party or a meeting. The department's insurance policy does not cover people who hire facilities against third party claims for injuries caused by the hirer, for example, food poisoning of guests at a wedding.

Casual hirer's public liability insurance is designed to provide uninsured hirers with insurance protection against claims by third parties for injury or property damage arising out of the activity at the hired facility relating to the negligence of the hirer. The committee can purchase this insurance on an annual basis, with the premium dependent on the estimated number of bookings over the year that would require cover. The cost of the insurance policy can be recovered in the hire fee.

An organisation which hires facilities might have a policy in place that may cover a potential liability, and they should be asked to provide evidence of the policy. Individuals may not have insurance that would cover them in this situation and many committees purchase casual hirer's public liability insurance (also called "hirer's liability insurance") as an alternative.

Casual hirer's public liability insurance is available from Jardine Lloyd Thompson Pty Ltd. Call (03) 8664 9309.

### Commonwealth, state or local government users of the reserve

Government departments maintain their own insurance and unless they are the lessee or licensee of a reserve, for example a school on a reserve, there is no need to ask for evidence of insurance.

## What to verify on insurance certificates of other groups

Certificate Section	Item to check
Name of insured	Matches the name on the licence or lease or name of user group
Type of insurance	Public liability or combined liability or general liability. Committees should consider requiring a tenant to insure the premises
Period of insurance	Must cover the forthcoming twelve months
Insured sum	Generally \$10 million public and product liability cover is required.

## 11.3 Insurance the committee may need to purchase

### Building and/or contents insurance

Committees are responsible for arranging insurance for damage to buildings on the reserve (property insurance) and for loss of or damage to contents and other assets owned by the committee (contents insurance). As discussed above, if the buildings are occupied under a lease, the tenant can be required to insure the premises.

### Workers Compensation insurance (WorkSafe Insurance)

If a committee employs staff under employment contracts and the committee's annual payroll is expected to be more than \$7500, the committee will need to take out WorkSafe Insurance. Call WorkSafe Victoria on (03) 9641 1444 or 1800 136 089 for advice on the required insurance

### Directors and Officers insurance

A number of committees arrange directors and officers insurance (D&O). D&O can provide cover for alleged errors or omissions which a committee member or executive officer might make in their role with the committee. Employment practices liability cover is often included under a D&O policy, and can assist the committee in responding to employment-related disputes.

### Advice on other insurance needs

As committees come in all shapes and sizes, there is no one list of insurance requirements that will suit all committees. Terms of insurance policies also vary widely between different insurance companies. DELWP Insurance Management can provide the committee with advice. Contact the DELWP Call Centre on 136 186.

**The following websites provide information on the different types of insurance available and what a committee should look for in an insurance policy.**

- [Our Community](#)
- [Justice Connect not-for-profit law - insurance](#)

## 11.4 Incidents and claims

Claims can arise when there has been damage to property owned by a member of the public or if a member of the public is injured while on a Crown land reserve or at an event organised by the committee. This includes events not held on the reserve.

### Becoming aware of an incident

Committees of management may become aware of incidents or other potential claims from a variety of sources:

- the injured party or property owner or their representative
- police, ambulance or emergency service personnel
- the media
- a legal representative of the injured party or property owner
- a committee member or staff member who observed the incident.

Notify DELWP as soon as possible after becoming aware of an incident or potential claim (see next page).

### Receiving notification of an incident in person or by phone

- Make note of the date and time, the person who made the report and the date and details of the reported incident. Ask the person to submit their claim in writing (an email is fine).
- Do not make any remarks or comments about the incident to the person making the notification. Call DELWP Insurance Management on 136 186 to discuss the next steps.
- Avoid making any admission of liability (see below).
- Contact DELWP as soon as possible (see next page.)

### Avoiding making an admission of liability

- Whenever any committee member is responding to or investigating an incident under no circumstances should they admit liability.
- An admission of liability can, in some circumstances, void the insurance policy.
- However, note that an apology couched in the right way will not constitute an admission of liability. Either of the following are ways of apologising without admitting liability:
  - "I am sorry this has happened."
  - "I know this has caused you concern/pain/anxiety."

### Things to avoid

To reduce the likelihood of unnecessary claims being made, there are a number of things that should not be done:

- Do not admit responsibility for any incident.
- Do not offer to pay any medical or other expenses.
- Do not agree that any equipment or facilities were faulty.
- Do not blame other committee members, employees or other parties.
- Do not argue or discuss the cause of the incident with the injured person or witnesses.
- Do not conduct the investigation or fill out the incident report form in the presence of the injured person.
- Do not discuss the incident with the media or make statements about the incident prior to receiving instructions from DELWP Insurance Management.

## Notifying DELWP of an incident

It is important to notify the [local DELWP office](#) or DELWP Insurance Management on 136 186 as soon as possible after an incident which has resulted in damage to property or injury to a person whilst on a Crown land reserve or at an event organised by the committee, whether or not it occurs on Crown land.

DELWP will advise on the information needed to make a report of the incident which will be used if a formal claim for damages is made. DELWP will also provide a form to complete when compiling the incident report.

An incident should always be reported at the time it occurs. A claim may not be made until many years after an incident has occurred, and it is important to gather reliable information.

### Incidents involving employees

Incidents that cause or could have caused (a near miss) serious injury or death to an employee must be reported to WorkSafe as soon as possible on 132 360. A completed Incident Notification Form must be returned to WorkSafe within 48 hours.

## Investigating an incident

All incidents that are potential claims need to be investigated as soon as possible after they occur. The longer the time elapsed between the incident and the investigation, the less likely it is that information will be available or accurate. The committee's responsibility is to gather the facts of the case so that DELWP can consider whether there is a liability at law, or whether liability is with another authority or person. Information to collect includes:

- the possible claimant's name and address
- any witnesses' names and addresses
- incident particulars (what happened)
- nature of the injury or extent of damage
- photos of the area where the incident took place, or photos of the damaged property or injury.

When new information or witnesses are found at any time after the incident, DELWP Insurance Management should be notified as soon as possible on 136 186.

## Formal claims made against the committee

A formal claim for compensation is usually lodged in writing or by a writ or statement of claim. Make a note of how the letter or claim arrived. Was it by mail or hand delivered? If by hand, who delivered it?

Do not make any remarks or comments about the incident to any person who delivered the letter or claim. Do not reply to any letter or claim.

Send the letter, writ or statement of claim and the incident report, including any names of witnesses and any notes or photos relating to the incident to DELWP Insurance (see contact details).

Call DELWP Insurance Management on 136 186 to discuss the next steps.

### **DELWP Insurance contact details:**

Senior Claims Officer  
DELWP Insurance Management Unit  
PO Box 500  
MELBOURNE VIC 3002

## 12. Employment

This chapter looks at the committee's obligations to each of the groups that may undertake work on a reserve: employees, contractors, volunteers, tenants and agencies.

### 12.1 Hiring people as employees

Not all committees will need to hire employees. Generally, larger reserves that have a need and the revenue base to support it, for example foreshore camping grounds, will hire staff. The labour needs of many reserves will be met satisfactorily by volunteers or contractors.

If a committee decides to employ staff (ongoing or casual, full time or part time) it becomes an employer, with all of an employer's obligations. The committee itself is the employer, not DELWP or the state government. Therefore, it is each committee's responsibility to ensure that all legal requirements are met.

All employers are required by law to keep time and wages records for seven years from the time the records are first made. Committees must keep all the information needed to determine whether the provisions of an award or agreement are being met.

Maintaining good records is a key aspect of managing the committee's duties and obligations as an employer.

Employer obligations in relation to employee records and pay slips are contained in part 3-6, division 3 of the *Fair Work Regulations 2009*.

Many awards operate in Victoria. Generally, people hired by committees of management are employed in the personal and other services industry. For further information on award rates and conditions, contact the [Fair Work Ombudsman](#).

Rather than hiring an employee under an award, a committee may choose to hire someone under an employment contract. This might be used when a position is required for a specific length of time. The contract must detail the length, terms and conditions of employment, and be clear that it is an employment contract, not a general contract, in which there is a fee for service arrangement and the contractor pays wages and all overheads.

When the contract expires, the employment relationship ends. However, if required, an employment contract may be renewed for another agreed term.

Although not a legislative obligation, a committee can help itself by ensuring that good workplace practices are followed in addition to meeting its other obligations. One good workplace practice is written job descriptions. A job description is a statement that includes:

- the title of the job
- the reporting and accountability requirements
- the main duties involved
- the skills required.

This is a useful document for the employer and the employee because it provides both parties with a record making clear the expectations of the position.

## 12.2 Working with contractors

A contractor is a person, a business or a company hired by the committee to undertake works or services for a predetermined fee, usually based on a quotation for service. The work may be for a particular project (for example, building a playground) or for ongoing works (for example, mowing lawns).

Generally, the difference between a contractor and an employee is that a contractor is paid a fee for service and is responsible for all employment overheads, such as sick leave and superannuation, whereas an employee is paid a wage and all employment overheads are the responsibility of the employer (in this case, the committee).

Generally, a contractor submits an invoice on completion of a service or task, or at agreed intervals if it is a longer term contract. Payment of the final invoice effectively ends the relationship between the contractor and the committee.

Before hiring a contractor:

- detail the work required
- obtain an appropriate number of quotes for a service and its anticipated value to ensure the best price for the service required. The higher the value, the more quotes are recommended.

When hiring a contractor:

- do not use an open ended contract. The contract should specify the task, term, fee and completion date.
- the committee still has a responsibility to provide the same safe working environment for the contractor on the reserve as would be provided to an employee or volunteer.
- A contractor's job description is their contract. This can be a formal contract document or acceptance of the contractor's quotation for work. For further information on contractors go to the [Australian Government's Business Resource](#).

## 12.3 Working with volunteers

Committee members or other members of the community can volunteer to do some work on a reserve. The committee may choose to reimburse volunteers for out of pocket expenses, but any additional payment will turn that volunteer into an employee.

Committees have a duty of care to provide as healthy and safe a working environment for volunteers as would be provided to an employee or contractor. Keeping records makes it clear who are committee-approved volunteers, the date and time the volunteers worked and the work undertaken.

Chapter 11 'Insurance' provides an example of a volunteer attendance register which can be used to record volunteer activities on the reserve for administrative and reward and recognition purposes. For privacy reasons volunteers' contact details should be kept separately to this register.

Volunteers are covered by DELWP's group personal accident insurance policy if they are injured while undertaking voluntary activities organised, authorised and/or under the control of the committee. Any incidents involving volunteers on a reserve which lead to or might have led to serious injury or death must be reported to WorkSafe on 13 23 60, and file notes made and retained for insurance purposes.

## 12.4 Work done by tenants

A committee may issue a lease or a licence for the use of part or all of a reserve subject to the Minister's approval. The tenant is allowed to undertake work on its tenured area. It may be as part of the tenant's own activities (for example, a pony club employs a permanent part time instructor), or as a condition of tenancy required by the committee (for example, the pony club employs a painter to paint the clubhouse every five years because that is a condition of its lease).

All employer obligations for work undertaken by tenants reside with the tenant. The committee should ensure that the tenant's obligations as an employer are written clearly into its tenure contract.

**Note:** Any developments or improvements done on a reserve by a tenant become the property of the committee and ultimately the Crown. Any tenure agreements that allow development works to be undertaken by a tenant must specify this. The term of the tenure must reflect the amortisation period required by the tenant, that is, the amount of time the tenant requires to gradually write off the initial investment.

## 12.5 Work done by agencies

A committee may enter arrangements with an agency, such as the local council, to undertake work on the reserve. All employer obligations for such work belong to the other agency. The committee should ensure that the other agency's obligations as an employer are clearly written into its contract with the committee.

If work is undertaken by another agency for no fee, or a fee less than the market rate, the details of this must be recorded, including the reasons given for that arrangement. For example, if a local council collects rubbish from a reserve for no fee, this should be recorded. This is to ensure grants by the council to the committee are valued at the market rate of the service provided, and are transparent and accountable.

## 12.6 Employment-related taxes and oncosts

As employment conditions change often, the information in this section is provided as a guide only. A good source of up-to-date information is the [Australian Government Department of Employment](#).

### Income tax

Once a committee employs staff, it must register with the [Australian Taxation Office](#).

### Payroll tax

Payroll tax is paid by employers to the government's [State Revenue Office](#). A committee is liable for payroll tax if it has a monthly wages bill of more than \$45,833 or an annual bill of \$550,000 or more.

### WorkCover

WorkCover is a no fault, compulsory insurance scheme that provides coverage to employers in the event of work-related injury or death to their employees. If a committee employs staff it must have a WorkCover policy. Volunteers of a committee of management are not covered by WorkCover.

### Superannuation

All employers are required by law to contribute a percentage equivalent of each employee's wages into a complying superannuation fund. It may be a company sponsored fund, a fund of the employee's choice or one of a range of commercial funds that the employer might offer. For further details on superannuation, contact [the Australian Taxation Office](#).

## 12.7 Other employment issues

### Sexual harassment

A committee and its entire staff must know what constitutes sexual harassment and that it is unlawful in any form. As an employer each committee must provide a work environment that is free from sexual harassment for staff, contractors, volunteers and visitors. The [Australian Human Rights Commission website](#) contains information for employers on how they can meet their obligations. Recommended reading on this topic is the *Sexual Harassment Code of Practice* and *A Guide to the Sex Discrimination Act*, available on the [Australian Human Rights Commission website](#).

### Discrimination

#### *Equal Opportunity*

Victoria's *Equal Opportunity Act 1995* makes it unlawful to discriminate against employees on the basis of age, disability, union membership or activity, sexual practices and orientation, marital or parental status, gender, race, religion or political orientation.

### Occupational health and safety

As an employer a committee must provide a safe and healthy workplace. Formal occupational health and safety training is strongly recommended. WorkSafe Victoria can provide employers with information on how to provide a safe and healthy workplace. The *Guide to the Occupational Health and Safety Act* is available from [WorkSafe Victoria's website](#), or phone 9641 1444 or 1800 136 089 (toll free) to arrange to have it posted.

## 13. Finances

This chapter covers:

- the powers of a committee to enter into contracts, borrow money, set fees and charges, and spend revenue.
- what financial records must be kept by a committee.

### 13.1 Revenue and spending

Revenue received by a committee must be directed to activities associated with the reserve. Revenue can come from sources such as grants, user fees, rentals, fundraising activities, donations, and so forth.

Committees are not required to spend all their revenue in the year it is received. Indeed, it is wise to carry forward some funds into the next year. It is also acceptable to accumulate the funds required for large developments, major renovations, or other projects the committee is planning.

It is strongly recommended that committees do not carry excessive funds for no foreseeable purpose. Crown land reserves are a public asset and funds should be spent to maintain or enhance them.

**Grants to assist committees in their work may be available from a number of sources. See the links below for more information.**

- [Grants Victoria](#)
- [Community Crime Prevention, Victoria](#)

### 13.2 Fees and charges

The regulations for a reserve determine what fees and charges may be made (see chapter 6 Regulating the reserve). Fees can be either:

- non-discretionary - e.g. 'every adult person seeking admission to the grandstand shall pay a fee of \$2.50', or
- at the discretion of the committee - e.g. 'the committee may from time to time determine a scale of fees for admission to the grandstand'.

Fees and charges must be used responsibly and:

- be in line with similar rates in the area, so that the maximum public benefit is gained for use of a public asset
- not use the advantage of lower overheads associated with Crown land to the disadvantage of competing activities on private land.

If normal rates do not seem appropriate, reasonable fees for the purpose will have to be set. Non-profit community groups, for example, may receive a discount rate. 'Similar rates' is defined as fees and charges that are in line with [DELWP fees and charges](#), or are on a par with the general rates operating in the area at the time.

### 13.3 Mandatory expenses

If applicable to the reserve, water and sewerage charges and council rates are two particular expenses a committee must pay. A committee will be invoiced for the usage and service of any water and sewerage services for its reserve.

#### Council rates

Under the *Local Government Act 1989*, Crown land used exclusively for public or municipal purposes is non-rateable. This exempts many committees from council rates. However, the definition of 'public purposes' usually includes unrestricted public access. Limiting public access to a reserve in any way may make it subject to rates.

Areas that are leased (e.g. kiosks and clubhouses) are subject to council rates. However, depending on the purpose and extent of public access, land a committee has licensed may not be subject to rates. If leased or licensed land does become subject to rates, the lessee or licensee is responsible for payment. Committees should ensure that this is specified in the lease or licence documents. See chapter 8 for further details on leasing and licensing.

Councils often strike differential rates. A council may have a general rate, a farming rate that is half the general rate and a recreation rate that is one-quarter of the general rate. Reserves subject to rates are usually eligible for the recreational rate if differential rating applies. If differential rating does not apply, committees may apply for a rate reduction under the provisions of section 4(1) of the *Cultural and Recreational Lands Act 1963*. It is the council's decision whether a Crown land reserve meets the criteria for non-rateable land, based on its use and access.

## Fire Services Property Levy

Under the *Fire Services Property Levy Act 2012*, Crown land which is not leased or licensed to another person is exempt from the fire services property levy. Therefore committees of management are not required to pay the levy on the Crown land reserve which they manage.

However, if a committee of management leases or licences part of its reserve, the lessee or licensee may become liable for the fire services property levy. For general information regarding the fire services property levy and its application to committees of management, visit the [State Revenue Office](#) website.

## 13.2 Purchasing contracts

Generally, a committee can only enter into contracts that are directly related to its reserve and within its area of responsibility. Committees may enter into a contract to buy services (for example, lawn mowing) or goods (for example, plants and garden supplies) or to undertake a project or works (for example, construction of a new clubhouse).

It is good business practice for a committee to invite quotations or tenders for contracts it wants to let. The committee needs to judge whether the good or service required is of a significant value or specialist nature, to the extent that requires it to seek quotations or undertake a tender process.

If a committee needs to purchase expensive equipment (eg a ride-on mower) it should seek two or three written quotes. A committee wanting to undertake major development works should invite tenders. Obtaining written quotations or tenders helps committees to obtain the best value for their money.

If a committee seeks to let a contract by inviting quotations or tenders, it should:

- ensure that it is getting value for money
- have open and fair competition for all potential providers
- operate with professional integrity
- provide clear and consistent specifications and documentation to all
- ensure that a contract is drafted suitable to the purchase
- make and record decisions in a clear and transparent manner.

See chapter 12 Employment for further details on employment contracts.

### Inviting tenders

Advertise in the tenders section of a newspaper with at least a good local circulation. Depending on the scale of goods or services required, it might also be necessary to advertise in the regional, state-wide or national press. Tenders should remain open for a reasonable period and those received must be treated as commercial in confidence information. For further information regarding quotes and tenders, contact the [local DELWP office](#).

### 13.3 Borrowing money

An incorporated committee has the power to borrow and invest money in its name with the approval of the Treasurer of Victoria, but this approval is not given automatically and may be subject to terms, conditions and limitations. For details on how to seek the Treasurer's approval, contact the [local DELWP office](#).

### 13.4 Asset management

As part of its financial records, a committee is strongly urged to maintain an asset register with details of all assets it owns or manages including buildings and facilities. The register should contain:

- a description of each asset
- the date it was bought
- an estimate of its value.

The asset's value should be adjusted each year, to reflect depreciation for physical assets such as buildings, equipment and stock.

There is no requirement for a committee of management to record the value of the reserved land.

### 13.5 Taxation

#### Australian Business Number

In 1999, all committees of management of Crown land reserves in Victoria were allocated an Australian Business Number (ABN) by the Australian Tax Office. Since that time, many committees have become incorporated and the Australia Business Register requires names to be amended. For example:

If 'Smiths Reserve Committee of Management' became incorporated since 1999, the Australian Business Register must be updated so that the registered name is 'Smiths Reserve Committee of Management Incorporated'.

A committee's ABN can be checked at [abr.business.gov.au](http://abr.business.gov.au)

To update a committee's details go to [Keep your organisation's registration details up-to-date](#)

To amend a committee's name a Change of Registration form (Nat2943) should be completed by the treasurer and submitted by post along with proof of the treasurer's authority to represent the committee, such as their letter of appointment.

#### Goods and Services Tax

Committees of management are non-profit organisations. The requirement register for Goods and Services Tax (GST) largely depends on the scale of a committee's operations, and whether the committee is considered to be an entity carrying out an enterprise.

#### Land tax

Crown land is exempt from land tax, but if land is leased from the Crown the lessee may be obliged to pay tax.

The [Australian Taxation Office website](#) has a comprehensive range of resources available on the tax system.

### 13.6 Financial reporting – Annual return to DELWP

The *Crown Land (Reserves) Act 1978* requires that annual financial returns be submitted to DELWP. The local [DELWP office](#) will advise committees on reporting requirements.

The committee's financial records should be maintained to a standard that will allow auditing. It is recommended that a committee's financial records be audited annually.

## 14. Contacts and useful links

### 14.1 DELWP Regional Offices

DELWP Regional Office	Contact details
<b>Hume</b>	89 Sydney Rd Benalla 3672 Phone (03) 5761 1611 Fax (03) 5761 1628
<b>Gippsland</b>	71 Hotham St Traralgon 3844 Phone (03) 5172 2111 Fax (03) 5172 2100
<b>Port Phillip</b>	609 Burwood Highway, Knoxfield, 3180 Phone 9210 9222
<b>Grampians</b>	402-406 Mair St, Ballarat 3350 Phone (03) 5336 6856 Fax (03) 5336 6885
<b>Loddon Mallee</b>	Cnr Midland Highway & Taylor Street Epsom 3551 Phone (03) 5430 4444 Fax (03) 5448 4982
<b>Barwon South West</b>	Cnr Fenwick and Little Malop St Geelong 3220 Phone (03) 5226 4667 Fax (03) 5226 4725

### 14.2 DELWP webpages in these guidelines

Topic	URL	Chapter reference
DELWP Office locations	<a href="http://www.delwp.vic.gov.au/about-us/regions-and-locations">http://www.delwp.vic.gov.au/about-us/regions-and-locations</a>	
Committee of Management Guidelines	<a href="http://www.delwp.vic.gov.au/committees">http://www.delwp.vic.gov.au/committees</a> OR <a href="http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/managing-crown-land/committee-of-management-guidelines">http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/managing-crown-land/committee-of-management-guidelines</a>	1. Introduction
Committee of Management support module <b>(small committees)</b>	Committees of Management support module for small (category 3) committees: <a href="http://www.delwp.vic.gov.au/committees">http://www.delwp.vic.gov.au/committees</a> Includes: <ul style="list-style-type: none"> <li>- Induction pack (guidance notes)</li> <li>- Policy pack (model policies)</li> </ul>	1. Introduction 2. Membership 3. Meetings 4. Standards of conduct 5. Good work practices
On Board support modules <b>(large committees)</b>	On Board support modules for large (category 1 and 2) committees <a href="http://www.delwp.vic.gov.au/onboard">http://www.delwp.vic.gov.au/onboard</a>	1. Introduction 2. Membership 3. Meetings 4. Standards of conduct 5. Good work practices
Coastal Committees of Management	<a href="http://www.depi.vic.gov.au/forestry-and-land-use/coasts/coastal-committees-of-management">http://www.depi.vic.gov.au/forestry-and-land-use/coasts/coastal-committees-of-management</a>	1. Introduction 7. Managing the reserve

Topic	URL	Chapter reference
Declaration of Private Interests form	<a href="http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/managing-crown-land">http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/managing-crown-land</a>	2. Membership
Native Vegetation Permitted Clearing Regulations	<a href="http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/native-vegetation/native-vegetation-permitted-clearing-regulations">http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/native-vegetation/native-vegetation-permitted-clearing-regulations</a>	7. Managing the reserve
Protected Flora Controls	<a href="http://www.depi.vic.gov.au/environment-and-wildlife/threatened-species-and-communities/flora-and-fauna-guarantee-act-1988/protected-flora-controls">http://www.depi.vic.gov.au/environment-and-wildlife/threatened-species-and-communities/flora-and-fauna-guarantee-act-1988/protected-flora-controls</a>	7. Managing the reserve
Fences and Control Lines after Bushfire	<a href="http://www.depi.vic.gov.au/fire-and-emergencies/recovery-after-an-emergency/fences-control-lines-and-essential-water-after-bushfire">http://www.depi.vic.gov.au/fire-and-emergencies/recovery-after-an-emergency/fences-control-lines-and-essential-water-after-bushfire</a>	7. Managing the reserve
Leasing of Crown Land	<a href="http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/crown-land-leasing,-licenses-and-permits">http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/crown-land-leasing,-licenses-and-permits</a>	8. Leasing and licencing
Native Title	<a href="http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/indigenous-land-management">http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/indigenous-land-management</a>	9. Developing the reserve
Fees and charges	<a href="http://www.depi.vic.gov.au/about-us/doing-business-with-us/fees-and-charges">http://www.depi.vic.gov.au/about-us/doing-business-with-us/fees-and-charges</a>	13. Finances
Native Vegetation Permitted Clearing Regulations	<a href="http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/native-vegetation/native-vegetation-permitted-clearing-regulations">http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/native-vegetation/native-vegetation-permitted-clearing-regulations</a>	7. Managing the reserve
Protected Flora Controls	<a href="http://www.depi.vic.gov.au/environment-and-wildlife/threatened-species-and-communities/flora-and-fauna-guarantee-act-1988/protected-flora-controls">http://www.depi.vic.gov.au/environment-and-wildlife/threatened-species-and-communities/flora-and-fauna-guarantee-act-1988/protected-flora-controls</a>	7. Managing the reserve
Fences and Control Lines after Bushfire	<a href="http://www.depi.vic.gov.au/fire-and-emergencies/recovery-after-an-emergency/fences-control-lines-and-essential-water-after-bushfire">http://www.depi.vic.gov.au/fire-and-emergencies/recovery-after-an-emergency/fences-control-lines-and-essential-water-after-bushfire</a>	7. Managing the reserve
Leasing of Crown Land	<a href="http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/crown-land-leasing,-licenses-and-permits">http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/crown-land-leasing,-licenses-and-permits</a>	8. Leasing and licencing
Native Title	<a href="http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/indigenous-land-management">http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/indigenous-land-management</a>	9. Developing the reserve
Fees and charges	<a href="http://www.depi.vic.gov.au/about-us/doing-business-with-us/fees-and-charges">http://www.depi.vic.gov.au/about-us/doing-business-with-us/fees-and-charges</a>	13. Finances

### 14.3 Other useful webpages (non-DELWP)

Webpage name	URL
Appointment and Remuneration Guidelines for Victorian Government Boards, Statutory Bodies and Advisory Committees   Department of Premier and Cabinet	<a href="http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines">http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines</a>
Dispute Settlement Centre of Victoria   Department of Justice	<a href="http://www.disputes.vic.gov.au">http://www.disputes.vic.gov.au</a>
Grants Victoria	<a href="http://www.vic.gov.au/grants">http://www.vic.gov.au/grants</a>
Our grants   Community Crime Prevention, Victoria	<a href="http://www.crimeprevention.vic.gov.au/home/our+grants/">http://www.crimeprevention.vic.gov.au/home/our+grants/</a>
Staff management in non- profit organisations   Not For Profit Compliance Support Centre	<a href="http://www.nfpcompliance.vic.gov.au/managing-people">http://www.nfpcompliance.vic.gov.au/managing-people</a>

Webpage name	URL
Volunteers   Worksafe	<a href="http://www.worksafe.vic.gov.au/safety-and-prevention/your-industry/local-government/your-legal-duties/volunteers">http://www.worksafe.vic.gov.au/safety-and-prevention/your-industry/local-government/your-legal-duties/volunteers</a>
Our Community   Home	<a href="http://ourcommunity.com.au/">http://ourcommunity.com.au/</a>
Conflict Management   Clubhelp	<a href="http://www.clubhelp.org.au/governance/conflict-management">http://www.clubhelp.org.au/governance/conflict-management</a>
Insurance and risk management   Justice Connect	<a href="http://www.nfplaw.org.au/insurance">http://www.nfplaw.org.au/insurance</a>
Volunteering Opportunities in Australia   SEEK Volunteer	<a href="http://volunteer.com.au/">http://volunteer.com.au/</a>
Volunteering Opportunities in Australia   Go Volunteer	<a href="http://govolunteer.com.au/">http://govolunteer.com.au/</a>
Keeping your organisation's registration details up-to-date   Australian Taxation Office	<a href="http://www.ato.gov.au/Non-profit/Getting-started-for-non-profit-organisations/Registering-your-organisation/Keep-your-organisation-s-registration-details-up-to-date/">http://www.ato.gov.au/Non-profit/Getting-started-for-non-profit-organisations/Registering-your-organisation/Keep-your-organisation-s-registration-details-up-to-date/</a>
Victorian Public Entity Directors' Code of Conduct 2006   State Services Authority	<a href="http://www.ssa.vic.gov.au/CA2571410025903D/WebObj/DirectorsCodeGuidanceNotes/\$File/DirectorsCodeGuidanceNotes.pdf">http://www.ssa.vic.gov.au/CA2571410025903D/WebObj/DirectorsCodeGuidanceNotes/\$File/DirectorsCodeGuidanceNotes.pdf</a>
Independent Broad-based Anti-corruption Commission	<a href="http://www.ibac.vic.gov.au">http://www.ibac.vic.gov.au</a>
Record keeping for small businesses   Australian Taxation Office	<a href="http://www.ato.gov.au/General/Other-languages/In-detail/Information-in-other-languages/Record-keeping-for-small-businesses">http://www.ato.gov.au/General/Other-languages/In-detail/Information-in-other-languages/Record-keeping-for-small-businesses</a>
Record keeping for Treasurers   Our Community	<a href="http://www.ourcommunity.com.au/financial/financial_article.jsp?articleId=2900">http://www.ourcommunity.com.au/financial/financial_article.jsp?articleId=2900"</a>
Commissioner for Privacy and Data Protection	<a href="http://www.dataprotection.vic.gov.au/">http://www.dataprotection.vic.gov.au/</a>
Find your local council   Department of Transport, Planning and Local Infrastructure	<a href="http://www.dpdc.vic.gov.au/localgovernment/find-your-local-council">http://www.dpdc.vic.gov.au/localgovernment/find-your-local-council</a>
Country Fire Authority	<a href="http://www.cfa.vic.gov.au/">http://www.cfa.vic.gov.au/</a>
Heritage Victoria   Home	<a href="http://www.heritage.vic.gov.au/">http://www.heritage.vic.gov.au/</a>
Aboriginal Affairs Victoria	<a href="http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-affairs-overview">http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-affairs-overview</a>
Insurance and Risk Management Help Centre   Our Community	<a href="https://www.ourcommunity.com.au/insurance/insurance_main.jsp">https://www.ourcommunity.com.au/insurance/insurance_main.jsp</a>
Risk Management Register   Our Community	<a href="http://www.ourcommunity.com.au/files/insurance/checklists/RiskMgtRegister.doc">http://www.ourcommunity.com.au/files/insurance/checklists/RiskMgtRegister.doc</a>
Fair Work Ombudsman	<a href="http://www.fairwork.gov.au/Pages/default.aspx">http://www.fairwork.gov.au/Pages/default.aspx</a>
Australian Government Business Resource	<a href="http://www.business.gov.au/contractors">http://www.business.gov.au/contractors</a>
Australian Government Department of Employment	<a href="http://employment.gov.au/">http://employment.gov.au/</a>
Australian Taxation Office	<a href="http://www.ato.gov.au/">http://www.ato.gov.au/</a>
State Revenue Office   Home	<a href="http://www.sro.vic.gov.au/">http://www.sro.vic.gov.au/</a>
Australian Human Rights Commission   Home	<a href="http://www.humanrights.gov.au/">http://www.humanrights.gov.au/</a>
<i>Sexual Harassment Code of Practice and A Guide to the Sex Discrimination Act</i>   Australian Human Rights Commission	<a href="https://www.humanrights.gov.au/publications-home/all">https://www.humanrights.gov.au/publications-home/all</a>
Worksafe   Home	<a href="http://www.worksafe.vic.gov.au/">http://www.worksafe.vic.gov.au/</a>
Guide for running a small business   Australian Taxation Office	<a href="http://www.ato.gov.au/Business/Starting-and-running-your-small-business/Running-your-business/">http://www.ato.gov.au/Business/Starting-and-running-your-small-business/Running-your-business/</a>