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| Chapter 2 – About committees of management |
| This chapter looks at your committee’s role and relationships. | | |

# 2.1 Introduction

Across Victoria:

* Approximately 1,200 committees of management are made of up members of the public.
* These committees manage over 1,500 reserves.
* Other reserves are managed by organisations such as municipal councils, Parks Victoria, government departments, and companies limited by guarantee.

A Crown land reserve is public land 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.

As a member of a committee of management, you contribute to the community in many ways – environmentally, culturally, socially and economically.

# 2.2 Overarching role of your committee

The overarching role of your committee, as set out in section 15 of the *Crown Land (Reserves) Act 1978,* is to:

**‘manage, improve, maintain and control’** the reserve for the ‘**purposes for which it is reserved’.**

The committee is legally accountable for its actions and decisions to the Minister for Energy, Environment and Climate Change. The Department of Environment, Land, Water and Planning (DELWP) supports and oversees committees on behalf of the Minister. This is set out in section 13A of the *Public Administration Act 2004*. It also occurs by convention.

For further information about the responsibilities and duties of your committee and its office bearers see 2.5 to 2.7 in this chapter.

# 2.3 Legal obligations

Your committee has a range of legal obligations. For example:

* It must fulfil its obligations as the delegated land manager of the reserve under the Crown Land (Reserves) Act.
* It is bound by local, state and commonwealth government laws that govern the wider community, for example, employment, contract, tenancy and licensing laws.
* Victorian public sector laws apply to almost all committees, for example, privacy, record keeping and freedom of information laws.
* Almost all committees are **public entities**. This means they are bound by the Public Administration Act.
* If your committee is one of the very few that is not a public entity, it will be bound by other laws that impose similar standards of conduct, such as honesty and integrity, and other regulatory obligations.

Example

Incorporated associations have obligations under the *Associations Incorporation Reform Act 2012*.

This is different from being incorporated under the Crown Land (Reserves) Act.

### Local councils

Note that a local council is a public entity when acting as a committee of management. However, in its ordinary role as a municipal council it is not. See section 5(4) of the Public Administration Act.

# 2.4 Powers of the committee

Your committee’s powers to **manage, improve, maintain and control** the reserve are set out in section 15 of the Crown Land (Reserves) Act. Some of your committee’s powers include:

* Carry out works and improvements on the land once any necessary approvals are obtained.
* Employ people.
* Negotiate leases (if the committee is incorporated) and licenses for all or part of the reserve. Leases and licences are subject to the approval of the Minister or their delegate.
* Enter into contracts.
* Take legal proceedings. Contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) if the committee is considering doing so.
* Make financial transactions. If your committee is incorporated under the Crown Land (Reserves) Act, this includes borrowing money provided the committee has the Victorian Treasurer’s consent.
* Do anything else your committee is empowered to do in regulations issued by the Minister under section 13 of the Act.

# 2.5 Duties and responsibilities of the committee

Your committee works together as a team to manage, improve, maintain and control the reserve. The committee is **legally** **accountable to the Minister** for all its decisions and actions. In a broader sense, it is also accountable to reserve users and the general community for ensuring that the reserve is managed in the public interest.

The committee’s role includes strategic planning, performance monitoring and reporting, and stewardship.

For committees that employ staff, the day-to-day management of the reserve is undertaken by a manager, for example the CEO. The committee appoints and monitors the performance of this manager.

Committees that manage a reserve without staff will play a significantly more ‘hands-on’ role.

## Public interest

When performing its role, your committee must act in the **public interest** (the best interests of the whole community).

## Act within the committee’s purpose and power

Your committee must ensure that all its actions and decisions are consistent with its purpose, powers, and the laws and other obligations that bind it, such as government policy.

## Report major risks

Your committee has a responsibility to report major risks to the effective management of the reserve to the Minister and the Secretary of the department through the regional office. Contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) for advice on this process.

## Provide information to the department

Unless prevented by law, your committee has a duty to provide the department with any information it requests about the management of the reserve. For example, see section 13A of the Public Administration Act.

# 2.6 Duties and responsibilities of individual members

As a committee member, your individual duties and responsibilities include:

* Attend at least 75 per cent of committee meetings.
* Participate in discussion and decision making in a constructive and courteous manner. For details, see chapter 4 ‘Committee meetings’.
* Participate in committee activities and business.
* Participate in the preparation and implementation of strategic plans, such as management and business plans. Monitor the plans and report against them.
* Bring any relevant issues to the committee’s attention.
* Act with integrity, consistent with the [Code of Conduct for Directors of Victorian Public Entities](https://vpsc.vic.gov.au/resources/code-of-conduct-for-directors/) and other required standards of conduct. For details, see chapter 5 ‘Standards of conduct’.

# 2.7 Additional duties and responsibilities of office bearers

Certain committee members have additional duties as officer bearers, for example, as chair, secretary or treasurer. Some major committees that manage a reserve of regional or statewide significance appoint additional office bearers. Examples include deputy chair, assistant secretary and assistant treasurer.

To help maintain transparency and accountability, the role of chair and treasurer should **never** be held by the same person. If this is not possible, contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) for advice.

## Role of the chair

For committees incorporated under the Crown Land (Reserves) Act, the Minister appoints a member of the committee as chair. The committee may be invited to submit a nomination for the Minister to consider.

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

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

* Provide guidance and leadership, ensuring the committee functions effectively as a team.
* Represent the committee publicly. The committee can also designate a committee member or employee to act as spokesperson on specified issues.
* Preside at committee meetings. For details see 4.3 ‘Chair’s role at committee meetings’.
* Monitor whether the tasks arising from committee meetings are being carried out.
* Notify the Minister and the Secretary of DELWP of major risks to the effective management of the reserve. This action is taken by the chair on behalf of the committee. Contact the local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) for the correct process to follow.
* Ensure that each new committee member receives a suitable induction process and kit. See 3.11 ‘Induction for new committee members’.
* Actively manage any disputes that arise between committee members.

## Secretary

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

* Record the minutes of all committee meetings.
* Receive incoming correspondence and bring it to the attention of the committee.
* Draft and despatch outgoing correspondence as approved by the committee.
* Keep committee members properly informed. For example, send agendas with notices of upcoming meetings, copies of correspondence and reports.
* Liaise with the chair between meetings to ensure that the committee attends to its business.
* Maintain and securely store committee records in accordance with the *Public Records Act 1973*.

## Treasurer

The committee appoints one of its members as treasurer. The key responsibility of the treasurer is to keep the committee’s financial records in good order. This includes:

* Maintain 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 out of three people** to sign.
* Record and bank money received.
* Pay accounts, as authorised by the committee.
* Keep all invoices, receipts, bank statements and other financial records for audit purposes.
* Report details of the committee’s current financial position at each committee meeting. This includes bank balances, transactions since the previous report, and any other information the committee may require.
* Prepare an annual financial report based on the last financial year (1 July–30 June).
* Submit the committee’s annual return to DELWP, as approved by the committee. For details see chapter 16 ‘Annual reporting’.

# 2.8 Volunteers and staff – maintaining role distinction

Sometimes, a committee engages a person who is not a committee member to undertake certain tasks. For example, a committee may engage:

* a reserve manager or CEO
* a volunteer or contractor with book-keeping skills.

This person’s role must never be confused with that of a committee member. To help maintain role distinction and the committee’s independence, employees, volunteers and contractors:

* Do not attend committee meetings unless invited by the chair. An invitation may be for the whole meeting or for specified agenda items.
* Do not take part in committee discussion unless invited to do so.
* Never take part in committee decision-making.

For details, see 4.7 ‘Invited guests’.

# 2.9 Engaging with the community

Your committee manages the reserve for the benefit of the whole community. Useful ways to understand the community’s aspirations for the reserve and to manage any unrealistic expectations, include:

* Talk with current and potential users of the reserve. For example, individuals and groups such as service clubs, interest groups, schools, sporting and recreation clubs, the chamber of commerce, and organisers of annual festivals and events.
* Be familiar with the local planning scheme.

## Developing a management plan

When developing your committee’s management plan for the reserve (see chapter 7 ‘Management and business plans’), it is essential to consult the community. The level of consultation will be guided by the type of reserve, its activities and uses, the proposed development, and the extent of community interest, impact and influence.

Example

A proposed major development will require a high level of consultation, which may include public meetings, workshops and surveys.

## Encouraging volunteers

Day-to-day community involvement with the reserve can be fostered by encouraging volunteers to support the work of the committee. Volunteers can make a valuable contribution through a wide range of activities, such as working bees. See chapter 15 ‘Volunteers’ for information about encouraging volunteer participation and working with volunteers.

## Guide to engaging

Community engagement should be consistent with the [DELWP community charter 2018](https://www2.delwp.vic.gov.au/communities-and-regions/community-charter).

Examples of stakeholders are:

* regular and potential users of the reserve, both formal, such as sporting and recreational clubs, and informal users
* any holders of leases or licences
* the aboriginal community and Traditional Owners
* the general community
* the local council.

Another source of information about community engagement is the [Public participation in government decision-making: better practice guide](https://www.audit.vic.gov.au/report/public-participation-government-decision-making-better-practice-guide?section=) published by the Victorian Auditor-General’s Office.

# 2.10 Role of the department

The department (DELWP) oversees and supports committees on behalf of the Minister.

DELWP can provide information or referrals on general matters, such as:

* fire protection
* environmental works, including the conservation and protection of flora and fauna, land restoration, and pest and animal control
* current grants programs
* native title
* insurance (for details, see chapter 12 ‘Insurance’)
* freedom of information
* conservation and protection of cultural heritage.

Contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) or the Customer Contact Centre on 136 186.

## DELWP local regional office

The local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) is your committee’s ‘relationship manager’. It can also provide advice on specific issues, such as:

* how to prepare management plans
* how to prepare leases, licences and contracts
* community engagement
* how committees are appointed
* issues that are adversely affecting the management of the reserve.

## Correspondence to the Minister

Any official correspondence from your committee to the Minister should be sent to the relationship manager, who is usually the regional manager or program manager at your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations).

# 2.11 Further information

For further information about the role, duties and responsibilities of the committee and its office bearers:

* Contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations).
* Check for additional resources on the [committees of management](http://www.delwp.vic.gov.au/committees) page of the DELWP website.
* See the Victorian Public Sector Commission [website](https://vpsc.vic.gov.au/) for example:
  + [Welcome to the Board](https://vpsc.vic.gov.au/resources/welcome-to-the-board/) has an introduction to the role of board and committee members.
  + Committees that hire executive staff can find information on [recruiting](https://vpsc.vic.gov.au/resources/recruiting-a-ceo/) a CEO, assessing their [performance](https://vpsc.vic.gov.au/resources/assessing-a-ceos-performance/), and links to setting their [remuneration](https://www.vic.gov.au/victorian-independent-remuneration-tribunal).

# 2.12 Electronic copy

An electronic copy of this document is available from the DELWP website ([www.delwp.vic.gov.au/committees](http://www.delwp.vic.gov.au/committees)).