

Committee of Management Guidelines

for voluntary Crown land reserve committees of management

Department of Environment, Land, Water and Planning (DELWP)

December 2021



delwp.vic.gov.au/boards-and-governance/committees-of-management

Photo credit

Giffard West Hall, 100th anniversary celebrations, photo supplied by the Giffard West Hall Reserve Committee of Management Incorporated.

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Authors

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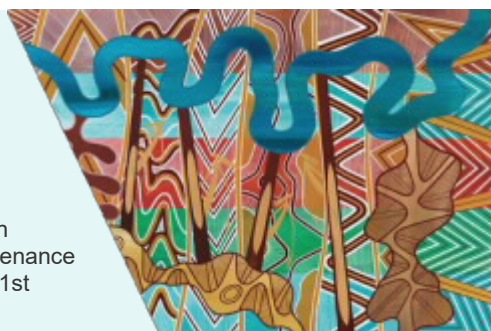
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Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's First Peoples to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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This document is also available on the internet at www.delwp.vic.gov.au/boards-and-governance/committees-of-management

Contacting DELWP

These guidelines and the [committees of management section of the DELWP website](#) are key sources of information for Crown land reserve committees of management.

Avenues to contact DELWP for further information are:

- Log a query in the [Crown Land Kiosk](#) for response by DELWP.
- Contact the DELWP Land and Built Environment (LBE) team responsible for supporting committees of management in your part of the state. Relevant offices for committees of management include Geelong, Hamilton, Traralgon, Bairnsdale, Ballarat, Horsham, Seymour, Wodonga, Bendigo, Mildura, Knoxfield (for all of Melbourne metro). The [communities and regions section of the DELWP website](#) includes contact details for these regional DELWP offices.
- Phone the DELWP Customer Contact Centre on 136 186 (and ask to be put through to the Land and Built Environment (LBE) Team in your part of the State) or email: customer.service@delwp.vic.gov.au (and your enquiry will be forwarded to the public land email in your region).

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1. Introduction

1.1 These guidelines and your committee

These Committee of Management Guidelines are published by the Department of Environment, Land, Water and Planning (DELWP) to assist voluntary committees of management of Crown land reserves in Victoria.

The guidelines assume that readers are members of committees of management. The language of the guidelines refers to you, your committee and the reserve(s) you and your committee manage.

1.2 Voluntary committees of management

There are over 7,500 Crown land reserves in Victoria (also referred to as public land reserves).

Around 1,450 Crown land reserves are managed by approximately 1,150 voluntary committees of management. Most committees manage one reserve while some manage two or more reserves.

Types of reserves managed by voluntary committees of management include public halls, recreation reserves, rail trails, coastal reserves, caravan and camping parks and nature/conservation reserves.

1.3 Legal status of committees

Most voluntary committees of management are legally incorporated as organisations through the *Crown Land (Reserves) Act 1978*. These guidelines refer to these committees of management as Crown Land Reserves Act Incorporated committees. A small number of committees are unincorporated.

- Note: the definition of 'voluntary' committees of management excludes a small number of large 'Category 1' Crown Land Reserves Act Incorporated committees.

Some committees of management of Crown land reserves are organisations incorporated through legislation other than the Crown Land Reserves Act. This includes incorporated associations (IA) incorporated through the *Associated Incorporations Reform Act 2012* and companies limited by guarantee (CLG) a specialised form of public company designed for non-profit organisations. In Australia companies limited by guarantee are subject to the *Corporations Act 2001 (Cth)*.

These IA and CLG committees of management are included within the broad definition of voluntary committees of management and make up around 10-15 per cent of all voluntary Crown land reserve committees of management.

- All information provided in these guidelines applies to voluntary committees of management incorporated through the *Crown Land (Reserves) Act 1978* and any unincorporated committees.
- Some information provided in these guidelines is not relevant to Crown land reserves committees of management that are incorporated associations (IA) or companies limited by guarantee (CLG). Appendix A provides a summary of the chapters and sections relevant to IA/CLBG committees.
- If you are a member of an IA/CLG committee, please read Appendix A first and then progress to the relevant sections.

1.4 DELWP committees of management website

The [committees of management section of the DELWP website](#) provides further information to assist you and your committee, including:

- A series of Good Governance Fact Sheets for committees of management. The Fact Sheets provide a summary of key governance information for committees, with links to the more detailed information available in these guidelines.
- Copies of news bulletins for voluntary committee of management.
- Other information such as insurance 'Certificates of Currency' (see also Chapter 9 Insurance) and the legislated requirement to provide an Annual Return to DELWP (see also Chapter 5 Financial Management).

1.5 Contacting DELWP

Avenues to contact DELWP for further information are:

- Log a query using the [Crown Land Kiosk](#) for response by DELWP.
- Contact the DELWP Land and Built Environment (LBE) regional team responsible for supporting committees of management in your part of the state. Relevant offices for committees of management include Geelong, Hamilton, Traralgon, Bairnsdale, Ballarat, Horsham, Seymour, Wodonga, Bendigo, Mildura, Knoxfield (for all of Melbourne metro). The [communities and regions section of the DELWP website](#) includes contact details for these regional DELWP offices.
- You can also phone the DELWP Customer Contact Centre on 136 186 (ask to be put through to the regional LBE Team in your part of the State) or email: customer.service@delwp.vic.gov.au (and your enquiry will be forwarded to the public land email in your region).

Internet links in these Guidelines

- These Guidelines provide links to relevant websites. The links are indicated by underlined text, for example, [committees of management section of the DELWP website](#) and [Crown Land Kiosk](#) etc.
- In addition, for readers who may not be in a position to utilise the underlined links, the full Internet addresses of some key websites are included in Appendix D.

1.6 Crown Land Kiosk

The [Crown Land Kiosk](#) is a part of DELWP's internet-based land management information system. The Kiosk is specially tailored to assist committees of management with the management of Crown land reserves.

- Key functions of the Crown Land Kiosk include the capacity for your committee to complete your Annual Return (see also Chapter 5) directly on-line. Kiosk lodgement of the Annual Return saves time and paperwork for both your committee and DELWP staff.
- All committees are encouraged to make sure they have at least one member, or preferably two or more members, who are comfortable using the Kiosk, including the Treasurer, Chairperson and Secretary.

Further background information about the Kiosk can be found on the [committees of management section of the DELWP website](#).

To request access to the Kiosk:

- Email the DELWP Customer Contact Centre: customer.service@delwp.vic.gov.au with your full name, the name of your committee, your mobile phone number and specify that you wish to register for the Crown Land Kiosk.
- Or contact the DELWP Land and Built Environment (LBE) regional team responsible for supporting committees of management in your part of the state (see 1.5 above).

1.7 Your skills, experience and knowledge

Victoria's 1,000+ voluntary Crown land reserve committees of management rely on the goodwill and expertise of a wide range of volunteers, including members of your committee.

Crown land reserves are public assets. Across Victoria, be it in small rural towns, larger regional areas or metropolitan Melbourne, Crown land reserve committees of management help maximise the public benefit of Crown land reserves for people and communities.

A big thanks to all of you involved in committees of management. Whether it's your first time on a committee, or you've been a member for many years, DELWP greatly values your skills, experience, knowledge and the time you devote to being a committee member.

2. Committee responsibilities

2.1 Committee role defined in legislation

The role of Crown land reserve committees of management is formally defined in section 15 of the Crown Land (Reserves) Act 1978.

- “manage, improve, maintain and control” the reserve for the purposes for which it is reserved.

• Note: Whether it was 150 years ago, or more recently, when Crown land is reserved, there is a formally defined purpose for the reservation. Your committee should know the purpose of the reserve(s) you manage. Sometimes, current use of a reserve has evolved from the formally defined purpose. In these circumstances, consultation with DELWP can establish options to update the reserve purpose.

2.2 Accountability as a public entity

Committees of management incorporated through the Crown Land Reserves Act are among over 3,500 public entity boards/committees in Victoria. Other Victorian Government public entities include school councils, cemetery trusts, public hospitals, water corporations, alpine resorts and other advisory committees.

Public entities are created by government to carry out a public function. As bodies operating at ‘arm’s length’ from government, public entities perform their day-to-day functions with some autonomy from Ministers and government departments.

However, all public entities are accountable to a Minister of the government. Accountability to a Minister usually occurs through a government department. For committees of management, accountability is to the Minister for Energy, Environment and Climate Change, through the Department of Environment, Land, Water and Planning (DELWP).

2.3 Good governance for Victorian public entities

The definition of ‘good governance’ for Victorian public entities is:

- “Enabling our organisations to achieve their intended purpose efficiently and effectively, while meeting community expectations of transparency, accountability and participation” (Premier’s Circular 2015/02).

In summary:

- Your committee is legally accountable to the responsible Minister for all its decisions and actions, and 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.

2.4 Public Administration Act and Code of Conduct

The *Public Administration Act 2004* covers a range of matters relating to public sector governance in Victoria. Public entities, including committees of management, are subject to the Public Administration Act.

The Code of Conduct for Directors of Victorian Public Entities (the VPSC Code of Conduct) published by the Victorian Public Sector Commission (VPSC) is a key governance document for all committees of management. Much of the content for the VPSC Code of Conduct relates directly to contents of the Public Administration Act.

All committees of management members are required to abide by the VPSC Code of Conduct.

- The model policies section of the DELWP committees of management website includes a ‘Quick Guide to the Code of Conduct for Directors of Victorian Public Entities’.

2.5 Accessing copies of legislation

Copies of all Victorian legislation are available free of charge from the Victorian Legislation website. It includes copies of key legislation for committees of management, including:

- Crown Land (Reserves) Act 1978

- Public Administration Act 2004

Also, for committees managing reserves on or within five kilometres of the coastal shoreline:

- Marine and Coastal Act 2018

Other relevant legislation referenced later in these guidelines includes:

- Aboriginal Heritage Act 2006
- Environment Protection Act 2017
- Occupation Health and Safety Act 2004

2.6 Powers of the committee

Your committee's powers to "manage, improve, maintain and control" the reserve are set out in sections 14 and 15 of the Crown Land Reserves Act. These committee powers include:

- Carry out works and improvements on the land once any necessary approvals are obtained (see further details in Chapter 7 Developing the reserve).
- Negotiate and grant leases and licenses for all or part of the reserve. Leases and licences are subject to the written approval of the Minister or DELWP as the delegate for the Minister (see also Chapter 8 Leases and licences).
- Enter into contracts.
- Employ people.
- Make financial transactions.

Committees of management are land managers, not landowners.

The responsible Minister is, in effect, the landowner of Crown land on behalf of the Government. In certain circumstances, DELWP, or another government department, acts as the Minister's delegate.

Various processes require committees to gain consent from the Minister or delegate, for example, the Approval in Principle to negotiate a lease or licence (see Chapter 8).

Committees are also subject to various permits and consents that may be required for works and development on crown land (see Chapter 7, Developing the reserve).

2.7 Financial record keeping and accountability

The nature of your committee's financial accountability responsibilities are outlined in section 15(8) of the Crown Land Reserves Act. This includes that a committee shall:

- Keep a full and particular account of all sums of moneys received and expended by it.
- Furnish annually to DELWP a statement of its receipts and expenditure and of the balance in hand.
- If requested by DELWP, furnish particulars of any or all of its receipts and expenditure.
- Keep such accounting and other records as may be required by DELWP to sufficiently explain the transactions and financial position of the committee.

To fulfil these legislated financial responsibilities, all committees of management are required to submit an Annual Return to DELWP at the end of each financial year. See Chapter 5 Financial Management for further details.

2.8 Public Sector Values

The *Public Administration Act 2004* and the Code of Conduct for Directors of Victorian Public Entities (the VPSC Code of Conduct) outline the following Public Sector Values:

- Responsiveness – offering good and quick advice to the committee.
- Integrity – being open and honest.
- Impartiality – making the best decisions for the committee you can.
- Accountability – being responsible for what you do.
- Respect – treating everyone well.
- Leadership – letting everyone know about these values and leading by example
- Human rights – doing the right thing by others.

2.9 Responsibilities of committee members

The VPSC Code of Conduct outlines the behaviour expected from directors of Victorian public entities. As outlined in the 'Quick Guide to the Code of Conduct for Directors of Victorian Public Entities' published in the model policies section of the DELWP committees of management website, committee members are required to:

- Demonstrate the public sector values.
- Follow the laws and rules of the committee of management.
- Understand the business of the committee.
- Understand the role of the committee.
- Regularly attend committee meetings.
- Act in the best interests of the committee and the Crown land reserve(s) the committee manages.
- Promote the best interests of the committee and reserve(s).
- Use information appropriately and for its intended purpose.
- Tell the committee if you plan to run as a candidate in a government election.
- Act fairly.
- Act in a financially responsible manner, exercising care in relation to public funds and assets and actively monitoring the committee's financial accounts.
- Follow the rules about conflicts of interest and duty.

Most committees appoint three committee members to positions referred to as 'office bearers': Chairperson; Secretary; Treasurer. The roles and responsibilities of these positions are noted in Appendix B.

2.10 Committee responsibilities

The 'Quick Guide to the Code of Conduct for Directors of Victorian Public Entities' published in the model policies section of the DELWP committees of management website, includes the following key committee responsibilities:

- Manage the operations of the committee and the reserve(s) the committee is responsible for.
- Look after the committee's money carefully.
- Manage the committee's reputation – what people think about the committee.
- Act in the best interests of the committee to achieve public benefit from the Crown land reserve(s) in line with the reserve purpose.
- Manage any possible risks.
- Manage any conflicts of interest and duty.
- Manage the committee's relationship with stakeholders.

3. Aboriginal cultural heritage and Traditional Owner rights

3.1 Being well-informed and understanding committee responsibilities

Since the beginning, through complex ownership and land stewardship systems, the First Peoples of Victoria have managed, protected and cared for Country.

Committees of management need to have a sound understanding the issues affecting First Peoples, Aboriginal self-determination, cultural safety and working in partnership with Traditional Owners and Aboriginal Victorians, including:

- Aboriginal cultural heritage.
- Native Title and Traditional Owner rights, including Recognition and Settlement Agreements.
- Treaty (or treaties) and the Yoo-rrook (truth) Justice Commission.

In summary, committee responsibilities include:

- Before proceeding with any development work or other activities that disturb the ground or vegetation in a way that could impact on Aboriginal cultural heritage, committees of management must ensure that any approvals required under the *Aboriginal Heritage Act 2006* and Aboriginal Heritage Regulations 2018 have been obtained.
- In relation to Traditional Owner rights under the *Native Title Act 1993 (Cth)* or the *Traditional Owners Settlement Act 2010*, when required, such as with processes for developing the reserve (see Chapter 7), or the consideration of a lease or licence (see Chapter 8), staff from DELWP regional offices are available to provide information and assist with any procedural rights assessment required.

The [Aboriginal Self-Determination](#) section of the DELWP website provides a range of useful background information, including links to a section on [Engaging with Traditional Owners and the Victorian Aboriginal Community](#).

3.2 Aboriginal cultural heritage fact sheets

Throughout Victoria, even in the most intensively developed regions, the landscape holds the imprint of many generations of First Peoples. During this time, the First Peoples that have resided and cared for Country have left tangible evidence of their activities, which now survive as cultural heritage places and objects.

Underpinning these material aspects of Aboriginal cultural heritage are intangible places where there may be no physical evidence of past cultural activities. These include places of spiritual or ceremonial significance, places where traditional plant or mineral resources occur, or trade and travel routes.

The [Aboriginal culture and heritage \(places and objects\)](#) section of the [First Peoples – State Relations website](#) includes a series of Aboriginal Cultural Heritage Fact Sheets on specific topics including:

- Aboriginal scar trees.
- Aboriginal freshwater middens.
- Aboriginal burials.
- Aboriginal surface scatters.
- Aboriginal rock art.
- Aboriginal historical places.

3.3 Engagement and partnerships with Traditional Owners

It is important for all committees of management to understand and appreciate the significance of Aboriginal cultural heritage in their local area and for their reserves, including local history and the laws and regulations for recording, protecting and managing Aboriginal cultural heritage.

All committees should know the details of Traditional Owners in the local/regional area (see 3.4 below), make contact and, ideally, have on-going communication. Traditional Owners are often very busy fielding requests for engagement on various issues. Your committee shouldn't assume that Traditional Owners will be available at short notice.

Partnerships require a long-term relationship based on trust, respect and honesty. It's important to understand and respect Victoria's First Peoples' decision-making processes. Good engagement takes time. The First Peoples of Victoria's representatives can't always make an on-the-spot decision. They have their own governance systems and will often need to gain agreement from their own committees and/or their own communities.

Whole-of-Country Plans, also known as Caring for Country Plans, or Country Plans, or Country and Water Plans, are plans developed by a Traditional Owner group (sometimes titled in Aboriginal language) that express their vision, aspirations, strategies and actions for their Country.

Whole-of-Country Plans support Traditional Owners in communicating their rights, cultural authority or interest in Country. Your committee members are strongly encouraged to read the relevant Country Plan for the group you will be engaging prior to commencing any engagement.

When and where possible, with agreement from Traditional Owners, meetings with Traditional Owners are best held on Country.

DELWP's Traditional Owner and Aboriginal Community Engagement Framework sets out to strengthen the capacity of Victoria's First Peoples by enabling better coordination and encouraging community groups and individuals to engage in a meaningful and culturally appropriate manner.

3.4 Traditional Owners in different areas of Victoria

For links to contact details of Victoria's formally recognised* Traditional Owner groups, see:

- A [map of formally recognised Traditional Owners](#) available through the [Welcome to Country and Acknowledgement of Traditional Owners](#) section of the [First Peoples – State Relations website](#).

* Note: Some areas of Victoria do not yet have a particular formally recognised Traditional Owner group. These are known as areas of 'shared interest'. It is recommended that committees engage with all Traditional Owner Groups that have a 'shared interest' within a particular area. First Peoples – State Relations will be able to inform the best way for committees to engage with Traditional Owner Groups in these 'shared interest' areas. Also, in some areas there are First Peoples that do not agree with the Victorian Government's determination of Traditional Owners.

3.5 Formal recognition of Traditional Owners

There are 3 ways in which the Victorian Government formally recognises Traditional Owners of a particular Country:

- Registered Aboriginal Party – *Aboriginal Heritage Act 2006*. The Victorian Aboriginal Heritage Council can appoint a Traditional Owner corporation as a Registered Aboriginal Party under the Aboriginal Heritage Act. Registered Aboriginal Parties (RAPs) are responsible for managing Aboriginal cultural heritage within their appointed areas. See: [a list of Victoria's current Registered Aboriginal Parties on the Aboriginal Heritage Council website](#).
- Native Title Determination – *Native Title Act 1993 (Cth)*. Native title is a bundle of rights, including property rights, held by Aboriginal and Torres Strait Islander peoples under their traditional laws and customs, which pre-dates colonisation and is recognised by Australian law. Native title applies to public land and waters, except where native title has been 'extinguished'. Native title is determined by the Federal Court of Australia or, on appeal, by the High Court. See: [Native Title section of the DELWP website](#).
- Recognition and Settlement Agreement – *Traditional Owner Settlement Act 2010*. The Traditional Owner Settlement Act provides a framework for the recognition of Traditional Owner rights and settlement of native title claims in Victoria. Recognition and Settlement Agreements apply to public land and waters, with some exceptions. See: [Traditional Owner Settlement Act 2010 section of the DELWP website](#). This page includes a summary of the interaction with the *Native Title Act 1993 (Cth)* and a link to details of [Current Agreements with Traditional Owners](#).

3.6 Treaty (or treaties)

A treaty is an agreement between states, nations or governments. This can include an agreement between Indigenous peoples and governments. The Victorian Government is working toward a treaty or treaties with Aboriginal Victorians. The [treaty section of the First Peoples – State Relations website](#) explains that:

- “There is no set form for what a treaty with First Peoples should contain. Each treaty is shaped by the history between the parties and the social and political context in which it is made. In Victoria, there could be one statewide treaty or multiple treaties with individual Aboriginal groups.”

The [Truth and Justice section of the First Peoples – State Relations website](#) explains that:

- “In working towards treaty, the Victorian Government is committed to acknowledging the truth of Victoria’s history and laying the foundations for new, positive relationships between the State, Aboriginal Victorians and non-Aboriginal Victorians, which all Victorians can benefit from.”

The Victorian Government has established the [Yoo-rook Justice Commission](#) as the nation’s first truth-telling process. Yoo-rook is the Wemba Wemba / Wamba Wamba word for truth.

The Yoo-rook Justice Commission is investigating both historical and ongoing injustices committed against Aboriginal Victorians since colonisation by the State and non-State entities, across all areas of social, political and economic life. In doing so, the Commission is engaging Victoria’s First Peoples and non-Aboriginal community to achieve its aims of truth telling and truth listening, with a final report due in June 2024.

3.7 The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides for the protection of Aboriginal cultural heritage in Victoria. It covers all types of land tenures, including Crown land.

For further details, see the [Aboriginal heritage legislation section of the First Peoples – State Relations website](#). This page includes a link to the Victorian Aboriginal Heritage Register, a register of Aboriginal places and objects.

3.8 Victorian Aboriginal Heritage Register

Many thousands of Aboriginal objects and places have been recorded on the Victorian Aboriginal Heritage Register. For advice on accessing the Register, consult the [Victorian Aboriginal Heritage Register page on the First Nations – State Relations website](#).

Much of Victoria’s landscape has not been surveyed for Aboriginal cultural heritage and as such, Aboriginal heritage places may be present that do not appear on the Register. Through contact with local Traditional Owners, committees of management should seek information about cultural heritage sites on the reserves they manage that may not yet have been included on the Register.

Before proceeding with any development work or other activities that disturb the ground or vegetation in a way that could impact on Aboriginal cultural heritage, committees of management must ensure that any approvals required under the *Aboriginal Heritage Act 2006* and Aboriginal Heritage Regulations 2018 have been obtained.

For details, see: [First Nations – State Relations website pages on Cultural heritage management plans, permits, agreements and tests](#).

3.9 Recognition and Settlement Agreements

A Recognition and Settlement Agreement (RSA) under the *Traditional Owner Settlement Act 2010* can include:

- Land Agreement – formalises the handing back of parks and reserves of significance to the Traditional Owner group to be jointly managed with the State.
- Land Use Activity Agreement – provides a simplified regime to guide consultation and negotiation with Traditional Owners for activities that have a substantial impact on Traditional Owner rights in public land within the agreement area.
- Natural Resource Agreement – provides for access to, and sustainable use of, natural resources and Traditional Owner participation.

For further information, see the links outlined above in 3.5, including:

- The [Traditional Owner Settlement Act 2010](#) section of the [DELWP website](#). This page includes a summary of the interaction with the *Native Title Act 1993 (Cth)* and a link to details of [Current Agreements with Traditional Owners](#).
- Another DELWP page summarises all [jointly managed land](#) through the agreements.

3.10 Further information

- To learn about Aboriginal cultural heritage and explore working together on any land management requirements for Crown land reserves, all committees of management are encouraged to be in contact with their local/regional Traditional Owner group(s). For links to contact details of Victoria's formally recognised Traditional Owner groups, see: [A map of formally recognised Traditional Owners](#) available through the [Welcome to Country and Acknowledgement of Traditional Owners](#) section of the [First Nations – State Relations website](#).
- In addition to knowledge and understanding gained through communication with local/regional Aboriginal communities, committees can seek further information and advice from [First peoples – State Relations](#) on 1800 762 003.
- In relation to Traditional Owner rights under the Native Title Act or the [Traditional Owners Settlement Act](#), when required, such as with processes for developing the reserve, or the consideration of a lease or licence, staff from [DELWP regional offices](#) are available to provide information and assist with any procedural rights assessment required.

4. Standards of conduct and required policies

4.1 Required policies and procedures

In addition to abiding by the Code of Conduct for Directors of Victorian Public Entities (see Chapter 2 Committee responsibilities) your committee is required to have policies and procedures on:

- Gifts, benefits and hospitality
- Conflict of Interest
- Meetings and decisions
- Dispute resolution

For each of these, the [committees of management section of the DELWP website](#) provides a model policy to assist committees. These model policies can be adopted in full or adapted to suit committee preferences.

Appendix B provides further information about circumstances in which an individual committee member or a whole committee may be removed for misconduct, unsatisfactory performance or other reasons. Appendix B and Chapter 14 also provide information about avenues to report possibly corrupt conduct.

4.2 Gifts, benefits and hospitality

Management of any offers of gifts, benefits and hospitality is a practical demonstration of integrity, impartiality and accountability. It allows the community and government to be confident that committee decisions are made free of favouritism, influence and conflicts of interest.

All committees of management are required to adopt and implement a Gifts, benefits and hospitality policy, including a Register of gifts, benefits and hospitality.

The following is an edited extract of the [model policy on Gifts, benefits and hospitality published on the committees of management section of the DELWP website](#). The model policy includes a sample Register of gifts, benefits and hospitality. The model policy can be adopted in full or adapted to suit specific committee preferences.

Regarding offers of gifts, benefits or hospitality, committee members and other organisational participants:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money.
 - give rise to an actual, potential or perceived conflict of interest.
 - may adversely affect their standing as a committee of management member or organisational participant, or which may bring our organisation or the public sector into disrepute; or
 - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefit and hospitality (whether accepted or declined) on our committee's Register of gifts, benefits and hospitality, and seek written approval from the committee or other organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and ensure all inducements and bribery attempts are reported to our organisation's governing body, the Committee of Management (and the Committee will report any criminal or corrupt conduct to Victoria Police and/or the Independent Broad-based Anti-corruption Commission).

In considering the provision of gifts, benefits and hospitality, committee members and other organisational participants will:

5. Ensure that any gift, benefit and hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities.

4.3 Conflict of interest

There is nothing unusual or necessarily wrong in a committee member having a conflict of interest. It is crucial, however, that all conflicts of interest are managed to protect the public interest. If not managed appropriately, conflicts of interest can undermine confidence in public sector organisations.

All committees of management are required to adopt and implement a conflict of interest policy, including the maintenance of a Register of interests, which provides details of the 'direct' and 'indirect' interests of each member that may give rise to a conflict of interest.

The following is an edited extract from the model Conflict of interest policy published on the committees of management section of the DELWP website. The model policy can be adopted in full or adapted to suit committee preferences.

A conflict of interest is a conflict between a committee member's:

- Public duty to act in the best interests of the organisation; and
- Their private interests.

A conflict of duty (also known as a conflict of role) is a type of conflict of interest that can occur even if a board member does not have any private interest at stake. It is a conflict between a board member's:

- Public duty to act in the best interests of the organisation; and
- Their duty to another public sector or private organisation. It exists due to the board member's role with the other organisation (e.g. as a committee member, employee, volunteer, or organisation member).

A conflict of interest exists whether it is:

- Real – it currently exists;
- Potential – it may arise, given the circumstances; or
- Perceived – members of the public could reasonably form the view that a conflict exists, or could arise, that may improperly influence a committee member's performance of their duty to the organisation, now or in the future.

A private interest can be direct or indirect. A direct interest is held by the committee member. An indirect interest is held by a relative or close associate of the committee member, for example:

- An immediate family member (e.g. spouse, partner, child, parent, sibling);
- A regular household member (i.e. someone who normally resides with the board member); or
- Another close associate (e.g. friend, relative, business associate).

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.

The 'options for managing' section of the Conflict of interest model policy includes the following:

Depending on the conflict, options include:

1. Remove – the committee member leaves the room and does not participate at all in the 'conflicted' matter.
2. Record – details of the conflict of interest are recorded in the minutes.
3. Restrict – the committee member's involvement in discussion and/or decision-making on the matter is restricted to the extent that matches the public interest.
4. Recruit – an impartial third party is engaged to provide advice (e.g. a DELWP staff member or independent probity advisor).
5. Relinquish or resign – the committee member relinquishes their private interest or steps down from a role with another organisation on a temporary or permanent basis. Alternatively, the committee member resigns from the committee.

4.4 Meetings and decisions

All committees of management are required to adopt and implement a Meetings and decisions policy that sets out how committee meetings and decision-making are conducted, including the importance of meeting minutes to formally record decisions.

The following is an edited extract from the [model Meetings and decisions policy published on the committees of management section of the DELWP website](#). The model policy can be adopted in full or adapted to suit committee preferences.

- Each member balances respect for the expertise of others with their own duty to speak up, ask questions, and ensure that the correct decision is made.
- Prior to a decision being made, there will be an appropriate opportunity for each member present to ask questions, express ideas, and offer opinions.
- Members are required to treat one another with courtesy and respect during this process (and at all other times in their role as a committee member).
- The committee completes a record of each meeting in the form of 'meeting minutes.' The minutes include a record of all decisions. This includes sufficient noting of financial decisions to enable any audit of financial transactions to include a clear record of committee decision-making regarding financial management matters.
- In line with our committee's policy on conflict of interest, our meetings are structured to provide an opportunity for all members to (1) update details of the committee's Register of Interests (2) declare any conflict of interest, or potential conflict of interest, regarding any items on the meeting agenda.
- In line with our committee's policy on Gifts, benefits and hospitality, our meetings are structured to provide an opportunity for all members to (1) consider any current issues relating to gifts, benefits or hospitality that require a committee decision, and (2) update details of the committee's Register of gifts, benefits and hospitality.
- In line with our committee's Dispute resolution policy, through normal meeting processes, our committee will seek to prevent disputes from occurring. We will work together to resolve disputes on an informal basis wherever possible.

4.5 Dispute resolution

Normal differences of opinion that may occur in the context of all members taking a considered, courteous and constructive approach to decision-making are not disputes.

A dispute exists if:

- Two or more committee members have difficulty working together and the situation is unduly affecting the ability of some or all of the committee to perform their duties in an effective and efficient manner.

All committees of management are required to adopt a Dispute resolution policy. The [committees of management section of the DELWP website](#) includes a model Dispute resolution policy to assist committees. The model policy can be adopted in full or adapted to suit committee preferences.

As outlined in the ['Quick Guide to the Code of Conduct for Directors of Victorian Public Entities' published on the committees of management section of the DELWP website](#), committee members are required to:

- Act in good faith in the best interests of the public entity/committee of management and;
- Make a reasonable, thorough and conscientious effort to resolve disputes.

For disputes that cannot be resolved through normal committee meeting processes, the model policy outlines the steps for a committee to initiate a formal mediation process.

4.6 Other policy and procedure requirements

In other chapters, these guidelines refer to a range of other important policies and procedures, including: Proper use of information (14.2); Record keeping (14.3); Privacy and data collection (14.4).

5. Financial management

5.1 A whole of committee responsibility

Generating income and managing expenditure is a constant challenge for many committees of management.

Through news bulletins and other information published on the [committees of management section of the DELWP website](#), DELWP is keen to ensure that committees have access to information about relevant funding and grant opportunities.

This chapter of the Guidelines focuses the financial responsibilities of committees and committee members.

- A committee's financial management is the responsibility of the whole committee and every committee member, not just the Treasurer.
- Consistent with the Code of Conduct for Directors of Victorian Public Entities (see Chapter 2 Committee responsibilities) all committee members are expected to act in a financially responsible manner, exercising care in relation to public funds and assets and actively monitoring the committee's financial accounts.
- Committees are responsible for all reserve maintenance and general administration costs, including electricity and water usage.

5.2 Legislation governing financial accountability

The [Crown Land \(Reserves\) Act 1978](#) includes various references to the financial accountability requirements of committees. Section 15(8) details that a committee of management shall:

- Keep a full and particular account of all sums of moneys received and expended by it.
- Furnish annually to DELWP a statement of its receipts and expenditure and of the balance in hand.
- If requested by DELWP furnish particulars of any or all of its receipts and expenditure.
- Keep such accounting and other records as may be required by DELWP to sufficiently explain the transactions and financial position of the committee.

5.3 Annual Return: A compulsory legal requirement

In line with the legislated requirements regarding your committee's financial accountability, the Annual Return is a legal requirement for all committees.

It includes:

- A summary of financial details for committee of management operations for the financial year 1 July to 30 June and details of all bank balances as of 30 June.

Each year DELWP will send notification to your committee specifying the requirements of the Annual Return, including content and the deadline for submission. Summary information about the Annual Return is published on the [committees of management section of the DELWP website](#).

The preferred method for submitting the Annual Return is through the [Crown Land Kiosk](#) (see also 1.6 above). Committees should ensure that the financial details and other input to the Annual Return is noted and approved by the committee before it is submitted, with this approval noted in committee minutes.

5.4 Day-to-day financial management system

There is a variety of options committees may choose for a day-to-day financial management system to organise, monitor and report on financial transactions. Some may choose to use commercially available financial software, which usually includes built-in features for certain DELWP requirements such as bank reconciliations and an assets register (see further below).

For committees without the current capacity to use commercial financial software, DELWP has designed an Excel Spreadsheet that can be used by committees for financial management. Committee members will require basic skills in using Microsoft Excel to make best use of it.

- A copy of the “*Day-to-day-financial-management-example-Excel-file-proforma-for committees-of-management-of-Crown-land-reserves.xlsx*” can be downloaded from the Good Governance Fact Sheets and model policies area of the committees of management section of the DELWP website.

Note: The Excel proforma includes capacity to do bank reconciliations and an assets register (see 5.9 below). It can also be tailored to assist in preparation of your committee’s Annual Return (see 5.3 above).

5.5 The basics of good financial management

The basics of good financial management for committees includes:

- Segregation of duties.
- Regular bank reconciliations.
- Maintaining auditable financial records (including all key financial decisions recorded in meeting minutes).
- A register of assets.
- Implementation of financial policies and procedures, including gifts, benefits and hospitality.

5.6 Segregation of duties

The principle of Segregation of duties (sometimes known as Separation of duties) is based on:

- Shared responsibilities of a key process that disperses the critical functions of that process to more than one person.

In relation to committee finances, the Segregation of duties principle translates into the idea that more than one person should be responsible for the chain of financial management processes.

Example: Segregation of duties in receiving, authorising and paying an invoice.

- If only one person from a committee is involved in the chain of receiving, authorising and paying an invoice, this would not meet the expected standards for Segregation of duties. Expected practice would involve clear policy on who is delegated with authority to authorise payment of the invoice, and then at least one other committee member involved in the chain to oversee the actual payment.

In the era when payments by cheque were common, it was always assumed that committees would have two people to sign each cheque. The same principal applies to electronic payments. At least two people should be involved in the chain of approval and payment, mirroring the two signatures on a cheque.

As part of this process, it is important to ensure that:

- All aspects of the invoice are legitimate, appropriately authorised and payable.
- There is oversight and capacity to track that the payment is made to the destination indicated on the invoice.

Note: Some frauds occur when people pay the invoiced amount to a different account than is indicated on the invoice. This would be the equivalent of a cheque written out to a person/organisation other than what is on the invoice. For a cheque, it would be routine to ensure it is made out to the correct person/organisation. Likewise, a blank cheque should never be signed on the assumption that another committee member will complete it. For electronic payments, committees need to ensure there is the same attention to detail in the approach to a ‘two-person’ checking of all payments.

5.7 Regular bank reconciliations

Bank reconciliation is the process of matching the balances in an entity’s accounting records to the corresponding information on a bank statement.

- For example: A committee starts the month with \$2,000 in the bank and during the month the accounting system records total income of \$500 and expenditure of \$1,000. It would be expected there would be an accounting deficit of \$500 for the month and the bank account would reduce correspondingly by \$500 to \$1,500. If the bank account does indeed have a \$1,500 balance, then the accounts are reconciled – the accounting records and the bank statements match up. But imagine if the bank account has a balance of \$1,400. There’s \$100 missing, the figures don’t reconcile. In that case, an investigation would be

required to explain the difference. Maybe \$100 in cash collected from a fundraiser had been included in the accounts but hasn't yet been banked, or perhaps the accounts mistakenly recorded \$200 income from a fundraiser when it was actually \$100. After the reasons for any discrepancies are identified and with appropriate oversight from committee members, the accounts would be corrected and the bank reconciliation completed.

Ideally Committees would do a bank reconciliation every month. At a minimum, it is expected that committees do a bank reconciliation every three months for the end of September, December, March and June. In keeping with the Segregation of duties principle (see 5.6 above) multiple committee members need to be involved in the bank reconciliation process, including at least two people who sight the actual bank balance (fraud can occur when a report is prepared using an incorrect figure for the bank balance).

Finance system software will usually have inbuilt mechanisms for bank reconciliations. These will automatically flag any imbalance. If you use a system that doesn't have an inbuilt bank reconciliation function, you will need to devise a process that ensures your bank reconciliations are done appropriately.

5.8 Maintaining auditable financial records

Many organisations, including large 'Category 1' Crown land reserve committees of management, are required to have their accounts audited by a professional auditor once per year (usually for the financial year ending 30 June). The auditor checks the accounts, and if all is in order, issues a formal statement along the lines of the accounting records being "true and correct."

Voluntary Crown land reserve committees of management incorporated through the Crown Land Reserves Act are not required to have financial accounts audited every year. However, in line with the legislated expectations regarding financial accountability outlined in 5.2 above, DELWP requires all committee accounts to be 'fit for auditing' at any time.

This includes:

- ☐ Invoices for all payments and records of the authorised approval to make those payments, including any relevant minutes of committee meetings.
- ☐ Records of all income, including copies of any receipts issued.
- ☐ Bank statements.

While the financial statements included with the Annual Return (see 5.3 above) are not required to be audited, it is suggested that finances are organised with a view that if your committee was chosen for an audit, this could be done efficiently and with easy access to all the required evidence an auditor might seek. This includes all key financial decisions being recorded in meeting minutes, with the minutes available for inspection during any audit process.

5.9 Assets Register

It is expected that all committees maintain a register of assets. An accurate and up-to-date assets register has a range of benefits, including for insurance and transparency associated with the disposal of assets, be it by sale or an asset reaching the end of its useful life.

The nature of the assets register a committee should keep depends on whether financial accounts are done with 'accrual' or 'cash' accounting. While some larger organisations are required to use accrual accounting, committees of management are free to choose the method most suited to their operations. Most voluntary committees of management use cash accounting.

- Accrual accounting involves the preparation of a Balance Sheet that summarises the value of different types of assets and changes in the value of assets over time. This requires tracking of changes in the value of each asset. For example, a desk-top computer bought for \$1,600 might be deemed to be worth \$1,200 a year later. The difference, \$400, would be recorded as "Depreciation" in an assets register used for accrual accounting. The new value of the asset would be counted as part of the Balance Sheet and the amount of Depreciation recorded in the Depreciation line item of the Income/Expenditure Statement.
- For 'cash' accounting, a formal Balance Sheet is not required. The full value of any assets purchased (or sold) are included in the Income/Expenditure Statement. Therefore, it is not required to precisely

calculate “Depreciation” by tracking changes in asset values over time. However, committees using cash accounting should keep an asset register with details of all purchases and sales/disposal of assets. In addition, it is highly recommended that committees keep a reliable estimate of changes in the value of assets over time. This helps in situations where a committee needs to consider the potential sale or disposal of an asset.

Asset sale example. Benefits of having an Assets Register

A committee buys two lap-top computers for use by volunteers. After a year or so, it is clear the volunteer team only needs one computer. A volunteer expresses interest in buying the other computer. Amongst the issues for consideration by the committee, it would be a helpful starting point if an up-to-date asset register exists with clear details of purchase date, purchase price and agreed current value.

There is no standard format for asset registers, although all asset registers contain similar information. Commercial finance system software will usually include an asset register format.

Committees wishing to keep additional asset information may prefer to use formats available in commercial finance software or various formats that can be developed within common software platforms such as Microsoft Excel.

An example of what a very basic assets register may look like is included as part of the *“Day-to-day-financial-management-example-Excel-file-proforma-for committees-of-management-of-Crown-land-reserves”* discussed above under 5.4. This file can be downloaded from the [Good Governance Fact Sheets and model policies area of the committees of management section of the DELWP website](#). The asset register is also available as a separate file from the same location.

There is some discretion regarding the range of assets to include in an asset register. For both ‘accrual’ and ‘cash’ accounting asset registers, any asset with a purchase price of \$1,000 or more must be included. It is recommended committees consider including assets of lesser value, for example, garden equipment, vacuum cleaner etc. Depending on insurance arrangements, having an up-to-date asset register can be helpful for any property related insurance claims the committee may need to make (see also Chapter 9 Insurance).

Note: For Committees overseeing land with saleable water assets, the details of these water assets should be clearly noted in the assets register. The valuation and sale of water can be a complex process, particularly if a sale involves combining the Crown land reserve water in a sale with water owned by others. Any committees contemplating the sale of water should seek advice from DELWP.

The value of the land of Crown land reserves is not required to be included in your assets register. The value of any buildings on the land should be included, along with separate listings for any key assets associated with the building, for example, air conditioners or solar panels. DELWP staff can assist with advice regarding how to value assets for the purpose of the assets register. Any additional special features of the building, for example, leadlight windows, should be noted in the register. Photos of key assets can be useful to complement your written asset register, along with copies of original invoices/receipts and any relevant identifying details.

5.10 Income and expenditure governed by purpose

Committees can receive income from a range of sources, such as grants, leases, licences, hire of facilities, fundraising activities and donations.

It is a legal requirement that any money your committee receives must only be spent on the management of the reserve(s) you manage and:

- Consistent with the purposes for which the land is reserved (see Chapter 2, Committee responsibilities).
- Consistent with the powers of the committee.

For example, your committee must not spend revenue received from the reserve to sponsor a person who is raising funds for an unrelated charity.

Also, any revenue that your committee receives for a specific purpose (for example a funding grant with a specific purpose) can only be used for the purpose for which it is received.

Committees are not required to spend all their revenue in the year it is received. The carrying forward of funds is acceptable as part of the normal process of planning for future reserve operations.

However, committees should not carry excessive funds for no foreseeable purpose. Crown land reserves are a public asset and funds should be deployed to maintain and enhance the reserves for public benefit.

5.11 Local government rates and the Fire Services Property Levy

Under the *Local Government Act 1989*, Crown land used exclusively for public purposes is usually non-rateable. This exempts most committees from local government (Council/Shire) rates charges. 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.

Leases and local government rates

- Areas that are leased are subject to council rates.
- However, depending on the purpose and extent of public access, land that is licensed may not be subject to council rates.
- The tenant/lessee or licensee is responsible for payment if leased or licensed land becomes subject to local government rates. Committees should specify this in lease or licence documents. See Chapter 8 Leases and licences, for further details.

The Fire Services Property Levy helps fund the services provided by Fire Rescue Victoria and the Country Fire Authority. This levy is collected by local government (Councils/Shires).

Under the *Fire Services Property Levy Act 2012*, Crown land which is not leased or licensed is exempt from the Fire Services Property Levy. This means your committee is not required to pay the levy.

However, if the committee leases or licenses the reserve or part of the reserve, the tenant/lessee or licensee may become liable for the levy. See Chapter 8 Leases and licences for further details.

5.12 Land Tax

Crown land reserve committees of management are exempt from Land Tax. However, Land Tax requires consideration in relation to leases of Crown land.

Where Crown land is leased, the tenant/lessee becomes (in the language of Land Tax legislation) the deemed 'owner' of the land and thus potentially liable for Land Tax. See Chapter 8 Leases and licences for further details.

5.13 Australian Business Number (ABN)

All committees should have an Australian Business Number (ABN).

An ABN is required for certain financial transactions, including any related to the Goods and Service Tax (GST) and other Australian Taxation Office (ATO) matters.

Checking your committee's ABN through 'ABN Look-up'.

Often grant providers will require your committee's ABN before grant payments are made.

ABN details can be checked through the ['ABN Look-up' section of the Australian Government's Australian Business Register](#).

5.14 Goods and Services Tax (GST)

Australia's Goods and Services Tax (GST) was introduced in 2000.

It is a 10 percent sales tax levied by the Australian Government on certain products and services. A limited number of items are 'GST free' including fresh fruit and vegetables. Staff wages are also GST free.

Most, but not all, business and organisations are required to register with the Australian Taxation Office (ATO) for GST and undertake regular reporting and reconciliation of GST paid and received.

Is your committee required to register with the Australian Taxation Office (ATO) for GST?

Small organisations (up to a certain level of annual turnover) are not required to register for GST. At the time of writing these Guidelines, the threshold was \$150,000 (using the ATO definition of 'GST turnover') for not-for-profit (NFP) organisations and \$75,000 for other businesses. For ATO GST purposes, the NFP threshold applies to Crown land reserve committees of management.

So, if your committee's annual turnover is above the ATO's GST registration threshold, you must register for GST.

If your committee's turnover is below the ATO's GST registration threshold, registration for GST is optional.

- See the [ATO website information on Registering for GST for not-for-profit organisations](#) which includes a section on Working out your GST turnover.

Note: Organisations below the GST registration threshold may still choose to register for GST. See more below regarding circumstances where a small organisation may see benefits in voluntary registration.

GST administration for organisations can seem complex and confusing for people unfamiliar with the processes for collecting, paying and reconciling the GST through the ATO.

The ATO website includes a range of useful information on the GST, including:

- [Specific ATO GST related information for not-for-profit \(NFP\) organisations](#)

This includes information on:

- [When to charge GST, When to claim GST and Annual GST returns](#)
- [GST Concessions for not-for-profit organisations](#)
- [GST and grants and sponsorship](#)

Another source of useful information on the GST is:

- [The Justice Connect Not-for-profit Law website section on the GST](#)

Note: The area of GST Concessions for not-for-profit organisations is complex, with different classifications of NFPs leading to different eligibility for some of the concessions.

Examples of the GST in action for small organisations

Organisation receives a refund of \$5,000 from the ATO for GST after GST reporting/reconciliation

- A small organisation with approximately \$55,000 income/expenditure decides to voluntarily register with the ATO for GST. Their total \$55,000 income comes from community donations and these are GST Free. Their \$55,000 expenditure is a mixture of hiring contractors and goods and equipment for which they pay GST (\$50,000 plus 10% GST of \$5,000 = \$55,000). They will be able to claim and receive a refund of the full \$5,000 they have paid in GST.

Organisation is required to pay the ATO \$13,000 for GST after GST reporting/reconciliation

- An organisation with approximately \$220,000 income/expenditure is required by law to register with the ATO for GST. Their \$220,000 income comes from a mixture of grants, fees and services provided for which GST is included when paid to the organisation (Income is \$200,000 plus \$20,000 from GST = \$220,000). Expenditure is \$143,000 on staff wages (no GST) and \$77,000 on goods and services for which they pay GST (non-staff expenditure is \$70,000 plus \$7,000 GST = \$77,000). When the organisation reports/reconciles the GST, they will owe the ATO \$13,000 (the \$20,000 GST received with income subtract the \$7,000 'input tax credit' claimed for the \$7,000 GST paid).

5.15 Borrowing money

If your committee is incorporated under the *Crown Land (Reserves) Act 1978*, it has the power to borrow and invest money provided approval is gained from the Victorian Treasurer. Approval is not given automatically and may be subject to terms, conditions and limitations. Requests for loans are rare as the fixed assets on the reserve cannot be borrowed against. For details on how to seek the Treasurer's approval, contact the regional DELWP Land and Built Environment Team in your part of the state.

6. Risk management and organisational planning

6.1 Risk management, planning and achieving committee goals for the reserve

Risk management and organisational planning are presented together in this chapter. They are closely related and integrated processes.

Risk management is:

- Identifying things that might get in the way of your committee achieving what you want to achieve for the Crown land reserve(s) you manage.
- Taking action to address the issues identified.

Organisation planning involves identifying:

- What your committee wants to achieve for the reserve(s).
- How it is going to be achieved.
- When it is going to be achieved (timelines).

6.2 Legislative requirement to report 'major risks'

As a public entity, it is a legal requirement of the *Public Administration Act 2004* for committees of management to:

- Inform the Minister responsible for the public entity and the relevant Department Head (DELWP as delegate) of known major risks to the effective operation of the entity and of the risk management systems that it has in place to address those risks.

There is no set definition of what constitutes a 'known major risk.' There is also no mandated format for a committee's 'risk management system.' This provides your committee with the capacity to design and implement an approach to risk management that reflects the size and complexity of the reserve(s) you manage. Risk management does not have to be complicated.

6.3 Risk management and your committee

In one way or another, committees have always done risk management (even if it has never been written down as a formal risk management plan). Done well, risk management can be a positive process. It can help committees clarify decisions and actions.

The following process could assist your committee to complete a risk management plan.

1. Ask the key risk management questions:

- What can go wrong with the committee and the operations of the Crown land reserve(s)? You don't have to think about everything that might go wrong. Focus on the major risks – the things that worry you most in the real world of your committee's operations and the Crown land reserve(s) your committee manages.
- How likely is it to go wrong?
- What will be the consequences if it goes wrong, that is, how serious would it be?
- What will we do to mitigate or prevent it?

2. Document the answers in an appropriate Risk Management Plan

- See [template for a one-page Risk Management Plan as part of the Risk Management Fact Sheet published on the committees of management section of the DELWP website](#).
- Also, [other risk management planning resources published by the Victorian Public Sector Commission](#).

3. Provide the Risk Management Plan to DELWP (ideally upload to the [Crown Land Kiosk](#)).

4. Review and update your Risk Management Plan at least annually.

- While highly recommended, DELWP does not make it mandatory for all committees to have a written risk management plan.
- However, your committee must comply with the legislative requirement to report 'known major risks' to DELWP.
- Having a risk management plan and providing it to DELWP will assist your committee to meet risk management obligations.
- In circumstances where new major risks emerge suddenly (for example, discovery of dangerous trees) please ensure you contact DELWP to report the issue/risk as soon as possible.

6.4 Organisational planning for the future

There is no 'right way' to do organisational planning for the future.

Apart from some coastal committees subject to the *Marine and Coastal Act 2018* (see below) there is no mandated requirement for committees to complete a written organisational plan in a particular format. However, it is recommended that committees consider the benefits of having a written organisational plan.

All committee members bring experience in organisational planning, be it from running a household, a small business or involvement in other organisations. All committees will have done 'planning' in the past, even if this planning was never written down in the form of an official organisational plan.

As noted above, planning involves identifying:

- What your committee is wanting to achieve for the reserve(s).
- How it is going to be achieved.
- When it is going to be achieved (timelines).

A written organisational plan does not need to be long and complicated:

- It can be as simple as the "Plan on a page" template published in the model policies section of the DELWP committees of management website.
- There are various other sources of planning advice for community-based groups, including Our Community and Volunteering Victoria.

Ideally any written plan will be easy to read and useful for the committee to reference at meetings as part of monitoring how reserve operations are going. Plans can be adapted to respond to changed circumstances.

The benefits of having a written organisational plan include:

- Clarity of decisions and action: A written plan can help clarify everybody's commitment to previous decisions and what needs to be done to implement them.
- New ideas: Developing a written plan is also a good opportunity for people to raise new ideas.
- Engaging the local community: Developing a plan can be a means of engaging with reserve users and the local community, generating interest and support for the future of the reserve.
- Grants: Funding bodies often request evidence of your committee's activities and priorities. An organisational plan can be a ready-made attachment to funding submissions, saving time and effort.

Often, the key elements of a plan are already in place through previous committee decisions.

In doing a written plan, the discipline of writing things down can help to clarify and gain agreement across the full committee about key tasks and priorities.

The planning process can add energy and enthusiasm for getting things done and achieving what the committee and the community wants to achieve for the reserve.

6.5 Coastal and marine management plans

With the passing of the *Marine and Coastal Act 2018* and the development of the Marine and Coastal Policy, the framework for organisational planning by coastal committees has evolved from the arrangements in place under the previous *Coastal Management Act 1995*.

Sections 56-64 of the Marine and Coastal Act provide some guidance on coastal and marine management plans for Crown land managers.

Coastal committees of management requiring additional details about requirements under the Marine and Coastal Act should contact DELWP.

A range of further information is available through the [Marine and Coasts section of the DELWP website](#).

6.6 Camping and caravan parks

The [Crown land caravan and camping section of the DELWP website](#) includes a range of information relevant to committees of management. This includes the 'Best Practice Guidelines for Committees of Management Managing Caravan and Camping Parks on Crown Land.' The Best Practice Guidelines include a Park Management Plan template.

7. Developing the reserve

7.1 Contacting DELWP for information and advice: Landowner's consent process

Any proposed new use or development must be consistent with the purpose for which the land is reserved (see also Chapter 2) and mindful of any impacts on existing activities undertaken at the reserve.

Committees considering any new use or development of the reserve – defined as extending, adding, altering, removing or otherwise changing an asset (built or natural) – should contact DELWP for information and advice at the earliest possible time to ensure that appropriate processes are followed, including any required permits and/or consents.

Failure to contact DELWP regarding development of the reserve can lead to serious and unnecessary complications, for example, disputes regarding lack of appropriate permits.

As the delegate of the responsible Minister (who is, in effect, the landowner) DELWP can advise on various requirements associated with the 'landowner's consent' process. For example, if a planning permit is required from your local government, the Shire/Council will usually ask for evidence of landowner consent/support from DELWP.

7.2 Day-to-day maintenance

The day-to-day maintenance of the reserve or its buildings and assets does not require landowner consent, although committees should be mindful of various requirements regarding Aboriginal cultural heritage and Traditional Owner rights (see below and Chapter 3), local government by-laws (see Chapter 13) and regulations regarding native vegetation clearing and protected flora controls (see below and Chapter 15).

7.3 Aboriginal cultural heritage and Traditional owner rights

For information about requirements of the *Aboriginal Heritage Act 2006* and other aspects of committee responsibilities regarding Aboriginal cultural history and Traditional owner rights, see Chapter 3.

As outlined in Chapter 3, in relation to Traditional Owner rights under the *Native Title Act 1993 (Cth)* or the *Traditional Owners Settlement Act 2010*, when required, such as with processes for developing the reserve, or the consideration of a lease or licence, staff from DELWP regional offices are available to provide information and assist with any procedural rights assessment required.

7.4 Marine and Coastal Act consents

For all Crown land on or within five kilometres of the coastal shoreline, use and development requires consent in accordance with the *Marine and Coastal Act 2018*. This requires an application to your DELWP regional office. Contact DELWP to obtain an application form and information about documentation that may be required to support the application.

7.5 Other land management matters, including native vegetation

Chapter 15 includes information on a range of land management matters that may be relevant to developing the reserve, including: Native vegetation clearing (15.3); Protected flora controls (15.4); Fencing (15.7).

Committees of management are not exempt from laws and associated permits and regulations governing native vegetation clearing and protected flora controls (see Chapter 15 for details).

7.6 Planning and building permits

For a summary of planning and building permits, see the [planning and building permits section of the Victorian Building Authority \(VBA\)](#).

- Planning permits give permission to develop or use land in a particular way. You may require a planning permit for a range of uses, works and developments, such as a new building or renovation of an existing

building. Local governments are responsible for issuing a planning permit. If you need a planning permit, it must be issued from your local council before you can obtain a building permit. For more information, see the [planning permits section of DELWP's planning website](#) which includes a link to a site where you can [find your local government's planning scheme details](#).

- Building permits are documents certifying that a proposed building complies with the relevant building regulations. A building permit is a written approval by a private or local government building surveyor. It allows the building work to be undertaken according to the approved plans, specifications and other relevant documentation. For more information see the links from the [planning and building permits section of the Victorian Building Authority \(VBA\)](#) to further information on “When is a building permit required?” and “How to apply for a building permit?”

7.7 Heritage significance and the *Heritage Act 2017*

Places of heritage significance to a locality may be protected by a heritage overlay in [your local government's planning scheme](#). If the reserve is covered by a heritage overlay, a planning permit may need to be obtained before any works or developments are undertaken. Contact the planning department of your local council for advice.

The *Heritage Act 2017* protects Victoria's significant cultural heritage. This can include: archaeological sites and artefacts; historic buildings, structures and precincts; gardens, trees and cemeteries; cultural landscapes; shipwrecks and artifacts; significant objects.

Your committee will need consent for a permit or permit exemption from Heritage Victoria before proceeding with a development if it may affect a site or heritage object. For further information, see the [Heritage Victoria website](#), which includes information on [Do I need a Heritage permit?](#)

7.8 Liquor or gaming facilities

If a proposed development includes the addition or expansion of liquor or gaming facilities, an appropriate licence is required. In addition to contacting DELWP to discuss the proposal, for further information, see the website of the [Victorian Commission for Gaming and Regulation](#).

8. Leases and licences

8.1 Committee powers to issue leases and licences

The Crown Land (Reserves) Act 1978 empowers your committee to issue leases and licences over the reserve if all legal and policy requirements are met, including:

- ‘Approval in Principle’ (AIP) from the Minister (or DELWP as Minister’s delegate) is obtained before negotiations begin.
- The lease or licence is consistent with the law and the principles in Leasing policy for Victorian Crown land published on the DELWP website.
- DELWP’s standard lease or licence template is used without alterations.
- Market value is charged unless an exemption applies, for example, for certain community uses.
- Approval from the Minister (or DELWP as Minister’s delegate) is obtained for the final signed lease/licence.

The above processes must be followed for all leases and licences. Verbal or ‘hand-shake’ arrangements for leases and licences are not valid.

8.2 Definitions: lease and licence

- **Lease:** A lease grants permission for exclusive use and possession of part, or all, of the reserve. It may include or exclude buildings. A lease is for a set period of time. The committee is the ‘landlord’ or ‘lessor’ and the organisation or person leasing the land is the ‘tenant’ or ‘lessee’. The tenant pays rent to the committee as landlord.
- **Licence:** A licence grants permission for non-exclusive use of part, or all, of the reserve. It may include or exclude buildings. A licence is for a set period of time, either continuous or intermittent. The committee is the ‘licensor’ and the organisation or person accepting the licence is the ‘licensee’. The licensee pays a fee for the licence. Where it will not interfere with the rights of an existing licence holder, more than one licence at a time may be granted over the same area (for example, several sporting clubs using a reserve’s oval at different times).

8.3 Leasing policy for Victorian Crown land

The Leasing policy for Victorian Crown land published on the DELWP website identifies three principles that must be followed when leasing Crown land.

- Principle 1 – To provide benefits to the public through leasing.
- Principle 2 – To ensure consistency and transparency in leasing.
- Principle 3 – To manage leased Crown land in an ecologically sustainable manner.

The detailed guidance provided in the leasing policy will be helpful for all committees involved in leasing and those seeking to enter into a lease.

8.4 Minister’s ‘Approval in Principle’

To ensure consistency and transparency in leasing and licencing processes, and to adhere to legislative requirements, a two-stage process applies to the granting of leases. First, all lease or licence proposals require the Approval in Principle (AIP) of the Minister (or DELWP as the Minister’s delegate) before a land manager agrees or commits to lease or licence Crown land. Second, all leases and licences require the Minister’s (or DELWP as delegate) approval of the terms and conditions of the lease or licence which must align with the reserve purpose (or not be detrimental to the reserve purpose) and conform to government policy and statutory requirements.

Lease allocation processes must be fair, open and impartial. For information about the precise requirements of the Approval in Principle process, contact the regional DELWP Land and Built Environment (LBE) team in your part of the state.

8.5 DELWP templates for leases and licences

- To assist committees, DELWP has developed standard lease and licence documents for use by all committees.
- The standard lease and licence documents must be used unless other documents are approved by DELWP. The lease or licence document must not be altered except to insert site-specific conditions into the schedules of the document.

The standard documents include a requirement for the tenant or licensee to take out public liability insurance that indemnifies the committee from any loss, damage or injury resulting from the tenant's or licensee's activities. Tenants and licensees are not covered by DELWP's public liability insurance (see further in Chapter 9 on Insurance).

To ensure you have the correct current lease and licence templates, contact the regional DELWP Land and Built Environment (LBE) team in your part of the state.

Your committee may begin contract negotiations for a lease or licence once Approval in Principle (see 8.4 above) has been received from the Minister (or DELWP as Minister's delegate). A draft copy of contract documents can be shared with the tenant/licensee.

8.6 Rental rates for leases and licences

In general, commercial use of Crown land, whether a lease or licence, attracts full market rates. These are determined by a valuation from a qualified valuer. However, there are circumstances where below market rates may be applied, such as when a community group occupies Crown land for community activities.

Contact the regional DELWP Land and Built Environment (LBE) in your part of the state for advice on the rental policy applicable to a particular lease or licence proposal, including specific considerations for retail leases.

8.7 Other lease considerations, including land tax

As outlined in the Leasing policy for Victorian Crown land published on the DELWP website tenants taking out a lease of Crown land may incur various expenses in addition to rent, including:

- land tax
- local government rates and permit application fees
- Fire Services Property Levy
- lease preparation, application and approval fees
- Insurance (see further details in Chapter 9 Insurance)
- utilities and other running expenses.

The nature of a tenant's responsibility for these and other potential additional expenses is included in the detail of DELWP's standard lease and licence templates. This includes reference to tenant/lessee responsibility to pay 'outgoings'.

Leases and Land Tax

- The applicability or otherwise of Land Tax payable by tenants for leases of Crown land is complex and may require a tenant to seek specific consideration from the Victorian State Revenue Office (SRO).
- While Crown land is generally exempt from Land Tax, where land is leased the tenant/lessee is the deemed 'owner' and thus potentially liable for Land Tax.
- However, there are various exemptions that apply to Crown land leases, including a specific 'Section 79' exemption for retail leases, and other exemptions that may apply to uses such as sporting, recreational or cultural activities, caravan parks and agricultural shows. For more information, see the Land tax exemptions section of the State Revenue Office website.

8.8 Length of lease and licence terms

Licences can be issued for up to a maximum of ten years. The [Leasing policy for Victorian Crown land published on the DELWP website](#) outlines that leases can be granted for up to a maximum of 21 years. In certain circumstances longer leases may be considered.

8.9 Improvements and alterations

If a tenant makes improvements with the necessary approvals (see also Chapter 7 Developing the reserve), these improvements become the property of the Victorian Government at the end of the lease unless there was a stipulation in the terms and conditions of the lease for the asset to be removed by the tenant.

8.10 DELWP check of final draft before approval

Your committee must provide the final draft lease/licence to DELWP for review. This will enable DELWP staff to check that the lease/licence terms and conditions are in line with the *Crown Land (Reserves) Act 1978* and with DELWP policy.

Once the proposed lease or licence has been checked and endorsed by DELWP your committee needs to:

- Arrange for all parties to execute the contract by signing and sealing the contract in triplicate.
- Forward the completed documents to DELWP for formal Ministerial or delegate approval.

Once approved, one copy is retained by DELWP and two copies are returned to the committee.

A copy of all leases and licences should be stored on the [Crown Land Kiosk](#) so they can be viewed and referred to when required by DELWP or committee members.

8.11 Tour Operator Licences

A person or business who conducts an organised tour or recreational activity for profit on Crown land is required to hold a tour operator licence. Where a licence-holder engages a third party to deliver some or all of the licensed activities, third parties must also hold a tour operator licence.

Organisations that provide a service solely to their members (for example a bushwalking club) and who do not receive a financial reward over their direct costs do not require a tour operator licence.

For further details see the [DELWP website section on Tour Operators: Commercial tour operator requirements on Crown land](#).

9. Insurance

9.1 DELWP's insurance covers some but not all committee insurance requirements

Through an arrangement with the Victorian Managed Insurance Agency (VMIA), DELWP takes out the following types of insurance that can be accessed by voluntary committees of management:

- Public and products liability
- Professional indemnity
- Group personal accident (volunteer cover)

Insurance	Description	Example
Public and product liability	Provides insurance cover to your committee if a claim is made against it for personal injury or property damage to a third party, for example, a member of the public.	A member of the public trips over a hazard on the reserve.
Professional Indemnity	Provides insurance cover to your committee if a claim is made against it for an act or omission that is a 'breach of professional duty'.	A committee advises a tenant that they will generate a certain level of income based on visitor numbers, but visitor numbers are well below those advised.
Group personal accident*	Provides insurance cover to volunteers (including committee members) who are injured while engaged in voluntary activities as authorised by your committee.	A volunteer is injured while assisting at an authorised fundraising activity for the committee.

* Note: As discussed in Chapter 10 Volunteers, to comply with Group personal accident insurance requirements, committees must maintain a 'timesheet' style record of volunteers' work, including volunteer name, date and the nature of the activity.

9.2 Insurance 'Certificates of Currency' and policy wording

At various times, for example when applying for certain funding grants, your committee may be asked to provide proof of insurance in the form of a 'Certificate of Currency.' The Certificates of Currency for all DELWP/VMIA insurances, along with policy wording, are available from the [committees of management section of the DELWP website](#).

9.3 Insurance requirements for lease/licence holders, contractors and casual hirers

The above DELWP/VMIA insurances do not cover the liabilities of contractors, lease or licence holders, or hirers of the reserve. Therefore, committees need to:

- Ensure that contractors have their own insurance before they carry out work on the reserve (see further in Chapter 11 Hiring contractors)
- Check that the public liability insurance required as a condition of the lease or licence holder's contract is sufficient, appropriate and current. Lease and licence holders are also responsible for any insurance to cover any of their property stored on reserve premises. See further in Chapter 8 Leases and licences.
- Check whether hirers of the reserve have adequate public liability insurance (Some committees take out a casual hirer's public liability policy to address situations where casual hirers do not have insurance, with the option to offset the cost of the insurance through the hiring fee).

Note: Sometimes there may be regular users of the reserve who may or may not qualify under the definition of 'casual' in a casual hirers policy. It is prudent to check that all regular reserve users are covered by appropriate insurance through either the committee's insurance or other insurance. Options for regular users may include formalising a new lease/licence arrangement, with insurance responsibilities then being clearly the responsibility of the user group (see further in Chapter 8 Leases and licences).

9.4 Other insurance for committees to consider

Other insurance needs, not provided by DELWP/VMIA, that committees may need to consider, include:

- Casual hirer's public liability insurance (as discussed in 9.3 above)
- Building and/or building contents insurance
- Directors and officer's insurance
- Fraud (fidelity) insurance
- Cyber security insurance
- Workers Compensation Insurance (see Chapter 12 Employees)

The DELWP/VMIA insurance does not include building insurance.

For committees managing a reserve with a building or buildings, these will be uninsured unless covered by special arrangements with local government (see 9.5 below) or insurance taken out by your committee of management.

9.5 Local governments and building insurance

As noted in Chapter 13 Local government, some Shires/Councils offer to include the buildings on Crown land reserves in their building insurance, thereby saving voluntary committees of management on the costs of building insurance. It is worth checking with your Shire/Council to see if there are any opportunities for them to assist with building insurance or other support for your committee.

9.6 Assessing insurance needs

Assessing additional insurance needs to be considered in the context of risk management (see Chapter 6 Risk management and organisational planning). Good risk management helps to minimise risk in the first place, thereby reducing the likelihood of needing to make an insurance claim.

When considering what additional insurance may be warranted for your committee, it is usually advisable to get multiple quotes and compare the specifics of what policies cover (and don't cover via exclusions) as well as cost (including premium and excess).

- In the end, insurance decisions involve committee considerations of the cost/benefit/risk equation of the insurance as it relates to assets/income and other circumstances of the reserve(s).
- For example, a committee with relatively low income/expenses and sound financial management practices (see also Chapter 5 Financial Management) may find that there is no cost/benefit in taking out fraud (fidelity) insurance.
- Likewise, cyber security insurance may not be a major area of concern for many committees.
- For committees managing a reserve with a building or buildings, there will need to be careful consideration of building insurance, including the value of any significant additions, for example, solar panels.
- The area of directors and officers insurance is complex and it can be difficult to assess the cost/benefits of this type of insurance for small non-profit groups. Any committees seeking further information on directors and officers insurance can contact the DELWP Insurance Team (see below) for further information.

In addition to advice that might be available to committees from insurance brokers (see for example the [using an insurance broker section of the understandinsurance.com.au website](https://www.understandinsurance.com.au)):

- The non-profit support agency [Our Community](https://www.ourcommunity.org.au) publishes information on insurance matters. At the time of writing these guidelines, a search of 'insurance' on the Our Community site leads to a useful article on ['What types of insurance does my organisation need?'](https://www.ourcommunity.org.au/what-types-of-insurance-does-my-organisation-need/)

9.7 DELWP Insurance Team for incident reporting and claims

DELWP has a specialist Insurance Team to assist with all matters relating to reporting and claims for the DELWP/VMIA insurance outlined in 9.1 above.

The DELWP insurance team will oversee any investigation process required, including liaison with people and organisations involved in the claim.

Any incidents that may involve claims should be immediately reported to the DELWP Insurance Team – Senior Insurance Officer:

- Email: risk.audit.insurance@delwp.vic.gov.au
- Phone the DELWP Customer Contact Centre on 136 186 and ask for the DELWP Senior Insurance Officer.
- Mail: Senior Insurance Officer, DELWP, PO Box 500, East Melbourne Vic 3002.

9.8 Suggestions for the incident response and reporting process

Claims can arise if a member of the public is injured or a person or organisation suffers damage to their property:

- while on your committee's reserve, or
- at an event held elsewhere that is organised by the committee.

Your committee may become aware of an incident from a variety of sources, including: an injured person or their legal or other representative; police, ambulance or emergency services; the media; or a committee member or employee/volunteer who observed the incident.

If a potential claimant, or their representative, reports an incident to the committee in person or by phone, in addition to dealing with any immediate medical or other support requirements:

- Record the following information:
 - the date and time of the report, who made it and how, for example, by phone.
 - the potential claimant's full name, address and other contact details.
 - the date and time of the incident.
 - any witnesses names, addresses and other contact details.
 - a description of the incident.
 - the nature and extent of the injury or property damage.
 - costs they are seeking to recover (if known)
 - later, if possible, take photographs of where the incident occurred.
- Advise the person that if they decide to submit a claim they need to do so in writing, for example by email.
- In what is standard advice from an industry insurance perspective, avoid making any admission of liability. The issues of legal liability can be complex and are best left to the insurance experts to assess. In some cases, an admission of liability can void an insurance policy. However, an apology couched the right way will not constitute an admission of liability. Either of the following phrases are ways of apologising without admitting liability:
 - "I am sorry this has happened."
 - "I know this has caused you concern/pain/difficulty."
- Also avoid remarking or commenting on the incident. Try and focus on gathering key facts.
- Other things to avoid:
 - 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 an 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 before receiving instructions from the DELWP Insurance Team.
- Notify the DELWP Insurance Team as soon as possible. See contact details above in 9.6. DELWP will advise the next steps to take.

If a potential claim is received in writing

- Do not reply to any letter or claim, contact the DELWP Insurance Team first
- Notify the DELWP Insurance Team as soon as possible (see 9.6 above).
- Provide all documents relating to the incident.
- DELWP will advise regarding next steps.

9.9 DELWP's management of incident investigation

Your 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 rests with another authority or person.

All incidents that are potential claims need to be investigated as soon as possible after they occur. The longer the time that elapses between the incident and the investigation the less likely that information will be available/accurate.

The incident notification form provided to your committee by DELWP will set out the information that needs to be gathered and recorded (it will be similar to the topics described in 9.7 above).

When new information or witnesses are found at any time after the incident, the DELWP Insurance Team should be notified as soon as possible (see contact details in 9.6 above).

9.10 Workplace insurance for injured or ill employees (WorkCover)

WorkCover insurance is a Victorian Government regulated system to cover employers for the cost of benefits if employees are injured or become ill because of their work. Information for committees about WorkCover insurance is provided in Chapter 12 Employees, including how to respond to a Worker's Injury Claim Form and WorkSafe Victoria's recommended action before your employee submits a claim.

Chapter 12 also outlines the obligations of all employers to notify WorkSafe immediately after becoming aware a 'notifiable incident' such as the death of a person or a person needing immediate treatment as an in-patient in a hospital.

9.11 Formal claims for compensation

Sometimes, in addition to the initial processes associated with insurance (or a WorkCover claim) an employee, volunteer or member of the public may make a formal claim for compensation relating to an incident or series of incidents.

This type of 'formal compensation' claim would usually be lodged in writing or by a writ (a formal legal document) or statement of claim.

If your committee receives a formal claim for compensation:

- Make a note of how the letter/writ/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 delivers the letter/writ/claim.
- Do not reply to any letter/writ/claim, contact the DELWP Insurance Team first.
- Immediately send the letter/writ/claim to the DELWP Insurance Team (see contact details in 9.6 above).
- DELWP will advise on next steps which in the first instance will include the completion of an incident report with names and contact details of witnesses and any notes or photos relating to the incident.

10. Volunteers

10.1 The range of volunteers involved with reserves

Victoria's 1,000+ committees of management of Crown land reserves rely on the goodwill and expertise of a wide range of volunteers, including members of committees of management.

Depending on the nature of the reserve(s) your committee manages, reserve operations may include volunteers doing various tasks. All committee of management members volunteer to take on the responsibilities of committee membership. As a committee member, you are involved in setting the policies and procedures governing the work that other volunteers do.

10.2 Volunteering Victoria resources

Volunteering Victoria is a statewide not-for-profit peak body for volunteers. They aim to assist organisations to lead, manage and support volunteers and promote the social, cultural, environmental and economic benefits of volunteering to individuals and communities.

The [Volunteering Victoria website](#) provides a range of [information and advice about volunteer policies, procedures and other resources](#), including a [Volunteer Management Toolkit](#).

The Toolkit is free to download and covers topics such as:

- Roles and recruitment.
- Screening.
- Orientation/Induction, including Occupational Health and Safety (OHS).
- Ongoing support.

The Toolkit also includes links to other resources and key documents such as the [National Standards for Volunteer Involvement](#) and a [National Volunteer Guide and other volunteer resources produced by Justice Connect NFP Law](#).

10.3 Guiding principles for supporting and managing volunteers

In summary, consistent with the National Standards for Volunteer Involvement, guiding principles for supporting and managing volunteers include:

- Volunteer involvement records are maintained (see further below).
- Volunteer involvement is planned and designed to contribute to the organisation's purpose, goals and objectives.
- Volunteer roles are clearly defined, documented and communicated.
- Screening processes are applied to volunteer roles to help maintain the safety and security of service users, employees, volunteers and the organisation (see further below).
- Volunteers are provided with orientation relevant to their role and responsibility.
- Processes are in place to protect the health and safety of volunteers in their capacity as volunteers (see further below).
- The organisation regularly acknowledges contributions made by volunteers.
- Opportunities are available for volunteers to provide feedback on the organisation's volunteer involvement and relevant areas of the organisation's work.

Through the Volunteer Management Toolkit and other resources, Volunteering Victoria provides additional detail on these and other topics.

10.4 Volunteer attendance register

As outlined in Chapter 9 Insurance, to ensure your committee complies with the requirements of the DELWP/VMIA personal accident insurance (for volunteers) your committee must maintain a 'timesheet' style record of volunteers' work.

Records should be kept of:

- Date, time and location of a volunteer's work.
- Summary description of work undertaken.

There is no set format for how this information must be recorded. The following example Volunteer Attendance Register is designed for multiple volunteers at the same location. It can be adapted to suit different circumstances. Some committees and volunteer teams may prefer to keep individual 'timesheet' style records, rather than one whole group register.

Date	Name	Time in	Time out	Event (if applicable)	Task(s) performed	Volunteer's signature
18/11/22	Jane Smith	10:30am	12:00pm	Monthly working bee	Weeding	
19/11/22	Renzo Subido	11:00am	1:00pm	History project	Research	

Note: There are privacy matters to consider in the structure and content of your committee's volunteer attendance register. For example, to comply with privacy laws, a volunteer's contact details, should be kept separately to any group register that is generally available to other volunteers.

10.5 Privacy and data protection for volunteers

When collecting, using and storing information about a volunteer, your committee must comply with the requirements of the *Privacy and Data Protection Act 2014*. This includes:

- Ensuring that information collected about volunteers is stored securely and protected from unauthorised access, alteration, use or disclosure.
- Providing volunteers with a privacy collection notice.

Chapter 14 Other governance matters provides further detail on privacy and data protection, including privacy collection notices. See also the privacy and data collection information available from the [website of Office of the Victorian Information Commissioner](#).

10.6 Volunteer recruitment and screening

Methods for recruiting volunteers will vary between committees, including processes for generating interest in nominating for the committee when it comes to committee appointment/reappointment (see also Appendix B).

These Guidelines don't attempt to outline a best practice approach to volunteer recruitment. As above, the various resources of [Volunteering Victoria](#) may be helpful. Social media may provide useful avenues for information provision and recruitment for some committees. Also of note is that some employment advertising businesses have specialist listings for volunteer opportunities, for example [SEEK Volunteer](#).

As outlined in 10.3 above, the National Standards for Volunteer Involvement includes an expectation that "screening processes are applied to volunteer roles to help maintain the safety and security of service users, employees, volunteers and the organisation."

As noted above in 10.2, the [Volunteering Victoria website](#) provides a range of [information and advice about volunteer policies, procedures and other resources](#), including a [Volunteer Management Toolkit](#). The Toolkit provides information about approaches to volunteer screening.

The nature of volunteer screening processes undertaken by committees of management will vary according to the nature of the reserve and the range of volunteer roles.

For reserves and volunteer roles that involve direct contact with children, committees should ensure they are informed about legal obligations and best practice regarding Child Safe Standards and Working with Children Checks.

Some, but not all, committees of management are required to meet a legislated set of Child Safe Standards. Further some, but not all, committees may be required to ensure that volunteers have a Working with Children Check.

The Child Safety Standards and Working with Children Check are discussed in more detail in Chapter 14 Other governance matters. This includes detailed guidance to help assess whether your committee is included in the definition of organisations required to meet the Child Safe Standards and issues to consider regarding Working with Children Checks for volunteers.

Key websites for further information are:

- [Commission for Children and Young People](#), including a section on [The Child Safe Standards](#).
- The [Victorian Government Working with Children Check website](#).

10.7 Occupational Health and Safety (OHS) for volunteers

Even if your committee does not have paid employees, it still has responsibilities under Victoria's main workplace health and safety law, the *Occupational Health and Safety Act 2004* (OHS Act).

The OHS Act outlines varied responsibilities for organisations defined as an employer and others that are not employers but are deemed to have “management or control of a workplace” (A Crown land reserve is considered to be a workplace irrespective of whether there are any buildings on the reserve).

For committees that are not employers, OHS duties/responsibilities include:

- To ensure that the workplace and the means of entering and leaving it are safe (including for volunteers, contractors, visitors, the public) (See Section 26 of the OHS Act).

Victoria's OHS regulator, [Worksafe Victoria](#), has a helpful volunteer related publication [Volunteer health and safety: A handbook for community service organisations](#). It notes:

- “Volunteers are legally entitled to a healthy and safe work environment. The best way to manage their health and safety is the same way you do for paid employees.”

The handbook covers topics including: consulting your volunteers; taking a systematic approach; thinking about the risks; information, instruction, training and supervision; emergency and first aid; supporting injured volunteers' return to work.

For major OHS risks, such as dangerous trees, the potential of asbestos and/or unsafe wiring in buildings, it is recommended you contact your DELWP regional office to explore assistance DELWP may be able to provide to address the issue.

Links for further Information include:

- [Occupational Health and Safety Laws \(Vic\), a guide for community organisations in Victoria](#) published by [Not-for-profit Law \(NFP Law\)](#) a program of [Justice Connect](#).

10.8 Reimbursement of volunteer expenses

Committees may choose to provide volunteers with reimbursement for expenses incurred in their volunteer role. However, if volunteers were to be reimbursed for more than their expenses, it would change the nature of the relationship (a committee-volunteer relationship would potentially become an employer-employee or contractor relationship).

In keeping with sound financial management practices (see also Chapter 5 Financial Management) it is required that receipts and other relevant records are kept regarding all volunteer reimbursements.

11. Hiring Contractors

11.1 Sole traders and small companies: contractor or employee?

When using a sole trader or small company to undertake work for your committee, it is important to understand the distinction between 'contractor' and 'employee'.

Sometimes organisations hire a person on the understanding they are a contractor when the law indicates they are in fact an employee. It is against the law for a business/organisation to incorrectly treat their employees as contractors. Implications for employees/contractors include tax, superannuation, workers compensation insurance and employee entitlements.

The determination of contractor or employee can involve a range of factors such as 'control and direction', 'power to delegate' and 'provision of tools and equipment'.

- For example, even if they had an ABN and supplied an invoice for payment, a gardener who works regular hours every fortnight under the direction of a committee member using tools supplied by the committee would be an employee not a contractor. However, a gardening company worker or workers who use their own tools to complete the same gardening tasks for an agreed fee by an agreed deadline would be a contractor.

The [Australian Taxation Office \(ATO\) website section employee or contractor](#) has a range of helpful information, including:

- An outline of [myths and facts about employees and contractors](#). For example, having an ABN makes no difference to whether a worker is an employee or contractor for a job. If the working arrangement is employment, an ABN will not make the worker a contractor. Likewise, just because payment is made via an invoice doesn't make the worker a contractor.
- A table outlining six of the factors that, taken together, determine the [difference between employees and contractors](#).
- An [employee/contractor decision tool](#).

Also:

- Worksafe Victoria provides a summary to help [understand if contractors are considered workers for WorkCover insurance purposes](#).
- The [Australian Taxation Office \(ATO\) website section on super for contractors](#) explains that if you pay sole-traders as contractors mainly for their labour, they may be considered employees for superannuation guarantee purposes and you may need to pay superannuation to a fund for them.

The remainder of this chapter is devoted to contractors, not employees, and assumes there are no income tax, superannuation or workers compensation requirements of the committee in relation to the contractor. Committee responsibilities for employees are discussed in Chapter 12.

11.2 A note of caution for 'unincorporated' committees

There are small number of committees of management that have never become formally 'incorporated' through the *Crown Land (Reserves) Act 1978* or other legislation.

- Being unincorporated raises serious risks for the members of committees who employ people or hire contractors.
- If something goes wrong, any legal action by an employee or contractor would likely involve action against one or more committee members. For incorporated committees any such action would generally be taken against the incorporated organisation. In law, the incorporated organisation is considered a legal 'person' thereby providing a layer of protection for individual committee members.

It is strongly recommended that all unincorporated committees contact DELWP to discuss the process for becoming incorporated under the *Crown Land (Reserves) Act 1978*. It is a relatively straightforward process.

11.3 Employees, contractors, volunteers and committee members

Over a period of time, a person might be involved as a general volunteer, committee member, employee and/or contractor. For example, following an appropriate selection process, a volunteer might be invited to apply to step up and take on a short-term employment role. Or a committee member may resign from the committee when they are in line to win a contract to undertake work for a committee.

As a general principle:

- Committees should always seek to ensure there is clarity regarding the roles and responsibilities of general volunteers, committee members, employees and/or contractors and clearly document any change to a person's role and any remuneration or contracting arrangements associated with the change. This should include dealing with any potential conflict of interest (see Chapter 4 Standards of conduct and required policies).

11.4 Variety of work done by contractors

The nature of work done by contractors will vary according to the type of reserve and work already undertaken by volunteers or employees.

The remuneration involved in contracts may vary significantly from very small one-off arrangements (for example, catering for an event) to regular work tasks (for example, outdoor maintenance) to large projects (for example, building a playground or other building works).

11.5 Procurement principles for hiring a contractor

The [goods and services supply policy section of Victorian Government's Buying for Victoria](#) website outlines that 'value for money' procurement should take into account:

- the total benefits and costs over the life of the goods, services or works procured.
- environmental, social and economic factors (for example this may include a preference to 'buy local' and support the local/regional economy).
- any risk related to the procurement.

Committees should also ensure that contracting arrangements are transparent, accountable, and consistent with good public sector governance (see also Chapter 2 Committee responsibilities and Chapter 4 Standards of conduct and required policies). For example, it is a conflict of interest for a committee member to apply for a contract with the committee. If a committee member intends to submit a quote or tender for a contract (or undertake any work for which they will be paid) this must be considered in accordance with the committee's Conflict of interest policy (see Chapter 4 Standards of conduct and required policies).

11.6 Setting financial criteria and decision-making authority for hiring contractors

For small contracts such as one-off catering for an event, it may not be relevant to consider obtaining written quotes. Likewise for items such as a stationery order, or emergency repairs, they may be only one major local supplier to choose from and if the price is not unreasonably high compared to using a supplier from another area, it may be reasonable to proceed based on the local supplier's best price.

However, for larger contracts, committees should assess the cost/time benefit of obtaining multiple verbal or written quotes and/or advertising the contract (sometimes referred to as a tender process).

It is recommended that committees set financial guidelines for contracting and purchasing, for example:

- Up to \$2,500 require at least one oral quote.
- From \$2,500 to \$25,000 require at least one written quote.
- Over \$25,000 but less than \$150,000 require at least three written quotes.
- Over \$150,000 require a public tender.

In addition to setting the financial range for use of different contracting/purchasing methods, committees should establish clear delegation of authority for decision-making at the different levels. For example, for decisions up to \$2,500, committees may choose to delegate authority to two people rather than the full committee. However, for contracts/purchasing over \$2,500 committees may decide that a full committee decision is required.

11.7 Writing contract specifications and signing contracts

Unlike leases and licences (where DELWP requires committees to use specific contract documents, see Chapter 8 Leases and licences) committees are not required to use a set template for documenting contract specifications.

Contract specifications should include a clear written statement of the work or service to be performed and the terms and conditions of the contract, including key milestones, expected completion date, and the agreed terms and schedule for payment. The contract specification can then be incorporated into a final signed contract with the successful contractor.

The [Goods and services contract templates on the Victorian Government's Buying for Victoria website](#) may provide some useful guidance for wording to be included in signed contracts, including issues such as warranties, insurance, intellectual property and dispute resolution. Committees are not required to use these templates and should seek to ensure that any final contract reflects the specific circumstances relevant to the work being undertaken.

11.8 Contractor rights and protections

Contractors have different workplace rights and protections from employees.

The [Australian Government's business.gov.au website](#) outlines a range of contractor rights and protections, including: "adverse action – for example, a business/organisation cannot terminate a contract with an independent contractor because they make a complaint to a regulator about their workplace rights." The website also notes that *Independent Contractors Act 2006* allows independent contractors to ask a court to review a contract on the grounds that it is 'unfair' or 'harsh'.

11.9 Contractors and occupational health and safety

The website of Victoria's occupational health and safety (OHS) regulator, [Worksafe Victoria](#) has OHS information relevant to committees who engage contractors, and for contractors.

- [Information on engaging a contractor: How occupational health and safety laws apply to engaging a contractor.](#)
- [Duties of contractors – Occupational health and safety act 2004: How contractors can understand their duties under the Occupational Health and Safety Act 2004.](#)

In summary:

- Committees engaging contractors to carry out work in their workplace have a duty to protect the health and safety of the contractors.
- Contractors have the same OHS duties as any employer to any employees under their control.

12. Employees

12.1 Committees with employer responsibilities

If your committee employs people, be it on a full-time, part-time or casual basis, you have a range of responsibilities as an employer.

The industrial relations system can seem complex and confusing and it is important for your committee to have sufficient information to be comfortable fulfilling your obligations as an employer.

12.2 Public sector employment principles

As a public entity (see further in Chapter 2 Committee responsibilities) your committee is expected to comply with the employment principles and standards in the *Public Administration Act 2004*.

Under these principles and standards, organisations must have employment processes that:

- Base employment decisions on merit.
- Treat employees fairly and reasonably.
- Give equal employment opportunity.
- Uphold the Charter of Human Rights and Responsibilities.
- Give employees a way to resolve claims of unfair or unreasonable treatment.

For further information, see:

- Employing staff as a Board Director on the website of the Victorian Public Sector Commission (VPSC).

Note: The VPSC website includes an outline of various processes associated with 'Executive' recruitment. For the purpose of these guidelines it is assumed that voluntary committees of management (with the possible exception of some very large committees) are not involved in 'Executive' recruitment as defined by the VPSC.

The website of the Victorian Government body Industrial Relations Victoria includes sections on:

- Public sector industrial relations
- Victorian Government industrial relations principles. A key principle underpinning these policies is consultation and cooperation between employers, employees and unions.

12.3 Workplace relations laws overview

While occupational health and safety (OHS) laws in Victoria (see 12.14 below) and WorkCover insurance (see 12.13 below) are the responsibility of the Victorian Government, Australia's workplace relations laws, including the *Fair Work Act 2019*, are an Australian Government responsibility.

The Australian Government Attorney General's Department website provides a useful overview of Australia's national workplace relations system, which includes:

- A safety net of minimum terms and conditions of employment, known as National Employment Standards (NES).
- Awards (modern awards) that outline the minimum pay rates and conditions of employment for certain types of jobs in certain industries.
- A system of enterprise-level collective bargaining underpinned by bargaining obligations and rules governing industrial action.
- Provision for individual flexibility arrangements as a way to allow an individual worker and an employer to make flexible work arrangements that meet their genuine needs, provided that the employee is better off overall compared to the NES or an applicable award or enterprise bargaining agreement.
- Protections against unfair or unlawful termination of employment.
- Protection of the freedom of both employers and employees to choose whether or not to be represented by a third party in workplace matters and the provision of rules governing the rights and responsibilities of employer and employee representatives.

The application of the Fair Work Act in workplaces is overseen by the Fair Work Commission and the Fair Work Ombudsman.

- The Fair Work Commission is the independent national workplace relations tribunal and has the power to carry out a range of functions in relation to workplace matters. These include the safety net of minimum conditions, enterprise bargaining, industrial action, dispute resolution and termination of employment.
- The Fair Work Ombudsman helps employees, employers, contractors and the wider community to understand their workplace rights and responsibilities and enforces compliance with Australia's workplace laws.

12.4 Information available from the Fair Work Ombudsmen

A useful starting point for committee members seeking to become informed about employment matters is:

- The website of the Fair Work Ombudsmen which includes a specific section on hiring employees.

The Fair Work Ombudsmen site also includes specific information on:

- Employee entitlements.
- Awards and agreements.
- Pay and Leave entitlements.
- Ending employment.

The tools and resources section of Fair Work Ombudsmen website includes:

- Various templates such as an Induction Checklist for new employees and a Reference Checking Form.
- Pay and leave calculators.
- Fact sheets
- Best practice guides.
- On-line learning for employers and employees.

The topics covered in the minimum workplace entitlement fact sheets on the Fair Work Ombudsmen site include:

- Introduction to the National Employment Standards (NES).
- Annual leave.
- Maximum weekly hours.
- Minimum wages.
- Modern awards.
- Parental leave and related entitlements.
- Personal leave, compassionate leave and family and domestic violence leave.
- Protections at work.
- Public holidays.
- Record-keeping and pay slips.
- Requests for flexible working arrangements.
- Student placements.
- Workplace discrimination.

12.5 Workplace discrimination, bullying, harassment and sexual harassment

The Fair Work Ombudsmen website includes information on:

- What is unlawful workplace discrimination?
- Bullying and harassment protections

- Sexual harassment protections

The employee and workplace rights section of the Victorian Equal Opportunity and Human Rights Commission includes further information on these topics.

12.6 Victoria's Equal Opportunity and Human Rights Commission

The Victorian Equal Opportunity and Human Rights Commission is an independent organisation. Its role is to protect and promote human rights in Victoria through a range of functions and services under Victoria's human rights laws, including:

- *Equal Opportunity Act 2010*: Under this Act, it is against the law for people to be treated unfairly because of personal characteristics, such as age, sex or disability.
- *Racial and Religious Tolerance Act 2001*: Under this Act, it's against the law for people to be vilified because of their race or religion.
- Charter of Human Rights and Responsibilities: The Charter requires government and other public bodies to consider human rights when making laws and providing services (it is referenced as part of the Code of Conduct for Directors of Victorian Public Entities, see Chapter 2 Committee responsibilities)

The employee and workplace rights section of the Victorian Equal Opportunity and Human Rights Commission provides further information about employer obligations under these laws.

12.7 Types of employment: Full-time, part-time, casual, fixed-term

The types of employees section of the Fair Work Ombudsmen website includes an explanation of different types of employment, including:

- Full-time.
- Part-time.
- Casual.
- Fixed-term.

12.8 Casual Employment and Fair Work Information Statements

The casual employees section of the Fair Work Ombudsmen website includes:

- A definition of casual employee.
- An explanation of how casual employment is different to full-time or part-time.
- Links to a Casual Employment Information Statement (CEIS).

Employers must provide all new casual employees with a copy of the CEIS along with a copy of the Fair Work Information Statement.

Employers must give all new employees a copy of the Fair Work Information Statement (FWIS) before, or as soon as possible after, they start their new job.

The FWIS provides new employees with information about their conditions of employment, including:

- the National Employment Standards (NES)
- right to request flexible working arrangements
- modern awards
- making agreements under the *Fair Work Act 2009*
- individual flexibility arrangements
- freedom of association and workplace rights (general protections)
- termination of employment
- right of entry
- the role of the Fair Work Ombudsman and the Fair Work Commission

12.9 Employment contracts

The [employment contracts section of the Fair Work Ombudsmen website](#) explains that:

- An employment contract is an agreement between an employer and employee that sets out terms and conditions of employment. A contract can be in writing or verbal.
- An employment contract cannot provide for less than the legal minimum set out in the National Employment Standards (NES) or awards, enterprise agreements or other registered agreements that may apply.
- All employees are covered by the NES, regardless of whether they've signed a contract.

The [employment contract tool on the Australian Government's business.gov.au website](#) aims to assist employers to make a basic employment contract that complies with workplace laws of the national industrial relations system. It can be used for full-time, part-time and casual employees who are covered by an award but is not suitable for employees under enterprise agreements.

12.10 Position description/Job description

A formal written position description (also called job description) describes the duties and responsibilities of a job. It will help your committee and employees to clarify expectations of their role.

The [templates section of the Fair Work Ombudsmen website](#) includes a Job Description template that describes a process to:

- Define the job.
- Decide on the type of employment.
- Create the job description.

12.11 Paying employees including tax and superannuation obligations

The Australian Taxation Office (ATO) provides detailed information to assist employers with the various obligations concerning employees.

The [ATO website section for non-profit organisations on obligations to workers and independent contractors](#) includes details of:

- Pay as you go withholding tax (income tax of employees).
- Superannuation.
- Payroll including 'Single Touch Payroll'.
- Other obligations.

If your committee hasn't already done so, as an employer you will need to formally [register with the ATO for Pay as you go withholding](#).

When a new employee starts, you need to provide them with a [Tax file number declaration](#) to complete and return to you.

To work out the amount to withhold from payments, use either:

- The most applicable of the [ATO's tax withheld calculators](#).
- The relevant [ATO tax tables](#) for withholding.

The [super for employers section of the ATO website](#) provides links to key details regarding superannuation, including:

- How to work out if you have to pay super.
- Setting up super for your business/organisation.
- Paying super contributions.
- Missed and late super guarantee payments.
- Super obligations for employers checklist.

Generally, based on rates applicable for 2021-22, if you pay an employee \$450 or more in salary or wages in a calendar month (before tax) you must also pay the super guarantee (10 percent as of 1 July 2021) for them.

12.12 WorkCover insurance

WorkCover insurance is a Victorian Government regulated system to cover employers for the cost of benefits if employees are injured or become ill because of their work.

The [Worksafe Victoria website's simple guide to WorkCover insurance](#), with details of:

- How to register for WorkCover insurance
- Your Workcover insurance responsibilities as an employer
- What happens if I don't comply with my obligations?
- Understanding if contractors are considered workers for WorkCover insurance purposes (see also 11.11 above)
- Workers, contractors or volunteers

The WorkSafe Victoria website includes clear guidance on [do I need to register for WorkCover insurance?](#)

In summary:

- Generally, you must register for WorkCover insurance if you or your company/organisation employs any workers in Victoria.
- You don't need to register if you or your company/organisation has no apprentices, and pays, or is liable to pay, less than \$7,500 a financial year in remuneration.

In relation to responding to Workcover claims, the Worksafe Victoria website includes information on:

- [Worker's injury claim form for workers](#).
- [Understand the types of compensation a worker can receive through a WorkCover claim](#).
- [Important steps to take before your employee submits a claim form](#).
- [Making payments to an injured worker: Understand your obligations to pay an injured worker when their claim has been accepted](#).

12.13 Occupational health and safety (OHS) for employees

Occupational health and safety (OHS) is a key responsibility of committees. In addition to OHS responsibilities for volunteers (see 10.8) and contractors (11.9) all committees with paid employees have specific OHS responsibilities as employers.

The [Occupational Health and Safety Act 2004](#) (OHS Act) is the main workplace health and safety law in Victoria. It sets out key principles, duties and rights about OHS. The [Occupational Health and Safety Regulations 2017](#) (OHS Regulations) build on the OHS Act.

For committees who are employers duties/responsibilities include:

- To provide and maintain a working environment for employees that is safe and without risks to health. Note: 'employees' includes contractors and employees of contractors (See Section 21 of OHS Act).
- To monitor the health of employees and working conditions (Section 22).
- To ensure persons other than employees are not endangered by the conduct of the business (including volunteers, visitors, the public) (Section 23).

The [Worksafe Victoria website](#) includes a range of OHS information and resources including:

- [Controlling OHS hazards and risks: A handbook for workplaces \(systems that should be used to control OHS hazards and risks in the workplace\)](#)
- [Community service volunteer boards and committees: Understanding the occupational health and safety \(OHS\) duties of volunteer board and committee members for community service organisations](#)

- Occupational health and safety in boards: A guide for board members, company directors, officers, executives, and those with a leadership role in relation to their organisation's occupational health and safety

Other useful OHS resources include:

- Occupational Health and Safety Laws (Vic), a guide for community organisations in Victoria published by Not-for-profit Law (NFP Law) a program of Justice Connect.

Committees should develop a systematic approach to identifying and managing OHS issues. This can be done through a specific OHS Management Plan, or by incorporating OHS issues into a Risk Management Plan (See also Chapter 6 Risk management and organisational planning).

For major OHS risks, such as the potential of asbestos and/or unsafe wiring in buildings, it is recommended you contact your DELWP regional office to seek advice.

12.14 Obligation to notify WorkSafe Victoria of any 'notifiable incident'

All employers in Victoria have a duty to notify WorkSafe immediately after becoming aware of a 'notifiable incident' such as the death of a person or a person needing immediate treatment as an in-patient in a hospital. The full list of notifiable incidents includes: collapse or partial collapse of a building or structure; implosion, explosion or fire; escape, spillage or leakage of any substance including dangerous goods.

It is recommended that all committees that are employers become familiar with the Worksafe Victoria information on Reporting an incident: Understand whether an incident is notifiable and how to report it.

WorkSafe can be contacted by phone on 13 23 60.

12.15 Payroll Tax

The Victorian Government's Payroll Tax is levied on employers with a wages bill over a monthly threshold. The payroll tax threshold (in 2020-21 \$58,333 per month) is well above the wages bill of most, if not all, committees of management and therefore unlikely to be a consideration for your committee.

13. Local Government

13.1 Shires/Councils and committees of management

Victoria's 79 local governments (Shires/Councils) have a range of approaches to supporting community groups, including voluntary Crown land reserve committees of management.

13.2 Support that may be available from your Shire/Council

In many instances, local governments are active in providing support to committees of management. This may include opportunities through reserve or open space planning, running joint projects, grants programs run by the Shire/Council and other support.

Some Councils offer to include the buildings on Crown land reserves in their building insurance, thereby saving voluntary committees of management on the costs of building insurance.

13.3 Communication with your Shire/Council

Other areas of local government's work that may be relevant to Crown land reserves, include:

- Conservation and environment services such as providing plants for revegetation, developing wildlife corridors, recycling programs, developing walking or bicycle path networks.
- Public and environmental health information and advice regarding septic tanks, health standards in food areas, noise standards, pollution standards and pest control.
- Roads, footpaths, drains and waste management.

It is recommended that all committees endeavour to establish positive relationships with their local Shire/Council to explore ways the Shire/Council may best be able to provide support for committee and reserve operations.

It is also important to be aware of any local government by-laws that may impact on reserve operations.

Local government is responsible for issuing planning permits that may be required for some works and development of the reserve (see Chapter 7 Developing the reserve).

Your local Shire/Council website and a range of other information about local governments can be found through a search of the ['Know Your Council'](#) section of [DELWP's Local Government Victoria website](#).

Note: Local government can be appointed by DELWP as a committee of management over Crown land reserves. The Shire/Council may manage these Crown land reserves directly or through community committees that report to the Shire/Council. These guidelines are not designed for instances where local government is itself the Crown land reserve committee of management. Rather the focus of this section of the guidelines is ways in which local government can support voluntary Crown land reserve committees of management.

14. Other governance matters

14.1 Child Safe Standards and Working with Children Checks

Legislated requirements regarding Child Safe Standards and Working with Children Checks include a range of definitions that are not always easy to interpret for organisations.

Some Crown land reserve committees of management will be required to meet the Child Safe Standards and/or implement Working with Children Checks.

Key factors in determining whether your committee will be required to meet Child Safe Standards and /or Working with Children Checks include whether you manage: “service specifically for children” and “facilities specifically for use by children under the organisation’s supervision” (Child Safe Standards); and “services or activities for, or directed at, children or whose membership comprises primarily children” (Working with Children Check).

Utilising the key information sources below, you can assess the way in which the Child Safe Standards and Working with Children Checks may or may not apply to your committee based on the type of reserve(s), organisational operations and the range of volunteer roles and/or employees.

Of note is that any committees with volunteers under 18 years of age are required to meet both the Child Safe Standards and implement Working with Children Checks for their adult volunteers.

For various reasons, committees may choose to implement Working with Children Checks and/or the Child Safe Standards even if not legally obligated to do so. All committees are encouraged to learn about Child Safe Standards and consider ways that the intent of the Standards can be achieved through committee operations.

The intent of Working with Children with Children Checks also needs to be understood in the context of both screening volunteers (see Chapter 10 Volunteers) and potential employees (see Chapter 11).

Key information sources for Child Safe Standards and Working with Children Checks

For Victoria’s Child Safe Standards, the [Commission for Children and Young People website](#) includes sections on

- [Making children safe](#)
- [Child Safe Standards](#)
- [Who do the Standards apply to?](#)
- [Victoria’s new Child Safe Standards: What’s changing?](#)

If in any doubt about your committee’s obligations regarding Child Safe Standards, you can contact the Commission by email on contact@ccyp.vic.gov.au or phone 1300 78 29 78.

The [Working with Children Checks Victoria website](#) includes a section dedicated to:

- [What organisations need to know](#)
- A tool to assist organisation to decide [Do my workers \(or volunteers\) need a Check?](#)

If you require further information, contact the Working with Children Check customer support line 1300 652 879 or use the email function available under the contact us heading at the bottom of the website’s home page.

14.2 Proper use of information

As outlined in Chapter 2, the Code of Conduct for Directors of Victorian Public Entities requires that committee members use information appropriately and for its intended purpose. Information gained in your committee role must not be used to gain advantage for you, or any other person.

14.3 Record keeping

Chapter 4 Standards of conduct and required policies outlines the importance of meeting minutes. Minutes should include a clear record of all decisions. This includes sufficient noting of financial decisions to enable any audit of financial transactions to identify a clear record of committee decision-making regarding financial management matters (see also Chapter 5 Financial management).

As a public entity, your committee has record-keeping obligations under various laws, including:

- *Crown Land (Reserves) Act 1978.*
- *Freedom of Information Act 1982.*
- *Public Records Act 1973.*
- *Privacy and Data Protection Act 2014.*

Under the *Public Records Act 1973*, your committee must maintain records of:

- minutes of meetings.
- correspondence.
- lease and licence contracts and related documentation.
- financial records.
- contracts.
- employment records.
- any other information that documents a decision, agreement or communication to the public by the committee.

Public records come in many formats. For example, they may be written notes, letters, emails, electronic documents, photographs, and information on websites. Ultimately, it is the information, not the format, that determines whether it needs to be preserved as a record under the Public Records Act.

The Crown Land Kiosk is an ideal place to store and retrieve committee records, including minutes of committee meetings.

The benefits of using the Kiosk for storage includes ease of providing hand-over information when there is a change-over of committee members.

The Kiosk can also be used to house photos and key historical information to ensure it doesn't get lost.

Neat and accurate committee records are especially helpful when there is a change-over of committee members (see also Appendix B).

Committee records are not the property of the committee members who created them. Outgoing committee members must hand over all committee records to newly appointed members. If a committee ceases to exist, all committee records must be transferred to DELWP.

Public records produced by your committee are a public document. However, they are not automatically 'open to the public'. This distinction becomes relevant when people who aren't members of the committee seek access to committee records.

Under the *Freedom of Information Act 1982*, any person has the right to request access to documents generated or held by all government agencies and public entities, including committees of management.

In the ordinary course of your committee's operations, you may have no difficulty in providing interested members of the public with access to certain committee records such as committee minutes or financial records (although for privacy or other reasons you may decide that some elements of those documents should be removed or de-identified).

However, the rights of a member of the public to see committee information, and your committee's obligations to provide the information, is regulated by the Freedom of Information Act. Unless your committee voluntarily agrees to provide committee information to the person requesting it, the person would need to lodge an application under the Freedom of Information Act to access the information.

If your committee receives a request to access documents, you should seek advice from DELWP's Freedom and Information (FOI) and Privacy Unit as soon as possible. For requests submitted under Freedom of Information, the law only allows 30 days in which to process a request.

DELWP's FOI and Privacy Unit provides advice on enquiries and support for processing requests. It can be contacted on 7022 6530 or email FOI.Unit@delwp.vic.gov.au.

14.4 Privacy and data protection

Privacy and data protection are important areas for all committees to consider and ensure that policy and practice respects people's rights to privacy and to have their data protected from misuse.

The Office of the Victorian Information Commissioner is the primary regulator and source of independent advice to the community and Victorian government about how the public sector collects, uses and discloses information. As outlined in the Commission's Information Privacy Principles Short Guide, Victoria's *Privacy and Data Protection Act 2014* includes 10 privacy principles. These include:

- **Collection:** An organisation can only collect personal information if it is necessary to fulfil one or more of its functions. It must collect information only by lawful and fair means, and not in an unreasonably intrusive way. It must provide notice of the collection, outlining matters such as the purpose of collection and how individuals can access the information. This is usually done by providing a Collection Notice, which should be consistent with an organisation's Privacy Policy.
- **Use and disclosure:** Personal information can only be used and disclosed for the primary purpose for which it was collected, or for a secondary purpose that would be reasonably expected. It can also be used and disclosed in other limited circumstances, such as with the individual's consent, for a law enforcement purpose, or to protect the safety of an individual or the public.
- **Sensitive information:** The Privacy and Data Protection Act places special restrictions on the collection of sensitive information. This includes racial or ethnic origin, political opinions or membership of political associations, religious or philosophical beliefs, membership of professional or trade associations or trade unions, sexual preferences or practices, and criminal record. Organisations can only collect sensitive information under certain circumstances.

As noted in Chapter 10 Volunteers, a practical implementation of privacy principles is that individual volunteer contact details should be kept separately to any volunteers register that is generally available to other volunteers.

Other resources from the website of the Officer of the Victorian Information Commissioner of relevance to public entities include:

- Victorian Protective Data Security Standards
- Privacy Officer Toolkit
- The Toolkit includes information and tips on:
 - Privacy policies
 - Collection notices (sometimes referred to as privacy collection notice) including a template collection notice. A collection notice is a way of telling individuals why you are collecting their personal information and how you will handle it. As outlined in Chapter 10 Volunteers, your committee should provide all new and existing volunteers with a privacy collection notice.

14.5 Complaints

This section provides information about processes involved in different types of complaints, including:

- Where a member of the public complains to your committee.
- Where a member of the public complains to DELWP about your committee or aspects of reserve operations.
- Where a member of the public complains to the Victorian Ombudsman, the police or the Independent Broad-based Anti-corruption Commission (IBAC).
- Where a member of a committee wishes to make a complaint about one or more other committee members, including allegations of improper or corrupt conduct or other integrity concerns.

- Where DELWP considers it appropriate to refer a committee matter to the Victorian Ombudsman, the police or the Independent Broad-based Anti-corruption Commission (IBAC).
- Where a member of your committee wishes to make a complaint about DELWP.

Note: It is expected that all committees with volunteers (see Chapter 10) and/or employees (see Chapter 12) and/or that hire contractors (see Chapter 11) have appropriate procedures in place should a volunteer, employee or contractor wish to make a complaint. Complaints and disputes between committee members are discussed in Chapter 4 Standards of Conduct and required policies, in the context of suggested policy and procedure for disputes resolution.

Two key bodies involved in public sector complaints processes are:

- The Victorian Ombudsman takes complaints from the public about Victorian government bodies including, State Government departments, statutory authorities including public entities and local councils. The Ombudsman looks at whether actions or decisions were fair and reasonable in the circumstances, timely, lawful and in line with relevant policies and procedures. The Ombudsman can also consider whether an action or decision is compatible with Victoria's Human Rights Charter. The Ombudsman also investigates serious matters such as misconduct by public officials and poor administration. The Victorian Ombudsmen can be contacted by phone on 1800 806 314.
- The Contact Us section of the Victorian Ombudsman website provides a link to an online form to create and submit a complaint.
- Victoria's Independent Broad-based Anti-corruption Commission (IBAC) is responsible for preventing and exposing public sector corruption and police misconduct. IBAC's jurisdiction covers state and local government, police, parliament and the judiciary. The IBAC website explains that IBAC "receives complaints and notifications of public sector corruption and police misconduct, investigates and exposes serious corruption and police misconduct and informs the public sector, police and the community about risks and impacts of corruption and police misconduct, and ways it can be prevented." IBAC can be contacted by phone on 1300 735 135.
- The Contact Us section of IBAC website provides a link to information about how to make a complaint and an online complaint form.

Note: In some circumstances, IBAC may decide your complaint is a 'public interest disclosure' (previously known as a 'protected disclosure' or 'whistleblower' complaint). If your complaint is assessed as a public interest disclosure, you receive additional legal protections, such as IBAC will never publicise your name and you and your family, friends and colleagues will be protected from being fired or bullied for making a complaint. For further details, see the public interest disclosures section of the IBAC website.

If a committee member is suspected of committing financial fraud, they may be referred to IBAC and/or the police by a member of the public, another committee member, or DELWP.

Where a member of the public complains to your committee, it is recommended you document the complaint (if it was provided verbally) and seek involvement of the full committee to decide on appropriate processes to respond. You can contact DELWP for information and support regarding options to respond to complaints.

When DELWP receives complaints from members of the public about committee or reserve operations, the response may vary according to the seriousness and details of the complaint. Generally, DELWP will contact your committee and seek to establish an appropriate process to discuss and respond to the complaint. For some complaints, DELWP may proceed to conduct an investigation or refer the complaint to the Victorian Ombudsman, Victoria Police or the Independent Broad-based Anti-corruption Commission (IBAC).

If you or your committee have a complaint about the way a DELWP employee provided a service, or concern about the actions or inaction of DELWP or its staff:

- You can initiate a complaint to DELWP by contacting the DELWP Customer Service Centre by phone on 136 186 or by email to customer.service@delwp.vic.gov.au.
- Or by post to DELWP Complaints, Legal Services Division, PO Box 500, East Melbourne 8002.
- The DELWP complaints process is explained further in the Contact Us section of the DELWP website.

If the complaint relates to alleged improper or corrupt conduct of DELWP employees, committee employees or committee members, you can contact DELWP's Integrity Manager on disclosures@delwp.vic.gov.au or 1800 903 877. This is a confidential service and if you are seeking 'public interest disclosure' protection (also known as whistle-blower protections), you are advised not to discuss the matter with others before contacting the Integrity Manager.

Committee members concerned about alleged improper or corrupt conduct of other committee members or employees can also report their concerns to the DELWP Integrity Manager.

People may also choose to take a complaint about another committee member or DELWP to the Victorian Ombudsman, Victoria Police or the Independent Broad-based Anti-corruption Commission (IBAC).

15. Other land management matters

15.1 Contaminated Land

The primary piece of Victorian legislation that governs the management of contaminated land is the *Environment Protection Act 2017* (EP Act) and its related Environment Protection Regulations 2021.

The EP Act introduces a positive “duties-based” framework which requires all individuals or organisations to take proactive actions to address risks that may cause harm to human health and the environment.

Specific duties relating to the prevention and management of contaminated land in the EP Act include:

1. General Environmental Duty (section 25 of the EP Act);
2. Duty to Manage contaminated land (section 39 of the EP Act); and
3. Duty to Notify of contaminated land (section 40 of the EP Act).

All committees of management have obligations and responsibilities regarding these three duties.

If you conduct activities that pose a risk to human health and the environment (including groundwater), you must understand those risks. You must also take reasonably practicable steps to eliminate or minimise them.

General Environmental Duty

Section 25 of the EP Act requires a person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste to minimise those risks, so far as reasonably practicable. The General Environmental Duty requires committees of management activities to be undertaken in a manner to prevent the contamination of land from chemicals and wastes, such as:

- acquisition, handling, storage, use and disposal of liquids, chemicals, and wastes, including the operation of septic or wastewater treatment systems;
- any works which can expose or mobilise contamination, e.g. excavation of trenches or underground fuel/chemical storage tanks;
- importation of fill materials to a site (ensuring fill is not contaminated); and
- activities that produce runoff to stormwater or alteration to groundwater.

Duty to Manage contaminated land

Section 39 of the EP Act requires a person (or committee of management) in management or control of contaminated land to minimise risks of harm to human health and the environment from the contaminated land, so far as reasonably practicable, including:

- identifying and assessing contaminated land;
- implementing required management to minimise risks to human health and the environment;
- providing and maintaining reasonably practicable measures to minimise risks of harm to human health and the environment from the contamination;
- providing adequate information to enable any person who is reasonably expected to become a person in management or control of the contaminated land to comply with the duty to manage contaminated land; and
- informing any person who may be affected by the contamination of any risks to human health or the environment and sharing the relevant information.

While meeting the duty to manage, a committee of management may also become aware that the nature and extent of the contamination also makes it notifiable to EPA.

Duty to Notify of contaminated land

Section 40 of the EP Act requires the EPA be notified of contaminated land where the contamination meets a threshold described in the Regulations. Notifiable contamination is defined as contamination that is above a certain threshold and is either:

- exposing a person to those contaminants, or
- is moving, has moved, or is likely to move off the land.

Further background is available from the [website of the Environment Protection Agency \(EPA\)](#), or by contacting the DELWP Land and Built Environment (LBE) Team in your part of the state.

Often, it is not immediately evident if land is contaminated, although certain types of current or past activities suggest a higher likelihood of contamination (for example use by gun clubs, mining, fire stations or depots).

DELWP has processes in place to identify potential high-risk public land sites. If the Crown land reserve(s) your committee manages are identified by DELWP as 'high-risk' for potential land contamination, a DELWP staff member will be in contact with you to discuss options for further assessment and the actions you and your committee may need to undertake.

If you have any immediate concerns regarding potentially contaminated land, please contact the DELWP Land and Built Environment (LBE) Team in your part of the state.

15.2 Weed control

Depending on the nature of the reserve(s) you manage, weed control may be a major issue.

Along with farmers, local government and other land managers, as a Crown land reserve land manager, your committee is subject to various requirements of the Catchment and Land Protections Act 1994.

From a government policy perspective, weed control (and animal pest control, see 15.3) are part of broader approaches to:

- Biosecurity: procedures or measures designed to protect the population against harmful biological or biochemical substances (see the Biosecurity section of the Agriculture Victoria website).
- Biodiversity: all components of the living world, the number and variety of native plants, animals and other living things across our land, rivers, coast and ocean (see Protecting Victoria's Environment - Biodiversity 2037).

The Victorian Government's Invasive Plants and Animals Policy Framework outlines approaches to prevention, eradication containment, and 'asset-based protection' designed to protect key agricultural, biodiversity and other natural resource assets.

The legal and scientific language of weed control can be confusing and involves different terms such as 'invasive species', 'noxious' and 'regionally prohibited' weeds.

In summary, as explained in the Invasive plant classifications section of the Agriculture Victoria website.

Under the Catchment and Land Protection Act 1994 certain plants are declared as noxious weeds in Victoria. These plants cause environmental or economic harm or have the potential to cause such harm. They can also present risks to human health. The Act defines four categories of noxious weeds:

- State prohibited weeds. Examples include Alligator weed and Water hyacinth.
- Regionally prohibited weeds. Examples include Serrated tussock which is 'prohibited' in seven of the ten catchment areas across the state and 'controlled' in the other three areas.
- Regionally controlled weeds. For example, African boxthorn (all regions).
- Restricted weeds: Examples include Asparagus fern and Prickly acacia.

Invasive plants are categorised into one of these four categories for each of ten catchment areas in Victoria. For full details, with lists by common and scientific names, see:

- Consolidated lists of declared noxious weeds and pest animals on the Agriculture Victoria website.

In terms of your committee's consideration of the four categories of weeds, there are distinctions between goals to 'eradicate' (regionally prohibited) and 'prevent growth and spread' (regionally controlled):

- State prohibited weeds are invasive plants that either do not occur in Victoria but pose a significant threat if they invade, or are present, pose a serious threat and can reasonably be expected to be eradicated. If present, infestations of a state prohibited weed are usually relatively small. The Victorian Government is responsible for their eradication, but it can direct landowners or land managers to prevent their growth and spread. You should contact DELWP if you think you have identified a state prohibited weed.
- Regionally prohibited weeds are not widely distributed in a region but are capable of spreading further. It is reasonable to expect that they can be eradicated from a region and they must be managed with that goal. Your committee must take all reasonable steps to eradicate regionally prohibited weeds on the reserve(s) you manage.

- Regionally controlled weeds are usually widespread in a region. To prevent their spread, ongoing control measures are required. Your committee has the responsibility to take all reasonable steps to prevent the growth and spread of regionally controlled weeds on the reserve(s) you manage.
- Restricted weeds include plants that pose an unacceptable risk of spreading in this state and are a serious threat to another state or territory of Australia. Trade in these weeds and their propagules (either as plants, seeds or contaminants in other materials) is prohibited.

Also note:

- Noxious aquatic species: some aquatic plants pose a serious threat to fisheries, the aquatic environment or human health. The *Fisheries Act 1995* has declared some species as noxious aquatic plants. It is an offence to bring them into Victoria, possess, sell, transport or release them. For details, see the [Marine pests section of the Agriculture Victoria website](#).

15.3 Animal pest control (established pest animals)

This section focuses on 'established pest animals' (often referred to as invasive animals). They are defined through the *Catchment and Land Protections Act 1994* and include foxes, hares, rabbits, feral goats and feral pigs. Overabundant native wildlife is discussed separately in 15.4.

Landowners and land managers have a responsibility to take all reasonable steps to prevent the spread of (and as far as possible eradicate) established pest animals on their land.

The [Pest animals section of the Agriculture Victoria website](#) provides details of:

- Invasive animal classifications and invasive animal management.
- Trapping pest animals.
- A recommended 'asset protection' approach to managing pest animals in recognition of the fact that it is often not possible to eradicate pest animals.

A note regarding feral cats.

The feral cat is declared an established pest animal on 'specified' Crown land in Victoria, but this does *not* include Crown land reserves managed by voluntary committees of management. It does include areas of public land managed by DELWP, Parks Victoria, Phillip Island Nature Parks and the four Alpine Resort Management Boards.

This means that your committee is not required to control feral cats. However, if your committee wishes to manage feral cats, you can do so using cage traps that meet the requirements of the Prevention of Cruelty to Animals Regulations 2019, see the [Humane cage trapping of cats section of the Agriculture Victoria website](#). Trapped cats must be delivered to your local council.

Further background includes:

- The [website of the Arthur Rylah Institute for Environmental Research](#) (part of DELWP) includes a section on [pests, weeds and overabundant species](#) which includes information on fox management, feral pigs, carp, rabbits and deer.
- In addition to 'established pest animals' discussed above, the [Pest animals section of the Agriculture Victoria website](#) provides details about 'prohibited', 'controlled' and 'regulated' pest animals, which are referred to together by the general description 'restricted pest animals'. Examples include crested geckos (prohibited), meerkats (controlled), Canada geese (regulated). Restricted pest animals are not established in the wild in Victoria. The importation, keeping, breeding, releasing and trading of restricted pest animals without a permit is illegal and penalties apply. Occurrences of restricted pest animals, in the wild or being illegally kept, should be reported to Agriculture Victoria/DELWP Customer Service Centre on 136 186.

15.4 Overabundant native wildlife

In Victoria, native wildlife is protected under the *Wildlife Act 1975*, which provides the legislative framework to protect, conserve and manage wildlife. For example, all native birds, mammals, reptiles and frogs are protected in Victoria. It is illegal to disturb, trap or kill wildlife without a permit.

In some areas, native wildlife can cause damage to the environment. Wildlife can also pose a threat to human safety or suffer from disease in areas where the species is over-abundant.

The Victorian Government's [Living with Wildlife Action Plan](#), aims to strike a balance between the action needed to protect and conserve wildlife and the action needed to manage the impacts from wildlife. This includes, for example, management of kangaroos in Melbourne's growth areas.

The [wildlife management and control authorisations section of the Office of the Conservation Regulator website](#) provides information about the potential requirement to apply for an Authority to Control Wildlife (ATCW), including:

- Where wildlife is causing damage to property, posing a risk to human health and safety or impacting other environmental values, it may be necessary to consider management options to disturb or humanely kill wildlife.
- Wildlife control must be lawful, thoughtful and well planned. It must consider the needs of people to protect their land, property and safety and it must also ensure animal welfare is protected.
- Landholders or land managers may apply for an Authority to Control Wildlife to wilfully disturb or control wildlife once all reasonable options have been considered and implemented (for example, improving fencing to exclude wildlife from the area where they are causing damage).
- You need to apply for an Authority to Control Wildlife before wilfully disturbing wildlife (for example attempting to herd kangaroos out of a reserve), removing nests with eggs and/or birds sitting on the nest or trapping and/or shooting wildlife.
- You do not need to apply for an Authority to Control Wildlife if you engage a licensed Wildlife Controller for reptiles that are posing a safety risk to humans or to trap and release brush-tailed possums from buildings.

15.5 Native vegetation clearing

The Victoria Planning Provisions (VPP) define native vegetation as "plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses."

The [native vegetation section of the DELWP website](#) explains that:

- Native vegetation provides habitat for plants and animals and delivers a range of ecosystem services (biodiversity) that make land more productive and contribute to human well-being.
- In Victoria, various regulations and a permit system aims to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The native vegetation removal regulations and associated permits are primarily implemented through local government planning schemes. You can find your local government's planning scheme through the [browse planning schemes section of DELWP's planning.vic.gov.au website](#).

The requirement for a planning permit to remove, destroy or lop native vegetation is detailed in Clauses 52.16 and 52.17 of the VPP and relevant planning scheme. The applicable clause is dependent on whether the subject land is covered by a Native Vegetation Precinct Plan (NVPP) that has been incorporated into the planning scheme, with Clause 52.16 applying to land subject to a NVPP and Clause 52.17 applying to all other land. In all instances where a permit is required under Clause 52.16 or 52.17, the *DELWP Guidelines for the removal, destruction of lopping of native vegetation* (the Native Vegetation Guidelines) must be applied. A copy of the Native Vegetation Guidelines can be found through the [native vegetation section of DELWP's environment.vic.gov.au website](#).

Specific planning overlays may also require a permit to remove, destroy or lop native vegetation, for example, the Vegetation Protection Overlay (VPO) or Environmental Significance Overlay (ESO).

The relevance of native vegetation clearing regulations and permits for Crown land reserves will vary for different types of reserves at different points of time. They will certainly be a factor for any committees contemplating works that require native vegetation clearing.

Under the regulations, a permit is required to remove, destroy or lop any native vegetation, unless an exemption applies. Exemptions are listed in the relevant clause of the planning scheme (for example, clauses 52.16, 52.17 or specific clauses associated with planning overlays).

A range of permit exemptions may be applicable to works being undertaken by committees, including conservation-focussed works, the lopping or pruning of native vegetation, the removal of dangerous trees and bushfire protection activities (see also 15.5 below).

Exemptions can only be applied if the associated criteria are met, and any required approvals have been attained. Exemptions vary across the clauses that trigger a permit to remove, destroy or lop native vegetation and in certain circumstances, an action may be exempt under Clause 52.16 or 52.17 but still require a permit to address the requirements of a planning overlay.

The [native vegetation section of DELWP's environment.vic.gov.au website](https://www.environment.vic.gov.au) provides links to further information on:

- Native vegetation: Exemptions from requiring a permit.
- Key documents including the Native Vegetation Guidelines and 'Planning for biodiversity'.

15.6 Protected flora controls

The Protected Flora List found on the [protected flora controls section of the DELWP website](#) explains that protected flora are:

- Native plants or communities of native plants that have legal protection under the *Flora and Fauna Guarantee Act 1988*.
- The Protected Flora List includes plants from plant taxa (species, subspecies or varieties) that are: listed as threatened under the Flora and Fauna Guarantee Act or; belonging to communities (i.e. plant communities) listed as threatened under the Flora and Fauna Guarantee Act 1988 or; which are not threatened but require protection for other reasons (for example, some species which are attractive or highly sought after, such as orchids, tree ferns and grass trees, are protected so that the removal of these species from the wild can be controlled).

For all listed species, protection includes living (for example, flowers, seeds, shoots and roots) and non-living (for example, bark, leaves and other litter) plant material.

The handling of protected flora is regulated by the DELWP to ensure that any harvesting or loss is ecologically sustainable. Unless an exemption applies, for example, for a member of a traditional owner group entity acting under and in accordance with an authorisation order under the *Traditional Owner Settlements Act 2010*, people must obtain a 'Protected Flora Licence' or permit from DELWP if they want to collect protected native plants or do works or other activities on public land which might kill, injure or disturb protected native plants.

The [protected flora controls section of the DELWP website](#) provides links to application forms for protected flora permits and suggests you contact your nearest DELWP regional office for further information and advice.

15.7 Bushfire management

The [strategic bushfire management planning page of the 'Safer Together' website](#) outlines bushfire strategies for different regions and explains that in Victoria, bushfire management planning is jointly delivered by:

- [Forest Fire Management Victoria \(FFMVic\)](#)
- [Country Fire Authority \(CFA\)](#)
- [Emergency Management Victoria \(EMV\)](#) and
- [local government](#) in consultation with communities.

The [plan and prepare section of the CFA website](#) includes information on:

- Am I at risk?
- Your local area – info and advice.
- Before and during a fire.

The [before and during a fire section of the CFA website](#) includes links to:

- Your Guide to Survival.

- Your Bushfire Plan.
- Fire Ready Kit.

It is assumed that Crown land reserve committees of management in regional areas will be in close contact with their local CFA and well informed about fire management approaches for the reserve(s).

The warnings, bushfires and incidents page of the Forest Fire Management Victoria (FFMVic) website includes the advice that:

- For life-threatening emergencies or to report a fire, call Triple Zero (000) at any time.
- Call 132 500 from anywhere in Victoria for flood, storm, landslide emergency.

Also:

- Call the Vic Emergency Hotline 1800 226 226 for: warnings, bushfires and incidents; concern about smoke coming from a bushfire or planned burn; current fire danger ratings and what they mean; total fire bans and fire restrictions, what you can and can't do; preparing and planning for bushfire season; planned burns in your area; bushfire safety and management on public land; community meeting information; emergency relief centre location details; neighbourhood Safer Place location details; financial assistance after a bushfire, fences and control lines, and essential water.
- The emergency.vic.gov.au website includes maps and other information about incidents, warnings and relief and recovery.
- The public land recovery page of the Forest Fire Management Victoria website includes links to information on topics including hazardous tree works, fences and control lines after a bushfire and essential water replacement after a bushfire.

15.8 Trees and electric power lines

Your committee is responsible for:

- Any low voltage electric line which solely services the reserve.
- The maintenance of any trees on the reserve that may overhang its boundary and interfere with a low voltage private power line on a neighbour's property.

The electricity distribution company is responsible for maintaining any other electric power lines running through or into the reserve and for keeping trees clear of them. If your committee has any difficulties negotiating issues of concern with the electricity distribution company, you can seek assistance to resolve the issue through the Energy and Water Ombudsman for Victoria on 1800 500 509.

15.9 Fencing

The *Fences Act 1968* sets out requirements for the construction, maintenance and repair of boundary fences.

- The Crown is exempt from the requirement that neighbours must share fencing costs. Neither DELWP nor committees have 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 your committee wants to construct a fence, it cannot use the *Fences Act 1968* to recover costs from a neighbour.

In certain circumstances, where Crown land is leased or licensed to a person or organisation, the lease or licence holder must contribute to the maintenance and repair of boundary fences.

In most cases, the owners of adjoining land are not required 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, for example:

- where their land is being used for grazing, to prevent livestock entering the Crown land
- where the Crown land is open to the public, 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's boundary.

15.10 Reserve-specific regulations

In almost all cases, the combination of Commonwealth, state and local government laws provide all the protection and controls necessary for your committee to successfully manage its reserve(s). Very occasionally, a committee will need to consider requesting a 'reserve-specific regulation' from DELWP (as the Minister's delegate) utilising measures outlined in Section 13 of the Crown Land (Reserves) Act 1978.

This would only be necessary if:

- existing laws do not cover some of the activities your committee needs to control.
- the committee wants to charge fees for entry to the reserve, or part of the reserve.
- the committee wants to restrict public access to all or part of the reserve, for example to fence off an area to promote regeneration.

If your committee thinks a reserve-specific regulation may be needed, contact the regional DELWP Land and Built Environment (LBE) team in your part of the state to work through the details. Sometimes, via local government by-laws, or other means, the situation can be addressed without requiring a reserve-specific regulation. Also, contact DELWP if your committee wants to check if there are any existing reserve-specific regulations relating to the reserve(s) your committee manages.

If a reserve-specific regulation is appropriate, DELWP staff can assist with next steps in making an application, the process for regulations to become 'official' via publication in the Victorian Government Gazette and processes for implementation of reserve-specific regulations. This should include details of appropriate 'enforcement authority' contacts to report any concerns about a breach of the regulations.

Implementation of reserve-specific regulation may have potential to cause conflict. For example, people continuing to walk through land that is fenced off and meant to have restricted public access. It is not the committee's role to enforce reserve-specific regulations. Rather, in the event of concerns about breaches of reserve-specific regulations, your committee should contact the relevant enforcement authority.

Appendix A Incorporated associations / companies limited by guarantee

Introduction

This Appendix is designed to assist members of incorporated associations and companies limited by guarantee regarding the responsibilities of the role as a Crown land reserve committee of management.

- Victorian incorporated associations are registered with [Consumer Affairs Victoria](#) under the *Associations Incorporation Reform Act 2012*.
- A company limited by guarantee is a specialised form of public company designed for non-profit organisations. In Australia companies limited by guarantee are subject to the *Corporations Act 2001 (Cth)* and overseen by the [Australian Securities and Investments Commission \(ASIC\)](#).
- Note: While all incorporated associations and companies limited by guarantee are 'non-profit', not all are 'charities' for taxation and other purposes as defined by various federal and state laws. See further details on the website of the [Australian Charities Not-for-profits Commission \(ACNC\)](#).

Approximately 10-15 percent of the 1,100+ voluntary Crown land reserve committees of management in Victoria are incorporated associations or companies limited by guarantee. The vast majority of these are incorporated associations.

The other 85-90 percent are incorporated through the *Crown Land (Reserves) Act 1978*. There are also a small number of unincorporated committees of management.

As noted in the introduction to these guidelines (Chapter 1):

- All information provided in these guidelines applies to voluntary Crown land reserve committees of management incorporated through the Crown Land Reserves Act (along with any unincorporated committees).
- Some information provided in these guidelines is not relevant to the Crown land reserve committees of management that are incorporated associations or companies limited by guarantee.

This appendix summarises the key Crown land reserve related governance requirements for incorporated associations and companies limited by guarantee. The appendix assumes the reader is a person involved in the operations of an incorporated association or a company limited by guarantee.

Key areas of the guidelines for incorporated associations and companies limited by guarantee

Aboriginal cultural heritage and Traditional Owner rights

It is expected that all incorporated associations and companies limited by guarantee will be familiar with implementing all aspects of the approach to Aboriginal cultural heritage and Traditional Owner Rights outlined in Chapter 3.

Developing the reserve and leases and licences

Other key areas of the guidelines for incorporated associations and companies limited by guarantee include developing the reserve (Chapter 7) and leases and licences (Chapter 8).

Both Chapter 7 (Developing the reserve) and Chapter 8 (Leases and licences) apply in full to incorporated associations and companies limited by guarantee.

In relation to developments on the reserve, this includes:

- Committees considering any new use or development of the reserve – defined as extending, adding, altering, removing or otherwise changing an asset (built or natural) – are urged to contact DELWP for information and advice at the earliest possible time to ensure that appropriate processes are followed, including any required permits and/or consents.

In relation to leases and licences, to ensure consistency and transparency in leasing and licencing processes, and to adhere to legislative requirements, a two-stage process applies to the granting of leases.

- Firstly, all lease or licence proposals require the Approval in Principle (AIP) of the Minister (or DELWP as the Minister's delegate) before a land manager agrees or commits to lease or licence Crown land.
- Secondly, approval from the Minister (or the Minister's delegate within DELWP) of the terms and conditions all leases and licences which must align with the reserve purpose (or not be detrimental to the reserve purpose) and conform to government policy and statutory requirements.

Role as land manager and the importance of reserve purpose

As outlined in the guidelines at 2.1, the role of Crown land reserve committees of management is formally defined in section 15 of the Crown Land Reserves Act:

- To “manage, improve, maintain and control” the reserve for the purposes for which it is reserved.

This role definition applies to incorporated associations and companies limited by guarantee.

- Note: Whether it was 150 years ago, or more recently, when Crown land is reserved, there is a formally defined purpose for the reservation. Organisations should know the formally defined purpose of the reserve(s). Sometimes, current use of a reserve has evolved from the formally defined purpose. In these circumstances, consultation with DELWP can establish options to update the reserve purpose.

The reserve purpose is relevant to development of the reserve as outlined Chapter 7 Developing the reserve. It is also relevant to the consideration of the deployment of income generated from the reserve. As outlined in the guidelines at 5.10, it is a legal requirement that any money Crown land reserve committees of management derive from the operations of the reserves they manage must only be spent on the management of those reserves and consistent with the purposes for which the land is reserved.

Other land management matters (Chapter 15)

All of Chapter 15 Other land management matters applies to incorporated associations and companies limited by guarantee, including sections relating to:

- Contaminated land.
- Native vegetation clearing.
- Flora protection controls.

Areas of the guidelines that do not apply to incorporated associations and companies limited by guarantee

Public entity status and the *Public Administration Act 2004* (most of Chapter 2)

Incorporated associations and companies limited by guarantee are not public entities. Therefore, any parts of the guidelines that reference requirements relating to public entities and the Public Administration Act do not apply to incorporated associations and companies limited by guarantee.

However, it is suggested that people involved with incorporated associations and companies limited by guarantee scan the material included in Chapter 2. In most of the areas covered with reference to the Public Administration Act (for example, values, code of conduct etc.) your organisations should have an equivalent set of policies, procedures and approaches.

Policies and procedures (Chapter 4)

The required policies outlined in Chapter 4 are driven by Public Administration Act requirements and are not compulsory for incorporated associations and companies limited by guarantee. However, it is expected that most incorporated associations and companies limited by guarantee would have a set of similar policies on topics such as conflicts of interest as part of general operations.

Financial management (Chapter 5)

Through the accountability requirements of Consumer Affairs Victoria, the Australian Securities and Investments Commission and/or the Australian Charities and Not-for-profits Commission, incorporated associations and companies limited by guarantee are required to submit detailed annual financial data. Therefore, the financial aspects of DELWP's Annual Return process described in the guidelines at 5.3 is not required of incorporated associations and companies limited by guarantee.

In line with their accountability to Consumer Affairs Victoria, the Australian Securities and Investments Commission and/or the Australian Charities and Not-for-profits Commission, it is expected that all incorporated associations and companies limited by guarantee have financial policies and procedures that address all of the topics discussed elsewhere throughout Chapter 5.

Risk management and organisation planning (Chapter 6)

It is expected that all incorporated associations and companies limited by guarantee will have appropriate approaches to risk management and organisational planning as part of general operations. While the information provided on risk management and organisational planning in Chapter 6 may be useful for incorporated associations and companies limited by guarantee, the requirements outlined there are not compulsory.

Insurance (Chapter 9)

Incorporated associations and companies limited by guarantee are covered by the DELWP/VMIA insurance outlined in Chapter 9 but only for aspects of operations that relate to the Crown land reserve(s) they manage. Operations of incorporated associations and companies limited by guarantee not related to Crown land reserves would not be covered by the DELWP/VMIA Crown land reserve related insurance.

Volunteers, contractors and employees (Chapter 10, 11 and 12)

The general information provided on volunteers, contractors and employees includes many areas where organisations have obligations irrespective of the type of incorporation (for example, occupational health and safety, WorkCover insurance, volunteer screening). This information may be useful for incorporated associations and companies limited by guarantee.

Other governance matters (Chapter 14)

It is expected that all incorporated associations and companies limited by guarantee are aware of their obligations in relation to Victoria's Child Safe Standards and Working with Children Checks (14.1).

The 'Victorian public sector' related processes regarding Record keeping (14.2), Privacy and data collection (14.3) and Complaints (14.4) do not apply to incorporated associations and companies limited by guarantee. It is expected that in line with regulatory requirements of Consumer Affairs Victoria, the Australian Securities and Investments Commission and/or the Australian Charities and Not-for-profits Commission and other relevant laws, that incorporated associations and companies limited by guarantee have appropriate policies and procedures regarding record keeping, privacy and data protection and complaints. This includes not-for-profit organisational compliance with the corporate sector whistleblower protection regime in Part 9.4AAA of the Corporations Act 2001.

DELWP's annual accountability process for incorporated associations and companies limited by guarantee

Annually, incorporated associations and companies limited by guarantee are required to provide to DELWP:

- A copy of the organisation's latest annual report (or link to view and download the report), including details of financial reports provided to Consumer Affairs Victoria, the Australian Securities and Investments Commission and/or the Australian Charities and Not-for-profits Commission.
- A summary of the organisation's use of the Crown land reserve(s) for the preceding financial year. This summary typically includes details of any significant developments completed or in progress, any changes to lease or licence arrangements, highlights of positive outcomes from the reserve(s) for people and communities and noting of any issues of concern for DELWP to consider.

Appendix B Committee changes during term of appointment

Committee meetings and processes

As outlined in Chapter 4 Standards of conduct and required policies:

- All committees of management are required to adopt and implement a Meetings and decisions policy that sets out how committee meetings and decision-making are conducted. This includes the importance of meeting minutes to formally record decisions and adherence to policies and procedures regarding gifts, benefits and hospitality, conflict of interest and dispute resolution.
- The Good Governance Fact Sheets and model policies area of the committees of management section of the DELWP website includes various model policies and resources for committees, including a Meeting and decisions model policy.

Office bearer roles: Chairperson, Secretary, Treasurer

Most committees choose to adopt a model with three office bearer roles: Chairperson, Secretary and Treasurer. Committees are free to create additional positions such as Assistant Treasurer or Publicity Coordinator. These additional positions can be designated as office bearers if the committee chooses to do so.

Sometimes a person may have dual roles, for example the same person may be Secretary and Treasurer. Some committees may choose to share a role between two people, for example appointing two 'Co-Chairs', but usually the roles of Chair, Secretary and Treasurer are done by three different people.

The nature of tasks associated with these roles is summarised in the Office Bearer Role Descriptions included in Appendix C. These role descriptions are a guide only, although aspects of the Chair's role are informed by specific inclusions in the *Public Administration Act 2004*.

When committees submit notification of new committee membership at the beginning of a committee term, DELWP asks for details of the positions of Secretary and Chairperson. The Secretary is designated as the primary contact person for communication with DELWP (for example, DELWP correspondence will generally be addressed to the Secretary on the assumption that the Secretary will pass on relevant details to committee members).

Committees are free to decide on the method for appointing office bearers and the length of term. Usually, office bearers are appointed for the full three-year term, although some committees choose to appoint office bearers on a yearly basis.

Issues and changes over the three-year committee appointment cycle

The standard length of term for committees of management is three years, after which a process occurs for advertisement, nominations, declarations and checking of various matters relating to probity, and ending with DELWP's official appointment of committee members for the next three-year term.

Sometimes, in exceptional circumstances DELWP will decide to appoint committee members for an additional period. For example, during the Covid-19 pandemic some committee members were appointed for a further twelve months in recognition of the difficulties of convening a committee nomination process during the pandemic. For these committees, in effect, the committee term became four years rather than the usual three years.

There are no limits on the number of terms a person may serve on a committee. Existing committee members are eligible to nominate for election for an additional term.

In some instance a 'newly appointed' committee will have the same membership as the previous committee. Sometimes the new committee will include some new members and some from the previous committee. In some circumstances there may be a completely new membership.

Links to information and resources to assist new members of committee of management (sometimes referred to as 'Induction') are provided in Appendix C.

For the purpose of these guidelines, it is assumed that any newly appointed committees have access to all required records from the previous committee, with the capacity for the new committee to communicate with the appropriate people from the previous committee to clarify any issues with the hand-over process.

If your committee has any difficulties regarding access to required information from the previous committee, you can contact the DELWP Land and Built and Environment (LBE) Team in your part of the state for advice and assistance.

Over the course of a committee's term, changes in the committee's membership may occur due to:

- Resignation of a committee member, or a casual vacancy for another reason such as death or illness of a committee member.
- Additional members joining the committee.
- Office bearer resignation, where the person wishes to remain on the committee but not as an office bearer.
- Removal of a committee member by the Minister/DELWP as delegate for misconduct, unsatisfactory performance or other reasons.

Resignation/casual vacancy/additional member(s)

A casual vacancy is one that arises during the committee's three-year term, for example, if a committee member resigns.

A casual vacancy:

- Must be filled if the committee has less than three people remaining (three is the minimum allowable number of members for a committee).
- Isn't required to be filled if the three or more committee members remain as active members.
- Should be filled if there is difficulty maintaining a quorum at committee meetings (as stipulated in the *Crown Land Reserves Act 1978*, quorum is more than half the number of appointed committee members, for example, for a committee of seven members, quorum is four. For a five-member committee, quorum is three).
- Is usually filled if there is more than 12 months of the committee's term remaining.

Committees may seek to recruit additional members during a committee term if it is deemed that additional skills are needed on the committee and/or additional membership will improve committee operations. Committee membership is usually designated as a minimum of three and maximum of nine members, therefore a committee of less than nine members may choose to seek additional members. In certain circumstances, with approval from DELWP, committees can operate with more than nine members.

The process for appointing somebody to a casual vacancy (or other new members during a committee term) involves the same level of declarations and checking regarding probity that DELWP undertakes for the 'end of term/new term' committee appointment process.

If your committee has a casual vacancy that requires an appointment process, or is seeking to have a new member appointed for other reasons, contact DELWP to discuss the approach relevant to your committee.

When committee members resign, it is preferable for the resignation to be put in writing and noted in committee minutes, in addition to any verbal notification provided.

Ideally, people wishing to resign provide as much notice as possible to the committee so that the committee is well-placed to address any issues that might arise regarding future membership and/or quorum.

Any resigning committee member is expected to handover all committee records in their possession to the committee.

Also, any former member of the committee remains legally bound by the confidentiality and proper use of information requirements outlined in Chapter 2 Committee responsibilities, including the “use information appropriately and for its intended purpose.”

Office bearer resignation

Sometimes an office bearer may decide to resign from their office bearer position but wish to remain on the committee. Sometimes, an office bearer may decide to resign both their role as an office bearer and from the committee.

In either circumstance, if a chair wishes to resign, there is an expected process for a written resignation to be provided to DELWP in addition to whatever notification is provided to the committee. Contact DELWP for details. Also, at the end of a committee's term, if a Chairperson is not going to be the nominated Chairperson for the new committee, DELWP requests notice of the previous Chair's 'resignation' in writing.

For other office bearer resignations, it is expected they will provide the resignation in writing to the committee in addition to any verbal notification provided to the committee.

It is important to notify DELWP of any changes to office bearer positions so correct titles and contact details can be updated on DELWP's information systems for committees of management.

Please ensure you keep DELWP up to date with all changes to committee membership and/or contact details, including emails and mobile phone numbers. This can be done directly through the [Crown Land Kiosk](#) or by contacting the DELWP Land and Built Environment (LBE) team responsible for committees of management in your part of the state, or through the DELWP Customer Contact Centre on 136 186 or customer.service@delwp.vic.gov.au.

Removal of a committee member by the Minister/DELWP as delegate

Under the *Crown Land (Reserves) Act 1978*, the Minister/DELWP as delegate has the power to remove the whole committee or an individual committee member at any time. Misconduct or unsatisfactory performance are examples of when this might occur.

As outlined in Chapter 2 Committee responsibilities, a committee member has a duty to perform their role with a reasonable degree of care, diligence and skill and in compliance with various standards and values set out in the *Public Administration Act 2004* and in the [Code of Conduct for Directors of Victorian Public Entities](#) published by the Victorian Public Sector Commission (VPSC).

The VPSC Code of Conduct (1.4) states:

- “A failure to behave in the ways described in the Code may be considered misconduct and in the most serious cases may lead to suspension or removal from office. Additionally, a Director (committee member) who improperly uses their position to gain an advantage for themselves or someone else or to cause detriment to the public entity (committee) will be liable for their actions under both civil and criminal law.”

In addition, a member's position may be declared vacant in circumstances of unexplained long-term absence from committee meetings, bankruptcy or conviction of an indictable (serious) offence.

Possible corrupt conduct

As discussed in Chapter 14 Other governance matters (14.4) if a committee member believes that another committee member or an employee of the committee may be involved in corrupt conduct, it can be reported to DELWP's Integrity Manager by email to disclosures@delwp.vic.gov.au or phone 1800 903 877.

Appendix C Induction resources for committee members

Induction information and resources for committee members

The word 'Induction' is sometimes used to describe the process for welcoming a person, in this case a new committee member, and providing the basic information they need to begin confidently undertaking their role.

Key 'Induction Kit' information for committee of management members includes the following available from the [committee of management section of the DELWP website](#):

- A series of Good Governance Fact Sheets and model policies, including a 'Quick Guide to the Code of Conduct for Directors of Victorian Public Entities'.
- Back copies of committee of management news bulletins.
- A committee of management Induction PowerPoint presentation.
- These Committee of Management Guidelines

Office bearer role descriptions

As outlined in Appendix B, most committees choose to adopt a model with three office bearer roles: Chairperson, Secretary and Treasurer.

The nature of tasks associated with these roles is summarised in the Office Bearer Role Descriptions included below. These role descriptions are a guide only, although aspects of the Chair's role are informed by specific inclusions in the *Public Administration Act 2004*. The same role statements are included as an appendix to the Meetings and decisions model policy outlined in Chapter 4 and available from the [committee of management section of the DELWP website](#).

Chairperson

- Provide guidance and leadership, ensuring the committee functions effectively as a team.
- Ensure all committee members have access to the information they need to undertake their role effectively. This includes information required by new committee members.
- Preside at committee meetings and monitor whether the tasks arising from committee meetings are being carried out.
- Represent the committee publicly. The committee can also designate a committee member or employee to act as spokesperson on specified issues.
- Notify the Minister/DELWP of major risks to the effective management of the reserve. This action is taken by the chair on behalf of the committee.
- Actively manage any disputes that arise between committee members.

Secretary

- Nominate with DELWP as the 'Primary Contact' for information exchange with DELWP about committee matters (committees can choose for another committee member to be the Primary Contact). Ideally all Primary Contacts have an active email address and mobile phone for communication with DELWP.
- Record the minutes of committee meetings.
- Manage incoming and outgoing correspondence, including any committee notification and approvals required.
- In partnership with the Chairperson, issue meeting agendas, notices of upcoming meetings and any required copies of correspondence and reports. Liaise with the Chairperson 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

- Co-ordinate the implementation of a suitable day-to-day financial system to ensure that expected standards of 'auditable financial records' are met, including: record of all invoices, receipts, bank statements; segregations of duties; regular bank reconciliations; all key financial decisions recorded in meeting minutes; a register of assets; implementation of financial policies and procedures, including gifts, benefits and hospitality.
- Oversee a bank account (or accounts) in the name of the committee, with appropriate 'two to sign' signatories to the account for all transactions, including electronic transactions. Usually, the Chairperson, Secretary and Treasurer will be signatories, with any two out of three people to authorise payments.
- Prepare regular financial reports on the committee's financial position for presentation to committee meetings. This includes an Annual Financial Report for the financial year (1 July–30 June) to be used as the basis for the committee's submission of the Annual Return to DELWP.

As noted in Chapter 5 Financial management, a committee's financial management is the responsibility of the whole committee and every committee member, not just the Treasurer.

Appendix D Key Internet sites

Committee of management section of the DELWP website

<https://www.delwp.vic.gov.au/boards-and-governance/committees-of-management>

DELWP regional office contact details

<https://www.delwp.vic.gov.au/communities-and-regions/regions-and-locations>

Crown Land Kiosk ‘landing’ page

<https://crown-land-kiosk.delwp.vic.gov.au/landing>

DELWP home page

<https://www.delwp.vic.gov.au/>

Victorian legislation website

<https://www.legislation.vic.gov.au/>

Victorian Public Sector Commission (VPSC)

<https://vpsc.vic.gov.au/>

First Peoples – State Relations group

<https://www.firstpeoplesrelations.vic.gov.au/>

Volunteering Victoria

<https://www.volunteeringvictoria.org.au/>

Marine and Coast section of the DELWP website

<https://www.marineandcoasts.vic.gov.au/>

Crown land caravan and camping parks section of the DELWP website

<https://www.forestsandreserves.vic.gov.au/land-management/managing-crown-land/crown-land-caravan-and-camping-parks>

Crown land leases, licences and permits section of the DELWP website

<https://www.forestsandreserves.vic.gov.au/land-management/crown-land-leases-licences-and-permits>

Worksafe Victoria

<https://www.worksafe.vic.gov.au/>

Fair Work Ombudsman

<https://www.fairwork.gov.au/>

Conservation Regulator

<https://www.vic.gov.au/conservation-regulator>

We would welcome your feedback to improve these guidelines

We welcome any feedback you have on these guidelines and any of the linked resources on the [committee of management](#) section of the DELWP website.

Details of any errors or omissions and any suggestions for improvement will be most appreciated.

Please email your feedback to: voluntary.committees@delwp.vic.gov.au

And one more thanks to you!

Once again, a big thanks to all of you involved in committees of management. Whether it's your first time on a committee, or you've been a member for many years, DELWP greatly values your skills, experience, knowledge and the time you devote to being a committee member.

Please do not hesitate to contact DELWP for any information or advice you or your committee need to undertake your committee role.

Contacting DELWP about committee of management matters

Avenues to contact DELWP for further information are:

- Log a query in the [Crown Land Kiosk](#) for response by DELWP.
- Contact the DELWP Land and Built Environment (LBE) team responsible for supporting committees of management in your part of the state. Relevant offices for committees of management include Geelong, Hamilton, Traralgon, Bairnsdale, Ballarat, Horsham, Seymour, Wodonga, Bendigo, Mildura, Knoxfield (for all of Melbourne metro). The [communities and regions](#) section of the DELWP website includes contact details for these regional DELWP offices.
- Phone the DELWP Customer Contact Centre on 136 186 (and ask to be put through to the Land and Built Environment (LBE) Team in your part of the State) or email: customer.service@delwp.vic.gov.au (and your enquiry will be forwarded to the public land email in your region).

