

Induction for Committees of Management of Crown land reserves



February 2022

For Category 2 and 3 committees incorporated, or awaiting incorporation, through the *Crown Land (Reserves) Act 1978*



Environment,
Land, Water
and Planning

Acknowledgement of Traditional Owners



Mirring – Country: DELWP's Aboriginal Cultural Identity. A commissioned piece created by artist Thomas Day, a Gunditjmara, Yorta Yorta and Wemba Wemba man.

The Department of Environment, Land, Water and Planning (DELWP) acknowledges the Traditional Owners of the lands from which people are viewing this presentation, and pays respect to their Elders, past and present, and the Aboriginal Elders of other communities involved in committees of management.

- Later, the Induction will outline committee of management responsibilities regarding Aboriginal cultural heritage and Traditional Owner rights



A big thanks to everybody involved in committees of management.

Whether it's your first time on the committee, or you've been a member for many years



DELWP greatly values your skills, experience, knowledge and the time you devote to be a committee member.

Induction kit and key website for committees

Induction Kit information:

- Committee of Management Guidelines
- A series of Good Governance Fact Sheets and model policies
- Induction video and this Induction PowerPoint presentation
- 'Quickguide Summary' of the Code of Conduct for Directors of Victorian Public Entities
- Back copies of committee of management news bulletins



All are available from the DELWP website
- committee of management section of the site -

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

(The site also includes links to funding opportunities for committees)



1. A better understanding of the Victorian Government's 'good governance' expectations of you and your committee



2. Increased understanding of DELWP resources, especially the Committee of Management Guidelines



3. Improved knowledge of the role of DELWP staff in overseeing and supporting committees

Part 1: Introduction (Slides 1-13)

- The committee role
- DELWP support and oversight role
- Accountability as a committee and public entity
- Code of Conduct

Part 2: Committee of Management Guidelines (Slides 14-30) including:

- Standards of conduct and required policies
- Financial management and the Annual Return
- Aboriginal cultural heritage and Traditional Owner rights
- Insurance



Types of reserves (and reserve purpose)

There are approximately 1,150 Crown land reserve committees of management across Victoria (managing around 1,450 reserves).

Types of reserves include:

- Public halls and other historic buildings
- Recreation reserves
- Caravan and camping parks
- Nature/conservation reserves, including foreshore reserves
- Showgrounds
- Rail trails, walking tracks

Reservation Purpose

- When Crown land is reserved, there is a formally defined purpose for the reservation. Your committee should make sure you know the formally defined purpose of the reserve(s) you manage.



Every reserve is unique: public land for public benefit

“Our hall is precious to this community”

“This place is a sporting and community hub. Cricket, football, netball, you name it, it all happens here”

“Speaking as a local farmer who understands the importance of nature and biodiversity, the biodiversity this reserve provides is crucial to this area”

“Our caravan and camping park has its regulars who have been coming for years, and lots of newbies every year too”

“Coastal changes and weather events are big challenges for us, but we are determined to do what’s needed so people can enjoy this land for many years to come”

Role defined
in legislation

- Committees are appointed under the *Crown Land (Reserves) Act 1978* to “manage, improve, maintain and control” the reserve for the purposes for which it is reserved.

Public interest
and
responsible
Minister

- Your committee is legally accountable to the responsible Minister for all of its decisions and actions, and in a broader sense, your committee is also accountable to reserve users and the general community for ensuring that the reserve is managed in the public interest.

Committees are land managers

- Committees of management are land managers, not landowners

Landowner

- The responsible Minister is, in effect, the landowner of Crown land on behalf of the Government

Landowners consent processes

- Various processes, for example approvals for new works and developments, require committees of management to gain 'landowner's consent' from DELWP (with DELWP acting as the Minister's delegate)

DELWP support and oversight role for committees

Information about various approval processes required for matters including leases/licences and developing the reserve

Assisting with information about other areas of governance and operations, as per the Committee of Management Guidelines

Managing the appointment of committee members

Promoting and celebrating the work of committees

The DELWP oversight role involves checking that committees are complying with all Government requirements for managing a Crown land reserve

About DELWP, including regional structure, www.delwp.vic.gov.au

Accountability as a committee and public entity

Your committee of management is one of over 3,500 public entity boards/committees in Victoria.

- Public entities are created by government to carry out a public function
- Through a Department, public entities are accountable to a Minister of the government
- Victorian public entities are subject to the *Public Administration Act 2004* and required to abide by the Code of Conduct for Directors of Victorian Public Entities
- Other Victorian public entities include school councils, cemetery trusts, public hospitals and water corporations



The Minister

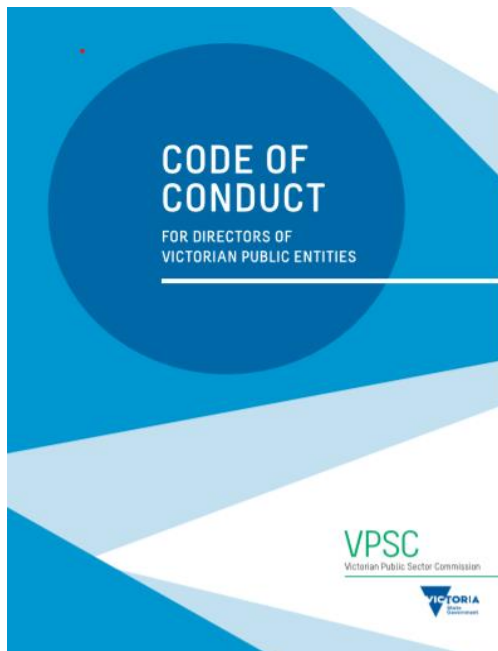


The Dept
(DELWP)



Committee -
Public Entity

A Code of Conduct assists people within an organisation to understand the standards of behaviour and conduct they will be expected to uphold when interacting with each other and others outside the organisation.



All committee of management members are required to abide by the Code of Conduct for Directors of Victorian Public Entities, published by the Victorian Public Sector Commission (VPSC).

Example: Proper use of Position (3.6)

“Directors use their position to promote the best interests of the public entity. They do not use their position to seek an advantage for themselves or another person”

A ‘Quickguide Summary’ of the VPSC Code of Conduct is available from the [committee of management section of the DELWP website](#)

Committee of Management Guidelines

Published December 2021

All committee members should become familiar with the Guidelines, to:

- Identify immediate issues your committee needs to consider
- Know where to start when needing information at a later date

The Guidelines are available from the [committees of management section of the DELWP website](https://delwp.vic.gov.au/boards-and-governance/committees-of-management).



Content headings of the Guidelines

1. Introduction	9. Insurance
2. Committee responsibilities	10. Volunteers
3. Aboriginal cultural heritage and Traditional Owner rights	11. Hiring contractors
4. Standards of conduct and required policies	12. Employees
5. Financial management	13. Local government
6. Risk management and organisational planning	14. Other governance matters
7. Developing the reserve	15. Other land management matters
8. Leases and licences	Appendices A-D

Section 2 of the Guidelines concludes with a summary of 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

As outlined in **Section 4** of the Guidelines, in addition to abiding by the Code of Conduct for Directors of Victorian Public Entities, your committee is required to have policies and procedures on:

- Gifts, benefits and hospitality
- Conflicts 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.

Gifts, benefits and hospitality

- “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

Conflicts of Interest

- “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”

Meetings and decisions

- “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”

A committee's financial management is the responsibility of the whole committee and every committee member, not just the Treasurer.

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.

Section 5 of the Guidelines focuses on the financial responsibilities of committees and committee members, including:

- Legislation governing financial accountability
- The Annual Return: A legal requirement
- Day-to-day financial management system
- The basics of good financial management

Annual Return: A legal requirement for all committees

The Annual Return is a legal requirement for all committees. It is due on 30 September each year and 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
- Opportunities to summarise committee highlights and/or any areas of concern for DELWP's attention

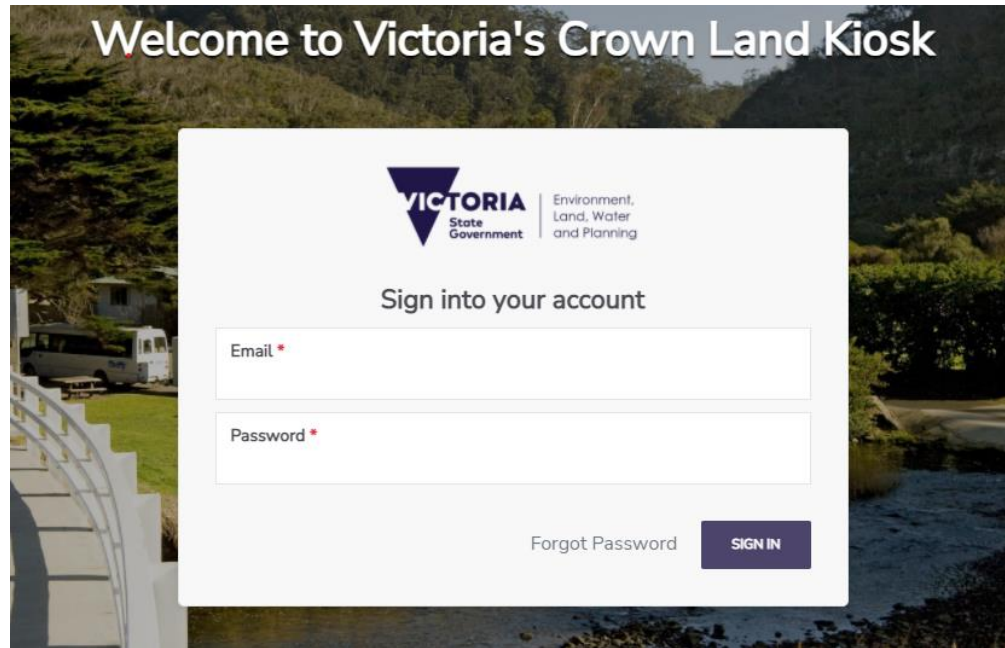
Your committee should formally approve the figures and other details of the Annual Return before submitting (and record this approval in committee minutes).

The preferred method for submitting the Annual Return is through the Crown Land Kiosk (more details on the Kiosk in next slide).

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. Kiosk features include:

- Submitting Annual Return details
- Storing copies of key documents and required committee policies, such as Conflicts of Interest policy
- Maps of Crown land reserve boundaries
- Details of leases or licences



- 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 (including access details) can be found on the [committees of management section of the DELWP website](#)

Section 6 of the Guidelines covers risk management and planning.

In summary, 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

In line with the *Public Administration Act 2004* your committee must:

- Inform the Minister/Department of “known major risks” to the effective operation of your Committee and the risk management systems you have in place to address those risks (see Chapter 6 for more details)

Specific plans for some committees

Two types of committees may be required to develop specific types of organisational plans.

- Coastal committees subject to the *Marine and Coastal Act 2018*. For further information about coastal and marine management plans, see the [Marine and Coasts section of the DELWP website](#)
- Caravan and camping parks. For further information, see the [Crown land caravan and camping parks section of the DELWP website](#)



Section 7 of the Guidelines provides guidance on developing the reserve.

- Any proposed development must be consistent with the purpose for which the land is reserved and mindful of any impacts on activities undertaken at the reserve

Consistent
with reserve
use and
purpose



- Approvals and permits may be required for extending, adding, altering, removing or otherwise changing an asset (built or natural)

Approvals
and permits
may be
required



- Contact DELWP for information at the earliest possible time to ensure that appropriate processes are followed, including any required permits and/or consents

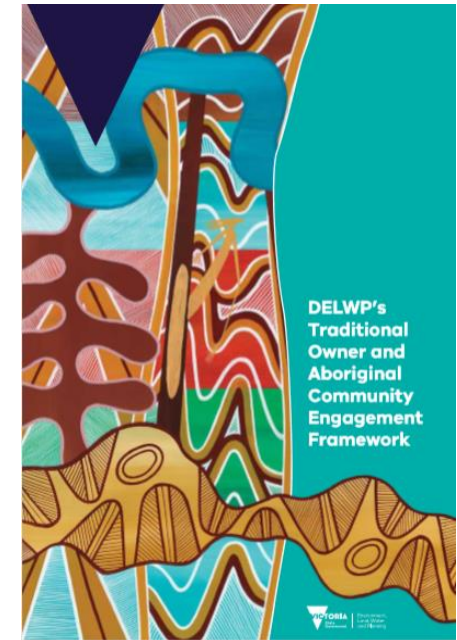
Your DELWP
contact
person can
help



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.

Section 3 of the Guidelines provides a detailed explanation of Aboriginal cultural heritage and Traditional Owner rights, including committee responsibilities regarding:

- Aboriginal cultural heritage
- Native Title and Traditional Owner rights, including Recognition and Settlement Agreements



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

As outlined in **Section 8** of the Guidelines, your committee can issue leases and licences over the reserve if all legal and policy requirements are met, including:

- ‘Approval in Principle’ 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

Verbal or ‘hand-shake’ arrangements for leases and licences are not valid.

What's covered DELWP's insurance covers

- Public and products liability
- Professional indemnity
- Group personal accident (volunteer cover)
- ❖ Note importance of Volunteer Attendance Register

What's not Insurance from DELWP doesn't cover

- Building and contents
- Directors and officer's insurance
- Lease or licence holders, contractors, or groups who use/hire the reserve (they need their own separate insurance)

Further Information

See **Section 9** of the Committee of Management Guidelines for further information about insurance. Certificates of Currency are available from the [committees of management section of the DELWP website](#)

Other areas of the Guidelines for your Committee

The **Committee of Management Guidelines** also includes detailed information on:

- Volunteers (Section 10)
- Hiring contractors (Section 11)
- Employees (Section 12)

These chapters cover occupational health and safety (OHS) issues for committees. All committees have OHS responsibilities irrespective of whether or not they are employers.

Further chapters and appendices include:

- Local government (Section 13)
- Other governance matters, which includes sections on Working with Children Checks, privacy and data protection (Section 14)
- Other land management matters, including weed and protected flora control (Section 15)
- Appendix B: Committee changes during appointment term (which also includes information on roles of Chair, Secretary, Treasurer)

The [committees of management section of the DELWP website](#) is the key source of information for 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).

Your feedback on this Induction presentation



Your feedback on this presentation would be welcome. Send to:
voluntary.committees@delwp.vic.gov.au

Induction objectives

- 1. A better understanding of the Victorian Government's 'good governance' expectations of you and your committee*
- 2. Increased understanding of the benefits of DELWP resources, especially the Committee of Management Guidelines*
- 3. Improved knowledge of the role of DELWP staff in overseeing and supporting committees*

Thanks and enjoy your Committee role



Thank you again for your volunteer commitment as a member of a Crown land reserve committee of management.



We hope you enjoy your committee role.



Please contact us at any time if you require further information.