

DELWP recommends that committees of management have formal agreements such as leases or licences in place with all reserve users. These protect both the committee and the users. Use of leases and licences require close cooperation with DELWP staff.

Definitions

Section 10 of the Committee of Management Guidelines provides detail on leases and licences, including definitions and explanations of the differences between a lease and licence:

- Lease: For exclusive use and possession of part, or all, of the reserve. It may include buildings. A lease is for a set period of time. The committee is the 'landlord' and the organisation or person leasing the land is the 'tenant'. The tenant pays rent to the committee as landlord.
- Licence: For non-exclusive use of part, or all, of the reserve. It may include 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.

Note: 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 parcel of land.

Cooperation with DELWP staff and use of specific documentation

The Guidelines include discussion of instances where use of leases or licences might be useful, along with details of the process for contact with DELWP regarding leases and licences, including:

Minister's approval in principle to negotiate

- Committees must obtain the Minister's approval in principle to issue a lease or licence before beginning negotiations with a proposed tenant or licensee. Contact your local DELWP regional office to start this process

Standard DELWP templates must be used for leases and licences

- DELWP has developed standard lease and licence documents for use by all committees. These are available through the Crown Land Kiosk

Minster's final approval

- Committees must provide the final draft contract to the DELWP regional office. This will enable DELWP officers to check that the contract terms and conditions are in line with the Crown Land (Reserves) Act 1978 and with DELWP policy.

Note: A person or business who conducts an organised tour or recreational activity for profit on public land is required to hold a tour operator licence. See the [Tour Operators](#) section of the DELWP website for details.