



# New Group Starter Kit

Your guide to starting a new landcare group





# CONTENTS

<b>1. INTRODUCTION</b> .....	4
<b>2. WHAT IS LANDCARE?</b> .....	5
2.1. The Landcare Ethic .....	5
2.2. Landcare in Australia.....	5
2.3. Landcare in Partnership .....	5
<b>3. TYPES OF LANDCARE</b> .....	6
3.1. Landcare Farming.....	6
3.2. Urban Landcare.....	6
3.3. Coastcare .....	6
3.4. Indigenous Landcare .....	7
3.5. Junior Landcare .....	7
3.6. Get involved – help form a Landcare group in your area .....	8
<b>4. INFORMAL STEPS TO SETTING UP YOUR LANDCARE GROUP</b> .....	9
4.1. Determining the need for a community Landcare group .....	9
4.2. Growing the idea.....	9
4.3. Forming partnerships.....	10
4.4. Convene a Public meeting.....	10
i. Chairing the public meeting.....	10
ii. Have a clear meeting agenda.....	11
iii. Consider a guest speaker .....	11
iv. Some other public meeting tips include .....	11
v. Allowing open discussion.....	11
vi. Formalising the group’s establishment.....	11
vii. Naming your group .....	12
viii. Determining what area your group will cover .....	12



ix.	Forming a Start Up Committee .....	12
x.	Set the date for the next Meeting (The inaugural or 1 <sup>st</sup> official meeting of the group) .....	13
<b>5.</b>	<b>FORMAL STEPS TO SETTING UP YOUR LANDCARE GROUP .....</b>	<b>14</b>
5.1.	Becoming a Legal Entity (Incorporation).....	14
i.	Model 1 .....	15
ii.	Model 2 .....	17
5.2.	Committee of Management (Executive Committee).....	18
i.	Electing your Committee of Management .....	19
ii.	Annual General Meetings (AGMs) .....	19
iii.	Timing of Annual General Meetings .....	19
iv.	Committee of Management - nomination procedure .....	19
v.	Committee of Management - Election procedure.....	20
vi.	Sub Committees .....	20
vii.	Sub Committee terms of reference .....	20
5.3.	Insurance.....	21
5.4.	Occupational Health and Safety .....	23
5.5.	Membership fees .....	24
5.6.	Opening a Bank Account.....	25
5.7.	Australian Business Numbers .....	26
5.8.	Goods and Services Tax.....	26
5.9.	Registering Your Group.....	27



# 1. INTRODUCTION

Establishing a community Landcare group in most cases should be a relatively simple process.

To assist those interested in setting up a community Landcare group, this 'Start Up Kit' has been developed to outline, in a logical and sequential manner, the general steps involved and the formal requirements that need to be considered when starting a group.

It should be noted that there are no hard and fast rules and the steps involved may vary to some degree depending on the particular circumstance of each group.

You may also choose to do things in a slightly different order to what is outlined within this 'Start Up Kit' and in recognising these variables; the information provided should be considered as a general guide only.



## 2. WHAT IS LANDCARE?

### 2.1. The Landcare Ethic

The Landcare ethic is expressed through people's caring attitude and a desire to pass on our planet to the next generation in a healthier state than the way we find it today.

Landcare enables people to do something practical about protecting and restoring Australia's unique environment contributing to the health, wealth and wellbeing of our nation.

The Landcare Caring Hands Logo symbolises that Landcare ethic – a caring attitude to Australia and a call to action to repair and protect our unique Australian landscapes.

The Landcare Logo is widely recognised amongst Australians with research the Roy Morgan Gallop Poll finding that four out of five people recognise the Landcare Logo.

### 2.2. Landcare in Australia

Landcare in Australia is comprised of a national network of more than 4,000 locally-based community groups and is recognised as one of Australia's great community volunteer success stories led predominantly by grass roots level participation.

Landcare was established as a National Program in 1989 when the Australian Government, with bipartisan support, announced the 1990's as the Decade of Landcare.

Awareness of environmental sustainability has grown markedly amongst the majority of Australians since this time.

Australia's Landcare program has also attracted a great deal of global interest with many aspects of Landcare now being adopted and applied in many other countries of the world.

### 2.3. Landcare in Partnership

The success of Landcare in many instances is a result of effective partnerships formed between community, government and the private sector.

Landcare has also forged important partnerships with the education and scientific communities.

It is recognised that Landcare outcomes are best achieved when driven by the community and appropriately supported by government and the private sector.





## 3. TYPES OF LANDCARE

Across Australia, there are many different types of Landcare groups.

This diversity can range from a group's particular focus, the size of the area a group covers, membership size, the number and frequency of activities conducted, the formality and organisational structure of a group and so on.

The unique thing about Landcare is that there are no set rules as to what a Landcare group could or should look like.

Each local community has control in setting their own group's destiny and the particular activities or focus that their group may wish to pursue.

Some Landcare groups may form with a single focus in mind (e.g. to clean up and beautify the local creek or bushland reserve); other groups may be involved in many issues simultaneously within their local area and local community.

Ultimately, all Landcare Groups should seek to ensure they provide a supportive environment that enables local people with the opportunity to come together, share knowledge and experiences and to do something positive and practical for the long-term health of our land.

### 3.1. Landcare Farming

Landcare farming promotes the sustainable production of food and fibre and supports a holistic approach to maintaining a farm's productive capacity through the implementation of environmental best practice farming techniques and the adoption of sustainable farming technologies. Landcare farming predominantly occurs on private land and seeks to integrate a range of Landcare practices into a farming system. Such activities may include biodiversity conservation, revegetation, waterway management, soil management and so on.

### 3.2. Urban Landcare

Residents in cities and townships can also participate in environmental activities and there are many areas of public land and other environments within our urban areas in need of care and restoration.

Urban Landcare groups can also focus on broader sustainability issues and often, urban Landcare groups undertake important education and awareness raising initiatives.

### 3.3. Coastcare

Coastcare can be seen as an extension of Landcare but with a specific focus toward our coastal environments. There are currently around 60,000 active Coastcare volunteers in 2,000 Coastcare groups all around the country.

Coastcare is about maintaining and enhancing our coastal environment through practical community action.



### 3.4. Indigenous Landcare

Aboriginal and Torres Strait Islander people have practiced 'Landcare' for thousands of years through their intimate connection and relationship to country.

The knowledge, skills and traditional land management practices of Indigenous Australians provides many opportunities to integrate traditional knowledge with today's contemporary Landcare.

There is much to be learnt from Indigenous Australians in respect to Landcare and in many areas of remote and Northern Australia, traditional knowledge is an intrinsic part of ongoing land management practices.

### 3.5. Junior Landcare

Junior Landcare provides fantastic opportunities for our youth to undertake environmental projects as part of their school curriculum and to 'learn through Landcare'.

Junior Landcare activities can take place either within the school grounds or within the local community. Where possible Junior Landcare school and youth groups work in partnership with Landcare or other community groups to help build a stronger sense of local community.

Junior Landcare also holds regular environmental challenges and competitions for individuals and school groups.

Setting up a Junior Landcare group is different to establishing a conventional community Landcare group. For more information visit: [www.juniorlandcare.com](http://www.juniorlandcare.com)

### **3.6. Get involved – help form a Landcare group in your area**

Landcare is a great way for people to help our environment in a real and practical way.

From farmers to ‘green thumbs’, from children to retirees, from those living on the coast to those in the country and the city – people of all ages and interests can get involved in Landcare.

All Landcare groups are independent community led and run organisations. Each group has the flexibility to adapt the Landcare ethic to reflect the environmental issues and interests of local communities.

A Landcare group has far greater potential to achieve results than individuals working alone and can be a great way of developing a stronger sense of local community. A Landcare group brings likeminded people together to share information and identify local solutions to local problems.

If there’s not a Landcare group in your area, forming a group could be a great way to do something practical to help your local environment.

**“So do your bit for Australia’s future – get involved and help form or join a Landcare group in your area”**

N.B. To determine if a community Landcare Group already exists in your local area visit:  
[www.landcareonline.com](http://www.landcareonline.com)





## 4. INFORMAL STEPS TO SETTING UP YOUR LANDCARE GROUP

The important steps to consider when setting up a community Landcare group in your area include:

- Determining the need for a community Landcare group
- Growing the idea of establishing a community Landcare group and getting others on side
- Forming partnerships
- Holding or convening an effective public meeting
- Deciding on a name for the group
- Determining what area your group will cover
- Establishing a 'Start up Committee'

### 4.1. Determining the need for a community Landcare group

An important first step when considering the establishment of a Landcare group is to firstly confirm that there aren't any other groups already in existence in your area.

You may be surprised to find that there is already a local group in operation. Sometimes and for many reasons, groups can go unnoticed. This could be due to a group going through a quiet period or not actively promoting themselves externally.

You can do a preliminary check to see whether any groups exist in your local area by conducting a group search using the National Landcare Directory [www.landcareonline.com](http://www.landcareonline.com)

### 4.2. Growing the idea

Once you've determined that there aren't any existing local groups, the next step is to establish wider support within your local community for starting a Landcare group.

It's important during this phase to consult as widely as possible with a range of people within your local area. You may be pleasantly surprised as to how many people are interested and want to be involved, so think broadly about whom to talk with.

Encourage everyone who has shown an interest in establishing the group to help promote the idea to increase your impact.

Make sure that during this phase people are being asked what they see as important issues to them. Keep a list of all the ideas that people identify as these will become important to refer back to at a later stage.

It is also important that you keep a contact list of all people that have expressed interest.

### 4.3. Forming partnerships

At the earliest possible stage it is advisable that you make contact with the relevant organisations within your local area to discuss the idea of forming a group with them whilst also seeking to get them on side and form an effective working relationship.

Relevant organisations may include local councils, Natural Resource Management Organisations/Catchment Management Authorities, State Government agencies, local businesses, other environment groups, community service clubs and schools within your local area.

It is also advisable to find out if there is a Landcare network in your area. Landcare networks can be defined as a cluster of Landcare or other community environment groups who operate collaboratively to achieve larger scale environmental and community goals.

If your group is considering doing works on an area of public land, it is particularly important that contact is made with the relevant land manager (i.e. the responsible authority) to determine if and how your group can get involved.

N.B.  
Some local councils and state agencies also have volunteer support programs that may facilitate your group's involvement.

It is also important to find out what management plans (if any) have been prepared for the area that your group is interested in working on as this may influence the type and extent of activities the group can carry out.

### 4.4. Convene a Public meeting

Once you have consulted widely and you are confident that there is enough interest within the local community, the next step is to convene a public meeting to discuss the idea in an open public forum. This ensures transparency in how the group is established and provides additional opportunities to inform and involve all local residents.

If you have made previous contact and formed a relationship with the local council, Natural Resource Management Organisation/Catchment Management Authority or Landcare network, they may be able to offer some assistance with organising a public meeting.

It is important to ensure the meeting is convened on an appropriate day and at a suitable time and venue to ensure that the meeting will attract as many people as possible. Make sure that the people most supportive of forming the group are able to attend.

Publicise the public meeting as widely as possible through word of mouth, adverts in the local media and notices and mail box drops within the local area.

#### i. Chairing the public meeting

It's important to have a good chair for the public meeting. Seek out someone who is experienced in conducting public meetings and who is well respected within the local community. The chair should also have enthusiasm about the formation of the group, but should be able to conduct the meeting from an independent perspective, allowing open and full public discussion.

## ii. Have a clear meeting agenda

It is helpful to have a clear meeting agenda that outlines what business items the meeting will cover (it's important to not let the meeting deviate from its purpose).

Make sure at the start of the meeting, the Chair reiterates why the meeting has been called and what the meeting format or process will be. This will ensure those people who have not been involved in previous discussions are brought up to date and are clear about what will (and what will not) be covered during the meeting.

## iii. Consider a guest speaker

If your meeting timeframe allows, it may be worthwhile considering having a relevant guest speaker.

An appropriate guest speaker could be a person experienced in Landcare such as someone from a nearby group. They could be invited to talk about the process they went through in setting up their group, their experiences and their achievements.

If the interest within your community is more related to working on an area of public land, it may be more appropriate to invite the relevant person from the management organisation. They could talk about the area you are interested in working on and would be able to outline any plans for the area (if any) and discuss potential opportunities for your group's involvement.

## iv. Some other public meeting tips include

Have a registration sheet for all attendees to fill out their contact details

Provide people with name tags

Take down notes as a record of the meeting and the discussion points

Have some refreshments before and at the end of the meeting as this is a great way for people to get to know each other and to allow further discussion.

## v. Allowing open discussion

During the public meeting people should be given the chance to state what they consider to be important issues. You may like to have a person skilled in group facilitation for this part of the meeting as they can assist in opening up discussion and allowing everyone the opportunity to contribute to the discussions.

### N.B.

Your local council, Natural Resource Management Organisation/Catchment Management Authority or Landcare network may be able to help in identifying a suitable person to assist with facilitating this part of the meeting.

## vi. Formalising the group's establishment

At the conclusion of general discussion and upon listing all the potential activities the group could pursue, the meeting Chair should then ask for a show of hands as to whether the group should be officially formed. If enough interest is expressed then the group can consider itself established (albeit informally at this stage).

### N.B.

Actual numbers aren't necessarily important as long as enough interested and passionate people are available to ensure the group can start up and operate

## **vii. Naming your group**

At the public meeting you may also wish to establish the group's name. If more than one option for the group's name is put forward and reaching a clear decision is proving difficult, it is advisable that people put forward their group name options and allow this to be moved as an item of business to the next meeting where a vote and a decision can be made.

## **viii. Determining what area your group will cover**

Another consideration to make (at some stage) is the area that the group may cover. In most instances when a group starts up, defining the actual boundaries can prove to be a more difficult decision than it would first appear.

In some cases, it can take some time for a group to settle on their exact area. Defining the group's boundaries should not be seen as being a limiting factor to who can be involved; rather it helps in communicating to others the area of focus of your group.

Some factors that may help to determine the area of the group can include:

- If the focus of your group is a specific area of land (e.g. public land reserve)
- Where the majority of your group's membership reside
- The activities members within your group have shown interest in
- The boundaries of neighbouring groups (if any)
- The use of existing boundaries such as townships, council boundaries, CFA brigade areas, sub catchment or catchment drainage boundaries etc.

### **NOTE:**

Experience shows that determining group boundaries can be an area where a new group can potentially get bogged down or where some conflict may arise.

It is important to make it clear that defining the group's area is a flexible process and one that may evolve over time.

If at the public meeting defining the area is proving difficult, the Chair should step in and move this item to the agenda of the next meeting allowing people more time to consider the options.

## **ix. Forming a Start Up Committee**

Once the decision to establish your group has been made, the group should elect an 'interim' Start up Committee.

The Start up Committee's role should be to undertake some of the key tasks to get the important organisational requirements for the group in place so that the group can get off to an early and successful start.

A Start up Committee seems to work best when it is kept to a smallish group (around four to six people)

**x. Set the date for the next Meeting (The inaugural or 1<sup>st</sup> official meeting of the group)**

Before the Chair closes the public meeting ensure that a date, time and venue for the next meeting is set. This meeting shall be known as the 1<sup>st</sup> official or inaugural meeting of your group.

The timeframe between the public meeting and the 1<sup>st</sup> official or inaugural meeting should be short enough to ensure that momentum is maintained but allows enough time for the Start up Committee to follow up on organising some of the formal arrangements so that they can report back on their progress to the next meeting.

The agenda for the first official meeting of the group should focus on covering the formal requirements of the group; this should include if applicable:

- Agreeing on the group's name (if not confirmed)
- Agreeing on the area that your group will cover (if not confirmed)
- Election of your group's Committee of Management
- Determining the type of legal entity your group will become
- The setting of the group's membership fees
- Opening a group bank account
- Determining signatories to the bank account
- Determining the appropriate insurance coverage/policies to take out



## 5. FORMAL STEPS TO SETTING UP YOUR LANDCARE GROUP

The important formal steps to consider include:

- Becoming a legal entity (Incorporation)
- Establishing a Committee of Management (Executive Committee)
- Committee of Management roles and conduct
- Insurance
- Health and Safety
- Membership
- Setting up a bank account
- Obtaining an Australian Business Number (ABN)
- Taxation considerations (GST)
- Registering your community Landcare group

### **N.B**

Your group's Start Up Committee is encouraged to use this information as a guide to setting in place some of the more formal requirements for your group.

Generally a Start Up Committee would work through the items listed within this section and where appropriate, make recommendations on the best options to the whole group at the next general meeting. In most cases this would be the inaugural meeting.

### **5.1. Becoming a Legal Entity (Incorporation)**

An important consideration for your new community Landcare group is to determine what type or model your group will adopt to enable it to become a legally recognised entity.

To gain the status of a legally recognised entity, your group will need to become 'incorporated'.

Becoming incorporated will allow your group to provide protection for individual members against being held personally responsible for the organisation's debts and liabilities and will also allow your group to open and operate its own bank account, receive grants and donations, enter into contracts and to take out appropriate insurance policies for the group and its members.

There are different types of incorporation available to your group and the model that your group selects will need to be determined by the group's members at a formal meeting of the group (i.e. the first official or inaugural meeting) with the decision written into that meeting's minutes.

There are two principal models available for your group when seeking to become incorporated and it is up to your group's members to determine which of these models is most applicable to your group's situation.

These models are:

1. To incorporate as an independent body under the Associations Incorporation Act 1981.
2. Gain the benefits of incorporation by becoming an affiliated member of an existing incorporated association that has the same or similar aims or objectives to your group.

**N.B.**

This option is only available for groups with more than five members

**N.B.**

This would mean that the organisation that your group may seek to affiliate with has a Statement of Purpose that encompasses the same goals or objectives of your group.

A community Landcare group can also be auspiced under another body such as a local council; however such a group may not be seen as a legal entity in their own right and as such may be limited in their ability to undertake certain activities.

**i. Model 1**

If your group chooses to become an incorporated entity in its own right, (i.e. under the Associations Incorporation Act 1981), then your group will need to complete and submit an application for Associations Incorporation with the relevant authority in your state (see below).

Incorporation is quite a formal process and requires your group to follow certain procedures.

You can find out more about the particular requirements relating to Association's Incorporation by contacting your relevant state office:

**NSW**

The following hyperlink directly links to the incorporation section of the website for [NSW Government Department of Commerce/ Office of Fair Trading](#).

If you cannot access the direct hyperlink above please visit the department website at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) and click through until you reach the information on incorporation or contact the office by phone on 13 32 20.

**VIC**

The following hyperlink directly links to the incorporation section of the website for the [Department of Justice/Consumer Affairs](#).

If you cannot access the direct hyperlink above please visit the department website at [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au) and click through until you reach the information on incorporation or contact the office by phone on 1300 558 181.

**QLD**

The following hyperlink directly links to the incorporation section of the website for the [Department of Employment, Economic Development and Innovation/Fair Trading](#).

If you cannot access the direct hyperlink above please visit the department website at [www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au) and click through until you reach the information on incorporation or contact the office by phone on 13 13 04.



## WA

The following hyperlink directly links to the incorporation section of the website for the [Department of Commerce](#).

If you cannot access the direct hyperlink above please visit the department website at [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au) and click through until you reach the information on incorporation or contact the office by phone on 1300 30 40 74.

## SA

The following hyperlink directly links to the incorporation section of the website for the [Office of Consumer and Business Affairs](#).

If you cannot access the direct hyperlink above please visit the department website at [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au) and click through until you reach the information on incorporation or contact the office by phone on 1300 138 918.

## NT

The following hyperlink directly links to the incorporation section of the website for the [Northern Territory Department of Justice](#)

If you cannot access the direct hyperlink above please visit the department website at [www.nt.gov.au/justice/licenreg](http://www.nt.gov.au/justice/licenreg) and click through until you reach the information on incorporation or contact the office by phone on 1800 193 111.

## ACT

The following hyperlink directly links to the incorporation section of the website for the [Department of Justice and Community Safety/Office of Regulatory Services](#). If you cannot access the direct hyperlink above please visit the department website at [www.ors.act.gov.au/BIL](http://www.ors.act.gov.au/BIL) and click through until you reach the information on incorporation or contact the office by phone on 02 6207 3000.

## TAS

The following hyperlink directly links to the incorporation section of the website for the [Department of Justice/Consumer Affairs and Fair Trading](#). If you cannot access the direct hyperlink above please visit the department website at [www.consumer.tas.gov.au](http://www.consumer.tas.gov.au) and click through until you reach the information on incorporation or contact the office by phone on 1300 65 44 99.

As a general guide to complete an application for Association's Incorporation your group will need to provide the following information:

- Proposed Name of the Association (i.e. the group's name)
- *It is suggested that the name reflect the Purpose of the group (e.g. contain the word Landcare within)*
- The nominated Public Officer (this can be the Secretary) and their contact details
- The registered address of the Association (needs to be a property or street address (a P.O. Box cannot be accepted for this section)
- The postal address of the Association if different to the residential or street address as above
- Number of members at the time of application for incorporation
- Estimated gross annual income



- Value of assets at time of application for incorporation (*generally this will not be applicable to a newly formed group*)
- End of year financial date
- Group Statement of Purpose/s
- Rules of the group (These can either be the model rules as outlined in Schedule 5 of the Associations Incorporation Regulations 1998 with no changes, or with a change to the date for the end of the financial year  
Or  
The group's own rules which comply with section 6 of the Associations Incorporation Act 1981 in which the group must attach a full copy of the rules with its application.
- A statement that the association (i.e. the group) has approved the adoption of such rules
- Details of the entrance fee and annual membership fees
- Payment of the applicable application payment fees and lodgement of application for incorporation (including information as outlined above)

## ii. Model 2

If your group chooses the model of affiliating with an existing incorporated organisation your group will need to enter into discussions with that organisation to determine what requirements and information your group will need to provide to become an affiliated member.

If you select this model, your group will be required at a minimum to adopt and comply with the existing rules of that incorporated body.

### NOTE:

The Victorian Farm Tree and Landcare Association (VFF-FTLA) provide this option for community Landcare groups and offers this option to both Victorian and Interstate Landcare type groups.

Approximately 520 Landcare type groups are currently affiliated member groups of the VFF - FTLA.

To discuss this option you are encouraged to contact the executive officer of the VFF-FTLA on:

Ph: 1300 882 833

Fax: 03 9207 5500

**Being incorporated does not provide protection for individuals against the consequences arising from their own negligence. Insurance is required for this.**

## 5.2. Committee of Management (Executive Committee)

The affairs of an incorporated association and most community groups are managed by a Committee of Management.

This Committee is an elected group of people given responsibility to control and manage the business and affairs of the Association (i.e. the Group).

The rules of an incorporated association must outline the following:

- the powers of the Committee of Management
- what constitutes a quorum
- procedures for conduct of Committee meetings
- election procedure and terms of office of Committee members, and
- the grounds on which an office of a Committee member becomes vacant.

The Committee of Management is accountable to the group's members, regulatory bodies, funding providers and the wider community and it is the responsibility of the Committee of Management to ensure the group's business is conducted in an efficient, effective and transparent manner.

A Committee of Management generally consists of officers of the association which includes at minimum, positions of:

- President
- Secretary
- Treasurer

Each of these positions has certain management responsibilities.

Your group may also opt to have positions in addition to these. These positions are generally referred to as ordinary members of the Committee of Management.

It is found that around six to eight people is sufficient to effectively manage a group's affairs. A larger committee of management can prove cumbersome in making efficient and effective decisions and small committees can lead to placing a heavy workload on individuals.

The ordinary committee members can also be given specific roles. The exact roles and titles for these positions need to be determined by members of the group and must also be outlined within the group's rules/constitution.

In many cases deputy or assistant positions are established with the intent of providing a group with a planned succession pathway when people choose to move out of a position.

This approach is strongly encouraged as it ensures that knowledge is retained within the Committee of Management and ensures people with appropriate skills are transitioned into the group's leadership roles. Examples include vice president, assistant secretary, assistant treasurer, public officer etc.

### N.B.

Effective management of a group's affairs is commonly referred to as 'good governance'.

Governance is the process by which the group is given direction, its activities monitored and controlled and its personnel held to account.

### N.B.

Continuity and stability of a committee is important but so is some change and having a balance of experience and new ideas proves to be an effective committee model. Preferably at each AGM having some experienced members remain and having some new ones join is an effective committee renewal model.

### **i. Electing your Committee of Management**

Committee member positions should be elected at the first official (i.e. inaugural) meeting of the group with positions thereafter made open for re-election at the group's annual general meeting (AGM).

### **ii. Annual General Meetings (AGMs)**

An incorporated association shall at least once in each calendar year convene a general meeting (to be called an annual general meeting or AGM) of its members.

### **iii. Timing of Annual General Meetings**

An incorporated association can hold its first AGM at any time within the period of eighteen months after its incorporation. The second and any subsequent AGMs thereafter shall be held within five months of the group's stated end of financial year.

### **iv. Committee of Management - nomination procedure**

There are generally some requirements set out in the group's rules/constitution regarding who can be nominated and elected to your group's Committee of Management. A general requirement is that any person nominated for a position must be a financial member of the group at the time of nomination/election.

To nominate someone for a position on your group's Committee of Management requires a formal nomination and election process. This is generally outlined within the group's rules/constitution.

There are generally two methods to conduct the formal Committee of Management nomination process:

1. By completing a pre AGM Committee member nomination form  
OR
2. By personal nomination at the AGM

Both methods as described above will require a member of the group to nominate another member with the nominated person being required to accept their nomination. A further person is then required to second that nomination.

It is advisable to have people agree to being nominated for a position before the AGM rather than leaving it to ask people during the election process and risk the possibility that a position not be filled, or be filled by a person without the appropriate knowledge of the position responsibilities, or lack the appropriate skills to successfully hold that position.

**N.B.**

Option 1 of completing a pre AGM nomination form is generally considered to provide a more effective way of ensuring suitable candidates are nominated for positions and in providing a smoother election process during the meeting.

#### **v. Committee of Management - Election procedure**

As outlined above the process for electing your group's Committee of Management will form an important part of the group's inaugural meeting and subsequent annual general meeting.

For the election of the Committee of Management, it is advisable to have an independent person to chair that part of the annual general meeting.

The Chair should start the election process by declaring all (or the relevant) position/s vacant and then depending on whether pre nomination forms have been lodged or nominations are called for from the floor during the meeting, the Chair shall read out or call for the nominations for each position.

For each nomination the Chair shall make clear, the person being nominated and the nominator and seconder for each nomination.

In the case where only one nomination for a position is received, then that person shall be considered elected to that position. Where more than one nomination has been received for a position, the members present shall by ballot cast their vote of preference.

It is advisable that the persons nominated for and contesting such positions be asked to momentarily leave the room whilst the ballot is being conducted.

The format for such a ballot can be done either by show of hands or by written vote which provides greater confidentiality in the process.

#### **vi. Sub Committees**

The group may at its discretion seek from time to time to establish other committees. In many instances such committees are given the term sub committees.

Sub Committees provide an effective way of involving a greater number of members in group decision making and help build leadership capabilities within the group.

Sub Committees give members an increased level of involvement and allow such members the ability to have input into particular subjects that they are passionate, skilled or directly interested in.

Sub Committees are generally established to have a specific focus and a discrete timeline, and are generally chaired by a member of the Committee of Management.

Sub Committees must also operate within some set parameters as the Committee of Management must have ultimate responsibility for all group decisions. This means that a Sub Committee cannot make a final decision and instigate action until their recommendations have been ratified by either the Committee of Management or a meeting of the general committee.

#### **vii. Sub Committee terms of reference**

Developing a set of terms of reference for your group's Sub Committees can be an effective way to outline the role, purpose and scope of a Sub Committee.

## 5.3. Insurance

Not-for-profit community organisations such as Landcare groups need to have appropriate and adequate insurance cover to protect themselves, their Committee of Management (directors), their volunteers, clients and customers and if applicable their paid staff against the risks associated with the conduct of the organisation's activities.

Whilst having appropriate insurance policies in place is essential, all Landcare groups must endeavour to minimise the exposure of risks to their volunteers, clients, customers and staff through proper health and safety and management practices, documented procedures and an appropriate level of supervision, instruction and training.

All Landcare groups need to correctly determine the level of risk associated with the particular activities of their group and put in place appropriate and adequate insurance coverage.

### N.B.

It is recommended that each group seek professional advice in determining the type and level of insurance cover required. The group also needs to ensure it is familiar with the details and clauses within the insurance policies it takes out.

### NOTE:

The Victorian Farm Tree and Landcare Association (VFF-FTLA) also provide a tailored and affordable insurance package brokered especially for Landcare type groups.

To discuss the details of the VFF-FTLA insurance package option contact the VFF-FTLA executive officer on:

Ph: 1300 882 833

Fax: 03 9207 5500

Email: [sjohnson@vff.org.au](mailto:sjohnson@vff.org.au)

### Important insurance considerations for groups include

- **Public liability insurance**  
Public liability insurance provides cover for legal liability to third parties for personal injury or property damage caused by an occurrence in connection with a Group's activities.
- **Products liability insurance**  
Product liability insurance covers damages and legal costs that are incurred by a maker or seller of a product when that product injures someone or damages someone's property.
- **Personal accident insurance (Volunteer Insurance)**  
Personal accident insurance covers volunteer members, workers and participants for out-of-pocket expenses following accidental injury, disability or death while engaged in activities on behalf of the Group.
- **Directors and Officers Liability Insurance**  
Directors and officers liability insurance covers the group's office bearers and committee members against loss, including legal costs, where they have committed a wrongful act in the running of the organisation and also protects the personal assets of office bearers.

- **Professional Indemnity Insurance**

Professional indemnity insurance covers the group against breaches of professional duty arising from negligence, errors, omissions, defamation, loss of records or documents, dishonest acts, etc., by volunteers or paid staff.

- **Fidelity (Fraud) Insurance**

Fidelity or fraud insurance covers the group against misappropriation of funds by committee members or employees.

**NOTE:**

- Depending on your group's particular situation there may be other insurance considerations to make. Some examples include building, property and contents as well as various types of motor vehicle insurance.
- Professional indemnity insurance is sometimes combined with directors' and officers' liability insurance to form 'Association Liability Insurance'.
- Regarding Fidelity (fraud) insurance, this insurance policy type needs to be appropriately weighed up giving consideration to the financial turnover or financial status of the group and the likelihood and degree of misappropriation occurring.

## **Employment related insurance**

Some Landcare groups may at some stage consider taking on a role of employing staff.

If your Landcare group does consider becoming an employer, it is essential that the group understands and instigates appropriate insurance policies relating to the legal responsibilities of being an employer.

In the case of employment related insurance, this as a minimum may include:

- Workcover (Workplace injury insurance)
- Employment Practices Liability Insurance

**N.B.**

Employment practices liability insurance covers the group against claims for unfair dismissal, discrimination, harassment and defamation.

## 5.4. Occupational Health and Safety

Recognising and supporting the vital role of volunteers within your group includes protecting their health and safety and it is essential that your group considers health & safety as a core and fundamental part of all activities.

Community Landcare groups have a moral and legal obligation to ensure they provide a safe working environment in order to prevent risk or injury to any person or persons involved in formal Landcare activities.

It is expected so far as is practicable when organising events and activities that your group puts in place appropriate risk prevention strategies to ensure that a safe working environment is created to protect the health and safety of all participants and the wider community.

Many Landcare events and activities rely on the participation of volunteers; these may either be members of your group, volunteers from the wider community or may extend to the involvement of local school children.

At any formal Landcare event (i.e. that has been sanctioned by your group), it is essential that all participants are signed in as a registered participant when entering a Landcare workplace.

Participants should also be requested to disclose any pre existing injuries or medical conditions so as to prevent aggravation of such injuries or illnesses and to allow organisers to ensure that an appropriate task can be assigned.

All participants must be provided with an introduction to the worksite, be familiar with the worksite emergency plan and procedures, be given an induction to the specific activities and tasks to be carried out and participate in the process of identifying risks and determining appropriate control measures to minimise such risks.

Appropriate personal protective equipment (PPE) must also be provided and be worn when performing tasks. All tools and equipment must be in good working order and be appropriate to the task.

Volunteers must not be expected to perform any task they consider to be beyond their physical ability or skill level and the operation or usage of equipment/machinery should only be carried out by a qualified, trained or suitably experienced operators.

**N.B.**

With rising costs of insurance, it is also important that Landcare groups demonstrate effective risk management strategies by having in place appropriate health and safety policies and risk control procedures.

**N.B.**

If your Landcare group takes on the role of employing staff, additional legal requirements relating to OH&S will need to be met.

## 5.5. Membership fees

Your Group will need to determine what fees are applicable for entrance and membership of your group and this will need to be written into the group's rules/constitution.

In determining the membership fee or rate, it is important to consider the groups establishment or set up costs as well as the potential ongoing costs of running the group's affairs (i.e. its operating costs)

### **Establishment and operating costs can include:**

- Incorporation
- Insurance
- Printing
- Postage
- Venue hire costs
- Catering costs

In determining the membership fee rate, your group will need to consider the indicative operating costs for the year and the likely membership numbers that your group will attract.

Dividing the projected operating costs by the number of members will provide an approximate figure of the minimum membership fees.

Keep in mind that members will also need to be happy with what they think is a reasonable cost to join.

A review of the group's membership fees should be an item of special business as part of the Group's AGM each year.



## 5.6. Opening a Bank Account

At the group's inaugural meeting (or a meeting not long thereafter) a motion needs to be moved and carried by those present at the meeting permitting a nominated member or members of the group to open a bank account on the group's behalf.

This motion will need to be minuted in the meeting minutes as the bank will require a copy of those minutes when applying to open the account.

As part of the meeting motion as outlined above, signatories to the group's bank account should also be determined. It is advisable that one of these signatories be the group's treasurer, with two other signatories to also be nominated.

Having three signatories to your groups account caters for a situation where one of the other signatories may be unavailable. The group's cheque book (if applicable) should also require a minimum of two signatories to practice good governance.

It is advisable to pre-determine which financial institution your group will open its account with, and also have this moved with the above motion/s.

**N.B.**

Your group is encouraged to shop around when seeking to open an account as many financial institutions provide tailored packages for not for profit community groups such as Landcare.

## 5.7. Australian Business Numbers

Your group will need to consider applying for an Australian Business Number (ABN).

Any non profit organisation with a GST turnover of more than \$ 150,000 per annum must register for GST and therefore will also need to have an ABN.

If your group will be supplying goods or services, you will need to be able to quote an ABN so that other businesses do not withhold tax at the top marginal rate when they pay you.

## 5.8. Goods and Services Tax

Goods and Services Tax (GST) as most Australian's now know is a broad based tax of 10 per cent on most goods and services. It is a transaction based tax and no organisation is exempt.

Not for profit organisations such as Landcare Groups must register for GST if their annual turnover is \$150,000 or more.

If your group's annual turnover is less than \$150,000, your group can choose whether it wishes to register for GST or not.

GST is a component of the price of many things purchased. If your group is registered for GST, then the group can claim a credit for the GST that the group has paid (this is called an input tax credit).

If your group is not registered for GST, then it cannot claim back the GST refund on the applicable goods and services purchased.

If your group is registered for GST, it must add 10 per cent to the price of its taxable goods and services and pay the Australian Tax Office (ATO) one-eleventh (1/11<sup>th</sup>) of the price charged.

If your group is not GST registered, it cannot charge GST on the goods and services that it supplies.

### NOTE:

- Being GST registered does require additional record keeping. (i.e. the completion of quarterly or annual Business Activity Statements)
- The information above is general in nature only and should not be relied on solely. You are encouraged to contact the Australian Taxation Office or contact your local accountant or financial adviser to discuss with them the particular circumstances of your group.

## 5.9. Registering Your Group

Once your group has decided to establish you will also need to register your group on the National Landcare Directory at: [www.landcareonline.com](http://www.landcareonline.com)

Registration on this database will ensure your group receives important landcare news as well as funding information and updates.

It is also advised to contact your local Natural Resource Management (NRMO)/Catchment Management Authority (CMA) and your local Government to inform them of your establishment.

The relevant NRMO/CMA at: [www.nrm.gov.au/nrm/region.html](http://www.nrm.gov.au/nrm/region.html)

The relevant Local Council at: [www.alga.asn.au/links/obc.php](http://www.alga.asn.au/links/obc.php)