



Setting up a Community Landcare Group

Part B

Setting up a community Landcare Group

Establishing a community Landcare group should be a relatively simple process.

To help those interested in setting up a group, this Start Up Kit has been developed to outline 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 circumstances of each group. As a result, you may wish to obtain independent legal advice when establishing your 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.

The New Landcare Group Start Up Kit has two key parts:

Part 1

A guide to the informal steps for establishing a community Landcare group.

Part 2

A guide to the formal requirements for establishing a community Landcare group, which can be used as a reference by your new groups' Start Up Committee.

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Setting up a Community Landcare Group – Part 1

A guide to the informal steps for establishing a community 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
- Forming partnerships
- Convening public meetings
- Naming your group
- Determining what area your group will cover
- Establishing a Start Up Committee

Determining the need for a community Landcare group

An important first step when considering setting up a Landcare group is to first confirm there aren't any other groups already in your area.

You may be surprised to find there is already a local group in operation. Sometimes, 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 at any of the following websites:

- Victorian Landcare Gateway: www.landcarevic.org.au
- Landcare Australia: www.landcareaustralia.org.au
- Local Council: www.localgovernment.vic.gov.au

In some cases, a new group starting up in the same area as an existing group is warranted, commonly where groups have a different focus or vision. In these situations, it's important groups work together in order to complement each others' efforts and maximise impact.

Growing the idea

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 who you talk to.

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



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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 people identify, these will become important as your group begins to develop an action plan.

It is also important to keep a contact list of all people who have expressed interest.

Forming partnerships

It's a good idea to make contact with relevant organisations in your local area as soon as possible, to talk about forming a group and get them on side to form an effective working relationship.

Relevant organisations may include local councils, Catchment Management Authorities, State Government agencies (such as Parks Victoria), local businesses, other environment groups, community service clubs and schools in your local area.

Also find out if there's a Landcare network in your area. Networks are a cluster of Landcare or other community environment groups who operate collaboratively to achieve larger scale environmental and community goals.

Approximately 70% of Landcare groups within Victoria are clustered with other local groups to form an overarching Landcare network.

If your group is considering working on an area of public land, it's important to contact the relevant land manager to work out if and how your group can get involved.

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

Some local councils and state agencies also have volunteer support programs that may help your group.

Convening a public meeting

Once you have consulted widely and you are confident there is enough interest in 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 your local government, Catchment Management Authority or Landcare network, they may be able to help organise a public meeting.



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

Publicise the public meeting as widely as possible through word of mouth, information in the local media and notices and letterbox drops.

Chairing the public meeting

A good chair for the meeting is crucial, have someone who is experienced in conducting public meetings and well respected by the community. The chair should be enthusiastic about forming the group, but be able to conduct the meeting with an independent perspective, allowing open and full public discussion.

Have a clear meeting agenda

Make sure you have a clear meeting agenda clearly outlining what business items the meeting will cover - it's important the meeting stays focused on the reason why you are there.

At the start of the meeting, the chair needs to reiterate why the meeting has been called and what the meeting format or process will be. This will help people not involved in previous discussions to be brought up to date and ensure they are clear about what will (and what will not) be covered during the meeting.

Consider a guest speaker

If your meeting timeframe allows, it may be worthwhile considering having a relevant guest speaker, someone experienced in Landcare – such as someone from a nearby Landcare 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, think about inviting someone 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 and discuss potential opportunities for your group..

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, this is a great way for people to get to know each other and to allow further discussion.

Allowing open discussion:

During the public meeting people should be given the chance to discuss what they consider to be important issues. You may like to have a skilled facilitator for this part of the meeting as they can help open up discussion and allow people the opportunity to contribute.



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

Formalising the group's establishment

At the end of general discussion and once all the potential activities are listed, the chair should then ask for a show of hands as to whether the group should be officially formed. If there is enough interest the group can consider itself informally established.

Actual numbers aren't necessarily important as long as there is enough interested and passionate people to make sure the group can start up and operate successfully.

Naming your group

At the public meeting you may want to establish the group's name. If more than one option is put forward and it's hard to reach a clear decision, people should put forward their options and make this an item of business for the next meeting where a vote and a decision can be made.

Before you make a decision, check whether your proposed name has already been registered by another incorporated association or company.

Determining what area your group will cover

Often when a group starts up, defining the actual boundaries can be a difficult decision. In some cases, it can take some time for a group to settle on their exact area. Defining the group's boundaries doesn't limit who can be involved, it helps communicate the group's focus.

When defining your area, think about:

- 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 live
- The activities your members are interested in
- The boundaries of any neighbouring groups
- The use of existing boundaries such as townships, council boundaries, CFA areas, sub catchment or catchment drainage boundaries etc.

Sometimes working out group boundaries can potentially bog down a group or create conflict.

Make it clear to everyone involved that defining the group's area is a flexible process and one that may evolve over time.

If defining the group area at the public meeting 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.

Establishing a Start Up Committee

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

The committee is responsible for key tasks to get the important organisational requirements in place so the group can get off to an early and successful start.

A committee generally works best when kept to a group of about four to six people.

Part 2 of this kit outlines some important areas that your group's committee will need to consider. The committee should use this information as a guide when setting in place some of the more formal requirements for your group.

Set the date for the next meeting – the inaugural or first official meeting

Before the chair closes the public meeting, make sure a date, time and venue for the next meeting is set. This meeting is the first official, or inaugural, meeting of your group.

The timeframe between the public meeting and the inaugural meeting should be short enough to ensure momentum is maintained but allows enough time for the Start Up Committee to organise some of the formal arrangements so they can report on their progress.

The agenda for the first official meeting of the group should focus on the formal requirements of the group; including (if applicable):

- The group's name, if not confirmed
- The area your group will cover, if not confirmed
- Election of a Committee of Management
- The type of legal entity your group will become
- Group membership fees
- A group bank account
- Signatories to the bank account
- Appropriate insurance coverage/policies

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A guide to the formal requirements for establishing a community Landcare group

This section of the kit outlines the formal steps to consider when establishing a community Landcare group in your area.

The important formal steps to consider include:

- Establishing your Landcare group
- Committee of Management (Executive Committee)
- Insurance
- Employer obligations
- Occupational Health and Safety (OH&S)
- Membership fees
- Opening a bank account
- Taxation requirements
- Registering your group

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.

Establishing your Landcare group

An important consideration for your new group is to work out what type or model your group will adopt to enable it to become a separate, legally recognised entity.

Becoming incorporated will allow your group to provide protection for individual members against being held personally responsible for the organisation's debts and liabilities. It will also give your group greater eligibility to apply for grants.

There are different types of incorporation available and the model your group selects will need to be determined by the group's members at a formal meeting, i.e the 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 members to determine which of these models is most applicable. You may wish to seek independent legal advice before making this decision.



These models are:

1. Apply to become an incorporated association under the *Associations Incorporation Act 1981*.

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

2. Gain the benefits of incorporation by becoming an affiliated member of an existing incorporated association with the same or similar aims or objectives

This would mean the organisation your group is seeking 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; but such a group may not be seen as a legal entity in their own right and may be limited in their ability to undertake certain activities.

Model 1

If your group chooses to become an incorporated association, i.e. under the *Associations Incorporation Act 1981*, then your group will need to complete and submit an application for Associations Incorporation with Consumer Affairs Victoria.

You can find out more about the particular requirements and rules for Incorporated Associations by visiting the Consumer Affairs Victoria website at: www.consumer.vic.gov.au or by contacting the Consumer Affairs helpline on 1300 558 181.

Model 2

If your group chooses the model of affiliating with an existing incorporated organisation, your group will need to negotiate 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.

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

Over 600 Landcare-type groups are currently affiliated member groups of the FTLA.



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

For further information on incorporation and the FTLA visit:

www.landcarevic.org.au/groups/state/ftla-farm-tree-and-landcare-association/new-group-kit-joining-the-ftla/

Committee of Management (Executive Committee)

The affairs of an incorporated association and most community groups are managed by a Committee of Management, also known as Board, Executive Committee and Steering Committee.

This committee is an elected group of people responsible for controlling and managing the business and affairs of the incorporated association, i.e. the group.

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

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.

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

- President or Chair
- 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.

About six to eight people is sufficient to effectively manage a group's affairs, a larger number can prove cumbersome in making efficient and effective decisions. Smaller committees can lead to heavy individual workloads.



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In many cases, deputy or assistant positions are set up to provide a group with a planned succession when people choose to move out of a position.

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

Continuity and stability of a committee is important but so is having a balance of experience and new ideas. Having some experienced members remain and new ones join each year is an effective committee renewal model.

Sub Committees

The group may decide from time to time to establish other committees, often called sub committees.

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

Sub Committees give members an increased level of involvement and allow members the ability to have input into particular subjects that they are passionate, skilled or have a direct interest.

These committees are generally established to have a specific focus and a set timeline, generally chaired by a member of the Committee of Management. They must also operate within some set parameters as the Committee of Management must have ultimate responsibility for all group decisions. This means 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.

Sub Committee terms of reference

Developing a set of terms of reference can be an effective way to outline the role, purpose and scope of a sub committee.

For further information on Committees of Management visit:

www.consumer.vic.gov.au

or

www.landcarevic.org.au/groups/state/ftla-farm-tree-and-landcare-association/new-group-kit-joining-the-ftla/

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 any 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 try 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.

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

Each group should seek professional advice in determining the type and level of insurance cover needed. The group should also make sure it's familiar with the details and clauses within the insurance policies it takes out.

Important insurance considerations for groups:

- **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**
Covers damages and legal costs incurred by a maker or seller of a product when that product injures someone or damages someone's property.
- **Personal accident insurance (Volunteer 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**
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**
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.



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- Fidelity (Fraud) Insurance
Covers the group against misappropriation of funds by committee members or employees.
- Depending on your group's particular situation there may be other insurance considerations to make, such as building, property, contents and various types of motor vehicle insurance
- Professional indemnity insurance is sometimes combined with directors and officers' liability insurance to form Association Liability Insurance.
- Fidelity (fraud) insurance 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.

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

- Workcover (Workplace injury insurance)
WorkCover is Victoria's workers compensation system and cannot be replaced by any other form of insurance
- Employment Practices Liability Insurance
Covers the group against claims for unfair dismissal, discrimination, harassment and defamation

For further information on insurance and the FTLA visit:

www.landcarevic.org.au/groups/state/ftla-farm-tree-and-landcare-association/new-group-kit-joining-the-ftla/

Employer obligations

Some Landcare groups may at some stage consider employing staff. If your group does consider becoming an employer, it is essential the group understands and instigates appropriate employment practices. The group as an employer will be bound by various state and Australian Government legislation.

Groups undertaking employment should also consider insurance policies relating to the legal responsibilities of being an employer.

For further information on employment visit:

www.business.vic.gov.au

or



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www.landcarevic.org.au/resources/employing-landcare-support-staff/

Occupational Health and Safety (OH&S)

Recognising and supporting the vital role of volunteers in your group includes protecting their health and safety and it is essential your group considers health and safety as a fundamental part of all 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 a safe working environment is created to protect the health and safety of all participants and the wider community.

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

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

For further information on OH&S visit:

www.workcover.vic.gov.au

or

www.landcarevic.org.au/resources/health-and-safety/

Membership fees

Your group will need to work out fees for entrance and membership of your group, which will need to be included in the group's rules/constitution.

In determining the membership fee or rate, it is important to consider the group's 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

When working out the membership fee rate, your group will need to consider the indicative operating costs for the year and the likely membership numbers 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 Annual General Meeting each year.

Opening a bank account

At the group's inaugural meeting a motion needs to be moved and carried that allows a nominated member or members of the group to open a bank account for the group.

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 decided. One of these signatories should be the group's treasurer, with two other signatories.

Having three signatories to your group's account caters for a situation where one of the other signatories may be unavailable. The group's cheque book (if applicable) should have 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 have this moved with the above motion/s.

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.

Taxation requirements

Depending on the annual turnover of your Landcare group per year, your group may need to consider applying for an Australian Business Number (ABN) and registering for Goods and Services Tax (GST).

To determine whether your group is required have an ABN and be registered for GST it is recommended that you seek advice from the Australian Tax Office (ATO) or your local accountant or financial advisor to discuss the particular circumstances of your group.

For more information, visit <http://www.ato.gov.au/> or contact the Australian Tax Office helpline on 13 28 66.



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Registering your group

Once your group has decided to establish itself, it's a good idea to register your group with some of the relevant Landcare support bodies.

These include your local Catchment Management Authority (CMA) and your local government.

For details on these agencies visit:

www.landcarevic.org.au/home/our-partners

www.localgovernment.vic.gov.au

You are also encouraged to register your group on the Victorian Landcare Gateway and National Landcare Directory, visit:

www.landcarevic.org.au

www.landcareaustralia.org.au

When you register your group you will be added to the Landcare database/s and will receive updates and information on Landcare, funding and other important natural resource management related information.