

# GOVERNANCE GUIDE

JANUARY 2017  
Version 3



ROYALTIES  
FOR REGIONS



Australian Government

# About this document

Our vision is one of resilient communities, and this includes the people as much as the flora and fauna.

For our community groups to continue to grow and deliver the great natural resource management work they do, there needs to be a solid foundation. Good governance provides that. This handbook is intended to help sub-regional groups across the South Coast NRM region critically assess and improve where necessary their governance practices.

The handbook will cover the following areas around governance:

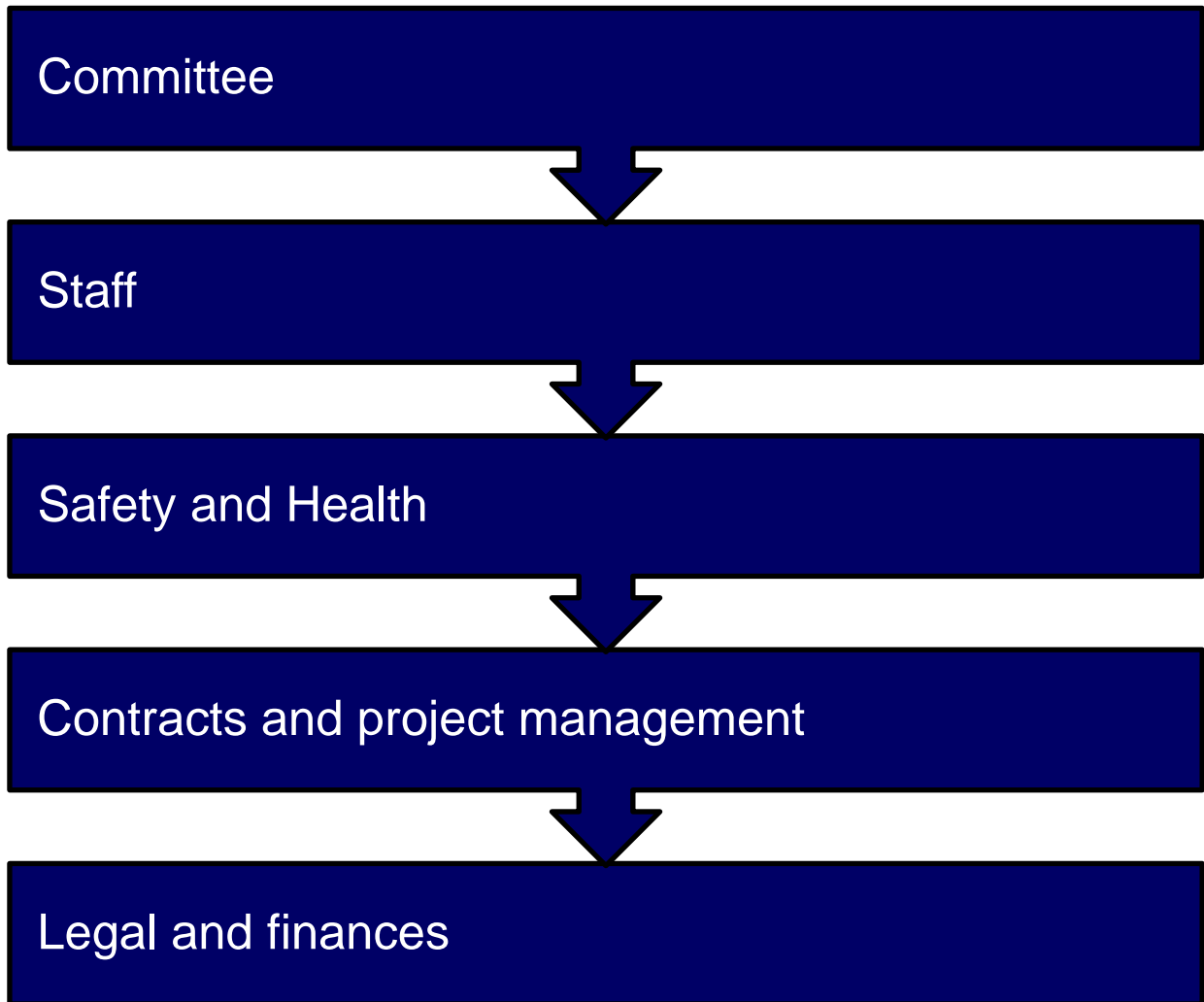
- Committee
- Staff
- Safety and Health
- Contracts and project management
- Legal and finances

It contains a range of templates, draft policies and procedures that can be adapted for use.

If there is something you think we should be including, please let us know. We will update this document as new information comes to hand.

Please email Sally Forbes at [sallyf@southcoastnrm.com.au](mailto:sallyf@southcoastnrm.com.au). Alternatively please call on 08 9845 8537.

# Overview of the governance guide



## Each section contains

### Overview

**Committee**  
Overview

A committee is responsible for governance. But what does that mean? How does a committee deliver on their governance responsibilities?

The role of the committee involves certain core elements, such as:

- Strategic planning including vision, purpose and values of the organisation
- Financial management, including approval of annual budgets and providing a check on the integrity of external financial reports, and approval of expenditure over prescribed limits.
- Appointment, performance evaluation and (if the circumstances necessitate) termination of the employment contract of staff
- Risk oversight
- Any additional monitoring of the activities of the organisation in order to satisfy itself that the organisation is being properly managed.
- Supporting effective engagement with key stakeholders.

### Key phases

**Committee**  
Key phases

**Constitution**

- Developing
- Reviewing & updating
- Understanding its relevance

**Membership**

- Induction/orientation
- Succession Planning
- Defined roles for members

**Strategy**

- Developing
- Goals and principles
- Performance
- Organisational risk

### Checklist

**Committee checklist**

Committee	Yes	No
Has a process for reviewing and updating the constitution		
Provides access to the constitution to all members		
Has an induction process for new committee members		
Has a written statement of duties for every committee member/role		
Has a succession plan and are implementing it		
Has a strategic plan that is understood by goals and principles		
Regularly assesses progress towards implementing the strategy		

### Further information

**Committee**  
Further information

Organisation	Information	Contact details
Our Community	Has a high range of fact sheets and other information relevant to committees	<a href="http://www.ourcommunity.com.au">www.ourcommunity.com.au</a>
South Coast NPSB	There's a great chance that whatever problem you have, we have probably experienced it too!	David Broadhurst (Albury office) <a href="mailto:davidb@southcoastnpsb.nsw.gov.au">davidb@southcoastnpsb.nsw.gov.au</a>
	The Regional Landcare Facilitators will be able to get you in touch with someone who will be able to help you with your issue.	John Brooker (Espérance office) <a href="mailto:johnb@southcoastnpsb.nsw.gov.au">johnb@southcoastnpsb.nsw.gov.au</a>

# COMMITTEE

# Committee

## Overview

A committee is responsible for governance. But what does that mean? How does a committee deliver on their governance responsibilities?

The role of the committee involves certain core elements, such as:

- Strategic planning including vision, purpose and values of the organisation
- Financial management, including approval of annual budgets and providing a check on the integrity of external financial reports, and approval of expenditure over prespecified limits.
- Appointment, performance evaluation and (if the circumstances necessitate) termination of the employment contract of staff.
- Risk oversight.
- Any additional monitoring of the activities of the organisation in order to satisfy itself that the organisation is being properly managed.
- Supporting effective engagement with key stakeholders.

# Committee

## Key phases

### Constitution

- Developing
- Reviewing & updating
- Understanding its relevance

### Membership

- Induction/orientation
- Defined roles for members
- Succession Planning

### Strategy

- Developing
- Goals and principles
- Performance
- Organisational risk

# Committee Constitution

	Relevance	Template	Further info
Developing	<p>Even if your incorporated organisation doesn't have a constitution you still need to comply with the Associations Incorporation Act (2015). These requirements are set out in the model rules for associations.</p> <p>There have been some recent changes to the Associations Incorporations Act (2015). These are highlighted on the Department of Commerce website.</p> <p>In summary these are: Associations must review and update their rules as well as introducing a number of changes regarding:</p> <ul style="list-style-type: none"> <li>• Financial reporting;</li> <li>• Governances;</li> <li>• Privacy;</li> <li>• The rules;</li> <li>• Becoming Incorporated and</li> <li>• Membership of Incorporated Associations.</li> </ul>	No template available	<ul style="list-style-type: none"> <li>• <a href="http://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs">http://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs</a></li> <li>• <a href="https://www.commerce.wa.gov.au/consumer-protection/associations-new-law">https://www.commerce.wa.gov.au/consumer-protection/associations-new-law</a></li> </ul>
Reviewing and updating	<p>Committee is responsible for ensuring the constitution is adhered to. It outlines membership of the committee as well as the roles and responsibilities of office bearers. Efficient committees review their constitution annually. Even if no changes are made, it ensures the constitution is always relevant and up to date. That way, when changes are required it takes only a small amount of time.</p>	No template available	<ul style="list-style-type: none"> <li>• <a href="http://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs">http://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs</a></li> </ul>

# Committee Constitution

	Relevance	Template	Further info
Understanding its relevance	<p>Copies of the constitution should be available to all members.</p> <p>New committee members should be provided with a copy at their induction.</p>	No template available	<ul style="list-style-type: none"><li><a href="http://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs">http://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs</a></li></ul>



# Committee Membership

	Relevance	Template	Further info
Induction	<p>Many committees get new members only to find they turn up at one or two meetings, before never being seen again.</p> <p>Consider holding a meeting after the AGM for new committee members to receive an orientation or induction regarding the group, their role and responsibilities and conflict of interest parameters.</p> <p>As of 1<sup>st</sup> July 2016 new committee members must declare they meet the eligibility criteria as stated in the <i>Associations Incorporation Act 2015</i> (Model Rules – 27. Committee members)</p>	No template available	<ul style="list-style-type: none"> <li><a href="https://www.commerce.wa.gov.au/publications/model-rules-associations-2016">https://www.commerce.wa.gov.au/publications/model-rules-associations-2016</a></li> </ul>
Defined roles for members	<p>Outlines what is expected of members and what their duties are. Consider sending new committee members a letter of engagement after the AGM outlining their role and responsibilities.</p>	No template available	
Succession planning	<p>It's difficult attracting new members. Developing an induction kit or outlining in writing what is expected of new members can help.</p> <p>New members bring with them new ideas. However what is not good is the loss of knowledge that may come with that. It is important that the group has a process in place to ensure this doesn't happen.</p>	No template available	<ul style="list-style-type: none"> <li><a href="http://www.ourcommunity.com.au/management/view_help_sheet.do?articleid=740">http://www.ourcommunity.com.au/management/view_help_sheet.do?articleid=740</a></li> </ul>

# Committee Strategy

	Relevance	Template	Further info
Developing	Good planning helps the organisation clearly set objectives, strategies, and actions, timeframes and performance indicators. It also provides a means to monitor performance. Plans should be regularly reviewed and updated to allow for timely and practical adaptation of strategies in response to changing circumstances including new and emerging risks and opportunities.	No template available	
Goals and principles	A set of goals and guiding principles can be very useful in day to day implementation of the strategy. They can be used to set acceptable behaviours as well as assessing the compatibility of possible projects and funding sources.	No template available	
Performance	A strategy must be a living, breathing document. Our strategies must be adaptable and flexible so they can respond to changes in both our internal and external environments. We can't know if our strategy is achieving its objectives if it is not monitored on a regular basis (yearly).	No template available	
Organisational risk	In developing a strategy it is a good idea to identify the risks that your group may face as well as actions needed to minimise them. Examples of organisational risk for NRM may include a lack of funding opportunities.	No template available	

# Committee checklist

Committee .....	Yes	No
Has a process for reviewing and updating the constitution		
Provides access to the constitution to all members		
Has an induction process for new committee members		
Has a written statement of duties for every committee member/role		
Has a succession plan and are implementing it		
Has a strategic plan that is underpinned by goals and principles		
Regularly assesses progress towards implementing the strategy		

# Committee

## Further information

Organisation	Information	Contact details
Our Community	Has a huge range of fact sheets and other information relevant for committees.	<ul style="list-style-type: none"><li>• <a href="http://www.ourcommunity.com.au">www.ourcommunity.com.au</a></li></ul>
South Coast NRM	<p>There's a good chance that whatever problem you have, we have probably experienced it too!</p> <p>The Regional Landcare Facilitator will be able to put you in touch with someone who will be able to help you with your issue.</p>	<ul style="list-style-type: none"><li>• Sally Forbes (Albany office) <a href="mailto:sallyf@southcoastnrm.com.au">sallyf@southcoastnrm.com.au</a></li></ul>

# STAFF

# Staff

## Overview

If you employ staff it can at times be overwhelming to work out what you need to know. This section of the guide will shed some light on the requirements.

South Coast NRM uses the Western Australian Public Service and Government Officers General Agreement 2014 to guide employee benefits and salaries. A copy of that agreement can be found at: <http://www.publicsector.wa.gov.au/publications-resources/key-legislation/awards-and-agreements>.

Templates listed in the following pages can be accessed by clicking on the icon. These are for you to update to suit your specific needs.

# Staff Key Phases

## Recruitment

- Job description form
- Applicant assessment criteria




## Appointment

- Contract
  - Including staff entitlements
- Rate of pay
- Induction process
  - Including providing copies of the strategy and any policies and procedures

## Management




- Nominated committee contact
- Timesheets
- Performance reviews
- Professional development
- Reports to committee
- Policies and procedures

# Staff Recruitment








	Relevance	Template	Further info
Job description form	<p>Outlines role, responsibilities, contribution to group's strategic plan and key deliverables.</p> <p>Good tool for measuring performance and can be used in performance review.</p>	 <b>JDF template</b>	
Applicant assessment form	<p>Provides the framework to assess any applicants against the selection criteria.</p> <p>Good to have a rigorous process in case decisions need to be justified.</p>	 <b>Applicant assessment form</b>   <b>Interview Template</b>	



# Staff Appointment

	Relevance	Template	Further info
Contract	Legal document outlining entitlements, period of employment, etc.	 Draft employment contract	<ul style="list-style-type: none"> <li>Fair Work Australia</li> <li>Local Chamber of Commerce and Industry</li> </ul>
Staff entitlements	See the draft contract template for more information on the types of entitlements  Don't forget to make provision for leave (including long service leave!).	No template available	<ul style="list-style-type: none"> <li>Fair Work Australia</li> <li>Local Chamber of Commerce and Industry</li> <li>Wageline (FREE WA service) 1300 655 266</li> </ul>
Rate of pay	South Coast NRM uses the Western Australian Public Service and Government Officers General Agreement 2014 to guide employee benefits and salaries.	No template available	<ul style="list-style-type: none"> <li><a href="http://www.publicsector.wa.gov.au/publications-resources/key-legislation/awards-and-agreements">http://www.publicsector.wa.gov.au/publications-resources/key-legislation/awards-and-agreements</a></li> <li>Wageline (FREE WA service) 1300 655 266</li> </ul>
Induction process	Allows the new employee to familiarise themselves with your process, policies and procedures.	 Induction Process	 POLICY - Induction

# Staff Management

	Relevance	Template	Further info
Nominated committee point of contact	<p>Having a single point of contact for the committee (not necessarily the chair) will make it easier on both employees and the committee.</p> <p>Typically this person would be involved in performance reviews etc.</p>	No template available	
Timesheets	<p>Capture hours worked and calculate leave liabilities.</p> <p>Also encourage staff to use diaries to show where they are allocating their time.</p>	 Timesheet	
Performance reviews	<p>Try for more than one meeting a year – will pick up on performance issues sooner.</p> <p>1<sup>st</sup> meeting – set goals for year            2<sup>nd</sup> meeting – check on progress            3<sup>rd</sup> meeting – official review</p>	 Performance Review Template	 POLICY - Performance Review  Fact sheet
Professional development	Needs should be identified through performance reviews. Development ensures that staff are challenged and continue to grow and bring new skills to the group.	No template available	 POLICY - Professional Development
Reporting to committee	Regular reports to committee will show progress towards deliverables. Make sure that reports are written and submitted in advance. It's hard to make decisions on something at a meeting that you've never seen before!	 reporting template	
Policies and procedures	Written rules on how the committee expects business to be carried out. These can be useful in managing performance and ensuring staff have clear guidelines.	No template available	 POLICY - Work Life Balance

# Staff Good staff management checklist

Staff .....	Yes	No
Have a clear job description form that reflects their current work		
Know who to talk to on the committee about any concerns		
Have a minimum of yearly performance reviews		
Prepare a report for committee on their progress before each meeting		
Have access to long service leave and other entitlements		
Have copies of all policies and procedures		
Follow all policies and procedures		
Have a copy of the group's strategic plan		
Have access to professional development		
Don't have large amounts (more than 20 hours) of time in lieu owing to them		

# Staff Further Information

Organisation	Information	Contact details
Wageline	<p>WA Department of Commerce service. Includes info on:</p> <ul style="list-style-type: none"> <li>• Rates of pay</li> <li>• Conditions of employment</li> <li>• Workplace awards and agreements</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.commerce.wa.gov.au">www.commerce.wa.gov.au</a></li> <li>• Wageline 1300 655 266</li> </ul>
Fair Work Australia	Information on entitlements, etc.	<ul style="list-style-type: none"> <li>• <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a></li> </ul>
Albany Chamber of Commerce and Industry & Esperance Chamber of Commerce and Industry	<p>They offer a range of services to members and have partnerships with CCI WA and other organisations.</p> <p>South Coast NRM is a member</p>	
South Coast NRM	<p>There's a good chance that whatever problem you have, we have probably experienced it too!</p> <p>The Regional Landcare Facilitator will be able to put you in touch with someone who will be able to help you with your issue.</p>	<ul style="list-style-type: none"> <li>• Sally Forbes (Albany office) <a href="mailto:sallyf@southcoastnrm.com.au">sallyf@southcoastnrm.com.au</a></li> </ul>

# Safety and Health

# Safety and Health

## Overview

A lot of information around safety and health is available, so much so that it can be overwhelming to find out what groups should be doing.

Firstly, it's important to note that responsibilities are set out in the Occupational Safety and Health Act 1984. The most important sections of the Act for community NRM groups are Section 19 (duties of employers) and Section 20 (duties of employees). They can be summarised in that as far as practicable employers must provide a safe workplace.

It is important to note that a workplace isn't just confined to the office and includes field visits and travel.

Even if you don't have employees the act still applies.

What is practicable in providing a safe workplace? Tough question to answer! A better question to start with is do you actually know what the risks and hazards are for your employees? A good first step to providing a safer workplace is to establish and maintain a risk register. This involves documenting all the risks employees face, the likelihood of them occurring, the consequence and assigning a risk rating.

Both the Land Program Leader and the Regional Capacity Program Leader have a good working of the Occupational Safety and Health Act 1984. They will be able to point you in the right direction for further information.

# Safety and Health

## Key phases

### Risk register

- Document risks
- Likelihood of occurrence
- Consequence
- Mitigation strategies
- Review regularly

### Policies and procedures

- Develop based on risk register
- Provide guidance for employees, members and volunteers on how to work safely

### Implementation



- Access to policies and procedures for all staff, members and volunteers
- Job safety analysis

# Safety and Health Risk Register




	Relevance	Template	Further info
Risk register	<p>Risk registers are a great first step in creating a safer workplace.</p> <p>They can be used to document the risks, likelihood, consequence and the necessary mitigation strategies.</p> <p>The register should form the basis of what you use to draw up policies and procedures. Start with the highest risk and then work progressively downwards.</p> <p>This needs to be reviewed regularly. It could form a part of the first meeting after every AGM so that all new committee members understand the risks.</p> <p>Don't forget to include psychological risks. Stress is a risk!! (<a href="https://www.commerce.wa.gov.au/worksafe/stress-what-law">https://www.commerce.wa.gov.au/worksafe/stress-what-law</a>)</p> <p>Check out <a href="https://www.commerce.wa.gov.au/worksafe/safety-and-health-topics-0">https://www.commerce.wa.gov.au/worksafe/safety-and-health-topics-0</a> for some indication of the types of topics you should include in your register.</p>	 <p>Risk register template</p>	<ul style="list-style-type: none"> <li>• South Coast NRM</li> <li>• Worksafe WA (<a href="https://www.commerce.wa.gov.au/worksafe">https://www.commerce.wa.gov.au/worksafe</a>)</li> </ul>



# Safety and Health Policies and Procedures

	Relevance	Template	Further info
<p>Policies</p>	<p>Some policies to consider for our region might include:</p> <ul style="list-style-type: none"> <li>• Working alone</li> <li>• Traveling long distances</li> <li>• Media policy</li> <li>• Work life balance</li> </ul> <p>May seem like an added layer of bureaucracy, however their main function is to ensure that employees have guidance on how to deal with day to day situations.</p> <p>Start with the highest priority identified in the risk register and work towards the lower risks.</p>	<p>            POLICY - Risk Management</p> <p>            POLICY - Work Health and Safety</p>	<ul style="list-style-type: none"> <li>• South Coast NRM</li> <li>• Worksafe WA (<a href="https://www.commerce.wa.gov.au/worksafe">https://www.commerce.wa.gov.au/worksafe</a>)</li> </ul>

# Safety and Health Implementation


	Relevance	Template	Further info
Induction	It can provide consistency for new employees. It's a good opportunity to ensure they are aware of the safety requirements and all policies and procedures of the group.	No template available	
OSH Act 1984	Sets out the requirements of employers and employees.	 Section 19, 20, 21 of OSH Act 1984	<ul style="list-style-type: none"> <li>• <a href="http://www.slp.wa.gov.au/legislation/agency.nsf/docep_main_mrtitle_650_homepage.html">http://www.slp.wa.gov.au/legislation/agency.nsf/docep_main_mrtitle_650_homepage.html</a></li> <li>• Worksafe WA</li> <li>• South Coast NRM</li> </ul>
Job safety analysis	<p>A job safety analysis simply means looking at the work task and considering what is the safest way to complete it. It is a way of becoming aware of the hazards involved in doing the job and taking action to prevent an injury.</p> <p>Good for staff to complete these for key project tasks. It can help identify any safety equipment that may be needed.</p>	 Job Safety Analysis	<ul style="list-style-type: none"> <li>• South Coast NRM</li> <li>• Worksafe WA</li> </ul>
Record injuries, hazards, and near misses	<p>The outcome of every incident should be recorded. They can help identify where improvements in safety and health need to be made. They may be called upon in any workers compensation claims.</p> <p>It might be worthwhile considering adding a safety and health section to your agenda for each committee meeting.</p>	 Incident Hazard Report Form	

# Safety and Health Checklist

Our group .....	Yes	No
Has a risk register		
A process for reviewing it		
Has made staff and committee members aware of the policies and procedures and the expectation that they will abide by them.		
Talks about safety issues at committee meetings and resolves them.		
Has a process for documenting accidents, incidents, and hazards		
Has an induction process (for staff and committee) that includes a section on safety and health.		

# Safety and Health

## Further information

Organisation	Information	Contact details
Worksafe WA	They have a diverse range of information including guidance notes and codes of practice that are relevant for NRM.	<ul style="list-style-type: none"> <li><a href="https://www.commerce.wa.gov.au/worksafe">https://www.commerce.wa.gov.au/worksafe</a></li> </ul>
South Coast NRM	The Land Program Leader and Regional Capacity Program Leader are both trained Safety and Health Representatives and have a good working of the Occupational Safety and Health Act 1984. They will be able to point you in the right direction for further information.	<p>David Broadhurst (Albany office) davidb@southcoastnrm.com.au</p> <p>Kylie Bishop (Esperance office) kylieb@southcoastnrm.com.au</p>
South West Catchments Council's "OSH Handbook For NRM Small Business"	A great resource that compiles a lot of the information that groups need to consider.	 <p>SWCC NRM OSH Handbook</p>

# CONTRACTS & PROJECT MANAGEMENT

# Contracts and project management

## Overview

Governance is the systems and processes put in place to control and monitor or 'govern' an organisation. Governance is important no matter the size, purpose and maturity of a group as it provides the systems and process to ensure that the group complies with:

- Legal obligations
- Its rules and any funding agreements or other contracts;
- Its legal responsibilities to any employees, such as complying with employment awards or agreements, paying tax and superannuation and providing a safe working environment
- Its legal responsibilities to members, volunteers and any clients or customers who may use the group's services.

This means that committees require a good knowledge of contracts and the obligations that these contracts place on their group. It also means that in order to understand that these are being met, committees may need to have a knowledge of how the project is being managed.

This section covers basic contract management principles and the associated project management tasks.

# Contracts and project management

## Key phases

### Funding

- Applications
- Agreements & contracts

### Implementation

- Recognition of funding body
- Deliverables
- Reporting
- GPS/GIS data
- Project reviews
- Variations

### Contract closure

- Reporting to funding body
- Archiving

# Contracts and project management Funding

	Relevance	Template	Further info
Applications	Funding applications should be approved by the committee before submission. The project proposed and the funding source, should be consistent with the group's strategy and principles.	No template available	
Agreements & contracts	<p>Read all funding agreements carefully before signing! These are legally binding agreements. Take careful note of what you have promised to deliver. Make sure the wording is clear and you understand everything that you have agreed to.</p> <p>Contracts developed with the best of intentions can sometimes become complicated due to lack of clear direction or ambiguity of wording. This may lead to problems such as on-ground works not being completed and working relationships being compromised, or worse. Careful reading at the start can help to avoid these problems.</p> <p>If you have an issue with a contract, talk to your funding contact.</p>	No template available	



# Contracts and project management Implementation

	Relevance	Template	Further info
Recognition of funding body	Funders like to know they are getting value for money. Make sure that any publications contain their logo. Also ensure that they are credited in any media release. Groups like the Australian Government use services like media monitor and are sure to receive a copy of the media release.	No template available	
Deliverables	These will be set out in your contract. Make sure they are delivered on time. If they are not, a variation may be required. Copies of any deliverables must be provided to the funding body.	No template available	
Reporting	Reporting obligations will differ between funders. Due dates of reports will be set out in the contract. Reports should be approved by the Chair of the group before submitting to the funder. Reports are a great opportunity to tell your story! Make sure you make the most of it.	No template available	
GPS/GIS data	GIS and GPS data will be required for on ground projects. This information is valuable when reporting to highlight where works have been achieved and future priority areas. South Coast NRM has specific GIS requirements.	No template available	
Project reviews	It's a good idea to review project progress at regular intervals throughout the implementation. It's a good idea to check on the progress towards achieving the deliverables, budget, etc.	No template available	
Variations	Variations to a contract may be required if a project is behind schedule. A variation should be applied for as soon as it becomes evident that there is a need for it. Speak to your funding body contact as soon as you think you might need a variation.	No template available	

# Contracts and project management

## Contract Closure

	Relevance	Template	Further info
Report to funding body	<p>As part of the contract you will be required to provide a final report to the funding body. This should outline everything you have done as well as include copies of all of the project deliverables (media releases etc).</p> <p>This report is a great way of showcasing your achievements and why you are a good investment. Good idea to make two copies of this report and keep one for yourself.</p>	No template available	
Contract closure	<p>Closing a contract will involve auditing the finances of the project. This will need to be done by a qualified auditor. Contract closure requirements will differ between funding bodies, so make sure you ask your funding contact if you have any questions.</p>	No template available	
Archiving	<p>Corporate knowledge is really critical. It's a good idea to safely and securely archive any documents relating to the project for future reference. Make sure that any electronic copies are backed up in multiple locations.</p>	No template available	

# Contracts and project management checklist

Our group has.....	Yes	No
A process that is consistent with our scheme of delegations when applying for funding		
The chair signs off on all reports before they are submitted to the funding body		
A process for archiving completed projects		
A process for regularly reviewing contracts and project progress		

# Contracts and project management

## Further information

Organisation	Information	Contact details
South Coast NRM	<p>There's a good chance that whatever problem you have, we have probably experienced it too!</p> <p>The Regional Landcare Facilitator will be able to put you in touch with someone who will be able to help you with your issue.</p>	<ul style="list-style-type: none"><li>Sally Forbes (Albany office) sallyf@southcoastnrm.com.au</li></ul>

# LEGAL & FINANCES

# Legal and finances

## Overview

The committee is legally responsible for a number of areas.

These include:

- Meeting obligations with funders
- Complying with relevant legislation
- Monitoring progress with implementing the strategy

The information presented in this section is a guide and should not be interpreted as legal advice.

Interested in legal jargon?

The most up to date copies of legal acts can be accessed online from the Western Australian State Law Publisher

<http://www.slp.wa.gov.au/>

## Insurance

- Public liability insurance
- Professional indemnity insurance
- Directors and officers liability insurance
- Workers compensation Insurance
- Personal Accident Insurance
- Comprehensive Vehicle Insurance

## Finances

- Budget
- Scheme of delegations
- Profit, loss, balance sheet
- Statement of cash flow
- Auditing

# Legal Insurance

	Relevance	Template	Further info
Public liability insurance	Protects an organisation against claims relating to bodily injury or property damage suffered by a third party (not an employee) as a result of an unexpected event. For example – someone injuring themselves at an event.	No template available	<ul style="list-style-type: none"> <li>Consult your insurance provider for more information.</li> </ul>
Professional indemnity insurance	Where an organisation provides advice, or holds itself as having a special skill, a duty of care arises. This includes any person providing advice or special skills, including project management, advisory and consultancy services, machinery manufacture etc.	No template available	<ul style="list-style-type: none"> <li>Consult your insurance provider for more information.</li> </ul>
Directors and officers liability insurance	Indemnifies individual directors and officers for their personal liability arising from the management of an organisation. Decisions made at a management level, including business strategy, employment relations, policies, standards, insurance and public statements are examples of issues covered under Directors and Officers insurance. Staff members (Officers) acting on instruction from management, due to decisions made at management level, are also covered under this insurance.	No template available	<ul style="list-style-type: none"> <li>Consult your insurance provider for more information.</li> </ul>
Workers compensation Insurance	This insurance protects an organisation from claims made by employees of the organisation, from accident, injury or trauma (mental and physical) caused as a result of their employment. It generally DOES NOT cover employees travelling to and from their workplace, however whilst it may cover a worker injured when travelling on behalf of the organisation in their private vehicle, it is unlikely to cover damage to their private vehicle.	No template available	<ul style="list-style-type: none"> <li>Consult your insurance provider for more information.</li> </ul>








# Legal Insurance continued....

	Relevance	Template	Further info
Personal Accident Insurance	Covers individuals acting as volunteers for an organisation. It covers for the actual time acting as a volunteer—not the time taken to travel to or from their volunteering job. It does NOT cover individuals who are visiting a work environment who may have been volunteers in the past or are intending to be volunteers in the future. Until signed on as a volunteer, an accident or injury experienced by the visitor would require Public Liability cover.	No template available	<ul style="list-style-type: none"> <li>Consult your insurance provider for more information.</li> </ul>
Comprehensive Vehicle Insurance	Covers vehicles for damage caused by accident or mishap. This insurance provides more than third party coverage, which covers only the 'other person' in an accident, and not their vehicle. Comprehensive Vehicle Insurance covers the vehicle insured and should cover any other vehicle or person in which it comes into contact, under certain circumstances (e.g. driver responsibility, alcohol and drug consumption etc). Comprehensive Vehicle Insurance may provide for the acquirement of a new vehicle in circumstances whereby a vehicle is written off as the result of an accident or incident.	No template available	<ul style="list-style-type: none"> <li>Consult your insurance provider for more information.</li> </ul>

**Always Check Your Insurance Requirement Or Policies With Your Insurer.**

**If in doubt about the contents and coverage of an insurance policy, ask for clarification from your Insurance body or Agent, in writing.**

	Relevance	Template	Further info
Budget	<p>Useful tool for assessing the group. Can be broken down into subsets to make them less confusing. Good accounting ensures that the committee can make sound financial decisions on the basis of solid facts.</p> <p>Not for profits can still hold cash in reserve to meet obligations like staff long service leave.</p>	No template available	
Scheme of delegations	<p>Who gets to spend the committee's hard won money? Do you have any rules around it? A scheme of delegations sets out who can spend what and how much of a group's money.</p>	 Scheme of delegations	 POLICY – Financial Delegation
Profit, loss, balance sheet	<p>Profit is the difference between income and expenses (or loss if it's negative). Calculates profit or loss over the entire accounting period. Usually shown in financial years with last year's to compare it to.</p> <p>Balance sheet provides a snapshot at a point in time –very useful! Also known as a statement of financial position – shows assets, liabilities and equity.</p> <p>An incorporated group must present the financial statements to the members at an AGM.</p>	 Sample Profit and Loss   Sample Balance Sheet	 Financials 101
Statement of cash flow	Basically shows the movement of cash for the reporting period.	No template available	
Auditing	<p>Basically, auditing is an independent check of the group's finances. Do you have to have one every year? Check your constitution and your funding agreements to find out.</p> <p>The auditor is appointed by the members at the AGM.</p>	No template available	

# Legal and finances checklist

Our group has.....	Yes	No
Adequate insurance		
A process for reviewing insurance requirements on a yearly basis		
Knows their auditing requirements		
Has an auditor appointed by the members at the AGM		
Presents members with the financial statements at the AGM		
Has financial information presented in a format that allows for sound financial decisions to be made.		
Has a scheme of delegation that outlines who can spend the group's money.		

# Legal Further information

Organisation	Information	Contact details
<p>Albany Chamber of Commerce and Industry, Esperance Chamber of Commerce and Industry &amp; Denmark Chamber of Commerce and Industry.</p>	<p>They offer a range of services to members and have partnerships with CCI WA and other organisations.</p> <p>South Coast NRM is a member</p>	
<p>South Coast NRM</p>	<p>There's a good chance that whatever problem you have, we have probably experienced it too!</p> <p>The Regional Landcare Facilitator will be able to put you in touch with someone who will be able to help you with your issue.</p>	<ul style="list-style-type: none"> <li>• Sally Forbes (Albany office) sallyf@southcoastnrm.com.au</li> </ul>

# **OTHER INFORMATION**

## Other resources

Group	Info	Website
Our community	<p>A great resource for any community not for profit groups.</p> <p>It's worth considering signing up to their grant newsletter.</p>	<a href="http://www.ourcommunity.com.au">www.ourcommunity.com.au</a>
Idealist	An American organisation that have a great list of web resources that you may find useful.	<a href="http://www.idealist.org/info/VolunteerMgmt/Best">http://www.idealist.org/info/VolunteerMgmt/Best</a>
Volunteering WA	A Western Australian organisation that has a lot of useful web resources	<a href="http://volunteeringwa.org.au/resources.aspx">http://volunteeringwa.org.au/resources.aspx</a>
Australian Institute of Company Directors (AICD)	AICD provide leadership on director issues and promote excellence in governance to achieve a positive impact for the economy and society.	<a href="http://www.companydirectors.com.au/">http://www.companydirectors.com.au/</a>