5. Good work practices

This chapter looks at:

* benefits and safety of incorporation
* dealing with public complaints
* good record-keeping.

## 5.1 Benefits and safety of incorporation

The Crown Land (Reserves) Act 1978provides a mechanism for committees to become incorporated. Most committees take up this opportunity, which provides a number of benefits and safeguards, for example:

* Incorporation turns a committee into an entity that is recognised in law as a legal ‘person’. Legal action can be carried out by or against the entity, rather than individual committee members, and continues uninterrupted by changes in membership. An incorporated committee, rather than the individual committee members, is liable for legal judgements made against it.
* Members of the public, tenants and contractors find it easier to deal with an ongoing body corporate rather than with a group of individuals who will join and leave the committee over time.

Incorporation under the Crown Land (Reserves) Act is a simple, straightforward process that is undertaken by DELWP on behalf of the committee. If your committee is not yet incorporated, it is strongly recommended that this occur.

An incorporated committee’s official signature on legal documents, such as contracts, is its corporate seal.

## 5.2 Dealing with public complaints

At some stage, a committee may receive a complaint from a member of the public about something it did or did not do. Most of these complaints will be resolved fairly easily and to everyone’s satisfaction. Remember that the complaint, decisions and actions of the committee in response, and whether the person was satisfied with the outcome should be recorded. The committee will need to contact its local DELWP office with problems that prove more difficult to resolve.

From time to time, DELWP receives complaints from members of the public, or a member of the committee itself, about how the committee is operating. Depending on the nature of the complaint, DELWP may work with the committee to resolve the issue, conduct an investigation, or refer the allegation to the Ombudsman, Independent Broad-based Anti-corruption Commission or Victoria Police.

The Victorian Ombudsman

The Victorian Ombudsman investigates complaints about administrative actions by government agencies and public authorities. Members of the public may complain to the Ombudsman about decisions of committees. The Ombudsman investigates where a complaint or allegation is unfair or unlawful.

Protected disclosures and Independent Broad-based Anti-corruption Commission (IBAC)

The *Protected Disclosure Act 2012* provides protection from reprisal for individuals known as whistleblowers who wish to make a disclosure about serious misconduct or corruption by a government agency or a public body such as a committee of management.

A disclosure is made directly to the Independent Broad-based Anti-corruption Commission (IBAC). It can be made by a member of the public or a member of the committee itself. In order for the whistleblower to be protected, they must keep their disclosure confidential (not talk to anyone about it) and make it directly and only to IBAC, in accordance with the Act.

IBAC will assess the disclosure and, if appropriate, refer it to the Ombudsman or Victoria Police. For further information visit the [IBAC website](http://www.ibac.vic.gov.au) or call 1300 735 135.

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| **Public records that must be maintained by a committee include, but are not limited to:** |
| 1. Minutes of meetings |
| 1. Correspondence |
| 1. Tenure agreements |
| 1. Financial records |
| 1. Contracts |
| 1. Employment records |
| 1. Any other information that documents a decision, agreement or communication to the public made by the committee |

## 5.3 Record keeping

Committees of management have a responsibility to maintain good records of their activities for legal purposes. Sound recordkeeping is an essential part of good practice for committees. In addition to the *Crown Land (Reserves) Act 1978*, record keeping obligations fall under the *Freedom of Information Act 1982* (the FOI Act), the *Public Records Act 1973* and the *Privacy and Data Protection Act 2014.*

What constitutes a committee record?

Records are evidence of business conducted by an organisation. Under the *Public Records Act 1973*, committees of management are considered to be public bodies and the records of the committee are public records, regardless of the status or age of the records.

Records can come in many formats such as written notes or letters, emails, word or excel documents, photographs, information on websites, etc. It is the information that is included that determines whether it needs to be preserved as a record, not the format.

Normal administrative practice (NAP)

Some information produced or collected by a committee does not constitute a committee record, and should not be treated as such. This includes working notes, duplicate copies, reference material collected from books, the internet, and newspapers, and so forth.

Information which is not a committee record should be disposed of under Normal Administrative Practice (NAP) once its use is completed. Avoid mixing too much NAP material in with committee records, as this makes it difficult to manage committee records efficiently. Failing to dispose of NAP material when its use is completed also makes it difficult for future committee members to locate the committee’s records amongst it.

Usually, NAP materials can be disposed of in recycling or rubbish. However, if any sensitive information is included, such as photocopies of employment details or contracts, it must be shredded or otherwise rendered unreadable before it is disposed of.

Creating and storing records

Records created must be full and accurate to enable future committee members to take appropriate action and make decisions, to protect the financial, legal and other rights of the committee, and to protect people affected by any actions and decisions made by the committee.

To ensure the committee creates full and accurate records, it is recommended that committee members:

* maintain a simple filing system using manila folders. On each file make sure to note:
* a simple title which explains what the file is about (something like *Wombaloo Mechanics Hall Committee - Committee meeting minutes - 2014* is enough)
* the date the file was created
* the name of the person that created the file
* print any emails or electronic documents where practical and place them on the file. Note: if they are not printed, electronic versions will need to be kept and passed on to the next committee
* take notes of any important phone conversations and either formalise them in an email or table them at the next committee meeting
* make sure committee records are stored responsibly in a readily accessible, clean, dry and secure place, using a system that other people will be able to understand.

All committee records that are essential to its function, such as minutes and contracts, must be identified and special care taken to prevent their loss or damage. If possible, duplicates of such records should be made and stored at a different location to the originals.

Retention of records

All records created by a committee are public documents. Committees may not destroy or allow the destruction of committee records in their custody. Only NAP materials can be disposed of when no longer in use (see above.)

Note that being a public document is different from being ‘open to the public’. Committee records can only be viewed by members of the public if the committee agrees or if a successful application is made under freedom of information laws. For details, see ‘FOI - access to records’, later in this chapter.

Hand over of records from the outgoing committee to the incoming committee

Committee records are not the property of the committee members who created them. An outgoing committee must hand over all committee records in its custody to the incoming committee, so that the incoming committee can properly carry out its duties. For details, see ‘Outgoing committee – hand over process’ in chapter 2.

Transfer of records to DELWP

If a committee ceases to exist, all committee records in its custody must be transferred to DELWP. They will be stored for periods determined by the Public Records Office of Victoria (PROV). Some important records will be transferred by DELWP to PROV, to ensure their permanent preservation.

Financial records

A committee must keep records of all its financial transactions.

* The Australian Taxation Office publishes [Record keeping for Small Businesses](http://www.ato.gov.au/General/Other-languages/In-detail/Information-in-other-languages/Record-keeping-for-small-businesses) (reference code NAT 3029), which is a good resource to assist in this task.
* Another helpful guide on record keeping for treasurers can be found on the [Our Community website](http://www.ourcommunity.com.au/financial/financial_article.jsp?articleId=2900).

Freedom of information (FOI) – access to records

Under the *Freedom of Information Act 1982* (FOI Act), the community has the right to request access to documents generated or held by all government agencies, including committees of management.

When a committee receives a request to access documents under the FOI Act it must seek advice from DELWP’s FOI Unit as soon as possible. The FOI Unit can be contacted on 9637 8186 or email FOI.Unit@delwp.vic.gov.au.

The FOI Unit will provide advice regarding any FOI enquiries and support for the processingof requests. Cooperation in locating and providing relevant documents and advice in a timely manner is required as the FOI Act only provides 45 days in which to process a request.

Privacy - personal information

The *Privacy and Data Protection Act 2014* requires a committee to comply with the ten Information Privacy Principles in the Act, which can be found at [Privacy Victoria](http://www.privacy.vic.gov.au/domino/privacyvic/web2.nsf/pages/home), when collecting, using, disclosing, storing or destroying personal information.

Personal information means recorded information or opinion about an identifiable individual. Personal information includes name, address, sex, age, financial details, marital status, education, criminal record or employment history.

It is good privacy practice not to include personal contact details on publicly available documents and registers, such as the volunteer attendance register (see chapter 11 ‘Insurance’) without the person's permission