



TRUST HANDBOOK

A handbook for trusts managing Crown land reserves and commons, and trustees of schools of arts

Every effort has been made to include in this handbook reference to the requirements of the legislation which applies to the operations of Crown reserves, commons and bodies administered under the *Trustees of Schools of Arts Enabling Act 1902* in general. Legislation which applies to specific reserves or classes of reserves, e.g. cemeteries, has not been included.

This handbook will be updated from time to time as changes to the law or Land and Property Management Authority policies occur. While substantial effort is made to ensure the information in the handbook is up to date and accurate, the law is complex and constantly changing. Before undertaking any significant steps or entering into significant contracts or obligations, users should obtain legal advice to confirm the applicable legal requirements and, if appropriate, should contact the Land and Property Management Authority (LPM Authority) to confirm current LPM Authority policy.

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Foreword by the Chief Executive Officer

We are fortunate in New South Wales to have more than 30,000 Crown reserves that provide a wide range of experiences and activities as well as many other significant environmental and cultural benefits, for the entire community.

As evidence of the value the community places on the reserve system, many of the Crown reserves are managed by reserve trust boards on a voluntary basis. In addition, there are over 200 commons and schools of arts on Crown land.

This handbook has been prepared to give guidance and assistance to reserve trust managers and other volunteers in performing the duties they have accepted.

It is intended that this is a 'living' document, regularly updated in response to the comments received from and made by reserve trusts managers.

I would like to express my appreciation to the large community volunteer work force who gives their time so willingly especially when, from time to time, they are required to manage quite challenging issues. Trust management of Crown reserves and commons is based on a partnership between government and the community, and this handbook is part of the support for that partnership.

In developing the handbook, we sought the views of reserve trust managers in order to ensure that the advice contained in it would be as relevant as possible. I would like to thank the people involved for helping to create a document we can all be proud of.

Your comments on the handbook will help us to ensure that it provides the on-going guidance trusts need in managing their trusts. Please send any comments you wish to make to your local Land and Property Management Authority office.

I encourage all reserve trust managers to embrace the principles outlined in the handbook so that, in continuing your valuable service to the community, the management of Crown reserves and commons will be the best that can be delivered.



Warwick Watkins
Chief Executive Officer

About this handbook

The Crown reserve system is the oldest and most diverse system of land management in New South Wales. It promotes the co-operative care, control, and management of Crown reserves by the community, with assistance from the Land and Property Management Authority, other government agencies and reserve users.

This handbook has primarily been written with the aim of assisting management, staff and board members of reserve trusts, commons and trustees of schools of arts to manage these reserves. The handbook also covers the roles and responsibilities of corporate trust managers such as local councils and administrators of reserve trusts.

The handbook contains general information and guidelines as well as regulatory requirements on how to manage your reserve. At a minimum, relevant regulatory requirements must be complied with. The handbook also indicates requirements that are mandatory as a matter of policy. Other information in this handbook represents good practice procedures and concepts that will help ensure that an effective system of reserve management is maintained. The handbook should be your first point of reference to answer questions that you may have about your trust.

How the handbook is organised

The handbook consists of five parts to help you find relevant information as quickly as possible.

Part A – The Crown reserve trust system deals with the legal principles of reserve trust management. In these chapters you will find information on how the trust system works and your roles and responsibilities as a trust manager.

Part B – Managing Crown reserves deals with the day-to-day requirements of managing a reserve, including how to develop a plan of management, insurance and liability, occupational health and safety issues, and leases and licences.

Part C – Administration explains how to ensure that your trust is properly managed. This section covers general administration, accounting and freedom of information.

Part D – Specific guidance for commons and schools of arts contains information that is specific to commons or schools of arts, and should be consulted in place of the corresponding chapter in Parts A, B and C. Apart from those corresponding chapters, all other information in the handbook is relevant to commons and schools of arts as well as to reserves.

Appendices – The appendices contain a range of forms, templates and other information, and a risk management checklist which will assist you in managing your reserve.

Content of each chapter

Each chapter begins with an overview of the topic being dealt with. Where relevant, regulatory requirements and guidance on where to find further information are listed at the end of each chapter. Readers should recognise that not all regulatory requirements or other source material relevant to each chapter have been listed.

Terminology

In this handbook, all legislation referred to is New South Wales legislation, unless indicated otherwise. For example, Commonwealth legislation is indicated by (C'th) at the end of the Act's title.

We have indicated whether activities are mandatory or non-mandatory in the following way:

- the wording “must comply with” identifies that it is a legal requirement; a legal requirement might also be expressed as “the Act requires that”
- requirements of the Land and Property Management Authority are expressed as “the Land and Property Management Authority/the LPM Authority requires that ...”
- “should” denotes good practice that is strongly recommended.

Comments and queries

If you have questions about the content of this handbook, your first contact should always be your local Land and Property Management Authority office. A complete list of these is provided in Appendix A.

If you have any comments or queries about the structure, production or distribution of this handbook, please also contact your local Land and Property Management Authority office, as above.