

**GUIDELINES FOR THE APPOINTMENT AND
REMUNERATION OF PART-TIME
NON-EXECUTIVE DIRECTORS OF
STATE GOVERNMENT BOARDS AND
MEMBERS OF STATUTORY BODIES AND ADVISORY
COMMITTEES**

July 2009 Revision

TABLE OF CONTENTS

1	INTRODUCTION.....	5
2	APPLICATION OF THE GUIDELINES	5
3	IDENTIFYING MEMBERSHIP REQUIREMENTS.....	6
3.1	Merit Selection	6
3.2	Statutory Requirements.....	6
3.3	Government Policy.....	7
3.4	Board Composition	7
3.5	Member Skills and Attributes.....	7
3.6	Member Expertise	7
3.7	Availability and Commitment	7
3.8	Reappointment	8
4	RECRUITMENT	8
4.1	Goals.....	8
4.2	Identifying Candidates.....	8
4.3	Consultation with the Office of Women’s Policy	8
4.4	Network Referrals	8
4.5	Business and Community Group Contacts.....	8
4.6	Advertising.....	9
4.7	Pools of Potential Candidates	9
4.8	Executive Search.....	9
4.9	Direct Mail	9
4.10	Email Networks.....	9
4.11	General publicity	9
4.12	Applicants Nominated by Unions, Community and Industry Groups	9
4.13	Encouraging Suitable Candidates	10
4.14	Legal responsibilities.....	10
5	ADVERTISING GUIDELINES	11
6	SELECTION PROCESS	12
6.1	Ministerial Responsibility	12
6.2	Notification of Forthcoming Vacancies	12
6.3	Portfolio Database on Appointments.....	12
6.4	Ongoing Dialogue With the Minister	12
6.5	Selection Panel.....	13
7	SCREENING	14
7.1	Probity Checks	14
7.1A	Probity checks for Committees of Management under the <i>Crown Lands (Reserves) Act 1978</i> and Cemetery Trusts under the <i>Cemeteries Act 1958</i>	15
7.2	Referee Reports.....	15
8	DECISION MAKING	15
8.1	Consultation with the Premier	15
8.2	Cabinet	16
8.3	Ministerial.....	16
8.4	Involvement of the Premier and Treasurer	16
8.5	Submitting an Appointment for Approval by Cabinet.....	16
9	ANNUAL REPORT TO CABINET.....	17
10	APPLICATION OF THE INFORMATION PRIVACY ACT 2000	17

11	APPOINTMENT AND RE-APPOINTMENT PROCEDURES.....	18
	11.1 Instrument of Appointment	18
	11.2 Statutory Appointments	18
	11.3 Ministerial and Departmental Appointments.....	19
	11.4 Indemnifying/Insuring Members/Directors	19
	11.5 Declaration of Private Interests	20
12	TERMINATION OF APPOINTMENTS	20
	12.1 Appointments to State-owned Companies (SOC)	20
	12.2 Appointments to Organisations other than SOCs.....	20
13	APPOINTMENT OF PUBLIC OFFICE HOLDERS	21
	13.1 Appointment and Remuneration of Members of Parliament	21
	13.2 Appointment of Public Sector Employees.....	21
	13.3 Remuneration of Public Sector Employees.....	23
	13.4 Resignation.....	24
	13.5 Additional requirements for Appointments to State Owned Companies or State Business Corporations.....	24
14	APPOINTMENT OF REPRESENTATIVES OF GOVERNMENT FUNDED COMMUNITY GROUPS .	24
15	APPOINTMENT OF AN INDIVIDUAL TO MULTIPLE BODIES.....	25
16	REMUNERATION.....	25
	16.1 Schedules A, B, C and D.....	25
	16.2 Approval	25
	16.3 Additional Payment for Committee Work	26
	16.4 No Maximum Annual Payment for Daily Sitting Fees.....	26
	16.5 Reimbursement of Expenses	27
	16.6 Allowance for Additional Responsibilities	27
	16.7 Prohibition of Third Party Payments.....	27
17	TOTAL COST TO THE EMPLOYER.....	28
	17.1 Employer's Superannuation Contribution	28
	17.2 WorkCover and Pay-roll Tax Costs	28
	17.3 Provision of a Motor Vehicle	28
18	CHECKLIST.....	28
	SCHEDULE A	29
	SCHEDULE B	31
	SCHEDULE C	32
	SCHEDULE D	33
	ATTACHMENT A	34
	ATTACHMENT B	35
	ATTACHMENT C	36
	ATTACHMENT D CURRENTLY UNAVAILABLE.....	38

ATTACHMENT E 39

ATTACHMENT F..... 45

ATTACHMENT G 46

ATTACHMENT H 46

1 INTRODUCTION

These Guidelines outline principles and procedures for the recruitment, selection, appointment and remuneration of part-time non-executive directors and members of statutory authorities, advisory committees and the boards of Government Business Enterprises (operating under the *State Owned Enterprises Act 1992* [Vic] [SOE Act], the *Corporations Act 2001* [Commonwealth] and other Acts). These Guidelines also apply to unpaid appointments to such organisations.

The purpose of these Guidelines is to provide Cabinet, Ministers and Departments with advice on making appointments and determining appropriate fee levels (from schedules of annual fees and sessional rates), for directors and members of the various boards, committees and tribunals. Ministers are responsible for appointments within their portfolios, subject to legislative and/or Cabinet requirements (eg as set out in the Cabinet and Executive Council Handbooks).

Responsibility for the administration and interpretation of the Guidelines rests with the Department of Premier and Cabinet (DPC). Inquiries about the policy aspects of the Guidelines should be directed to the Director, Government Branch, DPC (tel. 9651 0736), inquiries about the application of the Guidelines in particular circumstances should also be directed to Government Branch, DPC, which will also provide advice on how to deal with anomalies that may arise in relation to particular appointments. Sensitive appointments may also require consultation with the Premier or the Secretary of DPC.

The Guidelines will come into operation from 1 March 2004 and will apply to all new organisations and appointments and to all re-appointments. They do not apply to existing appointments.

2 APPLICATION OF THE GUIDELINES

These Guidelines apply to all part-time appointments to the following categories of State Government organisations:

- **Group A Organisations - Commercial Boards of Governance**
 - Government Business Enterprises including Statutory Authorities, State bodies established under the SOE Act, commercial bodies established under the *Corporations Act 2001* (Cth) or specific legislation; and
 - Other statutory authorities, which are strictly commercial in nature.
- **Group B Organisations - Significant Industry and Key Advisory Bodies and Significant Boards of Management**
 - Industry advisory boards and other bodies advising Government on key strategic matters and/or matters of State-wide significance;
 - quasi-judicial bodies/tribunals where there is no other framework governing remuneration and appointments (see further below);
 - Government bodies undertaking significant statutory functions, providing specialist advice to a Minister and developing policies, strategies and guidelines in a broad and important area of operations; and
 - management boards of medium size organisations undertaking one or more functions or providing a strategically important service.
- **Group C Organisations - Advisory Committees, Registration Boards and Management Boards of Small Organisations**

- Scientific, technical and legal advisory bodies;
 - disciplinary boards and boards of appeal;
 - qualifications, regulatory and licensing bodies;
 - management boards and committees of small size organisations undertaking a specific function or providing a discrete service; and
 - Ministerial and Departmental advisory boards and consultative committees on issues confined to a portfolio or local concerns.
- **Group D Organisations - Inquiries/Task Forces and Ad Hoc Expert Panels**
 - Boards of Inquiry which are required to submit a comprehensive report within a specified time frame; and
 - *ad hoc* Expert Panels established for limited time periods to undertake a specific (often technical) task.

Schedules A, B, C and D (attached) set out the suggested rates of payment for the four Groups and suggest the appropriate classification of organisations to enable the determination of payment levels. Ministers are responsible for classifying bodies according to the advice in the Schedules. Where there is an exceptional case, it should be referred to Government Branch, DPC for advice.

The Guidelines do **not** apply to quasi-judicial bodies/tribunals where there is a reference to the Judicial Remuneration Tribunal in force under section 11(2) of the *Judicial Remuneration Tribunal Act 1995*. The Guidelines do **not** apply to appointments to school councils, and those non-Government appointments to university and college councils and hospital boards which do not require nomination by the Minister (eg. faculty or staff appointments). Nevertheless, these bodies should be encouraged to function in accordance with the spirit of the Guidelines to ensure that appointments are made on the basis of merit.

3 IDENTIFYING MEMBERSHIP REQUIREMENTS

Whether establishing a board or filling a vacancy on an established body, a number of factors need to be considered before starting the recruitment process.

3.1 Merit Selection

Due process and the principles of merit selection are to be observed in the appointment process.

3.2 Statutory Requirements

Any legislative requirements relating to the composition or appointment of specific boards/committees must be complied with.

3.3 Government Policy

It is Government policy that Government boards and committees more accurately reflect the composition of the Victorian community. In particular, it is Government policy to:

- Seek to increase the representation of women on Government boards and committees by setting targets for the appointment of women and encouraging bodies to put forward female nominees for boards and committees. The Cabinet Handbook states that the Office of Women's Policy should be consulted on all full-time and part-time appointments that require Cabinet approval. Wherever possible, this consultation should take place at an early stage when considering nominations or making recommendations to a Minister on appointments. The Office of Women's Policy can also provide general advice on strategies to attract women candidates;
- build the capacity for increasing the participation and direct representation of Indigenous Victorians across all levels of Government. Aboriginal Affairs Victoria within the Department for Victorian Communities may be consulted where specific advice on Indigenous nominations is considered desirable;
- ensure that all Government and Government funded services are responsive to and reflect Victoria's culturally diverse community. The Victorian Office of Multicultural Affairs in the Department for Victorian Communities may be consulted on strategies to foster inclusive appointment processes; and
- give young Victorians a real voice in Government. The Office for Youth within the Department for Victorian Communities may be consulted where the appointment of youth representatives is under consideration.

3.4 Board Composition

Boards should have members with an appropriate mix of expertise, experience and a range of perspectives. Consideration should also be given to the gender balance and cultural diversity of boards/committees. Each member should add value to the work of the board and work well with other members.

3.5 Member Skills and Attributes

For effective board performance, individual members and the board as a group need to have a broad range of skills and personal attributes. Accountability, strategic thinking, networking and teamwork are core competencies for all types of boards and committees.

3.6 Member Expertise

It may be desirable to appoint board members with specific expertise in areas such as finance, investment, law, human resources, marketing or public sector administration. A board may include persons with superior knowledge of the particular sector and who may have valuable professional networks (though care should be taken to avoid potential conflicts of interest). Members, however, should not be appointed solely on the basis of functional expertise. Appropriate emphasis should also be placed on the skills and personal attributes required for effective board performance.

3.7 Availability and Commitment

Candidates should be prepared to make the necessary commitment to the organisation. There is a general expectation that members attend a minimum of 75 per cent of meetings and that they make a significant contribution to the organisation. Please note that exceptions to attendance requirements may apply to some quasi-judicial and other review bodies where members are rostered to panels.

3.8 Reappointment

Members whose terms are about to expire should not be encouraged to regard their reappointment as a right, nor should Departments consider the reappointment process to be automatic, especially where members have already served two terms. All of the above factors as well as attendance at meetings and the performance of the member in their previous term on the body should be considered before recommending any reappointment. Performance indicators may include, but not be limited to, attendance at meetings and level of effective contribution. The need to ensure a regular turnover of members and injection of fresh ideas and enthusiasm should be balanced against the need to retain a proportion of members with the necessary skills and experience.

4 RECRUITMENT

4.1 Goals

- To attract people's interest and encourage them to nominate by promoting the positive aspects of involvement; and
- to encourage suitable candidates to apply by clearly communicating the requirements of the position and the selection criteria which apply.

4.2 Identifying Candidates

Generally, it is best to use a mix of approaches to attract a cross-section of interested and suitable candidates.

4.3 Consultation with the Office of Women's Policy

The Office of Women's Policy should be consulted on all full-time and part-time appointments that require Cabinet approval. Wherever possible, this consultation should take place at an early stage when considering nominations or making recommendations to a Minister on appointments.

The Office of Women's Policy can also provide general advice on strategies to attract women candidates.

4.4 Network Referrals

Networking continues to be a widely used and successful method for identifying potential board members. Informal approaches can be made to seek names of potential candidates. Sources may include Ministerial staff, the chair of a board, board members, the chief executive officer, prominent business and community people and Members of Parliament. Strategies for reaching communities reflective of Victoria's cultural diversity and in relation to increasing the appointment of young people, women and indigenous candidates should be considered.

4.5 Business and Community Group Contacts

Use of established contacts with business and community groups can be a successful method for identifying potential board members. Some Government agencies have established registers of interested persons. The Victorian Women's Register and the Women in Agricultural and Resource Management Register managed by the Department for Victorian Communities are useful resources in identifying women suitable for and available for board membership. Wherever possible, requests for searches of the

databases should be made to the Department for Victorian Communities early in the recruitment process.

4.6 Advertising

Depending on the target audience, advertisements may be placed in major metropolitan, community and regional newspapers or industry publications (see section 5 for more detailed advertising guidelines).

4.7 Pools of Potential Candidates

The names of respondents to advertisements for expressions of interest for board positions can be placed in a 'pool' that may provide candidates for subsequent vacancies. It is important that this pool be refreshed regularly, every 12 to 18 months.

4.8 Executive Search

Where advertising or reference to relevant databases does not produce suitable candidates or for sensitive positions, a Minister or Department may decide to use the services of an executive search company to draw up a list of possible candidates. If executive search is used it is critical that the firm consulted have clear instructions about the role, responsibilities and remuneration of the position.

4.9 Direct Mail

A more formal approach is to write to peak industry bodies, local government and community associations or groups to invite nominations or referrals.

4.10 Email Networks

Existing email networks may be a useful way to advertise vacancies. A directory of Victorian women's business, professional and trade networks *Women Building Bridges* is available from the Office of Women's Policy Website (www.women.vic.gov.au) under "publications".

4.11 General publicity

Ministers and Departments may also choose to use radio interviews, public meetings and journal articles to publicise board membership opportunities. Media promotion can help to reach a much wider audience than other methods and may attract nominations from unexpected sources.

4.12 Applicants Nominated by Unions, Community and Industry Groups

In some cases, particularly with regard to Group C organisations (such as advisory boards and consultative committees) membership may in part comprise representatives of interest groups.

Where legislation requires nomination from a particular group/organisation, the procedure in the Act should be followed. In cases where a nomination is desired but not prescribed by legislation, the Minister may select a nominee from a list of names submitted by an interest group. In these cases the Department should prepare specific selection criteria to give to relevant interest groups to assist in the preparation of lists of nominees who have appropriate skills and experience. Departments should encourage these groups, wherever possible, to put forward both female and male nominees for appointment.

4.13 Encouraging Suitable Candidates

All agencies should ensure that complete and accurate documentation is developed and maintained on the:

- duties and responsibilities of each position;
- skills required for the position;
- mandatory and desirable selection criteria; and
- the terms and conditions of appointment.

Accurate “job specifications” should be available to intending candidates.

When potential candidates are approached they should be provided with information on:

- the role of the board;
- the duties and responsibilities associated with the position;
- the amount of time likely to be required;
- the potential benefits from being involved;
- an explanation of the selection process;
- the requirement that they undergo police and probity checks; and
- the requirement to complete a declaration of private interests and to be aware of conflict of interest concerns.

The General Selection Criteria for Board Members at Attachment A are intended to provide guidance on appropriate selection criteria.

4.14 Legal responsibilities

Applicants for Group A organisations should be advised that they have legal obligations and duties under common law, and under the *Corporations Act 2001* (Cth), the constituting Act, the *State Owned Enterprises Act 1992* or any other relevant legislation. The Government and its representatives should **not** advise nominees on their personal liabilities and responsibilities, which are often complex. Individuals should be advised to seek independent legal advice and to obtain more detailed information from other sources, such as the Australian Institute of Company Directors.

In the case of applicants for statutory authorities, advisory committees and quasi-judicial boards, nominees should be advised that they are subject to common law obligations and duties and may also be subject to specific statutory duties and obligations.

5 ADVERTISING GUIDELINES

Advertising positions is the responsibility of Ministers and their Departments.

The decision to advertise will generally have regard to cost and the nature of the appointment. Other relevant factors include:

- providing as many Victorians as possible with the opportunity of nominating;
- attracting a broad range of nominees who might not have otherwise been considered;
- targeting advertisements to seek nominations from specific groups and/or locations; and
- enabling grass roots and community representation.

Where it is decided that a position be advertised, consideration should be given to the type of nominees required and advertising targeted accordingly. The Master Agency Media Service (MAMS):

<http://www.dpc.vic.gov.au/CA256D8000265E1A/OrigDoc/~E9E3DDFBB7686E22CA25705000097D28?OpenDocument&1=10-Listing~&2=-None~&3=0-Master+Agency+Media+Service+%28MAMS%29~>

can provide advice on targeting and whether advertisements should be placed in national, Melbourne, metropolitan, regional Victorian newspapers and/or ethnic media.

Advertisements should:

- encourage women and, where relevant, other target groups to apply;
- specify the number of vacancies, the particular position to be filled, the duties and responsibilities of the position and the criteria, both specific and general, required for selection. It is important that the selection criteria are directly relevant to the position, to assist in targeting suitable candidates and reduce the likelihood of attracting large numbers of candidates with inappropriate skills and experience;
- provide information on the average number of meetings per year, average time commitment and the general locality of meetings; and
- include a website address for more information and a contact person for enquiries about the advertised position and for the dissemination of information for interview purposes.

Sufficient time should be allowed between the date the advertisement appears and the closing date for applications. As a general guide, advertisements should be placed at least 10 working days before the closing date for applications.

Advice on Victorian public sector advertising procedures may be obtained from the State Government Communications Manual at <http://www.dpc.vic.gov.au/servlet/rwp-ps?/dpc/dpc.nsf/SearchDocs/manual>

All advertisements must be booked through the Master Agency Media Service (MAMS).

6 SELECTION PROCESS

6.1 Ministerial Responsibility

Ministers are responsible for appointments within their portfolios, subject to any legislative and/or Cabinet requirements, which may apply to individual appointments or categories of appointments (for information on approval requirements see section 8).

6.2 Notification of Forthcoming Vacancies

Selection processes take time and Departments will often need to begin planning a selection or re-appointment process up to nine months before the date of appointment. Departments must provide Ministers and the Premier with six monthly forecasts of all upcoming appointments within their portfolio three months in advance of the commencement of the relevant six month period.

The periods to be covered are 1 January to 30 June (to be produced no later than 1 October) and 1 July to 31 December (to be produced not later than 1 April).

6.3 Portfolio Database on Appointments

Each Department is to maintain an up-to-date database on appointments covered by these Guidelines (paid and unpaid) to track appointments, forecast upcoming vacancies, analyse appointments statistics, monitor trends in appointments, and monitor the composition of boards and other bodies to aid in implementing relevant Government policy.

Databases should contain details of each appointment, including:

- date of appointment;
- expiry date of appointment;
- type of appointment;
- rate of payment;
- individual details of appointee (to be provided on a voluntary basis), including age, gender, place of birth, languages other than English spoken at home, and whether the appointee is indigenous; and
- postcode of appointee.

The *Information Privacy Act 2000* may apply to personal information being collected and stored on the database. Further details concerning the operation of this Act can be found in section 9 under the heading “Annual Report to Cabinet”. Departments should ensure when establishing and using the database that all details are correct and practices are consistent with this Act where applicable. Information Privacy Principle 3.1 in Schedule 1 to the Act requires Departments to take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date.

6.4 Ongoing Dialogue With the Minister

Best practice requires that a Department should brief its Minister on a forthcoming vacancy and the process proposed for filling that vacancy six to three months from when the vacancy needs to be filled.

Selection processes should be tailored to the particular vacancy. The initial briefing process (described above) establishes an ongoing dialogue between the Minister, the Minister's private office and the Department on the vacancy and selection process.

Ministers should approve the proposed selection process and details of the proposed selection panel.

Following the selection process, the Department should make a recommendation to the responsible Minister about the most appropriate candidates, at least two months before the expiry date. This advice should include a list of potential appointees with approximately three times the number of positions falling vacant, and sufficient information from the selection process to enable the Minister to make a decision from those on the list. The preferred candidate(s) should be identified, with supporting reasons.

6.5 Selection Panel

The composition of a selection panel will depend on the nature of the body to which an appointment is being made. Selection panels may range from having very senior participation (eg. Ministers and Secretaries) to internal Departmental panels. Consideration should also be given to the participation on selection panels of:

- relevant experts as the need arises; and
- serving board members of the organisation where the vacancy exists.

Individuals from outside the public sector who are invited to become members of selection panels will generally be expected to volunteer their time. If payment is required, however, it should be authorised by the Department Head. The Office of Workforce Development will provide advice on appropriate rates as required.

The role of selection panels is to shortlist nominees and recommend a preferred candidate or candidates for the Minister's consideration. In undertaking this task the selection panel should:

- assess each application against the selection criteria, conduct interviews, and obtain referee reports; and
- ensure that all appropriate screening of the applicants has occurred (see below) and that the Office of Women's Policy has been consulted.

7 SCREENING

Applicants should be interviewed and assessed to ensure that they have the necessary qualifications and experience for the positions and that they are able to commit adequate time to the appointment.

7.1 Probity Checks

It is important that candidates for government appointments have records of personal, professional and commercial integrity. Probity checks **must** be undertaken for all appointments, this includes reappointments. Particular issues to consider include whether a candidate:

- is or has been insolvent;
- has been convicted of any indictable offence;
- has been convicted of fraud; or
- has been disqualified from acting as a director or acting in the management of a company.

Probity checks **must** be undertaken for all appointments and reappointments to boards or organisations. The candidate's completion of a Statutory Declaration attesting that they do not meet the criteria detailed in the four dot points above does **not** negate the requirement for probity checks.

On occasions Ministers may approve, on a case-by-case basis, the waiver of probity checks for appointments to any body that **does not** have formal decision-making responsibilities over policy, service delivery or public funds. In such instances Ministers must be fully briefed on the reasons why the probity checks have not been undertaken. If the appointment is to be considered by Cabinet the submission must state why the Minister has determined that some or all of the necessary probity checks were not been undertaken.

The minimum checks include:

- a criminal record check Australia wide by Victoria Police;
- a check of the Australian Securities and Investment Commission (ASIC) Register of persons prohibited/disqualified by ASIC under the provisions of the *Corporations Act 2001* (Cth). Searches can be undertaken by accessing the ASIC website <http://www.asic.gov.au>; and
- a check of the Insolvency and Trustee Service Australia (ITSA) National Personal Insolvency Index (NPII) which contains information about proceedings and administrations under the *Bankruptcy Act 1966* (Cth). Information on arranging a search of the NPII can be found on the ITSA's website <http://www.itsa.gov.au>.

Departments should also examine any relevant statute to identify the circumstances in which an appointment may become vacant. These circumstances may include an appointee becoming bankrupt or being convicted of an indictable offence.

Early consideration should also be given to the need for a Declaration of Private Interests (see paragraph 11.5).

7.1A Probity checks for Committees of Management under the *Crown Lands (Reserves) Act 1978* and Cemetery Trusts under the *Cemeteries Act 1958*.

Departmental Secretaries may approve the waiver of police checks on any appointment (including reappointments) to a Cemetery Trust or Committee of Management where the Departmental Secretary considers that the operation and assets of the entity do not pose a significant financial or non-financial risk to the State.

The ability to waive police checks under this clause does not extend to:

- any Cemetery Trust or Committee of Management subject to Part 7 of the *Financial Management Act 1994*;
- Parks Victoria, Melbourne Water and the National Parks Advisory Committee if acting as a Committee of Management; and
- a person holding a licence under Division 1 of Part 2 of the *Water Industry Act 1994* acting as a Committee of Management.

Where a waiver is granted to a Cemetery Trust or Committee of Management, the circumstances for such a waiver must be reviewed by the Secretary periodically (at least every three years) to ascertain that the criteria for granting the exemption are still valid.

7.2 Referee Reports

As part of the selection process, the selection panel should consult with applicants' nominated referees. Referee reports are an important part of the selection process and should be obtained on all short listed candidates to clarify, confirm or counterbalance information already before the panel. In particular:

- The applicant should nominate 2-3 referees who can attest to the applicant's abilities relevant to the key selection criteria and duties of the position;
- it may also be necessary for selection panels to extend their enquiries beyond nominated referees to ensure a comprehensive and accurate appraisal against selection criteria;
- applicants should be informed of persons other than the nominated referees to be contacted. It is **essential** that the present employer of an applicant is not contacted unless the applicant's permission has been obtained; and
- complete and accurate reports of referees' comments should be compiled to assist in the selection process.

8 DECISION MAKING

8.1 Consultation with the Premier

For appointments in Groups A and B and for important or sensitive appointments the Premier **must** be consulted. This will expedite the Cabinet process and avoid undue delay.

8.2 Cabinet

The following appointments must be approved by Cabinet:

- all appointments to Group A and Group B organisations;
- non-elected chairpersons of Group C organisations; and
- all band 1 and 2 appointments to Group D organisations.

These appointments must be submitted to Cabinet for approval in the format outlined in the Cabinet Handbook. The approved rates of payment (where applicable) for these appointments are set out in Schedules A to D to these Guidelines.

In some cases, chairs of certain organisations will be elected by the board of that organisation, or some other constituency. This will usually be a specific requirement of the organisation's governing statute. Whilst Cabinet is **not** required to approve appointments that are the result of an election process, Ministers **are** required to advise the Premier of these appointments in writing every six months. The Premier will provide Cabinet with a consolidated six monthly report of elected chairs.

Additionally, if a Minister considers that any other appointment (ie to a Group C organisation or to any unpaid position) is politically sensitive or significant, the appointment should also be submitted to Cabinet for approval.

8.3 Ministerial

The Minister has responsibility for approving:

- appointments (other than chairpersons) to Group C organisations; and
- all band 3 appointments to Group D organisations.

Cabinet approval is not required for these appointments unless they are deemed to be politically sensitive or significant. The approved fees (where applicable) for these appointments are set out in Schedules C and D to these Guidelines.

8.4 Involvement of the Premier and Treasurer

For appointments in Groups A and B and for any other important or sensitive appointments the Premier must be consulted, generally by the Minister writing to the Premier.

For appointments to Group A and Group B State-owned enterprises, the Treasurer and the portfolio Minister must determine the names to be recommended to Cabinet for appointment.

8.5 Submitting an Appointment for Approval by Cabinet

On completion of the selection process, it is the responsibility of the relevant Minister to submit the proposed appointment to Cabinet. The Cabinet Handbook sets out the requirements for preparing appointment submissions. Appointment submissions are presented to Cabinet with an appointment cover sheet, draft copy of the Order in Council (or other relevant appointment instrument where applicable) and *curriculum vitae*. An appointment cover sheet template will be provided to Departments at the time these Guidelines are distributed through the Cabinet and Legislation Liaison Officers. A pro forma *curriculum vitae* can be found at Attachment G.

Appointments are to be considered by Cabinet **at least one month in advance** of the date on which the position becomes vacant, or in respect of a new position, the date on which it is proposed the appointee commences duty. In line with Cabinet requirements, Departments must provide the Appointment Submission to Cabinet Secretariat **at least one week** prior to the Cabinet meeting for which it has been scheduled. Departments are required to maintain a schedule of expiry dates of statutory appointments and to review it regularly to identify forthcoming appointments within their portfolios.

A satisfactory Declaration of Private Interest should **always** be obtained before Cabinet considers an appointment (see paragraph 11.5).

9 ANNUAL REPORT TO CABINET

Co-ordinating Ministers are required to prepare an annual report to Cabinet each July on appointment trends within their portfolios in the previous financial year, including a breakdown of appointments by gender (including implementation of targets), ethnicity, age and location (ie Melbourne, regional and rural Victoria).

The annual report is to cover all appointments covered by these Guidelines, i.e. all paid and unpaid part-time non-executive appointments to Government boards, authorities and committees. The pro forma for this annual report can be found at Attachment D.

Please refer to the explanatory notes accompanying Attachment D.

10 APPLICATION OF THE INFORMATION PRIVACY ACT 2000

The *Information Privacy Act 2000* came into operation on 1 September 2001 and provides for the establishment of a regime for the responsible collection and handling of personal information in the Victorian public sector. The Act describes a number of Information Privacy Principles (IPPs) which must be observed by Departments and other bodies within the public sector when collecting and handling a range of personal information. These principles cover the collection, use, disclosure, quality, security, access and correction of personal information by public sector bodies.

The Act establishes a complaints mechanism for persons who believe that public bodies have breached the principles, and ultimately, the Victorian Civil and Administrative Tribunal (VCAT) can impose a range of sanctions on bodies, including ordering the payment of up to \$100,000 compensation to an aggrieved person.

The Act may apply in circumstances where Departments are providing data to DPC for annual reporting purposes under these Guidelines. In this case, Information Privacy Principles 1, 2 and 10 in Schedule 1 to the Act place restrictions on the use and disclosure of that information. These IPPs do allow for the individual about whom the information relates to consent to the Department using and disclosing the information for a particular purpose.

To ensure that Departments and agencies can continue to report data, a template consent form is found in Attachment E, along with a notice form under IPP 1.3. This consent allows agencies and Departments to provide the data necessary for annual reporting to Departments and DPC as required. The notice form also advises the appointee on how the Department will deal with the information collected. The IPP 1.3 notice should be completed by the Department or agency and given to the appointee at or before appointment and the consent form should be signed by new appointees upon appointment. Both forms are included in Item 6 on the checklist of items

in Attachment C to these Guidelines. Consent forms should also be signed by existing appointees, and retained in a secure central repository within Departments.

Departments may also be in receipt of *curriculum vitae* from interested persons who have expressed a desire to sit on a board. As the Act will apply to this personal information also, Departments should advise the interested persons what they will do with this information. Departments must obtain consent from the person if they wish for their details to be forwarded to other Departments for consideration. The second part of the form in Attachment E can be used for this purpose also.

Departments may also need to advise interested persons that they (the person) is also responsible for making third parties aware that any information about that third party may be passed on to other agencies. For example, information regarding referees in an interested person's *curriculum vitae*.

Departments and agencies may already have processes and forms which are currently used to obtain the necessary consent regarding information subject to the *Information Privacy Act 2000*. The forms provided in Attachment E are suggested forms only, specifically referable to the information collection requirements under the Guidelines. They do not necessarily have to be used by Departments and agencies, which may have developed documentation which are tailored more specifically to their needs. Departments and agencies must however, ensure that if they are to use their own versions of privacy consent forms, those forms contain, as a minimum, the content described in the forms in the new Attachment E.

Despite the consent form, Departments should continue to use the template in Attachment D for annual reporting data, and provide that data in **aggregate** form, in a way that minimises any possibility of identifying individual appointees on any given body.

Furthermore, Departments should note that section 11 of the Act provides that information already in the public domain is not likely to be the subject of IPPs.

Any queries concerning the application of the *Information Privacy Act 2000* to the handling of appointment information unrelated to annual reporting requirements should be directed to the responsible Department's privacy unit or legal advisers.

11 APPOINTMENT AND RE-APPOINTMENT PROCEDURES

11.1 Instrument of Appointment

The majority of positions in Group A organisations are appointments in accordance with the *Corporations Act 2001* (Cth) or specific legislation establishing commercial statutory authorities. The form and processes of these appointments will be set out in the constitution of the company or the relevant legislation.

Appointments to Group B, C and D organisations are either statutory, Ministerial or Departmental appointments.

11.2 Statutory Appointments

In the case of statutory appointments, the Order in Council should be accompanied by a schedule containing the:

- duties and responsibilities of the position;

- appointment arrangements;
- period of appointment;
- termination arrangements;
- payment provisions;
- superannuation obligations;
- arrangements for the reimbursement of travel and personal expenses (see paragraph 16.5); and
- leave arrangements.

The provisions contained in the Order in Council must accord with the Act under which the appointment is being made. It is the responsibility of Departmental Secretaries to ensure that the Order in Council is prepared in the appropriate manner and for Ministers to ensure it is submitted in accordance with the procedures for the Executive Council.

11.3 Ministerial and Departmental Appointments

Appointments, which are not made by the Governor in Council, will require the preparation of another form of documentation to formalise appointments and the terms and conditions attaching to them. Attachment B provides a pro forma setting out the:

- duties and responsibilities of the position;
- period of appointment;
- termination arrangements;
- rates of payment;
- superannuation obligations;
- arrangements for the reimbursement of travel and personal expenses; and
- leave arrangements.

This document can be adapted by agencies to suit the particular appointment being made. The document should be signed by the Minister or Departmental Secretary and the appointee before the commencement of the appointment.

11.4 Indemnifying/Insuring Members/Directors

Detailed information on the Government's policy on indemnifying members of Government boards and committees is contained in the "*Government Policy and Guidelines on Indemnities and Immunities*" issued by the Attorney-General in January 2000. Nominees should be advised to seek independent legal advice (see paragraph 4.14).

In summary:

- The Victorian Managed Insurance Authority (VMIA) may provide an indemnity to board members of either a statutory authority or a State-owned company. This Deed of Indemnity is similar to the directors and officers insurance policies that are available from the commercial insurance sector (in many circumstances, members of a Board will not need to seek an indemnity as they will be able to take out insurance to cover their potential liabilities);

- In exceptional circumstances the Treasurer may exercise the power under the *Financial Management Act 1994* to provide individual indemnities, which are outside the scope of the cover offered by the VMIA. To date, they have been given where the Board is acting on the written directions of the Government. Granting an indemnity in advance of the actual performance of particular duties is subject to Cabinet approval;
- Requests for specific indemnities by members of Group A, B, C or D organisations will be considered on a case by case basis and will not usually be considered until the commencement of proceedings;
- Government policy is that indemnities are provided for Ministers and servants of the Crown who have acted honestly and properly in connection with their duties in the course of conducting Government business. The precise nature and extent of an indemnity in any particular case will depend on the circumstances involved.

11.5 Declaration of Private Interests

The Cabinet Handbook provides that appointments and re-appointments are contingent upon the nominees completing a Declaration of Private Interests to the satisfaction of the relevant Minister.

Section 35 of the *State Owned Enterprises Act 1992* provides for members/directors of bodies covered by that Act to disclose pecuniary interests or other interests, which could conflict with the proper performance of their duties. It makes provision for certain procedures to be followed where disclosures occur. There are also disclosure provisions in the *Corporations Act 2001* (Cth) with which appointees to State-owned companies should make themselves familiar.

The standard Declaration of Private Interests proforma (Attachment H) should be used for this purpose.

Ministers need to ensure that completed Declarations are retained securely within portfolios.

12 TERMINATION OF APPOINTMENTS

12.1 Appointments to State-owned Companies (SOC)

Directors of organisations under the *Corporations Act 2001* (Cth) may:

- resign;
- not be re-appointed (or re-elected where relevant) after their term expires; or
- be removed for failing to meet the requirements of the *Corporations Act 2001* or the requirements of specific legislation governing their appointment.

12.2 Appointments to Organisations other than SOCs

In the case of statutory appointments, the constituting Acts and the instruments of appointment (Orders in Council) will usually specify the terms of appointment for these positions. The circumstances in which such appointments could be terminated are:

- the period of appointment expires
 - when the period of appointment expires the Minister or Cabinet may decide to reappoint the officer or terminate the appointment arrangement;

- resignation of the appointee
 - the appointee may elect to resign from the position prior to the expiry of the period of appointment. The appointee should provide the Minister with 4 weeks notice in writing. Payments of fees will cease on the effective date of resignation;
- removal of the appointee from the position
 - in most cases the constituting Acts will contain provisions to enable the removal of statutory appointees from positions they hold before the expiration of the specified term. The constituting Act will generally specify the circumstances under which officers can be removed, such as misconduct or incapacity to perform the duties of the office. The Act will also provide the means by which this can be achieved, (normally an Order in Council). Payments of fees will cease on the date of termination of the appointment; and
- abolition of the position
 - the Government can reorganise or dissolve statutory bodies or positions within these bodies by procuring the repeal of the constituting Acts, or by making Orders in Council to revoke existing appointments where there is power to do so. As long as the appointing instrument provides for prior termination, part-time appointees should not be entitled to any payment in the event that their appointments are revoked. There should be no payment in lieu of notice or compensation for an unexpired term.

Arrangements for terminating non-statutory appointments will differ from statutory appointments because of the absence of constituting Acts. It is important in these cases that the letter of appointment contain reference to the term of each appointment and appropriate termination arrangements. As long as the appointing instrument provides for prior termination, part-time appointees will not be entitled to any payment in the event that their appointments are terminated.

13 APPOINTMENT OF PUBLIC OFFICE HOLDERS

13.1 Appointment and Remuneration of Members of Parliament

Members of Parliament who are appointed to, and are paid for being members of, Government boards may be in breach of sections 49 and 55 of the *Constitution Act 1975* (potentially causing their seats to be vacated) unless an Act allows them to be so appointed. Any appointment of Members of Parliament to governing bodies, whether advisory or otherwise, must be authorised by Cabinet.

13.2 Appointment of Public Sector Employees

Public sector employees occasionally sit on boards in several ways, such as:

- in an *ex officio* capacity;
- by formal appointment; or
- are elected to Government boards, eg the Board of the Government Superannuation Office.

In the case of some boards, the establishing statute may require public sector employees to sit, as the nominee of a Minister or Secretary of a Department.

Statutes or intergovernmental agreements may also require public sector employees to sit on government boards of other jurisdictions, such as the Commonwealth. The rules described in this section apply equally to these appointments. If however, further clarification is required regarding any aspect of this section as it applies to these appointments, advice should be sought from Government Branch, DPC.

As a general rule public sector employees should only be appointed to part-time positions on boards, committees or advisory bodies either as full members, or “observers” when required by statute. This is all the more important where the employee’s Department is responsible for providing advice to the portfolio Minister.

In some circumstances outside of statutory requirements, an appointment of a public sector employee may be made where the Government decides it is necessary.

All public sector employee appointments of these types must be clearly justified. Where possible, such appointments should be for a limited and specified time.

A statutory appointment of a public sector employee, or a public sector employee appointment outside of statute (“non-statutory”), must be justified. Departments must observe the following principles, and state the necessary information in any Cabinet submission:

- **Conflicts of Interest**

Departments must identify the potential for conflicts of interest in considering the appointment and state whether any controls exist. These controls may take the form of legislative controls, or provisions in a constitution in the case of a State Owned Company or State Business Corporation. Where a statute or constitution does not provide any controls, the appointing Department must consider the need for formal controls to be introduced. The lower the level of control, the less appropriate a non-statutory appointment of a public sector employee is likely to be.

- **Commercial Functions of the Board or other Body**

Departments must identify the relevant commercial and non-commercial functions of the board, committee or advisory body and state briefly whether the board or other body’s operations are predominantly commercial or not. The relevant governing legislation may describe particular commercial or non-commercial functions for a board, committee or advisory body. In the case of State Owned Companies or State Business Corporations, additional information may be found in the relevant constitution. The greater the scope of the board or other body’s commercial operations, the less appropriate a non-statutory appointment of a public sector employee is likely to be.

- **Independence**

Departments must identify and state briefly whether the board, committee or advisory body is operating at arm’s length from Government or whether its purpose is in fact to facilitate Government policy. The particular legal form of the body (for example, state owned company compared with statutory authority) will not necessarily indicate the degree of independence. The more a body’s operations are designed to be independent of Government influence, the less appropriate a non-statutory appointment of a public sector employee is likely to be.

- **Reason for Appointment**

Unless the appointment is statutory, Departments must state clearly why a public sector employee is the most appropriate appointment, and whether their particular skill or expertise is necessary for the board, committee or advisory body in question. Departments should state on a broad basis whether equivalent non-public sector candidates were considered but not selected, and why.

- **Other Legislative Requirements**

Departments must state whether other legislative requirements relevant to the appointment have been satisfied. For example, governing legislation frequently specifies certain expertise or qualification criteria for some board appointments.

13.3 Remuneration of Public Sector Employees

Appointments of public sector employees are of two types:

- **Type 1**

A **Type 1** appointment is an appointment where the appointee's duties form part of the appointee's employment as a public sector employee in their substantive position. These types of appointments are likely to be statutory, and will be taken to include all full-time EO officers, or their equivalent, in public sector positions.

DPC must be consulted for further advice in determining whether an appointment falls into the **Type 1** category. All queries are to be directed to Government Branch who will advise the Secretary Department of Premier and Cabinet who has the discretion to determine whether any appointment of a public sector employee should be characterised for remuneration purposes as a **Type 1** appointment and may make a determination.

For **Type 1** appointments, no remuneration is payable. **An exemption may only be granted in the most exceptional of circumstances.**

- **Type 2**

A **Type 2** appointment is an appointment where the appointee's duties are outside the appointee's employment functions as a public sector employee in their substantive position. These types of appointments are likely to be made based on the appointee's experience to perform the appointment, but may also be statutory appointments.

Fees are payable to persons employed in the service of the State of Victoria in limited circumstances described below. For the purpose of payment of fees, a broad definition of "public sector employee" applies, and includes employees of a Government Department, statutory body, instrumentality, board, Local Government, a member of academic staff at any Australian institution of higher education, or other Government body.

For **Type 2** appointments an appointee is eligible only if the substantive public sector employer confirms that the work involved in the appointment can be, and will be, performed in the employee's own time.

In all cases where sitting fees will apply:

- public sector employees, whether full time or part time, must ensure that there are no material conflicts between their public sector employment and their appointment/s, or

between their appointments. A conflict will not be “material” for these purposes if the conflict is trivial and can be managed with appropriate procedures; and

- public sector employees considering taking on second and subsequent appointments must obtain approval from their substantive employer before taking on these positions. The employer, in granting or refusing approval, must consider the health and safety of the employee, including the potential for stress-related illness or injury; and
- where a public sector employee is to be paid sitting fees, the Secretary of the responsible Department must confirm that the criteria for payment have been met. Confirmation is to occur through the Secretary or their delegate signing the completed statement found at Attachment F to these Guidelines.

In this section, there is reference to an employee’s “substantive” position. Where a public sector employee holds a full time position, the reference to the “substantive” employer is a reference to the employer of the full time position. Where the public sector employee holds two or more part time positions, then the “substantive” employer is the public sector employer in the position with on-going status or, failing that, the public sector employer of the greatest time fraction.

13.4 Resignation

Public sector employees who are appointed to a board by virtue of their public sector employment should resign from that board if they leave their public sector employment. In some cases however, there may be good reasons for that person remaining on the board. Individual special cases however should be referred to Government Branch for further advice.

13.5 Additional requirements for Appointments to State Owned Companies or State Business Corporations

Cabinet approval is required for all appointments of full-time public servants to State Owned Companies or State Business Corporations.

If the position involves assuming obligations under the *Corporations Act 2001* (Cth) for which an individual is normally liable, the public sector employee should be indemnified by the State if the position is related directly to his or her portfolio. Public sector appointees should discuss any indemnity issues as part of the appointment process and if necessary, seek independent legal advice. Any provision of indemnity must be consistent with the *Government Policy and Guidelines on Indemnities and Immunities*. Further details of this policy are provided in paragraph 4.14.

14 APPOINTMENT OF REPRESENTATIVES OF GOVERNMENT FUNDED COMMUNITY GROUPS

In general, fees will not be paid to representatives of community groups who are appointed to Government organisations to specifically represent an interest group or which receive either full or partial funding from the State or Federal Government.

- Organisations participating in these Government bodies, while in many cases providing a service to the community at large, often exist primarily for the benefit of the particular industry or organisation.
- Participation in Government related activities is generally a function of such organisations’ charters and not such as to warrant the payment of fees by Government.

Appointees may be reimbursed for travel and out of pocket expenses in line with the current public service guidelines (see paragraph 16.5).

Some community organisations which are predominantly funded from non-government sources may be entitled to a fee for representation on these bodies. Where the Minister believes that such an organisation should be paid for an appointee's membership on a Government body, that organisation is to be paid at the sessional rate applicable to the appointee. However, the Minister may determine that a person serve in an honorary (unpaid) capacity.

15 APPOINTMENT OF AN INDIVIDUAL TO MULTIPLE BODIES

It is recommended that an individual hold no more than two to three positions on Government bodies at any one time. Such a policy creates opportunities for a larger number of individuals to be represented on Government boards, and for boards to more accurately reflect the composition of the community. However, there may be circumstances where multiple appointments are desirable, such as where the number of suitable nominees from target groups is limited. Where this is the chosen approach the Minister should outline the measures taken to secure additional nominees.

Ministers considering recommending the appointment of individuals already on a number of Government boards to a new board should seek assurances that the individual will be able to devote adequate time to his/her duties. Self-assessment by the nominee should be verified with independent consideration of the other positions and responsibilities which would be concurrently held by the nominee (including membership of other Government boards and/or private sector boards).

16 REMUNERATION

16.1 Schedules A, B, C and D

The levels of payment for appointees to Group A, B and C organisations are set out in Schedules A, B and C (attached). The levels specified in the Schedules take into account the degree of responsibility and risk carried by appointees, including:

- the application of the *Corporations Act 2001* (Cth);
- diminution of ultimate responsibility and accountability where it rests with the portfolio Minister; and
- the extent to which the organisation is funded from consolidated revenue or relies on Government guarantees or other forms of Government support.

Schedule D does not specify remuneration levels, noting the need for flexibility in remuneration of Group D appointments.

16.2 Approval

Upon the Minister's recommendation, Cabinet approves the rate of payment for:

- all Group A appointments;
- all annual fee-paying Group B appointments; and
- all band 1 and band 2 Group D appointments.

For Group A and B organisations Ministers determine and then recommend to Cabinet (where necessary) the level of fees from within the specified bands. The nature of the work and degree of responsibility will determine the specific point within the range. Government Branch DPC can provide advice on particular cases if anomalies arise. For Group D organisations Ministers determine on a case-by-case basis the remuneration levels, with reference to the intensity of the workload and expertise required. Group D appointees may be paid on either an annual fee (pro rata) basis or daily fee basis.

Ministers may approve the rates of payment from within the specified bands (where applicable) for:

- all sessional fee paying Group B appointments;
- all Group C appointments (all of which are sessional paying); and
- all band 3 Group D appointments.

16.3 Additional Payment for Committee Work

Directors who receive annual fees may be paid an additional per annum fee as stipulated in Schedules A and B for additional committee work undertaken, in recognition of the extra commitment required. The Minister should assess the additional commitment required and the level of remuneration warranted when considering providing a board with the capacity to compensate members for the extra time and responsibilities involved in committee membership.

Any payment of additional fees for committee membership must be approved by the relevant Minister. The approved level of fees for committee membership will be an absolute ceiling figure regardless of the number of committees to which a director may be appointed, and should be considered in the context of the annual fee level paid to board members.

16.4 No Maximum Annual Payment for Daily Sitting Fees

No maximum annual payment is to be set where a daily sitting fee is the preferred method of payment. Ministers should arrange to monitor the nature of the performance of these bodies to ensure that payment is made when the relevant duties have been performed. As a guide payment should be made for the following:

- attendance at meetings, including official committee meetings of the board and other necessary activities, such as group site visits;
- formal visits with industry representatives;
- Group B and C organisations - in special circumstances, authorised by the Minister, days spent on additional work directly related to the business of the body, such as preparation of reports formally commissioned for a meeting or Government. If substantial blocks of time are involved a separate rate should be negotiated; and
- Group D organisations only - days spent on work directly related to the business of the organisation, such as preparation of reports formally commissioned for a meeting or Government.

Payment should not be made for:

- individual research or reports not authorised by the organisation or chair;

- preparation time for meetings (as this has been incorporated into the sessional fee).

Sessional rates are preferred to annual rates for the majority of Group B and all of Group C organisations because the workload, regularity of meetings etc. can vary considerably and because they allow appointees to be paid for work actually undertaken.

16.5 Reimbursement of Expenses

All appointees to Group A, B, C and D organisations, as well as unpaid appointees, are eligible to be reimbursed for reasonable out of pocket expenses such as travelling, accommodation, meals and other incidental expenses associated with attendance at meetings, overnight absence from home or absence from the normal work location in the course of field duties. The *Guidelines for the Provision of Allowances for Travelling and Personal Expenses in the Victorian Public Service* issued in August 1993 are the basis for payment. They can be found at (PDF file):

[http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/Executive_Employment_Handbook/\\$file/ExecutiveEmploymentHandbook - October 2004 Version.pdf](http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/Executive_Employment_Handbook/$file/ExecutiveEmploymentHandbook - October 2004 Version.pdf)

16.6 Allowance for Additional Responsibilities

If circumstances require a director/member to take on a quasi-executive role or additional responsibilities, the rate of payment should be established in consultation with the Office of Workforce Development. In the case of Group A, annual fee paying Group B organisations, and band 1 and 2 Group D organisations, the relevant Minister will be responsible for obtaining Cabinet approval for the revised role and payment rates. In relation to sessional fee paying Group B, all Group C organisations, and band 3 of Group D organisations, the relevant Minister will be responsible for approving the revised role and payment rates and advising the Office of Workforce Development of the changes.

If a non-executive director/member is appointed in an executive role for a lengthy period of time (ie. three months or more), it may be necessary to re-appraise the work value of the position to reflect the changed relationships, accountabilities and work value. As a general rule appointment of non-executive directors to an executive role should be avoided.

16.7 Prohibition of Third Party Payments

On occasion appointees will request that Departments pay sitting fees to trusts or companies associated with the appointee, rather than to the appointee personally. The usual reason behind such requests is so that the appointee can derive an additional benefit in the form of tax minimisation or other related tax benefits.

All payments to appointees are personal and must only be made to the appointee in their personal capacity.

Under no circumstances should these payments be made on invoices. It is not appropriate for Departments to sanction payments that could be construed as tacitly supporting tax minimisation arrangements.

The only exception to the above is in circumstances where organisations with nomination rights to bodies nominate an employee to represent them on that body. In this case the employer with nomination rights may be entitled to receive payment to compensate for the time spent by their employee representing the organisation on the body. This compensation can only be paid if the employee does not also receive sitting fees.

17 TOTAL COST TO THE EMPLOYER

The remuneration levels set out in the Schedules to these Guidelines reflect the remuneration to the recipient and include any non-cash benefits which should be subject to Fringe Benefits Tax (eg. provision of a motor vehicle, spouse travel etc.). However, where the appointee is a Government employee, these levels do not constitute the Total Cost to the Employer (TCE) which is the remuneration package plus:

- the employer's superannuation contribution, (which is now required under the Commonwealth Government's Superannuation Guarantee Contribution);
- WorkCover costs; and
- the pay-roll tax component (where applicable).

17.1 Employer's Superannuation Contribution

Under the *Superannuation Guarantee (Administration) Act 1992* (Cth) all employers are required from 1 July 1992 to provide a minimum level of superannuation for all employees who earn more than the minimum per month prescribed by that Act. It is current practice that Government employers will pay only the minimum level of superannuation required under the Act. Advice on employer superannuation obligations under the above Act can be obtained from the ATO's Superannuation Information Hotline (tel. 131020).

17.2 WorkCover and Pay-roll Tax Costs

WorkCover and pay-roll tax are the other components which should be included in the TCE, but not in the remuneration package. The WorkCover cost is a variable cost dependent upon the agency's premium rate for any given year. Pay-roll tax is a determined percentage of salary and is paid by the employer. In most cases, WorkCover and pay-roll tax will not be additional costs to employers as these have been incurred, in some form or another, since positions were established.

17.3 Provision of a Motor Vehicle

Board members may be given access to an agency vehicle for business purposes.

Generally board members should not be given access to motor vehicles for private use. If the Board decides to provide a motor vehicle to a board member then the full cost of the private use component, calculated using an appropriate methodology, must be borne by the board member through a salary sacrifice arrangement.

Motor vehicles must not be provided to appointees to boards, advisory panels etc who are paid on a sessional basis.

18 CHECKLIST

A checklist has been provided as Attachment C to assist Ministers and Departments in verifying whether the appointment process they have followed has met all the requirements of these Guidelines.

SCHEDULE A

The narrative classification criteria contained in Group 1 of Schedule A may be used to raise the classification level of a body classified within Schedule A, by one.

	Chair	Member	GROUP A ORGANISATIONS (COMMERCIAL BOARDS OF GOVERNANCE WHICH PROVIDE DIRECTION & CONTROL) Classification Criteria
1	\$61,500 to \$112,005	\$30,750 to \$49,072	<p>GBEs incorporated under the <i>Corporations Act 2001</i> or corporatised businesses with a turnover of over \$1 billion or assets over \$1 billion or profit over \$100 million.</p> <p>Statutory Authorities determined by the Premier and Cabinet to warrant inclusion in this group.</p> <p>OR - if the business is a new business or facing particular challenges that warrant special consideration.</p> <p>In these circumstances any of the following criteria can be used to raise the classification of a Schedule A body by <u>one level</u>.</p> <p>Responsibility: The Board independently sets long term strategies and policies and has final authority to decide all strategic and operational directions. Decisions have a major impact on long term organisational performance and will influence the public perception of government.</p> <p>Complexity: Multifaceted and difficult to grasp.</p> <p>Org. Change: The Board may be required to direct significant organisational change. The organisation would employ at least 250 people.</p> <p>Personal Risk: Extreme - Appointment carries extreme risk in both financial terms and in terms of professional reputation. Termination without notice or substantiation may occur at any time.</p> <p>Knowledge and Experience Required: Extensive and diverse commercial experience, expert knowledge of a number of business fields and a detailed understanding of the impact of important issues in many other fields. Experience with government.</p>
2	\$46,125 to \$84,010	\$20,500 to \$42,011	<p>GBEs incorporated under the <i>Corporations Act 2001</i> or corporatised businesses with a turnover of between \$500 million and \$1 billion or assets between \$500 million and \$1 billion or profit between \$50-100 million, or any combination of these factors, AND</p> <p>Statutory Authorities with a turnover of over \$1 billion or assets over \$1 billion or operating surplus over \$100 million or any combination of these factors.</p>
3	\$30,750 to \$63,005	\$16,400 to \$29,445	<p>GBEs incorporated under the <i>Corporations Act 2001</i> or corporatised businesses with a turnover of between \$50 million and \$500 million or assets between \$50 million and \$500 million or profit between \$5-50 million or any combination of these factors, AND</p> <p>Statutory Authorities with a turnover of between \$500 million and \$1 billion or assets between \$500 million and \$1 billion or an operating surplus between \$50 million and \$100 million or any combination of these factors.</p>

SCHEDULE A continued

	Chair	Member	GROUP A ORGANISATIONS (COMMERCIAL BOARDS OF GOVERNANCE WHICH PROVIDE DIRECTION & CONTROL) Classification Criteria
4	\$15,375 to \$42,011	\$9,225 to \$16,821	<p>GBEs incorporated under the <i>Corporations Act 2001</i> or corporatised businesses with a turnover of below \$50 million or assets below \$50 million or profit below \$5 million or any combination of these factors, AND Statutory Authorities with a turnover of between \$50 million and \$500 million or assets between \$50 million and \$500 million or an operating surplus between \$5 million and \$50 million or any combination of these factors.</p>
5	\$10,250 to \$21,076	\$6,150 to \$11,258	<p>Statutory Authorities with a turnover of below \$50 million or assets below \$50 million or profit below \$5 million.</p>
Notes:			
<ul style="list-style-type: none"> There is no separate allowance or fee for a Deputy Chair. If a Deputy Chair is appointed, payment will be at the Member's rate. If the Deputy Chair assumes the role of the Chair the Chair's fee will be payable for the period the Deputy Chair acts as Chair. There are no daily sitting fees for those organisations covered by Schedule A, but travel and other appropriate personal expenses will be reimbursed on the basis of actual costs incurred. Upon Ministerial approval, up to \$4715 per annum may be paid to directors who receive annual fees for additional committee work undertaken in recognition of the extra commitment required. The Minister should assess the additional commitment required and the level of remuneration warranted when considering providing a board with the capacity to compensate members for the extra time and responsibilities involved in committee membership. The approved level of fees for committee membership will be an absolute ceiling figure regardless of the number of committees to which a director may be appointed and should be considered in the context of the annual fee level paid to board members. 			

SCHEDULE B

ANNUAL FEES

	ANNUAL FEE CHAIR	MEMBER	GROUP B ORGANISATIONS (SIGNIFICANT INDUSTRY AND OTHER KEY ADVISORY BOARDS)
1	\$15,375 to \$42,011	\$9,225 to \$16,821	Significant industry advisory boards and other bodies advising Government on key strategic matters.
2	\$10,250 to \$21,076	\$6,150 to \$11,258	Other industry advisory boards and bodies advising Government on matters of Statewide significance.

SESSIONAL RATES

	FEE PER DAY CHAIR	MEMBER	GROUP B ORGANISATIONS (ADVISORY BOARDS, SIGNIFICANT BOARDS OF MANAGEMENT, QUASI-JUDICIAL TRIBUNALS)
1	\$328 to \$519	\$251 to \$449	<p>(a) Quasi-judicial bodies/tribunals that sit and determine matters of significant financial and personal importance to individuals or small groups of people and where there is no other framework governing remuneration and appointments.</p> <p>(b) Chair/Member of Government bodies undertaking significant statutory functions, providing specialist advice to a Minister and developing policies, strategies and guidelines in a broad and important area of operations. Appointees will have extensive knowledge and expertise in the relevant field.</p> <p>(c) Management boards of medium size organisations undertaking one or more functions or providing a strategically important service. Members would have substantial management/business/professional expertise relevant to the field of operations. The operations of the organisation would normally warrant a General Manager at Executive Officer Band 3 (high) or Band 2 (low).</p>

Notes:

- There is no separate allowance or fee for a Deputy Chair. If a Deputy Chair is appointed, payment will be at the Member's rate. If the Deputy Chair assumes the role of the Chair the Chair's fee will be payable for the period the Deputy Chair acts as Chair.
- Upon Ministerial approval, up to \$4715 per annum may be paid to directors **who receive annual fees** for additional committee work undertaken in recognition of the extra commitment required. The Minister should assess the additional commitment required and the level of remuneration warranted when considering providing a board with the capacity to compensate members for the extra time and responsibilities involved in committee membership. The approved level of fees for committee membership will be an absolute ceiling figure regardless of the number of committees to which a director may be appointed and should be considered in the context of the annual fee level paid to board members.

SCHEDULE C

SESSIONAL RATES

	FEE PER DAY		GROUP C ORGANISATIONS (ADVISORY COMMITTEES, REGISTRATION BOARDS AND MANAGEMENT BOARDS OF SMALL ORGANISATIONS)
	CHAIR	MEMBER	
1	\$251 to \$449	\$195 to \$343	<p>(a) Scientific, technical and legal advisory bodies requiring members to be “experts in their field” and provide the highest level of advice available. Such bodies would be commissioned by and report directly to Government in response to proposals/issues considered important to the general community.</p> <p>(b) Disciplinary boards or boards of appeal for individuals (professional or non-professional) where the members of the board(s) are <u>not</u> required to be legally qualified or do <u>not</u> require the assistance of legal counsel.</p> <p>(c) Management boards of small size organisations undertaking a specific function or providing a discrete service. Members would have substantial management/business/professional expertise relevant to the field of operations. The operations of the organisation would normally warrant a General Manager in the low to middle levels of Executive Officer, Band 3.</p>
2	\$154 to \$343	\$133 to \$267	<p>(a) Qualifications, regulatory or licensing bodies for recognised professional groups. Such bodies would be responsible for establishing appropriate codes of practice and operating standards, administering relevant legislation and maintaining a register of licensed practitioners.</p> <p>(b) Bodies established by legislation or at the direction of a Minister (or Government) to investigate/monitor and advise/report to Government on issues considered to be of importance within the portfolio or where there is a high degree of concern within certain sections of the community.</p> <p>(c) Qualifications, regulatory or licensing bodies in relation to technical, trade or non-professional groups.</p>
3	Up to \$211	Up to \$182	<p>(a) Advisory bodies to Departments. These bodies could be established under legislation or at the instigation of a Minister or Department Head. The role of such bodies would be to hold internal inquiries/investigations in relation to an operation (or some aspect of an operation) of a particular Department. The body would report within the Department and at the Department Head level or below.</p> <p>(b) Advisory committees required to consider issues/matters that are local or affect confined areas including local land and water advisory committees.</p> <p>(c) Trade and para-professional registration and licensing committees where legislation defines qualifications and regulates operating requirements of practising individuals.</p>
<i>Notes:</i>			
<ul style="list-style-type: none"> There is no separate allowance or fee for a Deputy Chair. If a Deputy Chair is appointed, payment will be at the Member’s rate. If the Deputy Chair assumes the role of the Chair the Chair’s fee will be payable for the period the Deputy Chair acts as Chair. 			

SCHEDULE D

	ANNUAL FEE CHAIR MEMBER	GROUP D ORGANISATIONS (INQUIRIES/TASK FORCES AND AD HOC EXPERT PANELS)
1	Minister to determine and recommend to Cabinet for approval either an annual fee (pro rata) or a daily fee.	The most important Government inquiries requiring urgent consideration of issues arising from serious/contentious situations that may affect a large section of the community. Such bodies would be required to submit a comprehensive report including feasible options to Government within stringent time lines.
2	Minister to determine and recommend to Cabinet for approval either an annual fee (pro rata) or a daily fee.	Important Government inquiries requiring consideration of issues that may affect the community. Such bodies would be required to submit a comprehensive report including feasible options to Government within agreed time lines.
3	Minister to determine and approve either an annual fee (pro rata) or a daily fee.	Ad Hoc Expert Panels established for limited time periods to undertake a specific (often technical) task.
<i>Notes:</i>		
<ul style="list-style-type: none"> • Because of the tight timeframes and intense “hands on” workload associated with Group D organisations, and the consequent need for flexibility so as to recruit appropriate individuals, Ministers are to determine remuneration on a case-by-case basis with reference to the intensity of the workload and expertise required. Ministers have the option of offering an annual payment on a pro rata basis or a daily fee. • There is no separate allowance or fee for a Deputy Chair. If a Deputy Chair is appointed, payment will be at the Member’s rate. If the Deputy Chair assumes the role of the Chair the Chair’s fee will be payable for the period the Deputy Chair acts as Chair. 		

GENERAL SELECTION CRITERIA FOR BOARD MEMBERS

The criteria for selection of board members and chairs will include:

- continuing high levels of performance in significant fields of endeavour;
- the integrity of the individual - a high standing in the community would be essential;
- a clear understanding of the objectives, roles, duties and obligations of non-executive directors - especially under the *Corporations Act 2001* (where applicable);
- experience in, or knowledge of, general management or a specialist field which may be relevant;
- availability and a good working knowledge and understanding of accountability relationships;
- relevant experience;
- capacity to think and act strategically; and
- any legislative requirements.

To achieve a “balance of expertise” on individual boards, emphasis may also need to be given to qualities such as special technical expertise, sensitivity to the political context and industrial relations expertise. These additional qualities will be determined by the Minister and the appointment advisory panel.

In addition, in the selection of the Chair, emphasis should be placed on a person who is:

- able to exhibit clear leadership talents; and
- able to work effectively with:
 - shareholders (where applicable);
 - the portfolio Minister (where applicable);
 - other members of the board; and
 - the chief executive and senior staff.

ATTACHMENT B

PRO FORMA APPOINTMENT DOCUMENT

In accordance with the (the decision or authority to make this appointment), (name of appointee) is appointed to the position of (title of position and body), in the (title of Department), subject to the following terms and conditions:

1. You will be appointed as a (title/designation) at a rate of \$ (specify annual fees or sessional rate from Schedules A, B, C or D, or if no fee payable).
2. The duties and responsibilities for the position are as follows:
3. Your term of appointment will commence on (date) and continue until (date) inclusive. The term will include any period of leave to which you may become entitled.
4. You will be entitled to reimbursement of reasonable out of pocket expenses such as travel, accommodation, meals and other incidental expenses as approved by the employer.
5. You will be provided with a minimum level of superannuation under the Commonwealth *Superannuation Guarantee (Administration) Act 1992* (this clause should only be included if applicable).
6. You will be entitled to any benefits provided and be subject to the duties and obligations imposed under, (where applicable), the *Constitution Act 1975*, the *Corporations Act 2001*, the *State Owned Enterprises Act 1992* and any other Act or law relating to the above appointment.
7. This agreement may be terminated by either party at 4 weeks notice, except where otherwise agreed, or if conduct warrants instant dismissal.

If you wish to accept this appointment, please sign the attached copy of this document and return it to (title of Department). Please retain the original of this document for your records.

If you need further information please contact (name) on (:)

Signature of Appointee

Signature of Employer or Authorised
Delegate

CHECKLIST

1 Documentation on the Position:

- position description
- duties and responsibilities of position
- skills required for the position
- mandatory and desirable selection criteria

2 Reference to Established Databases:

- VicWomen Directory managed by the Office of Women's Policy, Department for Victorian Communities
- Women in Agricultural and Resource Management Register managed by the Rural Women's Network, Department for Victorian Communities
- Australian Institute of Company Directors Register
- Executive Search

3 Advertising:

- placed in national newspaper
- placed in Melbourne, metropolitan or regional newspaper

4 Selection Processes:

- Minister briefed on proposed selection process
- consultation with the Office of Women's Policy on selection process
- selection panel met on appointment
- short list candidates for interview
- conduct interviews
- conduct referee checks
- conduct probity checks; Victoria Police, ASIC and NPII screening
- interview report prepared
- short list candidates for interview
- consultation with the Office of Women's Policy on proposed appointment

5 Appointment Arrangements:

- appointee completes Declaration of Private Interests
- advise appointee of their various duties and obligations
- preparation and making of appointing Order in Council, where applicable
- preparation and signing of appointment document for non-statutory appointments, where applicable

6 Items to be included in Appointing Instrument, ie. Order in Council or

Appointing Document:

- authority to make appointment, ie. provision of Act or Cabinet or Ministerial decision
- title of position
- rate of payment for appointment
- term of appointment, commencement and expiry
- any leave entitlements
- entitlement of reimbursement of expenses
- any superannuation entitlements
- termination of appointment arrangements
- appointee is given IPP 1.3 form
- appointee is given Consent to Use of Information form

7. Approval Process

- approval/endorsement of appointment by Minister
- consult Premier for appointments in Group A and B and for important and sensitive appointments
- consult the Treasurer and the portfolio Minister for Group A and Group B enterprise appointments
- submission of appointment for approval/endorsement by Cabinet, if required
- submission of appointment for approval to GIC, if required

ATTACHMENT D CURRENTLY UNAVAILABLE

ATTACHMENT E

CONSENT FORM (APPOINTEE)

I, (*insert name*), appointee to the (*insert name of body*) for the period (*insert commencement date*) to (*insert expiry date*) understand that the (*insert name of body and Department/Agency responsible*) and the State Services Authority may collect and hold certain personal information about me including:

- my name and address;
- my age;
- my gender;
- whether I live in rural or regional Victoria;
- whether I identify as an Aborigine or Torres Strait Islander; and
- whether I was born in Australia and whether I have a culturally diverse background other than that indicated in the previous question.

This information is subject to the Information Privacy Principles (IPPs) found in the *Information Privacy Act 2000* (IP Act). Under IPP 1, the (*name of body*) and the State Services Authority must take reasonable steps to ensure that I am aware of:

- the body's contact details and how to contact it;
- the fact that I am able to get access to that personal information about me;
- the purposes for which the information is collected;
- to whom that information is usually disclosed;
- any law requiring the information to be collected; and
- the consequences for me if the information is not collected.

I have read the notice under IPP 1.3 which is provided with this consent form.

I am aware of the contact details for the (*name of body*) and the State Services Authority.

I understand that I can seek access to personal information collected about me and can request the Department/Agency or the State Services Authority to correct and update it.

Purpose of collection

I understand that the information is being collected and used to:

- process and assess my application for consideration of the appointment;
- enable the Victorian Government to monitor the diversity of appointments to and composition of statutory and other bodies to which the Government may make appointments;
- manage dealings with me (for example to contact me or to provide me with other information from time to time); and
- be included in the Government Appointment and Public Entities Database, a secure system for storing information about public entities and members of public entity Boards, Committees and Councils (this system is managed by the State Services Authority and hosted on a secure government server).

For these purposes I understand that the information would normally be disclosed to:

- any Department and authorised officers nominated by the Secretary of the Department or his or her delegate;
- authorised officers of the State Services Authority (nominated by the CEO of the State Services Authority or his or her delegate);
- the Department of Premier and Cabinet for use only for the purposes of annual reporting;
- the Cabinet or any member of it for use only for the purposes of annual reporting;
- If you consent, (see below) your personal information may be shared with other departments and agencies for the purpose of appointments to other public sector entity boards; and
- as otherwise used in accordance with the IP Act.

Information on the Government Appointment and Public Entities Database is used for the following purposes:

- To enable the Victorian Government to monitor the diversity and profile of appointments to and composition of public sector entity Boards to which the Government may make appointments; and
- To allow the State Services Authority to use information on the Government Appointment and Public Entities Database for research purposes and to plan improvements to governance processes for Victorian public sector entity Boards.
- To allow the State Services Authority to draw select and limited information (described below) from the Government Appointment and Public Entities Database and for this select and limited information to be made publicly available on a Victorian Government website.

I understand that, for reasons of personal safety, the composition of some public sector entity Boards will not appear on a Victorian Government website, and that I can discuss this with the Secretary of the Department or his or her delegate if I think this is relevant to me.

I understand that my failure to consent to the disclosure of information described in this consent form will result in greater difficulty by Departments/Agencies in monitoring the diversity of board appointments and their composition.

Consent

I consent to the (*name of Department/Agency*) and the State Services Authority collecting, using and holding that information, and releasing it to the Victorian Government Department or Departments or Agencies responsible for that body in accordance with the IP Act for the purposes outlined in this consent form.

I consent to the following information being made publicly available in a Victorian Government website:

- my first name and surname;
- the term of my my appointment; and
- my status as a member or chairperson.

I understand that recipients of information about me provided as a result of this consent will remove as far as practicable any potential means of identifying me individually under their reporting requirements.

I may have provided information about other individuals in my *curriculum vitae* and any other documentation included in my application. I acknowledge that when I provide personal information about other individuals such as referees, the *(insert Department/Agency)* relies on me to make those other individuals aware that such information will or may be provided to the Victorian Government, the relevant purposes that Victorian Government will use it for, and how they can access it.

I wish to advise that the following restrictions apply to the distribution of the information I have provided to you:

(insert restrictions (if any) which apply in relation to the information or specific parts of it)

NOTICE UNDER INFORMATION PRIVACY PRINCIPLE 1.3

The IP Act obliges the *(insert name of body)* to advise you of certain facts regarding the collection of information relevant to your appointment to the *(insert name of body)*.

If you accept the appointment, the *(insert name of body)* and the State Services Authority will hold the certain information about you identified in this consent form. The information will be collected and used for the purposes identified in this consent form and will only usually be disclosed to the persons and bodies identified in this consent form.

This information is accessible to you at any time, and can be obtained by making a request to *(insert name of body, address and contact phone number)* and the State Services Authority.

The information collected and used for the purposes identified in this consent form and will only usually be disclosed to the persons and bodies identified in this consent form except if required by law or other regulation.

The *(insert name of body)* and the State Services Authority have implemented technology and security policies, rules and measures to protect the personal information that it has under its control from unauthorised access, improper use, alteration, unlawful or accidental destruction and accidental loss. The *(insert name of body)* and the State Services Authority will remove personal information from its system where it is no longer required (except where archiving is required and in accordance with the IP Act and *Public Records Act 1973*).

Failure to allow the use of the information will result in greater difficulty in monitoring the diversity of board and other bodies' appointments and their composition.

I agree/ do not agree *(cross which is not applicable)* to the Department sharing my information with other Victorian Government Departments for the purposes of enabling the relevant Minister to consider me for appointment to other boards.

Signed :

Date:

Witness:

CONSENT FORM (INTERESTED PERSON)

I, (*insert name*), have expressed an interest in serving on a Victorian Government board or committee. I have provided my *curriculum vitae* and (*insert any other relevant documentation provided*) and I understand that the (*insert name of Department/Agency to whom information is provided*) and the State Services Authority may collect and hold certain personal information about me including:

- my name and address;
- my age;
- my gender;
- whether I live in rural or regional Victoria;
- whether I identify as an Aborigine or Torres Strait Islander; and
- whether I was born in Australia and whether I have a culturally diverse background other than that indicated in the previous question.

This information is subject to the Information Privacy Principles (IPPs) found in the *Information Privacy Act 2000* (IP Act). Under IPP 1, the (*name of Department/Agency*) and the State Services Authority must take reasonable steps to ensure that I am aware of:

- the body's contact details and how to contact it;
- the fact that I am able to get access to that personal information about me;
- the purposes for which the information is collected;
- to whom that information is usually disclosed;
- any law requiring the information to be collected; and
- the consequences for me if the information is not collected.

I have read the notice under IPP 1.3 which is provided with this consent form.

I am aware of the contact details for the (*name of Department/Agency*) and the State Services Authority.

I understand that I can seek access to personal information collected about me and can request the Department/Agency or the State Services Authority to correct and update it.

Purpose

I understand that the information is being collected and used to:

- process and assess my application for consideration of the appointment;
- enable the Victorian Government to make appointments to boards and committees and other bodies, and
- manage its dealings with me (for example to contact me or to provide me with other information from time to time); and
- be included in the Government Appointment and Public Entities Database, a secure system for storing information about public entities and members of public entity Boards, Committees and Councils (this system is managed by the State Services Authority and hosted on a secure government server.)

For these purposes, I understand that the information might normally be disclosed to:

- any Department and authorised officers nominated by the Secretary of the Department or his or her delegate;
- authorised officers of the State Services Authority (nominated by the CEO of the State Services Authority or his or her delegate);
- the Cabinet or any member of it;
- other public sector organisations and Ministerial advisers who brief Cabinet members; and
- as otherwise used in accordance with the IP Act.

Information on the Government Appointment and Public Entities Database is used for the following purposes:

- To enable the Victorian Government to monitor the diversity and profile of interested persons for forthcoming appointments; and
- To allow the State Services Authority to use information on the Government Appointment and Public Entities Database for research purposes and to plan improvements to governance processes for Victorian public sector entity Boards.
- To allow the State Services Authority to draw select and limited information from the Government Appointment and Public Entities Database; and for this select and limited information to be made publicly available on a Victorian Government website.

I understand that my failure to consent will mean that my details will not be passed to other Departments which may be considering appointments to Government boards or other bodies and the assessment and processing of my application may be affected.

Consent

I consent to the (*insert Department/Agency*) and the State Services Authority collecting, using and holding that information, and releasing it to any other Department(s) responsible for appointments to a body in accordance with the IP Act.

I may have provided information about other individuals in my curriculum vitae and any other documentation included in my expression of interest. I acknowledge that when I provide personal information about other individuals such as referees, the (*insert Department/Agency*) relies on me to make those other individuals aware that such information will or may be provided to the Victorian Government, the relevant purposes that Victorian Government will use it for, and how they can access it.

NOTICE UNDER INFORMATION PRIVACY PRINCIPLE 1.3

The IP Act obliges the (*insert name of body*) to advise you of certain facts regarding the collection of information relevant to your expression of interest in serving on a Government board.

By providing your *curriculum vitae* to (*insert name of Department/Agency*) and the State Services Authority *that* Department/Agency and State Services Authority will hold the certain information about you identified in this consent form.

The information collected and used for the purposes identified in this consent form and will only usually be disclosed to the persons and bodies identified in this consent form except if required by law or other regulation.

This information is accessible to you at any time, and can be obtained by making a request to (*insert name of Department/Agency, address and contact phone number*). The (*insert name of body*) and the State Services Authority have implemented technology and security policies, rules and measures to

protect the personal information that it has under its control from unauthorised access, improper use, alteration, unlawful or accidental destruction and accidental loss. The *(insert name of body)* and the State Services Authority will remove personal information from its system where it is no longer required (except where archiving is required and in accordance with the IP Act and *Public Records Act 1973*).

Failure to allow the use of the information will mean that my details will not be passed to other Departments or Agencies which may be considering appointments to Government boards and other bodies and the processing and assessment of my application may be affected.

Signed :

Date:

Witness:

Remuneration of Public Sector Employee(s)

Public sector employees are generally not remunerated for their service on Victorian Government bodies. The limited circumstances where public sector employees may be paid are described in the *Guidelines for the Appointment of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees* (the Guidelines).

I confirm that _____ (name), _____ (title) of _____ (employer) is entitled to be remunerated for his/her service on the _____ (board).

Payment complies with the circumstances described in the Guidelines because

_____ (explanation).

Signed:

_____ (name) _____ (title of Secretary or delegate) _____ (date)

Curriculum Vitae

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other _____
Name in full	
Date of birth	Female <input type="checkbox"/> Male <input type="checkbox"/>
Residential address and postcode	
Telephone	Business After Hours Mobile
Email Address	
Do you identify as Aboriginal or Torres Strait Islander?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Were you or one of your parents born overseas?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Your country of birth	
Do you speak a language other than English at home?*	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you have a culturally and linguistically diverse background?*	Yes <input type="checkbox"/> No <input type="checkbox"/>

Education	
Skills / specialisations / formal qualifications	

Employment	Employer	Position	Period of service (eg 2 years, 2006-2007)
Current full-time employment (Please indicate role if Self-Employed)			
Current part-time employment			
Previous employment (please list)			

Current memberships on all other Victorian Government bodies (ie board memberships, committees, council memberships, community groups).

Body	Position	Period of Service (eg 2 years, 2006-2007)	No. of times appointed

Current memberships on all non-Victorian Government bodies (ie board memberships, committees, council memberships, community groups).

Body	Position	Period of Service (eg 2 years, 2006-2007)

The Department treats all personal information provided by an individual in support of an appointment application in accordance with the *Information Privacy Act 2000* and the *Public Records Act 1973*. The personal information you provide in this statement is required for application processing and assessment purposes, including submission to Cabinet. It may be shared with other public sector organisations. Should you wish to gain access to your personal information held by the Department please contact our Privacy Officer by writing to that officer C/- this Department.

When you provide us with information about other individuals, we rely on you to make them aware that such information will or may be provided to us as part of the application process.

*I also consent to the Department's collection of the information (including any sensitive information such as racial or ethnic origin) as part of administering appointments to statutory authorities and advisory committees. This information may be included in submissions to Cabinet and shared with other public organisations.

Signature:

Date:

APPOINTEE’S DECLARATION

Notes on completing this form:

Please complete the form as accurately and comprehensively as possible. Please type or write your answers in block capitals, and provide an answer for each question. Do not leave any questions blank.

Conflicts of Interest (Qn A7). Conflicts of interests can be actual, potential or perceived, and should be declared to ensure that risks any are managed. Detailed guidance can be found on the State Services Authority website in its Conflict of Interest Policy Framework – www.ssa.vic.gov.au and in its eLearning guide on Conflicts of Interest.

Findings of Guilt (Qn B6). A “finding of guilt” includes convictions, fines associated with criminal charges, good behaviour bonds, undertakings and community based orders, even where no conviction was recorded. It does not include a conviction under any prescribed spent convictions scheme.

*

I, *(insert full name)*

am a potential appointee to the and

consent to the Department collecting and using this information on a confidential basis as described in this form.

I make this declaration as at *(insert date)*

A. Private Interests

<p>A1. Other significant sources of income:</p> <p>Do you have income from any sources other than your main source of employment income relating to:</p> <ul style="list-style-type: none"> • Contracts; • offices held in return for payment or other reward; or • a trade, vocation or profession engaged in by you? <p>If Yes, please provide details.</p>	<p>Yes/No</p>
<p>A2. Office holder:</p> <p>Do you hold office in any public or private:</p> <ul style="list-style-type: none"> • company? • trustee company? • incorporated association? • other entity? <p>If Yes, what is the name of the organisation and what office do you hold?</p>	<p>Yes/No</p>
<p>A3. Shareholdings and other business interests:</p> <p>(a) Do you or does a member of your family have any shareholdings, investments or other business? <i>This includes a company, partnership, association or other entity, as well as nominee shareholders on behalf of the agency in government companies.</i></p> <p>(b) If Yes, please provide details of the name, nature of operations and the nature of the interest of all such holdings of which you are aware, <u>which could reasonably raise an expectation of conflict of interest, or a material interference with your public duties.</u></p> <p>Where the State determines that there is any material conflict, an appointment may not proceed whilst the particular interest remains.</p>	<p>Yes/No</p>

<p>A4. Trusts:</p> <p>(a) Are you:</p> <ul style="list-style-type: none"> • a beneficiary of any trust? If so, who is the trustee?; • the trustee of any trust?; or • the director of a trustee company in which a member of your family is a beneficiary? <p>(b) If Yes, please provide the name and nature of the operations of the trust(s) of which you are aware, <u>which could reasonably raise an expectation of conflict of interest, or a material interference with your public duties.</u></p>	<p>Yes/No</p>
<p>A5. Real Estate:</p> <p>Do you or a member of your family own any real estate (including your residence)?</p> <p>If Yes, please provide details of the location and purpose of any real estate owned (eg, principal place of residence, investment property etc) <u>which could reasonably raise an expectation of conflict of interest, or a material interference with your public duties.</u></p>	<p>Yes/No</p>
<p>A6. Agreements:</p> <p>Have you or a family member entered any contract, agreement or understanding that gives rise to:</p> <ul style="list-style-type: none"> • an obligation; or • an expectation of reward, eg an agreement about future employment once your appointment term is completed. <p>If Yes, please provide details of which you are aware, <u>which could reasonably raise an expectation of conflict of interest or a material conflict with your public duties.</u></p>	<p>Yes/No</p>
<p>A7. Other financial interests:</p> <p>Do you or a member of your family have any other significant financial or other interests that:</p> <ul style="list-style-type: none"> • have been held; • are currently held; or • will accrue <p><u>of which you are aware, which could reasonably raise an expectation of a conflict of interest or material interference with your public duties.</u> If Yes, please provide details.</p> <p>Examples of a substantial financial or other interest include:</p> <ul style="list-style-type: none"> ➤ being a principal or key employee of a material professional adviser supplying services; and/or ➤ interests in contracts, trusts or other business arrangements not already covered in this declaration. 	<p>Yes/No</p>
<p>A8. Other interests:</p> <p>Are there any other arrangements or circumstances</p>	<p>Yes/No</p>

not already covered to declare which could constitute a conflict of interest?	
---	--

B. Probity

<p>B1. Have you been declared bankrupt or been the subject of any order under the <i>Bankruptcy Act 1966</i> (Cth)?</p>	<p>Yes / No</p>	<p>If yes, please provide details</p>
<p>B2. Have you been a director or executive officer of a corporation which became insolvent whilst you were a director or executive officer?</p>	<p>Yes / No</p>	<p>If yes, please provide details</p>
<p>B3. Have you ever been disqualified from acting as a director or acting in the management of an incorporated association?</p>	<p>Yes / No</p>	<p>If yes, please provide details</p>
<p>B4. Have you ever:</p> <ul style="list-style-type: none"> • contravened any civil penalty provision under the <i>Corporations Act 2001</i> (Cth) or any of its predecessors; • contravened the <i>Associations Incorporation Act 1981</i> (Vic) or any equivalent in another jurisdictions; or • been found guilty of any offence in relation to corporate or regulatory matters? 	<p>Yes / No</p>	<p>If yes, please provide details</p>
<p>B5. Are you currently a party in any capacity in either criminal or civil proceedings before a:</p> <ul style="list-style-type: none"> • court; • tribunal; or • other adjudication body, including a professional / registration / licensing body <p><u>which could reasonably raise an expectation of a material interference with your public duties?</u></p> <p>Do you expect to become a party to any such proceedings in the next year?</p>	<p>Yes / No</p>	<p>If yes, please provide details</p>
<p>B6. Has there ever been a finding of guilt against you for a criminal offence (except a conviction that is spent under any prescribed spent convictions scheme)?</p>	<p>Yes / No</p>	<p>If yes, please provide details</p>
<p>B7. To the best of your knowledge and belief, have you been, or are you currently, the subject of any inquiry or investigation, including those by:</p> <ul style="list-style-type: none"> • a department or agency of the Commonwealth; and/or • a department or agency of a State or Territory of Australia; and/or • a professional association; and/or • a regulatory agency; and/or • your current or a previous employer; and/or • a consumer protection organisation? 	<p>Yes / No</p>	<p>If yes, please provide details</p>

The Department treats all personal information provided by an individual in support of an appointment application in accordance with the *Information Privacy Act 2000* (Vic) and the *Public Records Act 1973* (Vic). The personal information you provide in this form is required for application processing and assessment purposes, including submission to Cabinet. It may be shared with other public sector organisations. Should you wish to gain access to your personal information held by the Department please contact the Department's Privacy Officer at [insert Department's address].

When you provide us with information about other individuals, we rely on you to make them aware that such information will or may be provided to us as part of the application process.

If all or part of the requested information is not provided this failure may impact on your application.

I declare that to the best of my knowledge, the information I have provided in Part A and Part B of this declaration is true and correct. I undertake to advise the responsible Agency Head in writing if an actual, potential or perceived conflict arises in the future and to stand down in any decision-making process in which I may be compromised. If there is any change to the interests set out in Part A or to the answers set out in Part B of this declaration I undertake to advise the responsible Agency Head of any alterations or additions to my declaration as soon as practicable.

Signature of Declarant: **Signature of Witness:**

Title: **Name (please print):**

Date: **Date:**