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| Appointment and Remuneration Guidelines  Remuneration schedules effective from 1 July 2019 |

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## 1. Scope and application of the Guidelines

1. These Guidelines outline the standard processes and principles for appointing and remunerating board members of non-departmental entities in Victoria. The Guidelines also apply to other appointments to non-departmental entities, for example statutory appointments, Governor-in-Council appointments and Commissioner appointments. The Guidelines apply to appointments regardless of whether a department or another entity is undertaking the recruitment process.
   1. The Guidelines refer to a ‘board’ as a generic term for the governing body of a non‑departmental entity. The Guidelines apply in instances where the governing body of a non-departmental entity is not called a board, for example an, ‘authority’, ‘committee’ or ‘council’.
   2. For the purposes of the Guidelines, non-departmental entities are defined as entities:

* that are established by or under legislation, an order of the Governor-in-Council, a Minister or a Secretary of a department; and
* where the right to appoint at least one half of the members is vested in the State; and
* that exercise a public function that is not judicial on behalf of the State or are wholly owned by the State.
  1. The remuneration schedules do not apply to full-time appointments (see sections 7.7 and 7.8). For the avoidance of doubt, the remainder of the Guidelines **do apply** to full-time appointments.
  2. The Guidelines do not apply to:
* the employment of public sector employees;
* the employment of public service employees;
* judicial or quasi-judicial entities whose remuneration is set by or tied to the *Judicial Entitlements Act 2015* (Vic); and
* school councils.
  1. The Guidelines partially apply to low-risk Crown Land Committees of Management. For the purposes of the Guidelines, a low-risk Crown Land Committee of Management is a Crown Land Committee of Management that meets all of the following criteria:
* the Committee is not subject to Part 7 of the *Financial Management Act 1994* (Vic); and
* Committee members are unremunerated; and
* the Committee's annual revenue or cash balance is less than $250 000 per year; and
* the Committee of Management is not Parks Victoria or Melbourne Water acting as a Crown Land Committee of Management.
  1. If a Crown Land Committee of Management meets the criteria to be considered low-risk, appointments to that committee are exempt from the Guidelines, except for the requirement to complete, before appointment, a Declaration of Private Interests (to the satisfaction of the Minister), a National Personal Insolvency Index check and a Australian Securities and Investment Commission banned and disqualified persons check.
  2. It is recommended that appointments that fall outside the scope of these Guidelines still comply with the Guidelines and the principles set out in the Premier’s Circular No. 2015/02, *Good Board Governance*. This should include: the use of merit-based selection processes, completion of probity checks, collection of Declaration of Private Interests forms, and consideration of diversity among appointees.

### Notes on the Guidelines

**Should parts of these Guidelines be inconsistent with legislative requirements or specifications, legislative requirements or specifications take precedent over these Guidelines.**

The Department of Premier and Cabinet (DPC) is responsible for administering these Guidelines. Any enquiries relating to these Guidelines should be directed to the assigned departmental lead contact. Alternatively, enquiries can be directed to Public Sector Governance, Governance Branch, DPC, ph: 9651 1001.

These Guidelines replace the *Appointment and Remuneration Guidelines for Victorian Government Boards, Statutory Bodies and Advisory Committees July 2011*, and are updated from time to time.

For guidance on creating a new entity, please refer to Premier’s Circular No. 2013/2, *Creation and Review of Non-Departmental Entities*. Under this Premier’s Circular, Cabinet approval is required for the creation of new non-departmental entities.

## Overview of the appointment process

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Planning** | | **Assess vacancy** | | | | **Board classification** | | | | | **Consultation** | | **Recruitment** | | | | |
| 1. Department identifies vacancy well in advance (at least six months) of term expiry. | | 2. Department receives skills matrix from Board Chair and develops board skills profile and position description, in consultation with the Board Chair. | | 3. Department confirms whether Cabinet approval is required. Cabinet approval is required for:   * all Group A boards; * all Group B boards; * Non-elected chairs of Group C boards; * all Group D1 and D2 boards; and * all full-time appointments (see section 7). | | | | | 4. As part of planning the recruitment process, the department consults:   * Office for Women, DPC (mandatory); * Aboriginal Victoria, DPC (mandatory); * Multicultural Affairs and Social Cohesion Division, DPC (mandatory); * Office for Disability, DHHS (mandatory); and * Equality Branch, DPC. | | 5. Department develops recruitment process, appoints interview panel and considers board fees. | 6. Department briefs Minister on recruitment and selection process and required skills. | | 7. Department or entity undertakes recruitment. | |
| **Selection** | | **Selection** | | | | | | | | | | | | | | | |
| 8. Department assesses candidates against competencies/ skills required and for conflicts of interest etc. Process documented and a shortlist agreed with selection panel. | | | | 9. Department briefs Minister on shortlist | | 10. Selection panel interviews candidates and contacts referees. | | 11. Department undertakes probity checks. Unless subject to a waiver, probity checks must include:   * Australian Securities and Investment Commission banned and disqualified persons register check; * National Personal Insolvency Index check; and * National Criminal Record Check. | | | | | | 12. Candidate completes a Declaration of Private Interests form to the satisfaction of the Minister. | |
| **Approval** | | **Ministerial approval** | | | | **Cabinet approval** | | | | | | | | | | | |
| 13. Department briefs Minister on appointment recommendation and provides consultation letters for other Ministers/ stakeholders/ departments. | | 14. If Cabinet approval is not required, the Minister finalises the process by signing the instrument of appointment. | | 15. If Cabinet approval is required, departments should register the proposed appointment for a Cabinet meeting held at least four weeks before the position expiry. The registration form must be submitted to the Cabinet Office, DPC, four weeks before the meeting. | | 16. The Premier must be consulted for all appointments that go to Cabinet, as well as any appointments considered important or sensitive. The responsible Minister is to confirm on the Cabinet appointment registration form that the Premier has been consulted. | | | 17. If Cabinet approval is required, Cabinet submissions must be lodged at least one week before the Cabinet meeting.  Cabinet submissions must include:   * draft instrument of appointment; * Curriculum Vitae for each proposed appointee; * description of the recruitment and selection process * details of consultation with the Office for Women, DPC; * effect the appointment will have on the gender balance of the board/ entity and portfolio; * justification for reappointment; * justification for appointment of a public sector employee; * any deviation from the Guidelines. | | | 18. Cabinet considers appointment. | | 19. If the Governor-in-Council (GIC) is required to make the appointment GIC considers the appointment once it has been endorsed by Cabinet. | |

## Appointment process checklist

|  |  |  |
| --- | --- | --- |
| **S. 1 Scope and classification** | **Page No.** |  |
| Do the Appointment and Remuneration Guidelines apply? | 4 | □ |
| Have you checked the classification of the entity? | 8 | □ |
| **S. 5 Recruitment and selection** |  |  |
| Was the recruitment process open and competitive? If not, explain why an alternative method was chosen in the Cabinet submission or in writing to the Premier, before the appointment is finalised. | 12 | □ |
| Does the appointment meet the skills required in the position description and any other specific requirements? | 9 | □ |
| Does the appointment meet the skills mix required on the board? | 11 | □ |
| Is the gender composition of the board and the portfolio (including Chairs of paid boards) included in the submission or brief? | 9 | □ |
| Were the following consulted when planning the recruitment and selection process:   * the Office for Women DPC (mandatory); * Aboriginal Victoria, DPC (mandatory); * the Multicultural Affairs and Social Cohesion Division, DPC (mandatory); * the Office for Disability, DHHS (mandatory); and * the Equality Branch, DPC. | 9 | □ |
| Does the appointee reside in Victoria? If not, provide context (e.g. particularly rare skills or independence required). | 11 | □ |
| **Reappointments** |  |  |
| Has the candidate previously served on the board? | 10 | □ |
| Has the Board Chair been consulted regarding the candidate’s performance? | 10 | □ |
| Has the rationale for reappointing the candidate been explained in the Cabinet submission or Ministerial brief? | 10 | □ |
| Is the candidate on two or more Victorian Government boards? | 10 | □ |
| Can the candidate commit to their obligations (including attending a minimum of 75% of meetings)? | 10 | □ |
| **S. 6 Probity, conflict of interest and conflict of role** |  |  |
| Has a National Police Record Check been completed? | 15 | □ |
| Has an Australian Financial Security Authority, National Personal Insolvency Index check been completed? | 15 | □ |
| Has a check of the Australian Securities and Investment Commission Register of Persons Banned and Disqualified been completed? | 15 | □ |
| Has a Declaration of Private Interests been completed to the satisfaction of the Minister? | 16 | □ |
| Is there a possibility of a conflict of interest (or a perception of such a conflict) between the candidate’s private interests and this appointment? | 16 | □ |
| **S. 7 Remuneration** |  |  |
| Is the remuneration within the range for this type of board? | 23 | □ |
| Are they a public sector employee? If yes, can they be remunerated? | 22 | □ |
| If the appointee is being paid a daily rate, provide context in the brief or Cabinet submission (e.g. no. of meetings per year). | 20 | □ |
| Has the candidate accepted a Victorian public sector Voluntary Departure Package in the last three years? | 23 | □ |
| **S. 8 Approval process** |  |  |
| Is the board created under legislation? Do appointments need to be approved by Cabinet and/or made by the Governor-in-Council? | 26 | □ |
| Is the instrument of appointment and *Curriculum Vitae* for the appointee(s) included in the Cabinet submission? | 26 | □ |

## 4. Classifying a non-departmental entity

1. This section will help you to classify your non-departmental entity.
   1. Each non-departmental entity must be classified into one of the four Groups (A, B, C or D) outlined in the table below. The classification of an entity determines the level of remuneration and the approval process required for appointments. Classifications of existing entities can be found in the Government Appointments and Public Entities Database (GAPED), or through schedules of vacancies held by departments.
   2. Some appointments require Cabinet approval (see section 8, page 26) for a list of circumstances that require Cabinet approval.
   3. Ministers are responsible for classifying and reclassifying the entities within their portfolio, however Governance Branch, DPC, must be consulted as part of this process.

Classification of non-departmental entities

| Classification |  | Board type | Description |
| --- | --- | --- | --- |
| **Group A** | Commercial boards of governance or entities of State significance as determined by the Premier. | Government Business Enterprises including Statutory Authorities, State Bodies and State Business Corporations established under the *State Owned Enterprises Act 1992* (Vic)*,* commercial bodies established under the *Corporations Act 2001* (Cth) or specific legislation, and other statutory authorities that are commercial in nature. |
| **Group B** | Significant industry advisory bodies, other key advisory bodies, regulatory 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 appointment and remuneration.  Government organisations undertaking significant statutory functions, developing policies, strategies and guidelines in a broad and important area of operation, and/or providing specialist advice to a Minister.  Management boards of medium-sized organisations undertaking one or more functions or providing a strategically important service. |
| **Group C** | 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-sized organisations undertaking a specific function or providing a discrete service.  Ministerial and departmental advisory boards and consultative committees on issues confined to a portfolio or local concerns. |
| **Group D** | Inquiries, task forces and ad-hoc expert panels. | Boards of Inquiry established under the *Inquiries Act 2014* (Vic) which are required to submit a comprehensive report within a specified timeframe.  Ad-hoc expert panels established for limited time periods to undertake a specific (often technical) task. |

## 5. The recruitment and selection process

1. This section will help you to conduct the recruitment and selection process. For more detailed advice on conducting the appointment process see the following guidance from the Victorian Public Sector Commission (VPSC):

* [Recruitment and Appointment to the Board – A Governance Officers’ Toolkit](http://vpsc.vic.gov.au/html-resources/recruitment-and-appointment-to-the-board-a-governance-officers-toolkit/).

### Assessing a vacancy

* 1. The appointment process begins when an upcoming vacancy is identified. Best practice is to identify a vacancy and begin the recruitment process at least six months before the expiry of the position. All departments are expected to keep rolling schedules of the upcoming appointments within each portfolio.

#### Identifying specific requirements of an appointment

* 1. The specific requirements of each appointment will be different and should be identified at the start of the recruitment process.

##### Mandated requirements

* 1. In some cases, specific skills, expertise or qualification criteria will be mandated by the entity’s terms of reference or constituting legislation. Departments should examine all relevant establishing documents and consider such requirements in the context of the existing board composition.

##### Existing board composition

* 1. Consideration must be given to the mix of skills and expertise, as well as the personal qualities of existing board members. All Chairs must maintain a skills matrix of the board to inform vacancies and assist succession planning. Departments must use the skills matrix and consult with the Board Chair on the personal qualities, character, reputation and specialist expertise required to successfully acquit the responsibilities of the board.

#### Government policies

* 1. Departments should also be aware of the following Government policies in relation to board and committee membership.

##### Representation of women

* 1. It is Government policy that no less than 50 per cent of all new appointments to paid Victorian Government boards and Victorian courts and of Chairs of paid Victorian Government boards be women. All appointment submissions must provide details on how the appointment will affect the gender composition of the board and the portfolio. The Office for Women, DPC, must be consulted on all new appointments early in the appointment process, before recruitment. Office for Women can help departments to develop strategies for attracting qualified female candidates. Some boards may be eligible for an exemption from this commitment. For more information about the commitment and how to request an exemption, please contact the Manager, Office for Women, DPC, ph: 9096 9227.
  2. Appointments to Victorian Government entities should, as far as practicable, reflect the diversity of the Victorian community. Opportunities to appoint women, Indigenous Australians, people with a disability, people from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, trans, gender diverse and intersex people should be actively explored. When planning the recruitment and selection process, departments must seek input from:
* Aboriginal Victoria (DPC);
* the Multicultural Affairs and Social Cohesion Division (DPC); and
* the Office for Disability (DHHS).
  1. Departments are encouraged to contact Equality Branch (DPC), particularly when an appointment:
* has a direct bearing on LGBTIQ people in the community (e.g. appointment for a board with oversight of a project related to trans and gender diverse people); or
* may have an indirect but clear impact on the LGBTIQ population (e.g. appointments to a board for a regional hospital or other health or community services).
  1. Contact details for these areas are provided in section 11 (page 30) of these Guidelines. Additional information to support your engagement with these areas can be accessed here.
  2. Departments must also comply with any relevant best practice guidance.

##### Members of multiple Government boards

* 1. An individual should hold no more than three positions on non-departmental entity boards at any one time. This 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.
  2. Ministers seeking to appoint someone who is already a member of two Government boards should explain why other suitable candidates are not available. When seeking to appoint someone on multiple government boards, Ministers should have regard to the regularity of meetings, potential conflicts of interest created by having the same people on multiple boards, the responsibilities of board members and whether the individual is a Board Chair. Ministers should seek assurance that the individual will be able to devote adequate time to their duties in accordance with minimum attendance requirements (an expectation of attendance at 75 per cent of meetings).

##### Reappointments

* 1. It is preferable that candidates being considered for reappointment undergo the same open and competitive selection process as candidates who have not served on the board.
  2. In circumstances where it is more appropriate to reappoint a member without an open and competitive selection process, a performance review of the member **must** be undertaken.
  3. Performance reviews can take a variety of forms. Ministers and departments may choose the approach to assessing performance of appointees that is most suitable in their circumstances, including whether a performance review is carried out in written form.[[1]](#footnote-1)
  4. Performance reviews for board members could include consideration of:
* how the member has contributed to the strategic direction or general operation of the entity; and
* feedback from the Chair on the member’s participation and performance.
  1. Performance reviews for Chairs of boards could include consideration of:
* how the Chair has managed key relationships (e.g. with the Minister and/or the portfolio department);
* whether they have effectively supported the entity's compliance with relevant legislation and other obligations; and
* any particular contributions made by the Chair to the entity.
  1. In considering reappointments, the relevant Cabinet submission or Ministerial brief should include details of this performance review, including any feedback from the Chair on the member’s performance (where applicable), and the Chair or member’s meeting attendance over the course of their previous period of appointment. Consideration must also be given to the skills mix and requirements of the board, and the need for regular board member turnover to bring new ideas to the board.

##### Victorian residents

* 1. It is preferable that appointees reside in Victoria, so that they act in the best interests of the State and due to the high costs associated with inter-state travel. Circumstances that require the appointment of someone who resides in another state should be explained in the relevant Cabinet submission or Ministerial brief.

##### Victorian public sector employees

* 1. Public sector employees are generally not appointed to Government boards, because of the risk of actual or perceived conflict between their role and duties as public servants and as board members. For additional guidance on when appointment and remuneration (if any) may be appropriate, see section 7.

#### Developing the position description

* 1. Once the specific requirements of a role have been identified, a position description should be prepared for every vacancy.
  2. When developing the position description, input from the Chair should be sought to understand the board’s operating environment and current and emerging priorities of the board. This helps to ensure that the role description best captures the personal qualities, knowledge, skills and experience that are required for effective oversight of the entity now and in the future. The role description should include:
* duties and responsibilities of the position;
* skills required for the position;
* mandatory and desirable selection criteria; and
* the terms and conditions of appointment.

### Selecting a recruitment method

* 1. It is preferable that vacancies are publicly advertised in order to attract a strong and diverse range of candidates. If a decision is made not to advertise, the responsible Minister must provide reasons either in the relevant Cabinet submission, or in writing to the Premier, before the appointment is finalised.
  2. In some circumstances a mix of targeted and open approaches to attract or identify suitable candidates may be necessary. More targeted approaches include network referrals, use of established contacts with business and community groups, executive searches and existing talent pools.
  3. In some cases, an entity’s terms of reference or constituting legislation will require appointees to be nominated from a particular group or organisation. These requirements must be followed.
  4. Circumstances where open and competitive recruitment is not possible or appropriate, for example where there is a very small pool of candidates that meet the specific statutory requirements, must be explained by the responsible Minister in the relevant Cabinet submission or in writing to the Premier, before the appointment is finalised.

##### Advertising

* 1. Recruitment advertising by departments and non-departmental entities must be contracted through the Master Agency Media Service (MAMS). The MAMS contracts are a whole of Victorian government purchasing arrangement for media agency services. For more information see the [Victorian Government Communication Guidelines.](https://www.vic.gov.au/advertising-government-communications)

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| Get on Board The Get on Board [website](http://www.getonboard.vic.gov.au/) ([www.getonboard.vic.gov.au](http://www.getonboard.vic.gov.au)) is an online application process for public sector board appointments, maintained by the Victorian Public Sector Commission.  The site allows potential candidates to apply for board vacancies and register their interest in future positions. The site also provides an end-to-end recruitment system for departments, allowing departments to advertise board positions, assess applications and contact applicants.  With an applicant’s consent, their details can be kept in a ‘talent pool’ that can be searched by departments and Ministers using search criteria such as skills, gender, location, and cultural and linguistic diversity. This assists departments and Ministers to meet the Government’s policy objectives, for example, in relation to the representation of women on boards. For more information contact the Victorian Public Sector Commission, ph: 9651 1321. Victorian Women’s Register The [Victorian Women’s Register](https://www.womensregister.vic.gov.au/jobtools/JnCustomLogin.Login?in_organid=19009) (VWR) is a database of women interested in positions on Victorian Government boards, linked to the Get on Board website. Women on the VWR indicate their interest and level of experience. The VWR can be used to search for suitable candidates and invite them to apply for upcoming positions. For more information, contact the Manager, Office for Women, DPC, ph: 9096 9227. |

### Briefing the Minister, Treasurer and Premier

* 1. Ministers are ultimately accountable for appointments to entities within their portfolio. Ministers should therefore approve the proposed selection process, and should be kept informed of progress towards selection and appointment of candidates.
  2. Departments should notify the portfolio Minister of the vacancy, and brief the Minister on the proposed selection process. This briefing should take place at least six months before the vacancy needs to be filled, and Ministers should be given the opportunity to contribute to the selection of candidates by, for example, taking part in the selection panel. This briefing process establishes an ongoing dialogue between the Minister and the department on the vacancy and on the process for filling the vacancy.
  3. The Premier must be consulted for all appointments that require Cabinet approval, as well as any appointments considered important or sensitive. The Cabinet appointment registration form should indicate that consultation has occurred.
  4. The Treasurer must also be consulted for all appointments to State-Owned Enterprises established under the *State-Owned Enterprises Act 1992* (Vic), and any appointments with significant financial obligations. It is important that the Treasurer is consulted early in the appointment process, and is given the opportunity to contribute to the selection of potential candidates by, for example, taking part in the selection panel.

### Conducting the selection process

* 1. Selection processes should be merit-based, fair, open and attract a diversity of applicants. At a minimum, each application should be scrutinised by a selection panel, and referees should be contacted for short-listed candidates. Referee reports should be compiled for all short ‑listed candidates.
  2. Consideration should be given to the gender mix and diversity of selection panels.
  3. For more detailed advice on conducting the recruitment and selection process see the following guidance from the Victorian Public Sector Commission: [Best Practice Recruitment and Selection Toolkit](http://vpsc.vic.gov.au/resources/best-practice-recruitment-and-selection-toolkit/)

## 6. Probity checks and Declaration of Private Interests

1. Probity checks and a Declaration of Private Interests (DOPI) are mandatory for all appointments, unless an exception applies.

### Probity Checks

* 1. Probity checks are used before providing a brief to the relevant Minister, to determine whether a short-listed or preferred candidate:
* is or has been insolvent;
* has a police record;
* has been convicted of an indictable offence;
* has been convicted of fraud; or
* has been disqualified from acting as a director or acting in the management of a company.
  1. Probity checks provide both the Government and the public with confidence that appointees have a history of personal integrity, and a demonstrated capacity to manage their financial and business affairs.
  2. Probity checks must be undertaken for all appointments, including reappointments, co‑opted members, and proxies appointed by Government. The mandatory completion of a statutory declaration by a candidate attesting to their integrity does not provide sufficient assurance of an appointee’s integrity or their capacity to manage business affairs.

### Mandatory probity checks

* 1. At a minimum, the following probity checks must be obtained for all appointments, subject to any applicable waivers or exceptions discussed at sections 6.11 to 6.19.

**National Criminal Record Check.** AsNational Criminal Record Checks can take up to four weeks, it is important that early consideration be given to the completion of probity checks to avoid delays to the appointment process.

**Check of the Australian Securities and Investment Commission (ASIC) Register of Persons Banned and Disqualified.** A register of persons banned or disqualified under the provisions of the *Corporations Act 2001* (Cth). Searches can be undertaken by accessing the ASIC website [www.asic.gov.au](http://www.asic.gov.au).

**Australian Financial Security Authority (AFSA) National Personal Insolvency Index (NPII) check.** This database is the public record of personal insolvency proceedings in Australia under the *Bankruptcy Act 1966* (Cth). Information on arranging a search of the NPII can be found on the AFSA website, [www.afsa.gov.au](http://www.afsa.gov.au).

The ASIC Register of Persons Banned and Disqualified and the AFSA National Personal Insolvency Index checks can be performed online with results available immediately.

### Additional probity checks

* 1. While the National Criminal Record Check, ASIC and NPII checks are mandatory, departments are encouraged to perform additional probity checks where possible. For example, substantiated misconduct reports from relevant industry regulators.

##### International Criminal Record Checks

* 1. International Criminal Record Checks are recommended if a candidate has lived in an overseas country for more than 12 months in the past 10 years, or has resided in Australia for less than 12 months.

### Declaration of Private Interests

* 1. A DOPI must be made by all appointees:
* before initial appointment;[[2]](#footnote-2)
* if reappointed;
* annually during the term of the appointment; or
* if there is a material change in the appointee’s interests.
  1. The DOPI is used to identify real or perceived conflicts of interest that could present a significant risk to the operation of the board or entity.  
     **Appendix 1** provides a pro-forma DOPI template that can be sent to proposed appointees. Departments may prepare and use their own DOPI templates, noting that they **must** still address the same topics.
  2. The DOPI is used before providing a brief to the relevant Minister, to determine whether a short-listed or preferred candidate is suitable for the position. Appointments and reappointments are contingent on candidates completing a DOPI to the satisfaction of the relevant Minister.
  3. Individuals appointed to more than one non-departmental entity must complete a separate DOPI for each appointment. This is because each appointment may give rise to unique conflicts of interest.

### Waivers and exceptions

#### Ex-officio appointments

* 1. Probity checks and a DOPI are not required if a public sector employee is appointed to an entity in an *ex-officio* capacity. *Ex-officio* members are appointed as a requirement of holding another office or substantive position.

#### Serving judges

* 1. Probity checks and DOPIs are not required in circumstances where legislation requires the appointment of a serving judge of the Supreme, County or Magistrate’s Court. The Chief Justice has pre-existing oversight of probity for judges. If a serving judge is recommended for appointment, the appointment submission should note that the appointee is a serving judge, and therefore probity checks and a DOPI are not required.
  2. In place of a DOPI, serving judges must confirm in writing to the responsible Minister that he or she is not aware of any matter that would give rise to a conflict of interest in being appointed to the entity concerned. The appointment submission should note that the Minister has received this written confirmation.
  3. This exemption only applies to statutory appointments that require the appointee to be a serving judge. If a serving judge is nominated for appointment to a different type of position, standard DOPI and probity requirements apply.

#### Bodies without formal decision-making responsibilities

* 1. On occasion, Ministers may approve the waiver of probity checks and a DOPI for appointments to entities without formal decision-making responsibilities over policy, service delivery or public funds. To enable Ministers to make this decision, Departments must brief the Minister on reasons why probity checks need not been undertaken.
  2. If the appointment also requires consideration by Cabinet, the submission must state why the Minister has determined that some (or all) of the necessary probity checks were not undertaken. In these cases, an appointment may be made conditional on the subsequent completion of satisfactory probity checks.

#### Waiver of National Criminal Record Check for Cemetery Trusts

* 1. The Secretary of the department responsible for Cemetery Trusts may approve a waiver of a National Criminal Record Check for appointments and re-appointments to unpaid Cemetery Trusts. The Secretary of the department responsible for Cemetery Trusts may waive this check if he or she considers that the operation or assets of the entity do not pose a significant financial or non-financial risk to the State.
  2. If a waiver is granted to a Cemetery Trust, the circumstances for the waiver must be reviewed by the Secretary at least every three years to ascertain that the criteria for granting the exemption are still valid.
  3. The discretion to waive the National Criminal Record Check does not extend to any Cemetery Trust subject to Part 7 of the *Financial Management Act 1994* (Vic).

#### Time-sensitive appointments

* 1. In some circumstances, the appointment process needs to be expedited. This may be the case where an incumbent appointee resigns or is removed, or where Government establishes an inquiry, taskforce, or expert panel to complete a specific task within constrained timelines. Some probity checks (particularly the National Criminal Record Check) can take some time to process, and may not be available when the appointment proceeds to the approval stage. In these circumstances, the appointment may be conditionally approved on completion of satisfactory probity checks.
  2. If considered by Cabinet, the appointment submission should note that the appointment is time-sensitive and should seek conditional approval for the appointment pending completion of satisfactory probity checks.

Section 8 provides further information on approval processes.

#### Acting appointments

* 1. Probity checks are not required where an existing member of the board acts in another board position, for example, where a Deputy Chair acts as the Chair.

## 7. Remuneration

This section provides guidance on setting the appropriate level of remuneration for an appointment.

### Determining remuneration levels

1. Ministers are generally responsible for setting remuneration for appointments. When setting remuneration levels Ministers should consider:

* the nature of the work;
* the degree of accountability and responsibility; and
* the skills and experience of the appointee.

The rationale for the proposed remuneration should be outlined in the Cabinet submission or Ministerial brief.

#### Sessional appointments

* 1. Remuneration bands for sessional appointments are outlined at Schedules A-D. Ministers are responsible for determining levels of remuneration within the relevant band.
  2. The **majority** of appointments to non-departmental entities are sessional for the purposes of the Guidelines.
  3. Depending on the classification of the entity, sessional appointments may be remunerated on an annual fee paying basis (e.g. Group A, Group B and Group D annual fee paying entities) or a daily fee paying basis (e.g. Group B, Group C and Group D daily fee paying entities).
  4. The Schedules set out separate fee scales for Chairs and other members. Chairs are generally remunerated at higher rates than other members in recognition of their additional leadership and relationship management responsibilities.
  5. Remuneration levels for Group D entities are not specified in these Guidelines due to the higher degree of flexibility required. Ministers should determine the level of remuneration for Group D entities on a case-by-case basis, also giving recognition to the intensity of the workload and the expertise required.
  6. For the purpose of the Guidelines, the following factors point towards an appointment being sessional in nature:
* the appointee is not expected to work a set number of days per week;
* the appointee is not entitled to annual or sick leave; and
* the appointment is not the appointee’s substantive employment.

#### Full-time appointments

* 1. The remuneration bands in these Guidelines do not apply to full-time appointments. Unless otherwise specified in legislation, Ministers are responsible for setting remuneration for full-time appointments, subject to Cabinet approval. The rationale for the proposed remuneration should be outlined in the Cabinet submission.
  2. For the purpose of the Guidelines, the following factors indicate that an appointment should be treated as full-time in nature:
* the appointee is expected to work a set number of days per week;
* the appointee is restricted from engaging in additional employment, or requires approval to do so;
* the appointee is entitled to annual or sick leave; and
* the appointment is the substantive employment of the appointee.

Queries relating to whether an appointment should be treated as full-time for the purpose of these Guidelines should be directed to Governance Branch, DPC.

#### Deputy Chairs

* 1. There is no separate scale of fees for Deputy Chairs. If a Deputy Chair is appointed, payment will be made 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 the Chair. The remuneration of the Deputy Chair when acting as the Chair must be outlined in the Deputy Chair’s instrument of appointment.

#### Daily rates – full and half day rates

* 1. Daily rates are recommended for all Group C boards and the majority of Group B boards. This is because the workload, regularity of meetings, and other board activities can vary over the course of the year. No additional payment is made for reading and preparation time, this is included in the daily sessional rate.
  2. The daily rate specified in the relevant Schedule is the maximum payable for official duties on a given day. Where official duties equal or exceed four hours, the maximum should be paid. Official duties of less than four hours should be paid at half the daily rate.
  3. Daily rates are not capped at an annual maximum amount. However, Ministers should arrange to monitor the performance of these entities to ensure that payment is made when the relevant duties have been performed.
  4. 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;
* for Group B and C entities – 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 for Government. If substantial blocks of time are involved, a separate rate should be negotiated; and
* for Group D entities only – days spent on work directly related to the business of the organisation, such as preparation of reports formally commissioned for a meeting of the Government.
  1. Payment must not be made for:
* individual research, or reports (unless authorised by the Minister); or
* preparation time for meetings (as this is incorporated into the daily fee).

### Approving remuneration levels

* 1. Unless specified in statute, remuneration is approved by the same decision-maker that approves the appointment. Therefore, if an appointment must be approved by Cabinet and/or made by the Governor-in-Council, remuneration must also be approved by Cabinet and/or made by the Governor-in-Council. Similarly, if an appointment can be made by a Minister, the remuneration rate will also be set by the Minister.

Approval requirements for appointments and remuneration are outlined in Section 8.

### Exclusions and exceptions

#### Public sector employees

* 1. Public sector employees are generally not appointed to Government boards, because of the risk of actual or perceived conflict between their role and duties as public servants and as board members.

##### Who is a ‘public sector employee’?

* 1. For the purpose of these Guidelines, a ‘public sector employee’ is defined as:
* a person employed under Part 3 of the *Public Administration Act 2004* (Vic);
* an executive officer or equivalent;
* a person employed by a public sector body head or a non-departmental entity via an employment agency, or
* a person working for a public sector body head or non-departmental entity via a contract.

Employees of universities and Victorian local governments are not considered to be ‘public sector employees’ for the purpose of these Guidelines.

##### When can public sector employees be appointed?

* 1. Some circumstances require that a public sector employee be appointed to a position that is directly related to their role. These circumstances include:
* *ex-officio* appointments (i.e. as a requirement of their substantive position);
* nominees or delegates of a Minister or a departmental Secretary; or
* when there is a statutory requirement for public sector representation.
  1. There may be circumstances in which the appointment of a public sector employee to a position that is not a requirement of their role is permissible. Public sector employees may only be appointed if:
* they are selected as the result of a merit-based appointment process, carried out in accordance with section 5 of these Guidelines;
* their skills, experience and personal qualities are required by the board;
* specific reason is given as to why the public sector employee is the best candidate for the role; and
* no material conflict exists between the board appointment and the employee’s substantive role. A conflict is not ‘material’ for these purposes if the conflict is trivial and can be managed with appropriate board procedures. The VPSC’s [Conflicts of Interest and Duty Guidance for Directors](http://vpsc.vic.gov.au/resources/conflicts-of-interest-and-duty/) provides advice to identify, avoid and manage conflicts of interest and duty for board members.

##### When are public sector employees ineligible for remuneration?

* 1. If board membership is a requirement of their substantive position, public sector employees are not eligible for remuneration.

##### When are public sector employees eligible for remuneration?

* 1. Full-time and part-time public sector **employees** are only eligible for remuneration if the proposed appointment is on a personal basis, and the work required for the board will be undertaken in the employee’s own time, or during periods of approved leave. The public sector employee’s substantive employer[[3]](#footnote-3) must confirm in writing that the work involved in the appointment can, and will, be performed in the employee’s own time.[[4]](#footnote-4)
  2. In relation to an **executive officer or equivalent**, departments must seek the written approval of the Secretary of the portfolio department responsible for the non‑departmental entity for the remuneration of the proposed appointee, ahead of seeking approval for the appointment itself. If Cabinet consideration is required, the approval submission should note that such approval has been sought and granted.
  3. If an executive officer or equivalent is considered for a board **reappointment**, the department should seek written approval for their remuneration ahead of seeking approval for the reappointment, unless:
* written approval from the Secretary was obtained at the time of their initial appointment; and
* there has not been a material change to their employment since the time that written approval from the Secretary was obtained (such as a change of position or employer).

##### Victorian Public Sector Voluntary Departure Packages

* 1. Recipients of Victorian Public Sector Voluntary Departure Packages (VDPs) are not eligible for remuneration from any public sector employer for three years from the date of their separation.

#### Members of Parliament

* 1. Members of Parliament who are appointed to, and are eligible to be paid for being members of, Government entities 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. Legal advice must be sought on a case-by-case basis before any appointment of Members of Parliament to governing bodies, whether advisory or otherwise. The appointment must also be authorised by Cabinet.

#### Remuneration outside the bands

* 1. In rare cases, a Minister may determine that an appointee should be remunerated at a level outside the specified bands, for example if a board member was asked to adopt a quasi-executive role or take on additional responsibilities.
  2. Cabinet approval is required for all proposals to remunerate an appointee outside the bands. Departments should consult with Governance Branch, DPC, before seeking Cabinet approval.
  3. Cabinet submissions must provide a strong rationale for why the higher rate is considered necessary.

### Additional information

#### Additional payment for committee work

* 1. Ministers may provide additional fees to compensate members appointed to annual-fee paying Group A and Group B boards, for particularly intensive committee work.
  2. When considering providing a board with additional committee fees, Ministers should assess the responsibilities, commitment required and the level of remuneration warranted by the committee work and the annual fee level paid to board members. The relevant Minister must approve payment of any additional fees.
  3. The approved level of fees are outlined in Schedule A and Schedule B. These fees are an absolute ceiling, regardless of the number of committees to which a board member is appointed. Generally, board members would not be involved in more than two committees in addition to their board membership.

#### Reimbursement for expenses

* 1. All appointees, whether remunerated or unremunerated, 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. Such reimbursement will be in accordance with the policies of the portfolio department.

#### Prohibition of third party payments

* 1. All payments to appointees are personal and must only be made to the appointee in their personal capacity. Payments must not be made to trusts or companies associated with the appointee. Payments may be made to an appointee’s personal superannuation account. Under no circumstances should payments be made on invoices.
  2. A payment to a third party is only allowable 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 from the body to which they are nominated.

#### Annual remuneration adjustment

* 1. The remuneration bands contained in Schedules A – D may be subject to annual adjustment at the beginning of each financial year. Ministers may review the remuneration paid to boards and committees with a view to passing on the adjustment in full or in part.
  2. Factors such as Ministerial satisfaction, budget and performance may be taken into account when any review of remuneration is conducted.
  3. Cabinet approval is not required to pass on this adjustment.

#### Total cost to the employer

* 1. 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 (e.g. provision of a motor vehicle). However, the remuneration levels do not constitute the Total Cost to the Employer (TCE). Departments should be aware of the TCE for entities within their portfolio. The remuneration levels set out in the Schedules do not include any applicable superannuation benefit, WorkCover costs or Payroll tax. Departments will need to take these obligations into account when considering the Total Cost to the Employer (TCE).

#### Employer's superannuation contribution

* 1. 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.
  2. The remuneration levels set out in the Schedules to these Guidelines are exclusive of superannuation.
  3. The State’s superannuation obligations with respect to appointees should be ascertained on a case by case basis, with the assistance of staff from the ATO's Superannuation Information Line.

#### WorkCover and Payroll tax costs

* 1. WorkCover and Payroll 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. Payroll tax is a determined percentage of salary and is paid by the employer. The department facilitating the appointment will need to ensure WorkCover and Payroll tax obligations are met, and included in the TCE. In most cases, WorkCover and Payroll tax will not be additional costs to employers as these have been incurred, in some form or another, since positions were established.

#### Provision of a motor vehicle

* 1. Board members may be given access to an agency vehicle for business purposes.
  2. 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. Departments will also need to seek specialist tax advice on a case-by-case basis to understand the tax implications if a motor vehicle is provided for private use.
  3. Motor vehicles must not be provided to appointees who are paid on a daily basis.

## 8. Approving an appointment

1. Approval decisions for appointment and remuneration are made by the responsible Minister, Cabinet or the Governor-in-Council (if required).

### When is Ministerial approval required?

* 1. Ministers have discretion to approve the appointment and remuneration of:
* all appointments to Group C entities except non-elected Chairs; and
* all appointments to Group D3 entities.

### When is Cabinet approval required?

* 1. Cabinet approval is required for the appointment and remuneration of:
* all appointments to Group A entities;
* all appointments to Group B entities;
* non-elected Chairs of Group C entities;
* all appointments to Group D1 and D2 entities; and
* all full-time appointments to which the remuneration schedules do not apply.
  1. In addition, Cabinet approval is also required for:
* proposed appointments of sitting Members of Parliament (see **Section 7**);
* irregular terms and conditions, for example, remuneration outside the bands (see **Section 7**);
* elevation of a Deputy to a position that would usually be considered by Cabinet (for example, to the Chair position), where the Deputy is elevated to this position for more than three months (Cabinet approval is not required for short-term appointments of less than three months), subject to legislative requirements or terms of reference (i.e. if the Act requires the Deputy to be automatically elevated if the position is vacant, Cabinet approval is not required); and
* appointments considered to be sensitive or significant.
* For more information on Cabinet, the Cabinet process, and information that should be included in appointment submissions, see the [Cabinet Handbook](https://www.vic.gov.au/cabinet-handbook) or contact the Cabinet Office, DPC, on 9651 5017.

#### Short-term appointments without Cabinet approval

* 1. Short-term appointments to non-departmental entities for periods of up to three months may be made on the recommendation of the Minister without the prior approval of Cabinet.
  2. This exemption from Cabinet consideration for short-term appointments is for exceptional circumstances and can only be used once. Any subsequent short-term or permanent appointments will require the approval of Cabinet.
  3. Efforts should be made to permanently fill a vacancy while a short-term appointment is in place.

### When is the Governor-in-Council involved?

* 1. Some statutory appointments are made by the Governor-in-Council (GIC), as outlined in the relevant legislation. All GIC orders of appointment follow a similar format. The Clerk, Executive Council, can provide up to date templates.
  2. For more information on the Executive Council and making Orders in Council, please contact the Clerk of the Executive Council on 9651 5188.

## 9. Finalising an appointment

### Advising potential appointees of their legal responsibilities

1. All appointees to boards of non-departmental entities are subject to common law obligations and duties, as Directors. Depending on the entity, they may also be subject to specific statutory duties and obligations, including obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).
   1. If the non-departmental entity is incorporated under the *Corporations Act 2001* (Cth) or is established under the *State Owned Enterprises Act 1992* (Vic), appointees may have specific legal obligations as company directors.
   2. The Government and its representatives should not advise potential appointees of their personal liabilities and responsibilities, which are often complex. Departments and entities should instead advise potential appointees to seek independent legal advice. Costs for this advice should be borne by the appointee. Potential appointees can also seek specialist information and advice from other sources, such as the Australian Institute of Company Directors.
   3. In relation to personal financial interests, departments and entities should advise potential appointees to seek independent financial advice.

### Reporting

* 1. Government relies on accurate and comprehensive data to monitor progress towards meeting its policy objectives. Departments also need accurate data to help with identifying upcoming vacancies. Departments are expected to:
* update information in the Victorian Public Sector Commission (VPSC) Government Appointment and Public Entities Database (GAPED);
* maintain a schedule of expiry dates for statutory appointments to identify forthcoming vacancies within their portfolios; and
* plan for board appointments, by briefing the Minister on forthcoming vacancies, establishing recruitment processes, preparing selection criteria and position descriptions.

## 10. Privacy and data protection

1. Departments must treat all personal information provided by an individual in support of an appointment application in accordance with the *Privacy and Data Protection Act 2014* (Vic) (the Act).
   1. The Act outlines how personal information must be collected and handled in the Victorian public sector. The Act sets out Information Privacy Principles (IPPs) which must be observed by Victorian Government departments and other public sector bodies when handling personal information. These principles cover the collection, use, disclosure, quality, security, access and correction of personal information by public sector bodies.
   2. Personal information can only be used and disclosed for the primary purpose it was collected and for any related secondary purposes. Departments must notify applicants about the use of personal information at the time the information is collected. Personal information can also be used and disclosed for other secondary purposes if consent is obtained.
   3. In the context of appointments to boards of non-departmental entities, any reporting board data to be provided to DPC, the Victorian Public Sector Commission and Cabinet and the sharing of applicant information between departments is unlikely to fall within the primary purpose for which the personal information was collected. To ensure compliance with the Act, departments must obtain individuals’ consent to disclose personal information for these reporting and sharing purposes by DPC, the Victorian Public Sector Commission and Cabinet.
   4. A template consent form and a template notice advising candidates how the department will deal with the personal information collected are in **Appendix 2**.
   5. Departments should also advise applicants and interested persons that they are responsible for making third parties aware that any information they have provided about that third party, e.g. information regarding referees in an interested person’s *Curriculum Vitae*, may be passed on to other Victorian Government departments.
   6. The collection of personal information is also subject to the right of privacy under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

## 11. Key contacts and resources

The following resources provide useful supplementary information to assist departments to undertake the appointment process for non-departmental entity boards.

### Key contacts

Cabinet Office, DPC, ph: 9651 2208

Clerk of the Executive Council, DPC, ph: 9651 5188

Equality Branch, DPC, Manager, ph: 9097 7055 or [equality@dpc.vic.gov.au](mailto:equality@dpc.vic.gov.au)

Governance Branch, DPC, Manager, ph: 9651 5902

[Aboriginal](http://dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-affairs-overview) Victoria, DPC, Executive Director, 1800 762 003

Office for Disability, DHHS, Manager, Strategic Engagement, ph. 1300 880 043 or [ofd@dhhs.vic.gov.au](mailto:ofd@dhhs.vic.gov.au)

Multicultural Affairs and Social Cohesion Division, DPC, ph. 7017 8158 or [diversityonboards@dpc.vic.gov.au](mailto:diversityonboards@dpc.vic.gov.au)

Victorian Public Sector Commission, ph: 9651 1321

Office for Women, DPC, Manager, ph: 9096 9227

### Key resources

[Best Practice Recruitment and Selection Toolkit](http://vpsc.vic.gov.au/html-resources/best-practice-recruitment-and-selection-toolkit/)

[Cabinet Handbook](https://www.vic.gov.au/cabinet-handbook)

[Conflict of Interest and Duty Guidance for Directors](http://vpsc.vic.gov.au/resources/conflicts-of-interest-and-duty/)

[Director’s Code of Conduct](http://vpsc.vic.gov.au/resources/directors-code-of-conduct-and-guidance-notes/)

[Get On Board](http://getonboard.vic.gov.au/)

[Recruitment and Appointment to the Board](http://vpsc.vic.gov.au/resources/recruitment-and-appointment-to-the-board/)

[Recruitment and Appointment to the Board: A Governance Officer’s Toolkit](http://vpsc.vic.gov.au/resources/recruitment-and-appointment-to-the-board-toolkit/)

[Victorian Gender Equality Strategy](https://www.vic.gov.au/our-gender-equality-strategy)

[Victorian Women's Register](https://www.womensregister.vic.gov.au/jobtools/JnCustomLogin.Login?in_organid=19009)

[Welcome to the Board](http://vpsc.vic.gov.au/resources/welcome-to-the-board/)

## Schedule A: Classification criteria and remuneration schedule - Group A organisations

Effective from 1 July 2019

All appointments and remuneration levels must be approved by Cabinet. Within Schedule A there are five bands of remuneration. Ministers determine the level of remuneration from within the specified bands. When setting remuneration levels, consideration should be given to:

* the nature of the work;
* the degree of risk and profile of the board;
* the degree of accountability and responsibility; and
* the skills and experience of the appointee.

Ministers may raise the classification of an entity within Schedule A by one level, using the criteria listed below. Reclassification based on these criteria must be endorsed by Cabinet and/or Governor-in-Council before any increased payment is made.

**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.

**Complexity:** Multifaceted and difficult to grasp.

**Organisational Change:** The board may be required to direct significant organisational change. The organisation would employ at least 250 people.

**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.

**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.

Note: Remuneration levels are exclusive of any superannuation obligations.

| Band | Classification criteria | Chair | Member |
| --- | --- | --- | --- |
| 1 | **Commercial boards of governance which provide direction and control**  **Government Boards of Enterprise (GBEs)** incorporated under the *Corporations Act 2001* or corporatised businesses with a turnover of over $1 billion or assets over $1 billion or profit over $100 million.  **Statutory Authorities** determined by the Premier and Cabinet to warrant inclusion in this group.  **OR - if the business is a new business or facing particular challenges that warrant special consideration.** | $75,686  to  $141,977 | $37,844  to  $62,203 |
| 2 | **GBEs** incorporated under the *Corporations Act 2001* 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  **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. | $56,765  to  $106,490 | $25,229  to  $53,254 |
| 3 | **GBEs** incorporated under the *Corporations Act 2001* 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  **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. | $37,844  to  $79,865 | $20,182  to  $37,323 |
| 4 | GBEs incorporated under the *Corporations Act 2001* 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. | $18,922  to  $53,254 | $11,353  to  $21,323 |
| 5 | Statutory Authorities with a turnover of below $50 million or assets below $50 million or profit below $5 million. | $12,614  to  $26,716 | $7,568  to  $14,271 |
| 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.  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 $5,803 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: Classification criteria and remuneration schedule - Group B organisations

Effective from 1 July 2019

Note: Remuneration levels are exclusive of any superannuation obligations.

Annual fee paying boards - significant industry and other key advisory boards

| Band | Classification criteria | Chair | Member |
| --- | --- | --- | --- |
| 1 | Significant industry advisory bodies and other bodies advising Government on key strategic matters. | $18,922  to  $53,254 | $11,353  to  $21,323 |
| 2 | Other industry boards and bodies advising Government on matters of State-wide significance. | $12,614  to  $26,716 | $7,568  to  $14,271 |
| Notes | | | |
| Upon Ministerial approval, up to $5,803 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. | | | |

Daily fee paying boards - advisory boards, significant boards of management, Quasi-judicial tribunals

| Band | Classification criteria | Chair | Member |
| --- | --- | --- | --- |
| 1 | (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.  (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.  (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). | $404  to  $658  (per day) | $309  to  $569  (per day) |
| 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. | | | |
| Daily rates are set for the maximum payable for official duties on a given day. Where official duties equal or exceed four hours, the maximum should be paid. Official duties of less than four hours should be paid at half the daily rate. | | | |

## Schedule C: Classification criteria and remuneration schedule - Group C organisations

Effective from 1 July 2019

Note: Remuneration levels are exclusive of any superannuation obligations.

Advisory Committees, Registration boards and Management boards of small organisations

| Band | Classification criteria | Chair (Fee per day) | Member (Fee per day) |
| --- | --- | --- | --- |
| 1 | (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.  (b) Disciplinary boards or boards of appeal for individuals (professional or non-professional) where the members of the board(s) are not required to be legally qualified or do not require the assistance of legal counsel.  (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. | $309  to  $569 | $240  to  $435 |
| 2 | 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.  (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.  (c) Qualifications, regulatory or licensing bodies in relation to technical, trade or non-professional groups. | $190  to  $435 | $164  to  $339 |
| 3 | (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.  (b) Advisory committees required to consider issues/matters that are local or affect confined areas including local land and water advisory committees.  (c) Trade and para-professional registration and licensing committees where legislation defines qualifications and regulates operating requirements of practising individuals. | Up to $268 | Up to $230 |
| 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. | | | |
| Daily rates are set for the maximum payable for official duties on a given day. Where official duties equal or exceed four hours, the maximum should be paid. Official duties of less than four hours should be paid at half the daily rate. | | | |

## Schedule D: Classification criteria and remuneration schedule - Group D organisations

Effective from 1 July 2019

Note: Remuneration levels are exclusive of any superannuation obligations.

Remuneration levels for Group D entities are not specified in these Guidelines due to the higher degree of flexibility required. Ministers should determine the level of remuneration for Group D entities on a case-by-case basis, also giving recognition to the intensity of the workload and the expertise required.

Note: Remuneration levels are exclusive of superannuation obligations.

| **Level** | **Classification criteria** | **Chair and member fee** |
| --- | --- | --- |
| 1 | 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. | Minister to determine and recommend to Cabinet for approval either an annual fee (pro rata) or a daily fee for appointments to D1 and D2 entities. For D3 entities, Cabinet approval is not required.  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. |
| 2 | 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 | Ad hoc expert panels established for limited time periods to undertake a specific (often technical) task. |
| 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. | | |
| Daily rates are set for the maximum payable for official duties on a given day. Where official duties equal or exceed four hours, the maximum should be paid. Official duties of less than four hours should be paid at half the daily rate. | | |

## Appendix 1 – Declaration of Private Interests Template

| **DECLARATION OF PRIVATE INTERESTS** |
| --- |
| **Notes on completing this form:**   1. 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 unanswered. 2. The department treats all personal information provided by an individual in support of an appointment application in accordance with the *Privacy and Data Protection Act 2014* (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 Victorian Government departments, non-departmental entities and public entities. Should you wish to gain access to your personal information held by the department please contact the department’s Privacy Officer. 3. 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. 4. If you do not provide all or part of the requested information this may impact on your application. 5. **Where the government determines that there is any material conflict, an appointment may not proceed or your appointment/employment may be suspended whilst the particular interest remains**. 6. Conflicts of Interest (Qn A7). Conflicts of interests can be actual, potential or perceived, and should be declared to ensure that any risks are managed. Detailed guidance can be found on the Victorian Public Sector Commission website in its Conflict of Interest Policy Framework – [www.vpsc.vic.gov.au](http://www.vpsc.vic.gov.au) and in its eLearning guide on Conflicts of Interest. 7. 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. |

| **Details of declarant** |
| --- |
| I, (*insert name*) consent to the department of (*insert department name*) collecting and using this information on a confidential basis as described in this form.  I make this declaration as at (*insert date*) ……………………. |

| **Section A. Private interests** | |  |
| --- | --- | --- |
| **A1. Other significant sources of income** | |  |
| Do you have income from any sources other than your main source of employment income relating to:   * contracts; * offices held in return for payment or other reward; or * a trade, vocation or profession engaged in by you? | If yes, please provide details of this source of income (not the amount). | Please explain how this income may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. |
|  |  |
| **YES☐ NO☐** |
| **A2. Office holder:** | |  |
| Do you hold office in any public or private:   * company; * trustee company; * incorporated association; or * other entity? | If yes, please provide the name of the organisation and the office you hold. | Please explain how this office may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. |
|  |  |
| **YES☐ NO☐** |
| **A3. Shareholdings and other business interests:** | |  |
| Do you or does a member of your family have any shareholdings, investments or other business?  *This includes a company, partnership, association or other entity, as well as nominee shareholders on behalf of the agency in government companies.* | If yes, please provide details about the nature of the interest of all such holdings (not the amount). | Please explain how this/these shareholdings or investments may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. |
|  |  |
| **YES☐ NO☐** |
| **A4. Trusts** | |  |
| Are you:   * 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? | If yes, please provide details about the operations of the trust/s. | Please explain how the operation of the trust/s may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. |
|  |  |
| **YES☐ NO☐** |
| **A5. Real estate** | |  |
| Do you or a member of your family own any real estate (including your residence)? | If yes, please provide details about ownership, location and purpose of this property. | Please explain how the ownership of this property may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. |
|  |  |
| **YES☐ NO☐** |
| **A6. Agreements** | |  |
| Have you or a family member entered any contract, agreement or understanding that gives rise to:   * an obligation; or * an expectation of reward, e.g. an agreement about future employment once your appointment term is completed? | If yes, please provide details about the nature of this contract, obligation or agreement. | Please explain how this this contract, obligation or agreement may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. |
|  |  |
| **YES☐ NO☐** |
| **A7. Other financial interests** | |  |
| Do you or a member of your family have any other significant financial or other interests of which you are aware, which could reasonably raise an expectation of a conflict of interest or material interference with your public duties? These include financial interests that:   * have been held; * are currently held; or * will accrue.   Examples of a substantial financial or other interest include:  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. | If yes, please provide details of the financial interest (not the amount). | Please explain how this/these financial interests could reasonably raise an expectation of conflict of interest, or a material interference with your public duties. |
| **YES☐ NO☐** |  |  |
| **A8. Other interests** | |  |
| Are there any other arrangements or circumstances not already covered to declare which could constitute a conflict of interest? | If yes, please provide details of these arrangements or circumstances. | Please explain how these arrangements or circumstances of which you are aware, could reasonably raise an expectation of conflict of interest, or a material interference with your public duties. |
| **YES☐ NO☐** |  |  |

| **B Section B. Probity** | |
| --- | --- |
| **B1. Bankruptcy** |  |
| Have you been declared bankrupt or been the subject of any order under the *Bankruptcy Act 1966* (Cth)? | **If yes**, please provide details |
| **YES☐ NO☐** |
| **B2. Insolvency** |  |
| Have you been a director or executive officer of a corporation which became insolvent whilst you were a director or executive officer? | **If yes**, please provide details |
| **YES☐ NO☐** |
| **B3. Disqualification** |  |
| Have you ever been disqualified from acting as a director or acting in the management of an incorporated association? | **If yes**, please provide details |
| **YES☐ NO☐** |
| **B4. Corporate and civil penalties** |  |
| Have you ever:   * contravened any civil penalty provision under the *Corporations Act 2001* (Cth) or any of its predecessors; * contravened the *Associations Incorporation Reform Act 2012* or any equivalent in another jurisdictions; or * been found guilty of any offence in relation to corporate or regulatory matters? | **If yes**, please provide details |
| **YES☐ NO☐** |
| **B5. Criminal proceedings** |  |
| Are you currently a party in any capacity in either criminal or civil proceedings before a:   * court: * tribunal; or * other adjudication body, including a professional / registration / licensing body?   Do you expect to become a party to any such proceedings in the next year? | **If yes**, please provide details |
| **YES☐ NO☐** |
| **B6. Findings of guilt** |  |
| 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)? | **If yes**, please provide details |
| **YES☐ NO☐** |
| **B7. Inquiries and investigations** |  |
| 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:   * 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? | **If yes**, please provide details |
| **YES☐ NO☐** |  |

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 or delegate 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 or delegate of any alterations or additions to my declaration as soon as practicable.

|  |  |
| --- | --- |
| ***Signature of Declarant:*** ……………………… | ***Signature of Witness:***………………………. |
| ***Name (please print):*** …………………………. | ***Name (please print):***………………………… |
| ***Date:*** ……………………………………………. | ***Date:*** ……………..……………………………… |

## Appendix 2 – Privacy Consent Form

**Consent Form**

I, …………………………………………<*name*>, have expressed interest in being an appointee to the ………………………………………………………………………………*<name of entity being appointed to>* and understand that the <*department name>* and the Victorian Public Sector Commission may collect and hold certain personal information about me including:

* my name and address;
* my date of birth and age;
* my gender;
* whether I live in rural or regional Victoria;
* whether I identify as Aboriginal or Torres Strait Islander;
* whether I or my parents were born in Australia;
* whether I speak a language other than English at home; and
* whether I have a culturally diverse background other than that indicated in the previous questions; and
* whether I identify as a person with a disability.

This information is subject to the Information Privacy Principles (IPPs) found in the *Privacy and Data Protection Act 2014* (Vic)(PDP Act).Under IPP 1, the <*department name>* and the Victorian Public Sector Commission 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 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 **Information Privacy Principle** 1.3” which is provided with this consent form.

I am aware of the contact details for the <*department name>* and the Victorian Public Sector Commission.

I understand that I can seek access to personal information collected about me and can request the <*department name*> or the Victorian Public Sector Commission 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 the appointment;
* share my information with other Victorian Government departments for the purposes of enabling the relevant Minister to consider me for appointment to other boards;
* enable the Victorian Government to monitor the diversity of appointments to and composition of entities 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);
* be included in the Victorian Public Sector Commission’s Government Appointments and Public Entity 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 Victorian Public Sector Commission and hosted on a secure government server);
* be included in the Public Board Appointments Victoria website ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au)). Please refer to that website for the applicable privacy statement. Information published on this site includes; first name and surname, term of appointment, status as a member or Chairperson.

**Disclosure**

For these purposes I understand that the information is usually disclosed to:

* Victorian Government departments and authorised officers nominated by the Secretary of the department or his or her delegate;
* authorised officers of the Victorian Public Sector Commission (nominated by the Victorian Public Sector Commissioner or his or her delegate) for inclusion in the recruitment system, the Government Appointments and Public Entity Database and the Public Board Appointments Victoria website ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au));
* the <*department name*> 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 I consent, I understand that the department may share my information with other Victorian Government departments for the purposes of enabling the relevant Minister to consider me for appointment to other boards; and
* if appointed, I understand my name, term of appointment and status as member or Chairperson may also be released to the media, placed on <*department name*> website, provided to Members of Parliament or made publicly available on the Public Board Appointments Victoria website ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au)).

Information is otherwise used in accordance with the PDP Act.

Information on the Government Appointments and Public Entity Database is used 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;
* Allow the Victorian Public Sector Commission to use information on the Government Appointments and Public Entity Database for research purposes and to plan improvements to governance processes for Victorian public sector entity boards; and
* Allow the Victorian Public Sector Commission to draw select and limited information (described below in the consent section of this form) from the Government Appointments and Public Entity Database and for this select and limited information to be made publicly available on the Public Board Appointments Victoria website ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au)).
* Publicly report the name, term and status as Chairperson of appointees to public sector and non-departmental entities.

Information on the eRecruitment system is used to:

* process and assess your application for appointment;
* manage dealings with you;
* enable the Victorian Government to monitor the diversity of applications for appointments to entities to which the Government may make appointments;
* enable Ministers and other Victorian Government departments to consider and contact applicants who have applied for other roles:
* for research purposes to plan improvements to governance processes for Victorian public sector entity boards; and
* to allow the Victorian Public Sector Commission to draw select and limited information about appointments (name, term and status as member or Chairperson) and for this information to be made publicly available on the Public Board Appointments Victoria website ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au)).

I understand that, for reasons of personal safety, the composition of some public sector/ non-departmental entities will not appear on the Public Board Appointments Victoria website ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au)), 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 refusal to consent to the collection and disclosure of information described in this consent form may impact on my being considered for an appointment and may impair the ability of departments/agencies monitoring of the diversity of board appointments and their composition.

**Consents**

I consent to the <*department name>* and the Victorian Public Sector Commission collecting, using and holding that information, and sharing it with other Victorian Government departments, agencies or Cabinet, in accordance with the PDP Act, for the purposes outlined in this consent form.

I understand that the information I have provided in my application may be submitted to the Victorian government’s eRecruitment system for the purposes of assessment and selection.

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

I consent to the following information being made publicly available to the media, Members of Parliament, on the <*department name*> website and on the Public Board Appointments Victoria website ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au)) if I am appointed to a particular entity:

* my first name and surname;
* the name of the entity;
* the term of my appointment; and
* my status as a member or Chairperson.

*Information provided 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 <*department name>* 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.

**Consideration for appointments to other public sector/ non-departmental entities in other departments**

□ I agree/ □ I do not agree *(cross which is 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.

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)*

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTICE UNDER INFORMATION PRIVACY PRINCIPLE 1.3**

**About this Privacy Collection Notice**

This Privacy Collection Notice provides you with an account of the ways in which your personal information is collected and handled by <*department name*>. Providing you with notice about the collection and handling of your personal information is a requirement under the *Privacy and Data Protection Act 2014* (Vic) (PDP Act).

**Collection and holding of personal information**

If you are appointed to the <*name of the entity being appointed to*>, the <*department name>* and the Victorian Public Sector Commission will manage your personal information provided in the consent form in accordance with the PDP Act and the *Public Records Act 1973*. Your information is accessible to you, and can be obtained by making a request to <*department name>* and the Victorian Public Sector Commission. The information collected and used for the purposes identified in this consent form and will not be disclosed to any other person or body other than those identified in the consent form, or where authorised or required by law.

**Disclosure of personal information**

The personal information you provide will be used by <*department name*> to assess your application. In order to assess your application, your personal information may be provided to the Victorian Public Sector Commission and stored on the government’s eRecruitment system, Get on Board (getonboard.vic.gov.au). Your personal information may also be disclosed to the Cabinet or any member of it for use only for the purposes of considering your application and annual reporting.

With your consent, <*department name*> may provide the information identified in this consent form to another Victorian government department or entity, for the purposes of appointments to other public sector/ non-departmental entity boards with other departments or entities

If you are appointed to a position on a Victorian public sector entity or non-departmental entity, your information will be entered into the Government Appointments and Public Entity Database. This database is managed by the Victorian Public Sector Commission and information stored on this database is used for the purposes of reporting to the Victorian Government departments, Members of Parliament and Cabinet.

If you are appointed, the following information may be publicly released to the media, Members of Parliament, and will be made publicly available on the Victorian Public Sector Commission’s Public Board Appointments Victoria website ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au)) or on the <*department name*> website:

* Your first name and surname
* The name of the entity
* The term of your appointment; and
* Your status as a member or Chairperson

**Information security**

The <*department name>* and the Victorian Public Sector Commission 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 <*department name>* and the Victorian Public Sector Commission will remove personal information from its system where it is no longer required (and in accordance with the *Public Records Act 1973*).

A refusal to provide and consent to the use of the personal information requested as part of the appointment process may result in greater difficulty in the monitoring of the diversity of board and other bodies’ appointments and their composition.

| **Contact us** | |
| --- | --- |
| <Privacy Information Officer>  <department name>  <Address line 1>  <Address line 2>  Telephone:  Email: | Privacy Information Officer  Victorian Public Sector Commission  3 Treasury Place  Melbourne VIC 3002  Telephone: 9651 1321  Email: info@vpsc.vic.gov.au |

1. The *Public Administration Act 2004* requires that the boards of most public entities ensure that adequate procedures are in place for assessing the performance of the board and individual directors: see s 81(c). [↑](#footnote-ref-1)
2. As explained in the *Cabinet Handbook*, before Cabinet considers an appointment or reappointment, a DOPI should be received from the candidate and be judged to be satisfactory by the Minister. [↑](#footnote-ref-2)
3. Where a public sector employee holds a full-time position, the ‘substantive’ employer is the employer of the full-time position. Where the public sector employee holds one or more part time positions, the ‘substantive’ employer is the public sector employer with on-going employment status, or failing that, the public sector employer of the greatest time fraction. [↑](#footnote-ref-3)
4. Section 32 of the *Public Administration Act 2004 (Act)* also requires approval for individuals employed under Part 3 of the Act engaging in outside employment. [↑](#footnote-ref-4)