

Merricks Beach Foreshore Reserve Committee of Management Inc.

Information Kit

Overview

The Merricks Beach foreshore reserve is a publicly owned reserve on the Mornington Peninsula. It is an important part of Mornington Peninsula Shire's open space and the wider Victorian coastal environment.

It is the responsibility of the Department of Environment, Land, Water and Planning (DELWP) to manage public land foreshore reserves (other than the national parks and conservation reserves) along the Victorian coast. It does this by delegating the management of each reserve to locally based committees, who are typically a group of residents with a keen interest in and knowledge of the reserve.

These committees are called Committees of Management and are appointed by the Minister for Energy, Environment and Climate Change for a nominated period of time, typically three years. At the end of that period new applications for membership are invited for the next three years.

The Committee is responsible for the management, care and protection of the foreshore reserve on behalf of both the local community and the wider Victorian community.

Invitation to be part of the Merricks Beach Foreshore Reserve Committee of Management.

Applications are currently being invited for appointment of members of the Merricks Beach Foreshore Reserve Committee of Management for a period of up to three years.

Interest and enthusiasm, a commitment to caring, protecting and managing the use of the Merricks Beach Foreshore Reserve, and an approach to the task that includes maximising community involvement and participation are the key attributes being sought.

Specific skills and talents in a range of areas such as knowledge of the local natural environment, an ability to manage committee finances, and an understanding of the local community's needs and aspirations for the reserve would be highly regarded.

General Responsibilities of the Committee of Management

The Committee's appointment by the Minister is formally made under the *Crown Land (Reserves) Act 1978*. This Act also outlines the formal powers, duties and responsibilities of the committee which include the:

- management, appropriate development and maintenance of the reserve;
- power to make regulations for the use of the reserve;
- ability to enter into a licence, lease or other tenure agreements;
- employment of staff; and
- authority to collect fees and charges, and to expend monies on the reserve.

In keeping with this it is expected that the Committee will:

- manage the land in accordance with the purpose for which it was reserved;
- develop and implement strategic plans for the use and development of the reserve;
- **consult with and involve the community** in the use, management and development of the reserve;
- keep accurate financial records including required reporting; and
- comply with any relevant rules, regulations or requirements eg: planning permits from Councils for works or developments.

The Committee of Management is a body corporate incorporated under the *Crown Land (Reserves) Act 1978*. Incorporation simplifies any legal processes the Committee wishes to instigate.

General Responsibilities of Members

The responsibilities of members include:

- ensuring the reserve is managed and utilised appropriately;
- participating in the Committee's decision making process;
- ensuring all relevant interests are appropriately considered;
- representing the views of the Committee and government regarding coastal issues;
- regular attendance at Committee meetings (out-of-hours);
- participating in standard, orderly meeting procedures; and
- responding to public enquires.

A knowledge of relevant legislation, plans and strategies that affect the day to day management and development of the reserve is not necessary at the time of submitting an application, although it would be highly regarded.

However after appointment, Committee member's responsibilities will include becoming familiar with key documents and keeping up to date with any changes to these documents during their period of service on the Committee.

Merricks Beach Foreshore Reserve Committee of management inc.

Some of these documents include:

- *Crown Land (Reserves) Act 1978*
- *Marine and Coastal Act 2018*
- Relevant approved Government strategies such as:
 - Victorian Coastal Strategy
 - Victoria's Biodiversity Strategy including Victoria's Native Vegetation – a Framework for Action

DELWP will provide an induction for newly appointed Committee members to enable a clearer understanding of the roles and responsibilities of Committee members, including office bearers. From time to time, DELWP will also provide updates and training opportunities for Committee members.

Appointment Criteria

Ideally, the Committee of Management will have a complementary mix of interest, skills and experience. The appointment of Committee members will be based on both an assessment of each individual's likely contribution and an assessment of the optimal combination of individuals to provide a complementary mix.

In seeking to ensure that the Committee is broadly focussed and as widely skilled as possible, DELWP will be looking for as many of the following as is available to be included within the Committee:

- | | |
|--|--|
| <input type="checkbox"/> Knowledge of community diversity, interests and needs | <input checked="" type="checkbox"/> Community liaison, education and/or training |
| <input type="checkbox"/> Knowledge of local natural environment | <input type="checkbox"/> Tourism and marketing |
| <input type="checkbox"/> Environmental management | <input type="checkbox"/> Sport and recreation |
| <input type="checkbox"/> Coastal ecology | <input type="checkbox"/> Aboriginal & Cultural Heritage |
| <input type="checkbox"/> Committee and meeting procedures, and administration | <input type="checkbox"/> Business management |
| <input type="checkbox"/> Asset management | <input type="checkbox"/> Financial management/accounting |
| <input type="checkbox"/> Human resource management | <input type="checkbox"/> Legal affairs |

Applications will be assessed on the extent to which they meet the following appointment criteria.

1. A clear understanding of the role of a Committee member.
2. Demonstrated interest, experience and/or skills to a high standard.
3. Demonstrated ability to participate cooperatively in a team with a range of different people.
4. Capacity to think and act strategically.
5. An understanding of coastal management and/or public land management, or a demonstrated ability to rapidly reach such an understanding.
6. Integrity of the individual and standing in the community.

Probity, Conflict of Interest and Suitability for Office

Members of committees of management must meet Government expectations regarding their suitability for office and the need for probity and avoidance of conflicts of interest whilst undertaking their duties. This information is provided to assist prospective committee members in understanding these requirements and to help them determine their eligibility for office.

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Merricks Beach Foreshore Reserve Committee of management inc.

Suitability for Office

Applicants for membership of committees of management are required to declare their suitability for office. Applicants must declare that they:

- have or have not been convicted of any indictable offence (a serious crime that is tried by a judge);
- have or have not been convicted of fraud (convicted by a court of obtaining of material advantage by unfair or wrongful means or an intentional dishonest act done with the purpose of deceiving);
- have or have not been disqualified from acting as a director or acting in the management of a company;
- have not committed any other act or omission that might render or be seen to render them unfit for the office of Member/Chairperson of the committee of management;
- are or are not subject to court proceedings in respect of criminal proceedings, bankruptcy, or breaches of the *Corporations Act 2001* (Cwlth) or *Associations Incorporation Act 1981* (Vic), and
- have read and understood the information provided below concerning probity and conflict of interest.

It is the responsibility of applicants to determine their suitability for office and make a declaration so testifying. Applications to committee of management positions will not be accepted unless accompanied by a signed and witnessed Declaration of Private Interests and the Probity forms.

Probity

Members of committees of management of Crown land reserves have an obligation to ensure that all their actions in connection with management of the reserve are conducted consistent with powers provided by the Act and are undertaken in accordance with the laws of the State and the Commonwealth.

Applicants for membership of committees of management should not have criminal convictions, financial or taxation dealings that might render or be seen to render them unfit for office.

DELWP is currently required to undertake a search of two public national registers for all proposed committee of management appointments:

Australian Securities and Investment Commission (ASIC) register of persons prohibited/disqualified by ASIC under the provisions of the *Corporations Act 2001* (Cwlth). This will determine whether an applicant has been disqualified from acting as a director or acting in the management of a company.

Insolvency and Trustee Service Australia (ITSA) National Personal Insolvency Index (NPII) which contains information about proceedings and administrations under the Bankruptcy Act 1966 (Cwlth). This will determine whether the applicant is or has been insolvent.

DELWP does not require your consent for these searches being public databases, but you will be asked to provide your full name and date of birth to ensure the searches are undertaken accurately.

Conflicts of Interest

Committee members need to be aware of the potential for conflicts of interest to arise in connection with their reserve management responsibilities.

Conflicts of interest arise when committee members make decisions on matters in which they have (or are perceived to have) personal interests. Some examples of these circumstances might be:

- awarding contracts;
- determining terms and conditions of a rental or tenure arrangement;
- development of the reserve that lead directly to the benefit of committee members;
- where family members stand to benefit from a decision made by a committee member;
- employment of members or family members by the committee;
- provision of goods and services to the committee, directly or through another person.

A conflict of interest does not automatically exist because of the general business or property interests committee members may hold. There is no inherent conflict of interest for example, in a member owning land adjacent to or in the vicinity of the reserve under the control of the committee of which he is a member or of which he seeks membership. Similarly, a conflict of interest does not exist because a committee member or applicant operates a business in the area. The conflict of interest arises where the member influences an outcome that is to his direct benefit, or is seen to be to his direct benefit.

Applicants should note the comments above and consider whether any conflict of interest exists in relation to their application. If so, applicants should declare the conflict of interest on the Declaration.

Avoiding Conflicts of Interest

In general, a committee member should not participate in any discussion or decision where there could be a conflict of interest. The member should declare that interest, and ensure that it is recorded in the committee of management meeting minutes. The member should be absent from the meeting whilst the matter is being considered and decided.

Breaches of probity and conflicts of interest have the potential to discredit the parties involved and to bring into question the decisions of the committee of management. Members of committees of management need always to be mindful of these matters when exercising their reserve management responsibilities and to act in accordance with the highest standards of probity.

Confidential information

The information contained in the attached forms is treated in confidence, and after being considered by the Minister the forms are held in secure storage. Should your appointment not proceed for any reason the Probity and Conflict of Interest forms will be destroyed and no information contained therein will be recorded.

The *Information Privacy Act* 2000 requires Government agencies to gain consent to collect sensitive data such as criminal records for the purpose of administering appointments to statutory bodies or advisory

Merricks Beach Foreshore Reserve Committee of management inc.

committees. By providing the information contained in the attached forms it is considered that you have provided consent to collect sensitive data.

Submission of Forms

Please submit the Nomination/Application form (attached at the rear of this Information Kit) and the Declaration of Private Interest form and the Probity form, to the person and address indicated at the end of the Nomination form

by 5.00pm Friday 19th November 2021.

All applicants will be advised in writing of the outcome of their application.

Reserve Profile

Area

The Merricks Beach Foreshore Reserve Committee of Management manages a coastal linear reserve approximately 5km in length between Balnarring and Point Leo on the shore of Western Port Bay.

General Description

The eastern half of the reserve is bordered by a coastal holiday village while the western portion of the reserve is adjacent to farmland. The foreshores contain areas of open space, conservation value, and natural beauty.

Vision

To protect the natural, undeveloped character of the reserve by conserving and enhancing the indigenous flora and fauna whilst providing compatible recreational and educational opportunities.

Management Issues

The committee has worked hard with the local community to enhance and restore the local environment. Numerous revegetation projects have been initiated, steps and access paths constructed and weeds managed. Numerous weed species remain, many of which threaten the reserves indigenous plants and animals. An increasing regional population is also putting increasing visitor pressure on the reserves' facilities and need to be managed accordingly. The committee requires a diverse range of skills to meet these challenges.

The committee has no ongoing revenue source, and is reliant on various grants and donations. The level of income has fluctuated significantly from year to year depending on the success of the applications for funding grants.

Further Information

For further information please contact Sarah Wordsworth, Senior Land and Built Environment Program Officer from the Port Phillip Region of the Department of Environment, Land, Water and Planning at: sarah.wordsworth@delwp.vic.gov.au

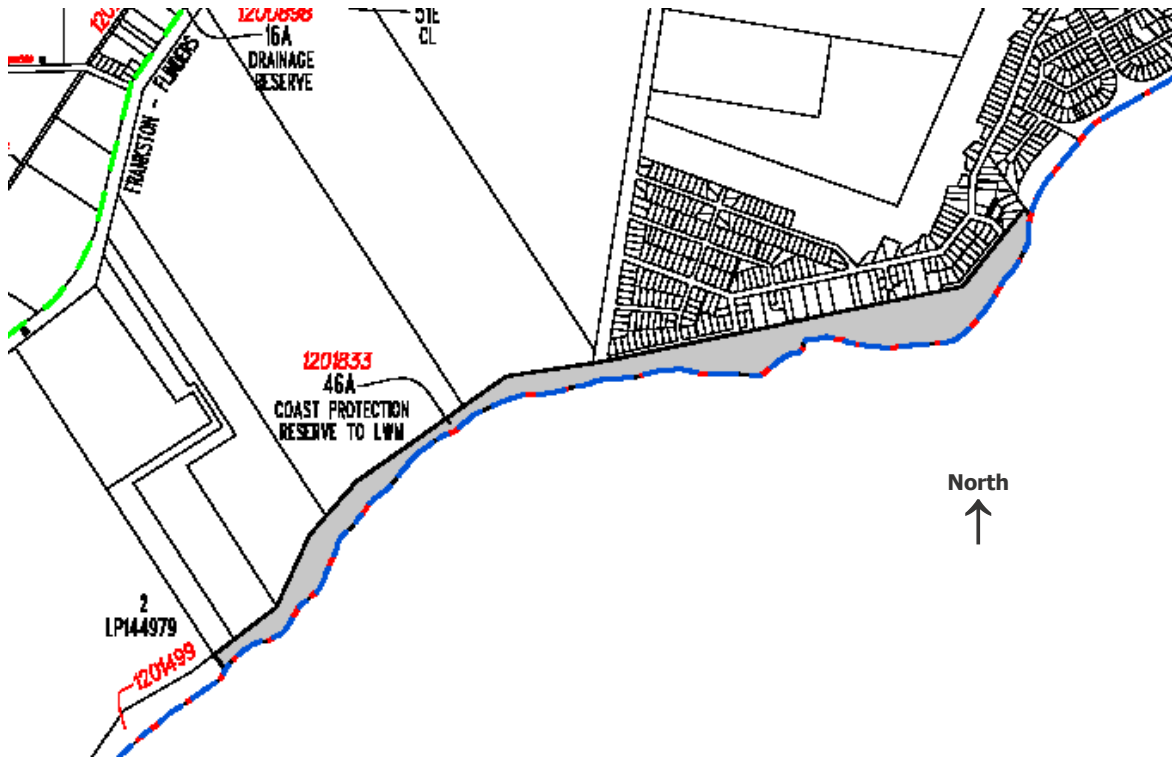
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Attachment – Map



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Merricks Beach Foreshore Reserve Committee of Management Inc.

Application Form

MERRICKS BEACH FORESHORE RESERVE COMMITTEE OF MANAGEMENT INC.

APPLICATION FORM FOR COMMITTEE MEMBERSHIP

PERSONAL DETAILS

Title (*Mr/Mrs/Ms*) _____ First Name: _____ Middle: _____
Surname: _____ Date of Birth*: _____
Street Address: _____ Years of Service: _____
Postal Address (if different): _____
Suburb: _____ Postcode: _____

Telephone: (Private) _____ Telephone (Business) _____
Mobile: _____
Fax Number: _____ E-mail _____

SKILLS & EXPERIENCE

What are your areas of interest, experience or specialist skills?

(Note: You can nominate more than one category.)

- Knowledge of community diversity, interests and needs
- Community liaison, education and/or training
- Sport, recreation
- Tourism and marketing
- Knowledge of local natural environment
- Coastal ecology
- Environmental management
- Committee and meeting procedures, and administration
- Management of a small business/commercial experience
- Asset management
- Financial management/accounting
- Human resource management
- Legal affairs
- Other _____

1. What is your reason or interest in becoming a Committee member and/or what particular contribution do you believe you can make to the committee?

(Please attach extra pages if required as well as a CV or further information that may assist your application).

2. Please expand on the skills and experience listed above and how it relates to this committee?

3. What do you think are the most important issues facing Victoria's coast?



Merricks Beach Foreshore Reserve Committee of Management Inc.

4. Are you aware of, or what do you consider to be the most important issues regarding management of the reserve by the committee?

5. Community interests/organisational affiliations

6. Other information which may support your application (please attach a CV if appropriate)

I declare that the above is true and correct and that I have not knowingly provided false or misleading information.

Signed: _____

Dated: _____



Merricks Beach Foreshore Reserve Committee of Management Inc.

Expressions of interest should be marked:

'Expressions of Interest, Merricks Beach Foreshore Reserve Committee of Management Inc'

and lodged personally or Email to

Sarah Wordsworth
Senior Land and Built Environment Program Officer
Port Phillip Region
Email: property.portphillip@delwp.vic.gov.au

by 5.00pm Friday 19th November 2021.

All applicants will be advised in writing of the outcome of their application.



Committee of Management: Probity and Private Interest Declaration

I (printed full name) _____

of _____

am an applicant for appointment to the following Committee of Management established under the *Crown Land (Reserves) Act 1978*.

Name of committee: _____

Probity

Have you been, or are you currently, insolvent or disqualified from acting as a director or acting in the management of a company?

Yes No

Have you been convicted of fraud or any indictable offence (a serious crime that is tried by a judge)?

Yes No

Are you now or have you in the past been investigated for, or been found to have engaged in misconduct or had your employment or position on a board or committee terminated due to misconduct?

Yes No

Conflict of Interest

A conflict of interest exists where there is a conflict between a committee member's public duty and a committee member's private interest, when this private interest could improperly influence their duties as a committee member (for a discussion on conflicts of interest please refer to chapters 3, 4 and 5 of the Committee of Management Guidelines which can be found at: www.delwp.vic.gov.au/boards-and-governance/committees-of-management Note: Having a conflict of interest does not exclude a person from being on the committee.

If you are appointed to the Committee of Management, are there any circumstances that you are aware of that may give rise to an actual, perceived or potential conflict of interest?

Yes No

If yes, please provide details below. Please continue on a separate sheet if required.

These and other conflicts of interest may arise from time to time. When a committee member has a conflict of interest with an agenda item, this must be declared and the committee member must disqualify themselves from discussions and voting on the issue.

Declaration

I have declared any private interests that may conflict with my responsibilities as a committee member. I understand the need to avoid conflicts of interests when exercising my responsibilities as a committee member. In the event that a conflict arises between my private interests and my responsibilities as a committee member, I shall not participate in any discussion or decision on the matter.

I declare that to the best of my knowledge, the information I have provided in this declaration is true and correct.

Signed

Date