##### Committees of Management

Categorisation Framework (2019 – 2020)



# Committees of Management

Approximately 1,200 local / volunteer Committees of Management (CoMs) appointed in accordance with either 14(4)(a) or 14(4)(e) of the *Crown Land (Reserves) Act* *1978* (CLRA) manage over 1,500 Crown land reserves across Victoria.

The role of the CoMs under the CLRA is to “manage improve maintain and control” one or more Crown land reserves which are areas of public land that have been set aside for the benefit of the people of Victoria. The reserves support a broad range of amenities and uses such as public halls, libraries, showgrounds, gardens, bushland, caravan parks, foreshores, sporting facilities, playgrounds, swimming pools, walking tracks and rail trails.

A Categorisation Framework has been developed by the Department of Environment, Land, Water and Planning (DELWP) whereby CoMs are allocated across four categories based on standard criteria, with each category having a tailored oversight and support regime.

Whilst the focus of this framework is the local/volunteer CoMs, bodies with a broader role can be appointed as CoMs. In particular, local councils, Parks Victoria and water corporations can be appointed as CoMs pursuant to clauses 14(4)(b), (ca) and (cb) of the CLRA.

# Categorisation Framework Criteria

The following table details the criteria which drives the allocation of the CoMs into the four categories.

| Category | Criteria | Approx. no. |
| --- | --- | --- |
| 1 | Financial criteria **1a** Reports under Financial Management Act 1994; and / or  **1b** Annual revenue of greater than $1 million; and / or  **1c** Cash balance of greater than $1 million; and / or Non-financial criteria **1d** Crown land is of state-wide significance; **and /** **or**  **1e** Crown land is likely to generate state-wide political interest  See **Appendix 1** for a list of category 1 CoMs as at the date of publication. | **7** |
| 2 | Financial criteria **2a** Annual revenue of greater than $250,000 but less than $1 million current for three consecutive years; and/or  **2b** Cash balance of greater than $250,000 but less than $1 million current for three consecutive years; and/or Non-financial criteria **2c** Crown land is of region-wide significance; and/or  **2d** Crown land is likely to generate region-wide political interest; and/or  **2e** The CoM manages coastal land and is not a Category 1 CoM; and/or  **2f** The CoM manages multiple reserves of combined significance; and/or  **2g** A major development is under way and the CoM is not Category 1; and /or  **2h** The region has determined that the CoM would benefit from being assigned a client manager.  See **Appendix 2** for a list of category 2 CoMs as at the date of publication. | **37** |
| 3 | CoMs that DELWP has full oversight responsibility for that do not qualify as a Category 1 or Category 2 CoM. | **1,020** |
| 4 | CoMs and other DELWP delegated land managers which are subject to a governance framework separate to the *Crown Land (Reserves) Act 1978* but which remain accountable to the Minister for Energy, Environment and Climate Change as Crown land manager. These include: |  |
|  | * Incorporated Associations which are subject to a governance framework under the *Associations Incorporation Reform Act 2012* | **120** |
|  | * Local councils which are subject to a governance framework under the *Local Government Act 1989* | **79** |
|  | * DELWP portfolio agencies which manage Crown land and which are subject to a governance framework pursuant to specific establishing legislation (e.g. water corporations). | **24** |
|  | Other government departments and delegated land managers reporting to them are also included within category 4. |  |

# Support and Oversight Regimes for each Category

The tables below describe the support and oversight regimes for each of the four CoM categories.

| Category 1 CoMs – support and oversight regime | |
| --- | --- |
| Component | Requirements |
| Recruitment | Category 1 CoMs will be recruited via a full Expression of Interest process which will be consistent with the [Appointment and Remuneration Guidelines](http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines) issued by the Department of Premier and Cabinet.  All probity checks are required (i.e. Police, ASIC, AFSA), together with a Declaration of Private Interests and a Privacy consent using the forms in the appendices to the A & R guidelines.  Category 1 CoM members will be eligible to receive payments in accordance with rates set by the Guidelines. Where members are currently unpaid, the commencement of payments may be subject to the approval of the Minister.  See **Appendix 3** for an overview of the recruitment process. |
| Induction | The ‘owner’ of the induction process for Category 1 CoMs will be the relevant Regional Director.  It is expected that an induction day will be organised for Category 1 CoM members as soon as possible after their appointment. If it is feasible from a logistical and appointment date perspective, members from multiple CoMs can attend the same induction day.  The induction program and kit should be developed in accordance with DELWP’s guidance note on [Induction Programs and Kits – Minimum Requirements](http://delwp.vic.gov.au/about-us/boards-and-governance/induction-and-continuing-education), located in the Induction and Continuing Education support module on DELWP’s governance website, [On Board](http://www.delwp.vic.gov.au/onboard) (www.delwp.vic.gov.au/about-us/boards-and-governance/induction-and-continuing-education).  **Induction Program**  Content to be covered includes:   * CoM’s role pursuant to the *Crown Land (Reserves) Act 1978* * topics listed the in [Induction Programs and Kits – Minimum Requirements](http://delwp.vic.gov.au/about-us/boards-and-governance/induction-and-continuing-education)  (e.g. key legislation, standards of conduct, government policies and strategies of particular relevance to the CoMs functions) * Departmental contacts * Insurance arrangements * any other topics the region chooses to include.   The extent to which a topic is covered in the induction program is flexible, provided that the relevant materials on the topic are included in the induction kit.  **Induction kit**  An induction kit should be provided to each committee member which includes:   * resources listed in [Induction Programs and Kits – Minimum Requirements](http://delwp.vic.gov.au/about-us/boards-and-governance/induction-and-continuing-education) * Committee of Management Responsibilities and Good Practice Guidelines * any other resources the region chooses to include.   DELWP participants should be drawn from:   * the Regional Director * the Regional Manager, Land and Built Environment Programs * Land Management Policy Division staff * Department client manager   Other invitees may include:   * CEOs from the respective CoMs |
| PAA | Category 1 CoMs are ‘public entities’ and must comply with the *Public Administration Act 2004* (PAA), including Divisions 2 and 3 of Part 5 of the Act (see **Appendix 4** for details). |
| Annual Reporting | Category 1 CoMs are required to prepare an annual report for the Secretary of DELWP with the following minimum content:   * reports by the Chairperson and CEO * an overview of the Committee and Senior Management Team * financial statements * confirmation that the CoM has the following ‘board’ policies in place and that these policies are consistent with the DELWP model policies:   + Conflict of Interest   + Gifts, Benefits, and Hospitality   + Meetings and Decisions   + Code of Conduct   + Dispute Resolution   + Performance Assessment.   These annual reports will be reviewed by Land Management Policy Division and the Client Manager.  (Or if the CoM is subject to the Financial Management Act - currently only Phillip Island Nature Park - annual reporting in compliance with the FMA instead.) |
| Oversight and support by DELWP  – specific tasks | The relationship manager for Category 1 CoMs will be the Regional Director  The Regional Director will appoint a client manager for each Category 1 CoM with the following responsibilities:   * maintaining relationships with committee members * having a detailed knowledge of the reserved land * attending meetings and/or reviewing agendas and minutes as appropriate * assisting the committee with the development of management plans * inspecting at least one of a CoM’s reserves each year (to be a different reserve each year) * preparing an annual appraisal of the Committee’s performance for the Regional Director which will include reference to findings from the reserve inspection. It will also take into account the contents of the CoM’s annual report. * reviewing and monitoring progress against the CoM’s Coastal Management Plan (where relevant) |
| Reviews | Each category 1 CoM must be reviewed at least once every six years. The review should occur in accordance with the requirements of the *DELWP Entity Review Program*. The annual appraisals by DELWP (see above) may be used as the basis of the review. |
| Coastal Management Plans | Pursuant to clause 30 of the *Coastal Management Act 1995* (CMA), the Minister can request a CoM managing coastal Crown land to prepare a Management Plan. Clause 31 of the CMA specifies the required content of a Management Plan.  Where a CoM has to report against actions within a Management Plan, such reporting is to be in accordance with guidelines being prepared by the Coastal Service Improvement Team. |

| Category 2 CoMs – support and oversight regime | |
| --- | --- |
| Component | Requirements |
| Recruitment | Category 2 CoMs will be recruited via a ‘Skills Based’ Expression of Interest process (unless the region determines that this is not feasible for a particular CoM , for example, the CoM is a representative CoM), which will be compliant with relevant sections of the [Appointment and Remuneration Guidelines](http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines).  All probity checks are required (Police, ASIC, AFSA), together with a Declaration of Private Interests and a Privacy consent using the forms in the appendices to the A & R guidelines.  See **Appendix 3** for an overview of the recruitment process. |
| Induction | The ‘owner’ of the induction process for Category 2 CoMs will be the relevant Manager, Land and Built Environment Programs.  It is expected that an induction will be organised for Category 2 CoM members as soon as possible after their appointment. If it is feasible from a logistical and appointment date perspective, members from multiple CoMs can attend the same induction day.  The induction program and kit should be developed in accordance with DELWP’s guidance note on [Induction Programs and Kits – Minimum Requirements](http://delwp.vic.gov.au/about-us/boards-and-governance/induction-and-continuing-education), located in the Induction and Continuing Education support module on DELWP’s governance website, [On Board](http://www.delwp.vic.gov.au/onboard) (www.delwp.vic.gov.au/about-us/boards-and-governance/induction-and-continuing-education).  **Induction Program**  Content to be covered includes:   * CoM’s role pursuant to the *Crown Land (Reserves) Act 1978* * topics listed the in [Induction Programs and Kits – Minimum Requirements](http://delwp.vic.gov.au/about-us/boards-and-governance/induction-and-continuing-education)  (e.g. key legislation, standards of conduct, government policies and strategies of particular relevance to the CoM’s functions) * Departmental contacts * Insurance arrangements * any other topics the region chooses to include.   The extent to which a topic is covered in the induction program is flexible, provided that the relevant materials on the topic are included in the induction kit.  **Induction kit**  An induction kit should be provided to each committee member which includes:   * resources listed in [Induction Programs and Kits – Minimum Requirements](http://delwp.vic.gov.au/about-us/boards-and-governance/induction-and-continuing-education) * Committee of Management Responsibilities and Good Practice Guidelines * any other resources the region chooses to include.   DELWP participants should be drawn from:   * the Regional Director * the Regional Manager, Land and Built Environment Programs * Land Management Policy Division staff * Department client manager   Other invitees may include:   * CEOs from the respective CoMs |
| PAA | Category 2 CoMs are ‘public entities’ and must comply with the *Public Administration Act 2004* (PAA) but are not covered by Divisions 2 and 3 of Part 5 of the PAA. |
| Annual Reporting | Category 2 CoMs will be required to prepare an annual return to the Secretary of DELWP. A template will be posted to Category 2 CoMs with the following sections -   * a financial section covering income, expenditure and cash balance * a report of operations by the Chair * a section providing an opportunity to raise issues for DELWP’s attention * a section providing the opportunity to update contact details * confirmation that the CoM has the following ‘board’ policies in place and that these policies are consistent with the DELWP model policies:   + Conflict of Interest   + Gifts, Benefits, and Hospitality   + Meetings and Decisions * information on what other ‘ board’ policies, if any, the CoM has in place.   As larger CoMs, Category 2 CoMs will be given the option of providing an annual return in their own format, provided that the above content is covered.  The annual returns will be reviewed by LMPD and the Client Manager. |
| Oversight and support by DELWP  – specific tasks | For each Category 2 CoM there will be a Client Manager with the following responsibilities:   * managing the relationship with committee members * having a detailed knowledge of the reserved land * attending meetings as appropriate and reviewing agendas and minutes * assisting the committee with the development of management plans * the conduct of an inspection of at least one of a CoM’s reserves each year (to be a different reserve each year) * a three yearly appraisal of the Committee’s performance for the Regional Director which will include reference to findings from the reserve inspections. It will also take into account the contents of the CoM’s annual reports. * reviewing and monitoring progress against the CoM’s Coastal Management Plan (where relevant) |
| Reviews | Each category 2 CoM must be reviewed at least once every six years. The review should occur in accordance with the requirements of the DELWP Entity Review Program. The three-yearly appraisals by the department (see above) may be used as the basis of the review. |
| Coastal Management Plans | Pursuant to section 30 of the *Coastal Management Act 1995* (CMA), the Minister can request a CoM managing coastal Crown land to prepare a Management Plan. Section 31 of the CMA specifies the required content of a Management Plan.  DELWP is currently finalising guidelines for the preparation of Management Plans for Category 2 CoMs.  Where a CoM has to report against actions within a Management Plan, such reporting is to be in accordance with guidelines being prepared by DELWP. |

| Category 3 CoMs – support and oversight regime | |
| --- | --- |
| Component | Requirements |
| Recruitment | Category 3 CoMs will be recruited via a process to be determined by the relevant region. The majority will be recruited via a Public Election process.  Probity checks required are required, being ASIC and AFSA. A police check is not required. A declaration of private interests and privacy consent must be completed.  Refer **Appendix 3** for an overview of the recruitment processes. |
| Induction | The method(s) of induction for Category 3 CoMs will be at the discretion of the relevant region.  At a minimum, each member should receive:   * a copy of the ‘Help from DELWP’ and other guidance notes in the ‘induction pack’ on the CoMs entry page (www.delwp.vic.gov.au/committees). * information on:   + CoM’s role pursuant to the Crown Land (Reserves) Act 1978   + Committee of Management Responsibilities and Good Practice Guidelines   + key elements of the directors’ code of conduct   + key DELWP contacts   + insurance arrangements   + CoMS entry page on the DELWP website ([www.delwp.vic.gov.au/committees](http://www.delwp.vic.gov.au/committees)).   In addition, the region may choose to provide a CoM with one or more of the following:   * an on line resource (e.g. slide show) * a meeting between DELWP regional staff and the new members * an invitation to an information forum for new members from multiple CoMs. |
| PAA | Category 3 CoMs are ‘public entities’ and must comply with the *Public Administration Act 2004* (PAA) but are not covered by Divisions 2 and 3 of Part 5 of the PAA. |
| Oversight and support by DELWP | Regions will be split in accordance with geographic boundaries with a key contact for Category 3 CoMs in each part of each region. |
| Annual Reporting | Category 3 CoMs will be required to complete an annual return template with the following sections-   * a financial section covering income, expenditure and cash balance * a section providing an opportunity to raise issues for DELWP’s attention * a section providing the opportunity to update contact details * a section confirming it has a *Conflict of Interest* policy in place that is consistent with the DELWP model policy for Category 3 CoMs (www.delwp.vic.gov.au/committees).   The annual returns will be reviewed by the departmental contact. |

| Category 4 CoMs – support and oversight regime | |
| --- | --- |
| Component | Requirements |
| Recruitment | A recruitment process does not apply to the majority of these CoMs as most are ‘Ongoing’.  Where a recruitment process does apply, the process to be applied will be determined by the relevant region and will take into account relevant parts of the [Appointment and Remuneration Guidelines](http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines).  Refer **Appendix 3** for an overview of the recruitment processes. |
| Induction | The method(s) of Induction for Category 4 CoMs will be up to the relevant region. However, it will involve one or more of the following techniques:   * an on line resource (e.g. slide show) * a mail out of an information package * a meeting between DELWP regional staff and the new members * an invitation to an information forum for new members from multiple CoMs   Regardless of the method(s) adopted by the region, the following range of information is to be covered:   * CoM’s role pursuant to the *Crown Land (Reserves) Act 1978* * Committee of Management Responsibilities and Good Practice Guidelines * key elements of the Directors’ Code of Conduct * key DELWP contacts * insurance arrangements * Reference to CoMs ‘entry page’ on the DELWP website ([www.delwp.vic.gov.au/committees](http://www.delwp.vic.gov.au/committees)) or for larger CoMs to the ‘On Board’ of the DELWP website [(www.delwp.vic.gov.au/onboard)](http://(www.delwp.vic.gov.au/onboard)). |
| Oversight and support by DELWP | In the absence of DELWP seeking an annual return from these CoMs (refer below), DELWP regional staff should as a minimum make annual contact with the category 4 CoMs to ensure they have the support they need to deliver on their Crown land management responsibilities. This requirement does not relate to local governments, other government departments or their delegates. |
| Annual Reporting | No annual return will be sought from Category 4 CoMs as they are required to report to other agencies. Most of these CoMs are Incorporated Associations.  If there are Crown land issues relating to a Category 4 CoM, DELWP may:   * request copies of documents filed with other agencies from those other agencies  - e.g. request Consumer Affairs Victoria to provide copies of annual returns filed by an incorporated association pursuant to the *Associations Incorporation (Reform) Act 2012*; and/or * require the CoM itself to provide this documentation and any other documentation or information that DELWP requires (consistent with the Secretary’s powers under s 13A of the *Public Administration Act 2004*). |
| Issues Management for Crown land | Regions will be split in accordance with geographic boundaries with a key contact for Category 4 CoMs in each part of each region.  DELWP’s oversight of these CoMs will be confined to the management of issues associated with Crown land as there are other bodies oversighting the financial management and business operations of these CoMs. |

# Maintenance and updating of the Categorisation Framework

Land Management Policy Division is responsible for the maintenance and update of the Categorisation Framework. Between April to June each year it will co-ordinate a review of the Framework and the allocation of CoMs across the different categories.

The allocation of CoMs across the four categories will be adjusted over time in the context of CoMs’ changing financial dimensions, environmental factors and recommendations from the regions about CoMs presenting particular risks.

For a CoM to be elevated to a higher category based on financial criteria, it will need to show an elevated income or cash balance for three years in succession. This is to avoid the elevation of CoMs to higher categories that have had a temporary spike in their income and cash balance, perhaps as a result of grant payments.

Appendix 1 – List of Category 1 CoMs

| **Criteria – Category 1** |
| --- |
| **Financial criteria**  **1a**  Reports under the Financial Management Act 1994; and/or  **1b** Annual revenue of greater than $1 million; and/or  **1c**  Cash balance of greater than $1 million; and/or  **Non-financial criteria:**  **1d** Crown land is of state-wide significance; and/or  **1e**  Crown land is likely to generate state-wide political interest |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **List of CoMs – Category 1** | Region | Criteria Met | | | | |
| 1a | 1b | 1c | 1d | 1e |
| 1. Phillip Island Nature Park Board of Management | LMPD  Gippsland | ✓ | ✓ | ✓ | ✓ | ✓ |
| 1. Barwon Coast Committee of Management Incorporated | Barwon South West |  | ✓ | ✓ | ✓ | ✓ |
| 1. Bellarine Bayside Foreshore Committee of Management Inc | Barwon South West |  | ✓ | ✓ | ✓ | ✓ |
| 1. Great Ocean Road Coast Committee Incorporated | Barwon South West |  | ✓ | ✓ | ✓ | ✓ |
| 1. Otway Coast Committee Incorporated | Barwon South West |  | ✓ |  | ✓ | ✓ |
| 1. Winton Wetlands Committee of Management Incorporated | Hume |  |  | ✓ |  | ✓ |
| 1. Working Heritage Incorporated | Port Phillip |  | ✓ | ✓ | ✓ | ✓ |

Appendix 2 – List of Category 2 CoMs

| **Criteria - Category 2** |
| --- |
| **Financial criteria:**  **2a** Annual revenue of greater than $250,000 but less than $1 million current for three consecutive years; and/or  **2b**  Cash balance of greater than $250,000 but less than $1 million current for three consecutive years; and/or  **Non-financial criteria**  **2c** Crown land is of region-wide significance; and/or  **2d** Crown land is likely to generate region-wide political interest; and/or  **2e** CoM manages coastal land and is not a Category 1 CoM; and/or  **2f**  The CoM manages multiple reserves of combined significance; and/or  **2g**  A major development is under way and the CoM is not a Category 1 CoM; and/or  **2h**  The region has determined that the CoM would benefit from being assigned a relationship manager |

| **List of CoMs – Category 2** | Region | Criteria Met | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2a | 2b | 2c | 2d | 2e | 2f | 2g | 2h |
| 1. Akoonah Park CoM Incorporated | Port Phillip | ✓ | ✓ |  |  |  |  |  |  |
| 1. Balnarring Beach Foreshore and Parks Reserve CoM Inc | Port Phillip | ✓ |  |  |  | ✓ |  |  |  |
| 1. Beckley Park Committee of Management Incorporated | Barwon South West | ✓ | ✓ |  |  |  |  |  |  |
| 1. Blackwood Crown Reserves Committee of Management Incorporated | Grampians |  |  |  |  |  | ✓ |  |  |
| 1. Cannons Creek Foreshore Reserve Committee Inc | Port Phillip |  |  |  |  | ✓ |  |  |  |
| 1. Capel Sound Foreshores CoM Incorporated | Port Phillip | ✓ | ✓ | ✓ | ✓ | ✓ |  |  |  |
| 1. Corinella Foreshore Reserve CoM Incorporated | Gippsland | ✓ |  |  |  | ✓ |  |  |  |
| 1. Cranbourne Training Complex CoM Inc | Port Phillip |  |  |  |  |  |  |  | ✓ |
| 1. Crib Point Stony Point Foreshore CoM Inc. | Port Phillip | ✓ |  |  |  | ✓ |  |  |  |
| 1. Dromana Foreshore CoM Incorporated | Port Phillip | ✓ | ✓ | ✓ |  | ✓ |  |  |  |
| 1. Gippstown Reserve CoM Incorporated | Gippsland | ✓ |  |  |  |  |  |  |  |
| 1. Grantville and District Foreshore Reserve Committee of Management | Gippsland |  |  |  |  | ✓ |  |  |  |
| 1. Halls Gap Caravan Park & Recreation Reserve CoM Incorporated | Grampians |  |  | ✓ |  |  |  |  |  |
| 1. Kyabram Fauna Park Incorporated | Loddon Mallee | ✓ |  |  |  |  |  |  |  |
| 1. Lang Lang Foreshore Reserve Committee Incorporated | Gippsland | ✓ |  |  |  | ✓ |  |  |  |
| 1. Loch Sport Foreshore Committee of Management | Gippsland |  |  |  |  | ✓ |  |  |  |
| 1. Marlay Point Public Purposes Reserve | Gippsland |  |  |  |  | ✓ |  |  |  |
| 1. Merricks Beach Foreshore Reserve Committee of Management Inc. | Port Phillip |  |  |  |  | ✓ |  |  |  |
| 1. Murtoa Stick Shed Committee of Management Incorporated | Grampians |  |  | ✓ | ✓ |  |  | ✓ | ✓ |
| 1. Nelson Public Reserves CoM Incorporated | Barwon South West | ✓ | ✓ | ✓ |  | ✓ |  |  |  |
| 1. Painters Island Wangaratta CoM Inc | Hume | ✓ |  |  |  |  |  |  |  |
| 1. Point Danger Committee of Management Incorporated | Barwon South West | ✓ | ✓ |  |  | ✓ |  |  |  |
| 1. Point King Foreshore Reserve Committee of Management Inc. | Port Phillip |  |  | ✓ |  | ✓ |  |  |  |
| 1. Point Leo Foreshore and Public Park Reserves Incorporated | Port Phillip | ✓ | ✓ | ✓ |  | ✓ |  |  |  |
| 1. Port Franklin Public Purposes and Recreation Reserve Incorporated | Gippsland |  |  |  |  | ✓ |  |  |  |
| 1. San Remo Foreshore CoM Incorporated | Gippsland |  | ✓ | ✓ |  | ✓ |  |  |  |
| 1. Sandy Point Foreshore CoM Incorporated | Gippsland |  |  | ✓ |  | ✓ |  |  |  |
| 1. Seaspray Reserves CoM Incorporated | Gippsland | ✓ | ✓ | ✓ |  | ✓ |  |  |  |
| 1. Shallow Inlet Camping and Recreation Reserve Incorporated | Gippsland |  |  |  |  | ✓ |  |  |  |
| 1. Shoreham Foreshore Reserve CoM Inc | Port Phillip |  |  | ✓ |  | ✓ |  |  |  |
| 1. Toolangi Forest Discovery Centre Committee of Management Incorporated | Hume |  |  |  |  |  |  |  | ✓ |
| 1. Tooradin Foreshore CoM Inc | Port Phillip | ✓ |  | ✓ |  | ✓ |  |  |  |
| 1. Walhalla Board of Management Incorporated | Gippsland | ✓ |  |  |  |  |  |  |  |
| 1. Walkerville Foreshore Committee Incorporated | Gippsland | ✓ | ✓ | ✓ |  | ✓ |  |  |  |
| 1. Warneet Foreshore Reserve CoM Inc | Port Phillip |  |  | ✓ |  | ✓ |  |  |  |
| 1. White Cliffs to Camerons Bight Foreshore CoM Incorporated | Port Phillip | ✓ | ✓ | ✓ |  | ✓ |  |  |  |

Appendix 3



Appendix 4

| **Summary of obligations in Divisions 2 and 3 of Part 5 of the *Public Administration Act 2004*** |
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| **Directors’ duties - s 79**:committee members (‘directors’) must:  **Act with the required standard of care**: you must act honestly; in good faith and in the best interests of the public entity; with integrity; in a financially responsible manner; with a reasonable degree of care, diligence and skills; and in compliance with the establishing Act.  **Keep information confidential**: as a *current* or *former* board member, you must not give anyone information that you have acquired in your role, except to the extent necessary to: properly exercise your role; or provide information you are expressly authorised, permitted, or required by law to provide.  **Avoid improper use of your position**: you must not use your position as a board member (or any information acquired through your position) to gain advantage for yourself or another person, or to cause detriment to the public entity.  If you **stand for election** to parliament or a local council, you must notify the board and must avoid using any of the public entity’s resources in your campaign. |
| **Duties of chairperson - s 80**: the chair must ensure that all policies adopted by, or relevant to, the public entity or its board are provided or are readily accessible to all board members. |
| **Act consistently with functions and objectives - s 81(1)(a)**:the board must act consistently with the functions and objectives of the public entity, and in accordance with any strategic or business plans. |
| **Inform minister and secretary of major risks** **- s 81(1)(b)**:the board must inform both the minister and the Secretary of DELWP of all known major risks to the effective operation of the public entity, and of the risk management systems that are in place to address those risks. |
| **Provide information to minister** **- s 81(1)(c)**: unless prohibited by law, the board must provide the minister with any information about the public entity and its operations that he/she requests. |
| **Board policies that must be in place – s.81(1)(d) to (h):** the board must have adequate policies or procedures in place for dealing with the following matters:   * **Performance assessment/dispute resolution** – s 81(1)(d): the board must have adequate procedures in place for: assessing the individual performance of board members; assessing the performance of the board as a whole; dealing with poor performance (if any) of board members; and resolving disputes between board members. DELWP recommends that the chair’s of his/her additional duties as chair also be assessed. * **Code of conduct – s 81(1)(e):** a code of conduct must be in place for board members. DELWP recommends that the Directors’ Code of Conduct issued by the Public Sector Standards Commissioner form the basis of the board’s code of conduct. * **Conflict of interest – s 81(1)(f):** the board must have certain processes in place for dealing with conflicts of interest (including conflicts of duty). * **Gifts policy – s 81(1)(g):** an adequate gifts policy must be in place for board members. * **Board meetings and decision-making – s 81(1)(h):** adequate procedures must be in place for the conduct of board meetings, the making of board decisions, and record keeping at meetings.   **Model policies** that are consistent with these obligations are available from [www.delwp.vic.gov.au/onboard](http://www.delwp.vic.gov.au/onboard). |
| **Financial records - s 81(1)(i)**: the board must ensure that appropriate financial records are kept in relation to all money or other property under the public entity’s management or control. |
| **Fraud prevention** **- s 81(1)(j)**:if the public entity controls public funds or assets, the board must ensure that adequate controls are in place to prevent fraud. |
| **Audit of financial statements - s 81(1)(k)**: the board must ensure that the public entity’s financial statements or accounts are audited by the Auditor-General at least **every 3 years**. There are exceptions e.g. CoMs that are already required to have their financial statements audited under other legislation. |
| **Loans to board members prohibited - s 82:** - a public entity must not: make a loan to a board member or their spouse, parent or other ‘relative’; or provide a guarantee or security in connection with a loan made by another person to a board member or their relative. |
| **Subcommittees - s 83**: a board may establish and dissolve subcommittees. When establishing a subcommittee, the board must define its functions and membership. The membership of a subcommittee may include non-board members. A board may delegate some of its powers to member(s) of a sub-committee who are also board members. Any delegation of the board’s powers must be made by **legal instrument**. The power to delegate cannot be delegated. |
| **Creation of a subsidiary company - s 84**: if a public entity is a body corporate, it may be entitled to form subsidiaries in certain circumstances. If the public entity intends to form a subsidiary, the board must write to the responsible minister and to the Treasurer within a reasonable time before doing so, to notify them of this intention. The minister may refuse the formation of the subsidiary or impose restrictions or conditions upon it. |
| **Accountability to the minister - 85 (1)**:the board is accountable to the **minister** for the exercise of its functions. |
| **Minister may apply for an injunction - s 86**:in certain circumstances, the minister may apply to the Magistrate’s Court for an injunction restraining a public entity or a board member from engaging in conduct that would be contrary to law or a breach of the PAA or the establishing Act. |
| **Minister or public entity may bring certain proceedings - s 87**: if a board member breaches Division 2 of Part 5 of the PAA, the minister or the public entity may bring court proceedings to recover monies from him/her in certain circumstances. |
| **Power to remove or suspend - s 89**: the person who has the power to a **appoint** a board member also has the power to remove the board member from office, or suspend the board member for a period of up to one month if he/she believes that the board member is in **breach** of the PAA or a Code of Conduct. (This is in addition to any other powers to remove or suspend a board member set out in the establishing Act.)  Prior to **removal** from office, a board member must be provided with at least seven days **notice** in writing. The notice must:   * specify the date of effect; and * inform the board member that prior to the date of effect, he/she may submit **reasons** as to why he/she should not be removed from office.   The office of a board member **automatically** becomes vacant if the director:   * becomes an insolvent; or * is convicted of an indictable offence in Victoria (or an equivalent offence elsewhere). |