

Statement of Expectations

Category 1 Coastal Committees of Management Barwon South West Region

Minister for Energy, Environment and Climate Change Statement of Expectations for:

- Otway Coast Committee of Management (OCC)
- Great Ocean Road Coast Committee of Management (GORCC)
- Barwon Coast Committee of Management (BCCOM)
- Bellarine Bayside Foreshore Committee of Management (BBFCOM)

Priority 1 Structure, Culture and Operational Focus

I expect the committee to adopt the principles of good governance to manage the coastline whilst meeting community expectations of transparency, accountability and participation. To achieve this, I expect that the committee will:

- understand the requirements and limitations of its role;
- operate together effectively as a team;
- have an appropriate relationship with, and level of oversight of, its management team;
- systematically oversee the identification and management of key risks and ensure that the committee's risk appetite is consistent with the Department of Environment, Land, Water and Planning (DELWP) Risk Management Guidelines;
- drive the organisation's culture ensuring that suitable engagement occurs with key stakeholders and the broader community by the committee and its management team;
- ensure that all initiatives and projects are process-focused, not outcome-driven, to achieve effective collaboration with the community; and
- maintain an organisational structure that is commensurate with the complexities of managing coastal and public Crown land and delivering policy objectives, yet retains an operational focus, rather than a purely internal management focus that may be perceived as disconnected from the needs of the local community.

Priority 2 Occupation of the Reserve

The Crown Land (Reserves) Act 1978 (CLRA) enables the committee to enter agreements for third parties to occupy and use Crown land provided the use is consistent with the reservation of the land, any management recommendations for that land and that it is in the public interest to allow the occupation.

Whilst the committee negotiates the terms of the occupation either I, or if delegated to DELWP, must approve the terms of the use. In principle approval from me (or my delegate) is required before any negotiations begin with a third party. The process to allow the occupation must be conducted in accordance with the Leasing Policy for Crown Land in Victorian 2010 and the requirements of the Coastal Management Act 1995 (CMA).

To understand the risk at the time of making decisions on future tenures, including new and renewal tenures, the committee by the end of 2017 must provide DELWP with a report on tenures, rental regimes, expiry and the program for renewal.

Priority 3 Use and Development of the Reserve

I expect that for any use and development on Crown land by the committee, where consent from DELWP under the Division 4 of the CMA is required, that prior to lodging an application the committee has ensured that the proposal is consistent with all relevant acts and policies, and include a statement that on how the proposal is consistent with:

- The CMA.
- The Victorian Coastal Strategy 2014 (VCS). The information must address what policy or action in the VCS that the proposal is consistent with.
- Any approved Coastal Action Plans.
- The Committees approved Coastal Management Plan (CMP).
- The land management recommendations that apply to the land and made by the Victorian Environment Assessment Council, or former councils including the Land Conservation Council and Environment Conservation Council.

I also expect that the committee will demonstrate and ensure that the public has had a chance to input into the decision-making process prior to lodging the application with DELWP. Were appropriate, I expect that you will utilise the pathways approach developed by the National Climate Change Adaptation Research Facility (NCCARF) to have informed conversations with the community regarding climate change and the impact of coastal hazards.

It is critical that the committee have oversight of their third-party operators. For any CMA applications by third party operators, I expect that the committee will provide DELWP with the rationale and supporting evidence that the third-party proposal is consistent with the CMA, VCS and CMP. The committee statement is to accompany the application to DELWP.

Priority 4 Coastal Management Plan

The committee will need to review and submit to me for approval a new CMP by no later than August 2019. I expect that the plan will be in the prescribed format and address the requirements outlined in the DELWP Guide for the Preparation of Coastal Management Plans. In addition, the following must also be addressed:

- a. Identify 'precincts' and consider the role of the land that you manage in relation to surrounding private, commercial or other public land managed by other entities.
- b. Commence the conversation with the community regarding coastal adaptation using the Coastal Climate Adaptation Decision Support process developed by NCCARF and outline the committee's strategic response to coastal adaptation and implementation.
- c. Include maps of areas vulnerable to climate change, provide a list of priority adaptations projects on the coast the committee is appointed to manage, outline the adaptation response to the hazard and identify the values that are threatened.
- d. Strengthen your relationship with the Traditional Land Owners and Aboriginal communities by preparing the CMP in partnership with the relevant Traditional Owners and/or Registered Aboriginal Parties.

Priority 5 Community Engagement

Consistent with the Victorian Auditor General's Office Public Participation in Government Decision-making, I expect that a suitable level of community engagement occurs when undertaking activities such as the development of strategies, programs and projects.

In addition, I expect that you will adopt the principles of the DELWP Community Charter and the DELWP 'Munganin Gadhaba' Aboriginal Inclusion Plan for all aspects of your work and interactions with the public.

Priority 6 Communications Protocol

I expect the committee to develop a communications protocol with DELWP to ensure:

- a) The committee members, Chair and committee management team is clear about how and when it is appropriate to contact me, other Members of Parliament and the media.
- b) That information flows between me, DELWP and the committee.
- c) That the committee effectively communicates relevant policies/guidelines and processes that are responsive to the needs to the Victorian community.
- d) Making sure that I am aware of upcoming media issues before they reach the public arena.

The communications protocol is to be developed by the committee and provided to DELWP. I expect that it will be in place by the end of 2017.

Priority 7 Annual Report

I expect that in your annual report that you will report on the progress of meeting the SOE. To do so I expect that you will incorporate the requirements of this SOE into your annual and strategic planning process.

Priority 8 Procurement

The Victorian Government Purchasing Board (VGPB) sets procurement policies for Victorian Public Entities. It is good governance practice for you committee's purchasing policies to be consistent with these requirements. To ensure public trust in your committee, I expect that you will adopt those policies when government entities co-fund committee projects, when undertaking any open tender or when seeking Expressions of Interest to occupy or conduct activities on the land the committee manage.

For each procurement activity that the committee undertakes, I also expect that the committee can demonstrate that it has open and transparent procurement policies in place, including a robust and routine process to identify risk that the procurement poses to the committee, including identification of potential conflicts of duty and the management actions required to address those conflicts.

I expect that you will alert DELWP immediately to any procurement processes, or decisions at the end of the procurement process, that the committee determines has a level of risk above medium in accordance with the DELWP Risk Management Guidelines.

Priority 9 Committee Policies and Guidelines

I expect that committee will have model policies in place that are consistent with DELWP's model policies provided on the [DELWP On-Board](#) webpage. I also expect that the committee will operate consistently with the guidance notes provided by DELWP and the Victorian Public Sector Commission.

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Background Information

Role of DELWP

The Department of Environment, Land, Water and Planning (DELWP) oversees and supports portfolio agencies on behalf of the responsible minister. Under section 13A of the Public Administration Act 2004 (PAA), the Secretary of DELWP is responsible for:

- advising the Minister on matters relating to your committee, including the discharge of its responsibilities under the establishing Act, the PAA, and any other relevant Act; and
- working with and providing guidance to your committee on matters relating to 'public administration and governance'.

Unless prohibited by law, your committee must provide the Secretary of DELWP with any information that he or she requires to discharge his/her obligations under section 13A.

Committee Categorisation Framework

Following the Victorian Auditor General's Office (VAGO) 2014 report into the Oversight and Accountability of COMs, DELWP developed the *COMs Categorisation Framework*. Under the framework, BBFCOM, BCCOM, GORCC and OCC all meet the criteria for a Category 1 COM. Both financial and non-financial criteria were used to make this decision, which is consistent with their status as a major DELWP agency.

Recruitment of the chair and members of a Category 1 COM is consistent with the Appointment and Remuneration Guidelines issued by the Department of Premier and Cabinet (DPC).

Some characteristics of a Category 1 coastal COM include that the committee is expected to:

- manage the reserve in accordance with a current and ministerial approved *Coastal Management Plan*.
- comply with the PAA, including Divisions 2 and 3 of Part 5
- submit an annual report to the DELWP Client Manager which includes:
 - a report by the chairperson and CEO
 - an overview of the committee and Senior Management Team
 - appropriate financial statements
 - a statement referencing the COM's level of compliance with the requirements of the PAA (in particular compliance with Divisions 2 and 3 of Part 5).

Standards of Conduct

Each committee member has a duty to ensure that their conduct is consistent with the required standards. The basic requirement is to act consistently with the public sector values, which are set out in section 7 of the PAA. These values are responsiveness, integrity, impartiality, respect, leadership, and human rights.

The Director's Code of Conduct, issued by the VPSC, sets out how to comply with the public sector values. By following the Director's Code, you will comply with the public sector values. You will also comply with the general duties of 'directors' (committee members) in section 79 of the PAA.

The overall aim is to ensure that, when performing your role as a committee member, you act and make decisions in the public interest – i.e. the best interests of managing the reserve for the benefit of the community through the proper fulfilment of the committee's functions (rather than for the benefit of yourself or – 'first loyalty principle' - any other person, group, or organisation).

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Your time as a member of the committee should enhance the committee's reputation. You must comply with the committee's integrity policies (which should be consistent with DELWP model policies), in particular:

- Conflict of Interest - e.g. declare conflicts of interest, including conflicts of duty, so that the committee can determine how these should be managed in the public interest; comply with the 'first loyalty' principle in relation to conflicts of duty;
- Gifts, Benefits and Hospitality – e.g. comply with the requirement to refuse inappropriate gift offers;
- Code of Conduct - e.g. comply with the confidentiality requirements of section 79 of the PAA.

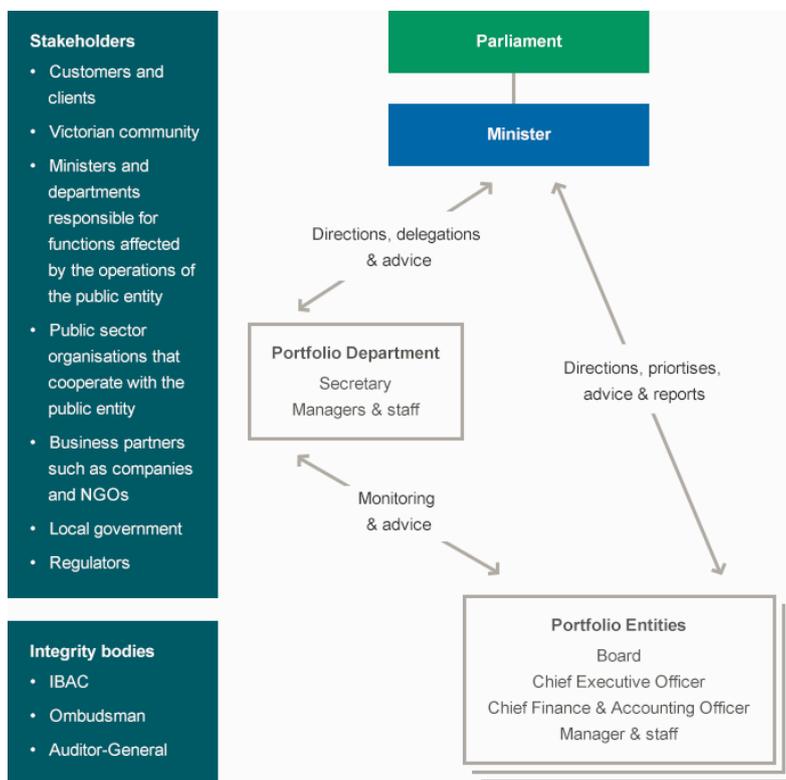
Consistent with these requirements, current and former members should not publicly comment on the committee's deliberations or (proposed) decisions without the committee's express authorisation.

Over-arching duties, responsibilities and good practice

Committee members should ensure they have a clear understanding of the over-arching duties, responsibilities and good governance practices that apply to the committee. This includes a duty to:

- act consistently with the committee's functions and objectives
- make decisions in the public interest
- act in accordance with the committee's accountability to the minister
- ensure the minister and the Secretary of DELWP are informed (via the DELWP Client Manager) of all known major risks to the effective operation of the COM, including emerging risks, and of the systems in place to address those risks
- unless prohibited by law, provide the minister and DELWP, in its role as an 'extension of the minister', with any information about the COM and its operations that is requested.

An overview of the accountability framework of the committee (adapted from the VPSC's Welcome to the Board) is as follows:



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Further information

In addition to the assistance offered by DELWP's Barwon South West regional team, led by the Regional Director, information and governance resources are available as follows:

DELWP On-Board:

| SUPPORT MODULES WITH MODEL POLICIES | SUPPORT MODULES WITHOUT MODEL POLICIES |
|--|--|
| <u>Board meetings and decisions</u> | <u>Annual reporting</u> |
| <u>Code of conduct</u> | <u>Board committees</u> |
| <u>Committees of management</u> | <u>Board vacancies</u> |
| <u>Conflict of interest</u> | <u>E-alerts</u> |
| <u>Dispute resolution</u> | <u>Governance basics</u> |
| <u>Financial management</u> | <u>Integrity complaints</u> |
| <u>Gifts, benefits and hospitality</u> | <u>Privacy</u> |
| <u>Induction and education</u> | <u>Public Administration Act</u> |
| <u>Meetings and decisions</u> | <u>Terms and conditions of appointment</u> |
| <u>Performance assessment</u> | <u>Whole of government</u> |

Governance e-alerts

DELWP offers [e-alerts](#) with governance news on topics such as:

- new laws and government policies
- developments in governance best practice
- significant additions to On Board

Board members, executives and staff of DELWP agencies and other interested readers can [subscribe](#).

Codes of conduct

The [Code of Conduct for Directors of Victorian Public Entities](#) (Directors' Code of Conduct), which is issued by the Victorian Public Sector Commission (VPSC):

- applies to board members of DELWP agencies
- is incorporated into DELWP's model policy on [Code of Conduct](#)

There is also a [Code of Conduct for Victorian Public Sector Employees](#).

Governance guides

In addition to the guidance notes and other resources in the support modules, DELWP and the VPSC publish governance guides.

DELWP guide to good governance – board members

Currently being updated. The principles in the guide still apply.

[DELWP guide to good governance \(PDF, 1.3 MB\)](#)

[DELWP guide to good governance \(DOC, 3.6 MB\)](#)

Welcome to the Board

Introductory guide published by the [VPSC](#).

Victorian Public Sector Commission

As part of its role in promoting good governance in the public sector, the [Victorian Public Sector Commission](#) publishes codes and guidance. DELWP [support modules](#) have direct links to the relevant topic.

Watchdog agencies

The [Victorian Ombudsman](#), the [Commissioner for Privacy and Data Protection](#), the [Victorian Auditor-General](#), and the [Independent Broad-based Anti-corruption Commission \(IBAC\)](#) also promote a high standard of public sector governance as part of their role watchdog role. For further information see the [Integrity complaints](#) support module.

DELWP Contacts

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