

# ADMINISTRATIVE GUIDELINE

issued under s36A of the *Public Administration Act 2004*

**Date:** 22/3/24

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## Government Appointments and Public Entities Database (GAPED) Administrative Guideline

### 1. Introduction

- 1.1. Victoria has a large number of non-departmental entities, which play an important role in service delivery, regulation, asset management, stewardship, and providing advice to government. Non-departmental entities include, but are not limited to, statutory authorities, state owned corporations, committees and councils, and panels.
- 1.2. The Victorian Public Sector Commission (VPSC) administers the Government Appointments and Public Entities Database (GAPED), which is the central source of information used to manage, monitor and report on all non-departmental entities and public appointments in Victoria. GAPED is intended to provide accurate, comprehensive and current whole of Victorian Government information on non-departmental entities and appointments.
- 1.3. GAPED data is currently used for a number of purposes, including:
  - monitoring upcoming vacancies and appointments;
  - public reporting on appointments to non-departmental entities via the Public Board Appointments Victoria website (<https://www.publicboards.vic.gov.au/>);
  - monitoring and reporting on the representation of people from diverse backgrounds in appointments to non-departmental entities;
  - communicating with non-departmental entities about whole of government initiatives and policies;
  - reporting on the acquittal of the Women on Boards commitment; and
  - being a primary data source for the State of the Public Sector in Victoria report.
- 1.4. Departments are responsible for inputting information relating to appointments to entities within their portfolios and ensuring this information is kept up to date.

## 2. Purpose of this Guideline

2.1. This Guideline outlines the requirements for Departments to enter and maintain specified data in GAPED for non-departmental entities and appointments within their portfolios. This is to ensure that GAPED remains a reliable and comprehensive source of information on Victorian Government non-departmental entities and public appointments.

## 3. Application and commencement

3.1. This Administrative Guideline applies to all Departments.

3.2. This Administrative Guideline commences from Friday 22 March 2024.

3.3. This Guideline is issued pursuant to section 36A of the Public Administration Act 2004. If a Department operates, or intends to operate, in a manner that is inconsistent with this Guideline, the Secretary of that Department is required by the *Public Administration Act 2004* to provide written reasons for doing so to the Secretary, Department of Premier and Cabinet.

## 4. Definitions

4.1. **Department** means a Department existing by virtue of an Order made under section 10 of the *Public Administration Act 2004*.

4.2. **Mandatory Data Fields** means the fields listed in Schedule 1. These fields are also marked as mandatory in the GAPED Data Specification.

4.3. **Mandatory Entities** means:

- (a) public entities (as defined by section 5 of the *Public Administration Act 2004*);
- (b) special bodies (as defined by section 6 of the *Public Administration Act 2004*);
- (c) statutory offices, being an office established by or under an Act to which the right to appoint is vested in the Governor in Council or a Minister (including VCAT and Court appointments);
- (d) appointments to a panel or a pool from which a member or some of the members are drawn to undertake a hearing or assessment or provide advice as empowered by statute, on a case by case basis;
- (e) prerogative offices, being an office under the Crown, other than a statutory office, to which the right to appoint is vested in the Governor in Council (for example, the Commissioner for Better Regulation);
- (f) ministerial advisory committees, being:
  - i. a committee established by a Minister that meets the definition of a public entity under section 5(1)(d) of the *Public Administration Act 2004*, or
  - ii. a committee that operates for a period longer than one year but does not meet the definition of a public entity only because it has not been declared as such in accordance with section 5(1)(d)(iii) of the *Public Administration Act 2004*;
- (g) exempt bodies (as defined under section 4 of the *Public Administration Act 2004*) where the body has a board to which at least one member is appointed by a Minister or the

Governor in Council (for example, Universities and inter-jurisdiction bodies such as the Australia and New Zealand School of Government); and

- (h) bodies that are not public entities, that are a body corporate and have a board to which at least one member is appointed by a Minister or the Governor in Council (for example, Victorian Opera).

but excludes:

- (i) parliamentary committees;
- (j) local government;
- (k) school councils; and
- (l) Departments, Administrative Offices and a department of the Parliament of Victoria.

## **5. Departments are required to ensure GAPED is comprehensive and accurate**

5.1. Departments are required to complete all Mandatory Data Fields in GAPED in relation to Mandatory Entities and appointments to Mandatory Entities in their portfolio(s). An overview of the types of entities and appointments that need to be entered into GAPED is provided at Attachment A.

5.2. To ensure GAPED is accurate and reliable, Departments must update GAPED within one month of any change to a Mandatory Entity or an appointment to a Mandatory Entity in their portfolio(s). For example:

- (a) an entity being established;
- (b) an entity being abolished or ceasing operation;
- (c) an appointment commencing or coming to an end
- (d) a change made to the terms of an appointment, including changes to an appointee's remuneration (including application of any annual remuneration adjustment) or
- (e) any other change that results in the data previously entered into GAPED being inaccurate or misleading.

Note that the VPSC will extract data from GAPED for reporting purposes on the first working day of each month.

## **6. Mandatory Entities that are the responsibility of two or more departments**

6.1 If a Mandatory Entity is a portfolio entity of two or more Departments, the Departments must agree who will be responsible for entering entity and appointments data into GAPED.

## **7. Departments are encouraged to complete the non-mandatory fields for entities**

7.1. In addition to the Mandatory Data Fields, Departments may complete non-mandatory data fields (as specified in the GAPED Data Specification). To ensure that GAPED is accurate and reliable, any change to data entered into non-mandatory fields must be updated within one month of that change.

## 8. Non-mandatory entities may be added into GAPED

- 8.1. Departments may also enter data on other Ministerial or Governor in Council appointments, including to any related entities within their portfolio(s) that are not mandatory entities. If the entity is not a Mandatory Entity, information on members that are not appointed by the Minister or Governor in Council should not be included.
- 8.2. To ensure GAPED is accurate and reliable, any change to data entered in relation to non-mandatory entities must be updated within one month of that change.
- 8.3. Data on Departments, Administrative Offices and a department of the Parliament of Victoria should not be entered into GAPED.

## 9. Privacy obligations

- 9.1. Where the appointee has applied to a role via Join a Public Board, the Privacy Collection Notice on Join a Public Board informs the appointee how their personal information will be handled in accordance with the *Privacy and Data Protection Act 2014*.
- 9.2. Where recruitment to a role has not been undertaken via Join a Public Board, Departments must ensure that the appointees' personal information has been collected in accordance with the *Privacy and Data Protection Act 2014*.

## 10. Data is to be entered consistently with the User Guide and Data Specification

- 10.1. Data must be entered into GAPED consistently with the GAPED User Guide and the GAPED Data Specification. Copies of the GAPED User Guide and GAPED Data Specification can be obtained by contact the VPSC at [reports@vpsc.vic.gov.au](mailto:reports@vpsc.vic.gov.au)

## 11. Support and training

- 11.1. For information regarding GAPED, the interpretation of this Guideline or for training on the use of GAPED please contact the VPSC at [reports@vpsc.vic.gov.au](mailto:reports@vpsc.vic.gov.au)



Jeremi Moule 22 / 3 / 2024

**SECRETARY, DEPARTMENT OF PREMIER AND CABINET**

**Compliance note:** Under section 36A of the *Public Administration Act 2004*, if a public service body or a public entity to which guidelines have been issued operates, or intends to operate, in a manner that is in consistent with those guidelines, the relevant public service body Head or public entity Head must provide written reasons for doing so to the Secretary, Department of Premier and Cabinet.

Government Appointments and Public Entities Database (GAPED) Administrative Guideline

# SCHEDULE 1

## MANDATORY DATA FIELDS

### Board Summary information

<b>Overview details</b>	
Entity name	
Ministerial portfolio	
Public Administration Act Status	i.e. public entity, Statutory Office, Special body, Exempt body etc
Purpose	i.e. a summary of the role or function of the body
DPC Board Classification	
Maximum number of board members	
Minimum number of board members	
Body Commencement date	
Body end date (if inactive)	
Enabling legislation	
Entity status	
Region/Division (department)	
Branch of Department	i.e. Branch of Department that is responsible for the Board
<b>Public entity details</b>	
Relationship status	i.e. flag indicating if body is a subsidiary or parent of a subsidiary
Parent Board	If Body is a subsidiary
Name of primary contact for board/entity	The contact should have a direct relationship with the board. i.e. the secretariat, relationship manager, or CEO.
Primary Contact:	
Mail address	
Phone number	
Email address	
Web site	
Chief Executive Officer name*	*Only mandatory where an entity has a Chief Executive Officer

<b>Member / Candidate details</b>	
Salutation	
First name	
Last name	
Date of Birth	
Email	
Home postcode	
Gender	
Aboriginal, Torres Strait Islander	
Disability status	
Country of birth	
Parents' country of birth	
Languages other than English spoken at home	
From a culturally and/or linguistically diverse background?	
Identify as lesbian, gay, bisexual, trans or gender diverse, queer or intersex (LGBTIQ+)	

<b>Appointment information</b>	
<b>Position details</b>	
Position type	i.e. Chair or member
Position title	
Nominated by	i.e., source of appointment nomination e.g. Minister, Board etc
Work Type	Full time or part time
Position status	Active or inactive

<b>Appointment details</b>	
Chair start date	i.e. date when appointee commenced as chair
Chair end date	i.e. date appointment ends as chair
Appointee name	
Type of appointment	i.e. Appointed, elected, ex officio

Appointed by	i.e. Minister, GIC etc
Public Sector employee	i.e. flag to indicate the appointee a public sector employee
Appointment start date	
Appointment end date	
Remuneration (amount)	
Remuneration frequency	
Visible to the Public	i.e. flag to indicate that details can appear on the public access Public Boards and Appointments Victoria (PBAV) site

## Attachment A: Overview of data that must be recorded in GAPED

After a Mandatory Entity is entered into GAPED, Departments must add information about appointments to that entity. For the purposes of this Guideline, the term “appointments” refers to all individuals that are members of the entity, regardless of the mechanism through which they are made a member. For example, elected members, or members that are nominated by a non-government organisation, are included as appointments. Ex-officio members (individuals that are automatically members of the entity by virtue of another position they hold) are also included as appointments.

Exceptions to this approach apply to exempt bodies and bodies that are management or governance boards but not public entities (see examples below). Only appointments made by a Minister or Governor in Council to these entities should be entered into GAPED.

The below table provides examples of Mandatory Entities and appointments that must be entered into GAPED. The examples provided are non-exhaustive and are for illustrative purposes only.



Mandatory Entity	Appointments	Example entities	Example scenarios
<p><b>A public entity or special body</b></p>	<p>All members of the board, panel or committee including any:</p> <ul style="list-style-type: none"> <li>▪ ex-officio members (i.e. where the holder of another position is automatically a member);</li> <li>▪ members that are chosen by other organizations; and</li> <li>▪ members that are elected</li> </ul>	<ul style="list-style-type: none"> <li>▪ Transport Accident Commission</li> <li>▪ Monash Health Service</li> <li>▪ Barwon Region Water Corporation</li> <li>▪ Kardinia Park Stadium Trust</li> <li>▪ Mental Health Tribunal</li> <li>▪ Victorian Aboriginal Heritage Council</li> </ul>	<p><b>Scenario:</b> A Victorian Act establishes Panel X, which is a public entity under the <i>Public Administration Act 2004</i>. Panel X consists of four individuals appointed by the Governor in Council and a departmental Secretary (an ex-officio appointment).</p> <p><b>Application:</b> As Panel X is a public entity under the <i>Public Administration Act 2004</i>, it is a Mandatory Entity and must be entered into GAPED. The four individuals appointed by the Governor in Council, and the departmental Secretary, all need to be entered into GAPED as appointments to Panel X.</p> <hr/> <p><b>Scenario:</b> A Victorian Act establishes Body Corporate Y which is a special body under the <i>Public Administration Act 2004</i>. All the directors of Body Corporate Y are appointed by the Minister. Body Corporate Y employs a Chief Executive Officer and five employees.</p> <p><b>Application:</b> As Body Corporate Y is a special body under the <i>Public Administration Act 2004</i>, it is a Mandatory Entity and must be entered into GAPED (including completing the 'Chief Executive Officer name' data field).</p> <p>The members of the board of directors all need to be entered into GAPED as appointments to Body Corporate Y.</p> <p>The Chief Executive Officer and other employees are public sector employees of Body Corporate Y and are not "appointments" to Body Corporate Y for the purposes of this Guideline. They do not need to be entered into GAPED as appointments.</p>

Mandatory Entity	Appointments	Example entities	Example scenarios
<b>A statutory or prerogative office</b>	<ul style="list-style-type: none"> <li>▪ The holder(s) of that office</li> </ul>	<ul style="list-style-type: none"> <li>▪ Office of the Victorian Information Commissioner</li> <li>▪ Commissioner for Children and Young People</li> </ul>	<p><b>Scenario:</b> A Victorian Act establishes the Office of Commissioner Z, which is composed of a single individual appointed as Commissioner. The Commissioner is appointed by the Governor in Council on the recommendation of the Minister.</p> <p><b>Application:</b> As the Office of Commissioner Z is a statutory office, it is a Mandatory Entity and must be entered into GAPED.</p> <p>The individual appointed as Commissioner needs to be entered into GAPED as an appointment to the office.</p> <hr/> <p><b>Scenario:</b> A Victorian Act establishes the Office of Commissioner A, which is composed of an individual appointed as Commissioner and two individuals appointed as Deputy Commissioners.</p> <p><b>Application:</b> As the Office of Commissioner A is a statutory office, it is a Mandatory Entity and must be entered into GAPED.</p> <p>The individuals appointed as Commissioner and Deputy Commissioners must be entered into GAPED as appointments to the office.</p>
<b>A ministerial advisory committee</b>	<p>All members of the committee, including any:</p> <ul style="list-style-type: none"> <li>▪ ex-officio members (i.e. where the holder of another position is automatically a member);</li> <li>▪ members that are chosen by other organizations; and</li> <li>▪ members that are elected</li> </ul>	<ul style="list-style-type: none"> <li>▪ National Parks Advisory Council</li> <li>▪ Animal Welfare Advisory Committee</li> <li>▪ LGBTIQ+ Taskforce</li> </ul>	<p><b>Scenario:</b> A Minister establishes Advisory Committee B, which has a term exceeding one year. Advisory Committee B includes four individuals appointed by the Minister and two individuals chosen by non-government organizations.</p> <p><b>Application:</b> Advisory Committee B is a Mandatory Entity and needs to be entered into GAPED.</p> <p>All six members need to be entered into GAPED as appointments to Advisory Committee B.</p>

Mandatory Entity	Appointments	Example entities	Example scenarios
<b>A panel</b>	The people appointed to serve as a member of a panel who are then called upon from time to time as required to sit on a temporarily constituted hearing board or to provide advice	<ul style="list-style-type: none"> <li>▪ Veterinary Practitioners Registration Board of Victoria Panel Hearings</li> <li>▪ Geographic Place Names Advisory Panel</li> </ul>	<p><b>Scenario:</b> A Victorian Act provides for a number of people to be appointed by the Minister to a panel from which individuals or groups of individuals are selected to form a hearing board that sits on a specified day or set of days.</p> <p><b>Scenario:</b> A Victorian Act provides for the Minister to appoint suitably qualified persons to a panel of experts who may be called upon to provide expert advice as and when required by the Minister.</p> <p><b>Application:</b> As a member of a panel established under legislation and appointed by the Minister the person is a statutory appointee and must be entered into GAPED.</p>
<b>Exempt bodies</b>	Any member who is appointed by the Governor in Council or a Minister	<ul style="list-style-type: none"> <li>▪ Universities</li> <li>▪ Australia and New Zealand School of Government</li> </ul>	<p><b>Scenario:</b> Universities are listed as exempt in section 4 of the <i>Public Administration Act 2004</i> and are therefore not public entities</p> <p><b>Application:</b> The Minister and Governor in Council appoints members to the University Council. Those members are required to be entered in GAPED. The remaining members should not be entered into GAPED.</p> <hr/> <p><b>Scenario:</b> A body is established as a company under corporations law, or as an incorporated association, or through an inter-government agreement, and has board members appointed by a Victorian Minister as well as members appointed by other government(s).</p> <p>Because the board includes members appointed by other governments, it is exempt under section 4 of the <i>Public Administration Act 2004</i> and is therefore not a public entity.</p> <p><b>Application:</b> The board and the members appointed by the Victorian Minister are required to be entered in GAPED. The remaining members should not be entered into GAPED.</p>

Mandatory Entity	Appointments	Example entities	Example scenarios
<b>Bodies that are management or governance boards but not public entities</b>	Any members appointed by the Governor in Council or a Minister	<ul style="list-style-type: none"> <li>▪ Victorian Opera</li> <li>▪ Public Transport Ombudsman</li> </ul>	<p><b>Scenario:</b> An entity is a body corporate established by the Victorian government and has at least half its members appointed by the Minister or Governor in Council but does not undertake a public function on behalf of the state.</p> <p><b>Application:</b> The board and the members appointed by the Minister or Governor in Council are required to be entered in GAPED. The remaining members should not be entered into GAPED.</p> <hr/> <p><b>Scenario:</b> An entity is a body corporate established by the Victorian government but does not have half its members appointed by either a Victorian Minister or Governor in Council.</p> <p><b>Application:</b> The board and the members appointed by either the Governor in Council or a Minister are required to be entered in GAPED. The remaining members should not be entered into GAPED.</p>