

# Public Administration Act

## (1) Board policies required under section 81

### Guidance note - for boards of DEPI agencies

This guidance note has been developed to assist all public entities and other statutory boards, committees, councils, panels, etc. in the Department of Environment and Primary Industries (DEPI) portfolio.

## Overview

Section 81 of the *Public Administration Act 2004 (PAA)* requires that certain board policies be in place. These policies are fundamental to the good governance of all DEPI agencies.

### 'Section 81' board policies

Most DEPI agencies (except most committees of management) are bound by the requirements of section 81 of the PAA.<sup>1</sup>

Section 81 of the PAA requires that board policies which meet certain standards be in place on the following topics:

- [Code of conduct](#)
- [Conflict of interest](#)
- [Dispute resolution](#)
- [Gifts, benefits, and hospitality](#)
- [Meetings and decision-making](#)
- [Performance assessment](#).

Even if section 81 is not binding on your agency, it is recommended that suitable board policies be in place on these topics. Such policies are **fundamental to good governance**.

It is of particular importance to have board policies in place which fulfil the requirements of the *Conflict of Interest Policy Framework* and the *Gifts, Benefits and Hospitality Policy*

<sup>1</sup> Section 81 is part of the governance obligations in Divisions 2 and 3 of Part 5 of the PAA. These obligations are legally binding on public entities that:

- were established after 1 July 2005; OR
- have had their establishing Act amended to deem that the agency is subject to such provisions (e.g. catchment management authorities and water corporations); OR
- are included in an Order made by the Governor in Council under section 75(a) of the PAA and published in the Government Gazette.

*Framework* issued by Victoria's Public Sector Standards Commissioner.

These policy frameworks are binding on all public entities and are therefore binding on almost all DEPI agencies (including smaller committees of management). Board members of these agencies are also bound by the [Directors' Code of Conduct](#).

### Model policies available from DEPI

To assist agencies to have suitable board policies in place, DEPI has developed model policies and guidance notes on each of the topics listed opposite.

The model policies can be downloaded from the DEPI governance website **On Board** ([www.depi.vic.gov.au/onboard](http://www.depi.vic.gov.au/onboard)).

It is recommended that your board:

- adopt the model policies, which can be **adapted** to take into account the **nature and functions** of your agency; or
- have **equivalent** policies in place that are consistent with the **key principles** in the model policies.

If your agency's establishing Act contains specific requirements in relation to any of these topics, your board will need to adapt the relevant model policy accordingly.

### Role as a board member

It is recommended that, in your role as a board member, you ensure that:

- your board has suitable policies in place on these topics
- the policies are updated at least annually
- a culture exists within the board that supports the implementation of the policies
- you personally comply with the policies at all times.

### Further information

**On Board** ([www.depi.vic.gov.au/onboard](http://www.depi.vic.gov.au/onboard)), the DEPI governance website, offers information and resources on a range of key governance topics, for example:

- **Support modules** (e.g. **Public Administration Act**) with:
  - guidance notes, model policies, templates and sample documents, case studies, etc.
  - direct links to the topic on other websites (e.g. [Victorian Public Sector Commission](#) and [Victorian Ombudsman](#)).
- **DEPI guide to good governance – board members**, an overview of the role and duties of board members. (A key resource for all board members of DEPI agencies.)
- **E-alerts** from DEPI with governance news and information (e.g. new laws, best practice, new resources and significant updates to On Board). To register for e-alerts please email [governance@depi.vic.gov.au](mailto:governance@depi.vic.gov.au).

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