|  |  |
| --- | --- |
| cid:_1_0AD1E6F80AD1E48C001123AECA257D0A | Governance e-alertNo. 2 - July 2014 |
|  |  |
| cid:_2_07B8407C07B83E10001123AECA257D0A | **Welcome** Welcome to Department of Environment and Primary Industries' (DEPI's) governance e-alerts. This edition focuses on annual reporting, the Victorian Public Sector Commission's survey of the relationship between government departments and portfolio agencies, VAGO audits, and changes to privacy and FOI requirements. |
| cid:_2_0B67BD5C0B67BAF0001123AECA257D0A | 1. DEPI guide to annual reporting – public bodiesThe DEPI guide to annual reporting - public bodies (attached below) is a practical guide to assist portfolio agencies that have annual reporting requirements under the **Financial Management Act.** The guide, which is also available from DEPI's governance website [On Board](http://www.depi.vic.gov.au/about-us/boards-and-governance), summarises what information must be included in an annual report and in what format. It also contains information on how to comply with the [Financial Reporting Directions](http://www.dtf.vic.gov.au/Publications/Government-Financial-Management-publications/Financial-Reporting-Policy/Financial-reporting-directions-and-guidance) issued by the Department of Treasury and Finance (DTF) and how to ensure that an annual report is consistent with the 2014 [Model Report](http://www.dtf.vic.gov.au/Publications/Government-Financial-Management-publications/Financial-reporting-policy/2012-13-Model-Report) issued by DTF, where applicable. |
|  | 2. Victorian Public Sector Commission surveyThe Victorian Public Sector Commission (VPSC - formerly the State Services Authority) is conducting an **online survey** of the relationships between Victorian government departments and their portfolio agencies. The Commissioner recently sent an email to chairs and CEOs of a range of Victorian public sector organisations (including a number of DEPI agencies) encouraging them to participate in the survey. The survey, which is confidential, takes about 15 minutes to complete. It is part of a project being conducted by the VPSC on behalf of DEPI. The results of the survey will help to shape improvements in how departments, such as DEPI, oversee and support portfolio agencies on behalf of the responsible ministers. For further information, please contact Alison Creighton, VPSC project manager, on (03) 9651 5528 or email alison.creighton@vpsc.vic.gov.au. **Note:** As a reader of DEPI governance e-alerts, you also have the opportunity to share your ideas for improvement directly with DEPI using the **Share your ideas for improvement** link that is a regular feature of our e-alerts (see below, 'How you can help').  |
|  | 3. VAGO – forthcoming audits and new ‘follow up’ procedures The Victorian Auditor General's Office (VAGO) conducts financial and performance audits of Victorian government departments and portfolio agencies and reports its findings to Parliament. VAGO has released its Annual Plan for 2014-15, which sets out its **upcoming audit program**. Some audits will look at issues across the public sector and include reviews of selected agencies (e.g. Software licensing 2014-15; Wireless Security Network 2015-16). Other audits will focus on specific agencies (e.g. water entities will be reviewed in relation to six areas, commencing with Gifts, benefits and hospitality in 2014-15 through to Internal Audit practices in 2015-16). VAGO has also introduced a **new follow up system**, which is designed to increase the response to its findings and recommendations. A list of upcoming audits relevant to DEPI agencies and a summary of VAGO's new follow-up system is attached to this e-alert. The full [Annual Plan 2014-15](http://www.audit.vic.gov.au/reports_and_publications/annual_plan.aspx) is available on VAGO's website. You can also subscribe to VAGO's [news service](http://www.audit.vic.gov.au/about_us/subscribe_newsletters.aspx).  |
|  | 4. Privacy and Data Protection Bill 2014The Victorian Government has introduced a Bill to replace the Information Privacy Act 2000. **Key features** Key features of the [Privacy and Data Protection Bill 2014](http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/PubPDocs.nsf/ee665e366dcb6cb0ca256da400837f6b/96A470D50E65ABC6CA257CF400238C50/%24FILE/571337bi1.pdf) include: * **merging** the existing roles of Privacy Commissioner and Commissioner for Law Enforcement Data Security into a single Commissioner for Privacy and Data Protection.
* **re-enacting** most of the key provisions of Victoria's existing privacy legislation (e.g. the Information Privacy Principleswill remain the same).
* **introducing new measures** to ensure that public sector agencies (including DEPI portfolio agencies) handle personal information securely and consistently. These new measures address a number of issues identified in the 2009 VAGO report, *Maintaining the Integrity and Confidentiality of Personal Information*.

**Standards and guidelines** The new Commissioner will have responsibility for the oversight of Victoria's privacy and data protection regime. The new legal framework will include: * protective data security **standards** issued by the Commissioner, which your agency will be required to comply with; and
* **guidelines** issued by the Commissioner, which will assist your agency to develop/adapt its protective data security **plan** in compliance with the new obligations.

**Determinations and variance approvals** Amongst other changes in the new Bill is the ability for your agency to formally seek from the Commissioner: * a **determination** on whether a particular use of personal information that it holds is authorised or required by law; and
* **approval** to handle or share personal information in ways that **vary** from the Information Privacy Principles, if it is clearly in the public interest to do so (e.g. in an emergency).

For further information, please refer to the [Privacy Victoria](http://www.privacy.vic.gov.au/domino/privacyvic/web2.nsf/pages/home) website, including [news](http://www.privacy.vic.gov.au/domino/privacyvic/web2.nsf/news/new-framework-for-privacy-and-data-protection-and-information-sharing) on this topic. (Note: There have recently been changes to federal privacy law - e.g. the National Privacy Principles. However, federal privacy legislation does not usually apply to DEPI agencies.)  |
|  | 5. FOI – annual reporting and new processing chargesThe Freedom of Information Act 1982 applies to DEPI and all its portfolio agencies. The [FOI website](http://www.foi.vic.gov.au/utility/home/) operated by the Department of Justice offers a wealth of information on how to meet your agency’s FOI obligations. Some recent changes and points of note are: **Application fee** Section 17(25A) of the Act sets the application fee for an FOI request at two **fee units**. From 1 July 2014, a fee unit is **$13.24** (with the total cost being 'rounded up' to the nearest 10 cents). This means the application fee is now **$26.50**. The value of a fee unit will increase each financial year. **FOI (Access Charges) Regulations 2014** The Freedom of Information (Access Charges) Regulations 2014 come into effect on 28 July. A key change is that certain charges will now be calculated by applying the fee unit ($13.24) to time spent, rather than charging a fixed cost. For example: * **search time** will be 1.5 fee units - that is, $19.86 - per hour (or part thereof)
* **supervision** will be 1.5 fee units - that is, $19.86 - per hour, to be calculated per quarter hour (or part thereof).

**Annual Reporting** The [FOI Commissioner](http://www.foicommissioner.vic.gov.au/utility/home/) is preparing her annual report to Parliament, which your agency is required to provide data for by **18 July 2014**. If your agency has not yet received a link to the survey which forms your agency’s report to the Commissioner, please: * contact the FOI Commissioner’s office directly (phone Lence Trajanoska on 1300 079 484, *who is also the contact for queries about the FOI survey*); and
* notify DEPI, as it is likely that your contact details with us are out of date (phone Caroline Allen on 9637 8186 or email foi.unit@depi.vic.gov.au).

**Authorising FOI decision makers** For agencies new to handling FOI requests, or that have new FOI officers, the following information about decision-making authority is important. * Section 26 of the FOI Act requires that decisions on FOI requests be made by your agency’s **Principal Officer**. For most agencies, this is the **CEO** or **Chairperson**.
* Some agencies have a **designated FOI officer**, who can make decisions on FOI requests on behalf of the Principal Officer. This is permitted by the FOI Act.

DEPI uses a template (attached below) for authorising designated FOI officers to make decisions on behalf of the Principal Officer - in DEPI's case, the Secretary - under section 26 of the FOI Act. Your agency is welcome to use/adapt this template for its own purposes. In deciding what (if any) decisions will be delegated to a designated FOI officer, be aware that if the Principal Officer makes a decision on an FOI request, the applicant has no right to seek a review by the FOI Commissioner and can only appeal directly to VCAT. Whereas if a designated FOI officer makes the decision, there is a right of review to the FOI Commissioner. **Maintaining up to date contact details** If the FOI contact details for your agency have changed, please notify DEPI’s FOI Unit by emailing foi.unit@depi.vic.gov.au or phoning Caroline Allen on 9637 8186. You will also need to advise the FOI Commissioner, as they will also need to update your agency's details for their records.  |
|  | **6. Recent changes to the Public Administration Act** The previous DEPI governance e-alert included a [DEPI guidance note](http://www.depi.vic.gov.au/__data/assets/pdf_file/0007/256795/2014-g-PAA-03-Amends-to-PAA-v3.62-16-May-2014-APP.pdf) on recent changes to the Public Administration Act. The Victorian Public Sector Commission and Victorian Government Solicitor’s Office have issued further information on this topic in a [Governance Insight](http://ssa.vic.gov.au/images/stories/governance/Governance_Insights_July_2014.pdf). Both resources are available from DEPI’s [Public Administration Act](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/public-administration-act/_nocache) support module on On Board. |
| cid:_2_0B015B780B01590C001123AECA257D0A | How else can we help? On Board – ‘one-stop-shop’ for governance information [On Board](http://www.depi.vic.gov.au/about-us/boards-and-governance), DEPI’s governance website ([www.depi.vic.gov.au/onboard](http://www.depi.vic.gov.au/onboard)), is a **one-stop-shop** for DEPI agencies to obtain governance information that is tailored to meet their needs. On Board has [support modules](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/support-modules) on key governance topics. These modules contain **model policies** and templates, **guidance notes**, governance guides, and **direct links** to the topic on other websites (e.g. Victorian Public Sector Commission). Current support modules include:     [annual reporting](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/annual-reporting/_edit)     [board meetings and decision-making](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/meetings-and-decision-making)     [code of conduct](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/code-of-conduct/_nocache)     [conflict of interest](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/conflict-of-interest/_nocache)     [dispute resolution](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/dispute-resolution)     [gifts, benefits and hospitality](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/gifts-benefits-and-hospitality)     [induction - governance essentials](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/governance-essentials/_nocache)     [performance assessment](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/performance-assessment)     [Public Administration Act](http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/public-administration-act/_nocache). Further information and queries In addition to the resources available from [On Board](http://www.depi.vic.gov.au/about-us/boards-and-governance), DEPI offers support to its agencies through DEPI divisions and regional offices. If you are a member of a DEPI agency and have a governance query, please contact your agency’s usual **relationship manager or team**. Alternatively, contact DEPI’s Customer Service Centre on 136 186.Other subscriptions you may like If you like DEPI's governance e-alerts, you may also be interested in subscribing to: * Victorian Public Sector Commission's [e-news](http://www.ssa.vic.gov.au/subscribe-to-enews.html) and governance insights ([edition 1](http://www.ssa.vic.gov.au/images/stories/governance/First_Edition_Governance_Insights.pdf) & [edition 2](http://ssa.vic.gov.au/images/stories/governance/Governance_Insights_July_2014.pdf))
* Victorian Ombudsman's [media alerts](https://www.ombudsman.vic.gov.au/Media/Register-for-Media-Alerts)
* Victorian Auditor-General's Office [news service](http://www.audit.vic.gov.au/about_us/subscribe_newsletters.aspx).
 |
|  | How you can help Share your ideas for improvementPlease help us to improve the services and resources we offer. You can email governance@depi.vic.gov.au to: * share your ideas about how DEPI can improve governance
* provide feedback or suggestions about [On Board](http://www.depi.vic.gov.au/about-us/boards-and-governance)
* request that we develop a governance resource (e.g. model policy, guidance note, e-alert) on a particular topic.

Other interested readersIf you know someone who may be interested in receiving DEPI governance e-alerts, please forward this email to them. Interested readers are welcome to register for e-alerts by emailing governance@depi.vic.gov.au. (Board members and staff of DEPI agencies, and DEPI governance staff, are particularly encouraged to register.) |
|  | Background information for new readersWhat are e-alerts?DEPI e-alerts offer information on key governance topics such as: * new laws and government policies
* governance news
* developments in governance best practice
* updates to DEPI's governance website On Board (e.g. new model policies, guidance notes).

E-alerts are tailored to the needs of board members, executives and staff of agencies in the DEPI portfolio. Why have l been sent this email?You have been sent this email because: * you are the chair, CEO, or other nominated contact of a DEPI agency; or
* you have registered for DEPI governance e-alerts as an interested reader.

(If you are not the correct person to receive this e-alert please help us to update our records by emailing fiona.eades@depi.vic.gov.au.) Who sends e-alerts and how often?DEPI governance e-alerts are issued by DEPI Legal Services. E-alerts will be issued when there are new developments relating to key governance topics. |
|  |  |
|  | Regards, **Adam Fennessy**

|  |  |  |
| --- | --- | --- |
|   |  |   |
| **Adam Fennessy | Secretary** Department of Environment and Primary IndustriesLevel 17, 8 Nicholson St, East Melbourne, Victoria 3002 **T:** 03 9637 8765 | **E:** adam.fennessy@depi.vic.gov.au  |
|     [www.depi.vic.gov.au](file:///C%3A/Users/af45/AppData/Local/Temp/notes986B08/www.depi.vic.gov.au) |

 |
|  | Subscriber optionsPlease **subscribe** me to DEPI governance e-alerts.Please unsubscribe me.Printing out this e-alert In case you have difficulty printing out of this e-alert (or with the reading format), we have attached a PDF copy. |
|  |  |