

Victorian Marine and Coastal Council

Performance Assessment Policy

POLICY STATUS	Current
VERSION	1
DATE	06/09/21
DUE FOR REVIEW	09/2022

1. Scope

This policy sets out how the individual and collective performance of Council members will be assessed and, where relevant, how poor performance will be addressed.

2. Key principles

- a) **Obligations:** the Council acts in accordance with its obligations and with good governance practice.
- b) **Purpose and frequency:** the purpose of performance assessment is to enable performance areas that require improvement to be identified and addressed. Assessment (collective, individual, and chair) occurs at least annually.
- c) **Public interest:** the Council acts in the public interest, collectively and individually. It is in the public interest for performance assessment to be accurate and constructive.
- d) **Collective accountability:** the Council is collectively accountable to the Minister for its decisions. Each Council member participates actively in each decision.
- e) **Respect, courtesy, and balance:** Council members treat one another with respect and courtesy. They participate in Council discussions in an active and constructive manner. There is a balanced opportunity for each Council member to ask questions, express ideas, and offer opinions.
- f) **Attendance:** Council members are expected to attend all Council meetings. A minimum attendance of 75 per cent of meetings is required unless good reason exists otherwise.
- g) **Effectiveness:** the Council is responsible for its own effectiveness. Each Council member makes a significant contribution to the organisation.

3. Obligations and good practice

The Council will conduct performance assessment in accordance with its obligations and with good public sector governance practice, including:

- the establishing Act, being *The Marine and Coastal Act 2018*;

- the public sector values in section 7 of the *Public Administration Act* 2004 ('PAA');¹
- the [Directors' Code of Conduct](#);²
- section 79 of the PAA;
- government policy;
- any assessment guidelines/requirements issued by the Minister or the Secretary of the Department of Energy, Environment and Climate Action ('DEECA');
- any other directions, guidelines and/or statements of obligation or expectation issued by the Minister;
- the requirement in section 81(1)(d) of the PAA that adequate procedures be in place for assessing Council member's performance (collective and individual) and for dealing with poor performance (if any);³ and
- all other laws and obligations that bind the organisation.

4. Annual performance assessment

The performance of the Council will be assessed on an annual basis, including:

- the collective performance of the Council;
- the performance of individual Council members; and
- the performance by the chair of his/her additional duties as chair.

The **purpose** of assessment is to enable performance areas that require improvement to be identified and addressed.

5. Performance Assessment Plan

The Council will document a performance assessment plan for the forthcoming year, or forthcoming cycle of two to three years. The plan will include:

- assessment criteria;
- assessment methods;
- timing;
- feedback requirements; and
- reporting requirements (if any).

¹ The public sector values are: integrity, impartiality, accountability, respect, responsiveness, human rights, and leadership.

² Issued by Victoria's Public Sector Standards Commissioner pursuant to section 63 of the PAA.

³ The requirement to assess the Council's collective performance (as well as individual performance) was introduced by 2014 amendments to the PAA.

Assessment guidelines/requirements issued by the Minister or DEECA

If the Minister or the Secretary of DEECA issues any assessment guidelines/requirements that apply to the Council (e.g. criteria, methods, reporting), these will be adopted as the Council's performance assessment plan or incorporated into it.

6. Methods of assessing performance

Subject to any guidelines/requirements issued by the Minister or DEECA, assessment **methods** will comprise a mixture of self-assessment, peer assessment and/or independent assessment.

The performance assessments methods for the current Council term are: two self-assessments and one independent assessment. This is commensurate with the status of the Council in the hierarchy of public bodies, the advisory nature of the Council and the level of risk from Council business.

- **Self-assessment** will occur annually (except in years when an independent assessment is done), using standard criteria set by the Council in its performance assessment plan;
- **Independent assessment** will occur once each Council term after at least one year of operation unless there is extensive external stakeholder feedback via another Council engagement process. The Council will engage an independent governance consultant who is experienced in public sector performance assessment. This assessment will include a **peer assessment** and the consultant will:
 - conduct a peer assessment survey;
 - analyse the results;
 - provide feedback (de-identified where appropriate); and
 - make recommendations.

Where appropriate, peer feedback results will be provided to the chair.

The performance assessment plan will specify which type of assessment or assessments will occur in a particular year.⁴

7. Assessment criteria

Subject to any guidelines/requirements issued by the Minister or DEECA, the assessment criteria in the Council's performance assessment plan will be consistent with the appendices to this policy, as follows:

- collective performance of the Council – see **Appendix 1**
- performance of individual Council members – see **Appendix 2**
- performance of the chair's additional duties – see **Appendix 3**.

⁴ For example, a performance assessment plan that covers a three year period might specify that self assessment occur each year PLUS peer assessment in the 2nd year and, if appropriate, independent assessment in the third year.

8. Improving Performance

Council members will be offered, and will make use of, appropriate opportunities for improving their Council skills.

Where areas of poor performance are identified, Council members will be given the opportunity to improve their Council skills as soon as possible. Council members will make use of this opportunity as soon as possible.

If poor performance is not resolved within a suitable time, DEECA will be contacted for advice.

Disputes affecting performance

If a dispute between Council members is affecting the performance of a Council member, or of the Council collectively, the matter will be addressed in accordance with the Council's *Dispute Resolution* policy.

Major risks

Consistent with section 81(1)(b) of the PAA, if the collective or individual performance of Council member(s) poses a major risk (existing or emerging) to the effective operation of the organisation, the Minister and the Secretary of DEECA will be notified of the risk and of the management systems that are in place to address the risk.

9. Regular review of this policy

The Council will review this policy on an annual basis or more frequently, if required, to keep up-to-date with changes to laws, government policy, etc. This policy was **last reviewed on 6 September 2021**.

10. Related policies

- Meetings and Decision-making
- Conflict of Interest
- Gifts, Benefits and Hospitality
- Code of Conduct
- Dispute Resolution

11. Further information

On board (www.deeca.vic.gov.au/onboard), in particular, the [Performance Assessment](#) support module, which has a range of resources, such as direct links to the topic on the Victorian Public Sector Commission website.

Appendix 1 - Criteria for assessing the collective performance of the Council

Subject to any guidelines/requirements issued by the Minister or DEECA, assessment of the Council's collective performance will focus on how effectively the Council is performing its strategic planning, governance, risk management, monitoring and reporting, stewardship and other duties, and how effectively it is functioning as a collective decision-maker. The Council's performance assessment plan will be consistent with the following assessment criteria:

Strategic planning

- The development of **strategic and business plans** that will guide the organisation to the effective and efficient fulfilment of its functions under the establishing Act.
- Whether the Council monitors appropriately the **implementation** of its strategic and business plans.

Governance framework

- Whether the organisation is operating in accordance with its **governance framework** - i.e. the laws, government policies, and other obligations that bind the organisation.

Risk management

- Whether the organisation has dealt appropriately with any **public funds** that it receives (i.e. used the funds for the allocated purpose and otherwise in accordance with public sector requirements).
- Whether the Minister and the Secretary of DEECA have been notified of any known **major risks** (existing or emerging) to the effective operation of the organisation and of the management systems that are in place to address those risks.

Stewardship

- How well the Council is monitoring and managing the performance of the **Executive Officer**.
- Whether the **organisation** has **policies and procedures** in place that support its effective operation AND systems to ensure that employees understand and comply with these requirements.
- Whether the **culture and operations** of the organisation are consistent with the public sector values, the Code of Conduct for Victorian Public Sector Employees, and the public sector employment principles and standards.

Performance (including monitoring and reporting)

- Whether the organisation's **functions** are being fulfilled.
- How well the Council is **monitoring** the performance of the organisation.
- Whether the organisation's **reporting** obligations (e.g. annual reporting) are being properly discharged.
- The overall performance of the organisation, taking into account the **operational context** (e.g. severe drought).

The Council as a collective decision-maker

- How effectively the Council functions as a **collective decision-maker** – i.e. makes decisions that are in the public interest, in accordance with its *Meetings and Decision-making* policy. This includes an assessment of how well the Council:
 - functions as a team;
 - sets and completes its annual work program;
 - ensures that the reports (e.g. financial reports) and other information that it receives are suitable to its needs;
 - follows its meeting procedures; and
 - follows its decision-making procedures.
- Whether suitable **Council policies** are in place AND whether Council members (individually and collectively) comply with these requirements. The key policies are:
 - *Conflict of Interest*;
 - *Gifts, Benefits and Hospitality*;
 - *Integrity Framework (Code of Conduct)*;
 - *Meetings and Decision-making*;
 - *Dispute Resolution*; and
 - *Performance Assessment*.
- Whether the **culture and operations** of the Council are consistent with the public sector values, the **[Directors' Code of Conduct](#)**, and the public sector employment principles and standards.
- How appropriately and effectively the Council is engaging with key **stakeholders** (e.g. the Minister, DEECA, the EO).
- Whether Council members have the opportunity to improve their skills in the required areas.
- The effective use and functioning of **sub-committees**.
- The **overall performance** of the Council, taking into account the **operational context** (e.g. severe drought).

Appendix 2 - Criteria for assessing the performance of individual Council members

Subject to any guidelines/requirements issued by the Minister or DEECA, the Council's performance assessment plan will be consistent with the following criteria for assessing the performance of individual Council members:

- How well the Council member understands:
 - the organisation's governance framework;
 - his/her role as a Council member; and
 - the role of other key stakeholders (e.g. the Minister, DEECA, the chair, the EO).
- Whether the Council member acts consistently with the public sector values, public sector employment principles, and related codes and standards, in particular, the [Directors' Code of Conduct](#);
- Whether the Council member acts consistently with the Council's policies, in particular:
 - *Integrity Framework (Conflict of Interest)*;
 - *Gifts, Benefits, and Hospitality*;
 - *Code of Conduct*;
 - *Meetings and Decision-making*, including whether the Council member:
 - prepares for Council meetings (pre-reading of papers etc.);
 - makes regular and significant contributions to Council discussions;
 - treats other Council members with respect and courtesy;
 - supports the balanced exchange of ideas and views between Council members; and
 - participates actively and constructively in all of the Council's decision-making.
 - Other key topics (e.g. *Confidentiality and Proper Use of Information*).
- Whether the Council member attends at least 75 per cent of Council meetings.⁵
- The extent to which the Council member makes additional contributions to the Council's activities (e.g. convenes or is member of a subcommittee; contributes to subcommittee reports/papers).

⁵ See the [Appointment and Remuneration Guidelines for Victorian Government Councils, Statutory Bodies and Advisory Committees](#).

Appendix 3 - Criteria for assessing the performance of the chair's additional duties

Subject to any guidelines/requirements issued by the Minister or DEECA, the Council's performance assessment plan will be consistent with the following criteria for assessing the chair's performance of his or her additional duties as chair:

- How well the chair is discharging his/her additional duties as chair in accordance with the Council's *Meeting and Decision-making* policy, for example:
 - the extent to which the chair demonstrates effective leadership of the Council;
 - the appropriate scheduling of agenda items;
 - whether Council members treat one another with respect and courtesy and participate actively and constructively in each Council decision;
 - the efficient and effective flow of Council meetings; and
 - whether Council members have ready access to Council policies.
- The disclosure by Council members, at the start of Council meetings, of any conflicts of interest in relation to items on the agenda, and the management of conflicts of interest in accordance with the Council's *Conflict of Interest* policy.
- The chair's contribution to the resolution of disputes between Council members, in accordance with the Council's *Dispute Resolution* policy.
- Measures taken to ensure that Council members understand their role and accountabilities, for example:
 - suitable induction for new Council members;
 - opportunities for existing Council members to further develop relevant knowledge and skills.
- How well the chair acts as a spokesperson and key relationship-builder for the organisation.
- The completion of performance assessment in accordance with this policy.