

Metropolitan Development Advisory Panel

Terms of Reference for the Metropolitan Development Advisory Panel

1. Background

The Victorian Government is implementing a range of initiatives designed to ensure that as Melbourne grows in size, it also grows into a stronger, fairer and greener city.

The Victorian Government has released *Plan Melbourne 2017-2050*, the Government's long-term plan to accommodate Melbourne's future population and employment. *Plan Melbourne 2017-2050* sets out the strategic policy directions required to manage the city's growth and change towards 2050. It will guide how we house, employ and connect people to jobs and services and ensure that, as Melbourne grows, its best features are protected and enhanced.

Plan Melbourne 2017-2050 is backed by a separate five-year implementation plan that sets a clear and transparent roadmap for how the Victorian government will move towards achieving Plan Melbourne's vision. This detailed plan, a first in Victoria, lists 112 actions with short and medium-term priority or ongoing timeframes. It will be reviewed every five years. The implementation plan will ensure that *Plan Melbourne 2017-2050* leads a whole-of-government approach to metropolitan planning implementation by embedding actions across state government departments, authorities, agencies and local government.

The development of Plan Melbourne was guided by the Plan Melbourne Ministerial Advisory Committee (MAC) that was reformed in April 2015 to review *Plan Melbourne 2014*.

In May 2016, the Victorian Government also established the Suburban Development portfolio within the Department of Environment, Land, Water and Planning (DELWP) to coordinate efforts across levels of government and the business and community sectors to ensure Melbourne's suburbs remain great places to live and work in the context of population growth and other challenges. With the creation of the Suburban Development portfolio, the Government established six new Metropolitan Partnerships across Metropolitan Melbourne for the Inner Metro, Inner South East, Western, Northern, Eastern and Southern metropolitan regions. The Partnerships' role is to identify and develop regional economic, social and environmental priorities and potential solutions for consideration by government. Government's response to the advice of Metropolitan Partnership will be reflected in the outcomes of annual State Budget processes and in annual 5 Year Jobs Services and Infrastructure Plans prepared by the Office for Suburban Development (OSD).


To assist the Government in integrating the implementation of *Plan Melbourne 2017-2050* with the new metropolitan regional perspectives provided by Metropolitan Partnerships a Metropolitan Development Advisory Panel will be established.

2. Establishment

The Minister for Suburban Development and Minister for Planning establish a non-statutory ministerial advisory committee, to be known as the Metropolitan Development Advisory Panel (MDAP), from the date these Terms of Reference are signed by both Ministers, for a four year term.

3. Roles and Functions

- 3.1 MDAP will provide expert advice to the Minister for Suburban Development and Minister for Planning on an integrated approach to metropolitan development, which incorporates monitoring and implementation of Plan Melbourne 2017 – 2050; strategic priorities arising from the Metropolitan Partnership process; and responses to future reform challenges and opportunities impacting Melbourne's liveability, sustainability and international competitiveness.
- 3.2 The functions of MDAP are to:
 - a. provide independent advice on metropolitan development issues to inform government policy development;

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- b. provide independent advice on the implementation of Plan Melbourne 2017 – 2050 and Five-Year Job Services and Infrastructure Plans, incorporating metropolitan regional perspectives and considerations arising from the work of Metropolitan Partnerships;
 - c. provide advice and support on the operation of Metropolitan Partnerships including Annual Assemblies and coordination of regional priorities across government portfolios;
 - d. promote strategic partnerships between relevant government, industry, academic and community sector networks;
 - e. advise the Ministers generally about matters relating to economic and community development in Metropolitan Melbourne and any matters referred to MDAP by the Ministers.

4. Membership and appointments

4.1 The Panel is constituted by:

- (a) four members with skills and experience in planning, community development, economic and environmental background, who are nominees of the Minister for Planning, jointly appointed by the Minister for Planning and Minister for Suburban Development; and
- (b) the six (6) Chairpersons of the Metropolitan Partnerships, who are *ex officio* appointments to MDAP.

4.2 The Ministers will appoint one of the Panel members appointed under section 4.1 to be the Chairperson of the Panel.

4.3 The remaining members and Deputy Chairperson will be appointed by the Ministers via instrument of appointment.

4.4 The term of appointment for Panel members, including the Chairperson and Deputy Chairperson, is a maximum of four years. Members may be re-appointed for up to two terms.

5. Resignation and termination

5.1 The Minister for Suburban Development or Minister for Planning, without cause or notice, may remove a member from office at any time and for any reason or for no reason at all.

5.2 The office of a member becomes vacant if-

- (a) a member resigns in writing addressed to the Ministers;
- (b) a member is removed from office;
- (c) a member dies or in the opinion of the Minister, becomes incapable of performing his/her duties;
- (d) a member becomes a bankrupt or a person disqualified from acting as a director or acting in the management of a company;
- (e) in the case of a member of MDAP appointed under section 4.1(b) of these terms of reference, the member ceases to be a member of MDAP automatically on that person ceasing to be a chair of a Metropolitan Partnership.

6. Secretariat

6.1 MDAP will be provided with administrative and technical support by departmental staff from the Office for Suburban Development and the Plan Melbourne Implementation Group.

6.2 Staff of other groups of the Department and relevant agencies, authorities and councils may also be requested by the Secretariat to provide technical assistance.

6.3 The Secretariat will:

- organise meeting rooms, take minutes, distribute agendas and provide other administrative support.
- assist in drafting reports and preparing meeting agendas and papers. Agendas and draft minutes will be prepared in consultation with the Chairperson.
- facilitate reporting and presentations to the Ministers.
- provide communications and media support for the Panel.

- disseminate information and papers to members in an efficient and effective manner.

6.4 The Secretariat may request the Department to undertake research on behalf of MDAP.

7. Meetings

7.1 Meetings will be held quarterly or as required.

7.2 Members are expected to attend at least 75 per cent of all meetings.

7.3 The Chair will:

- direct and facilitate the business of MDAP
- act as the main spokesperson for MDAP
- lead the presentation of MDAP's advice to the Minister

7.4 The Deputy Chair will assume the role of the Chair in his/her absence

7.5 Members of MDAP may not delegate meeting responsibilities

8. Observers

8.1 The following persons or their nominees may attend meetings of the Panel as Observers:

- Deputy Secretary, Economic Policy Strategy and State Productivity, Premier and Cabinet
- Deputy Secretary, Planning - Department of Environment, Land, Water and Planning
- Deputy Secretary, Local Infrastructure - Department of Environment, Land, Water and Planning
- Deputy Secretary, Housing, Infrastructure, Sport and Recreation
- CEO Victorian Planning Authority
- Chair, Melbourne Regional Development Committee

8.2 A person who is not a member of the Committee, such as a presenter or an observer ('Observer'), may attend all or part of a Committee meeting on the Chairperson's written invitation.

8.3 An external Observer may, at the invitation of the Chairperson, make a presentation to the Panel or participate in discussions in a Panel meeting but is not entitled to vote and is required to step out of a meeting on the Chairperson's request.

8.4 An external Observer who is not a public-sector employee will be required to sign a Deed of Confidentiality

8.5 An Observer must either destroy or return all copies of documents provided to them for the purposes of that meeting at the end of that meeting.

9. Remuneration and reimbursement of expenses

9.1 The Ministers have classified the Panel as a Group B band 2F entity in accordance with the Victorian Government's Appointment and Remuneration Guidelines. The guidelines are available at <http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines>.


9.2 The Ministers may fix the remuneration of a member in an instrument.

9.3 A Member is entitled to the reimbursement of reasonable travelling and personal expenses directly related to their service on the Panel at the rates, and on the terms, that apply to employees of the Department.

10. Policies and Procedures

10.1 MDAP is declared to be a public entity for the purpose of the PAA. MDAP will not be a panel or committee under the *Planning and Environment Act 1987*.

10.2 Members of MDAP must comply with PAA. Section 81(1) of the PA requires the board of a public entity to have a number of policies, which includes subsection 81 and more specifically the following as outlined below.

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- 10.3 The Secretary of DELWP may from time to time issue or update model policies and governance guidance applicable to the Panel. MDAP should have policies, processes, and procedures in place that are consistent with those issued by the Secretary.

Code of Conduct for Directors of Public Entities

- 10.4 Each member of the Panel must at all times act -

- in accordance with the Codes of Conduct for Directors of Public Entities¹; and
- in a manner that is consistent with the public-sector values in section 7(1) of the PAA.

- 10.5 The Code states that in performing their duties as a Member it is expected that Members:

- a) act with honesty and integrity;
- b) act in good faith;
- c) act fairly and impartially;
- d) use information appropriately;
- e) use the position appropriately;
- f) act in a financially responsible manner;
- g) exercise due care, diligence and skill;
- h) comply with the establishing legislation;
- i) demonstrate leadership and stewardship; and
- j) avoid conflict of interest from occurring.

Conflict of Interest Policy Framework of the Victorian Public Sector

- 10.6 The Panel must ensure that processes are in place to deal with conflicts of interests that—

- apply to both financial and non-financial interests; and
- require full disclosure of interests at meetings of the board and the recording of the disclosure in the minutes of the meeting.

- 10.7 The Panel must have regard to the *Conflicts of Interest and Duty: A Practical Guide for Directors of Public Entities* issued by the Victorian Public Sector Commission² in its deliberations, proceedings or meetings.

- 10.8 A member who has a direct pecuniary or private interest in a matter being discussed at a meeting of the Panel must declare the nature of the interest and the potential for there to be a conflict:

- at the commencement of a meeting; or
- if they become aware of an interest during discussions, as soon as possible after becoming aware of the interest.

- 10.9 A member who has made a declaration of a potential conflict of interest may not be present or take part in any discussion of the matter to which the declaration relates unless the Panel agrees otherwise.

- 10.10 A member who has made a declaration of a potential conflict of interest must not vote on the matter to which the declaration relates.

- 10.11 The Chairperson or member presiding at a meeting at which a declaration of an interest is made must cause the declaration to be recorded in the minutes of the meeting.

¹ Note section 61 of the PAA. A copy of the *Code of Conduct for Directors of Public Entities* is available online at <http://vpssc.vic.gov.au/html-resources/code-of-conduct-for-directors-of-public-entities/> <http://vpssc.vic.gov.au/resources/codes-of-conduct/>

² <http://vpssc.vic.gov.au/html-resources/conflicts-of-interest-and-duty/>

- 10.12 The Chairperson must keep a record of declared interests (the Register of Interests). Any member may request and be granted access to this Register of Interests.

Acceptance of Gifts and Hospitality Policy

- 10.13 Section 81(1)(g) of the PAA requires the Panel to ensure that it has an adequate gifts policy in place. Accordingly, the Panel must ensure that it has a gifts and hospitality policy in place that conforms with the Department's Model Gifts, Benefits and Hospitality Policy for portfolio agencies.

Media and public comment

- 10.14 The Chair will be the nominated spokesperson for the Panel for any public or media activities undertaken by the Panel. Any comment must be directly related to the work of the Panel and have regard for the Department's media and public comment policy.

Freedom of Information

- 10.15 Members should be aware that all documents relating to the Panel (for example meeting papers, correspondence, expense claims) will be placed on file by the department and will be subject to the *Freedom of Information Act 1982*.
- 10.16 Members should also be aware that electronic documents and social media messages could be the subject to the *Freedom of Information Act 1982*.

Intellectual Property

- 10.17 The rights to Intellectual property created by the members of the Panel in the course of their duties on the Panel, including any reports required under these Terms of Reference, is the property of the State of Victoria. However, the Ministers on behalf of the State grants the Panel a licence to use this property as authorised under these Terms of Reference. In this clause, Intellectual property includes legal rights that protect the results of creative efforts including copyright, proprietary rights in relation to inventions (including patents), registered and unregistered trademarks, confidential information (including trade secrets and know how), registered designs, circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields, but does not include moral rights.

Probity checks for prospective members

- 10.18 Prospective Members are:
- k) required to complete a Declaration of Private Interests form and the Diversity Information and Privacy Consent Form and provide a current Curriculum Vitae prior to appointment;
 - l) subject to the following probity checks prior to appointment:
 - a National Police Record check; and
 - an Australian Securities & Investment Commission (ASIC) check
 - an Australian Financial Security Authority (AFSA) check; and

- 10.19 Once appointed, all Members must complete a Declaration of Private Interests form each year.

11. Review and sunset date

- 11.1 The Department, on behalf of the Ministers, will review MDAP in accordance with the Premier's Circular.
- 11.2 The Panel will automatically cease to exist 10 years from the date of its establishment.

12. Amendments and revocation

- 12.1 The Ministers may amend these Terms of Reference in writing at any time.
- 12.2 The Ministers may revoke these Terms of Reference in writing at any time and upon revocation of these Terms of Reference, the Panel ceases to exist.

13. Definitions

- **Effective Date:** the date on which both Ministers have signed this TOR.
- **Metropolitan Partnerships** means the Western Metropolitan Partnership, the Northern Metropolitan Partnership, the Southern Metropolitan Partnership, Eastern Metropolitan Partnership, Inner South Eastern Metropolitan Partnership and the Inner Metro Metropolitan Partnership.
- **Ministers** refers to both the Minister for Suburban Development and the Minister for Planning.
- **Member** also refers to the Chairperson, unless the context implies otherwise.



Hon Lily D'Ambrosio
Minister for Suburban Development

Dated 20/12/17



Hon Richard Wynne
Minister for Planning

Dated 20/12/17