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| Application guidelines for appointment to a Class B cemetery trust |
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# Introduction

The following information sets out the guidelines for applying for appointment to a Class B cemetery trust. It is important all applicants seeking appointment to a Class B cemetery trust (including members seeking reappointment) read this information carefully as applicants are required to declare on the *Application for appointment to a Class B cemetery trust* (the application form) that they have read, agree and consent to the application terms detailed in this document.

The application form is available on the [health.vic website](https://www.health.vic.gov.au/cemeteries-and-crematoria/class-b-cemetery-trust-appointments) <https://www.health.vic.gov.au/cemeteries-and-crematoria/class-b-cemetery-trust-appointments>.

# Application and selection process

Under the *Cemeteries and Crematoria Act 2003*, Class B cemetery trust members are appointed for a term of up to five years. Trust members are un-paid volunteers and are eligible to apply for reappointment.

Applicants (including members seeking reappointment) are required to complete Parts A to E, where applicable, of the application form and submit it to the trust for consideration.

The trust is required to interview all persons who express an interest in joining the trust or are seeking reappointment to the trust.

In compliance with departmental polices and guidelines, the trust is required to undertake an open and competitive interview and selection process. This is essential to provide all community members with an opportunity to seek appointment to a Class B cemetery trust.

If the trust wishes to nominate an applicant for appointment/reappointment, the trust chairperson (or a trust delegate such as a non-related current trust member or trust secretary) completes Part F (where applicable) and Part G of the application form. By signing the application form, the trust chairperson or delegate declares that the trust has endorsed the application and nominated the applicant for appointment to the trust. This must be agreed by the trust by vote at a trust meeting with a quorum present.

If the applicant is the current chairperson seeking reappointment or if the chairperson is directly related to the applicant, Part F (where applicable) and Part G of the application form should be completed by a ‘trust delegate’.

Once completed, the form should be submitted to the department for processing, preferably via email <cemeteries@health.vic.gov.au>. If the trust does not have access to email the form can be mailed to:

Cemetery Sector Governance Support Unit

Department of Health

PO Box 4057

MELBOURNE VIC 3001

Trust endorsement of an application does not equate to confirmation of appointment. After the application is processed it will be provided to the Minister for Health for consideration and recommendation to the Governor in Council who formally makes the appointments.

The appointment process can take up to six months to finalise once the department receives a completed application. The department will notify applicants and the trust of the outcome of the appointment process after the Governor in Council has considered the appointments.

# Probity checks

The department will undertake the following probity checks for applicants seeking appointment to a Class B cemetery trust:

* A check of the Australian Securities and Investment Commission (ASIC) register of persons prohibited/disqualified by ASIC under the provisions of the *Corporations Act 2001*.
* A check of the Australian Financial Security Authority National Personal Insolvency Index which contains information about proceedings and administrations under the *Bankruptcy Act 1966*.

The department may contact the applicant if further information is required in relation to these checks.

# Conflicts of interest

A conflict of interest is a conflict between your duty as a trust member and your private interests. Applicants seeking appointment to a cemetery trust are required to disclose potential conflicts that may arise if their application for appointment is successful.

If you are aware of a potential conflict or are unsure if your circumstances may represent a potential conflict, you must discuss this with the trust. If the trust agrees that you have a potential conflict, the trust will consider possible actions for managing the conflict if your application is successful. You must include all relevant information in Part C of the application form.

Applicants with a potential conflict will be required to enter into a conflict of interest management plan if appointed.

## What is a conflict of interest?

A conflict of interest is a conflict between your duty as a trust member and your private interests. This conflict exists if your private interests influence, or are seen to influence, your decisions or actions as a trust member.

Private interests include direct interests, such as your own personal, family, professional or business interests. They also include indirect interests, such as the personal, family or business interests of the individuals or groups connected to you.

There does not need to be any direct benefit or advantage received for a conflict of interest to arise. Conflicts may be actual, potential or perceived:

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| Actual | A real conflict between your public duties and responsibilities and your private interests. |
| Potential | Where you have private interests that could conflict with your public duties, and it is foreseeable that a conflict may arise in the future. |
| Perceived | Where the public or a third party could form the view that your private interests could improperly influence your decisions or actions, now or in the future. |

### Financial conflicts of interest

A financial conflict exists if a trust member or someone they are connected to is financially affected by the trust member’s decisions or actions. Money doesn’t need to change hands for a financial conflict to exist; it could involve a trust member or someone they know receiving concessions, discounts, gifts or hospitality.

### Non-financial conflicts of interest

A non-financial conflict exists if a trust member’s feelings about a person or group could influence, or be seen to influence, the trust member’s decisions or actions. Personal feelings about another person or group, whether positive or negative, can create a conflict of interest by influencing a trust member to use their position to help or hinder a person or group.

### Conflicts of interest due to personal relationships

Personal relationships between trust members and people who could be affected by the trust member’s decisions can create a conflict of interest because the relationship could influence or be seen to influence the trust member’s decisions.

### Conflicts of duty

A conflict of duty is a conflict between a trust member’s duty as a trust member and duty to another public or private organisation or group. This conflict exists if a trust member has two or more roles that have competing priorities.

## Working in a profession related to the cemetery sector

Applicants who work in a profession related to the cemetery sector may have a conflict of interest. Examples include funeral directors, celebrants, gravediggers, stonemasons, plaque manufacturers, florists.

Applicants who work in a profession related to the cemetery sector must disclose this in Part B of the application form.

## Long-term conflicts of interest

In some cases, a conflict of interest may have a negative impact on the trust despite efforts to manage the conflict. If a trust member with a conflict of interest that has negatively impacted the trust seeks reappointment, the ongoing impact of the conflict will be taken into consideration and the application may not be supported by the department.

# Use of your personal information

The department treats all personal information you provide in support of your appointment application in accordance with the *Privacy and Data Protection Act 2014* (the PDP Act).

The PDP Act outlines how personal information must be collected and handled in the Victorian public sector. The PDP Act sets out Information Privacy Principles which must be observed by Victorian Government departments and other public sector bodies when handling personal information. These principles cover the collection, use, disclosure, quality, security, access and correction of personal information by public sector bodies.

Please read the following collection notice carefully.

## Collection notice

Your information is being collected by the department to help process and assess your appointment application. It may also be used to contact you or provide you with other information in relation to board appointments from time to time. You may contact the department to get access to your personal information.

**Note:** If you provide personal information about other individuals, such as referees, you are responsible for making those other individuals aware that such information will be provided to the Victorian Government, the relevant purposes that the Victorian Government will use it for, and how they can access it.

### Collection of personal information

Personal information collected includes:

* name, address, telephone, email
* date of birth and age
* gender
* whether you identify as Aboriginal and/or Torres Strait Islander
* whether you identify as lesbian, gay, bisexual, trans or gender diverse, intersex, queer or questioning (LGBTIQ+)
* what country you were born in
* what country or countries your parents were born in
* what language you speak at home
* whether you identify as having a culturally or linguistically diverse background
* whether you identify as a person with disability.

You are encouraged to respond to the questions on the application form as fully as you feel comfortable, noting that you may select ‘prefer not to say’ where you do not wish to provide the relevant information.

### Purpose of collection

Personal information is collected for the following purposes:

* To enable those involved in the appointment process to assess and process your appointment application.
* To contact you and provide you with information.
* To share your information with other Victorian Government departments for the purposes of enabling the relevant Minister to consider you for appointments to other boards.
* For inclusion in the Victorian Public Sector Commission (VPSC) Government Appointments and Public Entity Database to:
	+ enable the Victorian Government to monitor and develop strategies for the diversity and profile of appointments to, and composition of, public sector entity boards to which the Government may make appointments
	+ publicly report aggregated and de-identified information about the diversity of membership of Victorian Government boards
	+ research and plan improvements to governance processes for Victorian public sector entity boards
	+ make select information publicly available on the Public Board Appointments Victoria website (refer to [Disclosure of personal information](#_Disclosure_of_personal) for more information).

### Disclosure of personal information

If appointed to a cemetery trust, your personal information may be disclosed to:

* Victorian Government departments and authorised officers nominated by department Secretaries or their delegates
* authorised officers of the VPSC (nominated by the Victorian Public Sector Commissioner or their delegate) for inclusion in the Government Appointments and Public Entity Database and the [Public Board Appointments Victoria website](http://www.publicboards.vic.gov.au) <www.publicboards.vic.gov.au>
* the department for the purposes of annual reporting
* Cabinet or any member of it for use only for the purpose on annual reporting
* Victorian Government departments for the purposes of enabling the relevant Minister to consider you for appointment to other boards
* funded organisations for the purpose of providing training
* other members appointed to the same cemetery trust.

The following information may be publicly released to the media or Members of Parliament, and will be made publicly available on the [Public Board Appointments Victoria website](http://www.publicboards.vic.gov.au) <www.publicboards.vic.gov.au> and the [department’s website](https://www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-trust-member-appointments) <www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-trust-member-appointments>:

* Trust member’s first name and surname
* Trust member’s position on the trust (member or chairperson)
* Trust member’s term of appointment (start and end date)
* Name and address of the trust the member is appointed to

### Information security

Your personal information will be stored in the department’s secure cemeteries database and the VPSC Government Appointments and Public Entity Database, a secure government system for storing information about public entities and members of public entity boards.

The department and the VPSC have implemented technology and security policies, rules and measures to protect the personal information that it has under its control from unauthorised access, improper use, alteration, unlawful or accidental destruction and accidental loss. The department and the VPSC will remove personal information from its system where it is no longer required (and in accordance with the *Public Records Act 1973*).

### Access

Your information is accessible to you and can be obtained by making a request to the department and the VPSC. Contact:

Department of Health – Cemetery Sector Governance Support Unit <cemeteries@health.vic.gov.au>
VPSC – Governance and Corporate <info@vpsc.vic.gov.au>

Privacy policies:

[Department of Health](https://www.dhhs.vic.gov.au/publications/privacy-policy) <https://www.dhhs.vic.gov.au/publications/privacy-policy>
[VPSC](https://vpsc.vic.gov.au/privacy/privacy-policy) <https://vpsc.vic.gov.au/privacy/privacy-policy>

### Enquiries

Enquiries about how personal information is managed by the department can be emailed to the Privacy and Legal Compliance Team <privacy@health.vic.gov.au>.

Alternatively, enquiries can be made to the:

Privacy Information Officer

Victorian Public Sector Commission

3 Treasury Place

MELBOURNE VIC 3002

Email <info@vpsc.vic.gov.au>

# Contact

Enquiries relating to these guidelines can be addressed to the department via email <cemeteries@health.vic.gov.au> or telephone freecall 1800 034 280.

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| To receive this document in another format, phone 1800 034 280, using the National Relay Service 13 36 77 if required, or email the Cemetery Sector Governance Support Unit <cemeteries@health.vic.gov.au>.Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Department of Health, September 2023.ISBN 978-1-76096-248-7 (pdf/online/MS word)Available at [Class B cemetery trust appointments](https://www.health.vic.gov.au/cemeteries-and-crematoria/class-b-cemetery-trust-appointments) <https://www.health.vic.gov.au/cemeteries-and-crematoria/class-b-cemetery-trust-appointments> |