Request for Advice: Prescribed Public Entity Executive Officers

*Form B: New appointment (proposed executive identified), reappointment (to the same position) or mid-contract adjustment*

**This form should be used to request the Tribunal’s advice about remunerating an executive in a prescribed public entity above the maximum of the relevant remuneration band in circumstances where the executive is known. This will include a new appointment where the proposed executive has been identified, a reappointment to the same position or a mid-contract adjustment.**

**To request the Tribunal’s advice when the proposed executive is not known, please use Form A.**

The functions and powers of the Victorian Independent Remuneration Tribunal (**Tribunal**) include providing advice in relation to proposals to remunerate executives in prescribed public entities above the relevant remuneration band.

The Tribunal has made a Determination setting the values of remuneration bands for executives employed in prescribed public entities.

If an employer proposes to pay an executive or proposed executive above the maximum of the relevant remuneration band, the Tribunal has approved this application form to be used to seek its advice on the proposal. It is expected that requests for advice should only be made in exceptional circumstances. As a threshold decision, employers should first ensure the position is appropriately classified in line with the Public Entity Executive Classification Framework administered by the Victorian Public Sector Commission.

To support greater transparency, accountability and evidence-based decision-making in relation to remuneration arrangements, the Tribunal intends to publish the advice it provides under section 37 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic)on its [website](https://www.vic.gov.au/victorian-independent-remuneration-tribunal) within 10 business days of the advice being communicated to the employer. The advice will be published with the following modifications - the advice as published on the Tribunal’s website will not expressly state the executive’s or proposed executive’s name, nor will it state the employer’s proposed total remuneration package (**TRP**) or the TRPs of other executives in the organisation, which an employer may provide to the Tribunal as supporting evidence. Periodic summaries of the advices of the Tribunal may also be published (such as in the Tribunal’s annual report). These summaries will also not expressly state the name or the employer’s proposed TRP for the executive.

Instructions for completing this form

In order for the Tribunal to proceed to consider the proposal and provide advice, both the employer and the executive or proposed executive must complete and sign this form.

The employer must complete section 1 to 5. Section 5 requires the authorising employer’s signature to request advice from the Tribunal.

The executive or proposed executive must complete section 6. Section 6 provides the person with notice that their personal information may be disclosed when the Tribunal publishes its advice (and summaries) and seeks their consent to disclose this information.

Section 1: Core information about the executive

|  |  |
| --- | --- |
| **Name of executive or proposed executive** |  |
| **Relevant position title** |  |
| **Employing public entity body** |  |
| **Relevant remuneration band** |  |
| **Public entity executive classification framework result (mandatory)** |  |
| **Does this application refer to a new appointment, a reappointment (to the same position) or a mid-contract remuneration review?** |  |
| **Proposed TRP** | $ |
| **Current TRP of the executive or proposed executive (and any bonus payments if applicable)** | $ |
| **TRP of previous incumbent, and any bonus payments (if a new appointment)** | $ |
| **Explanation of the recruitment process and results, including:**   * **number of applicants** * **number of applicants interviewed** * **number of applicants suitable for the position** * **remuneration expectations of suitable applicants** |  |
| **Number of direct reports to the position and their TRPS (also see the requirement to provide an organisational chart with TRPs under Section 3)** |  |
| **Manager’s title and TRP** |  |
| **Proposed start date for new contract, or variation date for existing contract** | Click to enter a date |
| **Proposed end date for new contract, or end date for existing contract** | Click to enter a date |
| **Name and position of authorising employer (i.e. Chief Executive Officer or Chair of the Board – see section 5 for further information)** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [name]  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [position] |
| **Date of authorisation** | Click to enter a date |

Section 2: Statements against the Guiding Principles

Please provide a statement against one or more of the following Guiding Principles in support of your request. Evidence must be supplied in support of the proposal, and may take the form of (but is not limited to) independent remuneration reports; information about the candidates obtained during a competitive recruitment process for the position; information gained through other competitive recruitment processes; objective reports about skills shortages in certain areas; evidence of genuine poaching attempts of a particular executive; or other forms of remuneration advice.

|  |
| --- |
| **Guiding Principle 1:** *There are significant market pressures on the position meaning that a more competitive remuneration offering is required.* |
| [insert text here]  Evidence attached |
| **Guiding Principle 2:** *There will be a significant impact on the prescribed public entity’s business if the individual is not remunerated according to the request.* |
| [insert text here]  Evidence attached |
| **Guiding Principle 3:** *There is evidence that a previous recruitment process failed to attract candidates with the required skills and/or qualifications at a remuneration range within the relevant band.* |
| [insert text here] |
| Evidence attached |
| **Guiding Principle 4:** *Any other reasons underpinning the proposal which a prescribed public entity employer may consider relevant.*  [insert text here]  Evidence attached |

Section 3: Attachments

Please select the attachments that you are including with your form:

|  |  |
| --- | --- |
| Position description and any other documentation to support the recruitment process (mandatory) | Work value assessment report under the Public Entity Executive Classification framework   (mandatory) |
| Executive’s or proposed executive’s resume (mandatory) | Organisational chart of executives, showing TRP arrangements and date TRPs were set (mandatory) |
| ☐ Evidence of current TRP of the proposed executive (for a new appointment) | Documentary evidence against Guiding Principles (if available) |
| ☐ Other supporting evidence  (if available) |  |

Section 4: Contact information of relevant public entity officer

Please provide details of the relevant person to be contacted regarding any of the information on this form:

|  |  |
| --- | --- |
| **Name:** |  |
| **Position:** |  |
| **Contact:** | [phone]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [email address] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Section 5: Signature block of authorising employer

The authorising employer must sign and date this form. This will be either the Chief Executive Officer (or equivalent) for requests regarding subordinate executives, or the Chair of the Board for requests regarding the Chief Executive Officer, or their delegate (where applicable).

Digital signatures are accepted.

|  |  |
| --- | --- |
| **Name:** |  |
| **Position:** |  |
| **Signature / date:** | Date: / / 202 |

**Once complete, please send this form, including Section 6 and attachments to: enquiries@remunerationtribunal.vic.gov.au**

**Collection notice**   
The Victorian Independent Remuneration Tribunal (the Tribunal) is committed to protecting privacy. The Tribunal handles personal information in accordance with the *Privacy and Data Protection Act 2014* (Vic), *Public Records Act 1973* (Vic) and other applicable legislation. The Tribunal is collecting, using and disclosing personal information for the performance of the functions of the Tribunal’s members and officers under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) (VIRTIPS Act), in particular sections 6(1)(i), (k), (m), section 6(2) and section 37.

The Tribunal gives notice that, to support greater transparency, accountability and evidence-based decision-making in relation to remuneration arrangements, it intends to take the following steps:

* The Tribunal intends to make its advice provided under section 37 of the VIRTIPS Act publicly available on its website (but without expressly stating the name or proposed TRP of the executive or proposed executive). This will be published within 10 business days of the advice being communicated to the employer.
* The Tribunal intends to publish periodic summaries of its advices, such as in the Tribunal’s annual report or elsewhere (but without expressly stating the name or proposed TRP of the executive or proposed executive).
* In taking these actions, the Tribunal may disclose the personal information of the executive or proposed executive who is the subject of the advice.

An executive or proposed executive is entitled to access and correct their personal information at any time. In some cases, requests for access to personal information may be handled in accordance with the *Freedom of Information Act 1982* (Vic). Further information is available in the Tribunal’s [policy](https://www.vic.gov.au/about-victorian-independent-remuneration-tribunal#privacy-policy) on the handling of personal information or by contacting [enquiries@remunerationtribunal.vic.gov.au](mailto:enquiries@remunerationtribunal.vic.gov.au).

Section 6: Use and disclosure of executive’s personal information

**Your employer’s Request for Advice**

The Victorian Independent Remuneration Tribunal (**Tribunal**) has made a [Determination](https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands) setting the values of remuneration bands for executives employed in prescribed public entities.

The functions and powers of the Tribunal include providing advice in relation to proposals to remunerate executives in prescribed public entities above the relevant remuneration band.

Your employer is proposing to remunerate you in excess of the band set in the Determination and, as required under legislation, is seeking the Tribunal’s advice in relation to the proposed remuneration. The information in sections 1 to 5 above is necessary to enable the Tribunal to consider your employer’s proposal and provide advice. In the absence of some or all of the information requested by the Tribunal, the Tribunal’s advice is unlikely to support or endorse paying an executive above the applicable remuneration band.

**Notification of the disclosure of personal information**

To support greater transparency, accountability and evidence-based decision-making in relation to remuneration arrangements, the Tribunal intends to make its advice in relation to your employer’s proposal publicly available on its website. The Tribunal may also publish periodic summaries of its advices, including the advice in relation to you, in its annual report or in other publications.

In publishing its advice or summaries, the Tribunal may disclose any or all of the following personal information (some of which your employer will provide to the Tribunal):

* position title
* your current remuneration
* contract start and end dates
* personal characteristics, such as specialist skills, experience or qualifications you hold
* the remuneration the Tribunal considers appropriate
* other personal information that may be provided under sections 1 and 2 of this [form](https://www.vic.gov.au/victorian-public-service-executives).

Please note that the published advice and any summaries will not expressly state:

* your name
* the remuneration proposed by your employer.

Further information about how to complete this form is available in the [Guide](https://www.vic.gov.au/victorian-public-service-executives).

At any time, you may contact the Tribunal to access and correct your personal information. Further information on the Tribunal’s [policy](https://www.vic.gov.au/about-victorian-independent-remuneration-tribunal#privacy-policy) for handling personal information is available on the Tribunal’s website.

**Request for consent to publish**

The Tribunal requests your consent to disclose your personal information when publishing its advice on its website, including in periodic summaries. Note: while the Tribunal requests your consent, the legislative framework governing and applicable to the Tribunal supports and enables the publication of its advice and summaries without your consent.

**Executive’s acknowledgement of notice and consent**

|  |  |
| --- | --- |
|  | I am the executive or proposed executive to which this request for advice applies. |
|  | I have read and understood the Tribunal’s notice that it may disclose my personal information when publishing its advice about my proposed remuneration. |
|  | I consent to the Tribunal disclosing my personal information when publishing its advice or summaries of advices, noting that my name and proposed TRP will not be expressly stated. |
|  | I understand that in accordance with the Tribunal’s Collection Notice, I have the right to access and correct my personal information held or published by the Tribunal. |

|  |  |
| --- | --- |
| **Name:** |  |
| **Signature / date:** | Date: / / 202 |

NB: digital signatures are accepted.

**Once complete, please send this section to your employer.**

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