

COMMUNICATIONS AND DEALINGS BETWEEN MINISTERIAL OFFICE STAFF AND EMPLOYEES OF THE PORTFOLIO AGENCIES OF THE MINISTER FOR MINES AND PETROLEUM, FISHERIES AND ELECTORAL AFFAIRS

Western Australian Electoral Commission

1. Basis for communication

The purpose of this document is to define the communication arrangements between ministerial staff supporting the Minister for Mines and Petroleum, Fisheries and Electoral Affairs and employees of the Office of the Western Australian Electoral Commission.

These arrangements are in accordance with section 74 of the *Public Sector Management Act* and the Department of the Premier and Cabinet Guidelines. In all communications, relevant statutory obligations and responsibilities of each agency are to be preserved.

The term "*Chief Executive Officer*" (CEO) is used as a generic term to describe the accountable officer of the agency.

The term "*relevant senior officer*" is used to describe the appropriate instructing officer or his/her representative (usually of a senior position) with the agency.

The term "*ministerial liaison officer*" is used to describe the nominee or position(s) designated to managing ministerial requests within each agency.

2. Directions by Ministerial Office staff to Agency employees on the manner in which they are to perform functions

In accordance with section 74(2) of the *Public Sector Management Act*, no instructions are to be given by Ministerial Office staff to agency employees on the manner in which they are to perform their functions, unless there is prior agreement with the relevant Chief Executive Officer, who is the employing authority. This ensures the preservation of clear lines of accountability and responsibility.

When a requirement relates to the work of a ministerial office employee, and is not on the Minister's behalf, this must be clearly stated.

3. Communications from the Ministerial Office to the Agency

Communications are categorised into various categories and dealt with differently according to their potential impact:

- ***Requests for briefing notes, routine information or research***

In general, all requests are to be in writing and directed through the Office of the Chief Executive Officer, marked to the attention of the agency's ministerial liaison officer and also to the relevant senior officer (if known).

The Minister's staff will be responsible for indicating, by means of a Ministerial action stamp, the appropriate form of reply (eg, Parliamentary Secretary reply, Chief of Staff reply, direct reply, etc) and the due date.

Use of email: Urgent requests can be sent by email direct to the relevant senior officer, with a copy to the ministerial liaison officer.

Verbal requests: Staff in the Minister for Electoral Affairs' Office may contact senior officers direct in relation to urgent matters. Senior officers are to keep the ministerial liaison officer informed of the request.

- ***Response to Parliamentary matters and urgent matters***

Where information is required to advise Parliament or is required urgently by the Minister, alternative arrangements can be made to ensure the Minister receives the necessary information.

- ***Meetings with the Minister***

Requests for meetings are to be directed to the Minister's Appointments Secretary and supported by briefing notes for the Minister, two clear working days in advance of the meeting. These should first be endorsed by the relevant senior officer. If necessary, requests for meetings which are of an urgent or contentious nature can be first discussed with the Chief of Staff.

- ***Agency representation at official meetings***

For agency representation in an official capacity, staff in the Minister's Office will send a request to the agency's ministerial liaison officer who will arrange for an agency representative. An advice note will be forwarded to the Chief Executive Officer.

- ***Provision of professional legal advice to the Minister***

The Minister and his staff may directly contact the agency's designated legal officer(s) in his or her professional capacity.

- ***Development of legislation***

The development of legislation in each agency is dealt with by either a number of different staff, based on a specific industry sector, or by one section only. The Chief Executive Officer will advise which officer or section is dealing with particular legislation. Officers can liaise direct and will ensure all parties, including the Chief Executive Officer, are kept up-to-date and informed of developments.

- ***Requests for clarification***

Where information has been provided but it leaves some point unanswered or is unclear, clarification may be sought from the author of the briefing note.

When clarification is required with regard to the Minister's comments on ministerial correspondence, the agency's ministerial liaison officer will liaise with the Minister's Office.

- ***Requests for media releases***

All requests should go through the Chief Executive Officer or nominated officer.

4. Communications from the Agency to the Minister's Office

For all communications of a strategic policy nature, where the agency has provided a response, a covering memo will specify that the Chief Executive Officer has noted and endorsed the response before it is sent. If the Chief Executive Officer is not available to note and endorse the response, it will be the responsibility of the relevant senior officer to ensure that the Chief Executive Officer is subsequently advised of the response.

5. Communication from the Agency to the office of a Minister responsible for another portfolio

All communications between the agency and the office of another Minister, should be directed through the Office of the Minister, except where the Office of the Minister explicitly requests otherwise.

6. Communications between the Agency and a non-Government Member of Parliament

In circumstances where non-Government members of the Parliament contact agency staff for information or to arrange a meeting, the approval of the Chief Executive Officer or delegated officer is required.

Requests by non-Government members of Parliament to the Chief Executive Officer should include the information being sought or issues to be discussed. Agencies are to provide non-Government members of Parliament with all factual information and "matters-on-the-record".

Discussions with agency staff are not to be for the purposes of debating the merits of Government policy. Consistent with the *Freedom of Information Act*, personal information about a third party is not to be given to a non-Government (or Government) member of Parliament without the agency advising and consulting with the individual affected.

Where appropriate, non-Government (and Government) members of Parliament should be advised of the provisions of the *Public Sector Management Act 1994*, in particular, sections 8 and 105.

7. Performance standards in communications and dealings between Ministerial Office staff and employees of the Office of the Western Australian Electoral Commission.

<i>Type of Ministerial Request</i>	<i>Timeframe</i>
Ministerial request for and on behalf of the Premier or Governor	48 hours
Ministerial request for and on behalf of a WA Member of Parliament	3 working days
Ministerial request for and on behalf of a member of the public OR Ministerial request originating from a Ministerial staff member	8 working days

Specific deadlines will be negotiated on a case by case basis by Ministerial Office staff and the agency's ministerial liaison officer depending on the urgency of the communication.


10. Resolution procedure for a breach of the Minister's written arrangements

The Chief Executive Officer will discuss the breach with the Minister (or vice-versa, if appropriate) in order to resolve the situation.


Warwick Gately AM
ELECTORAL COMMISSIONER

27 Nov 08

Date


HON NORMAN MOORE MLC
MINISTER FOR ELECTORAL AFFAIRS

4/12/08

Date