Department of Indigenous Affairs
Government of Western Australia

542

Briefing Note

TO:	MINISTER FOR INDIGENOUS AFFAIRS	YOUR REF:	11-16775
FROM:	DIRECTOR GENERAL	OUR REF:	58482 -
SUBJECT:	Proposed Communication Agreement between the Office of the Minister for Indigenous Affairs and the Department of Indigenous Affairs		

ISSUE

To seek your approval for a proposed communications agreement between the Office of the Minister for Indigenous Affairs ("the Minister's office") and the Department of Indigenous Affairs ("DIA"), as required by section 74 of the *Public Sector Management Act 1994.*

BACKGROUND

Section 74(1) of the *Public Sector Management Act (1994)* provides that as soon as practicable following an appointment as a Minister of the Crown, that Minister must make written arrangements with each department for which that Minister is responsible detailing the manner and circumstances in which communications are to be made between ministerial officers and departmental staff.

CURRENT SITUATION

DIA has prepared a draft communications agreement based on the previously existing communications agreement between DIA and your predecessor, as well as additional information obtained from the Department of Premier and Cabinet.

The agreement outlines a protocol in which communications (written, verbal and electronic) between the Minister's office and DIA are to occur and provides for the resolution of issues of concern that may arise. Furthermore, the agreement outlines responsibilities of both the Minister's Office and DIA in relation to communication between the two.

LOAN COPY

WESTERN AUSTRALIA
Laid on the Table of the
Legislative Assembly
0 3 MAR 2009
This paper should not be
removed from the Chamber

PROPOSED ACTION

That you consider signing both copies of the proposed agreement, keeping one copy for your records and returning one for DIA's records.

PATRICK WALKER
DIRECTOR GENERAL

27/10/08

Att. Two copies of proposed communications agreement.

28/10

Noted /
Approved /
Not Approved

.....

Minister for Indigenous Affairs

30/10/08

(D:\dms\minister\open\spk\spk0004m.doc)

Prepared by Simon Keenan - 6235 8065 Date

Asst Director Signature Date

Director Signature Date

ARRANGEMENTS FOR COMMUNICATIONS AND DEALINGS BETWEEN STAFF OF THE OFFICE OF THE MINISTER FOR INDIGENOUS AFFAIRS AND THE STAFF OF THE DEPARTMENT OF INDIGENOUS AFFAIRS

1. In accordance with section 74 of the *Public Sector Management Act (1994)*, this agreement sets out the circumstances and manner in which communications and any dealings between the staff of the Office of the Minister for Indigenous Affairs (**the Minister**) and staff of the Department of Indigenous Affairs (**the Department**) will occur.

Communications between the Office of the Minister and the Department

2. All communications between the Office of the Minister and the Department should be in relation to his responsibilities as Minister for Indigenous Affairs. If communication is not directly linked to fulfilling the responsibilities of the Minister for Indigenous Affairs then this should be made clear to the Department.

3. The requirements for particular communications are as follows:

   a) Requests for information and research

   All matters of a 'strategic' nature are to be referred to the Director General or the Executive Manager. Staff of the Office of the Minister should not directly approach Departmental staff for a personal opinion or advice.

   Where technical advice or information is required it is permissible to directly approach relevant Departmental staff. Unless the query is minor in nature the Director General should be informed of any such communication.

   b) Arranging a meeting with relevant Departmental staff and requesting their attendance

   Meeting requests relating to matters of a strategic nature are to be referred to the Director General or the Executive Manager.

   Where the matter is routine in nature appropriate Departmental staff may be approached directly. The Director General is to be informed of such communications by the Departmental staff member who is approached directly.

   c) Matters relating to the drafting of legislation

   All matters relating to the drafting of legislation are to be directed to the officer nominated to deal with drafting related requests. This officer will have the responsibility of informing the Director General about developments in relation to the drafting.

   d) Requests for briefing notes

   All requests are to be referred to the Director General or Executive Manager.

If these officers are unavailable the Executive Director – Land, Heritage and Culture, Executive Director –Regional Outcomes, Executive Director – State Strategy, Policy and Investment, or the Director – Business and Strategic Services can be approached. In such circumstances the Director General or Executive Manager should be informed of the request and subsequent action as soon as possible. Briefing notes will generally be signed off by both the relevant Executive Director and Director General.

Requests for the Department to commit resources

4. All requests that require the Department to commit resources beyond the usual functions and duties of the Department's officers should be directed to the Director General, or if the Director General is unavailable to the Executive Manager. If the Executive Manager receives the request it shall be reported to the Director General as soon as possible. Such requests should be presented in writing.

Communications from the Department to the Office of a Minister responsible for another portfolio

5. All communications between the Department and the office of a Minister, other than the Minister to whom the Department is responsible, should be directed through the Minister's Office. Likewise all communications between the Minister and an agency other then the Department should be directed to the Office of the Minister responsible for that agency.

Cabinet Matters

6. All submissions to Cabinet must be directed through the Office of the Minister. All such submissions must be sent under confidential cover.

Agency Liaison Officers - Placements and Secondments

7. An officer of the Department who is seconded to the Office of the Minister is, for the period of secondment, under the direction of the Minister.

   An officer of the Department who is placed in the Office of the Minister to provide an agency specific viewpoint remains under the direction of the Director General

Directions by staff of the Office of the Minister to the staff of the Department on the manner in which they are to perform their duties

8. The Director General's agreement is required in circumstances where it appears desirable for staff of the Office of the Minister to give direction to an officer of the Department on the manner in which they are to perform their duties.

Resolution procedure for a breach of these arrangements

9. If one of the parties feels that the other has breached this agreement in some way then the Minister, or his Chief of Staff, and the Director General will discuss the breach and decide on what further action, if any, is necessary.

Dr Kim Hames MLA

MINISTER FOR INDIGENOUS AFFAIRS

Date: 30/10/06

Patrick Walker

DIRECTOR GENERAL
DEPARTMENT OF
INDIGENOUS AFFAIRS

Date: 27/10/06

ARRANGEMENTS FOR COMMUNICATIONS AND DEALINGS BETWEEN STAFF OF THE OFFICE OF THE MINISTER FOR INDIGENOUS AFFAIRS AND THE STAFF OF THE DEPARTMENT OF INDIGENOUS AFFAIRS

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d) Requests for briefing notes

All requests are to be referred to the Director General or Executive Manager.

If these officers are unavailable the Executive Director – Land, Heritage and Culture, Executive Director –Regional Outcomes, Executive Director – State Strategy, Policy and Investment, or the Director – Business and Strategic Services can be approached. In such circumstances the Director General or nominated officer should be informed of the request and subsequent action as soon as possible. Briefing notes are to be signed by both the relevant Assistant Director and the relevant Executive Director.

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Dr Kim Hames MLA

MINISTER FOR INDIGENOUS AFFAIRS

Date: 30/10/08

Patrick Walker

DIRECTOR GENERAL
DEPARTMENT OF
INDIGENOUS AFFAIRS

Date: 27/10/08

Department of **Health**
Government of **Western Australia**

OFFICE OF THE DIRECTOR GENERAL

Internal Memorandum

MINISTER FOR HEALTH

RE: COMMUNICATIONS PROTOCOL BETWEEN MINISTERIAL OFFICE STAFF AND EMPLOYEES OF THE MINISTER FOR HEALTH'S PORTFOLIO AGENCIES

You will be aware that new Ministers are required to make arrangements in writing setting out the manner in which Ministers and their staff are to communicate with agency staff.

I therefore attach a communications protocol for your consideration and signature if approved.

The proposed arrangements are in accordance with section 74 of the *Public Sector Management Act* and Department of the Premier and Cabinet Guidelines.

Should you have any queries, please contact Dawnia Chiu in my office, on 9222 2127.

Dr Peter Flett
A/DIRECTOR GENERAL

2 **October 2008**

COMMUNICATIONS AND DEALINGS BETWEEN MINISTERIAL OFFICE STAFF AND EMPLOYEES OF THE MINISTER FOR HEALTH'S PORTFOLIO AGENCIES

Office of the Director General of the Department of Health

1. Basis for communication

The purpose of this document is to define the communication arrangements between ministerial staff supporting the Minister for Health and employees of the Department of Health.

These arrangements are in accordance with section 74 of the *Public Sector Management Act* and 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 *(Attachment 1).*

The term *"Ministerial Liaison Officer"* is used to describe the nominee or position(s) designated to managing Ministerial requests within each Agency *(Attachment 2).*

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 from the Minister and/or the Ministerial Office 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, Minister reply, Chief of Staff reply, direct reply from Director General, 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's Office may contact senior officers direct in relation to urgent matters. Senior officers are to keep the Ministerial Liaison Officer informed of 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 for Health***
  Requests for meetings are to be directed to the Minister for Health's Appointments Secretary and supported by briefing notes for the Minister for Health, two clear working days in advance of the meeting. These will first be endorsed by the Agency's 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 for Health'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 for Health***
  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 or the Ministerial Liaison Officer.

  When clarification is required with regard to the Minister for Health's comments on Ministerial correspondence, the Agency's Ministerial Liaison Officer will liaise with the Minister for Health's Office.

- ***Media releases***
  If a media release is required as part of a speech request, this should be indicated on the formal speech request form.

  The Minister's Media Adviser should contact senior Public Affairs staff to discuss other requests for media releases and media events.

- ***Media queries***
  Senior Public Affairs staff and the Minister's Media Adviser will liaise on contentious issues and media queries.

4. Communications from the Agency to the Minister for Health'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 for Health, except where the office of the Minister for Health 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. In accordance with the Freedom of Information Act 1992, personal information about a third party is not to be given to a non-Government (or Government) member of Parliament unless it is the subject of a Freedom of Information application and provided in accordance with consultation processes in the Act.

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. Cabinet Matters

All communications relating to matters before Cabinet, or about to come before Cabinet, must be directed through the Office of the Minister for Health, except where explicitly requested or agreed to otherwise. It will be the responsibility of Ministerial Office staff to keep Agency staff informed of Cabinet issues in a reliable and timely manner.

All Cabinet papers between the Minister's Office and the Agency will be sent under confidential cover via the Ministerial Liaison Officer.

8. Secondments to the Minister for Health's Office

An Agency employee or officer seconded or placed in the Office of the Minister for Health is for the period of the secondment/placement, under the direction of the Minister for Health.

9. Performance standards in communications and dealings between Ministerial Office staff and employees of the Department of Health

Type of Ministerial Request	*Timeframe*
Ministerial request for and on behalf of the Premier or Governor	4 working days
Ministerial request for and on behalf of a WA Member of Parliament	4 working days
Ministerial request for and on behalf of a member of the public	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 these written arrangements

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

Dr Peter Flett
A/DIRECTOR GENERAL
DEPARTMENT OF HEALTH

Date:

Dr Kim Hames MLA
DEPUTY PREMIER
MINISTER FOR HEALTH

Date:

ATTACHMENT 1

DEPARTMENT OF HEALTH – SENIOR OFFICERS

A/Director General	Dr Peter Flett
A/Director, Director General's Division	Mr Wayne Salvage
Executive Director, Health Policy and Clinical Reform	Dr Simon Towler
Chief Executive, WA Country Health Service	Mr Kim Snowball
A/Chief Executive, South Metropolitan Area Health Service	Dr Mark Platell
Chief Executive, North Metropolitan Area Health Service	Dr David Russell-Weisz
A/Executive Director, Child and Adolescent Health Service	Ms Anne Bourke
Chief Information Officer	Mr Richard McFadden
Executive Director, Public Health	Dr Tarun Weeramanthri
A/Director, Workforce	Ms Sue Brooks
Director, Office of Aboriginal Health	Mr Ken Wyatt
Chief Finance Officer	Mr John Leaf

ATTACHMENT 2

DEPARTMENT OF HEALTH

NOMINATED MINISTERIAL LIAISON OFFICERS

Mrs Jane James, Coordinator, Ministerial Liaison Unit – 9222 4011
Ms Danielle Hindge, A/Parliamentary Liaison Officer – 9222 4020
Ministerial Support Officer – 9222 2234