

Guidelines for Government Members

Tasmanian Government Members' Handbook

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VERSION 6.0
ISSUED BY:

Chief of Staff, Office of the Premier
on behalf of the Premier

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I. Introduction

I.1 Objective

The Tasmanian Government Members' Handbook provides information and guidelines to assist Government Members in carrying out their parliamentary roles and responsibilities.

The guidelines do not override any contract, terms of employment, determinations, legislation or instructions of the Premier.

It includes the procedural framework covering interaction by Government Members and their staff with the State Service.

This Handbook should be read in conjunction with other publications and guidelines produced for Members of Parliament issued by the Department of Premier and Cabinet (DPAC), Legislative Council, and House of Assembly

I.2 Terminology

Throughout this document the term Government Members is used collectively to mean the Premier, Ministers (of either House), Parliamentary Secretaries (of either House) the Leader of the Government in the Legislative Council, the Deputy Leader of Government in the Legislative Council, the Speaker in the House of Assembly and Government Backbenchers of the House of Assembly.

The term DPAC, when referring to financial matters also means the budget of Ministerial and Parliamentary Support.

I.3 Issuing of the handbook

This Handbook is issued to each Government Member on behalf of the Premier by the Chief of Staff, Office of the Premier. Variations may be made from time to time by the Director, Corporate Services Division, Department of Premier and Cabinet.

The Handbook is also distributed by DPAC to Tasmanian Government departments, the Clerk, Legislative Council and the Clerk of the House of Assembly.

Each new version supersedes and voids any previous version.

2. Overview

2.1 Separation of power

Governance is provided by:

- Parliament – which makes the laws, and provides a mechanism for government accountability. It also authorises the Government to spend public money. It consists of the Governor, the Legislative Council and the House of Assembly.
- Government – which governs, sets the policy agenda, proposes new laws and administers existing laws.
- Judiciary – which interprets laws and makes judgments as to whether they apply in individual cases.

2.2 Parliament

Following an election the political party (or coalition of parties) that holds the majority of seats in the House of Assembly usually forms the Government. That party must keep the support of the majority of House of Assembly Members to remain in government.

The Opposition's role is to present an 'alternative government' and, through Parliament, to ensure government accountability.

The Legislative Council's role is to scrutinise Government action so as to also ensure government accountability. As Governments are not formed in the Legislative Council it operates primarily as a House of Review.

The Governor prorogues and dissolves the House of Assembly, on the advice of the Premier. The Governor also acts on behalf of the monarch to give the Royal Assent to Bills passed by both Houses of Parliament.

The business of the Parliament is carried out in accordance with the Constitution and other applicable laws and the Standing Orders, Rules and conventions of each House. The Clerk of the House to which new Members are elected provides an induction which includes providing new Members with a copy of the Standing Orders, Members' Guide or Handbook and applicable policies.

2.3 Executive Council

The Executive Council comprises a minimum of two Ministers and is presided over by the Governor; however it usually meets in conjunction with Cabinet. The Executive Council is the means by which the Governor is advised. Its decisions have legal effect and can bind the Crown. It should be a formality - which is why matters going before Executive Council are generally considered first by Cabinet. The Executive Council's papers and proceedings are strictly confidential.

The Secretary/Clerk of the Executive Council is co-located with DPAC's Cabinet Office and supports the Executive Council.

2.4 Cabinet

Cabinet comprises the Premier and Government Ministers. Attendance by other Government Members is at the Premier's discretion. In accordance with section 8A of the Tasmanian *Constitution Act 1934*, the Governor may appoint no more than nine Ministers of the Crown, or alternatively where a Secretary to Cabinet has been appointed pursuant to section 8F, no more than eight.

Cabinet does not exist in any legal or constitutional sense but, rather, by convention. Every decision it makes must be given effect through some other means:

- Parliament (legislation)
- Ministerial directive
- Executive Council.

It is the focal point of government decision-making. It is the means by which the Government reaches agreement on policy issues and other matters of importance. Its deliberations are usually based on discussion of written submissions from Ministers, which are generally prepared by government departments.

Cabinet supports the notion of collective responsibility – by convention, once Cabinet has made a decision all Ministers are bound to support it. To dissent publicly would embarrass the Government and leave the dissenter with little option but to resign.

Within government, only Cabinet can overturn a decision it has made. Technically, Executive Council can overturn a Cabinet decision by refusing to give effect to it. Similarly, Parliament can reject or alter legislation put up by the Government and, therefore, not give effect to a Cabinet decision. No legal action can be taken against a Cabinet decision.

Please refer to the *Cabinet Office Handbook* for further information.

2.4.1 Cabinet Confidentiality

The notion of collective responsibility means that Cabinet deliberations are secret. Material submitted to Cabinet is confidential (and protected at law in many circumstances). Only the decisions should be publicly reported and then only when the Government determines it to be appropriate. Material of previous governments is not available to the current Government but may be made available following approval of the Premier of that day.

Cabinet minutes, briefings and decisions are individually numbered and may not be copied or provided to other persons. Minister's offices may not provide Cabinet material to anybody (including their agencies). All requests for Cabinet documents are to be referred to the Cabinet Office.

2.4.2 Cabinet Decisions

Once Cabinet has made a decision it is then formally communicated to Ministers and the State Service for implementation. Such decisions provide authority for Ministers and the State Service to act. All Government legislation introduced to Parliament must be approved by Cabinet. Cabinet decisions are an important official record, and official Cabinet decisions are evidence of the legitimacy of a particular action.

2.4.3 Cabinet Meetings

The Premier is the Chair of the Cabinet. The Premier determines the agenda and the times and duration of meetings. Cabinet considers matters only when the Premier agrees that they be listed. The Premier determines who attends Cabinet meetings. Support to Cabinet is provided by the Cabinet Office, which distributes papers and decisions.

2.5 Legislative Processes

Legislation is written law. There are two types – Acts of Parliament and Subordinate Legislation (Regulations, Proclamations and Orders), which is made under the authority of an Act. Most subordinate legislation is published as 'statutory rules'.

Ministerial approval is often sufficient authority for subordinate legislation to be prepared, but if in doubt a proposal should go to Cabinet. Parliamentary Counsel prepares subordinate legislation for consideration by the Executive Council.

2.5.1 Making Legislation Bills

All Cabinet submissions requesting new or amending legislation require a certificate from the Regulation Review Unit in the Department of Treasury and Finance. This certificate relates to the Economic Reform Unit, which meets Tasmania's legislation review obligations under the National Competition Policy Agreements. This requires the review of all State legislation that restricts competition to ensure that only those restrictions that are fully justified in the public benefit are retained.

The Office of Parliamentary Counsel in DPAC requires Cabinet approval before drafting any legislation. A Government Bill needs approval from the Cabinet Legislation Committee before introduction to Parliament.

An approved Bill is introduced to Parliament, generally into the House of Assembly. Consideration by each House of Parliament has four stages:

First reading - the Bill is brought in and laid on the table, and takes two days to 'mature' before being debated.

Second reading - speech from the Minister to explain the Bill.

Committee stages – clause by clause consideration, including any amendments.

Third reading – normally a formality.

If the Bill is introduced by Message into the Legislative Council it takes three days to 'mature' before it can be read a second time. An endorsed copy of the Bill must also be provided to all Legislative Council members.

Once both Houses of Parliament have passed a Bill, it goes to the Governor for 'Royal Assent'. A Bill that receives Royal Assent becomes an Act of Parliament. An Act of Parliament commences operation either on Royal Assent, or by proclamation (i.e. a separate piece of subordinate legislation), depending on what the Act itself says.

2.5.2 Making Subordinate Legislation

Subordinate legislation goes to the Executive Council for consideration. Some types of subordinate legislation (Regulations and Orders), if approved by Executive Council, must be tabled in both Houses of Parliament. Either House of Parliament may disallow subordinate legislation. Notice of the making of subordinate legislation must be published in the Tasmanian Government Gazette. Subordinate legislation generally commences operation on the day that notice of its making is published, unless it specifically provides an earlier or later commencement date. Subordinate legislation cannot operate retrospectively if it affects people's rights.

2.6 The State Service

State Service employees are employed by and owe allegiance to the Government of the day. A good relationship is critical to the success of a Government. The State Service has two main roles:

- delivery of publicly funded services (example – teachers, hospitals, fire-fighters, public safety, emergency response etc)
- provision of policy advice and support to the Government.

The State Service also:

- provides advice and briefing material (including parliamentary question time briefs, draft media releases, speech notes etc)
- prepares answers to correspondence for Ministers to sign
- provides support to Ministers and their staff at meetings
- assists with administrative matters.

The State Service may not:

- assist with political activities
- engage in activities designed to further the interests of the governing party
- provide Ministers with Departmental files or material relating to a previous government.

The State Service's key role is to implement government policy. This is done through:

- managing and delivering services
- drafting legislation
- reviewing and advising on policy proposals
- developing options for the Ministers and Cabinet
- promoting the State and its advantages.

Ministers and their advisers should develop clear lines of contact with their portfolio agencies - preferably through the Secretary's office. An agency should organise briefings, replies to letters and information for the Minister's office. This is not the job of the Minister's staff.

3. Accountability

3.1 Roles and Responsibilities

The roles and responsibilities of Ministers and other Government Members are documented in a variety of sources including legislation and instruments such as parliamentary standing orders, government guidelines and conventions and other long standing traditions. Members should take particular note of the Code of Conduct for Government Members.

3.2 Code of Conduct

A Code of Conduct has been developed for the guidance of all Government Members. It sets out principles to assist members in observing the expected standards of conduct in public office and to act as a benchmark against which that conduct can be measured.

The Code of Conduct can be found on the DPAC Internet at:

http://www.dpac.tas.gov.au/_data/assets/pdf_file/0016/53503/Government_MPs_code_of_conduct.pdf

3.3 Disclosure of Financial Interests

Guidelines regarding the Disclosure of Financial Interests form part of the Code of Conduct (section 3.3). The *Parliamentary (Disclosure of Interests) Act 1996* require Members of both Houses to make a declaration of their interests when first elected to Parliament. Members must then lodge a return by 1 October in each subsequent year. The returns are tabled in each House and are publicly available. Return forms are available from the Clerk of each House.

3.4 Receipt and Giving of Gifts and Benefits

Guidelines regarding the Receipt and Giving of Gifts and Benefits apply to:

- Government Members
- the immediate families of Government Members (ie spouses, partners and dependent children) but only in relation to or consequential to the official duties of the Member.

The complete guidelines can be found on the DPAC Internet at:

http://www.dpac.tas.gov.au/_data/assets/pdf_file/0018/53505/Receipt_and_giving_of_gifts_policy_for_MPs.pdf

All Members of Parliament are subject to the requirements of the *Parliamentary (Disclosure of Interests) Act 1996*. This requires Members to disclose in their ordinary return each year all gifts received of a value of \$500 or more, other than gifts from a relative. Gifts to be disclosed will include the value of hospitality received as more than one gift from a single source during the return period that in total exceeds \$500. The Clerk of the relevant House should be consulted in relation to the requirements of the Act.

3.5 Use of public funds

Non-Government parties receive public funding in the Tasmanian Government State Budget. *Ministerial and Parliamentary Support* Output Group details funds provided for allowances, staffing support, office facilities, and travel and transport for Members of the House of Assembly.

3.5.1 Principles for the use of Public Funds

Members must ensure that their use of public money is above reproach and there can be no grounds for a suggestion of misuse of public money.

Members must avoid any arrangement which may give rise to an accusation that they, or someone close to them, is obtaining an immediate benefit or subsidy from public funds or that public money is being diverted for the benefit of a political organisation.

Members may only use publicly funded resources in connection with official duties and not for personal benefit or for party political activity.

3.5.2 Additional guidelines and principles for procuring goods and services

The ethical standards and code of conduct for the procurement of all goods and services developed by the Department of Treasury and Finance also apply in principle to members and staff of non-Government offices when procuring goods and services with public funds. These standards state that:

- All business must be conducted in the best interests of the State, avoiding any situation which may impinge, or might be deemed to impinge, on impartiality;
- Public money must be spent efficiently and effectively and in accordance with Government policies;
- Agencies must purchase without favour or prejudice and maximise value in all transactions;
- Agencies must maintain confidentiality in all dealings; and
- Government buyers involved in procurement must decline gifts, gratuities, or any other benefits which may influence, or might be deemed to influence, equity or impartiality.

Members must also require suppliers with whom they do business to act ethically and in accordance with relevant industrial relations and occupational health and safety requirements.

The Code of Conduct states that all Government buyers must:

- Ensure that all potential suppliers are provided with identical information upon which to base tenders and quotations and are given equal opportunity to meet the requirements;
- Establish and maintain procedures to ensure that fair and equal consideration is given to all tenders and quotations received;
- Offer a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
- Promote fair and open competition and seek value for money for the Government;
- Be equitable in the treatment of all suppliers of goods and services;
- Seek to minimise the cost to suppliers of participation in the procurement process;
- Protect confidential information;
- Deal honestly with suppliers;
- Keep accurate records to justify the process and any decisions made;
- Complete a conflict of interest declaration and take steps to avoid involvement in any procurement activity where any conflict of interest (actual or perceived) may arise; and
- Abstain from soliciting or accepting remuneration or other benefits from a supplier for the discharge of official duties.

Members are ultimately responsible for determining whether any item of expenditure is appropriate, given the rules that apply to the use of public funds.

The following examples are provided as a guide to assist Members in their consideration of the proper use of public funds. If there is any doubt Members or their staff should seek guidance from the Corporate Services Division, Department of Premier and Cabinet.

Examples of appropriate and inappropriate use of funds are:

	Principle	Appropriate	Inappropriate
Advertising and communication	Promoting information of general interest to the public which relates to the members role as a member of Parliament and not as a member of a political party.	<ul style="list-style-type: none"> • Promotion of factual information • Notification to attend information forums and public discussions • Promotion of offices hours, contacts and visits to areas within Tasmania • Contact with members of the electorate promoting access to the member • Suitable examples 	<ul style="list-style-type: none"> • Political activity which encourages people to vote for or against a particular party • Direct promotion of a political party • Not suitable examples include: promotional material on behalf of the party, party newsletter, media announcements relating to the party such as party policies,

	Principle	Appropriate	Inappropriate
		include – generic Christmas cards, newsletters, surveys, business cards	and generic party promotional materials such as calendars.
Meeting expenses	Members are entitled to hold and conduct meetings with the people they represent and to ensure that these meetings are held in a professional, convenient and comfortable manner.	<ul style="list-style-type: none"> • Reasonable catering expenses • Room hire • Facilitator/meeting guest • Examples include: overnight stay to attend public forum to gauge the member's electorate issues, costs associated with travel to attend events, facilitator to assist run a smooth meeting. 	<ul style="list-style-type: none"> • Expenses associated with meetings which relate to personal or party political matters eg party meetings. • Examples include; expenses for anyone who is not a member or their employee (including members of the electorate), guest speaker/facilitator promoting party political views.
Accommodation and travel expenses	<p>Members are required to travel as part of their role representing the Tasmanian community</p> <p>Travel expenses for members who are not Ministers are met by the House of Assembly.</p>	<ul style="list-style-type: none"> • Expenses associated with the Minister car and driver. • Travel expenses incurred by staff as direct result of undertaking duties to support a member. Examples include: cost of travel. 	<ul style="list-style-type: none"> • Expenses associated with travel on personal or party political matters. • Expenses for anyone who is not a Member or an employee. • Examples include: accommodation for party meeting, meal and travel expenses for family members unless specifically approved.
Legal fees	Members need to have access to legal advice on matters directly relating to their activities as Members of Parliament and in the appropriate use of Public Funds.	<ul style="list-style-type: none"> • Legal advice before entering into a Crown contract (through Crown Law). • Dealing with legal issues arising directly as part of their role as a Member of Parliament. • Examples include: developing a crown contract for a procurement of goods with public funds, legal advice on draft legislation or an action by the Government. 	<ul style="list-style-type: none"> • Legal advice on matters that relate to personal or party political matters. • Examples include: legal action against the party, and legal action for matter(s) not related to your role as a member of Parliament, or for their misuse of their role as a member of Parliament.
Professional / consultancy services	Members of Parliament should be able to access expert and professional services to assist them	<ul style="list-style-type: none"> • Fees for presenting information in a readable format. • Research and media monitoring. 	<ul style="list-style-type: none"> • Advice for members or political parties on self promotion, and polling undertaken by a third party.

	Principle	Appropriate	Inappropriate
	adequately represent their electorate.	<ul style="list-style-type: none"> • Legal services (see above). • Examples include; graphic design, meeting facilitator, business consultant for advising on efficient office processes, provide advice on matters before Parliament. 	
Electorate Offices	Each member of Parliament is entitled to an electorate office. Members are entitled to use these facilities to support them in their role as a member of Parliament recognising that it is not always possible to clearly delineate their roles of members of parliament with that of party member, business person and community members.	<ul style="list-style-type: none"> • Meet with members of the electorate. • Hold information session and events for members of the electorate. • Distribute information about issues relevant to that electorate. • Incidental private/business activities of the member that arise from time to time. 	<ul style="list-style-type: none"> • Conducting private business activities unrelated to the Member's role as a Member of Parliament.
Salaries and payments	Members of Parliament need staff to assist them fulfil their parliamentary duties and these staff should be recompensed for their work.	<ul style="list-style-type: none"> • Staff employed in the non-Government offices to assist the member fulfil his/her duties. • Examples include: office manager, chief of staff, administrative support, media officers, researcher. 	<ul style="list-style-type: none"> • Staff employed on party political duties • Ex gratia payments • Examples include: campaign manager, party office coordinator, media officer for the party.
Ministerial car	Ministers and the leader of Government in the Legislative Council have access to a ministerial car and driver.	<ul style="list-style-type: none"> • Travel from home/office/ accommodation to official functions and events which you are attending as a Minister. • Transporting family members when they are accompanying the member to an official function or event. • Incidental family travel which requires an insignificant detour to the route being taken by the member of parliament. 	<ul style="list-style-type: none"> • Personal travel. • Transporting party members not accompanying the Leader. • Family member not on official or incidental travel • Examples include: attending private function, attending a party function, transporting family members to a private event, transporting party members to any event.

	Principle	Appropriate	Inappropriate
		<ul style="list-style-type: none"> Examples include: attending Parliament, dropping children at school as part of the member's journey to office/Parliament/ other official function, member and partner attending a public forum considered appropriate under these guidelines. 	
Use of party logo	Members of Parliament need to be open about which party they represent.	<ul style="list-style-type: none"> The use of the party logo is at the discretion of the member of Parliament. The party logo may be used on material but only where the content of that material is permissible under these guidelines. 	
Self development/ training	Members of Parliament and their staff should be able to develop their skills so they can best fulfil their role.	<ul style="list-style-type: none"> Access to training for office processes and administration, Skill and knowledge development in matters which assists the member better understand current issues. Examples include: attending information forums, communication training, computer skills development. 	<ul style="list-style-type: none"> Development and training which directly relates to party political benefits/matters. Examples include: personal presentation and promotion training, participating in community classes such as cooking, Tai Chi or a reading club. Training run by the party.
Resource Allocation	Members of parliament have access to funds to enable them to fulfil their role as a member of Parliament	<ul style="list-style-type: none"> Any activities, goods or services which assists them fulfil their duties as a member of parliament. Examples include: office supplies, rental costs, contribution to staff salary, and purchase of office equipment including IT. 	<ul style="list-style-type: none"> Any activities, goods or services which directly benefits them personally, or their party. Examples include: research for party purposes, office equipment for private or party use.
Entertainment	Members of Parliament should have some discretion to engage in entertainment where it directly relates to	<ul style="list-style-type: none"> To cover catering costs for meetings, including lunches. To entertain visitors and guests as part of his/her role as a member of 	<ul style="list-style-type: none"> Purchase of gifts for any purpose Entertaining party colleagues and party supporters. Examples include:

Principle	Appropriate	Inappropriate
their role as a member of parliament.	parliament and in promoting Tasmania. <ul style="list-style-type: none"> To support working dinners or lunches for office staff and colleagues. Examples include: wine for meetings with particular guests/ members of the community, lunch expenses when associated with a meeting. 	alcohol purchased for family and/or friends, entertainment costs associated with party political events, birthday cards/flowers for members of the electorate

Advice should be sought on the following before committing to expending public funds:

- Costs associated with activities where there is not a clear distinction between your activities as a member of Parliament and as a member of a political party.
- Professional services where the services benefit both you and a political party.
- Media management and public relations activities.

For advice or assistance contact Jeff Reeve, Director, Corporate Services on 6270 5481 or email: Jeff.Reeve@dpac.tas.gov.au

3.6 Official functions and overseas travel

DPAC's Protocol Office is responsible for management of official visits to Tasmania, State receptions and functions and State awards. Any questions on these matters should be directed to that office.

The Protocol Office should also be contacted for advice on dealing with missions to foreign governments and travel overseas. Diplomatic and official passports are also arranged through the office.

3.7 Role of an acting minister

Any Minister may execute official documents on behalf of another Minister, except for the Attorney-General and the Premier. A person who is not a Minister (for example the Secretary to Cabinet or a Parliamentary Secretary) cannot exercise powers or sign legal documents on behalf of a Minister.

Appointments of Acting Premier and Acting Attorney-General are made if the relevant office holder is absent from the State or is unable to undertake their role, for other than a short period. The Executive Council Secretariat arranges these appointments.

During the time a Minister is temporarily undertaking an acting role, there is no change to the sharing of Ministerial expenditures between DPAC and the portfolio agencies.

3.8 Caretaker conventions

During the period preceding an election for the House of Assembly, the Government assumes a 'caretaker role'. This practice recognises that, with the dissolution of the House, the Executive cannot be held accountable for its decisions in the normal manner, and that every State election carries the possibility of a change of government.

During the caretaker period, Government business continues and ordinary matters of administration still need to be addressed. While business continues, as it applies to ordinary matters of administration, the caretaker conventions do affect some aspects of executive government. In summary, the conventions require that the Government avoids:

- making major policy decisions that are likely to commit an incoming Government
- making significant appointments
- entering into major contracts or undertakings.

The role of government agencies remains unchanged. There are established conventions and practices associated with the caretaker conventions that protect the apolitical nature of the State Service.

The *Caretaker Conventions* can be found on the DPAC Internet at http://www.dpac.tas.gov.au/divisions/executive/caretaker_conventions

3.9 Arrangements upon leaving office

When a Minister ceases to hold office, all Ministerial entitlements cease to operate immediately and all office equipment and Crown assets at the Minister's home, including fax, computers and mobile phones are to be returned to DPAC.

4. Salaries, Superannuation and Allowances

Members' salary, superannuation and allowances are paid in accordance with the *Parliamentary Salaries, Superannuation and Allowances Act 1973*.

4.1 Basic parliamentary salary

The basic salary of all Members of Parliament is paid by the House of Assembly or Legislative Council as appropriate.

4.2 Office holders allowance

An allowance is paid to the Premier, Deputy Premier, other Ministers of the Crown, Secretary to Cabinet, the Speaker of the House of Assembly and the Leader of the Government in the Legislative Council.

These allowances were determined by the Tasmanian Industrial Commission in accordance with the *Parliamentary Salaries, Superannuation and Allowances Act 1973*. These allowances are calculated as a percentage of the basic salary and are currently:

Office	Allowance	Paid by
Premier	115%	DPAC
Deputy Premier	82%	DPAC
Minister	70%	DPAC
Leader of the Government in the Legislative Council	70%	Legislative Council (if the Leader is not a Minister)
Deputy Leader of the Government in the Legislative Council	35%	Legislative Council (if the Leader is not a Minister)
Speaker House of Assembly	35%	House of Assembly
Secretary to Cabinet	30%	DPAC

Further allowances are also payable to other Members of Parliament. A complete list is found in section 6 of the Report of the Full Bench of the Tasmanian Industrial Commission Established to Determine the Basic Salary and Additional Salaries Payable to Members of the Tasmanian Parliament.

The *Parliamentary Salaries, Superannuation and Allowances Act 1973* is available on line at www.thelaw.tas.gov.au

4.3 Electorate Allowance

The relevant House of Parliament in accordance with the determination of the Second Committee of Review (22 August 2006) pays an electorate allowance to each Member in addition to their basic salary. These allowances, which vary from electorate to electorate, are adjusted in line with the basic salary.

4.4 Superannuation

Superannuation payments to Members are made in accordance with the *Parliamentary Superannuation Act 1973* for those Members who were first elected prior to 12 November 1985 and who were Members of either House on 1 July 1999.

The *Parliamentary Retiring Benefits Act 1985* applies to Members who were first elected to either House on or after 12 November 1985 and who were Members of Parliament on 1 July 1999.

The *Parliamentary Salaries, Superannuation and Allowances Act 1973* applies to Members first elected after 1 July 1999.

Members are advised to seek information regarding their superannuation from their fund managers.

4.5 Other Allowances

The following allowances and benefits are also available to all Members as determined in accordance with the determinations made by members of the Tasmanian Industrial Commission acting as a Committee of Review Inquiring into the Entitlements of Members of the Tasmanian Parliament Regarding Allowances and Benefits

- motor vehicle allowance (clause 2 of the report of the Second Committee of Review)
- Members may elect to be provided with a fully funded motor vehicle in lieu of the motor vehicle allowance (clause 2.3)
- Bass Strait Islands travelling allowance (clause 5)
- various committee sitting fees (clause 7)
- telecommunications allowance by way of reimbursement in respect of phone costs (clause 9)
- entertainment allowances for the Premier, President of the Legislative Council and the Speaker of the House of Assembly (clause 10)
- away from home travelling allowance (clause 11).

4.6 Members' Allocation

Members of Parliament receive a Resource Allocation (sometimes called a Research Allocation or Research Allowance) of \$7 500 (ex GST) per year, administered by DPAC. DPAC administer the Members' Allocation for House of Assembly Members and the Legislative Council administers the Allocation for Legislative Council Members. The information below deals with the Members' Allowance administered by DPAC. For information on the Members' Allocation for Members of the Legislative Council, contact the Clerk of the Legislative Council.

The intended use of the Allocation is for "research and support, or equipment relevant to assist Members in the performance of their duties."

The Allowance was initially called the Research and Related Equipment Allowance. Over time this Allowance was extended to include non-equipment items such as staffing and mobile phone costs. Members may now use the funds at their discretion to support activities associated with the performance of their duties as a Member of Parliament. Accordingly the Allowance has been renamed the Members' Allocation.

4.6.1 Administration

Members are responsible for how they spend their allocation. Members are not allowed to spend more than their allocation and if they exceed the \$7 500 (ex GST) limit, they will need to meet the excess from another source of funds.

Member's expenditure against their Members' Allocation has a unique code in Finance One.

Approval to purchase part or all of an item/service from the Members Allocation should first be approved by the Chief of Staff or Manager Ministerial Services, who will liaise with DPAC for a purchase order to be raised for an item/service that will be charged against that Members' Allocation. Reimbursement/journals can also be made to the Members' Allocation with appropriate approval and invoices/documentation.

4.6.2 Using the Allocation for salary

Members may use their Allocation to pay a staff member's salary. Where more than one Allocation is paying for a salary, the salary should be clearly costed against each Allocation through the HR system.

4.6.3 Sharing the Allocation

The cost of certain items such as rental, office equipment and salary, may be shared among different members, with each member using their Members' Allocation to fund their contribution. Where this is the case, Members should clearly state which proportion is to be costed against which Member.

4.6.4 Exceeding Balances

The balance of the Allocation cannot be exceeded in one financial year, and cannot be carried over from one year to the next. If the payment of an invoice will exceed the limit, the Member should advise where the excess will be charged against. The Allocation is only for items and/or services received in that financial year.

4.6.5 Ownership

All goods purchased under the Allocation are Crown property. Assets must be recorded in accordance with DPAC's asset management processes and policies.

When a Member ceases to be a Member of Parliament the items remain the property of the Crown, however the Member may negotiate to purchase some or all of the items.

4.6.6 Procurement policies

The procurement of all goods and services under this Allocation must be in accordance with all DPAC, whole of government policies and procedures and party specific procedures as they apply to members of the House of Assembly.

4.6.7 Responsibility

The Members' Allocation can be used by members for any purpose in "the carrying out of their duties as a member of Parliament", and each Member is responsible for ensuring the Allocation is spent appropriately.

Where an expense item clearly does not appear to fall within the purpose of the Allocation, it should be brought to the attention of DPAC's Finance Manager.

As a general rule entertainment expenses are not considered appropriate use.

4.6.8 Reporting

The following monthly reports will be produced to assist Members keep track of their Allocation:

- For Government Members - Balance included in the monthly report under Output Group 1.2, provided to the Manager Ministerial Services – Premier's Office.
- For Non-Government Members - Balance included in monthly report to Manager Ministerial Services.
- A Member can contact the Finance Branch at any time to find out the balance of their Members' Allocation (excluding commitments).

4.6.9 New Members

When a new Member is elected to the House of Assembly at any time throughout the year, the Member is entitled to a pro rata of the Allocation for that year.

4.7 Responsibility of payment

All salaries, allowances and benefits of Government Members of the House of Assembly are paid by and are the responsibility of the House of Assembly. The following allowances are paid and administered by DPAC:

- office holders allowance for the Premier, Deputy Premier, Ministers and Secretary to Cabinet
- entertainment allowance for the Premier
- away from home travelling allowance for Ministers
- Government Members' Allocation.

All other salaries, allowances and benefits etc are the responsibility of the Head of Agency.

5. Office Designations

5.1 Electorate offices

Each Member of Parliament is entitled to:

- An office in Parliament House provided by the House of Assembly/Legislative Council.
- An Electorate Office and one staff member for Members of the House of Assembly, administered by DPAC.
- An Electorate Office and one staff member for members of the Legislative Council, administered by the Legislative Council.

The following applies to Electorate Offices provided to Members in the House of Assembly. For information of entitlements for Members of the Legislative Council, contact the Clerk of the Legislative Council.

5.1.1 Use of Electorate Offices

Electorate offices are provided to Members to provide a base for their electorate work, and fulfil their duties as a Member of Parliament.

5.1.2 Electorate Offices establishment costs

Each new Member of Parliament may be entitled to up to \$10,000 to establish a new electorate office or as determined by the Chief of Staff. This funding is to meet the initial costs associated with the establishment of an Electorate Office including legal fees for the preparation of a lease, signage, minor refurbishments and office furniture to make the office functional.

The funding is not available to new members who take over an existing office unless determined otherwise by the Chief of Staff. The funding is not transferrable to another member. Any costs in excess of the \$10,000 should be funded from the Member's Resource Allocation.

5.1.3 Electorate offices facilities and running costs

The cost of rent, all office facilities including network and IT support, and the annual running costs of a Government Member's Electorate Office are funded from Output 1.2 budget as determined by the Office of the Premier.

The Premier's Office manages the budget for electorate office rents and outgoings including rates, taxes, water, electricity and cleaning costs. The office operating expenses such as lease/purchase of equipment, stationery supplies and other consumables can be funded from the Members Resource Allocation or their Electorate Allowance.

DPAC, through the Properties and Procurement Branch, manages the electorate offices' leases and coordinates the payment of rates, taxes, water, electricity and cleaning costs on behalf of the Premier's Office. DPAC also coordinates the purchase of bulk stationery supplies and office equipment.

Any costs associated with the role as a Minister is met by DPAC.

Electorate Offices should only be used to enable the member to fulfil his/her duties as a Member of Parliament.

5.1.4 Computers, peripherals and networks in Electorate Offices

The purchase, installation and support of the equipment, peripheral devices and data networking facilities in an Electorate Office of a Minister and Government Backbenchers are facilitated by Corporate Services, DPAC.

The purchase, installation and support of the equipment, peripheral devices, photocopiers and data networking facilities in an Electorate Office of the Speaker of the House of Assembly are managed by the House of Assembly.

The purchase, installation and support of the equipment, peripheral devices and data networking facilities in an Electorate Office of the Leader or the Deputy Leader of the Government in the Legislative Council are managed by the Legislative Council. However the computer, peripherals and networking costs associated with staff appointed through the Office of the Premier are administered by DPAC.

5.1.5 Electorate Office staffing

The number and level of positions in the electorate offices and those in Parliament House are determined by the Chief of Staff, Office of the Premier in consultation with the Premier.

Generally members are entitled to one electorate officer.

5.2 Ministerial Offices

In addition to the offices detailed above, a Minister is also provided with:

- A primary Ministerial office; and
- If the Minister is based in the north of the State, a secondary Ministerial office.

Of these offices, one must be based in Hobart, and the other in the Minister's electorate.

The rent, furnishings, general maintenance, salaries, telephone lines and operational costs of the primary and secondary Ministerial office are the responsibility of DPAC.

Where a Government member in the Legislative Council is a Minister and uses a Legislative Council supported electorate office for Ministerial purposes, the cost associated with their role as a Minister, including any staffing support and associated equipment is the responsibility of DPAC, except for Departmental Liaison Officers who are provided by the relevant portfolio agency.

5.2.1 Computers, peripherals and networks

The provision and support of computers, peripheral devices and data networking facilities in a Ministerial office, Parliamentary office and place of residence are the responsibility of DPAC.

6. Ministers' Entitlements

This section details the entitlements for a Minister from either the House of Assembly or the Legislative Council. Regardless of the House to which the Minister belongs, the entitlements are consistent.

6.1 Staffing

The number and level of positions in a Ministerial office are determined by the Chief of Staff, Office of the Premier, in consultation with the Premier and are based on the level of portfolio responsibilities.

The Corporate Services Division, DPAC provides administration and support. Details concerning Government staff entitlements are described in the 'Government Staff' section of this Handbook.

6.1.2 Agency funded positions

Unless otherwise approved by the Chief of Staff, Office of the Premier, each Public Sector Agency administered by a Minister is to provide a Departmental Liaison Officer (DLO). The actual number of DLOs provided by each Agency is to be agreed between the Minister, Head of Agency and the Chief of Staff.

The classification of DLOs is usually within the classification range of Band 6 to 8 of the General Stream of the Tasmanian State Service Award. Salary and all other costs for DLOs are to be met by the DLOs home Agency.

The duties of a DLO may include:

- Being the primary point of liaison between the Agency and the Office of the Premier or Minister's office;
- Liaising with staff across the Department to ensure the timely preparation of high quality correspondence, briefings, speeches and other documents for the Premier or Minister, provide efficient and effective quality control of information systems and the transmission of documents and provide other Ministerial staff members with assistance as required;
- Providing high quality policy, procedural and strategic advice to the Premier or Minister;
- Being a principal point of contact for the department in relation to meetings, events, advice and Parliamentary questions;
- Providing high level, confidential executive support and undertake research on Ministerial issues across the Department;
- Coordinating the gathering of material for draft speeches and media releases;
- Provide support for the Premier or Minister during Parliamentary sessions;
- Developing and reviewing standards of presentation and content of Ministerial and other documentation including reviewing documentation for comprehensiveness and accuracy prior to presentation to the Premier, Minister or Ministerial staff members;
- Attending regular events and meetings with the Premier or Minister.
- Undertaking other duties that may be required to assist in the effective and efficient operation of the Minister's Office.

The DLO is responsible to their head of office for day to day activities. DLOs are required to comply with both the Ministerial Staff Code of Conduct and the State Service Code of Conduct.

6.2 Phones

6.2.1 Home phones

A combination phone / facsimile machine is provided and installed in the principal private residence of each Minister. It is to be used for official purposes only. The phone/ facsimile machine is purchased by the portfolio agency and must be returned to the portfolio agency on leaving office. DPAC meets the cost of installation, rental and calls.

6.2.2 Mobile phones

Mobile phones are provided and paid for by DPAC, including mobile phones for Ministerial staff excluding staff employed in electorate offices.

6.3 Car and driver

A car and driver are provided for the Premier, each Minister, the Speaker House of Assembly and the Leader of the Government in the Legislative Council to assist them to carry out their official responsibilities.

The Premier's Office manages all matters relating to the Ministerial Drivers. The immediate supervisor of the Drivers is the Manager Ministerial Transport, who reports to the Chief of Staff, Premier's Office or their delegate.

Day to day activity of each Ministerial Driver is subject to the direction of the Head of Office of the relevant Ministerial office who may request a Driver to carry out other functions as required by the Minister.

The Minister's staff should liaise with the Manager, Ministerial Transport on matters relating to the assignment and scheduling of Drivers.

Details of the Ministerial Transport Service and the working conditions of the Drivers are contained within the Ministerial Drivers Industrial Agreement available from the Corporate Services Division.

6.4 Official Entertainment Allowance

Each Minister has a blanket approval to order up to \$150 (ex GST) per month on legitimate expenses for the provision of refreshments for meetings associated with Ministerial duties in their office. Any unused amount of this monthly allowance may be carried forward but within the financial year if approved by the Chief of Staff, Office of the Premier.

6.5 Other entertainment expenses

Ministers are entitled to reimbursement of other legitimate expenses for official entertainment associated with their Ministerial duties (including morning teas, dinners, lunches, meetings etc) under the following conditions:

- written approval to be obtained from the Chief of Staff or Manager Ministerial Services, at least seven days in advance of incurring the expenditure unless exceptional circumstances exist
- the venue and level of expenditure must be commensurate with the type of business being conducted and the profile of the guests invited
- all expenses incurred must be deemed reasonable and associated with Ministerial duties.
- Expenditure associated with a function arranged by a Minister in their capacity as a Member of Parliament is met from the Minister's electorate allowance.

6.8 Travel Arrangements

The *Ministerial Travel Policy and Guidelines* provide Ministers and their staff with policy information and procedural guidance about intrastate, interstate and overseas travel.

A copy of the Policy and guidelines is available on iMin. For assistance with these guidelines please contact DPAC Corporate Services Division on 6270 5483

Ministers are to ensure that the Premier's Office is informed of all ministerial travel arrangements.

Ministers and their staff are to obtain prior approval before travelling on official business interstate or overseas.

Ministers and their staff wishing to extend business travel to include a private component must seek approval prior to undertaking the travel.

If the private component of a trip is deemed to be liable for FBT, a Minister is to reimburse the amount of the FBT liability unless it is authorised to be waived or it relates to incidental private travel.

Ministers are to travel at an appropriate class of travel for a specific flight or a component of a trip and should only travel business class on a leg of air travel when it is justifiable.

Ministers and their staff required to travel on official business are entitled to reimbursement of certain expenses (if not met directly by the Government) related to the travel. The general principles of what can be claimed, and how much, is based on what is deemed fair, equitable and reasonable, taking into account the availability of flights/accommodation, personal safety, health and wellbeing.

Ministers are not issued with Tasmanian Government Corporate Card (TGCC). A Staff member accompanying a Minister while travelling overseas may apply for a TGCC for the duration of the trip.

7. Other Office Holders' Entitlements

7.1 Government Backbenchers

7.1.1 Travel expenses

The Legislative Council and House of Assembly pay travel expenses for Government Backbenchers unless the Backbencher is representing a Minister on official Government business as approved by the Chief of Staff, Office of the Premier.

When representing a Minister, travel arrangements for the Backbencher are made by the office of the Minister he or she is representing.

Expenses incurred in the attendance of a political party meeting, function or other events not related to government business are not paid out of government funds.

7.2 Parliamentary Secretaries and Secretary to Cabinet

7.2.1 Offices, equipment and supplies

Office facilities (outside of the Houses of Parliament) and support services are provided to the Parliamentary Secretaries and Secretary to Cabinet (if any are appointed) by DPAC, as they would for a Government Backbencher.

General office equipment including computer, printer and mobile phone required to undertake the role of Parliamentary Secretary or Secretary to Cabinet are provided by DPAC. Any additional equipment should be funded from the Member's Resource Allowance.

Any costs incurred as a direct consequence of their role as a Parliamentary Secretary or Secretary to Cabinet are also paid for by DPAC. No expenses should be incurred without the approval of the Premier's Office.

7.2.2 Staffing

The number and level of positions in the office are determined by the Chief of Staff, Office of the Premier in consultation with the Premier.

7.2.3 Travel

Travel expenses incurred by a Parliamentary Secretary or Secretary to Cabinet when undertaking duties specific to these roles is paid for by DPAC. Other travel expenses incurred as a member of parliament are paid for by the House of Assembly.

Expenses incurred in the attendance of a political party meeting, function or other events not related to government business are not paid out of government funds.

7.3 Speaker House of Assembly

7.3.1 Staffing

The number and level of positions in the office are determined by the Chief of Staff, Office of the Premier in consultation with the Premier.

7.3.2 Ministerial car

The Speaker is provided with a Ministerial car and driver for use in carrying out his or her parliamentary responsibilities.

7.3.3 Travel

Expenses incurred in the attendance of a political party meeting, function or other events not related to government business are not paid out of government funds.

7.4 Leader of the Government in the Legislative Council

7.4.1 Staffing

The number and level of positions in the office are determined by the Chief of Staff, Office of the Premier in consultation with the Premier.

7.4.2 Travel expenses

The 'Away from Home Travelling Allowance' is paid to the Leader of the Government in the Legislative Council by DPAC when travelling on official Government or Cabinet business, as authorised by the Premier. Conditions are the same as those for Ministers.

Expenses for travel on Legislative Council business are payable by the Legislative Council.

Expenses incurred in the attendance of a political party meeting, function or other events not related to government business are not paid out of government funds.

7.4.3 Ministerial car

The Leader is provided with a Ministerial car and driver for use in carrying out his or her parliamentary responsibilities.

7.4.4 Facilities and expenses

The sharing of responsibility for the facilities and expenses in support of the Leader's (Ministerial) office outside of the Legislative Council between DPAC and the Legislative Council is described in the following table. Responsibility for any other item not listed is determined by the Chief of Staff, Office of the Premier.

Parliament House provides the IT support to the Leader and his staff.

Type	Expenditure	Responsibility
Salaries and related payments	Leader's allowance	Legislative Council
	Leader's staff	DPAC
	Ministerial Drivers	DPAC
	Legislative Council staff located in Leader's office	Legislative Council
Other personnel expenses	Leader's staff	DPAC
	Recruitment	DPAC
	Workers compensation	DPAC
	OH&S	DPAC
	Training	DPAC
	Legislative Council staff located in Leader's office	Legislative Council
Travel costs	Leader's	DPAC
	Leader's staff	
	Legislative Council staff located in Leader's office	Legislative Council
Transport	Leader's driver and associated vehicle running costs and parking	DPAC
Materials and supplies	Stationery, letterheads, office consumables, newspapers, photocopier paper	Legislative Council

Type	Expenditure	Responsibility
Communications	Postage, courier expenses, Rental of post boxes	Legislative Council
	Office phone and fax equipment and expenses	Legislative Council
	Official phone and fax equipment, operating costs and line rental in Leader's residence	Legislative Council
	Official mobile phone, phone kit, mobile office, mobile fax and charges	DPAC
	Communication expenses of Legislative Council staff located in Leader's office	Legislative Council
Printing, publications and media	Reports, promotional advertising, business and other cards, information material	Legislative Council
Principal office accommodation	Rent and refurbishment	Legislature General
Furniture and fittings	Minor maintenance including lights etc	Legislature-General
	Purchase, maintenance	Legislative Council
Office machines and equipment	Purchase/ lease of photocopiers	DPAC
Computer equipment and related expenses	Purchase, consumables, maintenance and support (Legislative Council staff located in Leader's office)	Legislative Council
Telecommunications and networking	Office local area networking and wide area networking	Legislative Council
	Leader's home analogue or broadband network access	Legislative Council
	Leader's staff's home analogue or broadband network access	Currently not provided.

7.5 Deputy Leader of the Government in the Legislative Council

The Deputy Leader of the Government is supported by Office of the Leader of the Government in the Legislative Council.

No additional resources are provided to the Deputy unless approved by the Chief of Staff, Premier's Office, in consultation with the Premier.

8. Administrative Processes

8.1 Right to Information Act 2009

The *Right to Information Act 2009* - available on the [Tasmanian Government legislative database](#) - commenced on 1 July 2010 and provides for greater access to information held by government bodies and Ministers by:

- encouraging greater routine disclosure of information held by public authorities and Ministers without the need for requests or applications
- authorising and encouraging greater active disclosure of information held by public authorities and Ministers in response to informal requests without the need for applications
- giving members of the public an enforceable right to information held by public authorities and Ministers unless that information is subject to an exemption as set out in the Right to Information Act

Section 7 of the Act gives any person a legally enforceable right to be provided with information in the possession of a public authority or a Minister, provided that it is not exempt information. The Act promotes the proactive release of information by public authorities and Ministers, and refers to four types of disclosure

- Required disclosures, which are disclosures required by law such as annual reports.
- Routine disclosures, which are those made by a public authority in relation to information it decides may be of public interest.
- Active disclosures, which are disclosures in response to a request made other than under the RTI Act, such as an informal request for information by telephone, a letter or other inquiry. The normal processes to assess these types of requests should apply i.e. correspondence should be prepared by an agency and approved for signature, staff should check facts and not release sensitive or exempt information, media inquiries should be dealt with through the Government Media Office or approved representatives
- Assessed disclosures, which are disclosures made in response to a formal request under the RTI Act for information in the possession of a public authority or Minister that is not otherwise available. The subject matter of the request may include exempt information.

8.1.1 Objects of the Act

Section 3 of the Act includes this statement of the objects of the Act:

- (1) The object of this Act is to improve democratic government in Tasmania –
 - (a) by increasing the accountability of the executive to the people of Tasmania; and
 - (b) by increasing the ability of the people of Tasmania to participate in their governance; and
 - (c) by acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.
- (2) This object is to be pursued by giving members of the public the right to obtain information held by public authorities and Ministers.
- (3) This object is also to be pursued by giving members of the public the right to obtain information about the operations of Government.
- (4) It is the intention of Parliament –
 - (a) that this Act be interpreted so as to further the object set out in subsection (1); and
 - (b) that discretions conferred by this Act be exercised so as to facilitate and promote, promptly and at the lowest reasonable cost, the provision of the maximum amount of official information.

8.1.2 Application of Act

The Act applies to public authorities and Ministers

Public authorities are defined to include -

- (a) an Agency, within the meaning of the State Service Act 2000; or

- (b) the Police Service; or
- (c) a council; or
- (d) a statutory authority; or
- (e) a body, whether corporate or un-incorporate, that is established by or under an Act for a public purpose; or
- (f) a body whose members, or a majority of whose members, are appointed by the Governor or a Minister of the Crown; or
- (g) a Government Business Enterprise within the meaning of the Government Business Enterprises Act 1995; or
- (h) a council-owned company; or
- (i) a State-owned company;

8.1.3 Exemptions

There are a number of exemptions that may apply to the decision to release information. These are set out in part 3 of the Right to Information Act

They include exemptions not subject to the public interest test and exemptions subject to a public interest test.

Exempt information not subject to a public interest test

- Executive Council information
- Cabinet information
- Internal briefing information of a Minister prepared for a Parliamentary purpose
- Information not relating to official business
- Information affecting national or state security, defence or international relations
- Legal professional privilege
- Information relating to closed meetings of a council

Information that may be exempt, subject to a public interest test

- Information relating to the enforcement of the law
- Information communicated by other jurisdictions
- Internal deliberative information
- Personal information
- Information relating to business affairs of a third party
- Information relating to business affairs of a public authority
- Information obtained in confidence
- Information on procedures and criteria used in certain negotiations of public authority
- Information likely to affect State economy
- Information likely to affect cultural, heritage and natural resources of the State

8.1.4 Delegated officers

Section 24 of the Right to Information Act provides that the principal officer of a public authority or a Minister may by instrument in writing delegate to a person specified in the instrument the performance or exercise of such of his or her functions or powers under this Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.

The delegation is for 3 years and delegated officers must have the requisite skills and knowledge to perform functions and exercise powers under the Act.

8.1.5 Review of assessed disclosure decision

The Act gives various grounds for seeking review. Reviews relate to applications for assessed disclosure. Mostly, they occur at the request of the applicant for assessed disclosure, but review rights are also given by the Act to third parties who do not want information released.

Another ground of review is the failure of the public authority or Minister to notify the applicant for assessed disclosure of the outcome of the application within the time required by the Act.

In the first instance the principle officer of a public authority may internally review a decision of a delegated officer

The Ombudsman is the external review authority under the RTI Act.

8.1.6 Time frames for assessed disclosure decisions

Generally applications for assessed disclosure must be dealt with in 20 working days.

Additional time for processing an application for assessed disclosure is permitted if the information relates to third parties a further 20 working days for consultation is allowed, in addition to the 20 working days

8.1.7 Managing Right to Information Requests

Each agency will have delegated Right to Information Officers and processes for dealing with requests for information, including routine and active disclosures.

Ministerial Offices are encouraged to discuss how applications for information from Ministers and information release will be handled by their relevant agencies.

8.2 Personal Information Protection

The collection, maintenance, use and disclosure of personal information relating to individuals is regulated by the *Personal Information Protection Act 2004*. The object of the Act is to protect 'personal information'.

Personal information is information or opinion in any recorded format, including photographs and sound and video recordings, about an individual which readily identifies that individual. This includes information on individuals who have died in the past 25 years. Personal information does not include information that is publicly available. Personal information held in Ministerial offices is covered by the Act.

Clearly, information such as a person's name and address is personal information. In some contexts, a person may still be identified without being referred to by name. For example, the statement 'the maths/science teacher at X school who ...' would, for a small school, readily identify the individual, but may not for a large school.

An email address can, depending on its structure, be considered personal information. For instance, an address in the form of firstname.surname@company.com.au could be considered to be personal information, while one in the form of enquiries@company.com.au would not be.

Therefore, you must consider the context when determining what is personal information or whether the person has been de-identified.

Information which does not readily identify an individual, including appropriately de-identified information, is not personal information and does not come under the Act.

The Act specifies principles that apply to personal information. In some situations, there is no need to seek people's personal information, and they can deal with you anonymously (Principle 8).

In the collection and handling of people's personal information:

- Collect only what is necessary for the primary purpose or other purposes disclosed to the person.
- Preferably, collect information only from the person to whom it relates. Do it lawfully and fairly. And tell people it is being collected, especially if it may be used for purposes other than the primary purpose (ie the service being provided). (Principle 1)
- Endeavour to ensure that it is accurate, complete, up-to-date before being used. (Principle 3)
- Keep it secure against unauthorised access, use or disclosure. (Principle 4)

- Use and disclose the information only for the purpose for which it was collected, or a related purpose the person would reasonably expect. Some important interests, such as protecting health and safety, welfare, or prevention and investigation of crimes can justify use and disclosure without consent. Otherwise, unless the use or disclosure is required or allowed by law, obtain consent. (Principle 2)
- Let people see their information and correct it if necessary. (Principle 6).
- Minimise creating and sharing ID numbers that can be used to match information about people with information about them from other sources. (Principle 7)
- If people's information is passed to other organisations, first make sure equivalent privacy protection will continue to apply to it. (Principle 9)
- Sensitive information about people - such as their health status, ethnic background, religion, political views, sexual preference or criminal record - has special protection under law. Don't collect, use or disclose it without checking the rules first. (Principle 10)
- Basic personal information (ie name, addresses, date of birth and gender) can be used and disclosed by Government bodies in certain circumstances to other Government bodies without consent. (Section 12)

The rules about personal information apply to Ministerial offices and you should check with your portfolio agencies about the policies and procedures they have in place to deal with personal information. Complaints about the mishandling of personal information can be made to the Ombudsman.

8.3 Premier's Correspondence

DPAC's Portfolio Services Unit ensures timely responses to all correspondence received by the Premier and Ministers that DPAC reports directly to.

The Portfolio Services Unit deals with letters to the Premier and DPAC Ministers from governments, organisations, agencies and the community covering issues across all Ministerial portfolio areas. The Portfolio Services Unit maintains a close working relationship with the Office of the Premier, Ministerial offices and agency staff. Routine responses are to be finalised within 15 working days. The Premier responds to correspondence from:

- the Prime Minister
- State and Commonwealth Ministers
- Members of Parliament
- Local Government authorities
- Statewide and national organisations
- Some residents and organisations in his or her electorate
- correspondence covered by his or her portfolio responsibilities.

The Portfolio Services Unit, in determining these matters, exercises some discretion:

- when the author lives within the Premier's electorate but the matter clearly falls within another Minister's portfolio it may be appropriate for that Minister to respond on behalf of the Government or
- sometimes correspondence is forwarded to a number of Government Members.

To ensure a co-ordinated and consistent approach, the Portfolio Services Unit will discuss these matters with the appropriate Ministerial office(s) to determine the appropriate course of action. Staff from Ministerial offices are also encouraged to contact the Portfolio Services Unit to discuss any matters relating to the Premier's or DPAC Minister's correspondence.

The Portfolio Services Unit, on behalf of the Premier and DPAC Ministers, seeks advice through a request to the relevant Minister's Head of Office for appropriate action (e.g. draft, draft for inclusion, direct reply, comments) by the Minister. A copy of the standard Minute template for referring the correspondence to the relevant Head of Office is found at *Section 12 Forms* of this Handbook.

When the Minister has signed off the draft reply, the draft should be emailed to the Portfolio Services Unit as well as the hard copy being forwarded via the internal mail.

The correspondence path is:

- Incoming mail to the Premier and DPAC Minister's is received, recorded and allocated by DPAC.
- Where other portfolios are involved, the Portfolio Services Unit refers letters to the relevant Ministerial office(s) for a draft reply, a direct reply, comments, information or appropriate action.
- Requests for draft replies for the Premier's or DPAC Minister's consideration are faxed or emailed to assist in meeting the Premier's timeframes for answering correspondence.
- The requests state the date by which a response is required (10 working days to ensure that the letters can be signed by the Premier or DPAC Minister within the timeframe).
- The Portfolio Services Unit follows up requests either by email or phone. Only one follow up will be done where a Minister has been requested to do a direct reply. Such a follow up confirms that the correspondence was received by the Minister's office.
- When delays are experienced in replying to mail the Portfolio Services Unit prepares interim replies and a reminder acknowledgement is also sent (when appropriate) to the Head of Office of the relevant Minister.
- Drafts and advice received from Ministers are then worked into a final document by the Portfolio Services Unit for consideration by the Premier or DPAC Minister's.
- When signed, a copy of the Premier's or DPAC Minister's response is forwarded to the relevant Minister(s) who provided advice.

8.4 Minister's correspondence

Ministers receive a lot of correspondence - seeking help, complaining, praising, or offering advice. It is the relevant portfolio agency's job to prepare suggested responses for the Minister. This will include gathering advice from other agencies where necessary. Considerable thought needs to be given to the process of developing responses.

It is critical that Government processes all correspondence as promptly and accurately as possible. Generally, 15 days from receipt to answer routine correspondence is considered reasonable. Each Ministerial office will determine the most appropriate means for managing correspondence sent to the Minister. Ministerial Offices must provide feedback to agencies on how they want the correspondence answered. Agencies can quickly adapt to cater for their Ministers' preferences.

It is important that Ministers sign outward correspondence as quickly as possible.

8.5 Communications

8.5.1 Protocols

Ministers and their offices communicate only with their portfolio agencies. Communication with other agencies is always done through the relevant Minister's office. Requests to agencies for information, briefings or advice should be directed through the office of the responsible Minister. Agencies do not provide advice directly to Government Backbenchers or non-government members of Parliament.

This protocol is designed to ensure consistency of information and advice across Government and to enable the maintenance of a professional and uniform approach to issues of the day.

Ministerial staff also need to be able to identify requests for meetings with their Minister which may raise issues in other portfolio areas and to seek advice from the appropriate Minister's office. Ministers should avoid commenting on matters that fall outside their portfolio, in meetings or in public forums, and refer queries where possible to the responsible Minister.

8.5.2 Ministerial office contact with their portfolio agencies

A portfolio or Ministerial liaison office, usually based in the Office of the Secretary of the portfolio agency, will co-ordinate the preparation of documentation and advice sought by the Minister. Ministers and their staff should develop clear lines of contact with the liaison office preferably through a single officer within the office.

Ministerial staff should not ask other departmental officers directly for material. This is to ensure consistency of information and to maintain a professional and uniform approach to issues.

It is essential that requests from the Minister's office are managed through a central point because the Secretary is responsible for the information and advice provided by the department and sets the work priorities for the department. It may be, for example, that the Secretary may be aware of issues that departmental and Ministerial staff are not.

This requirement may seem restrictive, particularly for Ministerial staff who have come from departments and who have an extensive network of contacts. It is essential, however, that all Ministerial staff abide by the requirement so that agencies are able to work in a co-ordinated fashion to deliver the best possible advice and service.

In certain circumstances Ministerial staff can deal with senior departmental officers, but this is at the discretion of the relevant Secretary.

Government Backbenchers should direct all queries or requests for information in the first instance to the Office of the Premier.

8.5.3 Departmental contact with Ministerial offices

Each department's Secretary will have a protocol in place for contact by departmental staff with the Minister's office. Each department will have a process by which documentation for Ministerial consideration is prepared and cleared.

In certain circumstances, senior departmental staff are able to discuss issues directly with the Minister's office, but this is at the Secretary's discretion. No matter should be sent for decision or signature by a Minister without it being cleared by the Secretary, or other delegated officers.

8.5.4 Speech notes

All Ministers will have a different approach to speeches. It is helpful if Ministerial officers explain the preferred style and the extent of speech notes required when requesting these of the department.

9. Staff Employed in Government Members' Offices.

Staff are employed to support Government members as electorate officers (based in Electorate Offices), Ministerial advisers and support staff and Ministerial drivers.

Staff are employed through the following mechanisms:

- Permanent State Service staff members seconded to Government offices via a secondment arrangement made under Section 46 (1) (b) of the *State Service Act 2000*.
- Instruments of Appointment approved by the Premier. These are Royal Prerogative appointments.

Ministerial Drivers are permanent State Service staff employed under the Ministerial Drivers Agreement.

The Premier approves all appointments. Secondments are approved by the Chief of Staff, Office of the Premier under delegated authority from the State Service Commissioner.

The terms and conditions of employment are as detailed in the instrument of appointment for Royal prerogative employees, and the Act and the Tasmanian State Service Award 2008.

For information and detail on the conditions of employment or any matters relating to staff, advice should be sought from DPAC's Human Resource Management Branch.

9.1 Outside Work

Government staff may, subject to prior approval in each case by the Chief of Staff, Office of the Premier, hold an office of profit or engage in an occupation for reward outside the duties of their Government office position provided that such activities neither detract from the staff member's primary position nor place the staff member at risk of a conflict of interest.

9.2 Becoming a candidate for election

If a ministerial staffer becomes a candidate for election as a member of either House of State or Federal Parliament, he or she must resign their appointment on becoming such a candidate.

A secondee from the Tasmanian State Service to a ministerial office, who wishes to become a candidate for election to either House of State Parliament does not have to resign prior to contesting a seat. The intending candidate is entitled to seek leave without pay for up to two months or take other leave to which they are entitled.

A person is officially a candidate when nominations have closed, and the person is formally recognised as a candidate.

9.3 Intellectual property

Government staff may not disclose or use for personal advantage or for the advantage of any other person or entity any information gained during and in consequence of their appointment except as required for the purposes of the appointment or by law.

This provision continues to apply to the staff member following the termination or non-renewal of appointment until such time as the information has been released by or with the approval of the Crown into the public domain.

9.4 Gifts and Benefits

9.4.1 Gifts and benefits

The occasional provision of gifts or benefits, such as passes or tickets to entertainment events or entertainment which is directed at establishing networking links, or for introducing a product or service is acceptable.

However, frequent hospitality from a single source, which is aimed at or leaves the impression of inappropriately influencing a Minister, or his/her staff is not acceptable.

9.4.2 Business luncheon meetings

With the prior approval of the Office of the Premier, the cost of a business luncheon meeting is paid for staff employed in Government offices, and their guests, when the guests are from outside the Government. The cost of a business luncheon meeting with other Government staff is paid only when the business luncheon meeting is held in the Government offices.

9.4.3 Sponsored travel

All offers of sponsored travel made to Government staff or their immediate family are to be referred to the Office of the Premier at least six weeks (where practical) prior to the proposed travel. This includes any offers of travel to be taken in own time.

10. Corporate Support

The DPAC's Corporate Services Division provides support to the offices of Government Members. These services include Human Resource Management, Financial Management, Property and Procurement, Records and Information Management and IT support.

10.1 Records and Information Management

Ministerial and Electoral offices are responsible for managing and providing appropriate information and records management for their respective minister or government member. Disposal Schedule DA2339, issued by the State Archives Office, deals with the records of Ministers of the Crown. DPAC Corporate Services Division provides support and maintains an information and records management system (TRIM) to assist Government Members meet their information and records management needs and obligations.

10.2 Information Technology

DPAC provides IT support to the Premier and his staff, Ministers, and electorate offices. The scope of the IT services to be provided by agencies includes provision of:

- desktop and notebook hardware and office productivity software that conforms to individual agency standards
- agency standard email and diary services
- a solution for managing Ministerial and constituent correspondence
- a help-desk service in accordance with agency standards
- network connectivity
- data storage facilities
- internet services
- mobility solutions including smartphones that conform to individual agency standards
- training services
- secure wiping of hard drives and disposal of equipment in accordance with Treasurer's Instructions.

Additional requirements for support systems, or services outside of the defined scope may be provided from individual agency funds at the agency's discretion.

IT Hardware and software upgrades will occur in line with the standard agency hardware rollover and software upgrade policies.

DPAC provides Government Members with a website providing access to core services such as the parliamentary intranet, a diary for shared public events, the facility to communicate issues of the day and access to core documents such as the Government Members Handbook, Ministerial Travel Policy and Guidelines, and Ministerial Code of Conduct.

10.3 Human Resources Management

DPAC's Human Resource Management Branch provides advice and support to Ministerial Offices on all employee related issues, and also administers the appointment process and payroll for Ministerial staff.

10.3.1 Occupational Health and Safety

As an employer, the Government is committed to high standards of performance in respect to occupational health and safety. All staff members are expected to participate in maintaining safe working conditions.

For more information about the employer and employee responsibilities for occupational health and safety refer to the *DPAC Occupational Health and Safety Policy, Strategic Priorities 2009-10 and Governance*.

10.3.2 Workplace Diversity

Diversity is the quality of being different and unique at an individual or group level. Valuing diversity is recognising and respecting the value of human difference. Workplace diversity is creating and sustaining an environment where everyone can achieve his or her full potential. Workplace diversity is focused on promoting fairness and opportunity for all members of the workplace to contribute to their maximum potential.

Further information about workplace diversity can be obtained from the Human Resources Branch.

10.4 Financial Management

Any officer of a Government Office preparing an expense claim form should apply the 'test of reasonableness' before submitting it to DPAC's Finance Branch.

10.4.1 Procedures for claiming reimbursement of entertainment expenditure

Persons lodging claims for the reimbursement of expenditure should forward details to DPAC's Corporate Services Division, showing:

- date, nature and location of event/function
- number of guests (number of Government staff to be identified for fringe benefits tax purposes)
- a copy of the Premier's approval
- cost of event/ function(s).

The information is to be included with any invoice approved for payment that is forwarded to the Corporate Services Division for processing.

10.4.2 Procedures for claiming expenses incurred while travelling within Australia

Before departure

- obtain written approval from the Office of the Premier at least three weeks prior to the travel and before confirming the booking.

On return

- Fill out the pre-printed Travel Claim form and include:
 - dates of travel
 - times of departure and return
 - destination/s
 - purpose of the travel
 - other relevant travel details
 - various allowance components claimed
 - signature of Minister or staff member as the claimant
 - where appropriate, details of other actual expenses incurred including transport, official entertainment (approved by the Premier where appropriate), phone calls etc
 - where a reimbursement of actual expenses is claimed, provide tax invoice/ receipt for hotel accounts etc (a requirement of Department of Treasury and Finance)
- Send the completed form to the Office of the Premier for approval. The Office of the Premier will forward the approved form to DPAC's Corporate Services Division for payment to be processed.

10.4.3 Procedures for claiming expenses incurred while travelling outside Australia

Preparations for travel

- submit a written request to the Premier stating the purpose of the proposed travel, the itinerary, the composition of the official party and an estimate of the costs. This should be done at least six weeks before the proposed date of travel
- upon approval, send all details to DPAC's Corporate Services Division. (The Premier will also write advising what costs are to be met by DPAC)
- check insurance and vaccination requirements
- if accompanied by spouse/partner, check what insurance cover is available through the Government and what will need to be arranged privately
- contact DPAC's Protocol Office about diplomatic or official passports
- request travel advance at least seven working days prior to the date of travel stating the amount of the advance, whether it is cash or travellers' cheques and the relevant currency
- arrange for a corporate card and emergency health card from DPAC's Finance Branch at least 10 working days prior to travel. It is recommended that requests for corporate cards be lodged as soon as possible to ensure new cards are received in time.

While away

- do not use the Tasmanian Government Card for entertainment expenses unless prior approval has been given by the Secretaries of DPAC and the Department of Treasury and Finance
- do not use the Tasmanian Government Card for any personal expenses
- keep all receipts or where that is not possible, a diary entry must be made listing the expense and details such as the reason for the expenditure and who was involved.

On return

- Return diplomatic/ official passports to DPAC's Protocol Office.
- Return the corporate card and emergency health card immediately to DPAC's Finance Branch.
- Acquit travel advance within one month of returning, as follows:
 - Provide a diary of all expenditures noting dates, reason for expenditure, who it relates to, amounts, currency and whether a receipt is provided or not
 - Attach all receipts
 - A statutory declaration is required detailing individual expenses not supported by receipts
 - Where receipts are in a foreign language, a description of the service and amount should be written on the receipt
 - Return all unexpended cash
 - Return unused travellers cheques which must be co-signed along with a permission slip for Corporate Services Division to cash the cheques

Corporate Services will send copies of the card statement to the cardholder who will be required to attach all tax invoice/ receipts to the statement and return to Corporate Services within one working week.

10.4.4 Corporate card acquisition

The Tasmanian Government Card is available to staff in Government Offices while accompanying a Minister travelling overseas. To obtain a Tasmanian Government Card, a request from the staff member travelling and a copy of the letter of approval from the Premier for the travel should be forwarded to DPAC's Corporate Services Division ten working days prior to the travel and state:

- full name of staff member
- position
- office location

- date of birth
- dates of travel.

The staff member will be asked to sign a list of conditions before the card can be issued. Generally, the card may not be used for entertainment items. It must not be used for personal expenses.

The card must be returned to DPAC's Corporate Services Division and will be held for future travel. The card is cancelled if the staff member leaves employment.

II. References

II.1 Documents

To obtain a copy or information regarding the following, please contact:

Cabinet Handbook	Cabinet Office, Executive Division Department of Premier and Cabinet Phone: 6270 5659
House of Assembly Handbook	Mr Shane Donnelly Clerk-Assistant and Sergeant-at-Arms House of Assembly Phone: 6233 2220
Legislative Council Members Guide	Office of the Clerk of the Legislative Council Phone: 6233 2324
General and Travel Expense Claims	Finance Branch, Corporate Services Department of Premier and Cabinet Phone: 6232 7075
Caretaker Conventions	Executive Division Department of Premier and Cabinet Phone: 6270 5634
Ministerial Drivers Industrial Agreement	Corporate Services Division Department of Premier and Cabinet Phone: 6232 7482
Local Government Directory	Local Government Division Department of Premier and Cabinet Phone: 6232 7022
Code of Conduct	Executive Division Department of Premier and Cabinet Phone: 6270 5633
Gifts Policy and Forms	Executive Division (Protocol Office) Department of Premier and Cabinet Phone: 6270 5667
Tasmanian State Service Award	Human Resources, Corporate Services Department of Premier and Cabinet Phone: 6232 7482

12. Forms



DEPARTMENT OF PREMIER AND CABINET

Level 7, 15 Murray Street, Hobart 7000

No:

Officer:

Telephone:

Date:

TO:

CORRESPONDENCE FROM:

DATE:

SUBJECT:

The Premier would appreciate

- an acknowledgement for the Premier's Office
- a prepared reply for the Premier's consideration by [date]
- a draft reply for inclusion in the Premier's response by [date] regarding [issues]
- a direct reply from your Minister and a copy of that reply to be forwarded for information to the Department of Premier and Cabinet
- your Minister's comments
- notation of the attached/for information
- appropriate action
- notation and a copy of any reply

COMMENTS:

SUMMARY OF REVISIONS

Version	Clauses	Date	Explanation
1.0		20 Aug 02	First release
2.0	all	1 Dec 05	Second release
3.0	all	24 May 06	Interim release - major revisions
3.1	3.3, 3.4	5 June 06	New Code of Conduct references
3.2	7.10	13 June 06	Staff travel expenses to be in accordance with GCE
	4.2	26 June 06	Full list of allowances added
	5.1.5	1 Aug 06	Clarification of portfolio agency responsibility for phone kit
	4	15 Sep 06	Determinations of the Second Committee of Review
3.3	4, 6.2	12 Oct 06	Minor wording changes.
3.4	4.5	7 Jan 07	Changes to Members Equipment and Support Allocation.
	6.2	23 Feb 07	Allocation of Electorate Office expenses.
4.0	4.5	November 07	expanded fourth dot point to read "office equipment <u>and expenses</u> "
	10.3	November 07	Update of forms to comply with new whole-of-Government template
5.0	All	April 10	Major review
6.0	3.4	July 2011	Addition of section on appropriate use of funds
	7.5	July 2011	New section on Deputy Leader of the Government, Legislative Council
	6	July 2011	Update Travel Guidelines
	6	July 2011	Reflect changed to ministerial network and administrative arrangements between DPAC and portfolio Agencies
	6.3	July 2011	Removed reference to ministerial vehicle being available for other members when acting as Minister
	-	July 2011	Other minor amendments