

Protocol of communication between the NTPS and the Government or Members of the Legislative Assembly

Purpose

The Commissioner's Guideline provides guidance on the handling of information sharing, and requests for information, briefings or meetings, by Government Ministers and their staff, or other Members of the Legislative Assembly and their staff, to public sector employees.

The Guideline aims to ensure correct protocols are followed where a Minister or a ministerial staff member or a Member of the Legislative Assembly or their staff contacts an employee directly.

Protocol

A public sector employee:

- must provide full support to the Government of the day regardless of which political party is in office;
- is responsible for providing advice to Government which is frank, independent, based on accurate representation of the facts and as comprehensive as possible; and
- is responsible for carrying out decisions and implementing programs promptly, conscientiously and with full regard to Government policy.

What you should do

Contact by Minister and/or ministerial staff

- Contact by a Minister and ministerial staff is normally with the Chief Executive Officer or through the agency's Secretariat.
- Where contact is made directly to a public sector employee, the employee must advise their supervisor who in turn will advise the Chief Executive Officer (or their delegate) as soon as possible.
- Any informal request such as briefing notes, speaking points, funding guidance, or background content on a matter should be directed through the agency's Secretariat to ensure the request and reply are managed through an accountable, clear and open process of records management and approval.

If direct contact is made, the staff member should take the call and advise that they will inform their supervisor of the request before a response is provided.

Contact by Members of the Legislative Assembly who are not Ministers

- Contact by a non-Government Member of the Legislative Assembly (or their staff) must be submitted to the appropriate portfolio Minister.
- Where contact is made directly to a public sector employee, the employee must advise the Member to contact the responsible Minister and the Chief Executive Officer or delegate must be informed of the request.
- Each request will be treated on its merits and may be refused on the grounds that they require excessive use of resources or that the information must remain confidential.
- Representations by Members of the Legislative Assembly do not confer any privilege or priority in dealings with agencies.
- A public sector employee may provide factual briefings to non-Government Members of the Legislative Assembly if authorised by their Minister and must not express opinions on government policies, policy options or matters of a party-political nature. If personal opinion is requested, the employee should advise the Member that it is not appropriate.

Ordinary Course of business

- This Guideline does not apply to day to day contact between Members of the Legislative Assembly and public sector employees in the ordinary course of business, which should continue to be facilitated in a timely and professional manner. Examples include:
 - A Member of the Legislative Assembly contacting government in the course of obtaining a service, with the nature of the contact not dissimilar from what any ordinary members of the public would experience.
 - A Member of the Legislative Assembly seeking information on where to obtain publicly available data or information.
 - The drafting of Private Members' Bills or Assembly Amendments which are undertaken by the Office of Parliamentary Counsel by a separate process.
 - Interactions between the Department of the Legislative Assembly and Members of the Legislative Assembly which are outlined in the *Department of Legislative Assembly's Employment Instruction 1 – Code of Conduct*, Part 5 – Relationship between Employees of the DLA and Members of the Legislative Assembly (Gazetted on 21/12/2022).