MINISTERS' OFFICE ADMINISTRATION HANDBOOK

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INTRODUCTION

The Ministers’ Office Administration Handbook (MOAH) is designed to assist Ministers and their staff in the effective, efficient and ethical discharge of their duties.

The Ministers’ Office Administration Handbook contains policy and guidelines relating to office administration; entitlements of Ministers and their staff; and machinery of government.

The Ministers’ Office Administration Handbook will be reissued when warranted. Ministers and their staff should also have regard to any changes conveyed by the various Memoranda, Circulars and Directions issued by the Premier, the Department of Premier and Cabinet and Treasury.

Ministers’ staff are required to comply with the Department of Premier and Cabinet Code of Conduct and the Department of Premier and Cabinet Policy on the Use of Electronic Communication Services (Appendix A). It is expected that compliance with the Code of Conduct will continue post separation. Ministers’ staff may assist Ministers to achieve their political objectives without breaching the Code’s provisions regarding political neutrality and impartiality.

Director General
Department of Premier and Cabinet
Section One
GENERAL ADMINISTRATION

Funding and Staff Structure of Ministers’ Offices

Funding
A separate annual budget is allocated for each Minister’s office. The budget makes provision for staff salaries, rent and other operating costs. Within the limits of the budget and the amount committed to non-discretionary items, e.g., rent, the Minister may decide how funds should be shared between staff salaries and other office expenses. Subject to approved staff numbers and salaries, the Minister may adjust the mix of staff to meet the office’s needs for different skills and experience.

Agency Expenditures that Benefit the Minister or Minister’s Office

Agencies within the Minister’s portfolio may appropriately expend public funds for official purposes which provide an incidental benefit for the Minister or the Minister’s office, e.g., an industry lunch or regional fact-finding tour hosted by the agency and attended by the Minister or Minister’s staff. Generally, however, agencies should not expend funds for purposes which should be funded from Ministers’ office budgets, e.g., staff salaries, rent and other operating expenses. Care is required to avoid a reasonable concern that agencies’ expenditures effectively supplement Ministers’ office budgets. Prior approval by the Director General, Department of Premier and Cabinet is required for any exceptions to this provision.

For further information, refer Section 2 - Financial Administration.

Staff Structure

The Director General, Department of Premier and Cabinet, has overall responsibility for staff matters within Ministers’ offices, including the staff structure for individual offices. In consultation with the Minister where appropriate, the Director General determines the following matters (in some cases, in the Director General’s capacity as the Director of Public Employment):

- staff structure and pay rates;
- commencing rates of pay for employees; and
- salaries.

Roles and Responsibilities of Ministers’ Office Staff and Electorate Staff

Ministers’ office staff are provided to assist Ministers in performing their official duties in their capacity as Ministers of the Crown. Costs are met from Ministers’ office budgets, which are part of the financial allocation to Department of Premier and Cabinet.

Electorate office staff are provided to assist Members of the Legislative Assembly in servicing their electorates. Costs are met by the Parliament.

Intermingling of Ministers’ official duties, in the case of Ministers drawn from the Legislative Assembly, and their electorate servicing activities as Members of...
Parliament, may give rise to the perception of an improper allocation of State resources to strengthen either Ministers’ offices or their electorate servicing.

While a clear conceptual distinction may be made between Ministers’ official duties as Ministers, and electorate servicing by Ministers as Members of Parliament, in a practical sense issues raised with a Minister might be characterised appropriately as involving the Minister’s official duties, or the Minister’s electorate servicing role as a MP, or a combination of both. It can also be expected that the volume of electorate representation and other issues raised with a Minister will exceed the amount of such business for other MPs. In these circumstances, it is both unnecessary and unrealistic to attempt to impose inflexible rules about the allocation of work between the Minister’s office and the electorate office.

Nevertheless, care is needed to avoid a reasonable concern that a Minister’s staff and other office resources are being applied inappropriately to electorate office matters. Such a perception could arise if Ministers’ office staff work from electorate offices regularly and if such staff come to be regarded by members of the public as the Minister’s electorate representatives. Having regard to the roles, responsibilities and remuneration of electorate staff compared with Ministers’ office staff, concerns about misallocation and mismanagement of public resources could arise in this area. This issue should be taken into consideration explicitly in decisions on the allocation of staff and other resources in Ministers’ offices.

Administrative Delegations for Functions of Ministers’ Offices

The following schedule is an instrument of delegation, with effect on and from the date this Handbook is issued, by the Director General, Department of Premier and Cabinet, and Director of Public Employment, pursuant to sections 15 and 124 of the Public Sector Employment and Management Act 2002. The powers, authorities, duties and functions specified in the schedule are hereby delegated to the staff for the time being holding or performing the duties specified under the heading “Delegate” beside the description of the function delegated.

DPC Instructions for the Use of Delegations

<table>
<thead>
<tr>
<th>Do:</th>
<th>Do Not:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Familiarise yourself with the Delegations across the Department</td>
<td>1. Approve any expenditure where it relates to a purchase for you (e.g., your own business travel arrangements).</td>
</tr>
<tr>
<td>2. Keep a copy of the Delegations handy for easy reference.</td>
<td>2. Approve matters where you have no responsibility.</td>
</tr>
<tr>
<td>3. Know your own delegation limits (if you have them).</td>
<td>3. Approve matters that might require special consideration of a higher delegate.</td>
</tr>
<tr>
<td>4. Exercise the delegation only for the purpose for which it has been given.</td>
<td>4. Sign without checking that you have the required level of delegation.</td>
</tr>
<tr>
<td>5. Exercise delegations in accordance with Departmental policy.</td>
<td>5. Exercise delegations where the matter creates or could be</td>
</tr>
</tbody>
</table>
7. If you are relieving in a vacant position under Higher Duties Allowance arrangements you may exercise the delegations for that position. perceived to create a conflict of interest.

Various functions are listed for which Chiefs of Staff have delegations. In circumstances where the Chief of Staff is the subject of these functions, then the approval (by signature) of the Minister, or approval by an officer of Department of Premier and Cabinet holding the relevant delegation, is required. Any situation placing Chiefs of Staff in a situation of recommending or approving matters in relation to themselves is to be avoided.

Some matters covered by the functions listed should first be submitted for the consideration of the Premier’s Chief of Staff if the delegate is of the opinion that this is warranted.

This delegation is further subject to any financial or other limitation specified in the Delegation of Authority to incur Expenditure (Section 2 – Financial Administration).

<table>
<thead>
<tr>
<th>Function</th>
<th>Delegate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff Structures and Salaries</strong></td>
<td></td>
</tr>
<tr>
<td>recommendations to vary staff structures and salaries</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>approvals to vary staff structures and salaries (within determined salary ranges)</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td><strong>Recruitment of Staff</strong></td>
<td></td>
</tr>
<tr>
<td>recommendations to recruit staff</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>approvals to recruit staff</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td><strong>Advertising Staff Vacancies</strong></td>
<td></td>
</tr>
<tr>
<td>recommendations to advertise staff vacancies</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>approvals to advertise staff vacancies</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td><strong>Employment of Staff and Setting Salaries</strong></td>
<td></td>
</tr>
<tr>
<td>recommendations to employ staff and set salaries</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>approvals to employ staff and set salaries</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td><strong>Separation of Staff</strong></td>
<td></td>
</tr>
<tr>
<td>recommendations to accept resignations and advise staff services are no longer required</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>Approvals to accept resignations, terminate employment where staff services are no longer required and approve severance in accordance with policy</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td><strong>Payment of Higher Duties Allowance</strong></td>
<td></td>
</tr>
<tr>
<td>recommendations on selection of staff to perform higher level duties and on percentage of allowance</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>Function</td>
<td>Delegate</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>payable</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>approvals for recommendations</td>
<td></td>
</tr>
<tr>
<td>Leave</td>
<td></td>
</tr>
<tr>
<td>approvals for leave without pay and special leave</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>approvals for all other types of leave, subject to availability of leave credits</td>
<td>Chief of Staff (leave under KIOSK may be processed by a nominated member of staff in consultation with the Chief of Staff)</td>
</tr>
<tr>
<td>Attendance of Staff</td>
<td></td>
</tr>
<tr>
<td>recommendations on variations of hours of attendance</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>approvals for variations of hours of attendance</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>Recognition of Prior Service</td>
<td></td>
</tr>
<tr>
<td>approvals for previous service being recognised for extended leave</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>Working from Home</td>
<td></td>
</tr>
<tr>
<td>approvals for staff to work from home</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>Overtime, Travelling and Meal Allowances</td>
<td></td>
</tr>
<tr>
<td>directions to staff to perform more overtime than is reasonable in view of the “all-up” salary rates of the staff concerned</td>
<td>Chief of Staff where scheme has been approved by Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>approvals for travelling and meal allowances</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>approvals for absences as compensation for overtime worked beyond reasonable hours of overtime</td>
<td>Chief of Staff where scheme has been approved by Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>Other Employment</td>
<td></td>
</tr>
<tr>
<td>approvals for staff to engage in other employment</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>Discipline</td>
<td>Matters of this nature should be discussed with Ministerial and Parliamentary Services Division</td>
</tr>
<tr>
<td>Allegations of Misconduct</td>
<td></td>
</tr>
<tr>
<td>approve investigation of alleged misconduct in accordance with guidelines on conduct and performance</td>
<td>Group A in consultation with Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
<tr>
<td>Attendance at Courses and Conferences</td>
<td></td>
</tr>
<tr>
<td>approvals for attendance at courses, conferences, seminars and workshops</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>Motor Vehicles</td>
<td></td>
</tr>
<tr>
<td>approvals for payment of allowance for use of private motor vehicle on official business</td>
<td>Chief of Staff</td>
</tr>
<tr>
<td>Function</td>
<td>Delegate</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>approvals for rate of allowance for reimbursement</td>
<td>Assistant Director General, Ministerial and Parliamentary Services</td>
</tr>
</tbody>
</table>

### Car Parking for Ministers’ offices
- car parking spaces for Ministers and Chiefs of Staff
- car parking spaces requiring a business case (i.e., all other spaces)
  - Assistant Director General, Ministerial and Parliamentary Services

### Blackberries
- approvals for provision of blackberries to Ministers’ staff
  - Assistant Director General, Ministerial and Parliamentary Services

### IT Hardware and Software Maintenance Agreements
- **Hardware**
  - Approvals of Maintenance Agreements for computer hardware and essential peripherals, within respective financial delegations
  - Assistant Director General, Ministerial and Parliamentary Services (for Ministers’ office network)
- **Software**
  - Approvals of all software Maintenance Agreements, including operating systems, application and communications within respective financial delegations

### Accommodation Changes
- Approve accommodation and fit out changes to the limit of financial delegation
- Approve new leases; renewal of leases; exercising options and rent review payments, to the limit of financial delegation
  - Assistant Director General, Ministerial and Parliamentary Services

### Terms and Conditions of Employment for Ministers’ Staff
Staff in Ministers’ offices are employed by the Director General, Department of Premier and Cabinet. They are employed temporarily or transferred temporarily from other agencies under the provisions of the Public Sector Employment and Management Act 2002.

Because of the nature of their employment, Ministers’ staff are employed on a temporary basis under one of the following arrangements:

**Temporary Transfer**

Temporary transfers of public employees to Department of Premier and Cabinet for assignment to Ministers’ offices are made under Part 3.2, Section 86, of the Public Sector Employment and Management Act 2002.
Temporary Employment as a Special Temporary Employee

Special Temporary Employees (STE) are employees whose employment arrangements are set out in Part 2.5 (sections 32 to 37) of the Public Sector Employment and Management Act 2002.

STEs are employed to perform work for a political office holder, being:

- Minister;
- Parliamentary Secretary; or
- Leader of the Opposition in the Legislative Assembly.

STEs may be employed for either an indefinite term or a fixed term as specified in their instrument of employment, which must name the political office holder concerned.

STEs’ employment terminates if the political office holder concerned dies, or if the political office holder concerned ceases to hold the office by reason of which he or she was a political office holder (even if he or she immediately or subsequently becomes a political office holder after ceasing to hold that office), or on the day appointed for the taking of the poll for the next general election, unless otherwise directed by the Director General, Department of Premier and Cabinet.

Department Liaison Officers

The following advice is provided relating to the role and employment conditions of Department Liaison Officers (DLOs).

To help ensure a cooperative and professional relationship between the Minister’s office and a department/agency within the Minister’s portfolio, the Minister may request that the department/agency head assign a DLO to the Minister’s office.

The role of the DLO is to provide the Minister’s office with a readily accessible source of knowledge and skills regarding the operations of the department/agency within the Minister’s portfolio.

The following guidelines apply to the assignment of DLOs to Ministers’ offices:

- DLOs are distinguishable from other staff of Ministers’ offices in terms of their employer and their status as public employees. DLOs remain officers/employees of their home department/agency, and remain on the payroll of that department/agency.
- While DLOs may assist Ministers to achieve their policy objectives without breaching the provisions of DPC’s Code of Conduct regarding political neutrality and impartiality, they need to avoid work situations that involve party political activities.
- DLOs may be identified by departments/agencies having regard to specialised skills, knowledge and experience, or may be selected competitively through an internal EOI process. External recruitment of DLOs by departments/agencies needs to be in accordance with normal recruitment practice. Department/agency heads need to be satisfied that officers/employees proposed for assignment as DLOs have the skills, knowledge and experience needed to perform the role.
- Before commencing assignments as DLOs, officers/employees need to be advised of, and accept, in writing, the terms and conditions applying to assignments, e.g.,
pay rate, employment status, end date. Advice to permanent department/agency staff accepting a DLO assignment needs to include that at the end of the assignment they will return at the same grade as they held prior to the assignment.

- The duration of DLO assignments usually should not exceed 18 months, but longer assignments may be approved by the department/agency head where a specific need is identified and recorded.
- DLOs may be assigned to perform administrative support roles, agency contact roles, or specialist adviser roles. For day-to-day management purposes, DLOs are supervised by the Minister’s Chief of Staff.
- DLOs are bound by the Department of Premier and Cabinet Code of Conduct during their assignments to Ministers’ offices.
- During assignments in Ministers’ offices, DLOs are not to be issued with agency credit cards and are not to exercise any agency financial delegations.
- Employee-related costs of DLOs are to be met from the budgets of home departments/agencies. Other costs, e.g., transport and accommodation for official business, are to be met from Ministers’ office budgets.
- The Director General, Department of Premier and Cabinet, must be notified of all DLO assignments. Notifications must include commencement date, employment status, salary and end date. In the exceptional circumstances where a DLO appointment exceeds 18 months, the Director General, Department of Premier and Cabinet must be notified. Nominees must be accredited by the Department of Premier and Cabinet before commencement.

Salaries

Salaries for Ministers’ staff are determined by the Director General, Department of Premier and Cabinet, exercising the powers of the Director of Public Employment conferred by the Public Sector Employment and Management Act 2002. The terms and conditions of employment for Ministers’ staff determined in 2003 provide for the following salary structure:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Grade</th>
<th>Salary range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief of Staff</td>
<td>MS7</td>
<td>Determined</td>
</tr>
<tr>
<td>Advisor</td>
<td>MS6</td>
<td>Determined</td>
</tr>
<tr>
<td>Advisor</td>
<td>MS5</td>
<td>Current salary ranges available from MaPS</td>
</tr>
<tr>
<td>Advisor</td>
<td>MS4</td>
<td></td>
</tr>
<tr>
<td>Advisor</td>
<td>MS3</td>
<td></td>
</tr>
<tr>
<td>Advisor or Administrative Assistant</td>
<td>MS2</td>
<td></td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>MS1</td>
<td></td>
</tr>
</tbody>
</table>

The classification and grading scheme was introduced to simplify and standardise the descriptions of roles in Ministers’ offices and the grade and salary range attached to each role. This scheme does not preclude the use of more descriptive role titles for office management purposes, e.g., Policy Advisor, Private Secretary, Receptionist, or
the use of different combinations of classification and grade to achieve an appropriate rate of remuneration in particular cases, e.g., Administrative Assistant, MS3.

**Salary changes**

The determination provides for an annual review of remuneration with effect from 1 October each year. In practice, this provision has been overtaken by the application of determinations by the Statutory and Other Offices Remuneration Tribunal and public service award increases to Ministers’ staff, and staffing proposals submitted to MaPS.

The Director General, Department of Premier and Cabinet may from time to time determine salaries and conditions under Section 130 of the Public Sector Employment and Management Act 2002.

In considering commencing salaries, Ministers’ offices should not make commitments to prospective employees before consultations with the Department of Premier and Cabinet.
Overtime and Meal Allowance

Salaries are expressed in terms of “all-up” rates, which include compensation for reasonable overtime. These salary rates are determined on the basis that they cover all incidents of employment, including overtime and work on weekends and public holidays. Where staff are directed to perform more overtime than the relevant Chief of Staff considers reasonable in all the circumstances, the Chief of Staff (in accordance with a scheme approved by the Assistant Director General, Ministerial and Parliamentary Services) may approve:

- time off in lieu on the basis of one and one-half hours time off for every hour of overtime worked beyond the reasonable hours of overtime; and/or
- monetary compensation in accordance with the provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006.

Recognition of excessive overtime is conditional upon staff being directed, by the Minister or Chief of Staff, to perform more overtime than the relevant Chief of Staff considers reasonable in all the circumstances. An evening meal allowance may be paid for time worked within the daily hours compensated by the “all-up” rates, providing staff work beyond 6.00pm and for at least 1½ hours after their normal finishing time.

Where staff choose, on their own initiative, to work beyond their normal working hours there is no entitlement to recognition of excessive overtime or to payment of meal allowance.

Increments

Salary increments are not included in the terms and conditions of employment for Minister’s staff determined in 2003 by the Director General, Department of Premier and Cabinet.

Higher Duties Allowance (HDA)

When staff perform higher duties, e.g., relieving a member of staff on a higher salary who is on leave, seconded elsewhere or relieving another member of staff on a higher salary, a Higher Duties Allowance may be paid, calculated as a proportion of the difference, or the full difference, between the salary of the person providing relief and the higher salary. The rate of the allowance should be based on the proportion that the duties performed and responsibilities undertaken during the period of relief represent of the duties that would have been performed and responsibilities that would have been taken by the person being relieved.

The procedures for recommending, approving and paying HDA are as follows:

- HDA may be warranted when staff relieve a member of staff on a higher salary, usually for a period of five consecutive days or more.
- HDA claims should be initiated by the supervisor of the person who performed the higher duties. If for any reason the supervisor does not initiate the claim, the person who performed the higher duties may do so. In either case, the HDA form should be completed, signed by the Chief of Staff as the recommending supervisor and forwarded to MaPS for approval.
- Chiefs of Staff should certify the proportion that the duties performed and responsibilities undertaken during the period of relief represent the duties that
would have been performed and responsibilities that would have been taken by the person being relieved.

- HDA claims in relation to staff who relieve Chiefs of Staff, may be signed by the Chief of Staff as the recommending supervisor on return, or by MaPS.
- HDA claim forms are to be forwarded to MaPS for approval.
- MaPS will advise ServiceFirst of approval. This is the authority for HDA to be paid by the ServiceFirst’s payroll services.

**Employment of Ministers’ Staff**

*Staffing approval and selection*

New staff may be identified by:

- Advertising and competitive selection; or
- Minister’s nominee.

*Labour hire*

Short term temporary assistance for reception and administrative assistant roles may be provided by public employees on assignment from agencies (with costs to be met from the Minister’s office budget), STEs employed for a short period, or labour hire personnel supplied by a personnel agency authorised under NSW State Procurement Contract 1078 for Labour Hire Administrative, Finance and Specialist Personnel. Approval by the Assistant Director General, MaPS, is required before any staff commence in the Minister’s office.

*Use of Personnel Agencies*

Ministers’ offices may engage the services of personnel agencies to identify possible new staff. Such engagements may be approved by Chiefs of Staff (within financial delegations) in accordance with the State Contracts Control Board General Purchasing Delegation. The effect of the General Purchasing Delegation is that any personnel services agency may be engaged in accordance with the scheme summarised in the following table:

<table>
<thead>
<tr>
<th>Value of goods and services</th>
<th>Quotations to be obtained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $3,000</td>
<td>None, subject to the terms of the delegation</td>
</tr>
<tr>
<td>Over $3,000 and up to $30,000</td>
<td>1 written quotation, subject to the terms of the delegation</td>
</tr>
<tr>
<td>Over $30,000 and up to $250,000</td>
<td>3 written quotations, subject to the terms of the delegation</td>
</tr>
<tr>
<td>Over $250,000</td>
<td>Tender through Department of Commerce</td>
</tr>
</tbody>
</table>

*Advice to MaPS*

Chiefs of Staff should advise MaPS of proposed staff changes, including advice that funds are available for staff salaries from the budget allocation for the Minister’s office.

*Advertised vacancies*

If a vacancy is to be advertised, MaPS offers the following assistance:
• Drafting advertisements.
• Arranging for publication of advertisements in the Public Sector Notices and/or the press (costs are recovered from the Minister’s office).
• Acting as a mail box for the Minister’s office, including a contact number service, and coordinating submission of applications. Applications will then be forwarded to the Minister’s office for the selection process. (Note that Ministers’ offices may prefer to nominate a contact from the office and receive applications directly.)
• Providing members for selection panels from MaPS’ personnel.

Selection process
The Minister’s office should undertake the following selection action where there is a selection process:

• Establish a selection panel (options include a two-person panel with two staff from the Minister’s office, or a convener from the Minister’s office and a member from elsewhere; a larger panel with a convener from the Minister’s office and members from the Minister’s office or elsewhere).

• Selection panel should shortlist applicants against selection criteria set out in the advertisement, with brief notes of the reasons for the short listing.

• Selection panel should interview applicants on the short list.

• Selection panel should select the preferred applicant, with brief notes of the reasons for the selection.

Vacancy to be filled by Minister’s nominee
If a vacancy is to be filled by the Minister’s nominee, the advice to MaPS of the proposed staff change and availability of funds for staff salaries should include the information needed (see following section) for MaPS to be able to approve the proposed employment and prepare the letter of offer.

Employment of Selected Applicant or Minister’s Nominee
Advice to MaPS of the details of the selected applicant or the Minister’s nominee, should include the person’s personal details, e.g., CV or resume, the role to be performed, the duration of the employment (if for a specified period) and the recommended salary. Following receipt of advice from the Minister’s office, MaPS will:

• Arrange for the approval of the proposed employment and salary by the Director General, Department of Premier and Cabinet, or delegate, and issue a letter of offer to the person, including a statement on the terms and conditions of employment for Ministers’ staff, a pecuniary interest declaration to be completed and returned by the person, Department of Premier and Cabinet Code of Conduct and information about the Department of Premier and Cabinet salary packaging scheme. (Note that the letter of offer will be addressed to the person c/- of the Minister’s office).

• Write to the Minister or Chief of Staff advising of the approval.

• In the case of public employees, write to the home agency advising of the temporary transfer to Department of Premier and Cabinet.
• Write to ServiceFirst advising of the approval; this advice will provide the formal authority for ServiceFirst to add the person to Department of Premier and Cabinet’s payroll. (Note that ServiceFirst should ONLY make changes affecting terms and conditions of employment for Ministers’ staff, e.g., payroll, employment entitlements, car parking with authorisation from MaPS.)

• File and retain copies of all papers, including the person’s acceptance of the offer of employment and the person’s pecuniary interest declaration. These papers are treated as personal and confidential, and are held in secure storage.

Commencement of new staff

New staff should not commence in the Minister’s office before the offer of employment has been issued and accepted. Where an early start for new staff is proposed, MaPS should be notified before, or as soon as possible after, the person commences work in the Minister’s office. Formal approvals are necessary to ensure insurance coverage for the person and to avoid delays in arranging for the person to be added to the Department of Premier and Cabinet’s payroll.

Where the Minister or Chief of Staff wishes to write personally to a prospective new member of staff, care should be taken to avoid making any commitments about employment and/or terms and conditions of employment. ONLY the Director General, Department of Premier and Cabinet, and delegates, have authority to offer employment and set terms and conditions of employment under the Public Sector Employment and Management Act 2002. Letters from Ministers or Chiefs of Staff making offers or giving commitments could confer entitlements on prospective new staff different from the terms and conditions of employment available under the Act. Such letters should not be issued, to avoid the possibility of limiting the flexibility available to Ministers in staffing their offices under the statutory scheme. Ministers or Chiefs of Staff may write to prospective new employees in general terms, but it should be clear that any offer of employment will come ONLY from the Director General, Department of Premier and Cabinet or a delegate.

Ministers’ Staff on Selection Panels for Public Sector Positions

Ministers’ staff are not to sit on staff selection panels for public sector positions outside of Ministers’ offices.

Staff Number Monitoring and Reporting

Department of Premier and Cabinet includes Ministers’ staff in the Department’s staff numbers where such counts are required.

The Director General, Department of Premier and Cabinet is to be notified in writing of:

• resignations;
• terminations;
• vacancies;
• recruitment; and
• transfers.
Attendance and Leave for Ministers’ Staff

Attendance Recording

Each Minister’s office should have an attendance book or other method of recording the daily hours worked by each staff member. Duty hours are seven hours per day, or 35 hours per week, Monday to Friday.

When staff are on duty in another place (e.g., travelling with the Minister) a record should be kept of hours worked from the time duty commenced until completed. Where work takes place at another location for substantial periods of time, e.g., Parliament House, a separate attendance book/record may be necessary.

The Chief of Staff or nominated administrative assistant should be responsible for noting in the attendance book staff absences from duty and the nature of the leave taken.

The attendance book/record is to be noted when leave forms are received.

At the end of each month the attendance book/record is to be reviewed for any leave forms not received.

Recording attendance by Ministers’ staff is a requirement under the Public Sector Employment and Management (General) Regulation 1996 (Part 3, clause 13) and the Personnel Handbook (Chapter 6, section 2.2). Under these provisions, recording of staff attendance in Ministers’ offices is the responsibility of each Chief of Staff. The Assistant Director General, Ministerial and Parliamentary Services exercises delegated authority to determine the manner in which this information is recorded.

Practical reasons for recording staff attendance and leave include providing corroborative evidence in the event of a WorkCover claim and ensuring that all leave taken is reported to ServiceFirst and deducted from leave credits.

Care needs to be taken to ensure that the appropriate leave applications are submitted to ServiceFirst to cover absences from the office during business hours where staff who are absent are not on duty. The Chief of Staff and staff members should be clear about whether staff absent from the office are on duty or on leave when absent for reasons such as time off in lieu of paid overtime, working from home, on call, or during office closures. If leave is not debited from ServiceFirst’s records of staff leave credits, staff may be paid twice for the same period. Where this occurs, staff will be required to repay the overpayment and their employment in the Minister’s office may be terminated.

Leave approvals

Apart from leave without pay and special leave, all types of leave can be approved by the Chief of Staff or in the case of the Chief of Staff, by MaPS. Leave applications should be submitted to the Chief of Staff and if approved, forwarded to ServiceFirst. Care should be taken to ensure that absences from work are covered by leave applications for the duration of the absences.

Schedules of leave taken should be prepared monthly, even where there is a nil return, and forwarded to ServiceFirst for reconciliation with leave forms submitted, subject to any requirements of Department of Premier and Cabinet. Study leave is available for staff in Ministers’ offices on the same terms and conditions as for staff in the Department of Premier and Cabinet. While the Chief of Staff has authority to approve
such leave, advice should be sought from Ministerial and Parliamentary Services before approving any application.

Extended Leave

Ministers’ staff are entitled to extended leave as provided under Schedule 3 of the Public Sector Employment and Management Act 2002.

Salary Maintenance for Public Employees following Temporary Transfers to Department of Premier and Cabinet for Assignment to Ministers’ Offices

When a public employee returns to the employee’s home agency or is employed by another public agency, following a temporary transfer for assignment to a Minister’s office, the employee’s salary reverts immediately to the employee’s substantive salary rate. The employee may be entitled to salary maintenance for a period of twelve months in accordance with the following guidelines. These arrangements do not apply to DLOs who remain employees of their home agency while assigned to the Minister’s office.

The salary maintenance entitlement arises where:

- the employee has been transferred temporarily to Department of Premier and Cabinet and assigned to a Minister’s office; and
- the employee has continuing employment with an agency for the duration of the employee’s temporary transfer and assignment to the Minister’s office; and
- the employee has at least twelve months’ continuous service in Ministers’ offices; and
- the employee’s temporary transfer and assignment to the Minister’s office is terminated for any reason (other than for reasons of misconduct and/or poor performance or at the employee's own request or through the employee’s resignation); and
- the employee’s final salary during the temporary transfer and assignment to the Minister’s office was higher than the employee’s substantive salary with the home or other employing agency; and
- the employee continues in public employment, either with the home agency or other employing agency, after the employee’s temporary transfer and assignment to the Minister’s office is terminated (service may be regarded as continuous, for the purpose of salary maintenance, even though the employee may have taken a period of leave or a break in service of up to two months commencing from the termination of the temporary transfer and prior to returning to duty with the home agency or taking up duty with a new agency).

In these circumstances, the employee is entitled to salary maintenance for twelve months or until the date the employee resigns from public employment if this occurs during the twelve month period. In addition to the employee’s substantive salary, an allowance equal to the difference between the employee’s substantive salary and the final salary in a Minister’s office (less any identifiable overtime component) is to be paid. The allowance is to be paid from existing resources by the employing agency (the home agency or any other public agency which employs the person during the twelve-
month period) and is to be absorbed into any salary increases resulting from promotions or salary increments for the employee during the twelve month period.

When the employee’s temporary transfer and assignment to the Minister’s office is terminated, Department of Premier and Cabinet will notify the employee’s home agency or other employing agency of:

- the date of the employee’s return from the Minister’s office; and
- the reason for the return; and
- whether the employee is entitled to salary maintenance in accordance with these guidelines.

**Severance Payments for Special Temporary Employees (STEs)**

STEs are entitled to severance payments on a full time equivalent basis when their employment in a Minister’s office is terminated for any reason (other than for reasons of misconduct and/or poor performance or at the employee's own request or through the employee’s resignation).

STEs who receive a severance payment will be required to refund to the Crown any portion of the payment applying to the period of re-employment should they be re-employed in any capacity in a NSW public sector service within the period covered by the severance payment, e.g., a STE who received 20 weeks’ severance pay and then secured employment with a NSW public agency after 10 weeks, would be required to re-pay 10 weeks of the severance pay. The repayment should be made to the new employing agency.

All continuous service in NSW public sector agencies in accordance with Schedule 3A of the *Public Sector Employment and Management Act 2002* is recognised for severance purposes, provided no previous redundancy or severance payment has been made for this service.

**Components of Severance Payments**

The components of severance payments to STEs are set out below:

- Notice or payment in lieu in accordance with the following table:

```markdown
<table>
<thead>
<tr>
<th>Continuous service</th>
<th>Period of notice or payment in lieu</th>
<th>Period of notice or payment in lieu for employees aged 45 years and over with 5 or more years of completed service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any period of service for an indefinite period</td>
<td>4 weeks (full time equivalent basis)</td>
<td>5 weeks (full time equivalent basis)</td>
</tr>
</tbody>
</table>
```

- Severance payment (full time equivalent basis) at the rate of three weeks per year of continuous service with a maximum of 39 weeks, with pro-rata payments for incomplete years of service to be on a quarterly basis.
- Any benefit allowable as a contributor to a retirement fund.
- Pro rata annual leave loading in respect of leave accrued (full time equivalent basis) at the date of termination.
Staff Separation Checklist

When staff separate from a Minister’s office Chiefs of Staff should ensure that the Employment Checklist is complete and that, where applicable, the items identified on the Checklist are returned.

Brief Generic Descriptions of Duties for Ministers’ Staff

The following brief descriptions of duties for Ministers’ staff are indicative of the roles and responsibilities that might be undertaken by some of the staff classifications that are used generally in Ministers’ offices. The specific allocation of roles and responsibilities depends on considerations such as the Minister’s portfolio and other responsibilities, the number of staff in the Minister’s office and the skills and experience of the current mix of staff. In smaller offices, the roles and responsibilities of several classifications need to be merged into single roles, e.g., policy and media advisor roles, private secretary and office manager roles. Similarly, specific roles such as Policy Advisor, Media Advisor and Private Secretary may be performed at different grade levels in different Ministers’ offices depending on the size and complexity of the Minister’s portfolio and the Minister’s standing in the Cabinet. The classifications, grades and salary rates for Ministers’ staff are intended to support a high level of flexibility in working arrangements that may be designed to suit the needs of individual Ministers.

<table>
<thead>
<tr>
<th>Function</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief of Staff</td>
<td>Manage the Minister’s office, including supervision of staff and control of the Minister’s office budget.</td>
</tr>
<tr>
<td></td>
<td>Co-ordinate and organise the Minister’s parliamentary program.</td>
</tr>
<tr>
<td></td>
<td>Arrange briefings for the Minister.</td>
</tr>
<tr>
<td></td>
<td>Oversee events in the portfolio to enable the Minister to be kept up to date in these areas.</td>
</tr>
<tr>
<td></td>
<td>Liaise with other Ministers, Members of Parliament, agency staff and members of the community.</td>
</tr>
<tr>
<td>Advisor (Policy Advisor)</td>
<td>Examine, analyse and advise the Minister on agency proposals and recommendations.</td>
</tr>
<tr>
<td></td>
<td>Participate in policy discussions.</td>
</tr>
<tr>
<td></td>
<td>Develop policy proposals.</td>
</tr>
<tr>
<td>Advisor (Policy/Research Officer)</td>
<td>Assist in the preparation of advice on issues relating to the Minister’s portfolio.</td>
</tr>
<tr>
<td></td>
<td>Assist in the development of policy directions, consistent with the Government’s agenda, in consultation with portfolio agencies, interest groups, industry bodies and members of the community.</td>
</tr>
<tr>
<td></td>
<td>Prepare briefing notes, submissions, speeches etc.</td>
</tr>
<tr>
<td></td>
<td>Liaise with other Ministers, Members of Parliament, agency officers, relevant industry groups and constituents.</td>
</tr>
<tr>
<td></td>
<td>Assist the Policy Advisor and Media Officer with research on emerging issues.</td>
</tr>
<tr>
<td></td>
<td>Monitor Hansard and Parliamentary debates.</td>
</tr>
<tr>
<td>Function</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>Advisor (Media Officer)</strong></td>
<td>Undertake special projects as required by the Minister, Chief of Staff and Policy Advisor. Prepare editorial work, press releases and speeches. Answer media enquiries. Identify media opportunities and the need to respond to adverse media. Control the media diary. Manage the advertising account. Liaise with other Ministers, Members of Parliament, agency staff and members of the community.</td>
</tr>
<tr>
<td><strong>Advisor (Research Officer)</strong></td>
<td>Conduct research relating to the portfolio. Prepare background notes and other papers. Liaise with other Ministers, Members of Parliament, agency staff and members of the community.</td>
</tr>
<tr>
<td><strong>Administrative Assistant (Private Secretary)</strong></td>
<td>Maintain the Minister’s Cabinet file and other confidential papers. Maintain the Minister’s diary and arrange necessary appointments, deputations, etc. Liaise with other Ministers, Members of Parliament, agency staff and members of the community.</td>
</tr>
</tbody>
</table>
| **Office Manager** | Coordinate Chief of Staff’s diary and appointments. Provide administrative support to the Chief of Staff, including:  
  • drafting correspondence  
  • arranging travel  
  • maintain filing  
  • preparing accounts and claims. Liaise with other staff regarding allocation of work. Coordinate requests for briefing notes, speech notes, etc. Liaise with portfolio departments and agencies regarding requests for briefing notes, speech notes, etc. Liaise with other Ministers’ offices and Members of Parliament on behalf of the Chief of Staff. Relieve Receptionist when necessary. |
| **Administrative Assistant (Receptionist)** | General administration and office management. Handle enquiries. Reception of visitors. Arrange appointments. |

**Communication between Ministers’ Offices and Agencies**

Communication practices should be established as early as possible between Ministers and Chief Executive Officers of agencies. These practices relate to how information or advice should be sought and provided, ensuring transparency of process, appropriate senior level authorisation, accuracy and timeliness.
There are various structures where exchange of information can occur, i.e., discussions or other communications between the Minister and the CEO, committees, single issue discussions at staff level, requests from Ministers’ staff for agency briefings, or DLO discussions.

Practices will vary between portfolios and between agencies within portfolios, in accordance with the requirements of Ministers and the structures and operations of agencies.

Ministers or their staff may need to contact agency staff outside of established standard communication channels. The CEO should be informed of any instructions, requests or comments from the Minister to agency officials, to maintain the lines of communication and accountability within the agency.

Similarly, where agency staff receive any instructions, requests or comments on behalf of the Minister, they should seek appropriate authorisation before undertaking any activity that involves the commitment of public resources. The CEO should be informed of such contacts.

### Parliamentary Secretaries

Parliamentary Secretaries are appointed by the Premier under Part 4A of the Constitution Act 1902. (Section 38B outlines how appointments are made, section 38C their functions, section 38D how they cease to hold office and section 38E restrictions relating to them.)

Guidelines on the role of Parliamentary Secretaries and on the resourcing of their official responsibilities on behalf of Ministers are set out in the following table.

<table>
<thead>
<tr>
<th>Duties (General)</th>
<th>Provide assistance to the Premier and other Ministers, including signing correspondence; receiving deputations; undertaking special tasks; officiating at functions; and relieving the Premier and Ministers of some of their duties. The duties to be performed are those allocated by the Minister, or which have the Minister’s endorsement.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restrictions</td>
<td>Parliamentary Secretaries are not permitted to sign Executive Council Minutes or any other documents required by law to be signed by a particular Minister or by a member of the Executive Council, nor can they perform any other functions that may, by law, be performed only by a Minister.</td>
</tr>
<tr>
<td>Salary</td>
<td>Basic salary as a Member plus 13%, plus expense allowance of 7% of basic salary. (Parliamentary Remuneration Act 1989, Schedule 1.) Payments are made by the Legislature.</td>
</tr>
<tr>
<td>Official Car &amp; Driver</td>
<td>Parliamentary Secretaries may have the use of a car and driver when on official business in connection with duties of Parliamentary Secretaries. The car and driver are provided by the Department of Premier and Cabinet. These are available from the Department of Premier and Cabinet on a cost recovery basis (costs to be met from the Minister’s office budget). A self-drive vehicle may be made available to Parliamentary Secretaries for official business by Department of Premier and Cabinet on a cost recovery basis if approved by the Assistant Director General, Ministerial and Parliamentary Services, Department of Premier and Cabinet. If a self-drive vehicle is used, logbooks and odometer records must be kept for purposes of FBT calculation and as a record of the use of the vehicle for</td>
</tr>
</tbody>
</table>

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25
Insurance and traffic infringement purposes.

<table>
<thead>
<tr>
<th>Office Accommodation</th>
<th>Parliamentary Secretaries work from their Parliament House office unless other arrangements are made with the Minister(s) they are assisting.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Parliamentary Secretaries may be provided with a full-time Secretary/Stenographer, Research Officer or Project Officer at the discretion of the Minister(s) they are assisting. Such staff assistance will be provided from the Minister’s office approved staffing level.</td>
</tr>
</tbody>
</table>
| Equipment            | Extra equipment which may be supplied, if requested, and as determined by the Minister:  
  • appropriate computer with software and printer;  
  • facsimile machine;  
  • pager;  
  • telephone each for Parliamentary Secretary and Secretary at Parliament House; and  
  • mobile telephone (the responsible Minister may approve IDD access for mobile telephones for official duties); accounts for mobile telephones provided to Parliamentary Secretaries for business/private use may be paid from the Minister’s office budget, with the exception of private calls overseas which should be paid by the Parliamentary Secretary as a private expense. The Minister’s office should assist the Parliamentary Secretary to identify the private overseas calls component of accounts and arrange for the Parliamentary Secretary to pay this cost plus GST as a personal expense. |
| Other Assistance     | A portfolio agency, on the Minister’s behalf, may provide whatever assistance the Minister determines is required to enable a Parliamentary Secretary to undertake his/her duties (i.e., use of additional accommodation, letterhead, etc.). If a Minister wishes the Parliamentary Secretary to function within the Minister’s own accommodation, any costs are to be met by the Minister’s office. |

**Transport for Parliamentary Secretaries on Official Business**

Transport for Parliamentary Secretaries may be provided for official business as determined by the Premier or relevant Minister and should be regulated by the relevant Minister. The cost of all transport by Parliamentary Secretaries for official business purposes is to be met from the Minister’s office budget.

Parliamentary Secretaries are covered by the same conditions as Ministers for domestic and overseas transport in the course of official business (refer Section Three - Ministers’ Entitlements – Transport for Official Business).

Transport by air should be arranged by the Minister’s office through the Government appointed contractor and charged to the Minister’s office cost centre. Transport between the Parliamentary Secretary’s electorate and Sydney is to be treated in accordance with the provisions of the Parliamentary Remuneration Tribunal’s determination on additional entitlements for Members of Parliament, unless the transport is for official duties as a Parliamentary Secretary.

When cancelling a booking made through the travel agency for a Parliamentary Secretary’s air transport, the agency should be advised prior to the flight and the air ticket(s) should be returned/cancelled immediately for a credit to be claimed.
The Premier’s approval in principle should be obtained before a Minister enters into any firm commitments for an official visit overseas by a Parliamentary Secretary.

The following guidelines are to apply for official visits overseas:

• official visits are to be kept as short as possible and should not exceed seven days. These visits are to be for a specific purpose and will need to be justified in terms of their relevance to New South Wales Government operations. It is expected that any such visits will be to the Asia region unless exceptional circumstances apply;

• Parliamentary Secretaries are not to proceed on private leave during an official visit;

• visits at the invitation and expense of another Government (fully looked after by the host) - Parliamentary Secretaries only to attend;

• attendance at international functions, openings of Government offices overseas, important conferences, trade missions or related trade matters, functions significant to the future development of the State and reciprocal visits - a Parliamentary Secretary may attend and a senior department officer where appropriate. Each proposal is to be considered on its merits;

• where visits are sponsored and the costs are to be met by a private/commercial organisation, the invitation should be declined;

• the same protocols that apply to Ministers’ visits overseas in relation to certain overseas destinations also apply to Parliamentary Secretaries.

Terms and Conditions of Employment for Ministers’ Drivers

The conditions of employment for Ministerial Drivers are set out in Determination No 953 by the Director of Public Employment (refer below).

MINISTERIAL DRIVERS’ SALARIES AND CONDITIONS - NEW SOUTH WALES DEPARTMENT OF PREMIER AND CABINET
SECTION 130(1) DETERMINATION NO. 953 OF 2007

1. Introduction

1.1 The Director of Public Employment has determined, pursuant to section 130 of the Public Sector Employment and Management Act 2002 the following for Ministerial Drivers employed by the NSW Premier’s Department

1.2 This Determination replaces and rescinds Determination No. 904 of 1994 – Ministerial Driver/Assistant - Compensation for Out of Hours Work.

2. Definitions

“Base salary” means the rate of pay specified in Table 2 – Salaries of this Determination.

“Director of Public Employment” means the position held by the Director-General of the Department of Premier and Cabinet in accordance with s121 of the Public Sector Employment and Management Act 2002.
“Ministerial Driver” means a person employed by the Department of Premier and Cabinet in accordance with the roles, responsibilities, key accountabilities, knowledge, skills, experience and qualification requirements as described in the Position Description for Ministerial Driver, as approved by the Department of Premier and Cabinet from time to time.

3. **Classification and Transition Arrangements**

3.1 From this Determination’s date of effect the Department of Premier and Cabinet classification Ministerial Driver is established.

3.2 The existing positions of Ministerial Driver/Assistant and Departmental Driver/Assistant under Industrial Agreement No. 2478 of 1985 shall be reclassified as Ministerial Driver, as set out below in Table 1 – Classifications:

<table>
<thead>
<tr>
<th>Existing classification</th>
<th>New classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministerial Driver/Assistant</td>
<td>Ministerial Driver</td>
</tr>
<tr>
<td>Departmental Driver/Assistant</td>
<td>Ministerial Driver</td>
</tr>
</tbody>
</table>

4. **Salary and Other Remuneration**

4.1 *Salary*

4.1.1 The rates of pay for the classification Ministerial Driver are as set out below in Table 2 – Salaries.

<table>
<thead>
<tr>
<th>Ffpp 1/7/06</th>
<th>Ffpp 1/7/07</th>
</tr>
</thead>
<tbody>
<tr>
<td>$41,868 pa</td>
<td>$43,543 pa</td>
</tr>
</tbody>
</table>

4.1.2 This salary includes compensation for irregular hours, often with limited notice, and the exclusion of penalty payments in respect of occasional delayed or interrupted meal breaks and any failure to receive the recognised break between the work of successive days.

4.1.3 The rates of pay outlined in Table 2 shall be adjusted in accordance with the Crown Employees (Public Sector – Salaries 2007) Award, or any variation or replacement Award.

4.2 *Allowance*

4.2.1 All out of hours work, with the exception of Sundays and public holidays, shall be compensated by payment of an allowance calculated for 20 hours overtime based on 12 hours at time and one half of base salary and 8 hours at double time of base salary. This is equal to an allowance calculated as 34 hours at ordinary time of base salary.
4.2.2 The out of hours allowance is set out below in Table 3 – Out of Hours Work Allowance:

**TABLE 3 – OUT OF HOURS WORK ALLOWANCE**

<table>
<thead>
<tr>
<th></th>
<th>Ffpp 1/7/06</th>
<th>Ffpp 1/7/07</th>
</tr>
</thead>
<tbody>
<tr>
<td>$37,461 pa</td>
<td>$38,960 pa</td>
<td></td>
</tr>
</tbody>
</table>

4.2.3 This allowance is to be paid in the nature of salary and is:

4.2.3.1 to be adjusted using the above calculation, subject to changes in the base salary for Ministerial Drivers;

4.2.3.2 recognised for all paid leave, superannuation and termination purposes;

4.2.3.3 fixed as inclusive of overtime (excluding Sundays and public holidays), weekday, weekend and holiday penalty rates and all incidents of employment involving after hours duty (including On Call, On Call [Standby], Recall to Duty, Payment for Overtime or Leave in Lieu, Provision of Transport in Conjunction with Working of Overtime) other than accommodation and meal allowances; and

4.2.3.4 paid on the basis that Ministerial Drivers shall be available for duty as required Monday to Saturday.

4.3 **Sundays and public holidays**

4.3.1 Overtime worked on Sundays and public holidays is calculated on base salary and shall be subject to the provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, or any variation or replacement Award.

5. **Conditions**

5.1 **Driving assignments and schedules**

5.1.1 Driving assignments and schedules shall be approved by the Manager (Transport Services), or other authorised officers of the Department of Premier and Cabinet, from time to time.

5.2 **Working hours**

5.2.1 Ordinary working hours shall be 38 per week, Monday to Friday, with a rostered day off each 4 weeks in accordance with the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, or any variation or replacement Award.

5.3 **Daily hours**

5.3.1 Nominal daily hours shall be from 9.00 am to 6.00 pm with a one-hour lunch break.

5.4 **Start/end of duty**
5.4.1 Start/end of duty shall occur at the start/end of driving assignments for any period of duty, or, if there are no planned driving assignments, at the scheduled times of start/end of duty at the Department of Premier and Cabinet’s premises.

5.4.2 Start/end of duty times shall be by arrangement between the Minister/Office Holder or other approved user of vehicle transport services and the Ministerial Driver.

5.4.3 Ministerial Drivers shall advise the Manager (Transport Services), or Department of Premier and Cabinet’s Officer in Charge of Transport Services, of changes in driving assignments to facilitate scheduling of driving assignments and vehicle transport services.

5.5 Recording hours of duty

5.5.1 Start/end of duty and start/end of deep relaxation shall be recorded in the manner approved by Department of Premier and Cabinet from time to time.

5.6 Meal breaks and meal allowances

5.6.1 Meal breaks and allowances shall be in accordance with the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, or any variation or replacement Award, subject to Ministerial Drivers being granted meal breaks of one hour duration where possible, but not less than half an hour, as follows:

5.6.1.1 breakfast (where the Ministerial Driver starts duty at or before 6.00 am), between the hours of 7.00 am and 9:00 am;

5.6.1.2 lunch, between the hours of 12 noon and 2.00 pm;

5.6.1.3 dinner, between the hours of 5.00 pm and 7.00 pm; and

5.6.1.4 supper, no more than five hours from the end of the dinner meal break.

5.6.2 For the purpose of award provisions regarding overtime meal breaks, Ministerial Drivers’ ordinary hours of duty on weekdays shall end at the times scheduled for end of duty for individual Ministerial Drivers.

5.7 Disrupted meal and rest breaks

5.7.1 This Determination recognises (see Clause 4.1.2) that it may not always be possible to observe specified meal breaks or to ensure that Ministerial Drivers have a minimum 8 hour rest break between periods of duty on successive days. In such circumstances, Department of Premier and Cabinet shall ensure that a reasonable period is allowed for a rest break or for deep relaxation as soon as practicable after a disrupted rest break, in the interests of driver safety.

5.8 Health assessments

5.8.1 Health assessments shall be undertaken to assess compliance with RTA medical standards to hold a NSW driver’s licence, in the following circumstances:

5.8.1.1 pre-employment;
5.8.1.2 before return to duty following serious illness or injury possibly impairing driving capacity; Roads and Traffic Authority (RTA) to be notified of assessment; and

5.8.1.3 as required by Department of Premier and Cabinet in circumstances where impaired fitness for driving duties comes to the Department’s notice.

5.8.2 Health assessments shall be conducted by HealthQuest.

5.9 On road driving assessments

5.9.1 On road driving assessments shall be undertaken:

5.9.1.1 pre-employment;

5.9.1.2 prior to confirmation of appointment; and

5.9.1.3 as required by Department of Premier and Cabinet in circumstances such as performance management, physical impairment, occupational health and safety and safe driving.

5.9.2 On road driving assessments shall be conducted by service providers, as approved by Department of Premier and Cabinet from time to time.

5.10 Clothing

5.10.1 Department of Premier and Cabinet shall provide clothing to be worn by appointed Ministerial Drivers when on duty.

5.10.2 The items of clothing to be provided, and the quantity and quality of such items, shall be as approved by Department of Premier and Cabinet, in consultation with Ministerial Drivers, from time to time.

5.10.3 Clothing provided by the Department shall be maintained in serviceable condition by Ministerial Drivers. No laundry allowance shall be payable.

5.11 Other conditions and benefits

5.11.1 Except as specifically varied by this Determination, the conditions of employment shall be in accordance with the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, or any variation or replacement Award.

6. Area, Incidence and Duration

6.1 This Determination replaces and rescinds Determination No. 904 of 1994 – Ministerial Driver/Assistant - Compensation for out of Hours Work.

6.2 This Determination applies to those persons employed by the Department of Premier and Cabinet under the classification of Ministerial Driver.

6.3 This Determination shall take effect on and from the date of signing, and shall remain in force until varied or rescinded.

C Gellatly
Director of Public Employment

Ministers’ Office Administration Handbook December 2010
Section Two
FINANCIAL ADMINISTRATION

Expenditure from Ministers’ Office Budgets

To ensure expenditure from Ministers’ offices is authorised properly and in accordance with various Government guidelines, regulations, etc., there must be adequate systems of internal control operating in Ministers’ offices.

Department of Premier and Cabinet performs audits of Ministers’ offices to assist in ensuring that adequate systems of internal control are operating.

The Auditor-General also has authority to review the expenditure and systems of Ministers’ offices.

Financial Delegations

The following financial delegations have been issued to Ministers’ staff:

<table>
<thead>
<tr>
<th>Delegation Details</th>
<th>Amount</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premier’s Chief of Staff</td>
<td>$25,000</td>
<td>Premier’s office activities only</td>
</tr>
<tr>
<td>Premier’s office Administrative Assistant (formal title for exercise of delegation is Executive Officer)</td>
<td>$10,000</td>
<td>Premier’s office activities only</td>
</tr>
<tr>
<td>Ministers’ Chiefs of Staff</td>
<td>$5,000</td>
<td>Minister’s office activities only</td>
</tr>
<tr>
<td>Ministers’ office Administrative Assistant (formal title for exercise of delegation is Executive Officer/Private secretary)</td>
<td>$500</td>
<td>Minister’s office activities only</td>
</tr>
</tbody>
</table>

DPC Instructions for the Use of Delegations

<table>
<thead>
<tr>
<th>Do:</th>
<th>Do Not:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Familiarise yourself with the Delegations across the Department.</td>
<td>1. Approve any expenditure where it relates to a purchase for you (eg your own business travel arrangements).</td>
</tr>
<tr>
<td>2. Keep a copy of the Delegations handy for easy reference.</td>
<td>2. Approve matters where you have no responsibility.</td>
</tr>
<tr>
<td>3. Know your own delegation limits (if you have them).</td>
<td>3. Approve matters that might require special consideration of a higher delegate.</td>
</tr>
<tr>
<td>4. Exercise the delegation only for the purpose for which it has been given.</td>
<td>4. Sign without checking that you have the required level of delegation.</td>
</tr>
<tr>
<td>5. Exercise delegations in accordance with Departmental policy.</td>
<td>5. Exercise delegations where the matter creates or could be perceived to create a conflict</td>
</tr>
</tbody>
</table>
arrangements you may exercise the
delegations for that position.
of interest.

Procedures for Accounting, Budgeting and Controlling Expenses of Ministers’ Offices

Budget Preparation

The budget for each Minister’s office is determined in the course of the normal budget cycle.

Each Minister is expected to keep their office expenses within their budget allocations. Savings from Ministers’ office budgets cannot be carried forward to later financial years.

Funds may be transferred between expenditure categories within Ministers’ office budgets, subject to prior consultation with and approval by the Assistant Director General, Ministerial and Parliamentary Services, Department of Premier and Cabinet. The approved budget is part of the budget for the Department of Premier and Cabinet, which maintains a separate cost centre to record all expenses of the Minister’s office by line items and categories set up in the expenditure recording system.

Increases to Budget Allocations

Increases in Ministers’ office budget allocations outside the annual budget process require formal application to the Premier for approval. The Premier consults the Treasurer regarding such applications, as appropriate in the individual circumstances.

Variation to Budget Allocations for Salaries

The Department of Premier and Cabinet is the employer of all Ministers’ staff. Any variation to budget allocations for salaries for Ministers’ staff must be approved by the Assistant Director General, Ministerial and Parliamentary Services, Department of Premier and Cabinet.

Budget Monitoring

Department of Premier and Cabinet arranges regular budget reports for Ministers’ offices, showing budget allocations, year to date actual expenditure and current month’s actual expenditure for line items. Department of Premier and Cabinet monitors expenditure against budget and considers whether expenditure is likely to be within the budget allocation.

If it appears that the full year’s expenditure may exceed the allocation, then corrective action may be required, in consultation with the relevant Chief of Staff. This may involve:

- reducing expenditure on affected line items; or
- transferring funds between line items.

Verification of Expenditure

Expenditure reports provided for Ministers’ offices by ServiceFirst allow for verification that expenses attributed to Ministers’ offices have been recorded appropriately. Checking the accuracy of expenditure reports can be based on records of
approvals and estimates for items such as salaries, electricity and rent. The intensity of verification is a matter for individual Minister’s offices as Department of Premier and Cabinet cost centres relying on corporate systems, but should be sufficient to satisfy the Chief of Staff that expenditure reports provide a reasonable basis for budget management.

*Expenditure Recording System*

Expenditure records for Department of Premier and Cabinet cost centres are maintained by ServiceFirst. Ministers’ offices may rely on corporate records for accounting and audit purposes and need not keep duplicate copies of expenditure approvals lodged with ServiceFirst.

**Expenditure Classifications**

The following definitions are offered to assist Ministers’ staff in determining the appropriations that expenditure should be charged against.

- **Minister’s Expenditure**
  
  Minister’s expenditure means expenditure that is incurred as a result of undertaking the duties of the Minister’s portfolio.

- **Electorate Expenditure**
  
  Electorate expenditure means expenditure that is incurred while the Minister is undertaking duties or responsibilities as a Member of Parliament. Official expenditure associated with an electorate office is covered by the arrangements regarding Members of Parliament and is not to be met from the Minister’s office budget, e.g., furniture, equipment, stores and stationery for use in an electorate office.

- **Department’s Expenditure**
  
  Department’s expenditure means expenditure associated with the programs or activities of the departments or agencies within the Minister’s administration.

**NSW Government Expenses Policy**

*Out of Pocket Expenses, Hospitality, Entertainment*

NSW Government expenses policy is issued periodically – refer current Premier’s Memorandum on DPC website. This policy prohibits the expenditure of State funds on any event that will provide predominantly personal benefit to NSW public sector employees. This restriction applies to Ministers, members of their families or friends and State officials. Restraint is called for, particularly in regard to the scale of, and expenditure on, any reception or similar event that is funded from public funds to mark Christmas, the end of the year or other significant events.

Where it is appropriate for expenses incurred to form a valid charge against hospitality funds the following guidelines apply:

- The event to which the charge is related must have a direct business relationship with the Minister’s portfolio.
• Working meals are not to be regular occurrences and should normally have relatively low charges per head and involve participation of persons from outside the portfolio or with senior staff from across the portfolio.

• The expenditure incurred should not provide a personal benefit predominantly for Ministers, members of their families or friends or staff of agencies coming under their responsibility. However, wreaths or flowers may be purchased for the purpose of a floral tribute to families or as an appreciation for long service to a Department or Authority.

• Tips are generally not permissible, except where it may be expected as a normal payment in the circumstances.

• Expenditure on minor gifts for protocol or public relations purposes is not acceptable, unless such gifts are in conformity with a particular agency’s functions and may be considered acceptable in accordance with community expectations.

Office Procedures - Practice to be Followed
The following comments relate to common expenditure items associated with Ministers’ offices. These comments should be regarded as guidelines within the framework of the Treasurer’s Directions.

Credit Cards
Ministers and Ministers’ staff are not to provide themselves with official credit cards, except in the case of official business overseas, where short term cards may be issued on the basis that they are to be returned at the completion of the official business overseas. For official business interstate, Ministers are provided with a travel advance by cheque or can seek reimbursement by producing receipts or personal credit card accounts.

Where a credit card is required for official business overseas, the card is to be supplied through ServiceFirst as the corporate services supplier for Department of Premier and Cabinet. Such credit cards will be held with government contract bankers and used within credit limits imposed (refer Treasurer’s Direction 205.01). Expenditure incurred by credit card is to be supported by the appropriate documentation, signed approval of expenditure and certification by the cardholder that the expenses were incurred on official business (refer Treasurer’s Direction 205.04).

The credit card shall be used for official business purposes only (refer Treasurer’s Direction 205.01).

Ministers and Ministers’ staff may use private credit cards for business expenses and request reimbursement for such expenses. Requests are to be supported by credit card records and receipts. An option to consider is a private credit card to be used exclusively for business expenses.
Fringe Benefits Tax (FBT)

Fringe benefits tax is a tax paid by the employer in respect of a fringe benefit “paid” by an employer to an employee, but in a form different from salary or wages. FBT is paid by the employer.

There are a number of areas in which Ministers’ offices may be subject to FBT. These areas are to be identified with the assistance of Department of Premier and Cabinet. Once they have been identified, Chiefs of Staff, supported by The Department of Premier and Cabinet, should ensure that adequate procedures exist for identifying and paying FBT liability and that appropriate records are kept to support calculations. In the absence of appropriate records, including appropriate certification by staff incurring expenses, audit by the Australian Taxation Office may result in full liability being assessed.

The following areas within Ministers’ offices have been identified as attracting FBT:

- **Semi-official Telephones** - FBT is payable on rental and service charges for semi-official telephones located in private homes, unless the staff member meets the cost of the private component of both calls and service charges. Provision of a written declaration of the private/business component of the account is required to enable calculation of the FBT liability.

- **Hospitality** - FBT is payable for hospitality benefits received by a public employee unless the employee meets his/her own expenses. Food and beverages consumed at official functions or in the Parliament House dining room are examples of hospitality that will attract FBT liability. Certification of accounts should include the number of employees attending such functions to assist in the calculation of FBT liability.

- **Motor Vehicles** - FBT is to be calculated using either the Statutory Method (based on the total cost of the vehicle) or the Operating Cost Method (based on actual private use of the vehicle). See also Section 4 - Assets, Inventories and Motor Vehicles.

- **Car Parking** - FBT is payable on car parking spaces provided or paid for from official funds and which benefit any staff member.

- **Study Fees** - FBT is payable on study fees paid in circumstances where the fees would not have been a tax deduction if paid by the employee.

Where there is any doubt about whether an employer-provided benefit qualifies as a fringe benefit, the circumstances should be raised with The Department of Premier and Cabinet.

*Reportable Fringe Benefits*

Each year the Parliament requests advice on Ministers’ reportable fringe benefits for inclusion on Ministers’ payment summaries (group certificates). This request comes from the Parliament because the Parliament’s finance service provides payroll services for Ministers.

Where a Minister’s individual fringe benefit amount is $2,000 or less, the Parliament is not required to report an amount on the Minister’s payment summary. Where the Minister’s individual fringe benefit amount exceeds $2,000, the grossed-up value of that amount (calculated in accordance with an ATO formula) must be shown by the Parliament on the Minister’s payment summary. Fringe benefits provided in the period...
1 April Year 1 to 31 March Year 2 are to be included on the payment summary for the income year ending 30 June Year 2.

Reportable fringe benefits for Ministers include the private use of Ministers’ official vehicles and expenditure on transport, accommodation, meals and incidentals for Ministers’ spouses accompanying Ministers in the course of official duties. “Spouse” for this purpose includes an approved relative or carer.

The amount of reportable fringe benefits shown on a payment summary is not included in the Minister’s assessable income, but is included in a number of income tests relating to the following Commonwealth Government benefits and obligations:

- Child support payments.
- Higher education learning program (HELP) repayments.
- Medicare levy surcharge,
- Personal superannuation deductions.
- Rebate for personal superannuation contributions.
- Rebate for contributions to a spouse’s superannuation.

ATO guidelines include “The reportable fringe benefits amount will also be taken into account in the income tests for the Family Tax Benefit and the Child Care Benefit and the parental income test for the Youth Allowance. These income tests will however, only include the non grossed-up value of the fringe benefits. This amount can be calculated by multiplying the reportable fringe benefits total by 0.515.”

**Accounting advice**

Ministers and Ministers’ staff are advised to seek advice from their private accountants on the effect of reportable fringe benefits.

**Permissible Use of Taxis**

Use of taxis is permitted under the following circumstances:

- Transport home after rostered duty on Parliament’s sitting evenings, where public transport is not available or where it would be unsafe to use public transport.
- Transport home after working beyond normal hours at the request of the Minister or the Chief of Staff, where public transport is not available or where it would be unsafe to use public transport.
- Transport to or from the airport in connection with early morning or late night flights on official visits.
- Transport to meetings when it would be unsafe or uneconomical to use public transport.

Where after hours work is involved, the guidelines outlined in Chapter 5, Part 11 of the Personnel Handbook apply, i.e., that it needs to be demonstrated that the normal means of transport is not reasonably available to the employee and/or transport by normal means would place the safety of the employee at risk, before taxi transport will be provided. Generally, it is envisaged that taxi journeys would take place after 8:00pm.

Staff wishing to use Cabcharge should seek prior approval in accordance with office procedures.
Procedures for Use of Cabcharge

For accounting control purposes as well as convenience, payments for taxi transport may be made using Cabcharge taxi etickets.

Cabcharge cards which operate like a credit card are not to be used.

Where Cabcharge taxi etickets are used, it should be borne in mind that these are similar to cheques and appropriate controls and security must be applied against their possible loss or misuse.

Department of Premier and Cabinet operates one Cabcharge account. Packs of Cabcharge taxi etickets have a unique identifying number and are allocated to cost centres. As Cabcharge taxi etickets are used, eticket numbers are recorded in cost centre expenditure reports.

Under these arrangements, the following procedures are suggested in order to maintain appropriate control over the issue and use of Cabcharge taxi etickets:

- Details of all Cabcharge taxi etickets received should be entered in a register to record who has custody of etickets.
- Staff issued Cabcharge taxi etickets should aim to use a taxi with an operational EFTPOS unit. Before entering a taxi ask the driver/operator if the EFTPOS unit is operational.
- What will happen:
  1. The driver will insert the Cabcharge taxi eticket into the EFTPOS terminal to read the data on the magnetic strip in the same way as with any credit/charge card.
  2. The amount of the fare is entered via a keypad.
  3. Trip details, i.e. pickup and destination points are automatically captured from GPS co-ordinates.
  4. The entered details are transmitted to the host computer for verification and approval at which time the Cabcharge taxi eticket is then recorded as “used” and from then on cannot be re-used.
  5. You will then be asked to sign a receipt to be retained by the driver together with the used Cabcharge taxi eticket.
  6. You should obtain the second copy of the receipt and return the copy receipt to the office for reconciliation purposes.
- In any event where the taxi does not have the Cabcharge EFTPOS equipment fitted, you should look for another taxi which has the Cabcharge EFTPOS system fitted. Only in the event where the equipment is out of service, you hand the Cabcharge taxi eticket to the driver and using an emergency green docket that all taxis carry, fill in the trip details in both words and figures then sign the green docket. The driver will attach your Cabcharge taxi eticket to the emergency green.
- Where copy receipts have been returned, Cabcharge expenses may be verified as follows:
  1. Check the docket numbers and expenses recorded in cost centre expenditure reports against the copy receipt.
  2. Mark the copy receipt and expenditure report to indicate which have been checked (this will allow for double payment check).
  3. Advise Chief of Staff of outcome in expenditure verification reports.
• Where copy receipts have not been returned, Cabcharge expenses may be verified as follows:
  1. Check the expenses recorded in cost centre expenditure reports and if all expenses appear reasonable advise Chief of Staff of outcome in expenditure verification reports.
  2. If any expenses seem excessive, request copies of the invoice details for that transaction from ServiceFirst and satisfy any concerns before advising Chief of Staff of outcome in expenditure verification reports.

Mobile Telephones - Ministers

Accounts for mobile telephones provided to Ministers for business/private use may be paid from the Minister’s office budget, with the exception of private calls overseas which should be paid by the Minister as a private expense. The Minister’s office should assist the Minister to identify the private overseas calls component of accounts and arrange for the Minister to pay this cost plus GST as a personal expense.

Mobile Telephones – Ministers’ Staff

In conformity with public sector practice, Ministers’ staff are to pay for private calls plus GST on mobile telephones provided for business/private use. In applying this principle, the Minister’s office and individual staff may either:

• nominate to pay the total of their actual private calls plus GST by keeping diary records or by individually identifying such calls on each bill (this is the preferred method); or

• nominate a percentage rate to be applied as the private call component of their individual mobile telephone bills. Nominated percentages for each member of staff should be based on a record of private calls over a representative period. The percentage nominated is to be approved by the Minister’s Chief of Staff and should be reviewed at least annually to confirm that the nominated percentage remains representative of the cost of private calls. The cost of GST should be added to the amount paid. The cost of private calls should not be averaged across staff.

Parliament House Account

As Members of Parliament, Ministers have credit facilities extended to them for dining, hospitality, etc, at Parliament House. The facilities may be used for business or private purposes.

Expenditure incurred for official business, i.e., expenditure related to duties as a Minister, is paid from the Minister’s office budget.

Expenditure incurred for private purposes, i.e., as a Member of Parliament rather than for duties as a Minister, is payable by the Minister personally. It is not to be reimbursed from the Minister’s office budget or any portfolio agency.

Payment of official business expenditure should accord with the following:

1. Expenditure is only to be paid when supported by an original Parliament House docket. (This will help ensure payments are at the correct rate and prevent double payments being made.)

2. Expenditure on dockets should be divided into business and private. This may be done by the Minister or the Chief of Staff (the Minister’s diary may be useful
in making this dissection). The Minister or Chief of Staff should certify that expenses claimed were for official business.

3. Original Parliament House docket and certification as to official business are to be submitted to ServiceFirst for payment.

Parking Space Levy

An annual parking space levy is applicable to each non-residential off-street parking space in designated areas. The current levy for Sydney and North Sydney business areas is $2,000 per year (effective from 1 July 2009). The Parking Space Levy Act 1992 provides the legislative basis for the administrative arrangements related to the collection of this levy. New rates must be paid for the date that they apply.

Government policy specifies that levies be paid by agencies for each parking space in the designated business areas. It is paid by government agencies and then recovered from each person who uses a car space. This includes staff of Ministers’ offices as they are public sector staff for the purposes of Section 17 of the Parking Space Levy Act 1992.

Entitlement to use a parking space for Ministers' staff is established through the lease of a vehicle for business use or on the approval of the Assistant Director General, Ministerial and Parliamentary Service, Department of Premier and Cabinet. Approval for the use of a parking space in regard to private vehicles is conditional upon a case being submitted on business or disability grounds.

There is no connection between the business/private split for packaged vehicles and the levy. The levy applies to any vehicle that has a private use component and is paid by the person who has the benefit of the private use. It is encouraged that payment by the user be recovered by way of fortnightly payroll deductions. Where there are multiple users of one car space, or there is intermittent use of a single car space, judgement is needed in determining the extent of recovery of the levy from users on a basis which is commensurate with individual use.

The cost of rent and FBT for car parking spaces used by Ministers’ offices is to be funded from the Minister’s office budget.

Other Expenditure

Purchasing Goods

Purchases of goods are subject normally to ServiceFirst purchase orders prepared in response to a written requisition (request) for supply by the Minister’s office.

Purchasing Services

Purchases of services are approved normally on a request prior to the service being incurred. The approval should be attached to the voucher for payment.

Cash Advances

To guarantee receipt of a cash advance, a written request should be submitted to ServiceFirst two to three days prior to requirement. Special arrangements apply to overseas business trips. (Also refer to Credit Cards under the “Office Procedures” heading in this section).
**Meal Allowance**

The entitlement of Ministers’ staff to claim meal allowance in connection with performance of duties outside usual office business hours is set out in Section One “Overtime and Meal Allowance”. The cost of meals may also be paid in connection with travel for business purposes (see section on Travelling Allowances). The different costs should be accounted for according to the circumstances under which payment arises, i.e., as meal allowance if related to overtime or as a transport expense if related to travel for business.

**Petty Cash**

Refer to Treasurer’s Direction 290 for instructions regarding the operation of petty cash. The current limit for individual purchases is $100. Note that purchases may not be “split” to bring them within the $100 limit. Supporting documentation, e.g., receipts, must be obtained whenever possible. Individual payments should be certified and authorised prior to payment. Operation of petty cash is to be the responsibility of one staff member only. The Petty Cash Book is to be kept up to date and recoupments made on a regular basis. The Chief of Staff is responsible for the security and control of the office’s petty cash float and also for arranging for periodic reimbursement. Petty cash funds should be kept locked in a secure place and the key held securely. An unlocked office desk is not considered to offer suitable security either for the petty cash float or for the key. An option for Ministers’ offices is to use ServiceFirst’s cashier services as an alternative to an internal petty cash system.
Section Three

MINISTERS’ ENTITLEMENTS

Ministers’ Salaries and Parliamentary Entitlements

Salaries

The Parliamentary Remuneration Act 1989 provides for the basic salaries of Members of Parliament to bear a fixed relationship to those of members of the House of Representatives in the Commonwealth Parliament and for certain prescribed additional salaries and expense allowances to be at rates bearing a fixed percentage to the rate of basic salary.

Pursuant to section 9 (1) (a) of the Act, the Parliamentary Remuneration Tribunal (the Tribunal) determines additional entitlements to be available to a member or recognised office holder. Section 10 of the Act sets out general provisions as to determinations of additional entitlements, including allowances, and the provision of services, equipment or facilities to a member or recognised office holder.

The Tribunal’s determinations in relation to additional entitlements are tabled in Parliament and published in the Government Gazette and can be found on the Tribunals’ web site, http://www.remtribunals.nsw.gov.au. (Details are available in the Members’ Guide published by the Legislature.)

Parliamentary Entitlements

Each Minister is eligible for entitlements as a Member of Parliament. These are detailed in the respective Members’ Guides issued by the Legislature.

Entitlements for Members of the Legislative Assembly include electorate office accommodation, staff and equipment.

The administration of these entitlements is the responsibility of the Presiding Officers, individually, or together, as the case may be.

Transport for Official Business

Spouse, Approved Relative or Carer

An approved relative means the mother, father, sister, brother or a child of the Minister who is at least 16 years of age and certified by the Minister as assisting the Minister regularly by carrying out those official duties usually performed by a spouse. Ministers should nominate their approved relative, in relation to their role as Ministers, to the Premier in writing. This process is separate from the nomination of Members’ approved relatives to the Presiding Officers of the Parliament.

Ministers traveling with a dependant child, in connection with official functions in Australia and for official business overseas, may be accompanied by a carer in lieu of a spouse or approved relative. Any additional costs incurred as a result of dependant children accompanying a Minister when travelling on official business is a private expense to be met by the Minister as a personal cost.
Where the Minister has a spouse or a de facto spouse, the entitlements in this section are not available to any other person, except for a carer as described in the preceding paragraph.

**Business Trips in Australia**

Ministers may approve their own domestic transport.

The cost of transport required by Ministers in the course of their official duties is met from the Minister’s office budget. Ministers should use Parliamentary entitlements for transport between their electorates and Sydney unless an official function makes a special trip necessary.

The costs incurred by a Minister’s spouse/approved relative to accompany the Minister to an official function are met from the Minister’s office budget.

**Rail Transport**

Rail transport should be arranged with the service provider.

**Air Transport**

Transport by air should be arranged through the Government appointed contractor. Should it become necessary to cancel a booking for the Minister’s air transport, arrangements should be made for the Government appointed contractor to be advised prior to the flight. Any air ticket(s) already obtained are to be returned immediately or cancelled to enable the appropriate credit to be claimed.

**Class of Transport**

In relation to the class of transport, Ministers are to adopt the practice that applies to Chief Executive Officers and the Senior Executive Service. The practice involves the use of economy class for transport within New South Wales and the Australian Capital Territory, Victoria, South Australia, Queensland and Tasmania. Business class may be used for transport to Western Australia and the Northern Territory.

Where advisors accompany the Minister on the same flight, the advisors may use the same class of transport if required to do so by the Minister.

**Charter Aircraft/Rental Cars**

When in country areas, Ministers may use light charter aircraft and/or use rental car services if this is regarded as essential to carry out official inspections effectively, or to fulfill the Minister’s commitments, when it is considered inappropriate to use commercial airline facilities, the Minister’s official vehicle or other available forms of public transport.

**Ministers’ Air Charter**

Light aircraft or helicopter services may be chartered to assist Ministers to meet official commitments when scheduled air services or alternative means of transport are not available or are unsuitable for Ministers’ transport needs. Costs are to be met from the Minister’s office budget. Charter services may also be used by Parliamentary Secretaries when representing Ministers for official purposes, with the relevant Minister’s approval.

In deciding to use a charter service, Ministers should have regard to the following advice from the NSW Ministry of Transport:
Air safety is the responsibility of the Federal Civil Aviation Safety Authority (CASA) which has published reports on safety standards applying to air charters, including the following information:

- Under current rules, charter flights in small aeroplanes may be operated to a lower level of safety than is applicable to regular public transport flights.
- A higher number of accidents (ratio of approximately 9 to 1) occur in fixed wing charter than in low capacity (small) regular public transport flights.

It is emphasised that Ministers should use scheduled airline services where possible, but where a charter flight is to be undertaken Ministers should consider chartering from certified regular public transport operators.

Selection of a charter service will be influenced by a range of factors, principal among which must be safety. Other factors include flight regulations, the distance to be travelled, the Minister’s timetable, the capacity of the landing field(s), the availability of suitable aircraft (especially at short notice) and the cost of the charter. Having regard to such factors, Ministers may exercise discretion in specifying the following features of charter services:

- Fixed wing aircraft or helicopter.
- Number of seats.
- Piston or jet engines.
- Single or twin engines.
- One or two pilots.
- Qualifications and experience of crew.
- Certification of maintenance standards (choice between a system of maintenance approved by CASA, providing for maintenance to the manufacturer’s specifications plus having regard to specific operational environments or, as a minimum, maintenance to the manufacturer’s specifications).
- Quality assurance systems, maintenance facilities and age of aircraft.

Selection of charter services should be made in accordance with the State Contracts Control Board’s General Purchasing Delegation relating to procurement of “not in contract” goods and services. The delegation effective from April 2009 sets out the following selection requirements for goods and services at successively higher values:

- Up to $3,000 (including GST) – no need for quotations, provided rates are considered reasonable and consistent with normal market rates for such items, and orders are not split into components or a succession of orders.
- Over $3,000 and up to $30,000 (including GST) – one written quotation, provided rates are considered reasonable and consistent with normal market rates for such items, and orders are not split into components or a succession of orders.
- Over $30,000 and up to $250,000 (including GST) – three written quotations.
- Over $250,000 (including GST) – details to be submitted to the Department of Commerce for the invitation of tenders.
The State Contracts Control Board (through State Procurement’s Client Contracts Unit) has established client specific air charter contracts for a number of NSW government agencies, e.g., Rural Fire Service, Juvenile Justice, Police NSW. Where such a contract has been established in relation to an agency within a Minister’s portfolio, the Minister has the option of using the services available under the contract.

The choice of charter service should have regard to all aspects of the service offered, and the purchase decision should be based on overall best value for money, not merely on lowest cost. In view of the number of variables in selecting charter services, it may be difficult to make like-with-like comparisons. Top priority should be accorded to safety factors, and it would be more appropriate to select a higher cost service that offers better safety than a lower cost service that does not rate as highly in terms of safety.

The use of aircraft owned by public agencies should be considered where they are available for charter, suitable for the Minister’s needs, meet the Minister’s charter service preferences and are cost competitive with other suppliers.

Non-Official Passengers

The issue of whether transport may be provided at public expense for non-official passengers is a matter for the authorised decision-maker in individual circumstances. It can be expected that decisions to provide transport for non-official passengers will attract scrutiny from the Parliament and the public. Such decisions should be considered carefully; be made by an official authorised appropriately; be documented adequately; and be made in accordance with the principles of necessity and economy in expenditure of public funds.

The term non-official passenger refers generally to passengers who are not public officials whose remuneration and/or transport expenses are met from public funds, or not a passenger by way of an entitlement provided by the Parliament (e.g., an approved relative). Non-official passengers carried at public expense may include representatives of the media where the Minister is of the view that the issue is one of extending understanding of government policies. However, non-official passengers must not be carried at public expense for party political purposes.

It is recognised that where circumstances justify chartering, the aircraft hired may provide more capacity than needed entirely for official purposes. In such cases, non-official passengers may be carried on chartered aircraft. Alternatively, it may be decided to charter a larger aircraft so that non-official passengers can travel with the official party for convenience. These may include non-official passengers carried at public expense and non-official passengers who are not carried at public expense. Where the cost of a charter is increased by the inclusion of non-official passengers whom it is inappropriate to carry at public expense, all additional costs are to be recovered from such non-official passengers.

The Minister chartering the aircraft will have the discretion to determine questions in regard to inclusion of non-official passengers. However, Ministers must first seek advice from the Director General, Department of Premier and Cabinet when in any doubt as to whether a passenger is official or non-official; when in any doubt as to whether party political purposes are at issue; or when in any doubt as to whether it is appropriate to carry a non-official passenger at public expense.
**Accident Insurance – Non-Official Passengers**

Insurance coverage for injury to passengers is included in the price of aircraft charters in Australia. This is a requirement of the Civil Aviation Safety Authority which issues airlines with certificates of insurance coverage.

**Ministers’ Expenses for Official Business Trips within Australia**

Indicative upper limits for Ministers’ actual expenditure for official business trips within Australia are set by the Parliamentary Remuneration Tribunal. **Please note that these rates are subject to determination by the Parliamentary Remuneration Tribunal each year and may change.** Determinations are published at the Tribunal’s website at [www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au). The website should be checked for new rates effective 1 July each year.

The following conditions apply to expenditure for official business trips within Australia:

- Ministers are eligible to claim reasonable actual expenses for overnight absences from Sydney or their electorate/principal home residence. Where an overnight absence is not involved, Ministers may claim reasonable actual meal expenses. The Parliamentary Remuneration Tribunal has set the rates for claims as indicative upper limits for actual expenditure. It is not intended that Ministers claim indicative upper limits in full where actual expenditure has been lower than the indicative upper limit.

- Actual expenses will be paid (either lower than or higher than the indicative upper limits) subject to the production of tax invoices/receipts relating to accommodation, meal and other incidental expenses by the Minister. To satisfy audit requirements, all claims for expenditure should be signed by the Minister and forwarded to ServiceFirst for payment.

Where a Minister’s spouse/approved relative accompanies the Minister to a State or other business function and the Minister consequently incurs expenses in respect of meals and accommodation exceeding the indicative upper limit of expenses for the Minister, the Minister is entitled to reimbursement of the additional expenses associated with the spouse/approved relative. All such claims should be certified by the Minister and contain, above the signature, the following certification: “I certify that the expenses claimed above were incurred on behalf of my spouse (or approved relative) when he/she accompanied me to official functions as shown”.

Ministers’ expenses for official business trips within Australia are to be funded from Ministers’ office budgets, not from the Parliament’s funds.

Allowable travel claims are intended to meet accommodation costs and incidental expenses such as meals, etc., while Ministers are away from their headquarters on official business. For this purpose, Sydney is regarded as the headquarters of all Ministers and the policy on reimbursement of actual expenses for official business trips does not apply in respect of any functions undertaken by Ministers in the Sydney metropolitan area.

Ministers are entitled to receive reimbursement of actual costs for reasonable out of pocket expenses while on overnight absence from Sydney on official business. Reimbursements will be paid, provided receipts are presented, for reasonable out of pocket expenses such as laundry and dry cleaning, taxi fares other than for official business, newspapers and magazines and private telephone calls.
Where a Minister represents an electorate outside the metropolitan area, the policy on reimbursement of actual expenses for official business trips does not apply in respect of a visit to the electorate when the Minister maintains a home in the electorate and undertakes an official function in the vicinity of the Minister’s home.

Sydney Allowance

The Sydney allowance is provided to Members who reside in non-metropolitan electorates to compensate for the additional costs including commercial accommodation, meals and incidental costs associated with staying in Sydney to attend sessions of Parliament, meetings of Parliamentary committees or other Parliamentary business. Parliamentary business for purposes of this allowance is intended to include all functions of Ministers in the performance of their official duties. Sydney allowance rates and conditions are set out in the annual determination of the Parliamentary Remuneration Tribunal. Sydney allowance is paid by the Legislature.

Travel Allowances for Ministers’ Staff on Official Business Trips Within Australia

Ministers’ staff on a nominated cash salary claim actual expenses. These claims are to be supported by appropriate documentation such as receipts and invoices. The salary threshold for claiming actual expenses is aligned to public sector policy on travelling allowances and is subject to periodic revision. Staff below a nominated cash salary are to be paid travelling allowances on a daily rate basis. Current travel allowance rates and thresholds for claiming actual expenses can be obtained from the current Department of Premier and Cabinet Circular or from ServiceFirst. Please note that these rates are reviewed each year and may change. New rates are issued by Department of Premier and Cabinet Circular each year.

Official Business Overseas

When Ministers are required to undertake official business overseas the following guidelines apply. Costs are to be met from the Minister’s office budget.

Premier’s Approval

The Premier’s approval in principle should be obtained before a Minister enters into any firm commitments for an official visit overseas. Ministers’ proposals for official business trips overseas will be considered on their merits. Administrative support for the Premier in relation to this matter is provided by the Cabinet Secretariat.

Official business trips to New Zealand, Papua New Guinea, Lord Howe Island and Norfolk Island by Ministers are classified as overseas trips, requiring the Premier’s approval as an official visit before the Minister enters into any firm commitments to visit these localities.

The initial approach to the Premier should be made well in advance of the anticipated date of departure and at that stage the following should be provided:

- reasons for the proposed visit;
- specific objectives relating to the Minister’s portfolio, and arrangements proposed for inter-Government consultations and/or industry representative discussions;
- period of expected absence from Australia;
- name of Minister available to act during the absence;

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• name and title of any Minister’s staff and other staff accompanying the Minister, along with a statement of where travel expenses will be paid from; and

• country or countries to be visited.

A copy of the detailed itinerary, as settled finally, should be referred for the Premier’s consideration and approval well before the date of departure.

Spouse or Approved Relative

As a general rule, spouses or approved relatives should not attend at State expense.

Ministers’ Staff

The question of a staff member attending will be considered with each proposal. Generally, Ministers’ staff should not undertake official business trips overseas unless accompanying the Minister. However, it is recognised that there may be circumstances where such trips would provide benefits to the State. In these circumstances, such trips may be allowed where the Minister identifies the benefits to be gained via written submission to the Director General, Department of Premier and Cabinet, for consideration.

Requests by staff to take private leave while undertaking overseas trips, or conversely extending private trips for official purposes, should not be encouraged. Each application will be considered on its merits via written submission to the Director General, Department of Premier and Cabinet, for consideration.

Public Officials

Ministers may approve essential overseas business trips for officials within their own administrations that can be funded within agency budget allocations.

Invitations at the Expense of Another Government

For visits at invitation and expense of another Government (fully looked after by host), the Minister only is to attend.

Attendance at Functions, etc.

Attendance at international functions, openings of Government offices overseas, important conferences, trade missions or trade related matters, visits significant to the future development of the State, reciprocal visits - Minister to attend and senior portfolio agency official(s) where appropriate - each proposal to be considered on its merits.

Sponsored Visits

Where Ministers are offered sponsored visits with costs to be met by a private/commercial organisation, the invitation should be declined.

Leave During Official Travel

Ministers are not to proceed on private leave during official travel.

Class of Transport

Ministers may use premium economy or business class air transport for overseas business trips. Where advisers accompany the Minister on the same flight, the advisors may use the same class of transport if required to do so by the Minister.
Absence of Ministers or Acting Ministers

No more than three Ministers are to be away at any one time. An appropriate Acting Minister must be available.

Transport Bookings

Overseas transport arrangements are to be made through the travel agent in the State Government contract.

Corporate Credit Cards

Ministers and their staff are not to provide themselves with corporate credit cards except in the case of overseas business trips where short-term cards will be issued by ServiceFirst and returned to ServiceFirst at the completion of the official trip, together with a diary for fringe benefit tax purposes (refer section 2 - Financial Administration).

Out of Pocket Expenses

Ministers are entitled to receive reimbursement of actual costs for reasonable out of pocket expenses. Reimbursements will be paid by ServiceFirst, provided receipts are presented, for reasonable out of pocket expenses such as laundry and dry cleaning, taxi fares other than for official business, newspapers and magazines and private telephone calls.

Protocol to be Observed in Certain Overseas Destinations

It is important that the proper protocol be observed at all times in connection with official business visits overseas and that requests to government authorities of other countries for assistance, e.g., in arranging appointments, transport, etc., be made through established diplomatic channels. To do otherwise may give rise to difficulties and be counter-productive.

Foreign governments should not be approached directly by a State Minister or official seeking the provision of any form of assistance relating to overseas visits. This applies even if an established liaison already exists with a representative of the foreign government or one of its departments.

The Department of Foreign Affairs and Trade is prepared to assist with arrangements overseas, especially in arranging appointments for Ministers, Members of Parliament, and senior officials. In requesting such assistance it is helpful if the following details are provided:

- the names of the members of the party and a curriculum vitae for each member;
- travel itinerary;
- proposed accommodation arrangements; and
- purpose of the visit.

Contact with the Department of Foreign Affairs and Trade can be made through the State Director, Level 10, Angel Place 123 Pitt Street, Sydney, NSW 2011. The Regional Director may be contacted by telephone on (02) 9356 6262.

Contact with Commonwealth authorities should not precede the Premier’s approval of the Minister’s proposal to undertake an official business trip overseas.

In respect of any overseas trip which is to be undertaken by Ministers, whether or not assistance with arrangements is desired, details of itineraries should be provided to the
Premier as early as practicable in order that the Commonwealth authorities may be informed.

Tokyo and London

NSW offices in these locations have been closed. Tourism NSW has offices in Tokyo and London, but these offices do not provide services additional to those provided by the Department of Foreign Affairs and Trade in relation to assistance with overseas trips.

Republic of China and Taiwan

Special conditions apply regarding proposed visits to the Republic of China and Taiwan. There can be no official dealings with the authorities in Taiwan, or other contacts which may be construed as according the authorities in Taiwan the status of an independent government. Diplomatic and official passports, the use of which is a privilege enjoyed by Ministers and officials of the Government, indicate that the bearer is travelling on official Government business. There is therefore an obligation on the bearer not to use them for travel into or out of Taiwan.

Trips to or from Taiwan should be undertaken in a private capacity. Contact should be made with the Department of Foreign Affairs and Trade which will arrange for the issue of an ordinary passport free of charge to diplomatic/official passport holders for such trips.

Visas

Regard should also be had to the fact that the issue of visas for certain countries can be very slow. This applies particularly to Eastern Europe and nations of the former USSR (most of which comprise the Commonwealth of Independent States, CIS). The earliest possible advice should be given to the Department of Foreign Affairs and Trade.

The Department of the Prime Minister and Cabinet has emphasised the requirement that all official requests for assistance from the Australian Embassy in Moscow be channeled through the Department of Foreign Affairs and Trade. Because of the complexities in organising transport and accommodation within the CIS, it is especially difficult to arrange visits to the CIS at short notice. It is also important that variations in itinerary be notified immediately they are known. The Premier’s office should therefore be given the longest possible notice of proposed visits to the CIS.

Release of Overseas Travel Information

Ministers are required to publish on an appropriate agency website, within 28 days of returning from an overseas trip, information concerning the travel undertaken by them or their staff, including the following information (refer Premier’s Memorandum No. 2009-10):

- The portfolios to which the trip relates.
- A detailed description of the purpose and benefits of the travel to the State of New South Wales.
- The destinations visited.
- The date of travel.
• The number of persons who accompanied the Minister, including Ministerial advisers, agency staff and, in accordance with relevant guidelines, family members.

• The total cost of airfares.

• The total cost of accommodation.

• The total cost of other expenses (including travel allowances).

The Department of Premier and Cabinet has prepared a template for use by Ministers. A copy of the template can be obtained by contacting the Department’s Legal Branch on Tel (02) 9228 5599.

Personal Accident Insurance

Ministers, Members of Parliament, Members of the Judiciary, public servants and other approved persons are covered automatically against injury or death by accident while overseas on all Parliamentary, official or State business. This is arranged through the Treasury Managed Fund and managed under contract by a service provider. An “approved person” is a person (such as a spouse or approved relative) or an official accompanying the Minister on State business, whose official business trip has been approved by the Premier or the Minister.

Benefits for all personal accident cover, including Aviation Personal Accident and cover for Tourist and Travelers Insurance, are aligned with the range and level of benefits available under the Workers’ Compensation Act. The cover applies to the whole time of the business trip, including weekends and recreation periods. Premiums are paid by the Legislature or Department of Premier and Cabinet. Ministers wanting cover for benefits higher than equivalent to workers’ compensation, would need to arrange this privately. Ministers wanting cover for private trips would need to arrange this privately.

Provision is also made for medical expenses under Tourist and Travellers cover to a maximum of $1,000,000. In addition, cover for baggage and personal effects applies to a maximum of $10,000 for each person.

Treasury Managed Fund, through an agreement with International SOS, provides emergency services to public officials for business trips overseas, including emergency medical evacuation and/or repatriation or evacuation due to natural disaster/political security crisis. Public officials undertaking business trips overseas should ensure they have a NSW Treasury Managed Fund member card before leaving Australia.

Guidelines on the Provision of Vehicles and Drivers for Public Office Holders

Ministers, the Leader of the Opposition, other nominated holders of public office and certain former office holders (referred to collectively as “office holders” in these guidelines) are provided with official cars and drivers. All costs associated with these vehicles are to be met from the relevant approved budget.

Drivers’ salaries are met by Department of Premier and Cabinet, although the cost of overtime on Sundays and public holidays is recovered from the relevant approved budget.
Cars and drivers may be used for official and private purposes. In these guidelines official purposes means any activity undertaken in relation to the office holder’s official role and responsibilities. Private use must be disclosed in compliance with Commonwealth taxation requirements. It is recognised that certain official activities may be regarded as private purposes for Commonwealth taxation treatment.

Office holders may drive themselves whenever they choose. Cars should be driven only by the office holder, officially employed drivers, the office holder’s spouse or approved relative and any other person authorised by the office holder in those circumstances considered to be appropriate.

Drivers may be used by the office holder’s spouse or approved relative and any other person authorised by the office holder where the purpose is to assist the office holder for official purposes.

In circumstances where the office holder’s car is being used by an authorised person to assist the office holder for official purposes, the office holder may request a car and driver to be allocated from the Department of Premier and Cabinet car pool for official purposes. The full cost of this car and driver is to be met from the relevant approved budget.

Intermingling of official and private purposes, in a practical sense, may be unavoidable in working out the most efficient and effective transport arrangements in particular circumstances. As a general guide, any car journey that is to be treated as official must contribute to the discharge of official duties by the office holder or a person assisting the office holder in the performance of official roles and responsibilities. Attending to incidental private purposes in the course of an official journey does not change the characterisation of the journey as official. Any uncertainties about the treatment of car journeys should be referred to the Director General, Department of Premier and Cabinet, for decision.

Logbooks for Vehicles Provided for Office Holders

Fringe benefits are required to be shown on individual payment summaries where the taxable value of an individual’s benefits exceeds $2,000. To comply with taxation law, Department of Premier and Cabinet operates logbooks for 12 week periods on its vehicles, including vehicles provided for Office Holders. The logbook information obtained is used to calculate fringe benefits which are paid by Department of Premier and Cabinet. Reportable fringe benefits are not included in an individual’s assessable income. They are, however, included for a number of income tests relating to certain government benefits and obligations (i.e., child support payments; Medicare levy surcharge; etc).

Taxation law allows either a statutory formula or an operating cost method to be used for assessing fringe benefits. The ratio of private usage to total usage for the 12 week logbook period is applied to the actual operating costs for each FBT year. Logbook information is valid for five FBT years where circumstances do not change materially. Where circumstances do change materially, a new 12 week logbook period should be commenced. Logbooks are provided by Ministerial and Parliamentary Services Division, Department of Premier and Cabinet. A guide to filling in logbooks is provided at the same time as the logbooks.

Logbooks are provided to both drivers and Ministers/Office Holders when a 12 week period is to be commenced. Whoever is driving the vehicle is to record that journey in their logbook. Journeys between a Minister’s residence and place of work are...
considered private, as would be the case for most persons travelling to work. Ministers’ drivers are required to record this portion of the journey in their logbook as a private journey by the Minister.

The ATO position regarding Ministers’ drivers is the same as for chauffeurs, where trips from home to a ‘pick up point’ to collect a Minister or VIP is travelling on work and classified as a business trip. Ministers’ drivers are required to record this portion of their journey in their logbook as a business journey relating to themselves. Whilst the journey from the Minister’s residence to the office is a business trip for the driver, it should be recorded in the logbook as a private journey for the Minister.

In situations where a Minister has possession of the car without the driver being present, then the second logbook provided for the Minister is to record journeys undertaken in the absence of the driver. Ministers may opt not to have their journeys recorded only if they declare all of their journeys 100% private.

Private Use of Department of Premier and Cabinet Vehicles

Department of Premier and Cabinet do not allow the Department’s business vehicles (excluding packaged vehicles) to be used for private purposes, unless specific approval is given. Differences between the Department’s view of private use and the concept of private use for taxation law can be confusing. For example, where approval is given for a business vehicle to be used for a business trip and then to be garaged at home, the Department treats the entire trip as a business trip. The Department’s prohibition on private use means, in this case, that the vehicle may not be used for private purposes during the business trip or after arrival at home and before the next business trip in the vehicle. Generally, the ATO treats the use of a vehicle for transport home as private and as attracting fringe benefits tax.

Car Parking For Ministers’ Offices

Car parking is available for Ministers’ offices as follows:

- One space for the Minister;
- One space for the Chief of Staff; and
- One space for a senior member of staff.

Chiefs of Staff are requested to advise the Assistant Director General, Ministerial and Parliamentary Services Division of the allocation of these spaces and of any subsequent changes in allocation of spaces.

In view of the cost of car parking spaces and the associated fringe benefits tax, use of parking spaces should be based on business needs. Requirements for occasional car parking, eg, for visitors, may be met by parking station voucher payment arrangements in preference to leased spaces.

The cost of parking spaces is to be met from the relevant Minister’s office budget.

The car parking space levy is to be paid by Ministers’ staff who have approval to use a parking space to park any vehicle that has a private use component (refer “Parking Space Levy” in Section 2 of this Handbook).
Office Accommodation and Equipment

The State meets the cost of Ministers’ offices, together with appropriate furniture and equipment. Advice and assistance with these matters is provided by Ministerial and Parliamentary Services Division, Department of Premier and Cabinet.

The following conditions apply to fitouts of Ministers’ offices:

- Fitouts should have regard to cost constraints and be in accordance with community expectations.
- All proposals for fitouts of Ministers’ offices are to be submitted to the Director General, Department of Premier and Cabinet, for consideration;
- The fitout of Ministers’ suites is to be restricted to a maximum of once per Parliament, or as approved by the Premier;
- The costs of periodic refurbishments of previously fitted out Ministers’ suites are subject to the Premier’s approval;
- Where the head office of an agency is located outside the central area of Sydney, office facilities may be provided for the Minister at that head office; and
- Where a Minister has responsibility for regional matters, office facilities may be provided in an appropriate regional location.

Transfer of Assets in Ministers’ Offices on Change of Occupant

As a general rule, the assets in a Minister’s office, Parliament House office or Minister’s regional office (including fitout, furniture, fixtures and movable equipment) should remain in the office when there is a change of Minister occupying the office.

It is recognised that there will be occasions when specialised equipment provided by a portfolio agency for a Minister’s office should not be transferred to the Minister for another portfolio. Any such cases should be discussed with the Director General, Department of Premier and Cabinet prior to any removal of those assets.

Provision of Equipment in Ministers’ Residences

Ministers are entitled to the provision of equipment, services and facilities necessary to perform their official duties. Consideration of the Minister’s requirements should have regard to equipment and services provided by the Legislature. Provision of equipment for official use in a Minister’s private residence shall include (but is not limited to) a telephone, a facsimile, a notebook computer with internet access, a printer and a mobile telephone. Costs for these facilities are to be met from the Minister’s office budget.

Installation of Security Systems

The following guidelines should apply to all installations of security systems:

- If the Minister believes that he/she faces a security risk, the Minister should first seek a professional assessment of the risk potential from NSW Police through contact with the Police Commissioner’s office. This assessment may be requested by the Minister or by Department of Premier and Cabinet.
- If a positive assessment is made, NSW Police should be asked to evaluate the level of security required at the Minister’s office, regional office (if provided), electorate
office and private residence in order to provide protection appropriate to the threat assessment.

- If a Minister chooses to adopt NSW Police recommendations in full or in part, the approval for any work should first be sought from the Director General, Department of Premier and Cabinet.
- Costs must be met from within existing budget allocations and normally budget enhancements will not be available for security installations.
- When a Minister ceases to hold office, Department of Premier and Cabinet will consider action to be taken in respect of the equipment.

Caretaker Government Conventions and Other Pre-Election Practices
Premier’s (TCO) Memorandum T2002-06 to Ministers outlines the relevant conventions that have evolved in relation to periods of “caretaker” government in NSW. A copy of these conventions is also available in Premier’s Memorandum 95-3. These conventions cover the period leading up to an election, and more specifically, the period from the issuing of writs for an election to the declaration of the election result.
As a general convention, no significant new decisions or initiatives, appointments, or contractual undertakings should be made during this period. Routine government business, however, should proceed as usual.
Should any difficulties arise in the application of these conventions in particular circumstances, Ministers should contact the Director General, Department of Premier and Cabinet.

Provision of Ex Gratia Legal Assistance
Any requests for legal assistance should be directed to the Attorney General who will assess the merits of the case and whether or not such assistance should be granted. The Attorney General will also seek the advice of the Crown Law Offices in these matters.
The assistance can take the form of representation by the Crown or the payment of the reasonable costs of private representation. Once representation is granted, the Crown will assume liability whatever the result of the proceedings and indemnify the Minister against the verdict and any costs. All costs of providing ex gratia assistance will be met from the existing budget allocation of the Minister who has applied for, or recommended, the provision of assistance. Legal assistance may also be granted for appearances before certain inquiries. It should be noted that the decision to grant assistance is discretionary.

Former Ministers’ Entitlements
All enquiries regarding former Ministers’ entitlements should be directed to Ministerial and Parliamentary Services Division, Department of Premier and Cabinet.

Retention of Title “Honourable”
The Governor may approve the retention of the title “Honourable” where an Executive Councillor has served three years in that Office. Application should be made, within
six months of the date of leaving office, to the Premier who makes recommendations to the Governor.
Section Four
ASSET, INVENTORY AND MOTOR VEHICLE RECORDS

Asset and Inventory Recording
Treasurer’s Directions require that all Departments and Authorities keep and maintain appropriate records of assets. These records provide financial and management information as well as a control over the physical custody of items.

To assist in the maintenance of asset records, the Minister’s staff need to be aware of, and abide by, the procedures of Department of Premier and Cabinet’s asset management system. This involves stocktakes and observance of the correct procedures for purchase, transfer, sale and write-off of items.

Assets
Department of Premier and Cabinet’s assets register is to include all assets belonging to the Minister’s office.

Inventory
As a general guide the following may be considered to be inventory items: facsimile machines; mobile telephones; refrigerators; televisions; radio/cassette players; microwave ovens; and photocopiers.

Whilst some items may not fall into the classification of an asset, these items may be recorded in the asset register where they are deemed to be at risk of loss due to misappropriation, i.e., portable items which can be sold or taken for personal use.

Where an item such as a mobile telephone, laptop computer, etc., is allocated to a staff member for use outside the office the item should be signed out by the staff member and an appropriate notation made on the inventory record.

Stocktakes
Department of Premier and Cabinet’s asset management system provides for regular stocktakes in accordance with Treasurer’s Direction 464. The Minister’s Chief of Staff should obtain a list of the office’s assets and record on the list any movements in assets, i.e., additions and deletions, to assist in stocktakes.

Responsibility for Loss or Damage
In the event that an item is damaged or lost, the details are to be reported to Department of Premier and Cabinet.

Disposal of Surplus or Obsolete Equipment
Arrangements for the disposal of items are to be made with the agency vested with ownership of the item.

Office and Ministers’ Vehicles
Recording Journeys
Staff who use office vehicle(s) must ensure that all details of each journey are recorded on the motor vehicle running sheets provided.
Driving and Parking Infringements

Refer NSW Government Motor Vehicle Policy (section 5.4).

Motor Vehicle Accident Reporting

Where employees are involved in accidents while driving government vehicles, an accident report, whether personal injury has been sustained or not, is required to be completed and forwarded to Department of Premier and Cabinet.
Section Five

COMPLIANCE WITH DEPARTMENT OF PREMIER AND CABINET POLICIES

Department of Premier and Cabinet Code of Conduct

Ministers’ staff are required to comply with the obligations under the New South Wales Department of Premier and Cabinet Code of Conduct. A copy of the Code is available at the DPC website. It is expected that compliance will continue post separation. Special Temporary Employees and other staff may assist Ministers to achieve their political objectives without breaching the Code’s provisions regarding political neutrality and impartiality.

Department of Premier and Cabinet Grievance Policy

Ministers’ staff are required to comply with the obligations under the New South Wales Department of Premier and Cabinet Grievance Policy. A copy of the Policy is available at the DPC website.

Department of Premier and Cabinet Harassment & Bullying Free Workplace Policy

Ministers’ staff are required to comply with the obligations under the New South Wales Department of Premier and Cabinet Harassment & Bullying Free Workplace Policy. A copy of the Policy is available at the DPC website.

Department of Premier and Cabinet Protected Disclosures Policy and Procedure

Ministers’ staff are required to comply with the obligations under the New South Wales Department of Premier and Cabinet Protected Disclosures Policy and Procedure. A copy of the Policy is available at the DPC website.

Department of Premier and Cabinet Occupational Health and Safety Policy

Ministers’ staff are required to comply with the obligations under the New South Wales Department of Premier and Cabinet Occupational Health and Safety Policy. A copy of the Policy is available at the DPC website.

Department of Premier and Cabinet Guidelines for Managing Lobbyists and Corruption Allegations made during Lobbying

Ministers’ staff are required to comply with the obligations under the New South Wales Department of Premier and Cabinet Lobbyist Code of Conduct and the Guidelines for Managing Lobbyists and Corruption Allegations made during Lobbying – Premier’s Memorandum 2006-01. A copy of the Code and the Guidelines are available at the DPC website. These documents took effect from 1 February 2009.
APPENDIX A

DEPARTMENT OF PREMIER AND CABINET POLICY ON THE USE OF ELECTRONIC COMMUNICATION SERVICES

Ministers’ staff are required, as a condition of employment, to comply with the Department of Premier and Cabinet policy on the use of electronic communication services, including the acceptable use of the internet and email facilities. For the purpose of this policy:

- “Ministers’ staff”, “employees” and “employment” are to be read to include all officers, employees, contractors and any other person using electronic communication services provided for Ministers’ offices; and

- “electronic communication services” is to be read to include all types of electronic communication services provided for Ministers’ offices, including land line telephone, mobile telephone, paging, facsimile, internet and email, and to include all services for all types of communication devices used for official communications.

The Department’s policy is that electronic communication services are provided for official purposes, but reasonable personal use may be made of these services in accordance with approved arrangements regarding individual services. In practice, the policy means:

- Employees are required to ensure that their use of electronic communication services accords with approved arrangements.
- All use of these services is monitored by the Department.
- Inappropriate use will be investigated and may lead to disciplinary action, termination of employment and/or criminal prosecution.
- Any use of electronic communication services to seek out, access or send any material of an offensive, sexually explicit, obscene, pornographic, threatening, harassing, abusive or defamatory nature is inappropriate and is prohibited.
- Employees must comply with the Department’s Code of Conduct and request guidance and directions from their supervisor if uncertain about appropriate conduct.
- An employee who receives unsolicited and unwelcome material by any form of electronic communication should notify the supervisor. Such material that is stored and may be recalled should not be deleted, until deletion is authorised by the supervisor.
- Threatening/offensive telephone calls should be reported using the Department’s incident reporting procedure.
Ministers’ staff should be aware that documents saved in the Department’s computer system are stored electronically and can be recalled as official records.

In accordance with the Premier’s direction, the Department’s computer system is set up to display, each time staff log into the computer system, an Acceptable Usage Policy. When logging into the computer system, employees are asked to indicate their agreement to follow the policy.

The content of the Department’s acceptable policy usage display is set out below:

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<th>Acceptable Use of the Computer</th>
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<td>Management monitors use of the Internet and computer network.</td>
</tr>
<tr>
<td>Using the Department’s computer resources to seek out, access or send any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature is prohibited and may result in disciplinary action.</td>
</tr>
<tr>
<td>Note: If you receive unsolicited and unwelcome material via electronic mail you should notify your manager. Do not delete the material.</td>
</tr>
<tr>
<td>Further information is available in:</td>
</tr>
<tr>
<td>-Department of Premier and Cabinet Information Sheet 12000-1 Use of Department of Premier and Cabinet internet, e-mail, computer and network facilities by departmental employees.</td>
</tr>
<tr>
<td>-Department of Premier and Cabinet Code of Conduct</td>
</tr>
<tr>
<td>-Circular No 99-9; Use of Employer Communication Devices</td>
</tr>
<tr>
<td>-Protocol for Acceptable Use of the Internet and Electronic Mail</td>
</tr>
</tbody>
</table>

| I agree to follow the Department’s policies in this regard |
The Department’s policy and practice give effect to the directions and guidance set out in the following source documents:

- Department of Premier and Cabinet Circular 1999-9 use of employer communication devices, including Policy and Guidelines for the use by staff of employer communication devices and protocol for acceptable use of the internet and electronic mail.
- Information Sheet No 12003-02 policy on use of Department of Premier and Cabinet internet, email, computer and network facilities by departmental employees.
- Information Sheet No 12004-08 bomb threats and threatening or offensive telephone calls.
- Premier’s Memorandum 2002-04 acceptable use of the internet and email.
- Premier’s Memorandum 2004-14 use and retention of email for government communications.
- Regarding ServiceFirst services, ServiceFirst Corporate Information Security Policy.
- Computer screen on acceptable use of the computer.
- ServiceFirst network, access and remote access request forms.

ServiceFirst’s Corporate Information Security Policy includes:

“Users of all information systems are responsible for ensuring their actions do not jeopardise the security of the system during operation. All authorised users of the systems will be held individually accountable for all data and information under their control.

Users are required to read and understand the local instructions for all systems to which they have access. Any compromise or breach of security regarding these components is to be reported immediately to the relevant Manager.

All staff, contractors and consultants are individually responsible for:

- Being aware of the security instructions for any system they use or operate
- Following those instructions and reporting any security violation, compromise, breach or anomaly they encounter.”

The Department’s policy on electronic communication services requires that employees comply with ServiceFirst’s Corporate Information Security Policy in relation to information systems provided by ServiceFirst.
APPENDIX B

General Retention and Disposal Authority - Records of a Minister's Office (GDA 13)

Issued January 2003

Table of Contents
Part 1: The General Retention and Disposal Authority
1.1 Statement of authority
1.2 Records authorised for disposal
1.3 Records not affected by this authority
Part 2: Understanding and using the Authority
2.1 Overview
2.2 Guidelines for implementation
2.3 What to do when a Minister retires or leaves office

Part 1: The General Retention and Disposal Authority

1.1 Statement of authority

GDA No | GDA 13

Public office | Offices of Ministers of the NSW Government, including the Premier, in respect of their responsibilities for the administration of government and which come within the meaning of public office as defined in the State Records Act 1998.

Scope | This general retention and disposal authority covers records relating to Ministers portfolio responsibilities.

Authority | This general retention and disposal authority is issued under section 21(2)(c) of the State Records Act. It has been approved by the Board of the State Records Authority in accordance with section 21(3) of the State Records Act.

Authorised | David Roberts
Director
State Records Authority of New South Wales
23 December 2002
1.2 Records authorised for disposal

The following table describes classes of records and indicates the authorised disposal action applying to them.

<table>
<thead>
<tr>
<th>No</th>
<th>Description</th>
<th>Disposal Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td><strong>RECORDS OF PORTFOLIO RESPONSIBILITIES</strong></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Records relating to the creation of new agencies, changes to the Minister’s portfolio responsibilities or changes to the functions of an agency within the Minister’s portfolio. This includes records documenting official assignments from the Premier which are outside the Minister’s current portfolio but may be expected to lead to the creation of new agencies.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.2</td>
<td>Records relating to the development, implementation or review of government policy and legislation. This includes records relating to the preparation of Cabinet submissions including Cabinet Minutes and correspondence between the Minister and other members of Government, Parliament or other parties concerning matters relating to the portfolio responsibilities of the Minister. This also includes records that originated in a department or agency within the Minister’s portfolio and which resulted in further action or were significantly annotated or added to. Note: All other agency files and correspondence should be returned to the appropriate agency.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.3</td>
<td>Records relating to appointments made by or appeals to the Minister as part of their legislative responsibilities or to deliberations, decision making and actions on matters relating to their portfolio or other official responsibilities.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.4</td>
<td>Correspondence from members of the public or organisations concerning matters relating to the portfolio responsibilities of the Minister and receiving further action.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.5</td>
<td>Correspondence concerning matters of a routine nature or referred to another Minister for action and receiving no further action.</td>
<td>Retain until no longer required for administrative purposes, then destroy</td>
</tr>
<tr>
<td>1.6</td>
<td>Records relating to Committees, Royal Commissions or Commissions/Committees of Inquiry where the Minister has been a member, was required to give evidence or had any other association. <strong>Note:</strong> This does not include departmental, Parliamentary or Cabinet committees (where the main record is retained by the agency, Cabinet Office or Parliament).</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.7</td>
<td>Briefing notes or papers maintained in the Premier’s Office.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.8</td>
<td>Briefing notes or papers of other Ministers concerning portfolio specific or whole of government issues of significance, such as those attracting media attention, public controversy or debate or resulting in public inquiries. This may include briefings prepared for parliamentary question time or for meetings with stakeholder groups or their representatives.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.9</td>
<td>Other briefing notes or papers.</td>
<td>Retain until no longer required for administrative purposes, then destroy</td>
</tr>
<tr>
<td>1.10</td>
<td>Final transcripts of speeches, addresses and presentations delivered by the Minister in their capacity as Minister or as a representative of the Government. <strong>Note:</strong> This does not include party political speeches or speeches made in relation to the Minister’s parliamentary responsibilities on constituency matters.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.11</td>
<td>Audio, video or other recordings of speeches or addresses delivered by the Minister.</td>
<td>Retain until no longer required for administrative purposes, then destroy</td>
</tr>
<tr>
<td>1.12</td>
<td>Records relating to functions, ceremonies and celebrations attended by the Minister, or their representative, of State significance or organised to mark major anniversaries of significant events or structures (eg the Centenary of Federation, opening of Sydney Harbour Bridge or the Sydney Opera House). This includes photographs, invitations, addresses etc.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.13</td>
<td>Records relating to all other functions, celebrations or ceremonies.</td>
<td>Retain until no longer required for administrative purposes, then destroy</td>
</tr>
<tr>
<td>1.14</td>
<td>Media releases or statements issued by the Minister.</td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.15</td>
<td>All other media or publicity material, including records relating to the organisation of interviews or general media access to the Minister.</td>
<td>Retain until no longer required for administrative purposes, then destroy</td>
</tr>
</tbody>
</table>
| 1.16 | Originals or master copies of circulars and newsletters originating from the Minister’s office.  
**Note:** Duplicate copies can be disposed of when reference ceases. | Required as State archives |
| 1.17 | Newspaper cuttings, journal articles, recordings or transcripts of media programs or broadcasts etc. | Retain until no longer required for administrative purposes, then destroy |
| 1.18 | Diaries or appointment books of the Premier. | Required as State archives |
| 1.19 | Diaries or appointment books of Ministers which have been used to record detailed information concerning significant matters that are not recorded elsewhere. | Required as State archives |
| 1.20 | Other diaries and appointment books. | Retain until no longer required for administrative purposes, then destroy |
| 1.21 | Records relating to routine enquiries or information requests concerning the portfolio responsibilities of the Minister. | Retain until no longer required for administrative purposes, then destroy |
| 1.22 | Material supplied to or obtained by the Minister for reference purposes. | Retain until no longer required for administrative purposes, then destroy |

All entries apply to records in any format, including electronic media, unless otherwise specified.
### 1.3 Records not affected by this authority

The following table describes types of records created or received in a Minister’s Office which are not affected by this Authority and provides guidance on their disposal.

<table>
<thead>
<tr>
<th>Type of records</th>
<th>Description</th>
<th>Guidance</th>
</tr>
</thead>
</table>
| CABINET DOCUMENTS        | Cabinet documents are designated as belonging to The Cabinet Office records system. They are controlled and circulated under The Cabinet Office’s direction and supervision to authorised recipients only (mainly Ministers and their immediate advisors).  
Cabinet documents can include:  
• Cabinet agendas  
• Cabinet minutes  
• Cabinet committee agendas  
• Cabinet committee minutes  
• Cabinet committee reports  
• memoranda to the Cabinet  
• draft bills  
• records of Cabinet decisions, and  
• advice, legal and other, relating to Cabinet matters.                                                                 | When a Minister ceases to hold Cabinet office all Cabinet documents held by the Minister should be returned to The Cabinet Office.                                                                        |
| AGENCY RECORDS           | Agency records are records created and maintained by departments or agencies within the Minister’s portfolio and forwarded to the Minister.  
Agency records, such as registered files and correspondence, which have been passed to the Minister from an agency.                                                                 | Return to the appropriate responsible agency                                                                                                                                                           |
<p>|                          | Copies of records created by an agency and maintained by the Minister for reference purposes.                                                                                                                                                                                                                                           | Retain until no longer required for administrative or reference purposes, then destroy                                                                                                                   |</p>
<table>
<thead>
<tr>
<th>CONSTITUENCY/PARTY POLITICAL RECORDS</th>
<th>Records relating to electoral or political party matters, including leadership, party organisation, caucus affairs and appointments. This includes records relating to the Minister’s constituency business and role as an elected member of Parliament (but does not include records that are part of the records of Parliament and which are State records, such as Parliamentary committee records etc.).</th>
<th>These are not State records and should be dealt with by the Minister or their representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONAL RECORDS</td>
<td>Records relating to the private life, personal interests and associations of the Minister.</td>
<td>These are not State records and should be dealt with by the Minister or their representative</td>
</tr>
</tbody>
</table>

Part 2: Understanding and Using the Authority

2.1 Overview

Purpose of the Authority
What records does the Authority cover?
What records are not covered?
How long is the Authority in force?
Structure of the Authority
Providing feedback and seeking further assistance

Purpose of the Authority

The purpose of issuing the General Retention and Disposal Authority Records of a Minister’s Office (GDA 13) is to permit Ministerial and/or Departmental staff to destroy certain records relating to a Minister’s portfolio responsibilities, after they are no longer required for administrative purposes, and to identify which records are required as State archives. The disposal actions in this Authority should enable Ministerial and/or Departmental staff to better manage records created in a Minister's office.

What records does the Authority cover?

This Authority authorises the disposal of records relating to a Minister’s portfolio responsibilities. This includes electronic records such as email messages and word processed documents where they are the official record of the Minister’s activities.
What records are not covered?

This Authority does not cover all records created or received in a Minister’s Office. The following table indicates general rules for managing other records:

<table>
<thead>
<tr>
<th>Type of records</th>
<th>General rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet documents</td>
<td>Return to The Cabinet Office when no longer required (in accordance with Cabinet Office procedures)</td>
</tr>
<tr>
<td>Agency/Departmental records</td>
<td>Return to the responsible agency/department when no longer required</td>
</tr>
<tr>
<td>Constituency/Party political records</td>
<td>These are not State records and should be dealt with by the Minister or representative</td>
</tr>
<tr>
<td>Personal records</td>
<td>These are not State records and should be dealt with by the Minister or representative</td>
</tr>
</tbody>
</table>

How long is the Authority in force?

This Authority will remain in force until it is superseded or withdrawn from use by State Records.

Structure of the Authority

The structure of the Authority is a table of three columns comprising a number of information components.

<table>
<thead>
<tr>
<th>Column</th>
<th>Information components</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>Each disposal class has a unique number used to identify it.</td>
</tr>
<tr>
<td>Description</td>
<td>Each disposal class has a description which gives its scope. Additional information is sometimes included in a note.</td>
</tr>
<tr>
<td>Disposal action</td>
<td>This identifies what should happen to the records. In this Authority there are two disposal actions:</td>
</tr>
<tr>
<td></td>
<td>1) Required as State archives</td>
</tr>
<tr>
<td></td>
<td>2) Retain until no longer required for administrative purposes, then destroy</td>
</tr>
</tbody>
</table>
Providing feedback and seeking further assistance

To suggest amendments or alterations to this Authority, or to obtain assistance in the interpretation or implementation of the Authority, contact us.

2.2 Guidelines for implementation

Introduction
Identify records relating to portfolio responsibilities
Electronic records
Destroying records
Transferring records required as State archives
Transfer of ownership must be authorised
Further guidance

Introduction

This document provides summary guidance on implementing the General Retention and Disposal Authority - Records of a Minister's Office (GDA 13).

Identify records relating to portfolio responsibilities

The Authority establishes rules for the management of records relating to a Minister's portfolio responsibilities. It is important that records relating to portfolio responsibilities are identified from the other records that may be found in a Minister's office.

Other rules and guidance exist for managing Cabinet documents, agency records, constituency/party political and personal records.

Electronic records

The disposal authority applies equally to electronic records, including email, word processed documents and database records. Electronic records relating to a Minister's portfolio responsibilities should be captured into official filing systems (either paper-based or electronic). Electronic records should also be protected and readily accessible for as long as they are required for administrative purposes. See Future Proof: Ensuring the accessibility of equipment/technology dependent records for information relating to managing the accessibility of technology dependent records.
Destroying records

When records are no longer required for administrative purposes (and they are not required as State archives) destruction of the records may be undertaken without further reference to State Records. Persons using the Authority should apply it with caution, bearing in mind that the authorisations for disposal are given in terms of the State Records Act only. It is the responsibility of every public office to ensure that all legal and other requirements for retention of records have been met before disposing of any records.

Note that where copies exist of records that have been captured onto an official file, or into an electronic records or document management system, they may be destroyed as a normal administrative practice. This applies to copies of email and word processed documents that may have been printed and filed or captured electronically into a records system.

Transferring records required as State archives

Records required as State archives under the Authority should be clearly identified so that they can be transferred to State Record's custody when they are no longer required for administrative purposes or when the Minister retires or otherwise leaves office.

Transfer of ownership must be authorised

Regardless of whether a record has been authorised for destruction or is required as a State archive, ownership of a State record must not be transferred to any person or organisation without the explicit authorisation of State Records.

Further guidance

More comprehensive information about implementation of disposal authorities is found in State Records' guidelines Sentencing Records, Destruction of Records: A practical guide and Normal Administrative Practice and in the Procedures for Transferring Custody of Records as State Archives.
2.3 What to do when a Minister retires or leaves office

Introduction

Procedure for disposing of a Minister's records

Further assistance

Introduction

When a Minister retires or otherwise leaves office all records held by the Ministerial office should be disposed of in accordance with appropriate guidelines applicable to the type of records.

Procedure for disposing of a Minister's records

The table below describes the steps to take to dispose of a Minister's records.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Determine whether the records belong to The Cabinet Office or a department or agency within the Minister's portfolio.</td>
</tr>
<tr>
<td></td>
<td><strong>If the records are</strong></td>
</tr>
<tr>
<td></td>
<td>Cabinet documents</td>
</tr>
<tr>
<td></td>
<td>departmental or agency records</td>
</tr>
</tbody>
</table>

**Note:** Records belong to The Cabinet Office, a department or agency if they originated or were registered in these offices and were passed to the Minister's office for action or information.

| 2    | Determine whether the records relate to the Minister's portfolio responsibilities |
|      | If *yes*, go to Step 3 |
|      | If the records are constituency, party political or personal records of a Minister they are not State records and should be disposed of by the Minister or their representative |

| 3    | Determine whether the records are required as State archives |
|      | If *yes*, go to Step 4 |
|      | If *no*, go to Step 5 |
### Prepare records required as State archives for transfer to the custody of State Records

<table>
<thead>
<tr>
<th>If the format of the records is</th>
<th>Then</th>
</tr>
</thead>
<tbody>
<tr>
<td>paper</td>
<td>box and list the records</td>
</tr>
<tr>
<td>electronic</td>
<td>copy the records to appropriate media (e.g., CD-ROM, tape) and list the contents of the CD or tape</td>
</tr>
</tbody>
</table>

**Note:** Records should be boxed and listed in accordance with the guidelines contained in our publication *Procedures for Transferring Custody of Records as State Archives*.

### Destroy paper and electronic records that are no longer required for administrative purposes

### Further assistance

For further assistance with disposing of a Minister's records when they retire or otherwise leave office contact us.

State Records Authority of New South Wales  
Sydney, Australia  
January 2003

Telephone: (02) 9673 1788

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State Records NSW

The New South Wales Government's Archives and Records Management Authority

RIB 25 - Disposing of records of a Minister's office

Overview
Authorisation for disposal
Procedure for disposing of records
Determining future public access to State archives
Obtaining boxes and templates for listing
How to box and list State archives
Arranging collection or delivery of State archives

Overview

Records created or kept in a Minister's Office should be appropriately disposed of when a Minister retires or otherwise leaves office. Records relating to a Minister's portfolio responsibilities are authorised for disposal under a general retention and disposal authority. Records which are required as State archives under this disposal authority will need to be transferred to State Records when they are no longer required for administrative purposes by the Minister’s office. These records must be boxed and listed prior to transfer to State Records. Directions regarding future access to these records must also be determined before the records are transferred.

Authorisation for disposal

NSW Minister's Offices can use the General Retention and Disposal Authority: Records of a Minister’s Office (GDA 13) for the disposal of records relating to a Minister's portfolio responsibilities. GDA 13 can be used in conjunction with the general retention and disposal authorities which cover financial, personnel and other administrative records.
Procedure for disposing of records

The table below describes the steps to take to dispose of a Minister's records.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Determine whether the records belong to The Cabinet Office or a department or agency within the Minister's portfolio.</td>
</tr>
<tr>
<td></td>
<td>• If the records are Cabinet documents - return them to The Cabinet Office (in accordance with Cabinet Office rules).</td>
</tr>
<tr>
<td></td>
<td>• If the records are departmental or agency records - return them to the responsible department or agency.</td>
</tr>
</tbody>
</table>

**Note:** Records belong to The Cabinet Office, a department or agency if they originated or were registered in these offices and were passed to the Minister's office for action or information.

Determine whether the records relate to the Minister's portfolio responsibilities.

2 If **yes**, go to Step 3.

If the records are constituency, party political or personal records of a Minister they are not State records and should be disposed of by the Minister or their representative.

Determine whether the records are required as State archives.

3 If **yes**, go to Step 4.

If **no**, go to Step 5.

Prepare records required as State archives for transfer to the custody of State Records.

4 • If the format is paper - box and list the records. |
• If the format is electronic - copy the records to appropriate media (eg CDRom, tape) and list the contents of the CD or tape. |

**Note:** Records should be boxed and listed in accordance with the guidelines below. Access decisions must also be made prior to transfer of the records (also discussed below).

5 Arrange collection or delivery of State archives.

6 Destroy paper and electronic records that are no longer required for administrative purposes.
Determining future public access to State archives

Records required as State archives need to be assessed for future public access. While most records are open to public access after 30 years some records, such as those containing sensitive personal information, should be closed longer than 30 years.

Access directions

Access decisions are implemented by making access directions. Access directions either open the records after 30 years or close them for a longer specified period. Access directions are required when transferring records as State archives.

Forms for making access directions

To obtain access direction forms email the Access Policy Officer or telephone (02) 8247 8616.

Authorising access directions

Access directions will need to be authorised by the Minister.

Obtaining boxes and templates for listing

State Records supplies boxes for transferring records as State archives. The table below indicates the two standard types of box available and what they are generally suitable for.

<table>
<thead>
<tr>
<th>Box type</th>
<th>Dimensions</th>
<th>Suitable for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>18w x 25h x 40d</td>
<td>foolscap and A4 files</td>
</tr>
<tr>
<td>Type 2</td>
<td>43w x 25h x 40d</td>
<td>computer printout and lever arch files</td>
</tr>
</tbody>
</table>
To obtain standard boxes contact:

Control Support Officer  
Telephone (02) 9673 1788  
Fax (02) 9673 1760  
Email controlso@records.nsw.gov.au

Note: Please try and estimate how many boxes are required before contacting us.

To discuss alternative packaging arrangements contact:

Senior Archivist Transfer and Custody  
Telephone (02) 9673 1788  
Fax (02) 9673 1760  
Email transfer@records.nsw.gov.au

Note: Large packing boxes should not be used, as they can be an OH&S issue.

To obtain a template for listing the records contact:

The Senior Archivist Transfer and Custody (see above).

How to box and list State archives

Putting the records in order

The records should be boxed and listed in the order in which they were created and used, that is arranged according to the system by which they were used or stored when they were in active use. With numbered files, for example, this will be in file number order.

Filling boxes

Fill boxes so that there is space for your hand between the contents and one side of the box. Boxes should not be over-filled as records may be damaged and the box lids will not close properly.

Numbering boxes

Each box should be initially numbered in a simple sequence starting with one and continuing in number order. Letters of the alphabet should not be used as part of a number (for example, 16A). Making sure all records to be boxed and listed are put into order before boxing starts should help to avoid this.
Listing the records

Each file or record added to a box must be listed on a consignment list. A consignment list is a detailed list of all the records to be transferred to State Records in one group (or consignment) at the one time. The list should show the order in which the records are physically placed in the boxes. There is a template for consignment lists or you can create a Word table or Excel spreadsheet which has the information required.

Information required in a consignment list

The information required about records in a consignment list is:

- **container number**: usually the box number as discussed above.
- **item number or control symbol**: usually an item number, such as a file number, but may be another kind of control symbol, depending on the system of arrangement and control for the records.
- **item title or description**: the file title or some other description that clearly indicates the content of the record, do not use abbreviations or acronyms.
- **start date**: the date the record was created such as the date the file was started or the earliest date in the folder.
- **end date**: the date the record stopped being created such as the date the file was closed or finished or the last date in the folder.
- **access direction number**: the number of the access direction, which covers the record.

Consignment lists must be supplied in electronic form.

Adding State Records numbers to the boxes and list

When the transfer is approved and State Records has agreed to take the records a unique two part number will be assigned. This number, in conjunction with the box number, will be the way these records will be identified in future. Together the numbers look like this:

NRS17065/1/4

This number would be used to identify the fourth box of the first consignment of New South Wales Record Series 17065.

Before collection or delivery, each box should be labelled with the relevant State Records numbers. The consignment list should also include the series and consignment numbers provided by State Records as well as the name of the Minister. If you are not using the consignment list template this information can be included in a header on the first page of the list.
Arranging collection or delivery of State archives

When all requirements for transferring State archives have been met and State Records has agreed to take the records, arrangements for the delivery or collection of the records will be negotiated with your contact person.

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Recordkeeping In Brief 25 - Disposing of records of a Minister's office

- Overview
- Authorisation for disposal
- Procedure for disposing of records
- Determining future public access to State archives
- Obtaining boxes and templates for listing
- How to box and list State archives
- Arranging collection or delivery of State archives

Overview

Records created or kept in a Minister's Office should be appropriately disposed of when a Minister retires or otherwise leaves office. Records relating to a Minister's portfolio responsibilities are authorised for disposal under a general retention and disposal authority. Records which are required as State archives under this disposal authority will need to be transferred to State Records when they are no longer required for administrative purposes by the Minister's office. These records must be boxed and listed prior to transfer to State Records. Directions regarding future access to these records must also be determined before the records are transferred.

Authorisation for disposal

NSW Minister's Offices can use the General Retention and Disposal Authority: Records of a Minister’s Office (GDA 13) for the disposal of records relating to a Minister's portfolio responsibilities. GDA 13 can be used in conjunction with the general retention and disposal authorities which cover financial, personnel and other administrative records.

Procedure for disposing of records

The table below describes the steps to take to dispose of a Minister's records.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Determine whether the records belong to The Cabinet Office or a department or agency within the Minister’s portfolio.</td>
</tr>
<tr>
<td></td>
<td>• If the records are Cabinet documents - return them to The Cabinet Office (in accordance with Cabinet Office rules).</td>
</tr>
<tr>
<td></td>
<td>• If the records are departmental or agency records - return them to the responsible department or agency.</td>
</tr>
<tr>
<td></td>
<td><strong>Note:</strong> Records belong to The Cabinet Office, a department or agency if they originated or were registered in these offices and were passed to the Minister's office for action or information.</td>
</tr>
<tr>
<td>2</td>
<td>Determine whether the records relate to the Minister's portfolio responsibilities. If yes, go to Step 3. If the records are constituency, party political or personal records of a Minister they are not State records and should be disposed of by the Minister or their representative.</td>
</tr>
<tr>
<td>3</td>
<td>Determine whether the records are required as State archives. If yes, go to Step 4. If no, go to Step 5.</td>
</tr>
</tbody>
</table>
4 Prepare records required as State archives for transfer to the custody of State Records
   Note: Records should be boxed and listed in accordance with the guidelines below. Access
decisions must also be made prior to transfer of the records (also discussed below).
5 Arrange collection or delivery of State archives
6 Destroy paper and electronic records that are no longer required for administrative purposes.

Determining future public access to State archives

Records required as State archives need to be assessed for future public access. Most records are
open to public access after 30 years. Some records, such as media releases and transcripts of
speeches, can be made available before 30 years. Records containing sensitive personal information
may need a longer period of closure.

Access directions

Access decisions are implemented by making access directions. Access directions either open the
records for early access (i.e. immediately), open the records for access after 30 years or close them
for a longer specified period. Access directions are required when transferring records as State
archives.

Forms for making access directions

Forms for making access directions are available on State Records web site. For further advice and
guidance contact the Access Policy Officer (ph: 8247 8616).

Authorising access directions

Access directions are authorised by the Minister.

Obtaining boxes and templates for listing

State Records supplies boxes for transferring records as State archives. The table below indicates
the two standard types of box available and what they are generally suitable for.

<table>
<thead>
<tr>
<th>Box type</th>
<th>Dimensions</th>
<th>Suitable for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>18w x 25h x 40d</td>
<td>foolscap and A4 files</td>
</tr>
<tr>
<td>Type 2</td>
<td>43w x 25h x 40d</td>
<td>computer printout and lever arch files</td>
</tr>
</tbody>
</table>

To obtain standard boxes contact:

Control Support Officer
Phone 9673 1788
Fax 9673 1760
Email controlso@records.nsw.gov.au

Note: Please try and estimate how many boxes are required before contacting us.

To discuss alternative packaging arrangements contact:

Senior Archivist Transfer and Custody
To obtain a template for listing the records contact:
the Senior Archivist Transfer and Custody (see above).

How to box and list State archives

Putting the records in order
The records should be boxed and listed in the order in which they were created and used, that is arranged according to the system by which they were used or stored when they were in active use. With numbered files, for example, this will be in file number order.

Filling boxes
Fill boxes so that there is space for your hand between the contents and one side of the box. Boxes should not be over-filled as records may be damaged and the box lids will not close properly.

Numbering boxes
Each box should be initially numbered in a simple sequence starting with one and continuing in number order. Letters of the alphabet should not be used as part of a number (for example, '16A'). Making sure all records to be boxed and listed are put into order before boxing starts should help to avoid this.

Listing the records
Each file or record added to a box must be listed on a consignment list. A consignment list is a detailed list of all the records to be transferred to State Records in one group (or consignment) at the one time. The list should show the order in which the records are physically placed in the boxes. There is a template for consignment lists or you can create a Word table or Excel spreadsheet which has the information required.

Information required in a consignment list
The information required about records in a consignment list is:

- **container number**: usually the box number as discussed above
- **item number or control symbol**: usually an item number, such as a file number, but may be another kind of control symbol, depending on the system of arrangement and control for the records
- **item title or description**: the file title or some other description that clearly indicates the content of the record, do not use abbreviations or acronyms
- **start date**: the date the record was created such as the date the file was started or the earliest date in the folder
- **end date**: the date the record stopped being created such as the date the file was closed or finished or the last date in the folder
**access direction number:** the number of the access direction, which covers the record.

Consignment lists must be supplied in electronic form.

**Adding State Records numbers to the boxes and list**

When the transfer is approved and State Records has agreed to take the records a unique two part number will be assigned. This number, in conjunction with the box number, will be the way these records will be identified in future. Together the numbers look like this:

NRS17065/1/4

This number would be used to identify the fourth box of the first consignment of New South Wales Record Series 17065.

Before collection or delivery, each box should be labelled with the relevant State Records numbers. The consignment list should also include the series and consignment numbers provided by State Records as well as the name of the Minister. If you are not using the consignment list template this information can be included in a header on on the first page of the list.

**Arranging collection or delivery of State archives**

When all requirements for transferring State archives have been met and State Records has agreed to take the records arrangements for the delivery or collection of the records will be negotiated with your contact person.

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