

Public Accountability Committee Inquiry into the integrity, efficacy and value for money of NSW Government grant programs Supplementary Questions – Hearing 23 October 2020

1. Accepting that you did not have direct responsibility for this program as Chief of Staff, did you attend any meetings with the Premier where the Stronger Communities Fund Tied Grants Round was discussed?

I don't believe so - not that I recall.

2. If so, what was the nature of those discussions?

N/A – as per above.

3. If so, when did those discussions occur?

N/A – as per above.

4. Who was responsible for the Stronger Communities Fund Tied Grants Round program in the Premier's office?

My recollection was that within the Premier's Office, the Policy Director Matt Crocker had oversight, supported by Sarah Lau. However the SO52 documentation seems to indicate senior representatives from other Offices were also involved in discussions.

5. Ms Lau gave evidence that projects were sourced by the target seats Unit in the office from Government MPs, that the Policy Director determined the allocation the quantum of funding between councils and that she then made a record of this in her working advice note. Does this accord with your understanding of the process?

I did not have sufficient visibility of the program to confirm if this was the case. However it is likely local MPs would have suggested projects for consideration under the Stronger Communities fund.

6. If it differs, in what way?

N/A – as per above.

7. When did you become aware that the working advice notes that related to these grants had been shredded?

The first time I was made aware there was a possibility notes had been shredded was during Ms Lau's testimony to the PAC Inquiry on 23 October 2020.

8. Did office policies regarding record management in the Premier's office change between January 2017 and February 2020? If so, what changes have been made?

Records management is the individual responsibility of every member of ministerial staff.

All ministerial staff – including those within the Premier's office – are made aware of their responsibilities with regards to record management.

At the time of commencement, their contract of employment, their subsequent "welcome email" and the mandatory Code of Conduct e-learning module, all refer to these responsibilities, and further details are provided within the Ministers' Office Handbook.

All Ministerial Staff must familiarise themselves with this Handbook at the time of their commencement.

In addition, it is a condition of their employment that they complete an e-learning module on the Code of Conduct, which informs them of their need to:

6. Comply with all applicable laws, applicable codes of conduct and Premier's Memoranda (including, without limitation, the NSW Lobbyists Code of Conduct, record keeping requirements under the State Records Act 1998 and responsibilities under work health and safety legislation).

Regular staff training is also conducted, with at least two All Ministerial Staff training sessions being run around April 2017 and May 2019 respectively. At these training session, senior representatives of DPC Legal provided an overview of staff's record-keeping responsibilities.

A number of tailored records management sessions were also held for Office Managers and other key staff in 2018.

There were no changes to the record management section of the Ministers' Office Handbook between January 2017 and February 2020.

When a member of Ministerial staff departs their Office, they are required to certify they have managed their records appropriately.

9. Did office policies regarding record management in the Department of Premier and Cabinet change between January 2017 and February 2020?

That question is best directed to the Department of Premier and Cabinet as I was not within the Department during that period of time.

10. At the time you were Chief of Staff to the Premier, was a policy regarding record management implemented at the Department of Premier and Cabinet? If so, what was it?

Similarly, that question is best directed to the Department of Premier and Cabinet as I was not within the Department during that period of time.

11. What are the NSW Government guidelines for ministerial advisors on record management?

As per Question 8.

12. During your time as Chief of Staff in the Premier's office, did you have a document management plan? If yes, can you please provide a copy.

As per Question 8, the relevant documents are attached:

- State Archives & Records advisory documents - *Ministers' Office records (GDA13)* and *Recordkeeping guidance for Ministers' Offices*
- Ministers' Office Handbook – section on records keeping
- Ministerial Staff Contract (template)
- DPC Political Office Holders Staff Separation Checklist (template)



Ministers' Office records (GDA13)

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

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 <i>State Records Act 1998</i> .
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.

GDA NO GDA 13

Authorised State Records Authority of New South Wales
23 December 2002

1.2 Records authorised for disposal

The following table describes classes of records relating to Ministers' portfolio responsibilities and indicates whether the records are required as State archives or whether destruction of the records is permitted in accordance with the provisions of the State Records Act. The retention and disposal authority applies to both paper based and digital format records, including email, social media, audio visual formats, etc.

NO	DESCRIPTION	DISPOSAL ACTION
1.0	RECORDS OF PORTFOLIO RESPONSIBILITIES	
1.1	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.	Required as State archives
1.2	Records relating to the development, implementation or review of government policy and legislation. This includes records relating to the preparation of Cabinet submissions 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.	Required as State archives
1.3	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.	Required as State archives

NO	DESCRIPTION	DISPOSAL ACTION
1.4	Correspondence from members of the public or organisations concerning matters relating to the portfolio responsibilities of the Minister and receiving further action.	Required as State archives
1.5	Correspondence concerning matters of a routine nature or referred to another Minister for action and receiving no further action.	Retain until no longer required for administrative purposes, then destroy
1.6	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.	Required as State archives
	Note: This does not include departmental, Parliamentary or Cabinet committees (where the main record is retained by the agency, Cabinet Office or Parliament).	
1.7	Briefing notes or papers maintained in the Premier's Office.	Required as State archives
1.8	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.	Required as State archives
1.9	Other briefing notes or papers.	Retain until no longer required for administrative purposes, then destroy
1.10	Final transcripts of speeches, addresses and presentations delivered by the Minister in their capacity as Minister or as a representative of the Government.	Required as State archives
	Note: This does not include party political speeches or speeches made in relation to the Minister's parliamentary responsibilities on constituency matters.	

NO	DESCRIPTION	DISPOSAL ACTION
1.11	Audio, video or other recordings of speeches or addresses delivered by the Minister.	Retain until no longer required for administrative purposes, then destroy
1.12	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 (e.g. the Centenary of Federation, opening of Sydney Harbour Bridge or the Sydney Opera House). This includes photographs, invitations, addresses, etc.	Required as State archives
1.13	Records relating to all other functions, celebrations or ceremonies.	Retain until no longer required for administrative purposes, then destroy
1.14	Media releases or statements issued by the Minister.	Required as State archives
1.15	All other media or publicity material, including records relating to the organisation of interviews or general media access to the Minister.	Retain until no longer required for administrative purposes, then destroy
1.16	Originals or master copies of circulars and newsletters originating from the Minister's office.	Required as State archives
Note: Duplicate copies can be disposed of when reference ceases.		
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

NO	DESCRIPTION	DISPOSAL ACTION
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, e.g. books, published resources, etc.	Retain until no longer required for administrative purposes, then destroy

Part 2: Understanding and Using the Authority

2.1 Overview

Purpose of the Authority

The purpose of issuing the *General Retention and Disposal Authority: records of a Minister's Office* is to identify the records created and received by a Minister in the course of carrying out the Minister's portfolio responsibilities that are required as State archives and to permit the destruction of other records relating to a Minister's portfolio responsibilities once they are no longer required for administrative, reference or other official purposes. The disposal actions in this Authority should enable Ministerial and/or Departmental staff to better manage records created in a Minister's office on an ongoing basis or when a Minister leaves office.

What records does the Authority cover?

This Authority covers records created, received and maintained by a Minister's Office relating to a Minister's portfolio responsibilities and official duties. This includes both paper based and digital format records, including email, social media, audio visual formats, records maintained on networks, etc., relating to the activities and decisions of the Minister in the course of carrying out their portfolio responsibilities and duties.

What records are not covered by this authority?

The following records created or received in a Minister's Office are not affected by this Authority.

TYPE OF RECORDS	DESCRIPTION	GUIDANCE
OFFICIAL CABINET RECORDS	<p>Official cabinet records are cabinet records 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.</p> <ul style="list-style-type: none">• 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.	<p>When a Minister ceases to hold Cabinet office all official cabinet records held by the Minister should be returned to The Cabinet Office (in accordance with Cabinet Office procedures).</p>

TYPE OF RECORDS	DESCRIPTION	GUIDANCE
CONSTITUENCY/PARTY POLITICAL RECORDS	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).	These are not State records and should be dealt with by the Minister or their representative
PERSONAL RECORDS	Records relating to the private life, personal correspondence, interests and associations of the Minister.	These are not State records and should be dealt with by the Minister or their representative

2.2 Guidelines for implementation

Identify records relating to portfolio responsibilities

The retention and disposal 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 Official Cabinet records, constituency/party political and personal records (see What records are not covered by this authority? above)

Digital records

The retention and disposal authority applies equally to digital records, including email, social media, audio visual formats, records maintained on office networks, etc.

Destroying records

When records are no longer required for administrative, reference or other official purposes (and they are not required as State archives) destruction of the records may be undertaken without further reference to NSW State Archives and Records. Persons using the retention and disposal 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: Duplicate copies of records that have been captured onto an official file, or into an official records or document management system, may be destroyed as a normal administrative practice.

Records required as State archives

Records required as State archives under this retention and disposal authority should be clearly identified so that they can be transferred to NSW State Archives and Record's custody when they are no longer required for official purposes or when the Minister 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 NSW State Archives and Records.

Further guidance

See Recordkeeping Guidance for Ministers' Offices for further information on managing, disposing and transferring records.

For further advice or assistance in the interpretation or implementation of the Authority, contact us.

Published 2003



Recordkeeping guidance for Ministers' Offices

Introduction

This guidance provides information regarding the creation and management of Ministers Offices' records. It supports Ministers Offices in meeting their obligations under the *State Records Act 1998*.

Offices of New South Wales Government Ministers are 'public offices' as defined in section 3(1) of the *State Records Act 1998*.

What are State records?

Information created or received in the course of official duties by a Minister or their staff is a State record.

Records can be in any format, from any source, and on any media. Examples of record formats are:

- digital and physical documents created or received, using applications such as Office 365, Lotus Notes and G-Suite
- messages sent or received via mobile applications such as WhatsApp
- digital and physical correspondences sent or received
- audio visual recordings of portfolio-related events attended by the Minister
- media releases from the Minister's Office posted on website or social media.

Please note that a record can be a State record even if it is created, transmitted or stored by private means (e.g. personal mobile device/s or a personal email address) or by means which may also be occasionally used for private purposes.

Political, constituency or personal records are not State records and it is important that these are managed and maintained separately to the Minister's official records.

Records management obligations

The *State Records Act 1998* (the Act) establishes a number of responsibilities or obligations for Ministers' Offices and their staff. Briefly, these are:

- create and maintain full and accurate records of any official government business
- retain those records for as long as required
- dispose of those records legally and appropriately
- transfer records to NSW State Archives
- authorise public access to records.

Each Minister's office needs to ensure that it has appropriate systems, policies and procedures in place to meet these obligations. This includes ensuring that all employees are aware of their responsibilities to create and capture records of the official business that they undertake on behalf of or support of the Minister.

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Creating and maintaining full and accurate records

Records should be created of all meetings or activities related to official business or where final decisions are made on departmental or government policy, operations and business.

Examples of activities where records should be created and maintained

ACTIVITIES	EXAMPLES OF TYPES OF RECORDS
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ACTIVITIES	EXAMPLES OF TYPES OF RECORDS
Development, implementation and review of government policy and legislation, portfolio operations and projects	<ul style="list-style-type: none"> • agenda, minutes and supporting papers of committees • briefing notes recommending, approving or authorising actions • decisions, reasons and actions • discussion papers • drafts showing feedback, significant • drafts that contain change on policy direction or contain significant information that is not contained in the final version • media releases
Contact with the public, private organisations and other Ministers on portfolio business	<ul style="list-style-type: none"> • briefing notes documenting the contact • emails sent or received by the Minister or staff • file notes documenting the contact via phone or social media
Attendance to portfolio related events	<ul style="list-style-type: none"> • final transcripts of speeches or addresses • media releases

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Common activities and what to document

In creating records, it is essential that information relevant to an activity be documented. A risk assessment should be conducted to determine what level of documentation is required.

COMMON ACTIVITIES	WHAT TO DOCUMENT
Meetings, including discussions conducted or decisions made face to face or via various communication channels (Skype, emails, mobile phones, WhatsApp)	<p>Document the following:</p> <ul style="list-style-type: none"> • date and location of the meeting • attendees • supporting documents • items discussed and decisions • authorising or approving actions.

COMMON ACTIVITIES	WHAT TO DOCUMENT
Contact with the public, private organisations and other Ministers on portfolio or government business	<p>Document the following:</p> <ul style="list-style-type: none"> • name of the person / organisation / agency • date of contact • issues raised • decisions, commitments or agreements, including reasons for decisions or recommendations • advice, instructions or recommendations • information or additional documentation provided / communicated
Communications between staff and outside recipients on official business such as memoranda or circulars	<p>Document information such as:</p> <ul style="list-style-type: none"> • title, subject or description • date issued and status • scope and its application • attachments or supporting documentation
Briefing the Minister	<p>Document information such as:</p> <ul style="list-style-type: none"> • context or background information regarding the subject of the brief • issues raised • advice, instructions or recommendations • attachments or supporting documentation

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Standard rules to help manage records

To better support general management, retrieval, access and eventual disposal of records, we recommend the following business rules for emails, social media and the ministerial network or share drives.

Emails

1. Group received and sent emails under the following categories:
 - administrative records - Finance, HR, Procurement
 - enquiries from the public
 - official Cabinet records
 - portfolio records (may be grouped according to cluster / agency name / programme or project name / events)
 - political / constituency / personal records
2. Delete ephemera and unwanted emails such as subscriptions, spams, agency newsletters
3. Delete personal emails
4. Regularly empty deleted items folders
5. Unsubscribe from unnecessary mailing lists
6. Ask to be taken off group emails that don't apply to the Minister's Office
7. Practice 'only handle it once' (OHIO) method.

Social media accounts

This only applies to the social media accounts of Ministers. Only social media posts sent or received during their term of office are State records.

1. Only use official accounts for social media postings, etc., as a Minister
2. Keep personal, party/constituency social media accounts separate. Don't use personal social media accounts for Ministerial/portfolio business.
3. If the social media post is publicly available, then it should remain publicly available.

It is also recommended that social media accounts of Ministers be verified through the social media site to ensure continued accessibility. The verification badge provided by these sites for high profile accounts provides greater credibility, increased social presence and prevention of identity misuse.

Ministerial network or share drive

Group records created, received or saved under the following categories:

- administrative records - Finance, HR, Procurement
- enquiries from the public
- official Cabinet records
- portfolio records (may be grouped according to cluster / agency name / programme or project name / events)
- political / constituency / personal records.

Political, constituency or personal records are **not** State records and it is important that these are managed and maintained separately to the Minister's official records.

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Retention and disposal of records

Ministers' offices need to retain records for certain periods of time to provide evidence of the business conducted or to meet legal or other obligations. Some records are required to be retained permanently as part of the State Archives collection.

The *General retention and disposal authority: records of a Minister's office* permits Ministerial or Departmental staff to destroy certain records after they are no longer required for administrative purposes.

For financial, personnel and other administrative records, use the *General retention and disposal authority: administrative records*.

State archives

The *General retention and disposal authority: records of a Minister's office* also identifies which records are required to be transferred to NSW State Archives.

The following are examples of records considered as State archives:

- briefing notes and correspondences
- diaries of Ministers such as emails and Outlook calendars of Ministers, including attachments
- social media content posted or received from the Ministers' accounts during their term of office
- media releases.

Official Cabinet records

Follow protocols set by the Department of Premier and Cabinet Secretariat.

Private records

Records created or received by the Minister in their capacity as Member of Parliament (such as those related to constituency matters), or as a member of a political party or as a private citizen are not 'State records' under the State Records Act. Manage or dispose of these records in accordance with the wishes of the Minister.

Budget, Procurement, Travel and Personnel records

Manage or dispose of these records in accordance to the requirements under the Members of

Parliament Staff Act (MOPS Act) or as set by the Department of Premier and Cabinet.

The following records can be routinely disposed of if no longer required for reference other purposes

- media monitoring reports
- subscription service updates, alerts and newsletters
- rough notes of meetings and conversations where a formal record has been made
- solicited and unsolicited advertising materials

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Transfer records to NSW State Archives (NSWSA)

Records classified as State archives can be transferred at any time during a Minister's term of office or when there is a change of Minister or government.

Minister's emails and electronic calendars

These records must be transferred electronically as State archives, including all relevant attachments. It is recommended that:

- emails relating to portfolio business are classified into categories
- all relevant attachments such as meeting agenda, meeting minutes, reports and details of attendees must be retained, until transfer to NSWSA.
- emails and diary entries relating to personal, constituency or political records are separated, removed or deleted before transferring to NSWSA.
- electronic diaries relating to portfolio business, including all relevant attachments such as meeting agenda, meeting minutes, reports and details of attendees must be retained, until transfer to NSWSA. Extracts from diaries of Ministers published online are not sufficient to meet this requirement.

Social media records

Ministers are responsible for ensuring that the social media records they create as part of official government business are maintained and remain publicly accessible.

Only social media interactions relating to the Minister's portfolio responsibilities and during the Minister's term of office are required as State archives. Where personal accounts are used for portfolio business, social media interactions can still be considered official/State records for the purposes of the State Records Act.

It is recommended that social media posts relating to personal, constituency or political records be removed prior to transfer to NSWSA. If they are not removed they will remain part of State archives.

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Authorise public access to records transferred to NSW State Archives

Records transferred as State archives need to be authorised as being available for future public access. The Act provides an open public access period for records after 30 years. Some records, such as media releases and transcripts of speeches, can be made available before 30 years.

The Minister or delegate can authorise when the public can access records transferred to the State Archives collection by notifying NSW State Archives via email or using this standard letter.

More information on public access is available at [Public Access to State records](#).

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Caretaker period

Below are some of the key activities that Ministers' Offices can do before, during and after the caretaker period:

1. Identify and describe types of records held by the Minister's office
 - physical records held onsite or offsite
 - Ministerial network
 - business systems
 - social media accounts
2. Remove any encryptions or electronic protections in your documents, workbooks or presentations.
3. Follow protocols regarding Official Cabinet records.
4. Separate enquiries and portfolio records from political/constituency or personal records.
 - Enquiries and portfolio records will need to be transferred to NSW State Archives
 - Political, constituency or personal records may be disposed of at the Minister's discretion.
5. Authorise when the public can access records transferred as State archives - from the Minister or delegate by notifying NSW State Archives via email or using this standard letter.

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Published November 2018

Managing Records and Publishing Diaries

Ministers' Diaries

Commencing 1 July 2014, Ministers are required to publish quarterly diary summaries of scheduled external meetings held on portfolio-related matters. Cabinet, commercial-in-confidence and personal information will not be disclosed. Nor will strictly personal, electorate or party-political meetings. (For details see [Premier's Memorandum 2015-05](#)).

Retaining and Disposing of Records in Accordance with the State Records Act 1998

Guidance for Ministers' offices on making and keeping records appropriately and complying with their obligations under the State Records Act 1998 is available at: <https://www.records.nsw.gov.au/recordkeeping/resources/ministers-offices>

State Records NSW provides:

- Advice on the retention and disposal of Ministers' office records in the [General Retention and Disposal Authority – Records of a Minister's Office \(GDA13\)](#). All Ministers' staff must read this authority and understand what is required of them, and in particular part 1.2.
- Information for Ministers' staff about their broad recordkeeping responsibilities in [What have records got to do with me? and Recordkeeping reminders](#).
- [Online training modules](#) on records management and recordkeeping in the public sector.
- Guidance which may assist in the management of digital records in [Managing email and Your responsibilities for managing email \(online module\)](#).
- A [Standard letter](#) setting out access directions when transferring Ministers' office records to the State Records Authority as State archives.

Creating and Classifying Records

Any information that is created or received by a Minister or their staff in the course of official duties is considered to be a record.

Records can be in any format.

Under the State Records Act, Ministers' offices need to:

- Create and maintain full and accurate records of any official government business transacted by the office.
- Retain those records for as long as they are required.
- Dispose of those records legally and appropriately when they are no longer required. This may entail the transfer of permanently valuable records to State Records NSW (where they will be retained as part of the State's official archives)

The classes of records and the authorised disposal action applying to them are set out in [GDA13](#).

Possession or Control of Ministers’ Records Stored on the Ministers’ IT Network

Any information that is created or received by a Minister or their staff that is stored on the Ministers’ IT network, for all purposes while the Minister is holding that office, is taken to be in the possession or under the control of the Minister (for details see Schedule 2, Part 2, Clause 7 of the [MOPS Act](#)).

Storing Records

To minimise storage requirements for records that need to be retained by Ministers’ offices, the options to consider are:

- Where a record is held in paper format, scan it and store it electronically.
- Where a record stored electronically is printed for temporary use, do not retain the paper copy after use.

The following table provides examples of records and guidance to Ministers’ offices on their retention. This information should be read in conjunction with [GDA13](#) which contains a full listing of records relating to Ministers’ portfolio responsibilities.

Description of Record	Official/State Record?
Paper copies of official/state records	No – do not retain the paper copy after use
Copies of records that are available electronically in the official document management system or the official Ministers’ office network directory	No – do not retain the paper copy after use and do not make an electronic copy
Paper copies of records that are publicly available on the Internet	No – do not retain the paper copy after use
Constituency, party political or personal records	No – if unsure err on the side of caution and store electronically in the official document management system or the official network directory
Cabinet Documents	Yes – return to DPC Cabinet Secretariat when no longer required. If unsure err on the side of caution
State records created by a department or agency	Yes – the department or agency that created the record owns the record. Return the record to the responsible department/agency when no longer required. If unsure, contact the department/agency for clarification
All remaining paper and electronic records	

Make a judgement call about retention (e.g., based on office needs and guidelines issued by the State Records Authority). For paper records which are to be retained, consider the option of scanning



The Hon. *Minister's name*
Minister for *Portfolio*

Axxxxxxx

Mr/Ms. *Employee Name*
Office of the Minister for *Portfolio*
Level XX
52 Martin Place
SYDNEY NSW 2000

Dear Mr/Ms. *Name*

Offer of employment

I write to offer you employment under the terms and conditions of the *Members of Parliament Staff Act 2013*.

The outcome of your National Criminal History Check will be considered in relation to your continuing employment.

The details of this offer are set out in the enclosed employment agreement and conditions of employment.

To accept this offer, please date (first page) and sign (last page) the employment agreement.

Please send the completed employment agreement and personal interest declaration to the People and Employment team of People, Culture and Talent, at people&employment@mins.dpc.nsw.gov.au.

Any questions regarding your employment may be directed to People and Employment on telephone 8574 7433.

Yours sincerely

Name
Chief of Staff
Office of the Minister for *Portfolio*

STAFF OF NEW SOUTH WALES POLITICAL OFFICE HOLDERS

Employment Agreement

This Employment Agreement is made

on the _____ day of _____ 2020

between

The Chief of Staff, Office of the Minister for *Portfolio*, on behalf of the State of New South Wales [the Employer], as provided by s. 5(1) of the *Members of Parliament Staff Act 2013 (MOPS Act)*

and

Name
(the Employee)

Commencement and employment

1. The Employee is employed on the staff of the Employer, commencing on *DD Month Year*, and continues for the Duration of employment as set out in **Schedule A** to this Agreement.

Payment of salary

2. The Employee is to be paid salary and allowances as set out in **Schedule A** to this Agreement.
3. The Employee's salary is compensation for all hours worked.

Job, employment status and principal place of work

4. The Employee is employed in the position as set out in **Schedule A** to this Agreement.
5. The Employee is employed on a full time or part time basis as set out in **Schedule A** to this Agreement.
6. The Employee's principal place of work shall be the Ministers' offices, located in 52 Martin Place and Parliament House, Sydney.

Conditions of employment

7. The Employee is subject to conditions of employment as determined by the Premier pursuant to s. 7(1) of the *MOPS Act*.

Hours

8. The Employee will work hours in accordance with the Determinations made by the Premier under s. 7 of the *MOPS Act*.

Leave

9. The Employee is entitled to leave in accordance with the Determinations made by the Premier under s. 7 of the *MOPS Act*.

Variation

10. This Agreement may be varied by the Employer under s. 5 of the *MOPS Act* or in accordance with the Determinations made by the Premier under s. 7 of the *MOPS Act* from time to time.

Relationship of this Agreement to the Premier's determinations

11. This Agreement does not operate to the extent that it is inconsistent with any applicable determination made by the Premier whether made or given before or after the making of this Agreement.

Signed by
Name, Chief of Staff
Office of the Minister for *Portfolio*, pursuant to s. 5(1) of the *MOPS Act* on behalf of
the State of New South Wales

Signed by
Employee Name

Schedule A

Employment details summary	
Political office holder	The Hon. <i>Minister Name</i> , Minister for <i>Portfolio</i>
Employee name	<i>Employee Name</i>
Position	<i>Role Title</i>
Employment action	Employment under the <i>MOPS Act</i>
Condition of employment	E-Learning modules: (a) If you are a new starter you must complete within one month of commencing employment; and (b) All staff must complete during the month of March in each year of their employment.
Effective date	<i>DD Month Year</i>
Duration of employment	Until termination as provided under Section 8 of the <i>MOPS Act</i>
Hours of work	Full Time/Part Time
Full time equivalent salary	\$XXX,XXX (plus superannuation and leave loading)
Location	Sydney
Cost centre	200557XX
Organisation unit	XXX

PERSONAL INTEREST DECLARATION FOR OFFICE HOLDER STAFF

Name
Job
Political office holder and portfolio

The NSW Office Holder's Staff Code of Conduct provides that all office holder staff must take reasonable steps to avoid, and in all cases disclose, any actual or potential conflicts of interests (real or apparent), noting that staff are required to provide their office holder with a statement of private interests and update accordingly.

The Premier's determination of conditions under section 7 of the Members of Parliament Staff Act 2013 requires that political office holders' staff complete and lodge a Personal Interest Declaration and provide updated declarations as required.

Declaration of personal interests

To the best of my knowledge, I declare the following personal interests and those of my family members, which may cause, or may be perceived to cause, a conflict of interest with my role and responsibilities in the political office holder's office:

Family member declaration

Political office holders' staff must disclose whether they are a family member of past or sitting Member/s of the NSW Parliament. YES/NO. If yes, detail whom you are related to and the nature of this relationship:

Secondary employment

Political office holders' staff must provide details of any other paid employment or business activity that they undertake outside of the employment in the political office holder's office. YES/NO. If yes, specify name of employer, business or service sector, nature of duties:

.....
Employee signature, date

The declaration of personal interests will be treated confidentially, will be used only for employment related purposes, and will only be disclosed outside employment processes in accordance with official procedures for release of confidential employment information or where this is required by law.

.....
Chief of Staff signature, date

Where you have personal interests or secondary employment to declare, please provide your Chief of Staff's signature.

Political Office Holders Staff Staff Separation Checklist

Please liaise with People & Employment for end of employment process and return of equipment.

People & Employment

02 8574 7433

Level 12, 52 Martin Place

Payment of your final monies will not occur without a completed Staff Separation Checklist and all items returned.

Employee details		
Employee name		
Employee number		
Office		
Separation details		
Last day of service		
Reason for separation	<u>Please select</u>	
	Resignation	
	Ministerial Severance	
	End of secondment	
	Transfer to other Government Sector Agency	
Certificate of service to be provided (to have prior service recognised)	Yes	No
Centrelink certificate to be provided	Yes	No
Leave details		
	<u>Please select</u>	
All leave taken applied for in SAP ESS	Yes	No
Employee Certification		
<p><i>I, the undersigned, authorise any overpayment amounts owed to the Department of Premier and Cabinet, to be deducted from my final monies. I have returned all equipment and files, as well as minutes, notes, reports and maps relating to those files, including all electronic and paper versions of such documents and undertake not to make improper use of any information acquired during my employment with the Minister's office.</i></p>		
Signature:		
Name:		
Address:		
Email:		

Employee & Chief of Staff Responsibilities		
Items to return	Returned (return to People & Employment team)	
Cabcharge E-tickets	Yes	N/A
Fitness Passport	Yes	N/A
IT Equipment (iPhone etc.)	Yes	N/A
Chief of Staff or Delegate Signature		
Date:		
<p><i>Please ensure all devices are signed out of iCloud before returning your IT equipment. Contact IT on 8574 7474 if you need assistance.</i></p>		

To be completed by Employee and Chief of Staff

**Political Office Holders Staff
Staff Separation Checklist**

Ministerial Operations – IT	
Equipment	Checklist
Mobile Phone	Mobile Phone Phone Charger Signed out of iCloud
iPad	iPad iPad Charger Signed out of iCloud
Laptop	Laptop Laptop Charger Laptop Bag
IT account closed	Yes
	Date:
IT Representative Signature	

Approved (release of final monies)	
<i>(People & Employment, Director or Executive Director)</i>	