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Premier and Cabinet Circular

PC 002 – BRIEFING REQUESTS FROM MEMBERS OF PARLIAMENT



Effective from November 2023

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Contents

Purpose statement.....	3
Context	3
Authority and accountability	3
Application	4
Exemptions	4
Monitoring and compliance	4
Distribution and publication	5
Document Control	5
For more information.....	Error! Bookmark not defined.

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Purpose statement

This circular provides guidance on how public sector employees should handle requests for information and briefings from Members of Parliament.

It does not apply to 'business as usual' contact between Members of Parliament and public sector employees, such as:

- a Member of Parliament contacting government to obtain a service in the same way as any other member of the general public
- specific areas of government, such as Electorate Services, engaging with Members of Parliament as part of their core role and usual business
- a Member of Parliament asking how to obtain publicly available data or information.

This circular has been designed primarily for requests from Members of South Australia's Parliament. The same principles apply to requests from Federal Members of Parliament and Members of Parliament from other jurisdictions.

Context

Parliament plays a critical role in the Westminster system. Members will seek information that may not be publicly available on a range of matters.

All public sector employees are bound by the Code of Ethics for the South Australian Public Sector.

The Code is based on four foundations of public service:

- democracy
- impartiality
- accountability
- diversity.

It establishes professional conduct standards for matters such as professional behaviour, handling official information and conflict of interest.

Members of government boards and committees are also bound by the same confidentiality and information handling provisions and should follow the requirements of this circular as well.

Authority and accountability

This circular outlines core principles and responsibilities for providing information. Chief Executives must ensure suitable approval processes are in place to manage all requests from Members of Parliament.

Ministers should consider the principles outlined in this circular when considering whether to approve requests for briefings and information.

Members of Parliament should consider the principles outlined in this circular and seek information within the framework it establishes.

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Application

Responses to requests for information from Members of Parliament must balance providing as much access as possible with preserving political impartiality of public servants and the confidentiality of Cabinet and government business.

When responding to requests, agencies should be very clear about what information is publicly available and what isn't.

Responding to requests

The responsible minister must be notified of all requests from Members of Parliament for government information that is not publicly available. This includes where more detail is requested about published data. This should happen using established agency processes, which will usually be via the Chief Executive or agency head.

The minister will consider each request on its merits. A request may be refused on the grounds it would require an excessive use of resources to provide a response or that the information must remain confidential.

The minister will also decide whether it is more appropriate for them to provide the response themselves, or whether it can be handled by the agency.

Public sector employees preparing, delivering or participating in the response must only provide factual information. They must not express opinions on government policies, policy options or political views, or discuss matters of a party-political nature.

If a Member of Parliament requests an opinion, the public sector employee should advise the Member it is not appropriate for them to offer opinions on public policy.

Requests during Caretaker

The principles of the briefing process still apply during caretaker periods. However, additional advice about process, authorities and approvals will be provided by DPC as part of its role helping agencies prepare for and navigate caretaker conventions.

Exemptions

This circular applies to all public sector employees, within the definition of the *Public Sector Act 2009*, including those employed by statutory authorities.

There are no exemptions to the requirements set out in this circular.

Monitoring and compliance

Chief Executives are responsible for monitoring compliance within their own agency and managing breaches.

DPC will seek feedback from agencies when the circular is reviewed and, from time to time, may ask agencies about how it is being applied and whether there have been any significant breaches.

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Distribution and publication

This circular will be published on the DPC website and DPC will advise all Chief Executives if it is updated.

The circular will also be promoted to all public sector employees in the lead up to state elections.

Document Control

Review number: 2
Review date: November 2023

Next review date: April 2026

For more information

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