

Circular 2021-24 | Informing and advising Ministers



**Victorian
Public Sector
Commission**

Circular Number	2021-24
Issue date:	29 October 2021
Application:	All Victorian Public Service employees
Resources:	Informing and advising Ministers
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Key points

1. The Victorian Public Sector Commission has produced *Informing and advising Ministers* as high-level, principles-based guidance for Secretaries and senior executives about their obligations and responsibilities when informing and advising Ministers.
2. This was done in accordance with the independent functions of the Victorian Public Sector Commission under section 40(1)(a) of the *Public Administration Act 2004* to advocate for an apolitical and professional public sector.
3. *Informing and advising Ministers* outlines the legal obligations and responsibilities of departmental Secretaries in the context of the system in Victoria of responsible government and Ministerial accountability. It clarifies lines of responsibility and accountability between Secretaries, Ministers and the government, and highlights key areas of focus for Secretaries in meeting their responsibilities to be apolitical,

manage their department's day-to-day activities and advise their Ministers to deliver on the government's priorities.

4. The guidance emphasises the need for Secretaries to:

1. provide frank and fearless advice openly, transparently and apolitically
2. support the provision of difficult advice by acknowledging issues and being responsive by offering possible options and solutions
3. implement working arrangements that operate effectively in urgent situations
4. uphold and model the public sector values
5. build a trusting relationship with the Minister and their office through consistent practices and the provision of evidence-based advice consistent with the public sector values.

5. A key piece of advice offered by the guidance is that Secretaries should proactively brief their Ministers on all matters of significance, using their judgement and experience to determine what the Minister needs to know to administer their portfolio and account to Parliament. In considering a matter's significance, Secretaries should consider:

1. its impact on a government program or service, or on the Victorian community
2. its sensitivity and public interest in the matter
3. any significant or material risks associated with the matter.

6. The guidance notes the importance of formally documenting advice and information provided to the Minister and any decisions made. It encourages departments to create work systems which embed as routine the documentation of key decisions, discussions and advice.

Background

1. On 2 July 2020, the Governor in Council, on the recommendation of the Premier, appointed a Board of Inquiry to examine aspects of Victoria's COVID-19 Hotel Quarantine Program.
2. The Inquiry, chaired by the Hon Jennifer Coate AO, released its Final Report on 21 December 2020.
3. In relation to the role of the Victorian Public Service, the Inquiry recommended:
"That the Public Sector Commissioner examines the evidence that emerged in this Inquiry as to the lines of accountability and responsibility as between Departmental



heads and Ministers to give guidance across the public service as to the obligations on heads of departments and senior public office holders, both in law and in practice.”

4. The guidance acquits this recommendation.

Scope

1. The guidance is directed at Secretaries and senior public service executives, recognising that such executives exercise the delegated authority of Secretaries.
2. All public service staff are advised to review the guidance for their own information.

Date of application

29 October 2021

