

Executive Council Guidelines Summary and Checklist

Executive Council Minute

The Minute should:

1. begin with “The Council advises the Governor to”;
2. ask the Governor to do something, such as make, approve or not approve something;
3. state the Act and section/sections of the Act under which the Governor has the power to act;
4. not ask the Governor to do something retrospectively;
5. not contain acronyms or other abbreviations (unless explained);
6. provide for the signatures of the Minister (responsible for the Act under which the submission is being made – include the relevant portfolio title), the Premier and the Governor;
7. be drafted by the Parliamentary Counsel’s Office (PCO) if it relates to the making of a proclamation for the commencement of operation of an Act or part of an Act, regulations or amendment regulations (and in some cases an Order); and
8. if the Minute has been drafted by PCO, a version control reference number must be in the Minute footer and match the version control reference number in the related instrument and the Counsel’s Certificate.

Explanatory Note

The Explanatory Note must:

1. be on letterhead of the agency;
2. begin with a standard ‘Disclaimer’ (this is on the template);
3. have a title;
4. contain the headings:
 - Proposal;
 - Approval Process;
 - Regulatory Impact Assessment;
 - Consultation;
 - Appointments;
 - Relation to Policy; and
 - Sensitivity

Note: Headings should not be removed – if they do not apply, say ‘Not Applicable’

5. be signed by the CEO or a senior executive of the relevant agency; and
6. include a standard declaration that the details contained the submission are accurate and complete.

The Explanatory Note should clearly explain:

1. what the Governor is being asked to do and why. This should be in easy-to-understand terms. Unless it is absolutely necessary to do so, the EN should not be a clause-by-clause list as this may not aid the Governor to understand the purpose and operation of the submission;
2. any relevant background;
3. if it is a subsidiary legislation proposal, some context regarding the legislative framework within which it sits;
4. whether there are any contentious issues, and if so, how will they be managed; and
5. what consultation has been undertaken and the outcome of that consultation.

Executive Council Checklist for Ministerial Offices

Before a submission is forwarded to Parliamentary and Executive Government Services (PEGS), all documents should be checked for the following:

EXCO submission checklist	
<input type="checkbox"/>	Is there a Minute and Explanatory Note and do they meet the requirements set out in the Guidelines?
<input type="checkbox"/>	Have all documents been reviewed for errors (for example, spelling, all required documents are included, any 'attached documents' are included, numbered and correctly referred to)?
<input type="checkbox"/>	Do all references to titles, names, Acts, sections of Act/s and dates match in the Minute, the Explanatory Note and any instrument provided?
<input type="checkbox"/>	Where regulations/orders etc. have been drafted by PCO - does the PCO version control number on the Minute match the number on the Instrument (e.g. regulations/order) and the Counsel's Certificate?
<input type="checkbox"/>	Is everything present and accounted for prior to submission (for example, two sets of regulations, Counsel's Certificate, curriculum vitae (for appointments), maps, attachments if referred to in the Explanatory Note)?
<input type="checkbox"/>	All documents that must be signed, are signed – for example, a proclamation is to be signed by the Minister as well as the Minute
<input type="checkbox"/>	Two (2) copies of Regulations are to be provided. One <u>single-sided</u> copy and one <u>double-sided</u> copy
<input type="checkbox"/>	Wherever possible, original items are to be provided (i.e. not photocopies)
<input type="checkbox"/>	Is there a CV accompanying each appointment?
<input type="checkbox"/>	Fee increases – should be shown in a table alongside previous fees for comparison (in the Explanatory Note)

Guidelines and templates can be found at [Executive Council guidelines \(www.wa.gov.au\)](http://www.wa.gov.au)

For further information, contact:

- PEGS at PEGS@dpc.wa.gov.au
- EXCO at EXCO@dpc.wa.gov.au