

Supporting the Cabinet – Special Report

Introduction

The Cabinet is the apex of federal government decision making in Australia. It sets and monitors the broad directions of government, takes the most important decisions on policy, budgetary and operational issues, and resolves potential conflicts between portfolio objectives. The Cabinet system is a product of convention and practice. It is not mentioned in the Australian Constitution, and its establishment and procedures are not the subject of any legislation. It is for the government of the day and, in particular, the Prime Minister to determine the structure of the Cabinet and how it is to operate.

The evolution of arrangements for supporting the Cabinet system was described in some detail in ‘The Development of Cabinet Procedures in Australia’, published in this department’s 1983–84 Annual Report. This special report supplements that earlier article, highlighting the most recent changes to a system in continual evolution. It marks 100 years of operation for the federal Cabinet system.

Background

Early years

In the years following Federation, little secretariat support was provided to the Cabinet by officials. No agenda papers were circulated before meetings, and no formal records of decisions were kept. The primary responsibility for recalling and interpreting the terms of Cabinet decisions lay with the Ministers concerned. The first Prime Ministers kept Cabinet diaries to record decisions. These diaries were rudimentary and frequently cryptic, typically consisting of a short topic heading and a one- or two-word record of the outcome of discussion.



Edmund Barton, Australia's first Prime Minister, is seated second from the left, surrounded by his Cabinet ministers and the Governor-General, Lord Tennyson. From left to right (standing): J G Drake, Richard O'Connor, Sir Phillip Fysh, Charles Kingston and Sir John Forrest. From left to right (seated): Sir William Lyne, Edmund Barton, Lord Tennyson, Alfred Deakin and Sir George Turner. Hallam, Lord Tennyson (the son of the poet) was Governor of South Australia and became Acting Governor-General in July 1901 after Hopetoun's resignation.

Courtesy of the National Archives of Australia

A telegram sent to London on 12 April 1901 recorded, 'Federal cabinet first sitting Melbourne decided unable recommend Chamberlains (sic) suggestion send Boer prisoners Tasmania other business unimportant Turner absent slight illness'. (Joseph Chamberlain was Britain's Colonial Secretary at the time, responsible for introducing the *Commonwealth of Australia Constitution Act 1900* and for relations with the southern African Boer republics up to the outbreak of war in 1899.)

In January 1908 Alfred Deakin made one of his Ministers Cabinet Secretary, and from that time someone would generally be known by this title. After 1918, decisions were noted by the ministerial Cabinet Secretary on memo paper or on his agenda paper and then typed up as an official record, which he initialled. On 28 November 1927 Cabinet agreed that a Cabinet Secretariat would be established, under the control of the Minister who acted as Cabinet Secretary.

Evolution of current Cabinet system

The Second World War provided the impetus for the development of a Cabinet system more familiar to today's observers. The War Cabinet, set up in September 1939, was serviced by a secretariat within the Department of Defence. From July 1941 the Secretary of the Prime Minister's Department began attending Cabinet meetings, and was known as the Secretary to Cabinet.

Recording of Cabinet decisions

From 1950, notes taken in Cabinet and committee meetings to assist in the drafting of decisions were taken in designated Cabinet notebooks rather than on pads and scraps of paper, and were handled more securely.

From May 1951 to July 1954, Cabinet decisions from each meeting were recorded collectively in the form of a record of the meeting and individually in Cabinet minutes produced for limited circulation. These Cabinet minutes are very similar in format to those of the present day.

In 1966 a second official was allowed to take notes in the Cabinet (as had been permitted at meetings of the War Cabinet from 1941). The move was motivated by the heavy dual workload of the Secretary of the Prime Minister's Department, and the need to expedite the issue of minutes to Ministers and departments. The second notetaker was to be responsible for first drafts of minutes, which would then be vetted and signed by the Secretary to Cabinet.

In 1971 approval was given for a third notetaker to be present in the Cabinet room during meetings. The third position was taken by various officers of the Prime Minister's Department, according to subject matter. Although used only occasionally in 1971, the practice was fully adopted by the Whitlam Government in 1973, and has been used ever since.

Separation of Cabinet Secretariat from Prime Minister's Department

In 1968 Prime Minister Gorton separated the Cabinet Secretariat from the Prime Minister's Department and established it as a department of state in its own right (and, incidentally, referred to it as the Cabinet Office, a title which was used until 1996). This meant that the roles of Secretary of the Prime Minister's Department and Secretary to Cabinet were separated, for the first time. The Cabinet Office was returned to the Prime Minister's Department in March 1971, and the Secretary of the Department again assumed the role of Secretary to Cabinet.

For several months from July 1977 the roles of Secretary to Cabinet and Secretary of the Prime Minister's Department were split when a deputy secretary in the department was designated as Secretary to Cabinet. The roles were reunited in the following year when that deputy secretary became Secretary of the department.

Thirty-year access rule

The McMahon Government agreed that the 30-year access rule applying to departmental records in general would in future apply also to Cabinet documents, though certain classes of documents, both Cabinet and other, continued to be exempt. The Cabinet Secretariat has since played the primary role each year in preparing the next batch of 30-year-old Cabinet documents for public release through the National Archives of Australia (NAA).

Cabinet workload

Under the Fraser Government in the late seventies, the Cabinet's workload escalated (peaking in 1980–81 with 432 meetings of Cabinet and its committees, 1,719 papers considered and 3,856 decisions issued). The Government introduced a range of measures in 1979 intended to manage the volume of work, including the practice of issuing Ministers with forward programmes, showing times at which meetings would be held, and business lists, circulated in the week before each meeting.

Expenditure Review Committee

In its first term the Hawke Government re-established and expanded the role of the Expenditure Review Committee (ERC) of Cabinet, a committee that had been used intermittently by previous governments. The ERC was a group of senior Ministers who were given responsibility for framing the expenditure side of the Budget and expenditure elements of economic statements. The ERC became a central hub in the coordination of the Budget process and has been broadly adopted by successive governments. Providing support for the ERC continues to be a key function for the Cabinet Secretariat.

Machinery of government changes

In July 1987 the Hawke Government made significant changes to the machinery of government, with consequential effects on the Cabinet Secretariat's workload. The number of departments was reduced from 28 to 18 (organised in 16 portfolios), achieved by grouping together related departments into new, larger ones. This change resulted in a reduction in the volume of material going to Cabinet and its committees, in part because many matters which previously had involved more than one portfolio could now be settled within a single portfolio.

The changes to the portfolio structure involved a reallocation of functions among the new portfolios and, within portfolios, allocation of responsibilities among Ministers. The key change was the appointment, in most portfolios, of more than one Minister. This practice, instituted to ensure effective ministerial control, freed primary portfolio Ministers from some administrative work, enabling them to focus on policy directions and priorities. All portfolio Ministers were members of Cabinet, with other Ministers being co-opted for discussions that fell within their areas of specific responsibility. This broad approach has generally been adopted by successive governments.

Recent developments

While the operation of the Cabinet system has not changed dramatically since the Howard Government took office in 1996, there have been some significant developments. Most notable has been the establishment of a small Cabinet Policy Unit (CPU) outside the Australian Public Service, with its head as Secretary to Cabinet. There have also been changes to the way that the Cabinet Secretariat performs its tasks, with the introduction of performance reporting and better use of information technology.

Parliamentary Secretary to Cabinet

In 1996 Prime Minister Howard designated one of the Parliamentary Secretaries as Parliamentary Secretary to Cabinet. The Parliamentary Secretary to Cabinet attends Cabinet meetings and has a primary role in alerting the Prime Minister to any possible significant delays in the implementation of matters agreed to by Cabinet.



John Howard, the 25th person to be Australia's Prime Minister, is seated fifth from the left, surrounded by his Cabinet Ministers. These Ministers formed the Cabinet for the first meeting of 2001. From left to right (standing): Nick Minchin, Daryl Williams, John Fahey, Dr Michael Wooldridge, Dr David Kemp, Warren Truss, Alexander Downer and John Moore. From left to right (seated): Philip Ruddock, Jocelyn Newman, Richard Alston, Peter Costello, John Howard, John Anderson, Robert Hill and Peter Reith.

Courtesy of AUSPIC.

In the same way that other parliamentary secretaries are allocated functions within their respective portfolios to assist the portfolio Minister, the Parliamentary Secretary to Cabinet has also taken on functions in relation to the Government's legislation programme. He represents the Prime Minister on the Parliamentary Business Committee (PBC) and handles, on the Prime Minister's behalf, Ministers' requests for policy approval of government legislation that does not require Cabinet consideration. He also manages the process of clearing legislation for introduction to the Parliament once it has been drafted.

Secretary to Cabinet and Cabinet Policy Unit

In 1996, Prime Minister Howard appointed a separate Secretary to Cabinet and head of the CPU under the *Members of Parliament (Staff) Act 1984*. The CPU comprises a small staff, also appointed by the Prime Minister under the *Members of Parliament (Staff) Act 1984*. The Secretary to Cabinet and CPU are accountable directly to the Prime Minister as Chairman of Cabinet. The Secretary of the Department of the Prime Minister and Cabinet also attends Cabinet meetings and certain Cabinet committee meetings.

Resolution of issues on the Cabinet agenda inevitably involves consideration of political as well as policy and administrative aspects. The new arrangements allow the Cabinet Secretary and CPU to become involved in preparatory work that addresses the political and other aspects of Cabinet business where public servants could not appropriately do so. The CPU has not taken over any of the administrative and policy support functions for the Prime Minister and the Cabinet that can properly be provided from the department.

With other CPU staff, the Cabinet Secretary's responsibilities include (as set out in the *Cabinet Handbook*):

- (a) providing advice on matters being considered by Cabinet as well as on strategic policy directions to provide a more detailed medium- to longer-term perspective on the policy agenda and outcomes of Cabinet deliberations as they relate to the implementation of the government's policies and priorities; and
- (b) working closely with policy advisers in the Prime Minister's Office and in the offices of other Cabinet Ministers to enhance the linkages between departmental and ministerial sources of advice on Cabinet-related business.

Cabinet Secretariat

The Cabinet Secretariat is a unit within the Department of the Prime Minister and Cabinet. The first comprehensive *Cabinet Handbook*, issued in 1950, established the following role for the Cabinet Secretariat:

Cabinet Secretariat will be responsible for –

- (a) the arrangement of meetings;
- (b) the circulation of agenda, memoranda and other documents;
- (c) the recording, drafting and circulation of minutes and conclusions;

- (d) any follow-up action to ensure that conclusions are carried out by the appropriate departments; and
- (e) the custody and indexing of records.

The role of the Cabinet Secretariat in supporting Cabinet processes has not changed greatly since then. While the name ‘Cabinet Secretariat’ was adopted in 1996 in place of the former name ‘Cabinet Office’, the role and form of the unit have not changed in substance. The Secretariat continues to provide support in the servicing of Cabinet and committee meetings, the provision of advice to the Prime Minister on programming of Cabinet business, the preparation of minutes and the distribution and custody of Cabinet documents. The Secretariat maintains the *Cabinet Handbook* and, with the assistance of a network of designated Cabinet Liaison Officers, keeps departments and key agencies informed of developments in relation to Cabinet procedures and the conduct of business.

The Secretariat is staffed by public servants who are responsible to the Secretary of the Department. In practice, the Secretariat also works closely with the Secretary to Cabinet and is responsive to his objectives in the day-to-day handling of Cabinet business. Resourcing and other management issues affecting the Secretariat are decided within the department, with the Cabinet Secretary consulted in appropriate cases.

The Secretariat also maintains the registry of Cabinet documents for the current Government and preserves the Cabinet records of previous governments. It handles requests for access to these documents and the arrangements for their public release, through the NAA, when they become available for access (30 years for Cabinet submissions and minutes and 50 years for Cabinet notebooks).

The Information Age – CABNET

With advances in technology the Cabinet Secretariat has moved from a manual system to the use of specially designed electronic means of handling Cabinet documents. From 1998 onwards the processes involved in lodging and circulating Cabinet agenda papers, and circulating Cabinet minutes and business lists, have been handled via an electronic document management system known as CABNET. A range of security controls, including detailed logging of activity, has been incorporated into the system.

While the CABNET system has changed the practicalities of lodging and distributing Cabinet documents, it has been designed to fit in with the existing requirements and processes of the Cabinet system. It is essentially an improved tool for operating within established principles.

Most Cabinet documents are now printed by recipients in Ministers’ offices, departments and agencies. The adoption of CABNET has resulted in efficiency gains for the Cabinet Secretariat, Ministers’ offices and departments, as well as a reduction in the number of staff in the Secretariat required for the handling and dispatch of documents. Where previously the Cabinet Secretariat (and other departments) had to physically copy, number and package documents and maintain cars and staff for frequent courier runs to deliver those packages to offices in Parliament House and in

other departments, the corresponding processes are now achieved with the touch of a button.

Performance reporting

In line with the performance reporting arrangements implemented in conjunction with the accrual accounting framework, the Department of the Prime Minister and Cabinet now reports on a number of quantitative performance indicators. For the Cabinet Secretariat this includes reporting on the percentages of Cabinet minutes circulated within 24 hours of Cabinet meetings. In 2000–01, over 94 per cent of minutes from meetings of Cabinet and its committees were settled and circulated within 24 hours of the meeting from which they arose.

Cabinet Handbook

The *Cabinet Handbook* sets out the principles and conventions by which the Cabinet system operates. A comprehensive *Cabinet Handbook* was first compiled in 1950; supplementary guidelines were issued by successive governments as the need arose, with the handbook itself being revised every few years since 1976.

The handbook sets out the procedures and standards adopted by the Government for business brought to the Cabinet. The requirements are designed to ensure that Cabinet processes facilitate coordinated and strategic consideration of issues and serve informed decision making. The Secretary to Cabinet and the Cabinet Secretariat are responsible for ensuring that, as far as possible, papers from Ministers and departments for consideration in Cabinet meet the requirements set out in the handbook. It is of course open to the Cabinet, or the Prime Minister as Chairman of Cabinet, to vary or waive those requirements where circumstances require.

A major overhaul of the *Cabinet Handbook* was conducted during 1999, to take account of procedural changes and the introduction of electronic handling of documents (the CABNET system), resulting in a fifth edition, issued in January 2000. The handbook is now available both in hard-copy form and on the Department of the Prime Minister and Cabinet's website, www.dpmc.gov.au.

Cabinet committees

The establishment of Cabinet committees allows issues that require more detailed or specialised consideration to be addressed, with decisions proposed by committees generally subject to endorsement by the Cabinet. The broad approach to using committees has not changed in recent years, and the committee structure continues to include a mix of ongoing committees and more transient committees established on an ad hoc basis to deal with particular areas of policy activity. Two of the ongoing committees, the PBC and the National Security Committee, are exceptions to the normal rule that decisions proposed by committees require endorsement by Cabinet.

The role of the PBC, which meets at the beginning of each parliamentary sitting week to settle the programme of legislation and other government business in Parliament, has changed slightly following the allocation of some related functions to the Parliamentary Secretary to Cabinet. Further information on current practices in

relation to management of the Government's legislative programme is set out in the *Legislation Handbook*, also available at www.dpmc.gov.au.

Notetaking for Cabinet meetings

The Secretary to Cabinet now takes the role of No. 1 Notetaker and signs Cabinet minutes. The Secretary of the Department of the Prime Minister and Cabinet also attends meetings of the Cabinet and some of its committees, providing first-line advice to the Prime Minister if required and assisting in the communication of follow-up requirements to heads of relevant departments.

As No. 1 Notetaker, the Secretary to Cabinet oversees all processes, including timing, involved in the preparation and presentation of Cabinet documents, advises the Prime Minister on issues of Cabinet process, as required, and finalises Cabinet minutes. The head of the Cabinet Secretariat is designated No. 2 Notetaker and provides support for the Secretary to Cabinet in these functions.

Officers from the Department of the Prime Minister and Cabinet who have a detailed knowledge of the issues under discussion take the role of No. 3 Notetakers during Cabinet meetings. Up to about 10 No. 3 Notetakers may be required during a meeting, depending on the complexity and range of issues to be considered.

Notes are taken in a form that best assists individual notetakers to recall the significant parts of discussions for the purpose of drafting the minute. Notes taken in Cabinet meetings are not a verbatim account of what was said and may mean little or be open to misinterpretation if read without the memory of the discussion.

Notetakers use official Cabinet notebooks, which are numbered and registered and subject to special security protections. The *Archives Act 1983* provides for a statutory closed period of 50 years before notebooks can be made publicly available.

The involvement of officers from the department's policy divisions as No. 3 Notetakers is part of the wider, integrated function of policy advising and coordination in the department. Notetakers are also able to provide some feedback about the broad content of Cabinet discussions on an issue to officials who give effect to Cabinet decisions. The disclosure of information in these circumstances is strictly limited to a need-to-know basis. Notetakers must avoid attributing particular lines of argument or views to individual Ministers or straying beyond the issues on which clarification is needed for implementation.

Should the discussion of an issue in Cabinet take on a strongly political character, the Prime Minister may exercise his judgement to ask notetakers to leave the room.

Interstate meetings

In keeping with the practice of previous governments, the Howard Government holds some Cabinet meetings away from Canberra. In addition to the Cabinet suite in Parliament House, Canberra, Cabinet meeting rooms are located in the Commonwealth Parliament Offices in Sydney and Melbourne. To coincide with the Centenary sittings of Parliament in Melbourne, the Cabinet met in the Cabinet Room

of the newly refurbished offices at 4 Treasury Place, Melbourne, on 8 May 2001. In other centres, meeting venues are arranged as required.

There have been 66 meetings of the Cabinet or of a Cabinet committee away from Canberra since March 1996. In addition to meeting in state capitals, the Cabinet has met in regional centres such as Bendigo, Whyalla, Nowra, Longreach, Townsville and Launceston.

Access to records of former governments

Successive governments have accepted the convention that Ministers do not seek access to documents recording or revealing the deliberations of previous governments. Cabinet documents in particular are considered confidential to the government that created them.

Before each House of Representatives election, departments ensure that all Cabinet records are accounted for and stored so that access can be controlled appropriately. If the Government is returned, the documents can be made available again in accordance with normal practice. If there is a change of government, Cabinet records of the previous government held by departments must be destroyed.

The Cabinet Secretariat maintains custody of the records of previous governments until such time as they may be made available to the NAA. The NAA is responsible for the long-term storage of records and their public release after 30 years under the *Archives Act 1983*. As an appointee of the current government, the Secretary to Cabinet does not take part in decisions relating to access to records of a previous government.

First release of notebooks after 50 years

On 1 January 2001, nine Cabinet notebooks from the fourth Menzies Ministry were released for public access under the *Archives Act 1983*. Those notebooks, produced in 1950 by the only official attending Cabinet meetings at that time (Sir Allen Brown, Secretary of the Prime Minister's Department), were the first to be made publicly available.

The 1950 notebooks can be viewed in the Canberra reading room of the NAA. Digital images of the notebook pages and transcriptions prepared by the Archives can also be viewed on the NAA website, www.naa.gov.au.

Further information

Several guides are available to assist in understanding and contributing to the Cabinet process. The *Cabinet Handbook*, the *Federal Executive Council Handbook* (which, among other things, provides guidance on the appointments process) and the *Drafter's Guide* (for officers drafting Cabinet submissions and memoranda) can be accessed through the Department of the Prime Minister and Cabinet's website, www.dpmc.gov.au.