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Department of the Prime Minister and Cabinet

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CABINET SECRETARY
CANBERRA

FOREWORD

A strong Cabinet system underpins effective and well-informed decision-making. The Cabinet Handbook lays down the principles, procedures and conventions by which the Cabinet system operates. It contributes to consistency in public policy formulation, supports ministers in meeting their individual and collective responsibilities, facilitates coordinated and strategic policy development and enables informed decision-making on all issues requiring collective determination.

The Cabinet has a robust Cabinet committee structure to support the work of the Government. The committees allow for an appropriate level of detailed policy and technical discussion, informed by the views of all relevant ministers, with later Cabinet endorsement as required.

The system is best served by high-quality Cabinet documents, their timely circulation and appropriate levels of security. I ask that ministers and officials take particular care with the quality of submissions, memoranda and under-the-line papers brought forward to the Cabinet and its committees. I also ask that the agreed timelines for the lodgement of Cabinet documents are adhered to. Effective Cabinet confidentiality requires strict observance of the security requirements for Cabinet documents.

The Cabinet has a substantial program of work. In addition to the schedule of Cabinet and committee meetings, the Cabinet also regularly meets with the public throughout Australia as part of the Community Cabinet program. This is a major opportunity for the Government to hear directly from members of the public about the policy issues that matter to them. In my role as Cabinet Secretary, I assist the Prime Minister to manage the flow of business to Cabinet and, in consultation with the relevant Cabinet committee chair, the flow of business to Cabinet committees and to support the Community Cabinet program.

This edition of the Cabinet Handbook takes into account changes in the management of Cabinet business following the change of government in 2007. The Handbook and its companion Drafter's Guide to the Preparation of Cabinet Submissions and Memoranda will be revised as necessary in the light of experience and change to procedures that may be authorised from time to time. The Cabinet Secretariat in the Department of the Prime Minister and Cabinet is available to advise and assist. Cabinet liaison officers in each department are also able to advise on procedures.

signed

(Senator the Hon Joseph Ludwig)

TABLE OF CONTENTS

ORGANISATION OF CABINET	1
Elements of the Cabinet system.....	1
Role of the Cabinet Secretary	1
Role of the Cabinet Secretariat	2
CABINET CONVENTIONS AND PRINCIPLES	3
Collective responsibility	3
Cabinet confidentiality.....	4
Ministerial responsibility for proposals	4
Implementation and follow-up.....	5
Forecast of Cabinet business.....	5
Minutes involving legislation	6
Declaration of interests	6
Custody of Cabinet documents	6
Parliamentary Secretaries.....	7
Caretaker conventions.....	7
CABINET PROGRAM	7
Program of meetings	7
Notification of meetings	7
Attendance of ministers	8
Co-options.....	8
Attendance of parliamentary secretaries.....	9
Cabinet officials.....	9
Attendance of officials.....	9
CABINET BUSINESS	10
Forms of Cabinet business	10
Authority to bring forward business	10
Need for Cabinet consideration	11
Strategic focus for Cabinet discussions	12
Submissions and memoranda requiring discussion	12
Submissions and memoranda not requiring discussion	13
Joint submissions	14
Submissions prepared by one minister in consultation with others.....	14
Preparation of Cabinet submissions and memoranda.....	14
Defence procurement – rules for submissions and memoranda	15
Major, non-defence proposals.....	15
Handling of business without submission	15
Audio-visual presentations to the Cabinet	15
Cabinet minutes	16
Circulation of minutes to departments.....	16
Minutes requiring further action before announcement	17
Announcements.....	17

CONSULTATION	17
Purposes of consultation	17
Coordination comments – the basic consultation requirements	18
Exposure drafts	18
Drafts.....	19
Coordination comments	19
Legislation Handbook.....	19
THE APPOINTMENTS PROCESS	19
SECURITY AND HANDLING OF CABINET DOCUMENTS	22
Definition of Cabinet documents	22
Classification of Cabinet documents	23
Circulation of Cabinet documents	23
Handling procedures	24
Recording access to Cabinet documents.....	25
No Copying of Cabinet documents.....	25
Quoting from Cabinet minutes	26
Responsibilities of ministers regarding access	26
Responsibilities of departmental secretaries regarding access	26
Electronic systems (other than the CABNET network) and indexes ..	27
Access to Cabinet documents by courts and investigatory bodies	27
Requests under the FOI Act for access to Cabinet documents.....	27
Destruction of Cabinet documents.....	28
Access to Cabinet documents of previous governments	28
Archives	28
Attachment 1: Cabinet Committees	30
Attachment 2: Caretaker conventions	33
Attachment 3: The Drafter’s Guide	35

ORGANISATION OF CABINET

Elements of the Cabinet system

1 The Cabinet 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 shape and structure of the Cabinet system and how it is to operate.

2 The Ministry, the Cabinet and Cabinet committees are all elements of the Cabinet system. In settling its Cabinet arrangements, it is open to a government to adopt the organisation and system it wants subject only to the provisions of the *Ministers of State Act 1952* ('the Ministers of State Act') which place an upper limit (currently 30) on the number of ministers. Ministers may be assisted by parliamentary secretaries, the number of whom is also limited (currently 12) by the Ministers of State Act.

3 Meetings of the full Ministry (which may also be attended by parliamentary secretaries) are held occasionally; for example, following a ministry's swearing in or before the beginning of a parliamentary period of sittings.

4 The Cabinet itself is the apex of executive government. Meeting regularly, it sets the broad directions of government, takes the most important decisions facing a government and resolves potential conflicts within government. The outcomes of some of the Cabinet's deliberations require action by the Governor-General, ministers or holders of statutory office, to be put into effect.

5 Some work of the Cabinet sensibly falls to be dealt with by its committees. Committees serve a useful purpose in dealing with the highly sensitive, for example, revenue or security matters; the relatively routine, for example a government's weekly parliamentary programme; and business that is labour intensive or requiring detailed consideration by a smaller group of ministers, for example, the expenditure review that takes place before the annual budget or oversight of the Australian Government's ('the Government's') initiatives in relation to climate change or social inclusion.

6 The Prime Minister usually establishes a number of standing committees of the Cabinet (for example national security and parliamentary business). Additional committees, including ad hoc committees, may be set up from time to time for particular purposes, usually for a defined duration. A list of Cabinet committees, current at the time of publication, is provided at Attachment 1 and is also available from each department's Cabinet liaison officer (CLO) and the Cabinet Secretariat.

Role of the Cabinet Secretary

7 In September 2008, the Government agreed to new Cabinet processes, to changes to the role of the Cabinet Secretary and to a new Cabinet committee structure. The Cabinet Secretary is responsible for:

- (a) assisting the Prime Minister to manage the flow of business to Cabinet and to determine the forward Cabinet program;
- (b) managing the flow of business to Cabinet committees, in consultation with the relevant Cabinet committee chair; and
- (c) supporting the Community Cabinet program.

8 The Cabinet Secretary has the authority to:

- (a) settle the forward schedule of Cabinet and Cabinet committee meetings;

- (b) agree that ministers may bring forward matters to the Cabinet and the form in which each matter should come forward;
- (c) approve business lists;
- (d) approve matters without submission (sometimes referred to as under-the-line papers) for consideration by the Cabinet;
- (e) assess whether a submission is ready to come forward or should be reworked; and
- (f) deal with practical issues regarding ministers' attendance.

Role of the Cabinet Secretariat

9 The Cabinet Secretariat is responsible for:

- (a) servicing meetings of the Cabinet and its committees;
- (b) advising the Prime Minister and the Cabinet Secretary on the programming of Cabinet business;
- (c) ensuring that the requirements of the Cabinet Handbook ('this Handbook') are complied with (this is sometimes referred to as a 'gatekeeping role');
- (d) the circulation of Cabinet documents;
- (e) the preparation of Cabinet minutes; and
- (f) the custody of Cabinet documents.

10 The Cabinet Secretariat maintains three similar but separate databases, which contain documents for the Cabinet and its committees, the National Security Committee of Cabinet (NSC) and the Secretaries' Committee on National Security (SCNS). These databases are stored on the secure CABNET network.

11 The major documents distributed by the Cabinet Secretariat are:

- (a) forward programs of meetings;
- (b) weekly notices of meetings;
- (c) business lists;
- (d) submissions and memoranda ('submissions'), including corrigenda;
- (e) matters without submission, including appointments; and
- (f) Cabinet minutes.

12 The Cabinet attendant provides assistance and services to ministers during meetings of the Cabinet and its committees. Duties include passing messages between the Cabinet Room and ministerial offices and the custody and distribution of documents circulated in the Cabinet Room.

13 The Cabinet Secretariat also maintains the registry of Cabinet documents for the current government and preserves the Cabinet records of previous governments. The Cabinet Secretariat administers access to these documents in accordance with established conventions described elsewhere in this Handbook and manages arrangements for public release under the *Archives Act 1983* (through the National Archives of Australia) of Cabinet documents as they become available for access (paragraphs 177 to 182 below refer).

14 Cabinet Secretariat staff are in regular contact with ministers' offices, providing assistance and advice concerning Cabinet meetings, documents and procedures. Contact between the Cabinet Secretariat and departments and agencies ('departments') is usually made through each department's CLO.

CABINET CONVENTIONS AND PRINCIPLES

Collective responsibility

15 The convention of the collective responsibility of ministers for government decisions is central to the Cabinet system of government. Cabinet minutes reflect collective conclusions and are binding on Cabinet ministers as government policy both outside the Party Room and within. This applies also to non-Cabinet ministers and parliamentary secretaries co-opted to attend Cabinet meetings in respect of matters dealt with while they are present.

16 Similarly, minutes of the Ministry are binding on all ministers, both in public and in internal party discussions, in respect of issues handled by the Ministry.

17 Whatever the private views of ministers, Cabinet solidarity requires that once a decision has been reached, it will be publicly supported by all ministers.

18 Subject to some exceptions, minutes of Cabinet committees are not operative until endorsed by the Cabinet. All ministers are expected to give their support to the government and to refrain from public comment in advance of issues being considered by the Cabinet and its committees.

19 Administrative procedures have been adopted to support the convention of collective responsibility. Ministers receive copies of the following Cabinet documents (with some exceptions, paragraph 20 below refers), so that they may be aware of the business being considered by the Cabinet:

- (a) meeting schedules;
- (b) business lists;
- (c) submissions;
- (d) matters without submission; and
- (e) Cabinet minutes.

20 The 'need-to-know' principle is applied to all Cabinet documents, particularly those of special sensitivity (for example, those referring to national security or budget matters). Sensitive Cabinet documents may be subject to a restricted circulation, such as only being distributed to ministers who are members of a particular Cabinet committee (that is, those ministers with a genuine and immediate need to know). At the Prime Minister's instruction, some particularly sensitive documents may be distributed in the Cabinet Room by the Cabinet Secretariat at the time of the meeting and collected at the end of the discussion. Ministers may only circulate additional documents in the Cabinet Room (for example, to clarify material in a submission) with the prior agreement of the Prime Minister or the Cabinet Secretary.

21 Ministers should ensure that policy initiatives or expenditure commitments which require the Cabinet's approval are not announced in advance of the Cabinet's consideration. In exceptional cases where prior Cabinet clearance is not possible, proposed announcements must first be cleared with the Prime Minister and, if taxation or expenditure are involved, with the Treasurer or the Minister for Finance and Deregulation, respectively.

22 Ministers should not make public statements or comment on policy proposals that they are bringing, or which are to be brought by others, to Cabinet. Identification of individual ministers with particular views tends to call into question the collective basis of agreed outcomes. Each portfolio minister is responsible for the direction and public presentation of policy matters in his or her portfolio, and other ministers should avoid separate policy stances becoming matters of public debate.

23 It is inappropriate for ministers to accept invitations to speak or to comment publicly on matters outside their portfolios in circumstances which may involve disagreement (or which are likely to be construed as amounting to disagreement), with the conduct of another portfolio, without the prior agreement of the appropriate minister or the Prime Minister.

24 Departmental officers and ministerial staff have a responsibility to act in support of ministers' obligations to abide by Cabinet conventions, and a responsibility to advise ministers in any case in which they perceive a breach, or likely breach, of these conventions.

Cabinet confidentiality

25 Collective responsibility is supported by the strict confidentiality attaching to Cabinet documents and to discussions in the Cabinet Room. Ministry, Cabinet and Cabinet committees are forums in which ministers, while working towards a collective position, are able to discuss proposals and a variety of options and views with complete freedom. The openness and frankness of discussions in the Cabinet Room are protected by the strict observance of this confidentiality.

26 Cabinet notebooks are used by the Department of the Prime Minister and Cabinet (PM&C) official notetakers who may record the individual views of ministers and as such these notebooks are highly sensitive documents. The notebooks are protected from early public release under the *Archives Act 1983* and may not be sought under the *Freedom of Information Act 1982* ('the FOI Act').

27 Having regard to the obligations imposed on ministers by the conventions of collective responsibility and Cabinet confidentiality, departmental officers should not seek from ministers or Cabinet notetakers information about the views of individual ministers or about aspects of discussion in the Cabinet Room.

Ministerial responsibility for proposals

28 The Cabinet considers policy proposals that are brought before it by a sponsoring minister, usually the portfolio minister who sits in the Cabinet¹. Ministers who are not members of the Cabinet may bring forward submissions in their areas of responsibility (with the agreement of their portfolio ministers where applicable) and be present when the Cabinet discusses those submissions.

29 In addition, where parliamentary secretaries have been given responsibility for a particular area within a portfolio and the Cabinet's consideration of an issue falling within that area of responsibility is required, the parliamentary secretary may be directly associated with proposals being submitted to the Cabinet, but only in conjunction with a minister in the portfolio and with the agreement of the portfolio minister. With the Prime Minister's or the Cabinet Secretary's prior approval, parliamentary secretaries co-sponsoring proposals may attend the discussion of the item in the Cabinet.

¹ Portfolios are usually, but not always, represented in the Cabinet by a portfolio minister.

30 Proposals may be sponsored by more than one minister, provided the ministers are from different portfolios. It is however desirable to avoid both the diffusion of responsibility and the practical difficulties that can arise when more than two or three ministers co-sponsor a submission. In cases where many ministers have an interest in the subject matter, it is generally preferable for responsibility to be allocated to one or two key ministers and for the interests of the others to be taken into account by their being consulted in the preparation of the submission.

31 Ministers (and parliamentary secretaries) are expected to take full responsibility for the proposals they bring forward, even where detailed development or drafting may have been done on their behalf by officials.

Implementation and follow-up

32 Ministers are responsible for ensuring that appropriate action is taken on Cabinet minutes affecting their portfolios; their responsibility extends to all bodies within their portfolios (statutory and other authorities as well as departments). Action may also be initiated by a departmental secretary on the minister's behalf.

33 If a Cabinet minute requires action in several portfolios, and if the Cabinet does not direct otherwise, it is for the minister who raised the matter in Cabinet to initiate follow-up procedures (usually by letter to other ministers involved in implementing the minute). The circulation of minutes, by the Cabinet Secretariat, to departments is supplementary to implementation and follow-up arrangements made by ministers and does not relieve ministers of responsibility for making such arrangements.

34 If ministers consider that any minutes are essential for their department's operations, they may make the minutes available to their departmental secretaries for information and any necessary action.

35 Except for those agencies with major executive functions relating to the day-to-day business of government (such as the Office of Parliamentary Counsel and the Australian Taxation Office), agencies other than departments do not normally receive copies of Cabinet minutes. Rather, in the event of minutes affecting such bodies, it is for ministers with responsibility for them to arrange that they be informed of what is required and by what time. Ministers will often look to their secretaries to discharge this responsibility on their behalf. However, where an agency has been directly involved in the preparation of a matter for Cabinet or directly affected by the outcome of Cabinet's deliberations, the relevant Cabinet minute may be issued to the chief executive officer of that agency. Departments with coordinating responsibilities in an area affected by a minute should, as appropriate, convey the effect of that minute to other departments and authorities.

Forecast of Cabinet business

36 In order to facilitate the management of Cabinet business and otherwise to assist ministers, the Cabinet Secretariat maintains a forecast of Cabinet business expected to be brought forward to the Cabinet or business which is required to come back to the Cabinet or a committee for consideration. Further information on the forecast of potential Cabinet business can be found in the Drafter's Guide.

Minutes involving legislation

37 Procedures for following up minutes that require legislation are set out in the Legislation Handbook available at <http://www.pmc.gov.au/guidelines/index.cfm>.

Declaration of interests

38 General information on declaration of interests may be found in the Guide on Key Elements of Ministerial Responsibility issued to ministers. Ministers and parliamentary secretaries attending meetings of the Ministry, the Cabinet or Cabinet committees must, in relation to the matters under discussion, declare any private interests, pecuniary or non-pecuniary, held by them, or to their knowledge held by members of their immediate family of which they are aware, which give rise to, or are likely to give rise to, a conflict with their public duties. Any other matter which may give rise to a conflict between duty and interest must also be declared. Ministers and parliamentary secretaries should adopt a broad interpretation of the requirement that they take into account the interests of family members and all interests of their own, when considering whether there is a conflict, or a potential conflict, which should be declared.

39 Generally, declarations should be made in all cases where an interest exists which could not be said to be shared with the rest of the community. Any such declarations will be recorded by Cabinet notetakers. It is then open to the meeting to excuse a minister or parliamentary secretary from the discussion or to agree explicitly to his or her taking part. A minister would withdraw from discussion of any proposal to appoint a person to a government body who is a relative of that minister (paragraph 130 below refers). Once a minister has made Cabinet aware of a particular private interest, it will not normally be necessary to declare that interest in subsequent Cabinet discussions. If a significant time has elapsed since a declaration and the interest is one that might not be well known to colleagues, the minister might declare the interest again when the relevant matter is under discussion.

40 In short, if ministers and parliamentary secretaries have any concern about a conflict or a potential conflict of interest in any area of their responsibilities they should advise the Prime Minister.

Custody of Cabinet documents

41 Maintaining the confidentiality of the Cabinet's deliberations requires special arrangements to be made for the handling of Cabinet documents. Detailed guidance on the security and handling of Cabinet documents is set out in paragraphs 136 to 182 below and the Drafter's Guide.

42 A new series of Cabinet records is established for each government. Cabinet documents are the property of the Commonwealth, not of individual ministers or departments: as such, they are held on behalf of the government in the care and control of the Secretary of PM&C and are issued to ministers and departments. Once a minister or department no longer has any immediate need for them and, in any event, when the minister vacates office or a change of government occurs, hard copies of Cabinet documents must be destroyed according to procedures set out in the Protective Security Manual ('the PSM'). Requests for documents by former ministers may be made in writing to the Secretary of PM&C.

43 Where classified documents relating to security and intelligence matters are circulated in hardcopy prior to consideration by the NSC, these documents are to be

returned, following meetings, to the NSC Secretariat (part of the Cabinet Secretariat) in PM&C.

Parliamentary Secretaries

44 Cabinet conventions and principles outlined in this Handbook also apply to parliamentary secretaries who are co-opted to attend Cabinet or committee meetings, who are invited to attend meetings of the Ministry or who receive copies of relevant Cabinet documents. Parliamentary secretaries may not bring forward submissions to Cabinet as this can only be done by ministers (paragraphs 28 to 31 above refer).

Caretaker conventions

45 Successive governments have accepted that special arrangements apply in the period immediately before an election for the House of Representatives. Details of the caretaker conventions are provided in Attachment 2.

CABINET PROGRAM

Program of meetings

46 The Cabinet meets throughout the year, generally on a Thursday in parliamentary sitting weeks and on a Tuesday in non-sitting weeks, although adherence to this pattern is not always possible and, depending on the amount of Cabinet business requiring attention, additional meetings will be held. Cabinet committees meet at least once a month or more frequently if their business requires. The Parliamentary Business Committee of Cabinet (PBC) meets weekly during each parliamentary period of sittings and at other times as necessary.

47 The Cabinet also regularly meets with the public throughout Australia as part of the Community Cabinet program. This is a major opportunity for the Government to hear directly from members of the public about the policy issues that matter to them.

48 The Cabinet Secretary determines the times and business for all meetings.

Notification of meetings

49 Each week the Cabinet Secretariat submits, to the Cabinet Secretary, specific proposals for meetings to be held in the following week. These proposals take into account submissions available for consideration, draft minutes available for consideration and endorsement, ministers' written requests and the relative urgency of items. Once the program is approved, the Cabinet Secretariat issues to ministers:

- (a) a program of meetings for the week;
- (b) a business list for each meeting, showing the business to be considered, the ministers responsible for items and any ministers or parliamentary secretaries to be co-opted; and
- (c) any draft minutes for endorsement based on matters previously considered by a Cabinet committee.

50 When agendas for meetings are altered or when new meetings are called, revised business lists, notices of meetings or programs, are issued to alert ministers to these new developments. When new meetings are called or business is added to or deleted from an agenda at short notice, notification will be issued electronically via the CABINET network or, in exceptional circumstances, ministers' offices will be notified by telephone. Ministers' staff should be alert for any changes in the Cabinet program and especially for late additions to business lists.

51 To ensure the latest advice regarding any Cabinet activity is to hand, ministers' staff should satisfy themselves that they have obtained the relevant information electronically via the CABNET network or, in exceptional circumstances, by safe hand delivery. Registered users should, as a matter of course, make regular checks on the CABNET network for any unread messages.

52 As business lists are not circulated to departments, it is the responsibility of each minister's office to advise their department of the minister's requirement for briefing on any item.

Attendance of ministers

53 Attendance at Cabinet meetings takes priority over all other commitments, apart from unavoidable parliamentary or Executive Council commitments. Ministers' staff should not commit their ministers to engagements that might conflict with the times at which Cabinet or committees are scheduled to meet.

54 When Cabinet and committee meetings take place while the Parliament is sitting, ministers on duty in either chamber required to attend the Cabinet or committee meeting should arrange for their duty to be performed by another minister. Ministers should also give consideration to making appropriate 'pairing' arrangements through the office of the Chief Government Whip in the House of Representatives and the Government Whip in the Senate. It is recognised that it might not always be possible for a minister to attend a Cabinet or committee meeting if he or she is taking through crucial legislation or dealing with matters requiring his or her personal attention.

55 Ministers should inform the Cabinet Secretary's office if they are likely to be unavoidably absent from a meeting or delayed. A minister may seek the Cabinet Secretary's agreement for another minister to represent him/her for portfolio-specific items.

56 Ministers nominated by the Prime Minister to act for ministers absent overseas or on leave have the full authority of those ministers. They should, however, exercise discretion in initiating or carrying forward to a conclusion major policy proposals. Non-Cabinet ministers who are acting as portfolio ministers, as a matter of convention, do not represent the portfolio in Cabinet or committees, unless invited to do so by the Prime Minister or the Cabinet Secretary.

Co-options

57 Ministers shown on the business list as being co-opted for an item of business attend the Cabinet or committee for the discussion (in which they fully participate) of that item. Cabinet Secretariat staff (usually the Cabinet Attendant) will inform co-opted ministers when the meeting is likely to reach their item(s) and call them when required.

58 The following ministers will normally be among those co-opted:

- (a) the minister responsible for an item on the business list; and
- (b) other ministers with significant portfolio interests (in the case of ministers not in Cabinet this will be done in consultation with the relevant portfolio Cabinet minister's office).

59 Non-Cabinet ministers do not attend Cabinet meetings, or committee meetings where they are not members, unless co-opted. Non-Cabinet ministers with a portfolio interest in an item listed for a Cabinet or committee meeting (and who have not been

co-opted on the business list) may seek to be co-opted for the discussion by having the relevant portfolio Cabinet minister submit a request to the Cabinet Secretary.

60 Non-Cabinet ministers are not normally co-opted in relation to committee minutes scheduled for endorsement by the Cabinet. However, non-Cabinet ministers may be co-opted if a committee minute, in an area of their portfolio responsibility, is to be discussed by the Cabinet in detail.

Attendance of parliamentary secretaries

61 The procedures for attendance at, and co-option of ministers to, Cabinet and committee meetings also apply to parliamentary secretaries, although parliamentary secretaries would generally only be co-opted for matters of particular relevance to their responsibilities (paragraphs 28 to 31 and 44 above refer).

Cabinet officials

62 The Secretary of PM&C as a general rule attends meetings of the Cabinet and its committees. When unavailable, an associate secretary or a deputy secretary from PM&C will attend, usually accompanied by two other Cabinet notetakers from PM&C who may be changed according to the items being discussed. The notetakers record the outcome of Cabinet discussions and generally assist in the smooth running of meetings. At the Prime Minister's (or Cabinet committee chair's) request the notetakers withdraw from meetings whenever ministers wish to conduct private discussions.

63 Although notes are taken during discussion for the purpose of writing up minutes (which record only the agreed outcomes), notetakers do not keep a verbatim record of discussions. For security reasons, any notes taken are recorded only in special Cabinet notebooks that are subject to strict confidentiality and access requirements.

Attendance of officials

64 The Protocol for Officials and Ministerial Staff Attending Cabinet and Cabinet Committees ('the Protocol') will soon be available from CLOs and the Cabinet Secretariat.

65 Officials present at Cabinet or committee meetings are privy to discussions conducted on a basis of absolute confidentiality among ministers. There must be no disclosure outside the Cabinet Room of the nature or content of those discussions. Any notes made by officials other than notetakers during a meeting (which should record no more than actions required) are to be destroyed, as soon as possible after the meeting. The Code of Conduct for Ministerial Staff sets out the standards that ministerial staff are expected to meet in performing their duties.

66 When it has been agreed that officials may be present, normally no more than two would attend for the requesting minister. It is for the minister who made the request for officials to attend to arrange for their attendance. The Cabinet attendant advises officials when they are required. All officials should wait in the minister's office until called to the Cabinet waiting room. There is a direct telephone link between the Cabinet attendant's desk and each minister's office to enable messages to be passed promptly.

Cabinet Meetings

67 The general practice is that officials and ministerial advisers do not attend meetings of the Cabinet. On rare occasions the Prime Minister or the Cabinet Secretary may agree that an official attend to:

- (a) present an overview of a report or a review or inquiry that they were commissioned to undertake; or
- (b) explain a highly technical proposal.

68 In such cases, the person would normally attend for the purpose of presenting the information to the Cabinet and then withdraw before the Cabinet discusses the matter.

Cabinet Committee Meetings

69 As Cabinet committees are a forum for considering and developing options for Cabinet consideration or for considering highly technical issues, it is more usual for officials and ministerial staff to attend committee meetings. Attendance is normally limited to the most senior levels of public servants and ministerial staff (that is, secretaries/ agency heads and ministerial chiefs of staff).

70 The standard arrangements for who usually attends a particular committee are set out in the Protocol. Requests for attendance by other advisers and/or officials are to be referred to the Cabinet Secretary for decision.

CABINET BUSINESS

Forms of Cabinet business

- 71 Business comes before the Cabinet or its committees in the following forms:
- (a) submissions and memoranda, as agreed by the Prime Minister or the Cabinet Secretary;
 - (b) matters without submission (sometimes referred to as ‘under-the-line’ items) as agreed by the Prime Minister or the Cabinet Secretary - these are matters of genuine urgency requiring immediate Cabinet discussion but not so complex as to require a submission, or appointments which the Prime Minister wishes to have discussed or be available for consideration;
 - (c) audio-visual presentations, as agreed by the Prime Minister or the Cabinet Secretary. These are usually to provide supporting explanation to a submission or to seek the Cabinet’s guidance on an issue; and
 - (d) committee minutes for endorsement by the Cabinet.

Authority to bring forward business

72 Ministers wanting to have matters raised in the Cabinet or one of its committees are required to write to the Cabinet Secretary in the first instance to seek authority. In their letter, ministers should clearly outline the purpose and scope of the proposal and identify any financial implications. The Treasurer and Minister for Finance and Deregulation should be copied into the letter when there are financial implications. If there is a critical date by which a decision is required, this should also be identified and supported by an explanation. The Cabinet Secretary will respond in writing, advising whether authority has been granted for the matter to be brought forward to the Cabinet and the agreed scope of the proposal.

73 Submissions involving revenue measures may only be brought forward with the agreement of the Treasurer (in a joint submission from the Treasurer and the relevant

portfolio minister) or by the portfolio minister if the Treasurer has agreed to this course of action.

74 Where the Cabinet or a committee has requested that a matter be brought forward for its consideration and this is recorded in a Cabinet minute, a letter to the Cabinet Secretary is not required (this is referred to as a 'comeback').

75 The Cabinet Secretariat will not release submissions which do not have authority. Further, the Cabinet Secretariat will not release submissions which have insufficient authority. For example, if the authority does not include financial implications, the submission cannot be brought forward with expenditure or revenue measures. Ministers can seek additional authority from the Cabinet Secretary should a change in circumstances require alterations to the scope of the proposal(s) to be brought forward.

Need for Cabinet consideration

76 Before initiating possible business for the Cabinet, ministers should examine critically whether Cabinet consideration is essential in terms of the criteria set out below or whether consultation and agreement with interested colleagues would suffice. Where time has elapsed since the Cabinet requested that a matter be brought to the Cabinet or where there are a series of related matters that appear to require the Cabinet's consideration, ministers should critically examine the continued need for consideration by the Cabinet and seek the Cabinet Secretary's agreement if a variation is proposed. Ministers should consider whether related matters would be better merged into one submission to enable the Cabinet to focus on the key strategic elements and to minimise possible repeated impacts (for example, a recurring compliance cost to business for implementation of similar proposals). The volume of Cabinet business needs to be contained because of the demands Cabinet and committee meetings make on ministers' time: this need has to be balanced, however, against the need to bring to the Cabinet major issues of policy and any matter requiring collective consideration by the government.

77 Ministers should consider seriously the option of settling a matter by correspondence (that is, without consideration by the Cabinet), particularly where it is likely that all interested ministers are in agreement. Once ministers have provided written agreement to proposals, the initiating minister should write to the Prime Minister advising him of the outcome of consultations and seeking approval for the proposed course of action. Settling matters by correspondence can significantly reduce the workload of departments and ministers (particularly those ministers who are members of the Cabinet and its committees).

78 Matters of the following kinds normally come before the Cabinet, often through its committees, as agreed by the Cabinet Secretary:

- (a) new policy proposals (NPPs) involving either expenditure or revenue measures are initially considered by the Expenditure Review Committee (ERC) of Cabinet unless the Prime Minister agrees otherwise;
- (b) expenditure proposals for major capital works and computer acquisitions are normally considered only in the Budget context (that is, when draft estimates of ongoing policies and programmes and NPPs are being considered);
- (c) major international security issues of strategic importance to Australia, national responses to developing situations (either domestic or international) and classified matters relating to aspects of operations and activities of the Australian Intelligence Community are considered by the NSC of Cabinet;

- (d) strategic matters (such as whole-of-government issues, Council of Australian Government processes, Budget and fiscal strategies and the broad policy priorities for expenditure and revenue) are considered by the Strategic Priorities and Budget Committee (SPBC) of Cabinet;
- (e) priorities for the Government's legislation program are considered by the Parliamentary Business Committee (PBC) of Cabinet;
- (f) proposed significant variations to existing policies are initially considered by either the Social Policy Committee (SPC), Economic Policy Committee (EPC) or Climate Change, Water and Environment Committee (CCWEC) of Cabinet depending on the subject matter;
- (g) proposals likely to have a significant effect on employment in either the public or private sector;
- (h) proposals requiring legislation (other than minor proposals which the Parliamentary Secretary to the Prime Minister has agreed need not be raised in the Cabinet);
- (i) proposals likely to have a significant impact upon relations between the Commonwealth and foreign, state, territory or local governments;
- (j) proposed responses to recommendations made in parliamentary committee reports, except for responses which the Prime Minister agrees raise no significant policy questions;
- (k) government negotiation of, or agreement to, international treaties, in accordance with the Department of Foreign Affairs and Trade guidelines and the Commonwealth's treaties procedures; and
- (l) requests from parliamentary committees for references, where the references proposed have significant policy or administrative implications.

Strategic focus for Cabinet discussions

79 In order to reinforce the leadership role of the Cabinet in the development and oversight of the government's strategic direction, arrangements are in place to focus the Cabinet's discussions more strategically. Under these arrangements:

- (a) the Cabinet Secretary identifies submissions requiring detailed consideration and discussion by:
 - (i) the Cabinet; or
 - (ii) a Cabinet committee prior to being considered by the Cabinet; and
- (b) ministers identify the alignment of their proposals with the Government's strategic policy priorities.

Submissions and memoranda requiring discussion

80 So that ministers may have adequate opportunity to consider proposals and to enable orderly programming of business, submissions are not normally listed for consideration by the Cabinet or a committee earlier than five working days after their lodgement with, and clearance by, the Cabinet Secretariat (noting that two working days are to be allowed prior to lodgement for the provision of coordination comments by the departments consulted). The five-day rule is extended when the Cabinet or a committee meets on a Friday or the week-end. This ensures that ministers receive their Cabinet papers prior to the preceding week-end. Exposure drafts are compulsory and must be circulated at least two weeks (10 working days) in advance of seeking coordination comments.

81 In cases where it is absolutely necessary to do so, ministers may consult the Cabinet Secretary explaining why the five-day requirement cannot be met and seeking an exemption. To avoid inconveniencing their colleagues and requiring them to take

decisions without having had reasonable time to prepare and to receive briefing, ministers are to satisfy themselves as to the urgency of the matter before requesting early consideration of a submission. Bids to the Cabinet Secretary for items to breach the five-day rule will not be agreed other than in the most urgent cases where the need for earlier consideration is clear and inescapable, and should not result from delays and inadequate planning in ministers' offices or departments.

82 Ministers, their staff and secretaries of departments should ensure that procedures are adopted which take account of the deadlines and events that have a bearing on the preparation of papers for Cabinet – particularly regular or annual events – and so avoid imposing on other ministers by the late lodgement of documents.

83 It is for the Cabinet Secretary to determine what business will be dealt with at particular meetings of the Cabinet and committees (following consultation with the relevant committee chair). Considerations such as availability of particular ministers and pressure of other Cabinet business (for example, during the Budget process) may affect the timing of Cabinet or committee consideration of particular submissions even though all the required procedures, including lodgement timeframes, have been met. CLOs can seek advice from the Cabinet Secretariat on the scheduling of matters relevant to their portfolio.

Submissions and memoranda not requiring discussion

84 Submissions and memoranda of a highly sensitive or technical nature are often dealt with by committees prior to being considered by the Cabinet. The resulting committee minutes and their supporting submissions are then usually listed for endorsement by the Cabinet.²

85 The committee system is designed to ensure that outcomes are reached after thorough discussion and on the basis of consensus. The Cabinet's endorsement of committee minutes is a formal process not usually involving the re-opening of discussion. Committee chairs will advise the Cabinet Secretary where committee minutes require discussion so that they can be identified for discussion on the Cabinet business list. Other ministers may also advise the Cabinet Secretary that they wish to discuss a committee minute in Cabinet (noting that if the request is made by a non-Cabinet minister then that minister would be co-opted to attend the Cabinet's discussion, subject to agreement by the Cabinet Secretary). The matter may then be raised for discussion when the committee minute is brought forward to the Cabinet for endorsement.

86 Changes of substance are not normally made in endorsing a committee minute unless the minister responsible for the original proposal is present. If a matter of substance is at issue, the Cabinet may refer the matter back to the committee for further consideration. Similarly, if there is a Cabinet request for an additional submission, or for a corrigendum to a document already before it, the matter may be returned to the appropriate committee for consideration before being considered by the Cabinet again.

2 Examples of exceptions include minutes of the PBC and the NSC and minutes of other committees of a procedural kind such as requests by ERC for further submissions. The committees themselves may decide, however, that a particular matter within their authority should be referred to Cabinet for endorsement.

Joint submissions

87 It may be decided that submissions dealing with some subjects should always be prepared by a particular minister or jointly. For example, all matters involving taxation are required to be brought forward by the Treasurer or, where another portfolio minister has a significant interest, by the Treasurer and that minister.

88 Joint submissions require the sponsoring ministers to agree the text of the submission. It is highly desirable that they agree the recommendations, but where this is not possible ministers should indicate those recommendations on which they agree and should specify their divergent recommendations.

89 Although joint submissions are the joint responsibility of the ministers concerned, as a matter of practical administration there needs to be a clear understanding of who has the lead role in ensuring the work is undertaken and, in particular, which department will have responsibility for consulting more widely and for lodging the submission with the Cabinet Secretariat.

Submissions prepared by one minister in consultation with others

90 Where the Cabinet, the Prime Minister or the Cabinet Secretary has asked a minister to prepare a submission in consultation with others, where a submission recommends action by ministers not signatories to it, or where matters directly affecting other ministers' portfolio responsibilities are raised, the sponsoring minister must provide the other ministers concerned a sufficient opportunity to contribute to the submission. Consultation does not, of course, mean agreement, but ministers should be consulted sufficiently early in the drafting process to enable their views to be taken into account and should be given sufficient time to enable them to make a considered input.

Preparation of Cabinet submissions and memoranda

91 Cabinet submissions are made up of the following elements: the Executive Summary, detailed recommendations (or conclusions for memoranda), an analysis of the proposal and other attachments, including coordination comments from relevant departments and agencies. There must be absolute consistency of content across all elements, reinforced as appropriate by cross-referencing.

92 A submission or memorandum should be no more than 15 pages long, include a one-page executive summary, action oriented recommendations and a detailed analysis of the proposal. If attachments are necessary they should be no more than 50 pages, comprising:

- (a) coordination comments, which are to be as concise as possible;
- (b) a media release (if any) of not more than one page; and
- (c) other supporting factual information (including NPPs) only if it is essential to the key outcome(s) sought.

93 The Drafter's Guide sets out in detail for departmental policy advisers and CLOs the process for the preparation of Cabinet submissions and memoranda. An outline of the Drafter's Guide is at Attachment 3.

Defence procurement – rules for submissions and memoranda

94 Submissions relating to the acquisition of new or enhanced Defence capabilities whose acquisition cost exceeds ministerial delegations are generally considered by NSC, rather than by the Cabinet, and must comply with the requirements set out in the Drafter's Guide.

Major, non-defence proposals

95 The Budget Process Operational Rules issued by the Cabinet each year provide guidance on two-stage (or 'two-pass') review and approval processes for major, non-defence capital works and information and communication technology enabled NPPs.

Handling of business without submission

96 Ministers may, by writing to the Cabinet Secretary, seek his agreement to raise particular matters in Cabinet without lodging a formal submission (referred to as 'matters without submission' or 'under-the-line' items). The Cabinet or one of its committees may agree that a matter may come forward without submission. The only matters dealt with in this way should be:

- (a) urgent matters of a procedural rather than a policy nature;
- (b) urgent policy matters which are sufficiently straightforward not to require a formal Cabinet submission and which cannot be resolved in another way (for example, by an exchange of correspondence between ministers); and
- (c) appointments (paragraphs 124 to 135 below refer).

97 Before deciding to seek the Cabinet Secretary's approval to raise a matter without submission (other than an appointment) ministers need to consider carefully whether the particular circumstances warrant the adoption of this procedure rather than the preparation of a submission which would then allow their colleagues full notice of the proposal and consultation with the relevant departments.

98 Ministers should write at least five working days before the meeting at which discussion is sought. In writing to the Cabinet Secretary, ministers should specify those colleagues with a portfolio interest in the matter, identify any co-optees and ensure that each of those ministers receives a copy. The letter should be marked 'Cabinet-in-Confidence' and have the proposed under-the-line paper attached. The papers should have clear recommendations for the Cabinet's consideration and a supporting argument. The paper should be no longer than five pages. Should the Cabinet Secretary agree to the matter being raised, and subject to the minister's agreement, the Cabinet Secretariat will circulate a copy of the minister's letter and paper to all Cabinet ministers. Should the Cabinet Secretary not agree to the matter being raised, the Cabinet Secretary's office will advise the minister(s) concerned.

Audio-visual presentations to the Cabinet

99 Ministers must seek the Cabinet Secretary's agreement to make an audio-visual presentation to the Cabinet or a committee. Presentations would usually be made where there is a need to:

- (a) provide supporting explanation to a submission that has been lodged and contains complex proposals which would benefit from a short presentation; or
- (b) outline complex issues to the Cabinet in order to seek the Cabinet's guidance.

- 100 In seeking approval to make a presentation ministers should:
- (a) where possible, attach a copy of the proposed slide presentation (of not more than 10 slides), which must be clearly marked ‘Cabinet-in-Confidence’;
 - (b) indicate the purpose of the presentation, the connection to any matter being considered by the Cabinet and any reasons for urgency or preferred timing of the presentation; and
 - (c) indicate what, if any, supporting papers would be available for circulating to ministers.
- 101 A hard copy of the presentation becomes part of the formal Cabinet record.

Cabinet minutes

102 Outcomes of Cabinet and committee deliberations are recorded as Cabinet minutes prepared by the official PM&C notetakers and signed by the Cabinet Secretary or the relevant committee secretary. Cabinet and committee minutes are normally circulated to all Cabinet ministers, any non-Cabinet ministers co-opted for a meeting or having a portfolio interest in the matter and to relevant departments. Some committee minutes will be given a limited circulation. Committee minutes, with some exceptions, are not operative until endorsed by the Cabinet.³ ERC minutes recording Budget decisions are circulated to ERC ministers and the relevant portfolio ministers only, but are circulated in the Cabinet room to other Cabinet ministers just prior to the Cabinet meeting dealing with the Budget.

103 If a minister has doubts about the accuracy of a minute as recorded and circulated, those doubts should be drawn to the attention of the Cabinet Secretary in writing as soon as possible, rather than held over to be raised at a subsequent Cabinet meeting.

104 Committee minutes that require endorsement by the Cabinet are marked accordingly. When they have been formally approved by the Cabinet, a new minute is issued. The new minute bears a statement indicating that the relevant committee minute has been superseded. Committee minutes that do not require endorsement are operative and circulated in accordance with the ‘need-to-know’ principle.

Circulation of minutes to departments

105 Cabinet minutes are circulated to departments which are specifically required to take action or which have a need to know and to no others. Departmental secretaries are expected to have procedures in place to ensure that minutes are circulated internally on a strict application of the ‘need-to-know’ principle, and that a proper record is kept of anyone who has access to a minute (paragraphs 136 to 182 below refer).

106 Officers in a department which does not receive a copy of a Cabinet minute in its initial circulation may consider, on advice from their minister’s office or from other departments, that they need to see a copy of the minute. In that case, a request may be made in writing (usually via CABNET email) to the Cabinet Secretariat, indicating reasons.

3 Examples of exceptions include minutes of the PBC and the NSC and minutes of other committees of a procedural kind such as requests by ERC for further submissions. The committees themselves may decide, however, that a particular matter within their authority should be referred to Cabinet for endorsement.

Minutes requiring further action before announcement

107 Where the Federal Executive Council's approval is required, action on Cabinet minutes must be held over until that approval has been obtained. Care must be taken to ensure that no publicity is given to such matters before Executive Council action is complete, unless the Governor-General's prior approval of an announcement has been obtained. The Federal Executive Council Handbook is available online at <http://www.pmc.gov.au/guidelines/index.cfm>

108 Ministers should generally not sign Executive Council minutes until they have sighted the authorising Cabinet minutes or, in cases of urgency, have obtained confirmation from the Cabinet Secretariat of the terms of those minutes.

109 Where premiers and/or chief ministers have to be informed, or other preliminary action on a Cabinet minute has to be taken, it is the task of the responsible minister to see that this has been finalised before an announcement is made.

Announcements

110 Announcements refer to decisions of the government, not of the Cabinet or one of its committees. Generally speaking, significant policy developments are announced first in the Parliament, if this is practicable. Likewise, where possible, policy information papers announcing government policy and policy discussion papers presenting policy options for discussion (white papers and green papers respectively), are first tabled in the Parliament. Recommendations regarding policy proposals are not always made public.

111 In preparing documents for consideration by the government, ministers and officers should specifically consider what factual material and analysis embodied in these documents (or what other relevant material) might be made available to the public. Intentions regarding public release are to be indicated in the recommendations in the submission, with a draft media release included as an attachment. The timing and details of announcements are to be settled with the Prime Minister and, as appropriate, other relevant ministers.

CONSULTATION

Purposes of consultation

112 Good policy requires informed decisions. Informed decisions require agreement on facts and knowledge of the opinions of those who have expertise in the subject matter. Consultation provides the means of obtaining the information and views required. Importantly, a careful balance needs to be struck between a proper and adequate consultation process and adherence to the strict 'need-to-know' principle. One object of consultation in the development of proposals is to ensure that, as far as possible, differences are resolved in advance of the Cabinet's consideration or, if resolution is not possible, differences are identified and set out in a way that will facilitate informed decision making.

113 Ministers bringing forward submissions are responsible for ensuring that the consultation necessary to enable a fully informed decision to be taken occurs at both ministerial and official levels. It is particularly important that there be agreement regarding the factual matters, including costs (that is, matters that are not open to interpretation or differences of opinion) which will form the basis of Cabinet discussions. The Cabinet Secretariat will not release submissions to ministers where there is disagreement about facts.

114 Proper consultation takes time and ample allowance should be made for it at the planning stages. This is especially so where there are critical dates for the Cabinet's consideration of an issue (for example, expiry of legislation or settling a negotiating position before an international conference). The Cabinet Secretariat will not release submissions to ministers until coordination comments have been received from all of the relevant departments.

Coordination comments – the basic consultation requirements

115 Apart from the consultation requirements outlined in paragraphs 112 to 114 above, all submissions should be the subject of consultation among departments that have a proper interest in the subject matter (that is, where the issues impinge upon a department's core functions). Those preparing submissions need to be alert to all the special responsibilities of portfolios that may be affected by proposals (the Drafter's Guide refers).

116 The consultation minimum requirement is that interested departments be given the opportunity to provide a formal coordination comment on the submission after it has been approved by the sponsoring minister and circulated via the CABNET network as a draft submission. Two working days are to be allowed for the provision of coordination comments, which are included in the final version of the submission.

117 Best practice entails more than mere circulation of a draft submission for coordination comments. Consultation is an integral part of the development of a policy proposal, from the outset of that development through to lodgement of the submission. Ministers and officers in departments with an interest should have ample opportunity to contribute to the development of the proposal and to resolve any differences before lodgement of the submission.

118 The three basic stages of the development of submissions are as follows:

- (a) exposure drafts;
- (b) drafts for coordination comments; and
- (c) final documents.

All submissions must be cleared by a senior executive (First Assistant Secretary or equivalent or above) within the sponsoring department before they can be circulated as an exposure draft, a draft for coordination comments or submitted to the Cabinet Secretariat as a final document. Further guidance on the clearance of submissions is provided in the Drafter's Guide.

Exposure drafts

119 Departments must issue exposure drafts of proposed submissions to all departments which have an interest in the topic. Strict lodgement deadlines apply. An exposure draft must be provided at least 10 working days in advance of circulating a draft for coordination comments. Departments are encouraged to issue as many exposure drafts as are necessary, particularly on complex matters where policy settings are still being finalised or in cases of significant redrafting as a result of comments. Authoring departments are encouraged to address as many of the concerns and comments raised at the exposure draft stage as possible. This will reduce any areas of contention raised in formal coordination comments at the draft stage.

Drafts

120 Departments must issue drafts of proposed submissions to all departments which have an interest in the topic. Strict lodgement deadlines apply. The draft for coordination comments must be released no later than 48 hours (two working days) before the final lodgement date. Drafters should aim to circulate drafts for coordination comments before noon.

Coordination comments

121 It is for departments to settle with their ministers the extent to which ministers may wish to clear their department's coordination comments or otherwise be drawn into the consultation process. Coordination comments are recorded as the views of the departments providing them, are intended to add to the information available to the Cabinet in its deliberative processes and should not be seen as binding ministers nor necessarily reflecting their views. Frequently ministers may prefer to reserve their contributions for Cabinet discussion. Ministers may need to be more involved when coordination comments focus on policy rather than administration. In many cases it may be sufficient for the minister's office to be consulted on the proposed coordination comment rather than requiring agreement. The consultation process should allow sufficient time for departments to consult their ministers where necessary. It is essential that ministers and their offices ensure that their input does not delay the lodgement of coordination comments as this delays the release of the final submission to ministers.

122 Coordination comments:

- (a) should:
 - (i) be as short as possible;
 - (ii) draw attention to any significant risks and administrative consequences for the department; and
 - (ii) state views, with the reasons for holding them, succinctly; and
- (b) should not merely 'note' aspects of the submission.

Legislation Handbook

123 Procedures for the preparation and handling of legislation proposals in submissions are detailed in the Legislation Handbook available at <http://www.pmc.gov.au/guidelines/index.cfm>. Some additional information on legislation proposals is contained in the Drafter's Guide.

THE APPOINTMENTS PROCESS

124 Where a significant government appointment is proposed, the responsible minister must write to the Prime Minister seeking his or, at his discretion, the Cabinet's approval of the appointment before any appointment action is finalised.

125 The appointments to be brought to the Prime Minister's attention include:

- (a) significant full-time or part-time appointments (including interim appointments) to boards, commissions or statutory offices;
- (b) full-time chief executive officer (CEO) positions in such agencies (where the board selects the CEO, the government should be consulted and the minister should not signify agreement without the approval of the Prime Minister);

- (c) acting appointments in the above categories where the appointment is for more than three months (an initial acting appointment for up to three months may be made without seeking the Prime Minister's approval, but any extension would require the Prime Minister's agreement);
- (d) appointments to significant non-statutory tribunals, advisory bodies and commissions of inquiry; and
- (e) appointments as heads of mission other than Austrade managed posts.

126 For other proposed appointments, it is for ministers, in consultation with the Prime Minister if appropriate, to judge whether the proposal should be brought to his attention. As a general rule, if appointments to a particular body have been submitted for approval by the Prime Minister or the Cabinet in the past, they should continue to be submitted for approval unless the Prime Minister agrees otherwise. The Cabinet Secretariat can assist with advice on past practice.

127 To avoid pre-empting any decisions, potential appointees are to be approached initially only to ascertain:

- (a) a willingness for their name to be put forward for consideration along with other candidates; and
- (b) whether, if selected, there would be any conflict of interests, in accordance with the government's requirements.

128 In submitting proposals to the Prime Minister, ministers must ensure that:

- (a) an account is given of the selection process, including whether the position has been advertised and, if not, the reason for that decision. If the position is subject to the New Arrangements for Merit and Transparency in Senior Public Service Appointments (announced in February 2008), the minister's letter should outline how that process was applied. Where the minister recommends re-appointment, particular justification for doing so is to be included;
- (b) the person being proposed is appropriately qualified and has experience relevant to the vacancy;
- (c) the appointment would conform with any applicable legislation;
- (d) any urgency or sensitivity relating to the proposed appointment is explained;
- (e) any necessary consultation with other ministerial colleagues or state/territory counterparts has occurred (nominating ministers should consult relevant ministerial colleagues when proposing to appoint officers employed in another portfolio to an advisory committee in their own portfolio; where a state or territory public servant is being considered for appointment to a part time position, the relevant premier, chief minister or state/territory minister should also be consulted); and
- (f) no public announcement is made prior to approval of the appointment by the Governor-General, the Prime Minister or the Cabinet (as relevant).

129 In preparing appointment proposals for the Prime Minister's consideration, ministers must also ensure that:

- (a) proposals reach the Prime Minister's office at least 10 working days before the Cabinet meeting at which the appointment may be raised for consideration. As a general rule, proposals should be submitted for consideration well in advance of the time the position is to be filled, but usually no more than three months in advance. For appointments that require Federal Executive Council consideration, calculation of the lead

- time must take into account the cut-off dates for submission of Federal Executive Council agenda items;
- (b) due regard has been paid to gender balance in appointments;
 - (c) careful attention has also been paid to the need to have an appropriate geographical balance in appointments;
 - (d) in proposing appointments to a Government Business Enterprise Board, ministers are to follow the procedures set out in the Finance guidelines: Governance Arrangements for Commonwealth Government Business Enterprises – June 1997; and
 - (e) every appointment proposal to the Prime Minister is accompanied by the following attachments (templates are available from the Cabinet Secretariat):
 - (i) an Appointment for Cabinet form, whether or not the particular appointment is a candidate for Cabinet consideration. All questions on the form, including accurate remuneration details, must be answered;
 - (ii) an up-to-date curriculum vitae (one to two pages);
 - (iii) a completed and signed Private Interests Declaration; and
 - (iv) a current Membership List of the relevant organisation, including the proposed appointments and the resulting gender and geographical balance.

130 Additional procedures apply to appointments concerning close relatives of ministers, members of parliament, ministerial staff or departmental secretaries and agency heads. Any such relationship should be noted in appointment proposals.

131 To avoid the appearance of conflict of interest, those involved in the appointments process should have no family relationship with the person under consideration and any ministers concerned should absent themselves from all discussion on that matter. There is a long-standing practice that ministers do not appoint close relatives to positions in their own offices. In addition, close relatives of a minister should not be appointed to any other minister's office irrespective of the level of the position, except with the specific approval of the Prime Minister. A minister's close relative should not be appointed to any position in an agency in that minister's own portfolio if the appointment is subject to the agreement of that minister or the Cabinet. Further information on the appointment of close relatives may be found in the Guide on Key Elements of Ministerial Responsibility.

132 Circulation of appointment minutes is limited on the understanding that no information concerning an appointment is to be divulged until all necessary processes have been completed (for example, the Governor-General has made the appointment) and an announcement made by the minister.

133 In exceptional circumstances, where the appointment is to be made by the Governor-General following the Prime Minister's consideration, it may be possible to obtain approval from the Governor-General for the early announcement of a proposed appointment before the processes have been completed. The Federal Executive Council Secretariat (located in the Cabinet Secretariat) will assist with advice and make any necessary arrangements in such cases.

134 The procedures to be followed for re-appointments are the same as those for appointments.

135 The making of appointments is a very significant government activity with important long-term implications. The above process is designed to ensure that

appointments receive the full and proper consideration they deserve. In order to maintain the integrity of the Cabinet's appointments system, there must be rigorous adherence to this process.

SECURITY AND HANDLING OF CABINET DOCUMENTS

Definition of Cabinet documents

136 Cabinet documents are to be held separately from the other working documents of government administration and must be destroyed when no longer in day-to-day use. Subject to the 30-year rule, Cabinet documents are not available to governments other than those which created them. Any unauthorised disclosure of Cabinet documents damages the openness and frankness of discussions in the Cabinet Room. Special provisions of the the FOI Act (in particular, the Cabinet documents exemption) apply to them.

137 For the purpose of this Handbook, Cabinet documents include:

- (a) business lists for meetings of the Cabinet and its committees;
- (b) Cabinet programmes and notices of meetings;
- (c) Cabinet submissions and memoranda, including copies lodged with the Cabinet Secretariat and copies held elsewhere;
- (d) corrigenda to submissions and memoranda;
- (e) reports and attachments to submissions and memoranda (whether or not actually attached) which have been brought into existence for the purpose of being considered by the Cabinet;
- (f) schedules circulated for ministers' information, for example, schedules of appointments, endorsements or matters without submission;
- (g) any papers circulated by ministers in the Cabinet room related to matters under discussion by the Cabinet;
- (h) any papers circulated by the Cabinet Secretariat on behalf of ministers for consideration by the Cabinet as matters without submission or slides used by ministers in presentations to Cabinet;
- (i) correspondence between ministers and the Prime Minister which is submitted to the Cabinet or proposes matters (including appointments) to be raised in Cabinet without submission;
- (j) Cabinet and Cabinet committee minutes;
- (k) documents of the Cabinet Secretariat including Cabinet notebooks or other material that in any way records the deliberations of Cabinet; and
- (l) copies of, or extracts from, documents referred to above.

138 While the definition of Cabinet documents does not include documents such as drafts of submissions and memoranda, briefing materials and correspondence related to these, and correspondence and notes disclosing the outcome of Cabinet deliberations, special care is also to be taken in the handling of these documents

139 Any document (for example, a minister's letter) that refers to a matter that is proposed to be, or has been, submitted to and considered by the Cabinet, or that refers to any decision of the Cabinet or one of its committee, must be classified 'Cabinet-in-Confidence'. A document classified 'Cabinet-in-Confidence' may be, but is not necessarily, a Cabinet document (as defined in paragraph 137 above).

140 It follows that documents classified 'Cabinet-in-Confidence' (even if not a Cabinet document) are most likely to reflect matters considered by the Cabinet or

decisions of the Cabinet (or a Cabinet committee). They should always be properly secured and handled and shared only on a genuine need-to-know basis with staff with an appropriate security clearance.

Classification of Cabinet documents

141 All Cabinet documents are marked ‘Cabinet-in-Confidence’; this classification is equivalent to the non-national security classification ‘Protected’.

142 Cabinet documents require a level of protection at least equivalent to that given to documents bearing the sensitive material classification ‘Protected’. Documents must be handled strictly in accordance with the instructions for the handling of sensitive or classified matter set out in the PSM and access to Cabinet documents must be restricted to officers with a definite ‘need-to-know’ (as defined in the PSM)⁴. If, by virtue of its subject matter, a Cabinet document requires a sensitive material classification higher than ‘Protected’, or a national security classification, that classification is also placed on the document. When Cabinet documents carry such classifications, higher levels of protection may be required. A summary of the PSM is available at

<http://www.ag.gov.au/www/agd/agd.nsf/Page/RWPE30AA68A4D5313EACA2571EE000AAF9F>

143 Officers who handle Cabinet documents which carry only the ‘Cabinet-in-Confidence’ marking should have a ‘position of trust’ clearance at the ‘Protected’ level, as defined in Part D of the PSM, as a minimum. Some Cabinet documents carry either a ‘Highly Protected’ or national security classification as well as the ‘Cabinet-in-Confidence’ marking. Consequently, officers who handle such documents should have the appropriate security clearance (that is, either Highly Protected or the relevant national security clearance). Departmental CLOs, because of their potential dealings with a wide range of Cabinet material, should be cleared to at least the national security level ‘Secret’, or to the national security level of ‘Top Secret’ for those handling material for NSC. More detailed information on these requirements may be obtained from departmental security advisers or, if necessary, the Cabinet Secretariat.

Circulation of Cabinet documents

144 Using the CABNET network, departments lodge submissions, memoranda or corrigenda electronically. Once the Cabinet Secretariat has cleared the document it is then circulated electronically to ministers’ offices and consulted departments. Cabinet and committee minutes are also circulated by the Cabinet Secretariat via the CABNET network, once they are signed by the Cabinet Secretary or relevant committee secretary. Only registered users are able to access Cabinet documents via the CABNET network and all such access is recorded.

145 Each minister nominates up to four members of his or her staff to be registered to access the Cabinet database and up to two users for the NSC database on the CABNET network. New users’ applications forms are available from the Cabinet Secretariat. Access will not be granted to staff who do not have the requisite security clearances (paragraph 143 above refers).

4 This is an additional requirement to that contained in the PSM for handling of ‘In Confidence’ material.

146 When a document is circulated manually (because the national security classification is above that able to be circulated on the CABNET network), the originating department is responsible for the circulation of exposure drafts and drafts for coordination comment. Final copies of documents for ministers and departments are to be delivered to the Cabinet Secretariat which will arrange distribution.

147 Detailed information on the circulation of Cabinet documents is set out in the Drafter's Guide.

Handling procedures

148 Ministers' offices must be prepared to rely on the CABNET network for the electronic issue of Cabinet documents. In the case of hard copies of Cabinet documents (that is, those not distributed and printed off the CABNET network), these are delivered to each minister's office by a member of the Cabinet Secretariat. Each minister nominates up to three members of his or her staff (not necessarily different from those nominated for access to the CABNET network) to receive and handle Cabinet documents and (when necessary) a separately nominated person with the requisite security clearances to receive and handle NSC-related documents (paragraph 143 above refers). One of the nominated staff members signs for the Cabinet documents on receipt. Officers to whom such documents are delivered are responsible for their safe handling and safe custody.

149 Unless an envelope or security bag is clearly marked 'To be opened by minister (or addressee) only', the nominated custodian of Cabinet documents may open it and bring its contents to the minister's (or addressee's) attention. In the absence of the custodian, these functions may be performed only by one of the other persons specifically authorised by the minister to have access to Cabinet documents.

150 Envelopes or security bags containing Cabinet documents and designated 'To be opened by addressee only' should receive special care in handling and safe-keeping. To assist ministerial and departmental staff responsible for handling Cabinet documents, any such envelope or security bag has marked on it the number of the document it contains. Ministerial and departmental staff also retain receipts for their records.

151 It is for ministers to determine whether their departmental secretaries or members of their office staff need to know the contents of Cabinet documents. If ministers pass documents to their secretaries, the secretaries then assume responsibility for the security of the documents and determine the application of the 'need-to-know' principle at the departmental level. Ministers assume the same responsibility in relation to their office staff.

152 Whenever a minister sends Cabinet documents to a departmental secretary for advice or action, the nominated ministerial staff member ensures the security of documents while they are in transit and keeps a record of the movement.

153 Programs, notices of meeting and business lists are circulated to ministers and to a strictly limited group of officers dealing with Cabinet matters. They are not given further circulation or publicity.

154 Cabinet documents are to be stored in approved secure containers in accordance with requirements set out in the PSM. Because Cabinet documents are to be destroyed when no longer in day-to-day use, they should never be placed on files with other departmental records. It is also good practice to maintain a separate filing and recording system for draft submissions received from other departments.

155 Special care must also be exercised in relation to certain other documents. These include drafts of Cabinet documents as well as briefing material, notes, minutes, schedules and correspondence concerning matters which are to be put before the Cabinet or which have been before the Cabinet.

156 Such documents, like Cabinet documents proper, must be handled strictly in accordance with the 'need-to-know' principle. All of them may refer specifically to submissions, memoranda, or minutes by title, number or date, or reveal the nature of Cabinet deliberations. If they do so, they must at least be classified 'Cabinet-in-Confidence'. While these documents may not be Cabinet documents proper, where their contents reveal the deliberations of the Cabinet, they attract exemption from disclosure under section 34 of the FOI Act. They may also be exempt under other provisions of the FOI Act, such as section 36 relating to internal working documents. Further information can be obtained from the Cabinet Secretariat.

Recording access to Cabinet documents

157 A record is to be kept of persons who have had access to each Cabinet document (the PSM refers). Cabinet documents printed from the CABNET network have an automatically generated movement record sheet as a front page. This coversheet provides a clear and easy means to track and maintain a record of who has had access to each document within the minister's office.

158 As a document is passed to another person, it is essential that the coversheet be initialled, dated and indicates the next person to whom the document is passed to. All cover sheets should be retained by each minister's office to ensure there is a record of access to Cabinet documents, even after the Cabinet documents have been destroyed.

159 Likewise, each department must maintain an audit trail of all officers who have had access to Cabinet documents, whether in draft or final form, and whether prepared by the department or provided by another in the course of consultation.

No Copying of Cabinet documents

160 Cabinet documents must not be copied, except as outlined in paragraphs 161 and 162 below. As indicated in paragraph 163 below, the 'no-copying rule' also prohibits the transcribing or copying of text of Cabinet documents (particularly minutes) into departmental systems (including via optical character readers such as scanners) or electronic transmission via facsimile or telex.

161 Where a submission is to be circulated manually (and not electronically), copies of a submission or memorandum may be made by the originating department, after consulting the Cabinet Secretariat. Once circulated and considered, any additional copies would be made only by the Cabinet Secretariat, after consulting the CLO of the originating department. Where documents have been released as finals on the CABNET network, further copies of a submission or memorandum may be issued electronically but only by the Cabinet Secretariat.

162 The production and circulation of Cabinet minutes are strictly controlled by the Cabinet Secretariat and, if extra copies of these are required, a request must be submitted in writing to the Cabinet Secretariat via the CABNET network. The request must include details of why access is being sought as access is granted on a strict 'need-to-know' basis.

Quoting from Cabinet minutes

163 The means of conveying the essence of a Cabinet minute to officers involved in implementation and follow-up action is a matter for determination within each minister's office or department. It may be appropriate to provide a summary of a Cabinet minute, or, where precision is essential, to quote the actual words of the relevant part of the minute. But copies of minutes may not be taken, nor may minutes themselves be circulated other than on a strict 'need-to-know' basis. Any new document created containing specific reference to a minute as such should be marked 'Cabinet-in-Confidence' and accorded at least the level of protection due to the original document. Such a document may be covered by section 34 of the FOI Act in relation to the title and minute number and any text which discloses what was agreed by the Cabinet. Other exemptions may also apply.

Responsibilities of ministers regarding access

164 Ministers and their chiefs of staff have the following particular responsibilities to:

- (a) arrange, through the Special Minister of State, for each member of staff to be security cleared to the appropriate level (details appear in the booklet, Ministers of State – Entitlements Handbook);
- (b) arrange for one person in the office to have custody of Cabinet documents and to be responsible (to the minister) for their security and, where appropriate, to appoint a person to have custody of NSC documents and to advise the Cabinet Secretariat of those persons' names;
- (c) limit the number of persons in the office having access to Cabinet documents and to advise the Cabinet Secretariat of the names of staff members authorised to have access to both hard copy and the electronic version of Cabinet documents;
- (d) ascertain whether any staff member having access to a particular document has any interest to declare;
- (e) impress upon staff members having access to Cabinet documents the need for strict security of those documents, and to advise them particularly of the need to be aware of Cabinet confidentiality when talking to others who may not be authorised to see Cabinet documents;
- (f) be satisfied that appropriate security arrangements are made in their private offices and (directly or through the portfolio secretary) in their departments for the handling of Cabinet documents, and that access to those documents is on a 'need-to-know' basis; and
- (g) ensure that documents no longer needed are destroyed (paragraph 136 above refers).

Responsibilities of departmental secretaries regarding access

165 In respect of Cabinet documents held by departments, secretaries (and their equivalents in statutory authorities) must ensure that:

- (a) the documents are kept in safe custody;
- (b) access is on a strict 'need-to-know' basis;
- (c) records are maintained of all officers given access to each document;
- (d) officers given access have the appropriate security clearance; and
- (e) documents no longer in day-to-day use within the department are destroyed (paragraph 136 above refers). The Cabinet Secretariat will quickly meet requests for access to such documents if subsequently required.

166 While secretaries and equivalents are ultimately responsible for the security and handling of Cabinet material in their departments and agencies, a senior executive service officer must be nominated to have overall responsibility for Cabinet processes and handling of Cabinet documents in each department or agency.

167 Requests from the Cabinet Secretariat for the return of documents or for the names of officers who have had access to particular documents are to be met immediately and in full.

Electronic systems (other than the CABNET network) and indexes

168 Security responsibilities relating to electronic systems largely mirror those applying to paper (refer also to Part C of the PSM):

- (a) access to electronic systems used to produce Cabinet documents (that is draft submissions or memoranda) should be restricted to those with a 'need-to-know' and access should be recorded and auditable;
- (b) electronic indexes of Cabinet documents recording information such as document numbers, dates and titles are permitted, but access to these indexes should be restricted to the Cabinet liaison sections of departments (or authorised ministerial staff);
- (c) the no-copying rule also prohibits the transcribing of text of Cabinet documents (particularly minutes) into departmental systems (including via optical character readers) or electronic transmission via facsimile or telex; and
- (d) Cabinet-in-Confidence material, including coordination comments on draft submissions and memoranda, is not to be electronically transmitted over an unprotected circuit through a facsimile machine. Draft Cabinet-in-Confidence material (but not Cabinet documents proper) may be transmitted via the CABNET network, the secure facsimile facility of the Ministerial Communications Network or via Speakeasy facilities. Ultimately transmission of most Cabinet-in-Confidence material will be via the CABNET network.

169 Security of electronic systems is the responsibility of ministers and departments operating them. Although the Cabinet Secretariat can provide advice on applications which have implications for handling of Cabinet documents, it should be borne in mind that the handling and custody of all documents, including those electronic documents on departmental networks, is the responsibility of individual agencies.

Access to Cabinet documents by courts and investigatory bodies

170 Ministers' offices and departments must consult the Cabinet Secretariat if they receive from any source outside the usual executive government agencies - for example, a court, an investigatory body or a Parliamentary Committee - a request for access to any Cabinet document or Cabinet-related material. This consultation should always take place before consideration is given to claiming 'public interest immunity' in respect of Cabinet documents and should be additional to any consultations with legal advisers.

Requests under the FOI Act for access to Cabinet documents

171 Requests for access to Cabinet documents and Cabinet-related material under the FOI Act must be handled in consultation with the FOI Coordinator of PM&C, who should be notified as soon as it is apparent that Cabinet or Cabinet-related documents come within the scope of a particular FOI request. Certain types of Cabinet and

Cabinet-related documents are exempt under section 34 or section 36 of the FOI Act, and Cabinet Notebooks are excluded from the operation of the FOI Act entirely. Consultation is required not only in cases where there is consideration of possible release of a Cabinet-related document, but also before exemption claims are made under section 34 or under section 36 for reasons related to Cabinet consideration.

Destruction of Cabinet documents

172 Classified NSC documents circulated in hard copy are to be returned, following meetings, to the NSC Secretariat (part of the Cabinet Secretariat). When other Cabinet documents are no longer required by ministers or departments they must be destroyed according to procedures set out in the PSM. They also must be destroyed when a minister vacates office or a change of government occurs. In the case of submissions, memoranda, corrigenda and minutes, CABNET network users must certify that destruction has occurred by activating the 'Hardcopy destroyed' function. If a user destroys documents that pre-date the CABNET network they should destroy the items in accordance with the PSM and notify the Cabinet Secretariat, in writing, of the destruction. Where documents have been destroyed the former holder can obtain a replacement copy from the Cabinet Secretariat should the need arise (requests are normally sent by CLOs via the CABNET network and must include a reason for obtaining the document). The Cabinet Secretariat retains full sets of all Cabinet documents for eventual public release in accordance with the Archives Act.

Access to Cabinet documents of previous governments

173 Successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments. In particular, Cabinet documents are considered confidential to the government that created them.

174 Before each House of Representatives election, departments should ensure that all Cabinet documents held by them 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 documents of the previous government must be destroyed. If departments later require copies, they should consult the Cabinet Secretariat.

175 Where continuity of administration requires reference back to Cabinet documents of previous governments, including Cabinet minutes, departments can provide ministers of the new government with summaries of relevant facts and of operative decisions necessary for an understanding of current issues, including, if essential to that understanding, summaries of Cabinet minutes of a previous government, but not the minutes themselves.

176 Where, for the sake of administrative efficiency, departments need access to submissions and memoranda of a previous government, these are to be sought in writing from the Cabinet Secretariat rather than the originating department. Departments are not to pass on these documents to other departments. The requesting department should be referred to the Cabinet Secretariat.

Archives

177 Cabinet documents held by ministers or departments should not be sent to the National Archives of Australia with personal or other papers unless the document has been substantially annotated by the minister. They must be destroyed in accordance with paragraph 172 above.

178 At the time of publication, under the Archives Act, Cabinet documents are generally open to public access only after 30 years. Cabinet notebooks are made available after 50 years.

179 Access to Cabinet documents less than 30 years old is allowed to certain persons on an individual basis under regulations and arrangements made under subsection 56(2) of the Archives Act. All such requests for access to any Cabinet documentation must be referred to the Secretary of PM&C for consideration, along the lines set out in paragraphs 181 and 182 below.

180 The Secretary of the Department of PM&C authorises requests for ‘refreshment of memory’ access by former prime ministers, former ministers, former secretaries and some other specified Commonwealth office holders who seek access to Cabinet and other official documents with which they dealt personally while in office.

181 Additionally, special access to Cabinet and other official documents less than 30 years old may also be granted to other persons in accordance with the special access guidelines provided for in the abovementioned arrangements. Advice on such access should be sought in the first instance from the National Archives of Australia.

182 When requests for special access to Cabinet documents are received, the Secretary of PM&C consults the present leader of the political party in government at the time the relevant records were created.

Attachment 1: Cabinet Committees

National Security Committee

Terms of Reference

The National Security Committee (NSC) focuses on major international security issues of strategic importance to Australia, national responses to developing situations (either domestic or international) and classified matters relating to aspects of operations and activities of the Australian Intelligence Community.

Membership

The NSC comprises the Prime Minister as Chair, the Deputy Prime Minister as Deputy Chair, the Treasurer, the Cabinet Secretary, the Minister for Immigration and Citizenship, the Attorney-General, the Minister for Defence and the Minister for Foreign Affairs. The Minister for Finance and Deregulation is co-opted for expenditure matters.

Expenditure Review Committee

Terms of Reference

The Expenditure Review Committee (ERC) considers matters of detail regarding expenditure and revenue during and between the Budget.

Membership

The ERC comprises the Deputy Prime Minister as Deputy Chair, the Treasurer as Chair, the Minister for Trade, the Minister for Families, Housing, Community Services and Indigenous Affairs, the Minister for Finance and Deregulation, the Minister for Human Services and the Assistant Treasurer. Other ministers are co-opted during discussion of new policy proposals relating to their portfolios.

Strategic Priorities and Budget Committee

Terms of Reference

The Strategic Priorities and Budget Committee (SPBC) provides strategic oversight and/or direction of:

- broad government strategy;
- whole-of-government or sensitive issues;
- Council of Australian Government processes; and
- Budget processes, by setting the budget and fiscal strategies and broad policy priorities for expenditure.

Additionally, the SPBC:

- assists the Prime Minister in giving direction to the Strategic and Delivery Division in the Department of the Prime Minister and Cabinet and provides early consideration of its output;
- sets strategy and policy priorities at the commencement of, and during the course of, Budget deliberations; and
- meets as required outside the Budget process to set strategic budget direction, including the second-stage comprehensive expenditure review.

Membership

The SPBC comprises the Prime Minister as Chair, the Deputy Prime Minister as Deputy Chair, the Treasurer and the Minister for Finance and Deregulation. Other ministers are co-opted as necessary.

Parliamentary Business Committee

Terms of Reference

The Parliamentary Business Committee (PBC) considers priorities for the Australian Government's legislation program.

Membership

The PBC comprises the Leader of the House (the Minister for Infrastructure, Transport, Regional Development and Local Government) as Chair, the Leader of the Government in the Senate (the Minister for Immigration and Citizenship) as Deputy Chair, the Manager of Government Business in the Senate (the Cabinet Secretary), the Minister for Foreign Affairs, the Attorney-General and the Parliamentary Secretary to the Prime Minister.

Social Policy Committee

Terms of Reference

The Social Policy Committee (SPC) provides strategic direction and coordination of the development of policy and delivery of programs across the following broad areas:

- Indigenous affairs (this work is to be supported by the Secretaries Group on Indigenous Affairs);
- social inclusion agenda;
- health;
- ageing;
- education;
- employment (excluding industrial relations);
- housing; and
- immigration and citizenship (excluding border security matters).

Membership

The SPC comprises the Deputy Prime Minister as Chair, the Minister for Immigration and Citizenship, the Minister for Finance and Deregulation, the Minister for Health and Ageing, the Minister for Families, Housing, Community Services and Indigenous Affairs as Deputy Chair, the Minister for Human Services, the Minister for Housing, the Minister for Employment Participation, the Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery and the Minister for Early Childhood Education, Childcare, Youth and Sport.

Economic Policy Committee

Terms of Reference

The Economic Policy Committee (EPC) provides strategic direction and coordination of the development of policy and delivery of programs across the following broad areas:

- industry policy;
- infrastructure;
- transport;
- communications;
- innovation policy;
- resources and energy;
- trade;
- industrial relations;
- agriculture/rural industry policy; and
- tourism.

Membership

The EPC comprises the Deputy Prime Minister as Deputy Chair, the Treasurer as Chair, the Minister for Trade, the Minister for Infrastructure, Transport, Regional Development and Local Government, the Minister for Finance and Deregulation, the Minister for Climate Change and Water, the Minister for Broadband, Communications and the Digital Economy, the Minister for Innovation, Industry, Science and Research, the Minister for Agriculture, Fisheries and Forestry, the Minister for Resources, Energy and Tourism and the Minister for Small Business, Independent Contractors and the Service Economy and the Minister for Competition Policy and Consumer Affairs.

Climate Change, Water and Environment Committee

Terms of Reference

The Climate Change, Water and Environment Committee (CCWEC) provides strategic direction and coordination of the development of policy and the delivery of programs across the following broad areas:

- climate change, with a particular focus on the development and impacts of the Emissions Trading Scheme;
- water (excluding Council of Australian Governments' water reforms); and
- environment.

Membership

The CCWEC comprises the Prime Minister as Chair, the Treasurer, the Minister for Trade, the Minister for Families, Housing, Community Services and Indigenous Affairs, the Minister for Infrastructure, Transport, Regional Development and Local Government, the Minister for Innovation, Industry, Science and Research, the Minister for Climate Change and Water as Deputy Chair, the Minister for the Environment, Heritage and the Arts, the Minister for Agriculture, Fisheries and Forestry and the Minister for Resources, Energy and Tourism.

Border Protection Committee

Terms of Reference

The Border Protection Committee (BPC) provides policy in response to irregular migration and maritime people smuggling.

Membership

The BPC comprises the Minister for Immigration and Citizenship as Chair, the Minister for Foreign Affairs, the Minister for Defence, the Attorney-General and the Minister for Home Affairs.

Attachment 2: Caretaker conventions

1. Successive governments have accepted that special arrangements apply in the period immediately before an election for the House of Representatives, in recognition of the considerations that:
 - (a) with the dissolution of the House of Representatives, there is no popular Chamber to which the executive government can be responsible; and
 - (b) every general election brings with it the possibility of a change of government.
2. Over many years, practices have developed to remind ministers and departments of the need to observe the conventions. As soon as a general election has been announced, and sometimes shortly before, a meeting of the ministry notes a summary of the conventions that will apply from the dissolution of the House of Representatives. Where this has not occurred, the Prime Minister has written to ministers concerning the conventions.
3. The formal period for which the caretaker conventions operate dates from the dissolution of the House of Representatives until the election result is clear or, in the event of a change of government, until the new government is appointed. However, it is also accepted that some care should be exercised in the period between the announcement of the election and the dissolution. There is no caretaker period for separate half Senate elections.
4. By convention, the government ensures that important decisions are not taken in this period that would bind an incoming government and limit its freedom of action. The basic caretaker conventions require a government to avoid implementing major policy initiatives, making appointments of significance or entering major contracts or undertakings during the caretaker period and to avoid involving departmental officers in election activities.
5. In relation to appointments, only those which it is essential to fill are proceeded with, and preferably on an acting or short-term basis unless a minimum or fixed term is prescribed. There is often consultation with the relevant Opposition spokesperson, particularly where longer-term appointments are necessary.
6. The basic conventions are directed to the taking of decisions, and not to their announcement. Accordingly, the conventions are not infringed where decisions taken before the caretaker period are announced during the caretaker period. However, it is desirable, if the decisions concern significant initiatives, that they be announced in advance of the caretaker period in order to avoid controversy. The caretaker conventions do not apply to new policy promises which a government may announce as part of its election campaign.
7. The Ministry, the Cabinet or Cabinet committees may meet in the caretaker period if this is necessary for the continuance of the normal business of government, but the range of matters that may be considered is constrained by the conventions. Normally, efforts are made to clear necessary business prior to the caretaker period, thus avoiding the necessity for such meetings during the caretaker period.
8. There are other established practices, usually regarded as being part of the caretaker conventions, which govern activities in the election period. These are mainly directed at ensuring that departments avoid any partisanship in the special circumstances of an election campaign and that government resources are not directed to supporting a particular political party. They address matters such as the nature of requests that ministers may make of their departments, procedures for consultation by

the Opposition with departmental officers, travel by ministers and their Opposition counterparts and the continuation of government advertising campaigns.

9. Adherence to the conventions and practices (which of course have no legal standing) is ultimately the responsibility of the Prime Minister. Where ministers are in doubt about a particular matter, they should raise it with the Prime Minister.

10. A summary of the caretaker conventions and the guidelines for pre-election consultation by the Opposition were incorporated in the Senate Hansard of 5 June 1987. An article providing more detail on the conventions and their background may be found in the Annual Report of the Department of the Prime Minister and Cabinet, 1986-87.

Attachment 3: The Drafter's Guide

1. The purpose of the Drafter's Guide ('the Guide') is to assist ministers' senior advisers, departmental policy advisers and Cabinet liaison officers (CLOs) in the preparation of Cabinet submissions and memoranda (submissions).
2. In addition to the Guide, the Cabinet Secretariat issues circulars to ministers' senior advisers and CLOs from time to time which advise of changes to the preparation or handling of submissions.
3. The contents of the Guide are as follows:
 - (a) purpose of the Guide;
 - (b) Cabinet business;
 - (c) forecast of potential Cabinet business;
 - (d) internal clearance;
 - (e) ministerial clearance;
 - (f) lodgement timeframes;
 - (g) two-stage review and approval processes;
 - (h) things to note before you start drafting;
 - (i) drafting a submission or memorandum;
 - (j) particular considerations;
 - (k) final lodgement checks;
 - (l) where to get more information; and
 - (m) attachments:
 - (i) five-day rule flow chart;
 - (ii) sample submission;
 - (iii) sample memorandum
 - (iv) audio/visual presentations by ministers to Cabinet;
 - (v) compliance checklist;
 - (vi) drafting conventions; and
 - (vii) Defence procurement.