



**Australian Government**

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**Department of the Prime Minister and Cabinet**

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**CABINET HANDBOOK**

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15<sup>th</sup> Edition

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978-1-925365-13-9 Cabinet Handbook 15<sup>th</sup> Edition (Online)

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## FOREWORD

Cabinet government is founded on the principle of collective decision-making which is rooted in ancient tradition.

Set in a mosaic within the Victorian Parliament, which housed the Commonwealth Parliament from Federation until 1927, is a verse from Proverbs 11: “where no counsel is, the people fall: but in the multitude of counsellors there is safety.” Underlying this phrase—intended as a reference to parliamentary government, but equally applicable to Cabinet—is the ancient idea that collective decision-making produces better decisions.

Collective decision-making has underpinned governance in many Australian Indigenous societies for thousands of years. The Yolŋu people of Arnhem Land, for example, call their system of law Maḡayin. In decision-making, the *rom djägamirr* (law keepers who are the selected representatives), must become *ḡayanju waḡanydhirr*—that is, all persons must become one with others.<sup>1</sup>

For more than 70 years, successive Australian Governments have issued a Cabinet Handbook which sets out procedures giving effect to the continuing principle of collective responsibility.

Cabinet and its committee system evolve to allow governments to consider matters that relate to the particular circumstances they are faced with, and progress the matters that the community want them to take forward.

This 15<sup>th</sup> edition of the Cabinet Handbook sets out processes that entrench inclusivity at the heart of the Cabinet system, giving effect to our commitment to the constitutional recognition of Aboriginal and Torres Strait Islander people in the Constitution, and helping achieve greater gender equality.

The Cabinet is committed to making progress for all Australians. The principles set out in this Handbook will support the Government in this endeavour.

We encourage all those involved in Cabinet process to strictly adhere to the guidance it provides.



The Hon Anthony Albanese MP  
Prime Minister



The Hon Mark Dreyfus KC MP  
Cabinet Secretary

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<sup>1</sup> Aboriginal Research and Development Services Inc, *Mäḡayamirr – A Foundational Principle of the Yolŋu Legal and Governmental Systems*, Information Paper Number 2 (1993).

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# **CABINET GOVERNMENT IN AUSTRALIA**

## **The Cabinet**

1. The Cabinet is the council of senior ministers who are empowered by the Australian Government ('the Government') to take binding decisions on its behalf.
2. As a forum, the Cabinet seeks through discussion and consultation to resolve disputes and build consensus around often difficult and controversial issues. The decisions of the Cabinet are understood to be collective, not of individual ministers, and Cabinet solidarity requires all ministers to take responsibility for them and support them.
3. The Cabinet is a product of convention and practice. There is no reference to the Cabinet in the Australian Constitution and its establishment and procedures are not the subject of any legislation. Provided the guiding principles of a Cabinet system are met—collective responsibility and solidarity—it is for the Prime Minister of the day to determine the shape, structure and operation of the Cabinet and its Committees.
4. As the Cabinet does not have specific terms of reference or powers laid down in statute, the outcomes of its deliberations may require action by: the Governor-General, individual ministers whose executive power is derived from Chapter II of the Constitution, holders of statutory office, or by the Parliament, to be put into effect.

## **The Prime Minister**

5. There is no statutory provision that establishes the office of Prime Minister or defines the role. The Prime Minister is understood to be the 'first among equals' with responsibility for the strategic policy and organisational direction of the Government. Much of the Prime Minister's actual power as Head of Government—to lead policy and political direction—is achieved through their position as the Chair of the Cabinet.
6. The Prime Minister is responsible for the membership of the Cabinet, determines and regulates all Cabinet arrangements for the Government and is the final arbiter of Cabinet procedures.
7. As Chair of the Cabinet, the Prime Minister sets the Cabinet's agenda and determines when and where meetings take place. The Prime Minister leads and guides discussion to achieve a collective response and ensures the clarity of decisions. In exceptional circumstances where a collective decision is not possible the Prime Minister's view is authoritative.
8. The Prime Minister is also responsible for the establishment of Cabinet Committees, including their terms of reference and membership.
9. The Prime Minister is supported by the Cabinet Secretary, to whom may be delegated responsibility for the day-to-day procedural and operational matters of the Cabinet and Cabinet Committees.
10. The Prime Minister advises the Governor-General on the appointment of ministers (including the title and scope of each minister's portfolio) and determines which ministers will form the Cabinet.



11. Ministers of State including Cabinet members, other ministers and assistant ministers ('the Ministry') form the Federal Executive Council—the body that formally advises the Governor-General on the administration of the Commonwealth of Australia.

## **Principles of Cabinet Government**

### ***Guiding principles***

12. A Westminster-style Cabinet is defined by adherence to the principles of collective responsibility and Cabinet solidarity. These principles are the binding devices that ensure the unity of purpose of the Government. They underpin the formulation of consistent policy advice and the exercise of collective accountability.

### ***Collective decision-making and responsibility***

13. The Cabinet system of government is founded on the principle of collective responsibility. It reflects a democratic principle: the Parliament expresses its confidence in the collective whole-of-government rather than in individual ministers. Similarly, the Governor-General, in acting on ministerial advice, needs to be confident that individual ministers represent official government policy. In all areas of their work, therefore, ministers represent and implement government policy—policy which has often been considered and set by the Cabinet process.

14. In practice this means that a decision of the Cabinet is binding on all members of the Government, regardless of whether they were present when the decision was taken or their personal views. Issues may, and should, be debated vigorously within the confidential setting of Cabinet meetings. The aim is to reach some form of consensus so that the Prime Minister, as Chair of the Cabinet, can summarise what the collective decision is for recording in the Cabinet minute.

15. All members of the Ministry are understood to have participated in the decision-making process that underpins government policy and therefore share responsibility for those policies.

### ***Cabinet solidarity***

16. Cabinet collective responsibility is most obviously expressed in the principle of Cabinet solidarity. In governments using the Westminster system, members of the Cabinet must publicly support all government decisions made in Cabinet, even if they do not agree with them. Cabinet ministers cannot dissociate themselves from, or repudiate the decisions of, their Cabinet colleagues unless they resign from the Cabinet. It is the Prime Minister's role as Chair of the Cabinet, where necessary, to enforce Cabinet solidarity.

### ***Operational principles***

17. The proper implementation of these two guiding principles is entirely dependent on a commitment to three important operational values: consultation, confidentiality and respect for Cabinet authority.

### *Consultation*

18. The principle of collective responsibility can only operate effectively if all members of the Cabinet are well informed and well advised (including by their departmental officials) about the decisions they are being asked to make. Timely and thoughtful consultation is the only way to ensure that there are no surprises and each minister has the opportunity to inform the discussion, bringing to the table his or her portfolio knowledge and political judgement. Good policy requires informed decisions.

19. Ministers bringing forward submissions are responsible for ensuring that the consultation necessary to enable a fully informed discussion occurs at both ministerial and official levels. This includes adhering to processes and timeframes for circulation of submissions. One objective of consultation in the development of proposals is to ensure that, as far as possible, differences between ministers are resolved in advance of the Cabinet's consideration or, if resolution is not possible, differences are identified and set out in such a way as to facilitate informed decision-making.

20. Further, the Government is committed to:

- (a) early, meaningful consultation with the National Indigenous Australians Agency to:
  - i. give genuine consideration to the impact of proposals on Indigenous Australians, early in the policy development process
  - ii. ensure new policy proposals are developed in line with the Government's commitments in the National Agreement on Closing the Gap, and
  - iii. align with and advance the Closing the Gap Priority Reforms and socioeconomic outcomes and targets as appropriate; and
- (b) elevating consideration of gender equality in policy design and decision making. Early consultation with the Office for Women in the Department of the Prime Minister and Cabinet (PM&C) will ensure the gender equality outcomes of policy decisions can be strengthened in order to create shared accountability and transparency in decision making.

### *Confidentiality*

21. The principle of collective responsibility requires that ministers should be able to express their views frankly in Cabinet meetings in the expectation that they can argue freely in private while maintaining a united front in public when decisions have been reached. This in turn requires that opinions expressed in the Cabinet and Cabinet Committees, including in documents and any correspondence, are treated as confidential.

22. All attendees are responsible for ensuring that discussions at Cabinet and Cabinet Committee meetings remain confidential. Ministers and officials should not disclose proposals likely to be considered at forthcoming meetings outside Cabinet-approved consultation procedures. Nor should they disclose the nature or content of the discussions or the views of individual ministers or officials expressed at the meeting itself. The detail of discussion at Cabinet and Cabinet Committee meetings is not recorded in the Cabinet minutes (see Annex F – Decisions of the Cabinet).

23. The vital importance of confidentiality in relation to the deliberations of Cabinet is recognised in legislation and under the common law. The *Freedom of Information Act 1982* (the Act), for example, recognises the special nature of Cabinet deliberations in the exemption it provides for certain Cabinet documents from disclosure under the Act (subject to limited exceptions). Cabinet confidentiality is also a well-established ground for not producing documents or information on a public interest immunity basis to courts, royal commissions or legislatures.

24. Where a document is being prepared for Cabinet's consideration, care should be taken to expressly state in the body of the document that it is intended that it be considered by Cabinet. This will remove any possible doubt as to the purpose of the document. It is not sufficient to simply mark the document as 'PROTECTED Cabinet', although this practice should be also followed for all Cabinet and Cabinet-related documents.

#### *Cabinet authority*

25. Ministers must carry out Cabinet-determined policies with respect to their own ministries, whether or not they agree with such policies. Ministers (and portfolio agencies) must act on Cabinet decisions as recorded in Cabinet minutes.

26. Where a policy has been considered by the Cabinet, ministers must not announce that new policy or changes to a policy without the Cabinet or Prime Minister's approval.

#### **Ministerial responsibility**

27. The key responsibilities of ministers in the Cabinet relate to upholding the principles of collective responsibility and Cabinet solidarity.

28. In practice, this means ministers must:

- (a) not only refrain from publicly criticising Cabinet decisions, but also defend them publicly, or else resign
- (b) not announce a major new policy without previous Cabinet, or the Prime Minister's, approval
- (c) not express private views on government policies nor speak about or otherwise become involved in a ministerial colleague's portfolio without first consulting that colleague and possibly the Prime Minister
- (d) understand that government advice to the Governor-General is assumed to be unanimous.

29. The Cabinet principles and conventions also apply to the whole Ministry, not simply those ministers in Cabinet.

#### ***Individual ministerial responsibility***

30. Some ministerial posts have responsibility for certain statutory functions that are exercised by the individual minister and not through Cabinet (see Annex B – Managing the Cabinet business).

31. Ministers should, however, inform the Cabinet of any exercise of an individual statutory power that merits Cabinet-level attention. Informing the Cabinet of the intended decision and the basis for that decision enables the minister's colleagues to defend that decision publicly and collectively.

32. If ministers are unsure about whether to bring an issue concerning the exercise of a statutory power or function to the Cabinet, they should seek guidance from the Prime Minister or the Cabinet Secretary.

### ***Reviews and inquiries***

33. Prior to announcing or commencing a review or public inquiry, Ministers must write to the Prime Minister, and the Prime Minister may determine that Cabinet consideration is required.

### **The Cabinet Secretary**

34. The Prime Minister may appoint a Cabinet Secretary to manage the flow of business to the Cabinet.

35. The Cabinet Secretary has the authority to:

- (a) settle the forward schedule of the Cabinet and the Cabinet Committee meeting dates
- (b) respond to ministers' requests for authority to bring items forward for consideration by the Cabinet
- (c) authorise the Cabinet and the Cabinet Committee agendas
- (d) determine the appropriate format for Cabinet documentation
- (e) consider variations to Cabinet minutes requested by ministers
- (f) deal with practical issues regarding the co-option of ministers not in the Cabinet and parliamentary secretaries, and attendance of officials.

36. The Cabinet Secretary attends all meetings of the Cabinet and is responsible for the smooth running of meetings and authorising the record of decisions (the Cabinet minutes). This includes responsibility for advising the Prime Minister on all questions connected with the appointment and organisation of Cabinet Committees, including membership and terms of reference. The Cabinet Secretary may also attend Cabinet Committee meetings.

### **Cabinet Division**

37. The Cabinet Division (including the Cabinet Secretariat) is a part of the Government that provides continuity and impartial support for operations at the centre of government. It operates within PM&C and is staffed and managed by officers of PM&C. Cabinet Division exists to support the Prime Minister, the Cabinet Secretary and the Chairs of Cabinet Committees in ensuring that government business is conducted in an effective and timely way and that proper collective consideration takes place.

## **Cabinet Committees**

38. Cabinet Committees provide the forum for detailed consideration and discussion of issues before full Cabinet consideration, with officials available to assist ministers if the Cabinet Committee wishes (see Annex G – Cabinet Committees).

39. The Prime Minister determines the membership, Chair, Deputy Chair and terms of reference of each Cabinet Committee.

40. Cabinet Committees are usually established either around a subject area, such as national security, or around a general function of government, such as expenditure and taxation.

41. Temporary Cabinet Committees may also be established by the Prime Minister to carry out a particular task, usually over a limited timeframe.

42. Cabinet Committees derive their powers from the Cabinet. Generally, Cabinet Committee decisions are brought forward to the Cabinet for endorsement and the Cabinet retains the ultimate power of decision. While some Cabinet Committees make final decisions for security or practical reasons, most Cabinet Committee decisions may not be acted on until they have been endorsed by the Cabinet. The Cabinet may alter a Cabinet Committee decision or ask a Cabinet Committee to consider a matter further.

43. Occasionally, the Cabinet will authorise a Cabinet Committee or specified minister to have power to act (that is, power to take a final decision) on a clearly defined item. Where a Cabinet Committee or specified minister takes a decision under power to act that decision can be acted on immediately and these decisions are reported to the Cabinet in the usual way. When authorising decisions to be taken by a specified minister or group of ministers under power to act, the Cabinet may request that the minister report back to the Cabinet.

## **CABINET BUSINESS**

### **Guidance on matters for collective agreement**

44. Collective agreement can be sought at a Cabinet meeting or through ministerial correspondence.

45. As a general rule, ministers should put before their colleagues the sorts of issues on which they themselves would wish to be consulted—matters of public interest, importance, or controversy. The need to advise the Cabinet on these matters must be balanced against the demands that Cabinet meetings make on ministers' time.

46. Ministers should give serious consideration as to whether a matter could be dealt with by correspondence, for example where it is known that all interested ministers are in agreement (see Annex B – Managing the Cabinet business).

47. Where there is uncertainty about the level and type of consideration needed, ministers should seek advice from the Cabinet Secretary. Similarly, government departments should seek advice from the office of the portfolio minister, or from Cabinet Division.

## Issues for the Cabinet

48. There are no hard and fast rules about the issues that should be considered by the Cabinet and it is ultimately for the Prime Minister to decide the agenda. Generally, however, matters brought before the Cabinet should require a decision and not be simply for noting.

49. The following is an indication of the kind of issues that would normally require consideration by the Cabinet (including by reference to the relevant Cabinet Committee):

- (a) proposals relating to the delivery of the Government's formally agreed strategic priorities
- (b) controversial proposals, which are likely to lead to significant public comment
- (c) proposals affecting the Government's financial position, or important financial commitments
- (d) issues that impact on every member of the Cabinet, or on the portfolio interests of a number of ministers (particularly where agreement cannot be reached)
- (e) the most significant domestic policy issues
- (f) significant matters affecting state and territory relations
- (g) the most significant international business, including international treaties and agreements
- (h) national emergencies, including any decision to take military action
- (i) proposals that affect Australia's constitutional arrangements
- (j) proposed responses to recommendations made in parliamentary committee reports
- (k) proposed reviews or public inquiries
- (l) proposals involving significant new legislation or regulations [note: all legislative proposals require approval from the Parliamentary Business Committee of Cabinet (PBC)]
- (m) significant government appointments.

50. Consideration of significant policy issues may be taken by the Cabinet at an early stage to inform the development of detailed policy by the relevant portfolio minister(s), or as a final step prior to announcement.

## The Budget process

51. The annual Budget process is the decision-making process for allocating public resources to the Government's policy priorities. It is through the Budget that the Government gains the passage of the annual appropriation acts and other legislation, including special appropriations.

52. The Budget provides a picture of Australia's forecast financial performance and the Government's fiscal policy for the three years beyond the next financial year. The Budget includes estimates of government revenue and expenses for the Commonwealth over a specified period, as specified under the *Charter of Budget Honesty Act 1998*.

53. The annual Budget process usually begins in November or December when the Expenditure Review Committee of Cabinet (ERC) considers portfolio ministers' new proposals and expected major pressures and establishes the Government's priorities for the Budget. From February to April, ERC develops the Budget against the background of the Government's political, social and economic priorities. There can be exceptions to this timing depending on the particular circumstances facing the Government.

## **Ministerial responsibility for proposals**

54. Submissions coming before the Cabinet and Cabinet Committees must have a sponsoring minister, usually the Cabinet minister with portfolio responsibility. Ministers 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.

55. Non-Cabinet ministers can bring forward submissions in their areas of responsibility with the agreement of the senior portfolio minister. Unless otherwise agreed by the Cabinet Secretary, the submissions must be co-sponsored by the relevant Cabinet minister.

56. Proposals may be sponsored by more than one minister, provided the ministers are from different portfolios. Major and sensitive proposals which have a significant service delivery component must be brought forward jointly with the minister or ministers responsible for the delivery of the proposal (see Annex D – Preparing a submission to the Cabinet).

57. Where many ministers have an interest, it is generally preferable for responsibility to be allocated to one or two key ministers and for the other ministers to be thoroughly consulted during the preparation of the submission.

## **Cabinet minutes**

58. Cabinet Division produces minutes of decisions as soon as possible after each Cabinet or Cabinet Committee meeting, recording the decision in a form that enables the necessary action to be taken. The Cabinet minutes do not record the detail of discussions at the meeting. The Cabinet minutes are issued to ministers and relevant departments and agencies once they have been approved by the Cabinet Secretary.

59. Cabinet and Cabinet Committee minutes are circulated to all Cabinet ministers and any non-Cabinet ministers co-opted for a meeting or having a portfolio interest in the matter.

60. Some Cabinet Committee minutes will be given a limited circulation. The ERC minutes recording Budget decisions are circulated to ERC ministers and the relevant portfolio minister only, but are circulated to the Cabinet ministers in the Cabinet room prior to Budget Cabinet.

61. If ministers have concerns about the accuracy of minutes as circulated, they should draw their concerns to the Cabinet Secretary's attention in writing, as soon as possible.

62. If ministers consider that any minutes are essential for their department's operations, they may make a request to make the minutes available to their departmental secretary or agency head for information and any necessary action.

63. 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 decision.

64. Where the Federal Executive Council's approval is required, action on Cabinet minutes must be held over until that approval has been obtained.

65. Procedures for following up Cabinet minutes that require legislation are set out in the [Legislation Handbook](#).

### **Comebacks**

66. Ministers may be requested to return to the Cabinet with further information. Where a 'comeback' is no longer warranted, the responsible minister should write to the Prime Minister explaining why Cabinet attention is no longer required and seek agreement to directly conclude the matter.

### **Implementation**

67. In the Westminster system, portfolio ministers are ultimately responsible for ensuring that their policy proposals can be implemented. Nevertheless, delivery failure and success has implications for all the Cabinet ministers and collectively they have an interest in ensuring that policy design and implementation planning, for major initiatives in particular, is robust.

68. The planning, processes and advice leading up to Cabinet decisions are critical in setting the path for effective program implementation.

69. To ensure that their Cabinet colleagues are fully informed when making decisions, sponsoring ministers must ensure that their Cabinet submissions provide enough detail on risk and implementation challenges to ensure the Cabinet can make an informed decision on the efficacy of the proposal.

## **CABINET MEETINGS**

### **Meeting timetable**

70. Cabinet meets in the Cabinet room at Parliament House, Canberra, in most weeks of the year. Special Cabinet meetings may be held at other times and other places, as necessary, for example in Commonwealth Parliamentary Offices in a state capital city.

71. Cabinet Committees generally meet once a month or more frequently if their business requires.

72. The Parliamentary Business Committee (PBC) meets weekly during each Parliamentary sitting period and at other times, as necessary.

### **Meeting Chairs**

73. Where the Prime Minister is unable to attend the Cabinet, the next most senior minister takes the Chair. The same principle is adopted for Cabinet Committees, if the Chair and Deputy Chair are absent.

### **Ministerial attendance**

74. For the effective operation of the principle of collective responsibility, Cabinet and Cabinet Committee meetings must take precedence over all other ministerial business with the exception of attendance at the Federal Executive Council.



75. Ministers must seek to ensure that the routine business of the Parliament does not interrupt their Cabinet attendance. Ministers are responsible for making appropriate ‘pairing’ arrangements and for organising their routine chamber duty to be performed by other ministers where there is a conflict with Cabinet or Cabinet Committee meetings. It may not, however, be possible for ministers to attend Cabinet if the meeting coincides with their responsibilities for taking legislation through the House of Representatives or the Senate.

76. Ministers should ensure that neither they nor their offices commit to engagements that might conflict with scheduled Cabinet and Cabinet Committee meetings.

77. The Cabinet Secretary must be advised in writing of any planned absence from Cabinet or Cabinet Committee meetings. If a minister is absent, they generally cannot delegate their Cabinet or Cabinet Committee attendance to another minister.

78. However, when ministers are overseas or on leave, the Prime Minister will nominate another minister to exercise their full authority. Where the nominated minister is a Cabinet minister, this authority extends to matters under Cabinet consideration. Ministers not in Cabinet, who are acting portfolio ministers, do not represent the portfolio in the Cabinet or Cabinet Committees, unless expressly invited to do so by the Prime Minister or the Cabinet Secretary.

79. Cabinet ministers may seek the Cabinet Secretary’s agreement for another minister to represent them for portfolio-specific items (see Annex C – Conduct of Cabinet and Cabinet Committee meetings).

### **Co-opting ministers who are not members of the Cabinet**

80. When Cabinet (or a Cabinet Committee) is scheduled to discuss a matter within the portfolio responsibility of a minister who is not a member of the Cabinet (or the relevant Cabinet Committee), that minister will receive access to the relevant papers and the Cabinet Secretary will co-opt the relevant minister to attend the meeting for discussion of the item(s) concerned.

81. Ministers not in the Cabinet (including assistant ministers) with a portfolio interest in an item listed for Cabinet (or Cabinet Committee) consideration, who have not been co-opted, may seek to be co-opted for that item by having the responsible portfolio minister make a request to the Cabinet Secretary.

82. Co-opted ministers leave the meeting once their item has been dealt with in the Cabinet room.

### **Quorum**

83. There is no quorum for Cabinet or Cabinet Committees. The decision to proceed with a Cabinet or Cabinet Committee meeting is made by the Chair taking into account:

- (a) the importance of the items under consideration
- (b) the presence of relevant ministers
- (c) the advisability of taking decisions if few ministers are present.

84. Chairs may seek the advice of the Cabinet Secretary.

## **Declarations of interest**

85. Any matter which may give rise to an actual or perceived conflict between duty and interest must be declared in line with the [Code of Conduct for Ministers](#).
86. Ministers (including assistant ministers) attending Cabinet or Cabinet Committee meetings must, in relation to the matters under discussion, declare any private interests which give rise to, or are likely to give rise to, a conflict with their public duties. 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.
87. Ministers must adopt a broad interpretation of the requirement and take into account pecuniary and non-pecuniary interests, the interests of family members and all interests of their own when considering whether there is a conflict (or potential conflict) which should be declared.
88. Ministers need not automatically absent themselves from the discussion; the Chair must decide, in consultation with the Cabinet Secretary, whether to excuse the minister or explicitly agree to them taking part in discussions and the decision (see Annex C – Conduct of Cabinet and Cabinet Committee meetings).

## **Acknowledgement of Country**

89. All Cabinet and Cabinet Committee meetings commence with an Acknowledgement of Country. Cabinet Division is responsible for ensuring that the Acknowledgement of Country is the first item on the agenda for each Cabinet and Cabinet Committee meeting.

## **Official note takers**

90. Generally there are three official note takers in the room during Cabinet discussions. These officers are from PM&C and together they are responsible for drafting the Cabinet minute for the Cabinet Secretary's approval. Each note taker has distinct responsibilities in support of the meeting and the preparation of the minutes, as detailed in the Guide for Note Takers.
91. The notes taken are intended purely as an aide-memoire for drafting the formal Cabinet minute after the meeting (see Annex F – Decisions of the Cabinet).
92. Note takers must use the Cabinet notebooks issued by Cabinet Division and must not make any other record of the discussion. Note takers use their discretion in judging what to record in their notes, but they are required to take a full record of any conflict of interest declared by a minister.
93. Note takers do not take a verbatim record but their notes may from time to time record the individual views of ministers and as such these notebooks are highly sensitive documents.
94. The notebooks remain the property of the Secretary of PM&C and are protected from early public release under the Archives Act 1983 and cannot be sought under the Freedom of Information Act 1982. Cabinet notebooks are publicly released once they enter the open access period (currently after 30 years).

## **Officials attending the Cabinet and Cabinet Committee meetings**

95. Attendance of officials (other than from Cabinet Division) at Cabinet Committee meetings is kept to a strict minimum in order to ensure the proper emphasis on the role of ministers in the peak decision-making forum of the Government.

96. PM&C provides the official note takers and attendants to both Cabinet and Cabinet Committees (see Annex C – Conduct of Cabinet and Cabinet Committee meetings). No one attending Cabinet or Cabinet Committees, other than official note takers and the Cabinet Secretary, should take personal notes of the discussion.

### ***Cabinet***

97. With the exception of official note takers, officials and ministerial advisers do not attend meetings of the Cabinet. The Prime Minister or Cabinet Secretary may agree to the attendance of an individual to present an overview of a report, review or inquiry that they were commissioned to undertake, or to explain a highly technical proposal. The presenter withdraws before ministers begin their deliberations.

98. Note takers are not present for political discussions. Ministers may request that a comment or discussion, not relevant to policy consideration, not be recorded (see Annex C – Conduct of Cabinet and Cabinet Committee meetings).

### ***Cabinet Committees***

99. As Cabinet Committees are a forum for considering and developing outcomes for Cabinet consideration or for considering specialised issues, officials and ministerial staff may attend certain Cabinet Committee meetings. However, ministerial staff or officials cannot attend as their minister's representative.

100. Attendance is, however, generally limited to the most senior levels of the public service (secretaries and agency heads) and ministerial staff (chiefs of staff) with the approval of the Cabinet Secretary.

101. Officials attending Cabinet Committee meetings should familiarise themselves with the Australian Public Service Code of Conduct, in particular the need to maintain appropriate confidentiality about dealings that the employee has with any minister or minister's member of staff.

102. Ministerial staff should also be aware of the Ministerial Staff Code of Conduct, particularly the requirement to acknowledge the role of ministers and public servants in making executive decisions, and of maintaining appropriate confidentiality of their dealings with ministers.

103. Visiting dignitaries and subject matter experts may occasionally be invited to meet with members of the Cabinet in the Cabinet room. Such invitations should not be issued until the Prime Minister's approval has been obtained and arrangements made with the Cabinet Division.

## **PROTECTION OF CABINET DOCUMENTATION**

### **Special nature of Cabinet documents**

104. Cabinet documentation is any material departments and agencies prepare that is:

- (a) intended for submission to the Cabinet (generally Cabinet submissions and attached material, including presentations)
- (b) documents dealing with Cabinet meetings (agendas, Cabinet minutes and notes taken by Cabinet note takers).

105. Cabinet documents are considered to be the property of the Government of the day. They are not departmental records. As such they must be held separately from other working documents of government administration.

106. The unauthorised and premature disclosure of Cabinet documents, including draft Cabinet documents (such as draft Cabinet minutes), undermines collective ministerial responsibility. It also undermines the convention of Cabinet confidentiality. It is essential that the confidentiality of Cabinet documents, including draft Cabinet documents, is maintained to enable full and frank discussions to be had prior to the Cabinet making its decision.

107. It is inappropriate to provide copies of, or access to, final or draft Cabinet documents to sources external to government. It may, however, sometimes be necessary to consult with external sources in relation to matters which are the subject of proposed or current Cabinet consideration to ensure that Cabinet is fully apprised of the relevant information required for it to make an informed decision. A minister's actual or proposed position should never be disclosed, and high-level judgement needs to be exercised in deciding what information, if any, to disclose. Guidance should be obtained from the Cabinet Division.

108. Department and agency work in preparing, handling and securely storing Cabinet documents is subject to detailed security requirements determined by Cabinet Division. The requirements apply equally to ministerial offices and their staff as to public servants.

### **Custody of Cabinet documents**

109. A new series of Cabinet records is established for each government.

110. Cabinet records (files) are held on behalf of the Government in the care and control of the Secretary of the Department of the Prime Minister and Cabinet (PM&C) and are issued to ministers and departments on a need-to-know basis. 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, any copies of Cabinet documents must be returned to Cabinet Division or destroyed.

111. The convention is that Cabinet documents are confidential to the Government which created them and not the property of the sponsoring minister or department. Access to them by succeeding governments is not granted without the approval of the current parliamentary leader of the appropriate political party.

- (a) Ministers and assistant ministers and their staff should not seek from departments the Cabinet documents of the previous Government, or the advice provided to it.

112. The Secretary of PM&C may authorise requests for refreshment of memory access by former prime ministers, former ministers, former secretaries and some other specified government office holders who seek access to Cabinet documents with which they dealt personally while in office. Access will not be granted without the approval of the current parliamentary leader of the political party in Government at the time the requested record was created.

113. Cabinet records and Cabinet notebooks are accessible to the public through the National Archives of Australia after the expiration of the statutory closed period. The closed period, which for Cabinet documents currently varies between 20 to 30 years, seeks to provide the best balance between the competing priorities of, on the one hand, the need to safeguard privacy, security and confidentiality of the Cabinet, and to use available resources to best effect and, on the other hand, maximising public access to records.

## **APPOINTMENTS**

114. Where a significant government appointment is proposed, the responsible minister must write to the Prime Minister seeking approval of the appointment before any action is finalised. While significant appointments will require Cabinet approval, the Prime Minister may determine that Cabinet consideration is not required and authorise the appointment.

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

- (a) significant full-time or part-time appointments to boards, commissions or statutory offices
- (b) full-time chief executive officer (CEO) positions, including in instances where the board selects the CEO (the minister cannot signify agreement without the formal approval of the Prime Minister, or the Cabinet)
- (c) appointments to significant non-statutory tribunals, advisory bodies and commissions of inquiry
- (d) appointments as heads of mission, other than Austrade managed posts
- (e) acting appointments in the above categories where the appointment is for more than three months (an initial acting appointment for up to three months can be made without seeking the Prime Minister's approval, but any further extension requires the formal approval of the Prime Minister).

116. For proposed appointments to new organisations, it is for ministers, in consultation with the Prime Minister, to judge whether the proposal should be brought to the Prime Minister's attention.

117. 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. Departments should consult with Cabinet Division for advice on past practice.

118. 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
- (b) whether, if selected, there would be any conflict of interest, in accordance with the Government's requirements.

### **Appointments of close relatives**

119. 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.

120. To avoid the appearance of a 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 the matter (see Annex I – Appointments process).

### **Circulation and announcement**

121. 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 is made by the minister.

## **CARETAKER CONVENTIONS AND CABINET**

122. By convention, the Government ensures that important decisions are not taken in the caretaker period that would bind an incoming government and limit its freedom of action. The basic caretaker conventions require Government to avoid making major policy initiatives, making appointments of significance and entering major contracts or undertakings during the caretaker period.

123. The caretaker conventions operate 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. There is no caretaker period for separate half Senate elections.

124. The Ministry, the Cabinet or the 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, thereby avoiding the necessity for meetings during the caretaker period.

125. In relation to appointments, only those which it is essential to fill are considered, and preferably on an acting or short-term basis unless a minimum or fixed term is prescribed. Consultation could occur with the relevant Opposition spokesperson, particularly where longer-term appointments are necessary.

126. 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.

127. The caretaker conventions do not apply to new policy promises which a government may announce as part of its election campaign.

128. For full details on the Caretaker Conventions and their operation see [here](#).

129. The annexes of this document may be updated by Cabinet Division at times to reflect changes to operational policy or process.

## **ANNEX A – ROLES AND RESPONSIBILITIES**

### **Cabinet Division**

1. Cabinet Division is directly responsible to the Prime Minister and the Cabinet Secretary for the impartial recording of Cabinet decisions and for the administration and development of Cabinet processes. It is also responsible to the Cabinet as a collective for ensuring the confidentiality of Cabinet proceedings and the impartial and effective operation of the Cabinet system.
2. Cabinet Division also supports the Chairs of the Cabinet Committees by preparing agendas, providing Chairs with advice and support, and providing the administrative support to ensure an accurate record of meeting decisions and preparing and distributing the minutes.
3. Cabinet Division provides support on all aspects of the Cabinet process and is the principal source of advice for ministers, ministerial offices, departments and agencies on Cabinet matters, this includes information about the Cabinet and Cabinet Committee meeting times. Cabinet Division staff are in regular contact with ministers' offices, providing assistance and advice concerning Cabinet meetings, documents and procedures. Contact between Cabinet Division and departments (and agencies) is usually made through each department's Cabinet Liaison Officer (CLO).
4. Cabinet Division is also responsible for the management of the records of successive Cabinets. It maintains the registry of Cabinet documents for the current Government and preserves the Cabinet records of previous Governments (see Annex H – Cabinet documentation).
5. Cabinet Division manages and maintains the CabNet+ system, which is the real-time, secure, whole of Australian government information and communications technology system used to support the Commonwealth's end to end Cabinet process. The system provides electronic access at the PROTECTED and SECRET security classifications from approved networks across government.
6. CabNet+ is available to ministers and their ministerial staff with access facilitated by Departmental Liaison Officers in ministerial offices. CabNet+ is also available to officials with their access facilitated by their departmental CLOs. CabNet+ allows Cabinet Division to drive a 'digital first' approach and has significantly decreased the distribution of paper copies of Cabinet documents.



## **ANNEX B – MANAGING THE CABINET BUSINESS**

### **Putting an item on the agenda**

1. The Prime Minister's control of the agenda is central to the operation of the Cabinet. Ministers seeking to put an item on the Cabinet (or Cabinet Committee) agenda should write to the Prime Minister seeking authority. The Cabinet Secretary will, on delegation from the Prime Minister, respond to ministers' requests. Ministers should ensure that there is time for the development of a fully compliant submission (see Annex D – Preparing a submission to the Cabinet) before seeking to list an item for a specific meeting.
2. Cabinet Division will not propose an item for an agenda unless it has authority to come forward and a fully compliant submission will be lodged within the agreed timeframes.
3. Only in exceptional circumstances will the Prime Minister consider whether an item may come forward without a submission.

### **The Cabinet forward program**

4. Cabinet Division consults with departments and ministers' offices to maintain a forecast of business expected to be brought forward or business which is required to come back to the Cabinet (or Cabinet Committees). Cabinet Division, in consultation with the Cabinet Secretary, relies on the forecast to develop the Cabinet forward program, which notes the business expected to be brought forward for Cabinet (and Cabinet Committee) consideration and the estimated timings.

### ***The agenda***

5. Once the program is agreed, the Cabinet Secretary approves and circulates to relevant ministers the agenda for each Cabinet and Cabinet Committee meeting. The agenda advises the business to be considered, the minister responsible for each item and notification of any co-opting arrangements.
6. Cabinet Division uses the CabNet+ system to provide access to agendas to relevant ministers and departments. In most cases, departments only receive access to those items on the agenda that are brought forward by their minister, or on which they were consulted in the development of the item (i.e. if they have provided coordination comments on the item).
7. As meeting times and agendas are subject to change and new meetings may be called, it is common for revised lists to be issued. Ministers' offices and departments must be alert for any late changes and should ensure that they check for updated information via the CabNet+ system.

### **Settling matters by correspondence**

8. Before initiating possible business for the Cabinet, ministers should carefully consider whether Cabinet consideration is essential or whether consultation and agreement with interested colleagues would suffice, particularly if it is likely all interested ministers are in agreement.

9. Following any necessary consultations by officials, initiating ministers should write to all interested ministers, outlining the purpose and scope of the proposals and seeking their written agreement to the proposals.

10. Once agreement has been provided, the initiating minister should write to the Prime Minister advising the outcome of consultations and seeking approval for the proposed course of action.

### **Minor policy proposals involving legislation**

11. If a minister believes that a proposal involving legislation does not warrant consideration by the Cabinet, they should write seeking the Prime Minister's approval of the proposal.

12. The minister should also write to the Prime Minister if it is proposed to vary the implementation of a Cabinet minute in a manner which does not warrant reconsideration of the matter by Cabinet.

13. If not previously sought, minor policy approval should be sought at the time the minister submits a bid to have the legislation included on the program or as soon as possible after that. If it becomes apparent during the drafting of a bill that further approval is required for minor policy matters, the minister should write to the Prime Minister as soon as possible. Replies to requests for minor policy approval are signed by the Prime Minister, or the assistant minister to the Prime Minister on behalf of the Prime Minister.

14. For further details on approval of minor policy proposals see the [Legislation Handbook](#).

### **Authority to bring forward a submission**

15. Ministers seeking to have matters raised in the Cabinet must seek the Prime Minister's authority.

16. Letters seeking authority to bring an item forward should clearly outline the purpose and scope of the proposal, identify any financial implications and indicate if the proposal relates to the delivery of the Government's strategic priorities. If there is a critical date by which a decision is required, this should also be identified and supported by explanation. If there are any financial implications, the letter must be copied to the Treasurer and the Minister for Finance.

17. Matters involving revenue measures may only be brought forward with the agreement of the Treasurer (agreement may involve a joint submission with the Treasurer).

18. The Prime Minister or the Cabinet Secretary (on delegation from the Prime Minister) will respond in writing advising whether authority has been granted for the matter to be brought forward to the Cabinet or Cabinet Committee, the agreed scope of the proposal and any other conditions. If, after authority has been provided, there is a change in circumstances which requires alteration to the scope of the proposal, ministers must write again to the Prime Minister or the Cabinet Secretary seeking additional or varied authority.

19. Matters which the Cabinet (or Cabinet Committee) request to come forward for consideration do not require any further authority, provided that request is recorded in a Cabinet minute.

## **Cabinet submissions**

20. The Cabinet submission process is the key mechanism for enabling informed decision-making in the Cabinet and therefore adherence to the process is critical to the proper exercise of the principle of collective decision-making.
21. Any documents conveying substantive material to the Cabinet, including presentations, must be covered by a Cabinet submission and are subject to the rules and procedures of the submission process.
22. The Cabinet Secretary is responsible for setting standards for the form and content of submissions and accompanying presentations. Cabinet Division plays both a gate keeping and advisory role to ensure that those standards are met.
23. The Cabinet submission process provides guidance and templates to assist ministers and their departments to draft concise documents which:
  - (a) set out the benefits, disadvantages and risks associated with the proposed policy
  - (b) explain any linkages to the delivery of the Government's strategic priorities
  - (c) explain the gendered impacts and consideration of gender responsive budgeting, impacts on Indigenous peoples and other impacts of the policy
  - (d) explain the implementation challenges, the level of risk and a high level response to these
  - (e) highlight any public expenditure implications.
24. Submissions should contain recommendations for consideration by Cabinet or a Cabinet Committee, which set out the decision that the sponsoring minister seeks the Cabinet or the Cabinet Committee make in response to the submission.
25. Of equal importance are the circulation and lodgement requirements (many of which are built into the development of the submission) that ensure appropriate consultation occurs prior to the item coming before the Cabinet.
26. Ministers are responsible for the submissions they submit to the Cabinet and are expected to be fully conversant with them. Ministers bringing forward submissions are also responsible for ensuring that the consultation necessary to enable a fully informed decision to be taken occurs at both ministerial and officials levels. It is particularly important that there is agreement on factual matters, including costs.
27. Additional documentation that has not been submitted as part of the Cabinet submissions process, following the procedure set out in this Handbook, cannot be brought into the Cabinet room. In the case when there is critical information that cannot be included in or attached to a submission, approval must be sought from the Cabinet Secretary prior to the Cabinet or Cabinet Committee meeting.

## **Ministerial statutory decisions**

28. Special considerations apply to protect the integrity of the relevant statutory decision-making process when a minister brings an item to the Cabinet on a statutory decision or action he or she intends to make. The Cabinet cannot make, or appear to make, a decision that the statute requires a minister (officer or agency) to make. Accordingly, the submission should be drafted on the basis that, consistent with the law, it is seeking to have a policy view taken into account by the independent decision-maker; it should not be drafted as an instruction.

## **Cabinet memorandums**

29. Cabinet memorandums are papers which are submitted by departments rather than ministers, generally in response to requests by the Cabinet (or a Cabinet Committee) for supplementary information or the development of options. Authority is required before a memorandum can be brought forward, in the same way as for submissions. Departments cannot initiate a memorandum without authority being in place.

30. Memorandums are to contain the same information as submissions and require the same circulation and consultation.

## **Deadlines and late submissions**

31. Deadlines for the lodgement of Cabinet documents (that is, submissions and memorandums as well as coordination comments) ensure that ministers have sufficient time to read and seek advice on papers and to discuss them with colleagues if required. The standard submission process allows three working days between distribution of the final submission by Cabinet Division and consideration by the Cabinet or a Cabinet Committee (see Annex D – Preparing a submission to the Cabinet).

32. Breaching lodgement timeframe requirements requires the approval of the Cabinet Secretary, which will only be given where the need for earlier consideration is urgent and unavoidable.

## **Amending and withdrawing submissions**

33. Amendments to Cabinet or Cabinet Committee submissions and memorandums already lodged with the Cabinet Division will not be accepted unless the change is of a minor editorial nature. If a minister wishes to make substantive amendments to a paper already submitted, the original submission will be withdrawn and a corrigendum submitted.

34. If a sponsoring minister wishes to withdraw his or her submission from consideration after the Cabinet Division has issued an agenda, that minister should provide notice of withdrawal, including a reason for the withdrawal, to the Cabinet Secretary as soon as practicable.

## **Authority to bring urgent matters forward (Short Notice Submissions)**

35. When ministers bring matters before their Cabinet colleagues that have not been subject to the full submission process, it increases the risk that the Cabinet's decision will result in unforeseen and unintended consequences. It weakens the ability of the Cabinet to apply scrutiny from a whole-of-government perspective and ultimately undermines the Cabinet system itself.

36. To bring a matter before the Cabinet without the opportunity for consultation and advice which the Cabinet submission process provides, authority must be provided by the Prime Minister, the Cabinet (through a Cabinet minute) or the Cabinet Secretary (as delegated by the Prime Minister).

37. Ministers should only seek authority to bring forward a matter for their colleagues' consideration without a Cabinet submission where the matter is urgent and this urgency could not reasonably have been foreseen.

38. A Short Notice Submission supports Cabinet consideration of urgent or unforeseen and unavoidable items that cannot practically meet the longer timeframes of the full submission process.

39. The use of a Short Notice Submission is subject to approval by the Cabinet Secretary. Examples where a Short Notice Submission may be used include:

- (a) urgent matters of a procedural rather than a policy nature
- (b) urgent policy matters where the parameters of the decision(s) are straightforward and the risks associated with the decision(s) are low
- (c) genuinely urgent or unforeseen and unavoidable matters
- (d) simple items such as progress reports or supplementary considerations
- (e) comebacks commissioned by the Expenditure Review Committee of Cabinet during the Budget process.

40. 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 of his or her request summarising the matter.

41. To support discussion, a Short Notice Submission is to be prepared in lieu of a full Cabinet Submission. The submission will include a concise summary of the matter, which has clear recommendations for the Cabinet's consideration and supporting argument, including an analysis of the associated risks.

42. If the Prime Minister or Cabinet Secretary agree to the matter being brought forward to Cabinet or a Cabinet Committee, Cabinet Division will circulate the submission upon approval of the Cabinet Secretary, for at a minimum, short coordination comments to central agencies, and other impacted agencies with the agreement of the Cabinet Secretary. The final Short Notice Submission will be provided to ministers ahead of the Cabinet meeting.

### **Oral updates**

43. Oral updates will be accepted only with the prior approval of the Cabinet Secretary. A minister should only seek to provide an oral update at a Cabinet or Cabinet Committee meeting in cases of particular urgency or confidentiality on an issue for the Cabinet.

44. On rare occasions, the Cabinet Secretary may agree to the lodgement of a document to support an oral update item.

## **Proposals with financial implications**

45. Where a proposal involves any financial implications, the Department of Finance (Finance) must be consulted. Cabinet Division is authorised to reject any submission or matter without submission that is not accompanied by expense and non-taxation revenue costings agreed by Finance. Cabinet Division is similarly authorised to reject a submission with taxation revenue or taxation expenditure implications that have not been agreed with the Department of the Treasury (Treasury).

## **ANNEX C – CONDUCT OF CABINET AND CABINET COMMITTEE MEETINGS**

### **Notification of agendas**

1. Once the forward program and agendas are approved by the Cabinet Secretary, Cabinet Division issues to ministers:
  - (a) an agenda for each meeting, showing the business to be considered, the ministers responsible for the items and any ministers or parliamentary secretaries to be co-opted
  - (b) any draft minutes for endorsement based on matters previously considered by a Cabinet Committee.

### **Expectation of in-person attendance**

2. Ministers are expected to attend Cabinet and Cabinet Committee meetings in person. Remote attendance by telephone or video is not permitted, other than in exceptional circumstances.

### **Notification of non-attendance – delay or absence**

3. If a minister does not expect to be available to attend a meeting of the Cabinet or a Cabinet Committee, that minister should advise the Cabinet Secretary in writing prior to the meeting outlining the reasons for the absence.

### **Co-option**

4. Cabinet Division provides advice to the Cabinet Secretary on co-option arrangements for each meeting.
5. Ministers shown on agendas as being co-opted for an item of business attend the Cabinet or Cabinet Committee meeting for the discussion of that item. Those ministers participate fully in the discussion of that item.
6. Non-Cabinet ministers with a portfolio interest in an item listed for a Cabinet or Cabinet Committee meeting (and who have not been co-opted on the agenda) may seek to be co-opted for the discussion by having the relevant senior portfolio Cabinet minister make a request in writing to the Cabinet Secretary.

### **Declaring interests**

7. Ministers and assistant ministers attending Cabinet or Cabinet Committee meetings must, in relation to the matters under discussion, declare any private interests, actual or perceived and pecuniary or non-pecuniary, held by them, or 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.
8. It is then open to the Chair of the meeting to excuse a minister from the discussion or to agree expressly to his or her taking part.
9. Any such declarations will be recorded by the Cabinet note takers.

10. Once a minister has made the Cabinet aware of a particular private interest, it will not normally be necessary to repeat that declaration in subsequent Cabinet discussions.

11. 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.

### **Declaration during discussions on appointments**

12. A minister would withdraw from discussion of any proposal to appoint a person to an Australian Government body who is a relative of that minister (see Annex I – Appointments process).

### **Presentations to the Cabinet**

13. Ministers must seek the Cabinet Secretary's agreement to make a presentation to the Cabinet or a Cabinet Committee.

14. 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
- (b) outline complex issues to the Cabinet in order to seek the Cabinet's guidance.

15. In seeking approval to make a presentation ministers should:

- (a) where possible, attach a copy of the proposed presentation (of not more than 10 slides), which must include appropriate security markings (depending on the contents)
- (b) indicate the purpose of the presentation.

16. The presentation is lodged through the CabNet+ system and becomes part of the formal Cabinet record.

17. Where material from presentations, or presentations as a whole, were not explicitly created for the purpose of informing or advising the Cabinet, they may be used for other audiences—but there must be no reference to the material ever having been before the Cabinet.

### **Cabinet room attendants**

18. The Cabinet attendant provides assistance and services to ministers during meetings of the Cabinet (and Cabinet Committees). Duties include passing messages between the Cabinet room and ministerial staff and the custody and distribution of documents circulated in the Cabinet room.



## **ANNEX D – PREPARING A SUBMISSION TO THE CABINET**

### **Cabinet submissions**

1. A Cabinet submission is the documentation by which a minister puts a proposal to the Cabinet or a Cabinet Committee. The rules and procedures below apply to Cabinet Committees as well as the full Cabinet.
2. Given the volume of Cabinet documentation that ministers need to consider, the Cabinet Secretary establishes strict guidelines on the format of submissions so that:
  - (a) the proposal and the problem it seeks to address are expressed clearly and concisely
  - (b) there is a focus on what action the Government could take
  - (c) the gendered impacts and consideration of gender responsive budgeting, impacts on Indigenous peoples and other impacts of the policy are explained
  - (d) the impact on the Government's priority policy areas can be easily discerned
  - (e) implementation risks are clearly identified.
3. In addition to a prescribed format, the Cabinet also requires that, during the development of a submission, there is consultation between ministers (and departments) so that:
  - (a) there is agreement on the facts, including costs, being presented in the submission
  - (b) all relevant factors, from a whole-of-government perspective, are taken into account
  - (c) departments and agencies with responsibility for, and/or knowledge of, implementation in the policy area can provide input
  - (d) as far as possible, differences between ministers are resolved in advance of Cabinet consideration or are identified and set out in a way that will facilitate discussion and decision-making.
4. The submission process, therefore, includes a number of mandatory basic consultation procedures. Particular attention should be paid to whether consultation with the following agencies are required:
  - (a) the National Indigenous Australians Agency
  - (b) the Office for Women in the Department of the Prime Minister and Cabinet
5. As ministers take collective responsibility for the decisions of the Cabinet and are bound by the principle of Cabinet solidarity to support and advocate Cabinet outcomes, it is imperative that they have sufficient time to consider submissions in advance of any Cabinet discussion.
6. The Cabinet Secretary, therefore, takes responsibility for ensuring there has been sufficient time for ministers to consider submissions by mandating the timeframes between exposure draft, coordination comments, lodgement, listing as an agenda item, and Cabinet consideration. Understanding the timeframes is particularly important when proposals are time critical.
7. The Cabinet's requirements in relation to submission format, consultation and timeframe requirements seek to support collective decision-making. Exemption from any aspect of these requirements should only be sought in exceptional circumstances and will require the agreement of the Cabinet Secretary.

8. Cabinet documents, including submissions, are subject to a strict confidentiality regime.
9. The CabNet+ system, managed by Cabinet Division, supports the confidential preparation, circulation and lodgement of Cabinet documents, including submissions and briefing material.

### **Joint submissions**

10. The Prime Minister or the Cabinet may decide 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.
11. 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.
12. In addition, joint submissions will also be required for major and sensitive proposals with significant service delivery components delivered by another agency. At a minimum, all major and sensitive initiatives which have significant service delivery components will require joint submissions where responsibility for policy and implementation rests with different departments or agencies.
13. 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 undertaking the mandatory consultation processes and lodging the submission with Cabinet Division.

### ***Submissions prepared by one minister in consultation with others***

14. Where the Prime Minister, the Cabinet 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 development of the submission. Consultation does not necessarily require 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 into the description of the problem and possible solutions.

### **Memorandums**

15. Departments may from time to time be requested to provide information and options on a certain matter for the Cabinet's consideration. Such documentation is referred to as a memorandum. While there are a number of differences in style and format between a submission and a memorandum, the requirements in terms of brevity, analysis, consultation and confidentiality are the same.

### **Implementation analysis and planning**

16. The Cabinet has instituted processes to ensure that implementation issues have been adequately addressed in submissions and memorandums, emphasising the importance of sound policy delivery.

17. To enforce this process the Cabinet Secretary is authorised to reject submissions or memorandums where the relevant secretary or agency head has not confirmed that the submission contains all the information that the Cabinet will require to assess the implementation challenges of a proposal.

18. The Cabinet is responsible not only for making decisions but as a collective forum for reviewing the Government's strategic priorities and ensuring the delivery of key initiatives.

19. At a minimum, all submissions should:

- (a) include rigorous analysis that justifies the proposed measures (including, as appropriate, business cases, feasibility studies and cost-benefit analyses)
- (b) identify how, when and by whom the recommendations of a submission will be implemented
- (c) identify key risks and mitigation strategies
- (d) identify tangible outcomes and benefits tied to the objectives of the policy – and metrics and milestones to measure progress against these outcomes – to ensure timely and accurate implementation reporting
- (e) invite specific and focused comment on proposed approaches to implementation through the exposure draft and draft for co-ordination comment processes.

20. To ensure this occurs, the Cabinet has requested that the authoring department's secretary or agency head confirms, for each submission that their minister sponsors, that:

- (a) the submission contains all the key information that the Cabinet will require to assess the implementation challenges of the proposal
- (b) their department (or agency) has, or will, put in place the necessary capabilities to effectively manage implementation.

21. Where appropriate, submissions must detail how the recommendations they make can be implemented, if they are agreed by the Cabinet.

22. As the level of risk of a proposal increases, so too does the level of implementation planning required by ministers and central agencies. To establish what additional planning is required, departments or agencies must complete a formal risk assessment during the policy development process in consultation with central agencies. All submissions bringing forward proposals which have 'significant implementation risks or challenges' are required to submit robust implementation plans as an attachment to the submission.

### **Submission/memorandum format**

23. Cabinet submissions are made up of the following elements:

- (a) cover sheet providing summary of key points or 'executive summary' and financial implications
- (b) recommendations (or conclusions for memorandums)
- (c) supporting analysis
- (d) coordination comments
- (e) titles of any attachments.

24. Each of these elements has prescribed information requirements and strict limitations on length. These rules seek to ensure that the material put before the Cabinet is concise, substantiated by facts, realistic about risks and argued within the framework of the Government's strategic policy agenda.
25. Templates for Cabinet submissions and Cabinet memoranda are available via CabNet+. Cabinet Division is able to provide direction and assistance on how to structure the submission.
26. If necessary, other essential supporting factual information (including New Policy Proposals, impact statements, presentations and draft media releases) can be attached to a submission.
27. Implementation plans must be attached to Cabinet submissions and all major program proposals if there are significant implementation challenges associated with the proposal.
28. It is open to the sponsoring minister(s) or department(s) to request that certain documents relevant to a submission not be distributed via CabNet+. This may occur due to the size or nature of these documents (e.g. a lengthy business case for an ICT project). These documents become 'supporting documents' and access is only provided upon request to Cabinet Division. Supporting documents remain Cabinet documents and must be handled accordingly.

### **Submission consultation processes**

29. Good policy outcomes require informed decisions by ministers. Informed decisions require agreement on facts and an understanding of the opinions of those who have expertise in the subject matter. During the development of submissions ministers and departments will need to balance the benefits of broad consultation with adherence to the need-to-know principle, so that the confidentiality of the Cabinet's considerations is protected.
30. The mandatory consultation processes for submissions outlined below relate to the consultation that occurs between ministers (and their departments) prior to Cabinet consideration.
31. Ministers are responsible for ensuring that these consultation processes are adhered to by their departments and offices.
32. The first step is for the authoring department(s) to identify ministers, departments (and agencies) with an interest in the policy area(s) under discussion in the submission.
33. As far as possible, consultation with these interested ministers and departments should ensure that differences between ministers on a proposed approach are resolved in advance of the Cabinet's consideration or, if this is not possible, differences are identified and set out in a way that will facilitate informed decision-making.
34. It is particularly important that there is agreement regarding factual matters (that is, matters that are not open to interpretation or differences of opinion), including costs, which will form the basis of Cabinet discussions. The Cabinet Secretary will not authorise distribution of submissions or memorandums to ministers where there is a disagreement about facts. Departments must consult Finance on whether there are any financial implications and any costs must be explicitly agreed by Finance (or Treasury in the case of revenue matters).

35. The two mandatory consultation processes during the development of the submission are:
- (a) exposure draft
  - (b) draft for coordination comments.

### **Exposure drafts**

36. An exposure draft is a working draft which invites comment and suggested changes and additions to all aspects of the policy proposal under discussion. It can be circulated prior to approval by the sponsoring minister(s). It greatly assists in refining the final submission and thereby focusing the resultant Cabinet consideration.

37. While it is essentially a working document, because an exposure draft is a draft of a document that will be considered by Cabinet and formatted using the Cabinet submission template it is therefore a Cabinet document and it must be handled accordingly (see Annex H – Cabinet documentation).

38. Departments must circulate at least one exposure draft but, provided there is sufficient time, complex or contentious proposals may benefit from circulation of several exposure drafts during the development of the submission.

39. Consulted departments should use the exposure draft as an opportunity to highlight any errors of fact, areas of concern or disagreement and identify implementation challenges and risks. Authoring departments should address as many 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 (see coordination comments on draft submissions below).

40. In the preparation of the exposure draft the authoring department should ensure the necessary impact statements have been drafted and agreed with the relevant departments/agencies.

41. The exposure draft is also an opportunity to ensure that implementation risks and challenges associated with proposals are identified and thoroughly analysed from a whole-of-government perspective. Authoring departments should seek feedback on the adequacy and quality of their implementation planning, particularly from the central agencies and departments or agencies with relevant expertise.

42. An implementation focus during the exposure draft process ensures that authoring departments resolve issues such as resourcing, governance and oversight prior to Cabinet consideration, as well as ensuring that unresolved issues are identified and brought to the Cabinet's attention.

43. Cabinet Division uses the exposure draft to provide guidance to the authoring department on the submission's structure, format and compliance with core requirements. Particular attention is given to ensuring that the recommendations are action and decision oriented and supported by the submission's analysis.

### **Coordination comments on draft submissions**

44. Interested departments and agencies must be given the opportunity to provide a formal comment on the submission after it has been approved by the sponsoring minister.

45. These coordination comments form part of the final submission and provide a means for the Cabinet to receive the views of departments and agencies on proposals and the existence and depth of disagreement between departments. This is an important forum for departments to bring issues about adequacy and quality of implementation planning to the attention of the Cabinet.

46. Coordination comments are the impartial advice of Australian Public Service agencies to the Cabinet as a whole. They are not cleared by ministers or ministerial advisers. Any variation to these arrangements would compromise the independence of coordination comments.

47. Coordination comments should be no longer than half a page. They must only raise matters requiring consideration and agreement of ministers. This includes comments about the adequacy and quality of implementation planning. Disagreements between departments over procedural or technical matters that do not have a substantial bearing on the proposal should be handled between departments prior to the submission being considered by the Cabinet (generally, such issues should be resolved during circulation of the exposure drafts).

48. Coordination comments also provide an indication of the adequacy of the consultation undertaken during the development of the submission.

49. The Cabinet Division will not release submissions to ministers until coordination comments have been received from all of the consulted departments. Submissions therefore need to be circulated 48 hours prior to the submission being released to ministers, that is, five days before the Cabinet meeting, to allow adequate time for departments to provide coordination comments. Prompt provision of coordination comments by departments is also critical to ensuring that ministers receive submissions in a timely fashion.

### **Submission circulation and lodgement deadlines**

50. The Cabinet Secretary advises the Prime Minister on the agenda items for meetings of the Cabinet and Cabinet Committees using forward programs maintained by the Cabinet Division (see Annex B – Managing the Cabinet business). Each department’s Cabinet Liaison Officer (CLO) holds copies of the Cabinet forward program schedule for their department’s items and associated lodgement deadlines.

51. The Cabinet submission deadlines are determined by the need to provide time for both ministers and departments to consider proposals. Understanding these timeframes is particularly important if a Cabinet decision is required by a specific date or within a set timeframe.

52. Deadlines for submissions which would be processed via the ‘10 Day Rule’ (see Annex E – Ten day rule procedures and processes) require 10 working days to have elapsed between lodgement and possible endorsement by the Cabinet.

## **Late submissions**

53. In cases where it is absolutely necessary to do so and for matters which are genuinely urgent, unforeseen and unavoidable, ministers may seek the Cabinet Secretary's agreement to waiving the three day requirement between lodgement and consideration. Requests to the Cabinet Secretary for items to breach the three day rule will not be agreed other than in the most urgent cases where the need for earlier consideration is clear and inescapable. The urgency should not result from delays and inadequate planning in ministers' departments or offices.

54. Authoring departments are responsible for ensuring the deadlines for exposure drafts and coordination drafts are met.

55. Even where all deadlines are met, submissions may not be listed for consideration. It is for the Cabinet Secretary to determine what business will be dealt with at particular meetings of the Cabinet and Cabinet Committees. 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 Cabinet Committee consideration of particular submissions. CLOs can seek advice from Cabinet Division on the scheduling of matters relevant to their portfolio.

## **Proposals involving administrative law**

56. Administrative law is the body of law regulating government decision-making. It is an accountability mechanism that generally applies to government decision-making about individual matters, rather than broad policy decisions. The administrative law system includes primary decision-making by ministers and public servants, merits review of primary decisions, review and investigation by the Commonwealth Ombudsman and judicial review by federal courts. The Attorney-General has responsibility for all of these matters with the exception of the Commonwealth Ombudsman. Administrative law principles in relation to review of decisions and the accountability of the executive government should apply consistently across all government decision-making schemes. More information about administrative law policy can be found in the [Administrative Law Policy Guide](#).

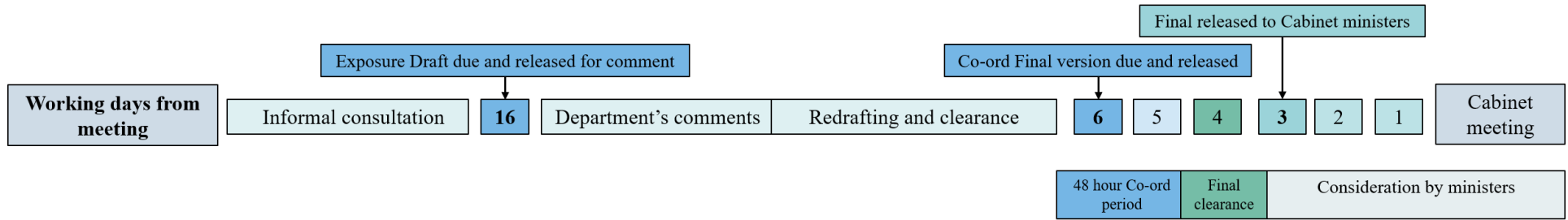
57. In order to ensure that administrative law considerations are taken into account in the development of all relevant government programs and policies, agencies drafting Cabinet submissions relating to decision-making and regulation should consult the Attorney-General's Department (AGD). In particular, agencies should consult with the AGD in relation to all proposals:

- (a) involving decision-making by ministers or public servants
- (b) to confer jurisdiction on the Administrative Appeals Tribunal
- (c) to establish a new tribunal or merits review body
- (d) to set up a new regulatory body
- (e) involving national regulatory schemes.

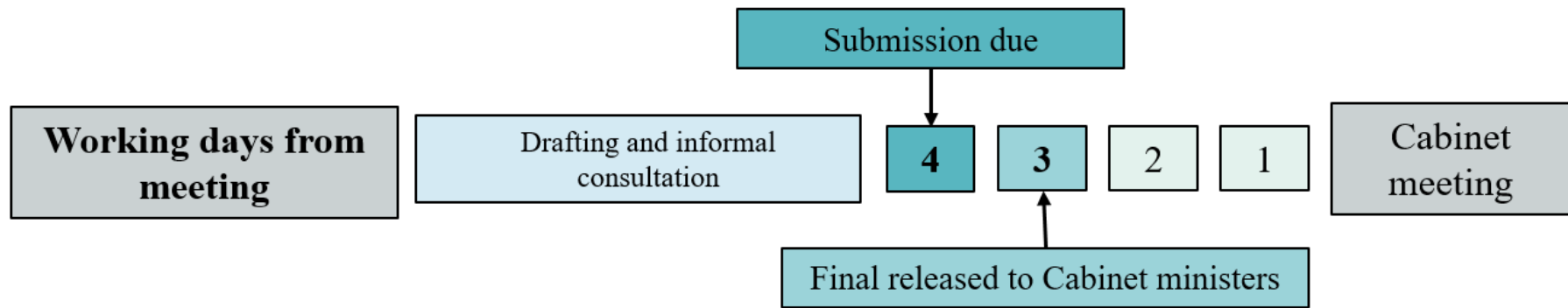
## **Submissions containing legislation proposals**

58. Procedures for the preparation and handling of legislation proposals in submissions are detailed in the [Legislation Handbook](#).

### Cabinet Submission Timeline



### Short Notice Submission Timeline





## **ANNEX E – TEN DAY RULE PROCEDURES AND PROCESSES**

1. Less controversial submissions can be settled by circulation to Cabinet ministers.
2. The circulation period is ten days after lodgement—hence the process is termed the ‘ten day rule’.
3. Under this arrangement, PM&C is responsible for identifying those submissions with a high level of agreement, which are unlikely to generate discussion in the Cabinet, but still require the authority of the Cabinet to proceed.
4. Such submissions are usually identified by Cabinet Division in consultation with the relevant policy area of PM&C during the exposure draft phase of the submission process.
5. Cabinet Division then makes a recommendation to the Cabinet Secretary that these submissions be handled under the ‘ten day rule’.
6. If the Cabinet Secretary agrees to the application of the ten day rule, Cabinet Division circulates submissions to Cabinet ministers who have ten days to raise with the Cabinet Secretary any matters that may require discussion by the Cabinet.
7. If no issues are raised during the ten day period, Cabinet Division will draft a minute based on the recommendations of the submission and include the item on the next possible Cabinet agenda. As the agenda is issued five days prior to the Cabinet meeting, the minimum period for the completion of the ten day rule process is 15 days.
8. If ministers have concerns about the submission during the circulation period, they must write to the Cabinet Secretary outlining their issues (such correspondence should include appropriate security markings). The Cabinet Secretary will seek to resolve concerns by facilitating discussions directly between the relevant ministers and if necessary their departments.
9. Once the concerns are resolved (ideally within the ten day period) Cabinet Division prepares a draft minute based on the recommendations and ministerial discussions. The minute is then scheduled for consideration and endorsement by the Cabinet. If concerns cannot be resolved in that period, the Cabinet Secretary may then list the submission for discussion rather than endorsement.

## **ANNEX F – DECISIONS OF THE CABINET**

1. Although the recorded outcomes of Cabinet discussions are often referred to as Cabinet ‘decisions’, they are formally known as Cabinet minutes. As the Cabinet has no legal or statutory status, the decision-maker from a legal perspective is normally the Parliament, the Federal Executive Council, the relevant minister or an official with designated statutory powers.
2. Cabinet Committee minutes that require endorsement by the Cabinet are marked accordingly. When they have been endorsed by the Cabinet, a superseding minute is issued.
3. It is important that the Cabinet minutes reflect this position and do not pre-empt the carrying out of due process or the proper exercise of any discretion (whether under statute or prerogative) by the responsible minister. Cabinet may ‘note’ rather than ‘agree’ matters in these circumstances.

### **Circulation**

4. Once the Cabinet Secretary has approved and signed the Cabinet minutes, Cabinet Division is responsible for circulation.
5. Cabinet minutes are Cabinet documents and include appropriate security markings (see Annex H – Cabinet documentation).
6. The Cabinet and Cabinet Committee minutes are normally circulated to all Cabinet ministers, any non-Cabinet ministers co-opted to a meeting or having a direct portfolio interest in the matter, and to relevant departments. Cabinet minutes are also circulated to departments which are specifically required to take action or which have a need to know and to no others.
7. Departmental secretaries are expected to have procedures in place to ensure that Cabinet minutes are circulated internally with the strict application of the ‘need-to-know’ principle.
8. 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 require access to the Cabinet minute. In that case, a request may be made in writing to Cabinet Division, indicating the reasons for the request.
9. 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 when. Ministers will often look to their secretaries to discharge this responsibility on their behalf. Where an agency has been directly involved in the preparation of a matter for the Cabinet or directly affected by the outcome of the Cabinet’s deliberations, the relevant Cabinet minute may be issued to the chief executive officer of that agency.
10. Departments with coordinating responsibilities in an area affected by a Cabinet minute should, as appropriate, convey the effect of that Cabinet minute to other departments and authorities.

## **Amendments**

11. A minister may disagree with the wording of a Cabinet minute and request that it be amended. Such a request is made in writing to the Cabinet Secretary. If it is agreed that the Cabinet minute does not accurately reflect the Cabinet outcome, an amended Cabinet minute may be issued. If there is a more fundamental dispute over the content of the Cabinet minute, the matter may need to be brought forward to the Cabinet for consideration.

## **Announcements**

12. Sponsoring ministers should specifically consider if, when and how an agreed policy proposal should be made public and what factual material and analysis embodied in the submission might be made available to the public. Some government decisions are not made public.

13. Ministerial intentions regarding public release must be indicated in the recommendations of the submission, with a draft media release included as an attachment noting that any such announcement would refer to the decision of the Government, not of the Cabinet or one of the Cabinet Committees.

14. Where possible, any information on the proposed handling strategy for the media release should be incorporated in the submission. This might include the indicative timing of the release, whether it is expected to be issued jointly, involve a media event, or form part of a broader community engagement strategy or information campaign.

15. Generally, significant policy developments are announced first in the Parliament, if this is practicable. Likewise, and where possible, policy information papers announcing government policy (white papers) or public policy discussion papers (green papers) are first tabled in the Parliament.

16. No publicity is to be given to matters, including appointments where Federal Executive Council's approval is required before the council's action is complete, unless the Governor-General's prior approval of an announcement has been obtained (see [Federal Executive Council Handbook](#) for further information). The Federal Executive Council Secretariat (located in Cabinet Division) will assist with advice and make any necessary arrangements in such cases.

17. Where premiers and chief ministers have to be informed, or other preliminary action arising from a Cabinet minute has to be taken, it is the responsibility of the portfolio minister to see that this has been finalised before an announcement is made.

## **Information campaigns**

18. Submissions which propose government funded information campaigns must provide adequate information to enable the Cabinet to consider the cost-effectiveness of proposed campaigns when considering the initial approval of new policy proposals, including justification for the proposed campaign, costs, target audiences, method and media, independent advice from the master media agency and any whole-of-government aspects.

## **ANNEX G – CABINET COMMITTEES**

1. In settling Cabinet arrangements, it is open to the Prime Minister of the day to adopt the organisation and system he or she wishes, subject only to the provisions of the *Ministers of State Act 1952*. The Ministry, the Cabinet and Cabinet Committees are all elements of the Cabinet system.
2. Submissions brought forward to a Cabinet Committee should align with the terms of reference for that Cabinet Committee.
3. Cabinet Committee minutes and their supporting submissions are then usually listed for endorsement by the Cabinet. Examples of exceptions include ERC Budget minutes, which are held over and endorsed by the Cabinet at Budget Cabinet just prior to the Budget announcement, unless early endorsement is required for urgent implementation.
4. Generally, the procedures and processes, including the submission and consultation processes required by Cabinet Committees mirror those of the Cabinet. The key difference is that, with the exception of the Parliamentary Business Committee of Cabinet (PBC) and the National Security Committee of Cabinet (NSC), Cabinet Committee decisions are not final and must be endorsed or considered by the Cabinet before they become operative. The PBC and NSC may, however, decide that a particular matter within their authority should be referred to the Cabinet for endorsement.
5. Officials and advisers may attend Cabinet Committee meetings, although the numbers and seniority of attendees are restricted. Requests for attendance by advisers and officials require the specific agreement of the Cabinet Secretary.
6. Where the Prime Minister does not Chair a Cabinet Committee, Chairs are supported by the Cabinet Division.

### **Endorsement of Cabinet Committee minutes**

7. The Cabinet Committee system is designed to ensure that outcomes are reached after thorough discussion and on the basis of consensus. The Cabinet's endorsement of Cabinet Committee minutes is a formal process not usually involving the re-opening of discussion. Cabinet Committee Chairs will advise the Cabinet Secretary where Cabinet Committee minutes require discussion so that they can be identified for discussion on the Cabinet agenda. Other ministers may also advise the Cabinet Secretary that they wish to discuss a Cabinet Committee minute in the Cabinet (noting that if the request is made by a non-Cabinet minister then that minister would be co-opted to the Cabinet's discussion, subject to agreement by the Cabinet Secretary). The matter may then be raised for discussion when the Cabinet Committee minute is brought forward to the Cabinet for endorsement.
8. Changes of substance are not normally made in endorsing a Cabinet Committee minute unless the minister responsible seeks an amendment.
9. If a matter of substance is raised, the Cabinet may refer the matter back to the Cabinet 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 Cabinet Committee for consideration before being considered by the Cabinet again.

## Current Cabinet Committees

10. There are five Cabinet Committees and two Cabinet subcommittees. Additional Cabinet Committees may be set up by the Prime Minister from time to time for particular purposes.

<b>Expenditure Review Committee (ERC)</b>	<b>Terms of Reference</b>
Prime Minister (Chair) Mr Marles Senator Wong Mr Chalmers (Deputy Chair) Senator Gallagher Mr Butler Ms C King Ms Rowland Mr Jones	The ERC considers new expenditure and revenue proposals during and between Budget updates, including gender responsive budgeting.  <i>*Decisions of the ERC require the endorsement of the Cabinet</i>
<b>National Security Committee (NSC)</b>	<b>Terms of Reference</b>
Prime Minister (Chair) Mr Marles (Deputy Chair) Senator Wong Mr Chalmers Senator Gallagher Mr Bowen Mr Dreyfus Ms O'Neil Mr Conroy	The NSC considers matters related to Australia's national security, including strategic priorities, operational matters and activities of the intelligence community.  <i>*Decisions of the NSC do not require the endorsement of the Cabinet</i>  <i>**Decisions with financial implications are endorsed through a joint meeting of the NSC and ERC</i>
<b>Parliamentary Business Committee (PBC)</b>	<b>Terms of Reference</b>
Mr Burke (Chair) (Leader of the House) Senator Wong (Deputy Chair) (Leader of Govt in the Senate) Senator Gallagher (Manager of Govt Business in the Senate) Mr Butler (Deputy Leader of the House) Mr Gorman	The PBC considers priorities for the Government's legislation program.  <i>*Decisions of the PBC do not require the endorsement of the Cabinet</i>
<b>Priority and Delivery Committee (PDC)</b>	<b>Terms of Reference</b>
Prime Minister (Chair) Mr Chalmers Senator Gallagher (Deputy Chair)	The PDC provides regular oversight of the delivery of key Government policies and priorities.  <i>*Decisions of the PDC require the endorsement of the Cabinet</i>
<b>Government Communications Subcommittee</b>	<b>Terms of Reference</b>
Senator Gallagher (Chair) Senator Farrell Mr Butler Ms Plibersek Mr Clare (Deputy Chair) Senator Watt	The GCS provides oversight and coordination of Government advertising campaigns.  <i>*Decisions of the GCS require the endorsement of the Cabinet</i>  <i>**The GCS is a subcommittee of the PDC</i>

<b>National Security Investment Subcommittee (NSIS)</b>	<b>Terms of Reference</b>
Senator Gallagher (Chair) Mr Marles (Deputy Chair) Ms O'Neil Mr Conroy	The NSIS considers national security investments and procurements that are not considered by NSC to ensure they are aligned with Australia's strategic priorities, achieve best value and are implemented on schedule.  <i>*Decisions of the NSIS require the endorsement of the NSC</i>  <i>*The NSIS is a subcommittee of the NSC</i>
<b>Constitutional Recognition Committee (CRC)</b>	<b>Terms of Reference</b>
Ms Burney (Chair) Senator Farrell Ms Rishworth Mr Dreyfus (Deputy Chair) Senator Watt Mr Thistlethwaite Mr Gorman Ms M King Senator McAllister Senator McCarthy Senator Dodson	The CRC focuses on advancing the Constitutional recognition of First Nations peoples, including an Indigenous Voice to Parliament.  <i>*Decisions of the CRC require the endorsement of the Cabinet</i>  <i>**Senator Dodson attending in role as Special Envoy for Reconciliation and the Implementation of the Uluru Statement from the Heart</i>

## **ANNEX H – CABINET DOCUMENTATION**

### **Secure handling of Cabinet documents**

1. Cabinet documents, including pre-exposure drafts, exposure drafts, drafts for coordination comments, final submissions, and drafting comments (including coordination comments), must only be circulated via the CabNet+ system to ensure that they are circulated securely and that copies of the documents can be accounted for. It is important, therefore, that exposure drafts, drafts or finals (either in the template or in a document which looks like a Cabinet submission) are not circulated by any other means.
2. Similarly, substantive comments on submissions should only be transmitted via CabNet+.
3. Cabinet documents, including drafts, must be circulated strictly in accordance with the 'need-to-know' principle. The circulation of documents must be no wider than is required for the proper and efficient conduct of the business at hand. It must be restricted to those officials who have a role in contributing to the issues in the document and who hold an appropriate security clearance. Departmental officials are not entitled to access merely because it would be convenient for them to know or by virtue of their status or level of authorised access.
  - (a) Cabinet documents which cannot be distributed on the CabNet+ system due to the classification have strict handling requirements. The Cabinet Division will provide advice on these arrangements on an as needs basis.
4. Information and details on the handling of Cabinet documents is also provided in the Protective Security Policy Framework (PSPF) and further information on security matters can be sought from departmental security advisers.
5. If you become aware of the circulation of a submission by any means other than as a locked down version on CabNet+, Cabinet Division should be notified as soon as possible. Cabinet Division will identify any possible breach of Cabinet document protocols and contact the relevant department's security adviser.

### **Recording access to Cabinet documents**

6. CabTrack+ is a hard copy document tracking system within CabNet+, which allows users to track the lifecycle of a document from the print phase through to document destruction. The system allows users to allocate a printed document to a user, identify when a document is transferred to another user and mark when a document has been destroyed.
7. CabTrack+ provides an efficient and secure means of monitoring the location of printed Cabinet material and will help to manage Cabinet material stocktakes. The CabTrack+ functionality is available in both PROTECTED and SECRET environments.
8. CabNet+ maintains a record of who has been provided access to, and viewed, Cabinet documents electronically. This information is auditable and access can be revoked at any time.

## **No copying of Cabinet documents**

9. Cabinet documents must not be copied and this rule includes transcribing or copying of text of Cabinet documents (particularly minutes) into departmental IT systems.

10. The production and circulation of Cabinet minutes are strictly controlled by the Cabinet Division and, if extra copies of these are required, a request must be submitted to the Cabinet Division including information on why access is being sought. This information will assist the Cabinet Division in making an assessment of whether the department has a 'need-to-know' the contents of the Cabinet minute.

## **Destruction of Cabinet documents**

11. When hard copy Cabinet documents are no longer required by ministers or departments they must be destroyed according to the procedures set out in the PSPF. They also must be destroyed when a minister vacates office or a change of government occurs. In the case of final Cabinet documentation, CabNet+ network users must certify that destruction has occurred by updating the Stocktake Status in the CabNet+ system.



## ANNEX I – APPOINTMENTS PROCESS

1. Ministers must ensure proposals reach the Prime Minister’s office at least 15 working days before the Cabinet meeting at which the appointment may be raised for consideration. Proposals should be submitted in advance of the time the position is to be filled, but by no more than three months. For appointments which require Federal Executive Council consideration, calculations of the lead time must take into account the cut-off dates for submission of items for the Federal Executive Council schedule.

### Proposals for appointments

2. In submitting proposals to the Prime Minister, ministers must provide an account of the selection process. This includes whether the position has been advertised, and, if it has not, the reason for that decision. Where the minister recommends reappointment, the justification for doing so should be included. Any urgency or sensitivity relating to the position or the proposed appointment must be explained.

3. If the position is subject to a merit and transparency process, the minister’s letter should outline how that process was applied. See the [Government’s Merit and Transparency Policy](#) for further information.

4. In proposing appointments to a Government Business Enterprise, ministers are to follow the procedures set out in the Department of Finance guidelines: [Resource Management Guide 126: Government Business Enterprises](#).

5. The Minister’s proposal should also confirm that:

- (a) the nominee is appropriately qualified and has experience relevant to the vacancy
- (b) the appointment would conform with any applicable legislation
- (c) due regard has been paid to gender, diversity and geographic balance in the organisations’ membership
- (d) the necessary consultation with other ministerial colleagues, or state or territory counterparts has occurred (nominating ministers should consult relevant ministerial colleagues when proposing a nominee already employed in another portfolio to a position within their own portfolio; or where a state or territory public servant is being considered for appointment to a part-time position, the relevant premier, chief minister or state or territory minister should also be consulted).

6. Every appointment proposal to the Prime Minister must be accompanied by the following attachments (templates are available from the Cabinet Division):

- (a) an Appointment for Cabinet Form, irrespective of whether the particular appointment is a nominee for Cabinet consideration
- (b) a completed and signed Private Interests Declaration
- (c) an up-to-date curriculum vitae (one to two pages)
- (d) a current membership list of the relevant organisation, except where the position is a single-office holder.

7. Departments and agencies are required to provide these attachments to the Cabinet Division for clearance prior to the minister’s letter being sent to the Prime Minister. Failure to do so may result in delays to the appointment process.

8. The procedures to be followed for reappointments are the same as those for appointments.

## **Early announcement**

9. No public announcement should be made prior to an appointment being made by written instrument.

10. Where an appointment is yet to be made by the Governor-General, approval for early announcement may be sought in exceptional circumstances. This approval can only be obtained following consultation with the Federal Executive Council Secretariat (located in the Cabinet Division).