Cabinet Handbook

Fifth Edition

Amended March 2004
FOREWORD

The Cabinet Handbook lays down the principles and conventions by which the Cabinet system operates. It also lays down the procedures designed to ensure that the Cabinet process fulfils its central purposes of contributing to consistency in public policy formulation, supporting ministers in meeting their individual and collective responsibilities, facilitating co-ordinated and strategic policy development and enabling informed decision-making on all issues requiring collective determination.

This edition of the Handbook has been amended to take into account changes in the management of Cabinet business introduced in March 2002 to reinforce the leadership role of Cabinet in the development and oversight of the Government’s strategic direction. The opportunity has also been taken to make a small number of minor updating changes.

The Handbook and its companion Drafter’s Guide to the preparation of Cabinet Submissions and Memoranda will be revised as necessary in the light of experience and change to procedures that may be authorised from time to time.

I ask that ministers and officials ensure adherence to the spirit as well as the letter of both the Handbook and Guide. The Secretary to Cabinet and the Cabinet Secretariat are available to advise and assist. Cabinet liaison officers in each department are also able to advise on procedures.

signed

(John Howard)
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1. ORGANISATION OF CABINET

Elements of the Cabinet system

1.1 The Cabinet is a product of convention and practice. It is not mentioned in the Australian Constitution, and its establishment and procedures are not the subject of any legislation. It is for the government of the day, and in particular the Prime Minister, to determine the shape and structure of the Cabinet system and how it is to operate.

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

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

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

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

1.6 The Prime Minister usually establishes a number of standing committees of the Cabinet (eg expenditure review, national security, parliamentary business). Additional committees, including ad hoc committees, may be set up from time to time for particular purposes, usually for a defined duration. Details of the membership of committees, which change over time, are available from the Cabinet Secretariat.
Role of the Parliamentary Secretary to Cabinet

1.7 The Prime Minister may appoint a Member of Parliament to be the Parliamentary Secretary to Cabinet. Among other roles, the Parliamentary Secretary to Cabinet:

(a) attends Cabinet meetings and has a primary role of alerting the Prime Minister to any possible, significant delays in the implementation of matters agreed by the Cabinet;

(b) represents the Prime Minister on the Parliamentary Business Committee of Cabinet;

(c) assesses and responds, on the Prime Minister’s behalf, to ministers’ requests for policy approval of Government legislation that does not require Cabinet consideration; and

(d) informs the Prime Minister’s advisers, to the extent that it is appropriate to do so, of the outcome of Cabinet’s discussions.

Role of the Cabinet Policy Unit

1.8 The head of the Cabinet Policy Unit (CPU) is the Secretary to Cabinet and is employed under the Members of Parliament (Staff) Act 1984, as are any other employees of the CPU.

1.9 While working closely with the Cabinet Secretariat on issues such as the programming of business, the head of the unit is accountable directly to the Prime Minister as Chairman of Cabinet.

1.10 Particular responsibilities of the CPU include:

(a) providing advice on matters being considered by Cabinet as well as on strategic policy directions to provide a more detailed medium to longer-term perspective on the policy agenda and outcomes of Cabinet deliberations as they relate to the implementation of the government’s policies and priorities; and

(b) working closely with policy advisers in the Prime Minister’s Office and in the offices of other Cabinet ministers to enhance the linkages between departmental and ministerial sources of advice on Cabinet-related business.

Role of the Cabinet Secretariat

1.11 The Cabinet Secretariat is responsible for the servicing of Cabinet and committee meetings, advising the Prime Minister, through the Secretary to Cabinet, on programming of Cabinet business, the preparation of minutes and the distribution and custody of Cabinet documents. The major documents distributed by the Cabinet Secretariat are forward programmes of meetings, weekly notices of meetings, business lists, submissions and memoranda (including corrigenda) and minutes.
1.12 The Cabinet attendant provides assistance and services to ministers during meetings of Cabinet and committees. Duties include passing messages between the Cabinet Room and ministerial offices and the custody and distribution of documents circulated in the Cabinet Room (see also paragraph 3.11).

1.13 The Cabinet Secretariat also maintains the registry of Cabinet documents for the current government and preserves the Cabinet records of previous governments. The Cabinet Secretariat administers access to these documents in accordance with established conventions described elsewhere in the Handbook and manages arrangements for public release through the National Archives of Australia of Cabinet documents as they become available for access, after 30 years for Cabinet submissions and minutes and after 50 years for Cabinet notebooks.

1.14 Cabinet Secretariat staff are in regular contact with ministers' offices, providing assistance and advice concerning Cabinet documents and procedures. Contact between the Cabinet Secretariat and departments is usually made through each department's Cabinet liaison officer.

1.15 The Cabinet Secretariat is a unit of the Department of the Prime Minister and Cabinet and is staffed by public servants who are responsible to the Secretary of the Department.
2. CABINET CONVENTIONS AND PRINCIPLES

Collective responsibility

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

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

2.3 All ministers are expected to give their support in public debate to decisions of the Government.

2.4 Subject to some exceptions, minutes of committees are not operative until endorsed by Cabinet (see also paragraph 4.21); but, again, all ministers are expected to give their support to the Government and to refrain from public comment in advance of issues being considered in Cabinet committees and in advance of their being endorsed in Cabinet.

2.5 Administrative procedures have been adopted to support the convention of collective responsibility. All ministers receive copies of the following Cabinet documents (with limited exceptions based on application of the ‘need-to-know’ principle) - submissions, memoranda, notices of meetings, business lists and programmes - so that they may be aware of the business coming to Cabinet. Cabinet ministers also receive copies of Cabinet minutes (again, with limited exceptions) whether or not they were present at discussions. Other ministers may receive Cabinet minutes strictly on a need-to-know basis.

2.6 The exceptions referred to in the previous paragraph relate to documents of special sensitivity (for example, those referring to national security or budget matters) which may be circulated to nominated ministers or members of a particular committee only. At the Prime Minister’s instruction, some particularly sensitive documents may be distributed in the Cabinet Room by the Cabinet Secretariat at the time of the meeting and collected at the end of the discussion. Ministers circulate additional documents in the Cabinet Room (for example, to clarify material in a submission) only with the prior agreement of the Prime Minister.

2.7 Ministers should ensure that policy initiatives or expenditure commitments which require Cabinet authority are not announced in advance of the Cabinet's consideration. In exceptional cases where prior Cabinet clearance is not possible, proposed announcements must be cleared with the Prime Minister and, if expenditure is involved, with the Minister for Finance and Administration first.
2.8 Ministers should not make public statements or comment on policy proposals that they are bringing, or which are to be brought by others, to Cabinet. Promotion in public of a particular line may pre-empt Cabinet deliberations. Identification of individual ministers with particular views tends to call into question the collective basis of agreed outcomes. Each portfolio minister is responsible for the direction and public presentation of policy matters in their portfolio, and other ministers should avoid separate policy stances becoming matters of public debate.

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

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

Cabinet confidentiality

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

2.12 Effective Cabinet confidentiality requires the protection of Cabinet deliberations not only at the time an issue was or is current but also in the future. Any attempt at publication (eg in memoirs) of contributions made by individual ministers in debate in Cabinet, no matter how many years ago the debate took place, would amount to a breach of the personal confidentiality and loyalty owed to Cabinet colleagues.

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

Ministerial responsibility for proposals

2.14 Cabinet considers policy proposals that are brought before it by a sponsoring minister, usually the portfolio minister who sits in the Cabinet. Ministers not in Cabinet may bring forward submissions in their areas of

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1 Portfolios are usually, but not always, represented in the Cabinet by a portfolio minister.
responsibility (in consultation with portfolio ministers where applicable) and will be present when Cabinet discusses those submissions.

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

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

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

**Implementation and follow-up**

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

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

2.20 If ministers consider that any minutes are essential for their department’s operations, they may make the minutes available to their departmental secretaries for information and any necessary action (see also paragraphs 4.26, 7.11 and 7.25).

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

2.22 In order to facilitate the management of Cabinet business and otherwise to assist ministers, the Cabinet Secretariat maintains a forecast of Cabinet business expected to come to Cabinet or business which is required to come back to Cabinet or a committee for consideration.

Minutes involving legislation

2.23 Procedures for following up minutes that require legislation are set out in the Legislation Handbook.

Declaration of interests

2.24 General information on declaration of interests may be found in the Guide on Key Elements of Ministerial Responsibility (December 1998) issued to ministers. Ministers and parliamentary secretaries attending meetings of the Ministry, Cabinet or Cabinet committees must, in relation to the matters under discussion, declare any private interests, pecuniary or non-pecuniary, held by them, or members of their immediate family of which they are aware, which give rise to, or are likely to give rise to, a conflict with their public duties. Any other matter which may give rise to a conflict between duty and interest must also be declared. Ministers and parliamentary secretaries should adopt a broad interpretation of the requirement that they take into account the interests of family members and all interests of their own, when considering whether there is a conflict, or a potential conflict, which should be declared.

2.25 Generally, declarations should be made in all cases where an interest exists which could not be said to be shared with the rest of the community. Any such declarations will be recorded by Cabinet notetakers. It is then open to the meeting to excuse a minister or parliamentary secretary from the discussion or to agree explicitly to his or her taking part. A minister would withdraw from discussion of any proposal to appoint a person to a government body who is a relative of that minister (see also paragraph 6.7). Once a minister has made Cabinet aware of a particular private interest, it will not normally be necessary to declare that interest in subsequent Cabinet discussions. If a significant time has elapsed since a declaration and the interest is one that might not be well known to colleagues, the minister might declare the interest again when the relevant matter is under discussion.

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

2.27 Maintaining the confidentiality of the Cabinet's deliberations requires special arrangements to be made for the handling of Cabinet documents. Detailed guidance on the security and handling of Cabinet documents is set out in Chapter 7.

2.28 A new series of Cabinet records is established for each government. Cabinet documents are the property of the Commonwealth, not of individual ministers or departments. As such, they are held on behalf of the Government in the care and control of the Secretary to the Department of the Prime Minister and Cabinet and are issued to ministers and departments. Once a minister or department no longer has any immediate need for them and, in any event, when the minister vacates office or a change of government occurs, hard copies of Cabinet documents must be destroyed according to procedures set out in the Protective Security Manual (see also paragraphs 7.14, 7.33 and 7.34). Requests for documents by former ministers may be made in writing to the Secretary, Department of the Prime Minister and Cabinet (see also paragraphs 7.40 and 7.41).

2.29 Documents relating to security and intelligence matters are to be returned, following meetings, to the Defence, Intelligence and Security Branch in the Department of the Prime Minister and Cabinet.

Parliamentary Secretaries

2.30 Cabinet conventions and principles outlined in this chapter (with the exception of the principles set out in paragraphs 2.14 and 2.16) also apply to parliamentary secretaries who are co-opted to attend Cabinet or committee meetings, who are invited to attend meetings of the ministry or who receive copies of relevant Cabinet documents. Consistent with the principles covered in paragraphs 2.14 and 2.16, parliamentary secretaries may not bring forward to Cabinet submissions or memoranda - this can only be done by ministers (see also paragraph 3.18).

Caretaker conventions

2.31 Successive governments have accepted that special arrangements apply in the period immediately before an election for the House of Representatives. Details of the caretaker conventions are provided in Attachment 1.
3. CABINET PROGRAMME

Programme of meetings

3.1 Cabinet meets throughout the year, generally on Monday in parliamentary sitting weeks and on Tuesday in non-sitting weeks, although adherence to this pattern is not always possible. On occasions, when there is a significant amount of business, the Prime Minister will hold two day meetings of Cabinet, usually on a Monday and Tuesday. Committees meet as their business requires. The Parliamentary Business Committee meets weekly during each parliamentary period of sittings and at other times as necessary.

3.2 The Prime Minister, as Chairman of Cabinet, determines the times and business for all meetings.

Notification of meetings

3.3 Each week, the Cabinet Secretariat submits to the Prime Minister, through the Secretary to Cabinet, specific proposals for meetings to be held in the following week. These proposals take into account submissions and memoranda available for consideration, draft minutes available for consideration and endorsement (see paragraph 4.4A) ministers' written requests, and the relative urgency of items. Once the programme is approved, the Cabinet Secretariat issues to ministers:

(a) a programme of meetings for the week;
(b) a business list for each meeting, showing the business to be considered, the ministers responsible for items, and any ministers or parliamentary secretaries to be co-opted; and
(c) any draft minutes based on submissions and memoranda dealt with under the ten-day ministerial consideration system (paragraph 4.4A refers).

3.4 When agenda for meetings are altered or when new meetings are called, revised business lists, notices of meetings or programmes, as appropriate, are issued to alert ministers to these new developments. When new meetings are called or business is added to or deleted from an agenda at short notice, notification will be issued electronically via CABNET or, in exceptional circumstances, ministers’ offices will be notified orally. Ministers' staff should be alert for any changes in the Cabinet programme, and especially for late additions to business lists.

3.5 To ensure the latest advice regarding any Cabinet activity is to hand, ministers’ staff should satisfy themselves that they have obtained the relevant information electronically via the CABNET system or, in exceptional circumstances, by safehand delivery. Registered users (see paragraph 7.7) should, as a matter of course, make regular checks of the CABNET screen for any unread messages.
3.6 As business lists are not circulated to departments, it is the responsibility of each minister's office to advise their department of the minister's requirement for briefing on any item.

Attendance of ministers

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

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

3.9 Ministers should inform the Prime Minister (or the minister chairing the meeting) if they are likely to be unavoidably absent from a meeting or delayed. Leave to be absent from a meeting is sought from the Prime Minister by letter and a minister may seek agreement for another minister to represent him or her for portfolio-specific items.

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

Co-options

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

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

(a) the minister responsible for an item on the business list; and

(b) other ministers with significant portfolio interests (in the case of ministers not in Cabinet this will be done in consultation with the relevant portfolio Cabinet minister's office).
Ministers not in Cabinet who have an interest in an item listed for Cabinet or a committee meeting (and who have not been co-opted on the business list) may seek to be co-opted by having the matter raised with the Prime Minister (through the Secretary to Cabinet) by the relevant portfolio minister. Non-Cabinet ministers do not attend meetings unless co-opted.

[Paragraph deleted November 2002]

[Paragraph deleted November 2002]

[Paragraph deleted November 2002]

3.17 Ministers not in Cabinet are not normally co-opted in respect of committee minutes that have been put to Cabinet for endorsement, though they may be called if a minute in an area of their responsibility is to be discussed in detail.

Attendance of parliamentary secretaries

3.18 The procedures for attendance at and co-option of ministers to Cabinet and committee meetings also apply to parliamentary secretaries, although parliamentary secretaries would generally only be co-opted, with the Prime Minister’s approval, for matters of particular relevance to their responsibilities (see also paragraphs 2.15 and 2.30).

Cabinet officials

3.19 The Secretary of the Department of the Prime Minister and Cabinet as a general rule attends meetings of the Cabinet and its committees. The head of the Cabinet Policy Unit, as Secretary to Cabinet, generally attends all Cabinet and committee meetings, usually accompanied by two other Cabinet notetakers from the Department of the Prime Minister and Cabinet who may be changed according to the items being discussed. The notetakers record the outcome of Cabinet discussions and generally assist in the smooth running of meetings. At the Prime Minister’s request they withdraw from meetings whenever ministers wish to conduct private discussions.

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

Attendance of officials

3.21 Officials (other than the Secretary of the Department of the Prime Minister and Cabinet and notetakers) do not attend Cabinet or committee meetings unless their attendance has been specifically requested by a minister and approved by the Prime Minister (or the minister chairing the meeting) following consultation with colleagues. When it has been agreed that officials may be present, normally no more than two would attend for the requesting
minister. It is for the minister who made the request to arrange for their attendance. The Cabinet attendant advises them when they are required. All officials should wait in the minister's office until called to the Cabinet waiting room. There is a direct telephone link between the Cabinet attendant’s desk and each minister's office to enable messages to be passed promptly.

3.22 Officials are present only to aid their minister and, through him or her, to provide advice to the meeting if requested. They are expected to explain factual or technical material on request, but not to participate in discussions. Officials normally leave the meeting before final outcomes are discussed. If their minister leaves the Cabinet Room, the officials should withdraw unless explicitly asked by the Prime Minister or chairing minister to remain. Officials do not represent ministers in Cabinet.

3.23 [Paragraph deleted November 2002]

3.24 Officials present at Cabinet or committee meetings are privy to discussions conducted on a basis of absolute confidentiality among ministers. There must be no disclosure outside the Cabinet Room of the nature or content of those discussions. Any notes made by officials other than notetakers during a meeting are to be destroyed as soon as possible after the meeting.
4. **CABINET BUSINESS**

**Forms of Cabinet business**

4.1 Business comes before Cabinet or its committees in the following forms:

(a) submissions and memoranda;

(b) matters without submission (ie 'under the line' matters) as agreed by the Prime Minister - usually only matters of genuine urgency requiring immediate Cabinet discussion (but not so complex as to require a submission) or appointments which the Prime Minister wishes to have discussed; and

(c) minutes for endorsement by Cabinet, either from Committees or as drafts following ten-day ministerial consideration (see paragraph 4.4B).

**Need for Cabinet consideration**

4.2 Before initiating possible business for Cabinet, ministers should examine critically whether Cabinet consideration is essential in terms of the criteria set out below or whether consultation and agreement with interested colleagues would suffice. The volume of Cabinet business needs to be contained because of the demands Cabinet and Cabinet committee meetings make on ministers' time. This need has to be balanced, however, against the need to bring to Cabinet major issues of policy and any matter requiring collective consideration by the Government.

4.3 Ministers should consider seriously the option of settling a matter by correspondence, particularly where it is likely that all interested ministers are in agreement. Once ministers have provided written agreement to proposals, the initiating minister should write to the Prime Minister advising him of the outcome of consultations and seeking approval for the proposed course of action. Settling matters by correspondence can significantly reduce the workload of ministers and departments as well as of Cabinet and its committees.

4.4 Matters of the following kinds normally come before Cabinet, often through its committees:

(a) new policy proposals and proposed significant variations to existing policies;

(b) proposals likely to have a significant effect on employment in either the public or private sector;

(c) expenditure proposals, including proposals for major capital works and computer acquisitions (normally considered only in the Budget context, that is, when draft estimates of ongoing policies and programmes and new policy proposals are being considered);
proposals requiring legislation, other than minor proposals which the Prime Minister has agreed need not be raised in Cabinet;

(e) proposals likely to have a significant impact upon relations between the Commonwealth and foreign, State, Territory or local governments;

(f) proposed responses to recommendations made in parliamentary committee reports, except for responses which the Prime Minister agrees raise no significant policy questions;

(g) government negotiation of, or agreement to, international treaties, in accordance with the Department of Foreign Affairs and Trade guidelines and the Commonwealth’s treaties procedures; and

(h) requests from parliamentary committees for references, where the references proposed have significant policy or administrative implications.

**Strategic focus for Cabinet discussions**

4.4A In order to reinforce the leadership role of Cabinet in the development and oversight of the Government’s strategic direction, arrangements have been introduced to focus Cabinet discussions more strategically. Under these arrangements:

(a) submissions and memoranda (‘submissions’) continue to be lodged with the Cabinet Secretariat and circulated to all ministers for consideration in accordance with the rules set out in the Cabinet Handbook; and

(b) the Prime Minister identifies submissions requiring detailed consideration and discussion by Cabinet, having regard to:

   (i) the strategic or political importance of the issues raised;

   (ii) whether the issues are sufficiently contentious that there might be benefit in discussing them in Cabinet; and

   (iii) any deadlines which could not be met if a submission were to be dealt with through the endorsement process described below.

**Ten-day ministerial consideration period**

4.4B Submissions not identified by the Prime Minister as requiring detailed discussion in Cabinet, remain available for consideration by ministers for a period of ten calendar days (exclusive of public holidays) from the date they were circulated to all ministers (‘the ten-day period’). The ten-day ministerial consideration period arrangements also apply to Defence capability submissions not identified by the Prime Minister as requiring detailed discussion in the National Security Committee of Cabinet. (For guidance on Defence capability submissions see Chapter 8 of the Cabinet Handbook.) Should no minister raise concerns with the Secretary to Cabinet about the
recommendations in a submission, a draft minute based on the recommendations in the submission is then scheduled by the Prime Minister for consideration and endorsement at the next available Cabinet meeting.

4.4C If a submission has not been selected for immediate consideration by Cabinet and concerns are raised by ministers within the ten-day period, the Secretary to Cabinet facilitates discussions between the relevant ministers and, where appropriate and necessary, their departments and agencies, to resolve any concern or disagreement.

4.4D Once any issues associated with a submission have been resolved, a draft minute based on the recommendations in the submission, taking into account the discussions referred to in paragraph 4.4C, is scheduled for consideration and endorsement by Cabinet. If the concerns that led to the discussions have not been resolved among the ministers with an interest in them, the Prime Minister further considers the relevant submission and the desirability of referring it to Cabinet.

4.4E Submissions considered by ministers in the ten-day period are not brought to a Cabinet meeting for endorsement unless the ten-day period has expired and any issues raised by minister(s) have been resolved no later than five days before the meeting, in order to allow the inclusion of the item on a Cabinet business list.

4.4F It is important that the additional time required, including that needed for the preparation, circulation and lodgement processes set out in paragraph 4.8 to 4.11 below, is taken into account when preparing submissions requiring decision by a particular deadline, so that consideration can be given through the ten-day ministerial consideration process if appropriate.

4.4G To enhance the strategic focus for Cabinet, each meeting commences with a strategic and political review. In addition, regularly scheduled briefings are presented to Cabinet by ministers, or other persons agreed by the Prime Minister, on major strategic issues. A strategic programme for Cabinet is developed by the Cabinet Policy Unit for the Prime Minister’s consideration, including meetings to focus only on government or political strategic policy and direction.

**Preparation of Cabinet submissions and memoranda**

4.5 Cabinet submissions and memoranda are strictly limited to 10 pages, including the cover sheet, recommendations/conclusions, body and any media release, with the co-ordination comments contained in an additional attachment. Other attachments may be added but must not be attached to the submission or memorandum (NB special arrangements apply to Budget submissions and memoranda).

4.6 The cover sheet, which contains the minister’s or department’s executive summary, should enable ministers to grasp the essential issues on which they are being asked to make a decision:
(a) Purpose - the statement of purpose must state why Cabinet needs to consider the proposal and indicate any timing constraints (eg proposal needs to be considered prior to a Premiers’ Conference); and

(b) Key Issues - this section must focus on the critical matters for decision, determination, political sensitivities or possible criticisms; it must not be just a summary of the text that follows.

Recommendations and conclusions should be as stand-alone as possible.

4.7 The Drafter’s Guide sets out in detail for departmental policy advisers and Cabinet liaison officers the process for the preparation of Cabinet submissions and memoranda.

'Five day rule' for submissions and memoranda

4.8 So that ministers may have adequate opportunity to consider proposals and to enable orderly programming of business, submissions and memoranda are not normally listed for consideration by Cabinet or a committee less than five calendar days (exclusive of public holidays) after their lodgement with and clearance by the Cabinet Secretariat. [Two working days are to be allowed prior to lodgement for the provision of co-ordination comments by the departments consulted].

4.9 In cases where it is absolutely necessary to do so, ministers may consult the Secretary to Cabinet and write to the Prime Minister explaining why the five day requirement cannot be met and seeking an exemption. To avoid inconveniencing their colleagues and requiring them to take decisions without having had reasonable time to prepare and to receive briefing, ministers are to satisfy themselves as to the urgency of the matter before requesting early consideration of a submission or memorandum. Bids to the Prime Minister for items to breach the five day rule will not be agreed other than in the most urgent cases where the need for earlier consideration is clear and inescapable, and should not result from delays and inadequate planning in ministers’ offices or departments.

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

4.11 It is for the Prime Minister to determine what business will be dealt with at particular meetings of the Cabinet and committees, and to determine whether a submission or memorandum is dealt with through the ten-day ministerial consideration process Considerations such as availability of particular ministers and pressure of other Cabinet business (for example, during the Budget preparation period) may affect the timing of Cabinet or committee consideration of particular submissions even though all the required procedures, including the five day rule, have been met. Departmental Cabinet
liaison officers can check proposed Cabinet programmes with the Cabinet Secretariat.

**Joint submissions**

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

4.13 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.

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

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

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

**Handling of business without submission**

4.16 Ministers may, by writing to the Prime Minister, seek his agreement to raise particular matters in Cabinet without lodging a formal submission. The only matters dealt with 'under-the-line' in this way are:

(a) urgent matters of a procedural rather than policy nature;

(b) urgent policy matters which are sufficiently straightforward not to require a formal Cabinet submission and which cannot be resolved in another way (for example, by an exchange of correspondence between ministers); and

(c) appointments (see Chapter 6).
4.17 Before deciding to seek the Prime Minister's approval to raise a matter without submission (other than an appointment) ministers need to consider carefully whether the particular circumstances warrant the adoption of this procedure rather than the preparation of a submission which would then allow their colleagues full notice of the proposal.

4.18 Ministers' letters to the Prime Minister asking that a matter be raised 'under-the-line' should:

(a) include sufficient information on the subject and background to form the basis for Cabinet discussion; and

(b) indicate whether the matter falls within the guidelines at paragraph 4.16(a) or (b) and the reasons for urgency.

4.19 Ministers should write at least three clear working days before the meeting at which discussion is sought. In writing to the Prime Minister, ministers should specify those colleagues with a portfolio interest in the matter and ensure that each receives a copy of the letter. The letter should be stamped ‘Cabinet-in-Confidence’. Should the Prime Minister agree to the matter being raised, and subject to the minister’s agreement, the Cabinet Secretariat will circulate a copy of the minister's letter to all Cabinet ministers. Should the Prime Minister not agree to the matter being raised, the Secretary to Cabinet will advise the minister(s) concerned.

4.20 In Cabinet, the Prime Minister initiates the discussion of 'under-the-line' proposals. The Cabinet Secretariat arranges for ministers not in the Cabinet to be present while matters of this kind affecting their responsibilities are being considered.

Cabinet minutes

4.21 Outcomes of Cabinet and committee deliberations are recorded as Cabinet minutes prepared by the official notetakers and the Secretary to Cabinet who also signs the minutes. Cabinet minutes are normally circulated to all Cabinet ministers, to non-Cabinet ministers co-opted for a meeting or having a special interest in the matter and to relevant departments. Minutes of some committees will be given a limited circulation. Committee minutes, with some exceptions, are not operative until endorsed by Cabinet.2 Expenditure Review Committee (ERC) minutes recording Budget decisions are circulated to ERC ministers and the relevant portfolio ministers only, but are made available to other Cabinet ministers just prior to the Cabinet meeting dealing with the Budget.

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2 Examples of exceptions include minutes of the Parliamentary Business Committee and the National Security Committee and minutes of other committees of a procedural kind such as requests by ERC for further submissions. The committees themselves may decide, however, that a particular matter within their authority should be referred to Cabinet for endorsement.
4.22 If a minister has doubts about the accuracy of a minute as recorded and circulated, those doubts should be drawn to the attention of the Prime Minister or the Secretary to Cabinet in writing as soon as possible, rather than held over to be raised at a subsequent Cabinet meeting.

4.22A For submissions and memoranda dealt with under the ten-day ministerial consideration process, draft minutes are prepared and circulated to Cabinet ministers in advance of the Cabinet meeting at which they are to be considered and endorsed. The relevant submission or memorandum is available for consideration at the meeting at which a draft minute is considered or endorsed.

4.23 Committee minutes that require endorsement by Cabinet are annotated accordingly. When they have been formally approved by Cabinet, a new minute is issued. The new minute bears a statement indicating whether the original committee minute has been endorsed in its entirety or varied in some particular. Committee minutes that do not require endorsement, including requests for further papers, are issued in the usual way.

4.24 The committee system is designed to ensure that outcomes are reached after thorough discussion and on the basis of consensus. Cabinet endorsement of committee minutes is then normally a formal process not involving the re-opening of discussion. If there are aspects of a committee minute which a minister wishes to raise in Cabinet, the minister informs the Prime Minister or the Secretary to Cabinet in writing beforehand. The matter may then be raised when the minute is put for endorsement. If the request is made by a non-Cabinet minister, that minister is co-opted to attend the Cabinet discussion on that item.

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

**Circulation of minutes to departments**

4.26 Cabinet minutes are circulated to departments which are specifically required to take action or which have a need to know, and to no others. Departmental secretaries are expected to have procedures in place to ensure that minutes are circulated internally on a strict application of the ‘need-to-know’ principle, and that a proper record is kept of anyone who has access to a minute (see also paragraph 7.25).
4.27 Officers in a department which does not receive a copy of a Cabinet minute in its initial circulation may consider, on advice from their minister's office or from other departments, that they need to see a copy of the minute. In that case, a request may be made to the Cabinet Secretariat, indicating reasons.

Minutes requiring further action before announcement

4.28 Where Executive Council approval is required, action on Cabinet minutes must be held over until that approval has been obtained. Care must be taken to ensure that no publicity is given to such matters before Executive Council action is complete, unless the Governor-General's prior approval of an announcement has been obtained (see also paragraphs 6.9 and 6.10).

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

4.30 Where State Premiers/Chief Ministers have to be informed, or other preliminary action on a Cabinet minute has to be taken, it is the task of the responsible minister to see that this has been finalised before an announcement is made.

Announcements

4.31 Announcements refer to decisions of the Government, not of Cabinet or a committee. The timing of a policy announcement is determined when the Cabinet determines the policy, with the minister's proposed timing and method shown on the cover page of the submission. The contents of committee minutes are not announced until they have been endorsed by the Cabinet unless, in particular cases where circumstances will not allow delay, earlier announcement is expressly authorised by Cabinet or the Prime Minister.

4.32 Generally speaking, significant policy developments are announced first in the Parliament, if this is practicable. Likewise, where possible, policy information papers announcing government policy, and policy discussion papers presenting policy options for discussion (white papers and green papers respectively), are first tabled in the Parliament. Recommendations regarding policy proposals are not always made public.

4.33 In preparing documents for consideration by the Government, ministers and officers should specifically consider what factual material and analysis embodied in these documents - or what other relevant material - might be made available to the public. Intentions regarding public release are to be indicated in the recommendations in the submission.
5. CONSULTATION

Purposes of consultation

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

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

5.3 Proper consultation takes time and ample allowance should be made for it at the planning stages. This is especially so where there are critical dates for Cabinet consideration of an issue, for example, expiry of legislation or settling a negotiating position before an international conference. On the Prime Minister's instructions, the Cabinet Secretariat will return a submission lodged before adequate time has been allowed for receipt of co-ordination comments, so that the submission may be amended to take account of them.

Co-ordination comments - the basic consultation requirements

5.4 Apart from the consultation requirements outlined above, all submissions should be the subject of consultation among departments that have a proper interest in the subject matter (ie where the issues impinge upon a department’s core functions). The minimum requirement is that interested departments be given the opportunity to provide a 'co-ordination comment' on the submission after it has been approved by the sponsoring minister. That 'co-ordination comment’ will then be included in the submission as an attachment. Two working days are to be allowed for the provision of co-ordination comments.

5.5 Best practice however entails more than mere circulation of a draft Cabinet proposal for general information, or of an already finalised and approved submission for the addition of a 'co-ordination comment'. Consultation is an integral part of the development of a policy proposal, from the outset of that development through to lodgement of the submission. Ministers and officers in departments with an interest should have ample opportunity to contribute to the development of the proposal and to resolve any differences before lodgement of the submission.
5.6 Co-ordination comments should be as short as possible, should draw
attention to any significant risks and administrative consequences for the
department and should state views, with the reasons for holding them,
succinctly. Merely 'noting' items in the submission is a waste of space.
'No comment' comments are quite acceptable.

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

5.8 Submissions must adequately reflect and record the results of
consultation. Initiating ministers and departments should be prepared to amend
the text of a draft in response to suggestions that are made. If the draft
submission is changed significantly, or if the recommendations have been
altered, after departments have been given an opportunity to comment, the
revised document should again be circulated for comment. Changes to
successive drafts of submissions should be highlighted. In these cases
submitting departments should arrange with consulted departments for
appropriate time to comment on the revised submission. Where an invitation to
comment has not been taken up, an appropriate reference should be included in
the consultation attachment to the submission indicating that co-ordination
comments were sought but not provided and the department listed on the cover
page of the submission or memorandum.

5.9 If differences of view in relation to a submission emerge after it has
been lodged with the Cabinet Secretariat, or if it is considered that consultation
has been inadequate or that the submission does not adequately reflect the
views of those consulted, it is for the dissenting minister(s) or officer(s) to raise
these matters with the minister originating the submission, or his or her
department and to draw them to the attention of the Cabinet Secretariat.

5.10 If a co-ordination comment raises matters not addressed in the body of
the submission, this may reflect an inadequacy in the submission and the
originating department should consider taking account of the comment in the
text. No rebuttal is to be attempted in the consultation attachment. Ministers
may take up points that concern them in discussion in the Cabinet Room.

5.11 Cabinet Secretariat may reject a submission (unless there are
persuasive mitigating reasons) where strong criticism by other departments has
not been addressed in the submission or where significant issues have not been canvassed, particularly if the submission has been requested by Cabinet.

5.12 Occasionally departments may find that submissions in which they have a legitimate interest have been lodged by other departments without reference to them. In those cases the omitted department should bring its interest to the attention of the lodging department and the Cabinet Secretariat.

5.13 It is the responsibility of lodging departments and agencies to arrange for delivery of submissions/memoranda in the approved manner to those agencies from which co-ordination comments are being sought.

Legislation Handbook

5.14 Procedures for the preparation and handling of legislation proposals in submissions and memoranda are detailed in the Legislation Handbook. Some additional information on legislation proposals is contained in the Drafter’s Guide.

Who should be consulted?

5.15 Those preparing submissions need to be alert to all the special responsibilities of portfolios that may be affected by proposals (see Attachment 5 of the Drafter’s Guide). They also need to give careful consideration in each case to ensuring the right balance is struck between obtaining the views of departments that have a proper interest in the proposals and circulating the submissions too widely - thereby increasing the risk of premature disclosure.

5.16 Additional information on who should be consulted is contained in Chapter 3 of the Drafter’s Guide which is available from the Cabinet Secretariat or a department’s Cabinet liaison officer.
6. APPOINTMENTS PROCESS

6.1 In the case of significant Government appointments, ministers must write to the Prime Minister seeking his or, at his discretion, Cabinet’s approval of the appointment.

6.2 The appointments to be brought to the Prime Minister’s attention include:

(a) significant full-time or part-time appointments (including interim appointments) to boards, commissions or statutory offices;

(b) full-time Chief Executive Officer (CEO) positions in such agencies (where the Board selects the CEO, the Government should be consulted and the minister should not signify agreement without the approval of the Prime Minister);

(c) first-time acting appointments in the above categories where the acting appointment is for three months or more;

(d) appointments to significant non-statutory tribunals, advisory bodies and commissions of inquiry; and

(e) appointments as heads of mission other than Austrade managed posts.

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

6.4 In order to avoid pre-empting a decision on appointments, potential appointees, once identified, are to be approached initially only to ascertain:

(a) a willingness for their name to be put forward for consideration along with other candidates; and

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

6.5 In submitting proposals to the Prime Minister, an account is to be given of the consideration by the minister in appointing new people. This should include information about whether the positions have been advertised and, if not, the reason for that decision. Where the minister recommends re-appointment particular justification for doing so is to be included.

6.6 The procedures to be followed in preparing appointments for the Prime Minister’s attention are as follows:
(a) proposals must reach the Prime Minister’s office at least 10 working days before a Cabinet meeting at which the appointment may be raised for consideration. It should be noted that, as a general rule, appointments should be raised for consideration well in advance of the time the position is to be filled;

(b) for appointments that require Executive Council approval, calculation of the lead time must also take into account the cut-off dates for submission of Executive Council material circulated periodically by the Executive Council Secretariat (an adequate lead time is required to ensure that appointments are approved before their anticipated start date);

(c) every appointment request to the Prime Minister must be accompanied by an Appointment for Cabinet pro forma, whether or not the particular appointment is a candidate for Cabinet consideration;

(d) all questions on the Appointment pro forma, including full remuneration details and accompanying full membership list setting out appointment start and end dates, State of residence and gender for each member, must be completed with careful attention to detail before processing of the appointment can be finalised;

(e) in submitting a proposal for appointment, ministers must ensure that the person being proposed is appropriately qualified and has experience relevant to the position;

(f) due regard must be paid to the Government’s policy of encouraging an increase in the number of appointments of women;

(g) careful attention must also be paid to the need to have an appropriate geographical balance in appointments;

(h) letters seeking the Prime Minister’s or Cabinet’s approval must provide relevant evidence in terms of qualifications and the like, in support of a proposed appointee’s claims, as well as explaining any urgency attached to the appointment or sensitivity including likely public reaction;

(i) nominating ministers should consult relevant ministerial colleagues when proposing to appoint officers employed in another portfolio to an advisory committee in their own portfolio. Where a State or Territory public servant is being considered for appointment to a part time position, the relevant Premier or State or Territory Minister should also be consulted;

(j) in proposing appointments to a GBE Board, ministers are to follow the procedures set out in the Department of Finance and Administration guidelines: Governance Arrangements for Commonwealth Government Business Enterprises - June 1997; and
(k) public announcement of appointments must not pre-empt approval by the Governor-General, Prime Minister or Cabinet.

6.7 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 being put to Cabinet.

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

6.9 In exceptional circumstances, it may be possible to obtain approval from the Governor-General for announcement of proposed appointments before Executive Council action is complete. The Executive Council Secretariat in the Cabinet Secretariat will make the necessary arrangements in such cases.

6.10 Circulation of appointment Minutes is limited on the understanding that no information concerning an appointment is to be divulged until after all necessary processes have been completed (e.g., Executive Council approval and relevant parties informed) and an announcement made by the minister.

6.11 The procedures for re-appointment are the same as those for appointments as set out above.

6.12 The making of appointments is a very significant government activity with important long-term implications. The above process is designed to ensure that appointments receive the full and proper consideration they deserve. In order to maintain the integrity of the Cabinet appointments system, there must be rigorous adherence to this process.
7. SECURITY AND HANDLING OF CABINET DOCUMENTS

Definition of Cabinet documents

7.1 Cabinet documents are to be held separately from the other working documents of government administration and must be destroyed when no longer in day-to-day use (see paragraph 7.33). Subject to the 30-year rule, Cabinet documents are not available to governments other than those which created them. Special provisions of the Freedom of Information Act 1982 (in particular, s. 34) apply to them. Any unauthorised disclosure of them damages the openness and frankness of discussions in the Cabinet Room.

7.2 For the purpose of this handbook and consistent with definitions employed under the Freedom of Information Act 1982, Cabinet documents include:

(a) business lists for meetings of Cabinet and Cabinet committees;
(b) Cabinet programmes and notices of meetings;
(c) Cabinet submissions and memoranda, including copies lodged with the Cabinet Secretariat and copies held elsewhere;
(d) corrigenda to submissions and memoranda;
(e) reports and attachments to submissions and memoranda (whether or not actually attached) which have been brought into existence for the purpose of being considered by Cabinet;
(f) schedules circulated for ministers' information, for example schedules of appointments, endorsements or of other matters without submission;
(g) any papers circulated by ministers in the Cabinet room related to matters under discussion by the Cabinet;
(h) legislation proposal forms and papers required for the legislation approval process, which clears bills prior to their introduction in Parliament, including Parliamentary Counsel's memoranda, legislation profiles and draft bills and explanatory memoranda;
(i) correspondence between ministers and the Prime Minister which is submitted to Cabinet or proposes matters (including appointments) to be raised in Cabinet without submission;
(j) Cabinet and Cabinet committee minutes and draft minutes prepared for consideration and endorsement under the ten-day ministerial consideration process;
(k) Documents of the Cabinet Secretariat including Cabinet notebooks or other material that in any way records the deliberations of Cabinet; and

3 The procedures described in this chapter for the security and handling of Cabinet documents that apply to ministers also apply to parliamentary secretaries.
7.3 While the definition of Cabinet documents does not include documents such as drafts of submissions and memoranda, briefing materials and correspondence related to these, and correspondence and notes disclosing the outcome of Cabinet deliberations, special care is also to be taken in the handling of these documents (see paragraphs 7.15 and 7.16).

Classification of Cabinet documents

7.4 All Cabinet documents are marked 'Cabinet-in-Confidence'.

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

7.6 Officers who handle Cabinet documents which carry only the 'Cabinet-in-Confidence' marking should have a 'position of trust' clearance at the 'Protected' level, as defined in Part D (paragraphs 4.9-11) of the Protective Security Manual, as a minimum. Some Cabinet documents carry either a 'Highly Protected' or national security classification as well as the 'Cabinet-in-Confidence' marking. Consequently, officers who handle such documents should have the appropriate security clearance (that is, either Highly Protected or the relevant national security clearance). Departmental Cabinet liaison officers, because of their potential dealings with a wide range of Cabinet material, should be cleared to at least the national security level 'Secret'. More detailed information on these requirements may be obtained from agency security advisers or, if necessary, the Cabinet Secretariat.

7.7 Cabinet documents are being made available to each Minister’s office electronically, by way of the CABNET System. Each minister nominates up to three members of his or her staff to be registered to access the system. Registration for authorised access is lodged with the Ministerial Wing Support Help Desk, the communications unit in Parliament House, and advice of authorised users is conveyed to the Cabinet Secretariat (see also paragraphs 7.24 and 7.27).

4 This is an additional requirement to that contained in the Protective Security Manual for handling of 'In Confidence' material.
Handling procedures

7.8 Ministers’ offices must be prepared to rely on the CABNET system for the electronic issue of Cabinet documents. In the case of hard copies of Cabinet documents (ie those not printed off the CABNET system), these are delivered to each minister's office by a member of the Cabinet Secretariat or by a member of the Defence, Intelligence and Security Branch of the Department of the Prime Minister and Cabinet in the case of some National Security Committee documents. Each minister nominates up to three members of his or her staff (not necessarily different from those nominated for access to CABNET) to receive and handle Cabinet documents and (when necessary) a separately nominated person with the requisite security clearances to receive and handle security related documents. One of the nominated staff members signs for Cabinet documents on receipt. Officers to whom such documents are delivered are responsible for their safe handling and safe custody.

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

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

7.11 It is for ministers to determine whether their departmental secretaries or members of their office staff need to know the contents of Cabinet documents. If ministers pass documents to their secretaries, the secretaries then assume responsibility for the security of the documents and determine the application of the 'need-to-know' principle at the departmental level (see also paragraphs 2.20 and 4.26). Ministers assume the same responsibility in relation to their office staff.

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

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

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

7.15 Special care must also be exercised in relation to certain other documents. These include drafts of Cabinet documents as well as briefing material, notes, minutes, schedules and correspondence (in addition to correspondence referred to at sub-paragraph 7.2(i)) concerning matters which are to be put before Cabinet or which have been before Cabinet.

7.16 Such documents, like Cabinet documents proper, must be handled strictly in accordance with the 'need-to-know' principle. All of them may refer specifically to submissions, memoranda, or minutes by title, number or date, or reveal the nature of Cabinet deliberations. If they do so, they must at least be classified 'Cabinet-in-Confidence'. While these documents may not be Cabinet documents proper, where their contents reveal the deliberations of Cabinet, they attract the section 34 exemption from disclosure under the Freedom of Information Act 1982. They may also be exempt under other provisions of the FOI Act, such as section 36 relating to internal working documents.

Recording access to Cabinet documents

7.17 A record is to be kept of persons who have had access to each Cabinet document (see the Protective Security Manual). Ministerial staff can meet this requirement effectively by attaching a movement record sheet to each copy of a Cabinet document, indicating to whom the document has been passed.

7.18 Likewise, each department must keep a full written record of all officers who have had access to Cabinet documents, whether in draft or final form, and whether prepared by the department or provided by another in the course of consultation.

7.19 Originating departments will be responsible for circulation of copies to those agencies not connected to CABNET. Under manual processing, departments, when lodging submissions, memoranda or corrigenda, provide the Cabinet Secretariat with details of the number of copies produced and the circulation of any copies not lodged. Under CABNET, departments will lodge only the one copy of submissions, memoranda or corrigenda electronically which, in turn, will be circulated electronically to ministers’ offices and consulted departments and agencies by the Cabinet Secretariat. Only registered CABNET users (see paragraph 7.7) are able to access Cabinet documents via CABNET and all such access is recorded automatically.

Copying of Cabinet documents

7.20 Cabinet documents must not be copied, except as outlined in paragraphs 7.21 and 7.22. As indicated in paragraph 7.28, the no-copying rule also prohibits the transcribing or copying of text of Cabinet documents (particularly minutes) into departmental systems (including via optical character readers) or electronic transmission via facsimile or telex. Electronic transmission via CABNET is referred to at paragraph 7.19.
7.21 Under manual processing, copies of a submission or memorandum may be made only by the originating department, by the Cabinet Secretariat, or by the Defence, Intelligence and Security Branch of the Department of Prime Minister and Cabinet in the case of sensitive National Security Committee documents. Other departments requiring copies may request them of the originating department. If a department which originated a submission or memorandum finds it cannot meet requests for copies, it should contact the Cabinet Secretariat (or the Defence, Intelligence and Security Branch) to request that additional copies be allocated, together with details of their circulation. Under CABNET, copies of a submission or memorandum may be issued electronically by the Cabinet Secretariat, subject to consultation between the CLO and the Secretariat.

7.22 The production and circulation of Cabinet minutes are strictly controlled by the Cabinet Secretariat and, if extra copies of these are required, a request must be submitted to the Cabinet Secretariat.

Quoting from Cabinet minutes

7.23 The means of conveying the essence of a Cabinet minute to officers involved in implementation and follow-up action is a matter for determination within each minister's office or department. It may be appropriate to provide a summary of a Cabinet minute, or, where precision is essential, to quote the actual words of the relevant part of the minute. But copies of minutes may not be taken, nor may minutes themselves be circulated other than on a strict 'need-to-know' basis. Any new document created containing specific reference to a minute as such should be marked 'Cabinet-in-Confidence' and accorded at least the level of protection due to the original document. Such a document may be covered by section 34 of the Freedom of Information Act 1982 in relation to the title and minute number and any text which discloses what was agreed by Cabinet. Other exemptions may also apply.

Responsibilities of ministers regarding access

7.24 Ministers have the following particular responsibilities:

(a) to arrange, through the Minister for Finance and Administration, for each member of staff to be security cleared to the appropriate level (details appear in the booklet, Ministers of State - Entitlements Handbook);

(b) to arrange for one person in the office to have custody of Cabinet documents and to be responsible (to the minister) for their security, to advise the Cabinet Secretariat of that person's name, and where appropriate to appoint a person to have custody of Security Committee documents and to advise Defence, Intelligence and Security Branch of that person's name;

(c) to limit the number of persons in the office having access to Cabinet documents and to advise the Cabinet Secretariat of the names of staff
members authorised to have access to both hard copy and the electronic version of Cabinet documents;

(d) to ascertain whether any staff member having access to a particular document has any interest to declare;

(e) to impress upon staff members having access to Cabinet documents the need for strict security of those documents, and to advise them particularly of the need to be aware of Cabinet confidentiality when talking to others who may not be authorised to see Cabinet documents;

(f) to be satisfied that appropriate security arrangements are made in their private offices and (directly or through the portfolio secretary) in their departments for the handling of Cabinet documents, and that access to those documents is on a 'need-to-know' basis; and

(g) to ensure that documents no longer needed are destroyed (see paragraph 7.33).

Responsibilities of departmental secretaries regarding access

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

(a) the documents are kept in safe custody;

(b) access is on a strict 'need-to-know' basis;

(c) records are maintained of all officers given access to each document;

(d) officers given access have the appropriate security clearance; and

(e) documents no longer in day-to-day use within the department are destroyed (see paragraph 7.33). The Cabinet Secretariat will quickly meet requests for access to such documents if subsequently required.

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

Electronic systems and transmittal of Cabinet material

7.27 The Cabinet Secretariat’s CABNET system has largely replaced the manual processes for managing and circulating Cabinet documents. The Department of Finance and Administration, through its Ministerial Wing Support (MWS) Section, provides the secure communications network for CABNET using the Ministerial Communications Network (MCN) and also provides a 'one stop' help desk for all users of CABNET (ph 6277 7217; fax 6277 7063; A/H pager 1300 555 555 # 15616).

7.28 Security responsibilities relating to electronic systems largely mirror those applying to paper (refer also to Part C of the Protective Security Manual):
(f) access to electronic systems used to produce Cabinet documents (ie draft submissions or memoranda) should be restricted to those with a 'need-to-know' and access should be recorded and auditable (see also paragraph 7.7 in relation to CABNET);

(g) electronic indexes of Cabinet documents recording information such as document numbers, dates and titles are permitted, but access to these indexes should be restricted to the Cabinet liaison sections of departments (or authorised ministerial staff);

(h) the no-copying rule also prohibits the transcribing of text of Cabinet documents (particularly minutes) into departmental systems (including via optical character readers) or electronic transmission via facsimile or telex; and

(i) Cabinet-in-Confidence material, including co-ordination comments on draft submissions and memoranda, is not to be electronically transmitted over an unprotected circuit through a facsimile machine. Draft Cabinet-in-Confidence material may be transmitted via CABNET, the secure facsimile facility of the Ministerial Communications Network or via Speakeasy facilities. Ultimately transmission of most Cabinet-in-Confidence material will be via CABNET.

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

Access to Cabinet documents by courts and investigatory bodies

7.30 Ministers' offices and departments must consult the Cabinet Secretariat if they receive from any source outside the usual executive government agencies - for example, a court, an investigatory body or a Parliamentary Committee - a request for access to any Cabinet document or Cabinet-related material (see paragraphs 7.2 and 7.3). This consultation should always take place before consideration is given to claiming 'public interest immunity' in respect of Cabinet documents and should be additional to any consultations with legal advisers. Claims of immunity in respect of Cabinet documents should be made only by ministers - normally the ministers responsible for originating the documents - in consultation with the Attorney-General and the Prime Minister, or by the Secretary to the Department of the Prime Minister and Cabinet in cases involving Cabinet documents of former governments.

Requests under the Freedom of Information Act 1982 for access to Cabinet documents

7.31 Requests for access to Cabinet documents and Cabinet-related material under the Freedom of Information Act 1982 must be handled in consultation
with the FOI Co-ordinator of the Department of the Prime Minister and Cabinet. Certain types of Cabinet documents are exempt under section 34 of the FOI Act, and Cabinet Notebooks are excluded from the operation of the FOI Act entirely.

Access by agencies and authorities

7.32 Whether or not an agency or authority is entitled to access to Cabinet documents is determined on a case-by-case basis. Key factors are the degree of Commonwealth ministerial control over the body and the structure of the organisation. Even if a body is not entitled to access to final documents, its staff may, however, be involved in the preparation of draft Cabinet papers and may be informed in general terms of the outcome of Cabinet deliberations on a 'need-to-know' basis. It is the responsibility of the relevant departmental secretary to decide upon and implement the details of the necessary arrangements for relevant authorities, within the usual guidelines applying to access to Cabinet material.

Destruction of Cabinet documents

7.33 Sensitive National Security Committee documents are to be returned, following meetings, to the Defence, Intelligence and Security Branch in the Department of the Prime Minister and Cabinet. When other Cabinet documents are no longer required by ministers or departments they must be destroyed according to procedures set out in the Protective Security Manual. They also must be destroyed when a minister vacates office or a change of government occurs. In the case of submissions, memoranda, corrigenda and minutes, a record of each document destroyed (including copy number) must be kept so that, if required, the holder may certify that destruction has occurred. The Cabinet Secretariat is able to verify that documents circulated via CABNET have been destroyed once the ‘Hardcopy destroyed’ button has been activated by the user. Where documents have been destroyed the former holder can readily obtain a replacement copy from the Cabinet Secretariat should the need arise. The Cabinet Secretariat retains full sets of all Cabinet documents for eventual public release in accordance with the Archives Act 1983.

Access to Cabinet documents of previous governments

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

7.35 Before each House of Representatives election, departments should ensure that all Cabinet documents held by them are accounted for and stored so that access can be controlled appropriately. If the government is returned, the documents can be made available again in accordance with normal practice. If there is a change of government, Cabinet documents of the previous government must be destroyed (see paragraph 7.33). If departments later require copies, they should consult the Cabinet Secretariat.
7.36 Where continuity of administration requires reference back to Cabinet documents of previous governments, including Cabinet minutes, departments can provide ministers of the new government with summaries of relevant facts and of operative decisions necessary for an understanding of current issues, including, if essential to that understanding, summaries of Cabinet minutes of a previous government, but not the minutes themselves.

7.37 Where, for the sake of administrative efficiency, departments need access to submissions and memoranda of a previous government, these are to be sought in writing from the Cabinet Secretariat - not from the originating department. Departments and authorities are not to pass on these documents to other agencies; the requesting department or authority should be referred to the Cabinet Secretariat.

**Archives**

7.38 Cabinet documents held by ministers or departments should not be sent to the National Archives of Australia with personal or other papers. They must be destroyed in accordance with paragraph 7.33 above.

7.39 Under the *Archives Act 1983* Cabinet documents are generally open to public access only after thirty years. Cabinet notebooks are made available after 50 years.

7.40 Access to Cabinet documents less than 30 years old is allowed to certain persons on an individual basis under regulations and arrangements made under subsection 56(2) of the *Archives Act 1983*. All such requests for access to any Cabinet documentation must be referred to the Secretary to the Department of the Prime Minister and Cabinet for consideration, along the lines set out in paragraphs 7.41 and 7.43 below.

7.41 The Secretary to the Department of the Prime Minister and Cabinet authorises requests for "refreshment of memory" access by former prime ministers, former ministers, former secretaries and some other specified Commonwealth office holders who seek access to Cabinet and other official documents with which they dealt personally while in office.

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

7.43 When requests for special access to Cabinet documents are received, the Secretary to the Department of the Prime Minister and Cabinet consults the present leader of the political party in government at the time the relevant records were created.
8 DEFENCE PROCUREMENT - RULES FOR SUBMISSIONS AND MEMORANDA

8.1 Submissions and memoranda relating to the acquisition of new or enhanced Defence capabilities whose acquisition cost exceeds Ministerial delegations are generally considered by the National Security Committee (NSC) rather than by Cabinet and must comply with the following requirements.

8.2 Submissions and memoranda must comply with the standard Cabinet rules set out in this Handbook, including provision of the standard impact statements. Given the technical nature of many major capital acquisition decisions, it is important that submissions and memoranda are drafted so as to present a clear argument, provide the necessary information for Ministers to make informed decisions, and are written in plain English.

8.3 All NSC submissions and memoranda are first considered by the Secretaries Committee on National Security (SCNS) to ensure that whole-of-government implications are taken into account, facts are agreed and, as far as possible, differences are resolved in advance of consideration by NSC. Consideration by SCNS is a consultation requirement additional to those set out in Chapter 5 and is not intended as a substitute for the working-level consultation between relevant departments at the drafting stage that is strongly recommended in that Chapter.

8.4 Submissions and memoranda relating to the acquisition of new Defence capabilities must be presented to Government through a two-stage or 'two-pass' process, and must be labelled as first or second-pass in the title.

First-Pass

8.5 NSC’s review of the annual strategic assessment will include agreement to capability gaps that merit rectification. Where that rectification involves procurement of equipment, the Defence Capability Plan (DCP) will be amended in terms agreed by NSC to include a broad provision to address the enhancement, with an indicative cost band, and band for year-of-decision (YOD) and in-service date (ISD). Broad capability solutions to meet the need are then identified during the first-pass stage and presented to NSC for first-pass consideration.

8.6 Each first-pass submission or memorandum must identify the NSC-agreed capability gap to be addressed, and attach an ‘Initial Business Case’ for each realistic broad solution that addresses the capability gap. The options must include at least one off-the-shelf option, where such an option exists, and where it is judged not to exist, this must be explained in the first-pass approval submission. Any option that proposes the ‘Australianisation’ or modification of equipment must detail the rationale and associated costs and risks. The body of each submission or memorandum must include a discussion of the rationale for undertaking further analysis of some of
the options and, at a high level, the cost capability, schedule and risk trade-offs between the different options identified.

8.7 Each Initial Business Case is to identify:

(a) the capability option being explored;
(b) the indicative schedule;
(c) the indicative total acquisition and whole-of-life costs;
(d) the methodology for further assessment of the option, including any necessary funding to further assess the option, including the extent of industry solicitation;
(e) an assessment of technical risk; and
(f) any implications for Australian industry, including potential suppliers and funded studies.

8.8 The outcome of first-pass is NSC approval of the options to be explored, the engagement of Industry in the exploration and the necessary spending authority for the Department of Defence (Defence) to undertake detailed analysis of the agreed capability options to address the identified capability need. At this stage the Government is not committed to acquiring the capability.

Second-Pass

8.9 The second-pass stage is defined as the process by which the range of options approved following first-pass are subject to detailed and rigorous assessment and an ‘Acquisition Business Case’ for each option is presented to NSC for consideration.

8.10 Each submission or memorandum must attach a detailed and rigorous ‘Acquisition Business Case’ for each capability option approved at first-pass. The body of the submission or memorandum must include a discussion of the rationale for selection of the preferred option, including the cost capability, schedule and risk trade-offs between the different options identified.

8.11 Each Acquisition Business Case is to include:

(a) the expected function or effect of the capability to be acquired;
(b) the budget estimates of total acquisition and whole-of-life costs;
(c) the delivery schedule;
(d) an analysis of the technology, cost and schedule risks and drivers (technology risk must be rated using the ‘Technology Readiness Level’ methodology – see paragraph 17 below);
(e) discussion of any implications for Australian industry; and
the recommended mechanism for reporting progress to NSC.

8.12 The outcome of second-pass by NSC is for Defence to proceed to contract for an agreed capability solution with a defined acquisition budget, schedule and level of performance, and a budgeted whole-of-life cost.

Other

8.13 The second-pass stage will occur for each acquisition phase of a multi-phased project. For some complex proposals, additional consideration by NSC may be needed between the two mandated passes to provide further guidance as more information becomes available, or circumstances change. NSC may also require an additional submission prior to the announcement of a successful tenderer. For less complex projects, where formal project definition phases have been completed, and for follow-on activity under contract options, it may be acceptable for Defence to bring forward a proposal for second-pass approval to be agreed at the first-pass consideration.

8.14 Each first and second-pass submission or memorandum requires agreement with the Department of Finance and Administration (Finance) on the detailed acquisition and operating costings and financial risk assessment. A brief comment from Finance on cost and financial risk will be included in the cover page of each submission or memorandum, along with a paragraph of comment in the body of the submission or memorandum. Finance will provide material advising its sign off, any qualifications to that sign off and its perspective on the costings. For example, Finance may agree with the costings, or conclude that some expenses have not been covered, or that insufficient allowance for risk has been made. Finance will also provide an attachment to its coordination comments for each Submission setting out in detail the basis for its sign off, issues identified and proposed treatments and remedies. All costings provided by Defence in Submissions are to be on an out-turned basis.

8.15 Within Defence there is to be sign off from the appropriate areas on the information provided in submissions, including costings, infrastructure aspects, acquisition strategy, risk assessment and mitigation, and technology maturity and risk.

8.16 Progress reporting mechanisms will be proposed in each second-pass submission or memoranda for decision by NSC on a case-by-case basis. In addition to any required progress reporting, Defence must report back to NSC if there is a significant change to costings, capability or timetable above the threshold levels agreed by NSC.

8.17 Standardised Technology Readiness Levels (TRL) should be used to assess the technology maturity of equipment at various stages of development. Capability options without a TRL rating would not proceed for NSC consideration. On a TRL scale of one to nine, level one is essentially new high-risk technology, and level nine is mature low-risk technology.

8.19 In exceptional circumstances the Prime Minister may approve an accelerated rapid acquisition process.
Ten-Day Rule

8.20 Submissions for first and second-pass approval may be approved by the Prime Minister for consideration under the procedures set out for the ten-day rule but with circulation of submissions intended for the NSC being limited to Committee Ministers and any additional Ministers agreed by the Prime Minister (see paragraphs 4.4B to 4.4G).

Omnibus Submissions

8.21 In general, separate submissions will be provided for each project or phase. However, with the agreement of the Prime Minister, a number of closely related proposals may be combined into a single submission, provided the full information is provided on each proposal.
Caretaker conventions

Successive governments have accepted that special arrangements apply in the period immediately before an election for the House of Representatives, in recognition of the considerations that:

(a) with the dissolution of the House, there is no popular Chamber to which the executive government can be responsible; and

(b) every general election brings with it the possibility of a change of government.

2. Over many years, practices have developed to remind ministers and departments of the need to observe the conventions. As soon as a general election has been announced, and sometimes shortly before, a meeting of the ministry notes a summary of the conventions that will apply from the dissolution of the House of Representatives. Where this has not occurred, the Prime Minister has written to ministers concerning the conventions.

3. The formal period for which the caretaker conventions operate dates from the dissolution of the House of Representatives until the election result is clear or, in the event of a change of government, until the new government is appointed. However, it is also accepted that some care should be exercised in the period between the announcement of the election and the dissolution. There is no caretaker period for separate half Senate elections.

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

5. In relation to appointments, only those which it is essential to fill are proceeded with, and preferably on an acting or short-term basis unless a minimum or fixed term is prescribed. There is often consultation with the relevant Opposition spokesperson, particularly where longer term appointments are necessary.

6. The basic conventions are directed to the taking of decisions, and not to their announcement. Accordingly, the conventions are not infringed where decisions taken before the caretaker period are announced during the caretaker period. However, it is desirable, if the decisions concern significant initiatives, that they be announced in advance of the caretaker period in order to avoid controversy. The caretaker conventions do not apply to new policy promises which a government may announce as part of its election campaign.

7. Ministry, Cabinet or Cabinet committees may meet in the caretaker period if this is necessary for the continuance of the normal business of
government, but the range of matters that may be considered is constrained by the conventions. Normally, efforts are made to clear necessary business prior to the caretaker period, thus avoiding the necessity for such meetings during the caretaker period.

8. There are other established practices, usually regarded as being part of the caretaker conventions, which govern activities in the election period. These are mainly directed at ensuring that departments avoid any partisanship in the special circumstances of an election campaign and that government resources are not directed to supporting a particular political party. They address matters such as the nature of requests that ministers may make of their departments, procedures for consultation by the Opposition with departmental officers, travel by ministers and their Opposition counterparts and the continuation of government advertising campaigns.

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

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

The purpose of the *Drafter’s Guide* is to assist ministers’ senior advisers, departmental policy advisers and CLOs in the preparation of Cabinet submissions and memoranda.

2. In addition to the Guide, the Cabinet Secretariat issues circulars to ministers’ senior advisers and CLOs from time to time which advise of changes to the preparation or handling of submissions and memoranda.

3. The contents of the Guide are as follows:

   (a) Submissions and memoranda - overview;

   (b) Preparation of submissions and memoranda;

   (c) Consultation;

   (d) Attachments:

      (i) Sample of a submission;
      (ii) Sample of a memorandum;
      (iii) Attachments cover sheet;
      (iv) Corrigendum cover sheet;
      (v) Consultation – matters dealt with by departments;
      (vi) Role of Cabinet liaison officers; and
      (vii) Audio/visual presentations by ministers to Cabinet.