

The Queensland Cabinet Handbook

Governing Queensland

Copyright

Cabinet Handbook

Copyright © The State of Queensland (Department of the Premier and Cabinet) 2021

Licence



Cabinet Handbook by Department of the Premier and Cabinet is licensed under a Creative Commons Attribution 3.0 Australia licence. To view the terms of this licence, visit <http://creativecommons.org/licenses/by/3.0/au>. For permissions beyond the scope of this licence, contact copyright@premiers.qld.gov.au.

To attribute this material, cite the Department of the Premier and Cabinet.

Information security

This document has been security classified using the Queensland Government Information Security Classification Framework (QGISCF) as Unclassified and will be managed according to the requirements of the QGISCF.

Contents

Section Page No

Introduction.....

1.0 The process of Cabinet.....1

1.1 Principles of Cabinet	1
1.2 The Cabinet and collective responsibility	2
1.3 Ministers	2
1.4 The Governor.....	3
1.5 Matters for consideration by Cabinet.....	4
1.6 Matters to note	5
1.7 Definition of Cabinet documents	5

2.0 Roles and responsibilities7

2.1 Ministers	7
2.2 Officials attending Cabinet	8
2.3 Policy Division	8
2.4 Cabinet Secretary (Secretariat)	9
2.5 Cabinet Legislation and Liaison Officers	10
2.6 Executive Council	10
2.7 Office of the Queensland Parliamentary Counsel	12
2.8 Assistant Ministers.....	13

3.0 Committees.....15

3.1 Cabinet Committees.....	15
3.2 Cabinet Budget Review Committee	17
3.3 Interdepartmental committees	20
3.4 Queensland Parliamentary Committees	20

4.0 Procedures.....23

4.1 Notification of Cabinet meetings	23
4.2 Cabinet Timetable.....	24
4.3 Determination of the business list for Cabinet meetings.....	25
4.4 Lodgement process for Cabinet submissions	25
4.5 Lodgement process for Cabinet Committee submissions	28
4.6 Lodgement letter.....	29
4.7 Number of copies to be lodged	29
4.8 Oral Cabinet submissions.....	30
4.9 Circulation of Cabinet submissions and "The Cabinet bag"	30
4.10 Cabinet Agenda	32
4.11 Collective Cabinet Minutes	32
4.12 Cabinet decisions.....	33
4.13 Briefing information on Cabinet submissions	35
4.14 Security and management of Cabinet information	35
4.15 Access to Cabinet documents	40
4.16 Cabinet cycle: Procedural timelines	46
4.17 Matters to Note Template	48

5.0 Preparation of submissions.....49

5.1 Types of submissions	49
5.2 Security classifications on Cabinet submissions	60
5.3 General formatting and style for submissions.	61
5.4 Information requirements for submissions .	64
5.5 Example Cabinet submission coversheet....	79

Section Page No

5.6 Example Cabinet Committee submission coversheet.....	80
---	----

5.7 Example body of Policy and Policy Memorandum submission	81
--	----

5.8 Example body of Authority to Prepare a Bill submission	82
---	----

5.9 Example body of Authority to Introduce a Bill submission	83
---	----

5.10 Example body of Authority to Forward Significant Subordinate Legislation.....	84
---	----

5.11 Example body of an Information submission.....	85
--	----

5.12 Example body of a Significant Appointment submission.....	86
---	----

6.0 Consultation.....89

6.1 Community consultation.....	89
---------------------------------	----

6.2 Consultation within Government.....	89
---	----

6.3 Discussion (Green) Papers and Policy (White) Papers	99
--	----

7.0 Legislation 101

7.1 Legislation program	101
-------------------------------	-----

7.2 Development of a Bill.....	105
--------------------------------	-----

7.3 Finalisation of a Bill	108
----------------------------------	-----

7.4 Parliamentary Portfolio Committees	110
--	-----

7.5 Subordinate Legislation	111
-----------------------------------	-----

7.6 Private Members' Bills	113
----------------------------------	-----

8.0 Guidelines for briefings and submissions to Members of Parliament, etc 115

8.1 Guidelines for departmental officers required to brief Members (including Opposition Members) of the Legislative Assembly in relation to Bills before the House	115
--	-----

8.2 Guidance in relation to dealings with Queensland Parliamentary Committees...115	
--	--

8.3 Guidelines for Queensland submissions to Commonwealth inquiries/reviews.....117	
--	--

9.0 Intergovernmental Processes and Procedures..... 121

9.1 Principles for intergovernmental activities.121	
---	--

9.2 National Cabinet.....122	
------------------------------	--

9.3 Council on Federal Financial Relations	123
--	-----

9.4 National Cabinet Reform Committees.....125	
--	--

9.5 National Federation Reform Council	128
--	-----

9.6 Other Ministers' Meetings and Engagement130	
---	--

9.7 Commonwealth-State funding agreements132	
--	--

9.8 Non-financial intergovernmental agreements	136
---	-----

9.9 Queensland's international interjurisdictional relationships	136
---	-----

9.10 Free Trade Agreements, United Nations Conventions, and other international treaties	138
--	-----

9.11 Negotiating framework template.....139	
---	--

10.0 Caretaker arrangements 143

This page left intentionally blank.

Introduction

The *Queensland Cabinet Handbook* is one in a series of handbooks entitled *Governing Queensland* that provides information about:

- policy development in government agencies;
- the role of Cabinet and the Executive Council;
- the roles and responsibilities of Ministers and Ministerial staff; and
- the processes of drafting and approving laws.

Other titles in the series include:

- The Queensland Executive Council Handbook
- The Queensland Legislation Handbook
- The Queensland Ministerial Handbook
- The Queensland Parliamentary Procedures Handbook
- Welcome Aboard: A Guide for Members of Queensland Government Boards, Committees and Statutory Authorities

Governing Queensland provides extensive administrative detail about the processes and practices associated with the effective functioning of the Queensland Executive Council, the Legislative Assembly, Cabinet, Queensland Government departments and agencies.

The *Queensland Cabinet Handbook* supports the pre-eminent role of Cabinet in deciding government policy, by guiding Ministers and departmental officers in the development and presentation of Cabinet submissions. The processes and procedures outlined in the Handbook are designed to ensure a high degree of rigour and uniformity in developing submissions to provide Ministers with contestable proposals for their collective decision-making needs.

The Queensland Cabinet Handbook promotes consultation as the fundamental activity that underlies "quality" policy reflecting input from whole of government and the community.

This edition is provided on the Internet to allow access to a wider audience and to ensure that the published handbook remains current. Frequent users will value the hyperlinks within the electronic text, allowing swift movement to related topics.

The Cabinet Secretariat within the Department of the Premier and Cabinet facilitates the operation of Cabinet and its related processes, by providing advisory and administrative support to Ministers and departments.

The Queensland Cabinet Handbook is the primary support tool used by the Secretariat.

This edition of the Queensland Cabinet Handbook ensures that information being considered by Cabinet continues to conform to the highest standard and facilitates robust decisions serving the public interest.

The Queensland Cabinet Handbook is accessed on the Internet via the [Department of the Premier and Cabinet's home page](http://www.premiers.qld.gov.au), www.premiers.qld.gov.au.

Enquiries to:

Cabinet Secretariat
Department of the Premier and Cabinet
PO Box 15185
CITY EAST QLD 4002

1.0 The process of Cabinet

- [1.1 Principles of Cabinet](#)
- [1.2 The Cabinet and collective responsibility](#)
- [1.3 Ministers](#)
- [1.4 The Governor](#)
- [1.5 Matters for consideration by Cabinet](#)
- [1.6 Matters to Note](#)
- [1.7 Definition of Cabinet documents](#)

1.1 Principles of Cabinet

The Queensland Cabinet Handbook (the Handbook) outlines the procedures and conventions for the operation of the Queensland Cabinet and its support processes.

The *Constitution of Queensland 2001* provides that there must be a Cabinet consisting of the Premier and a number of other Ministers. The *Constitution of Queensland 2001* also provides that Cabinet is collectively responsible to the Parliament of Queensland.

The Handbook outlines the procedures and conventions for the operation of the Queensland Cabinet and its support processes. These procedures and conventions encompass the entire Cabinet process through preparation, lodgement and consideration of Cabinet business, as well as ongoing administrative aspects of the maintenance of Cabinet records.

The procedures and conventions contained in the Handbook are designed to bind Cabinet and its associated processes to the following fundamental principles:

- Cabinet is responsible for the development and coordination of the policies of the government;
- the collective responsibility of Ministers for government decisions requires collective adherence to all government decisions made in Cabinet. Cabinet decisions reflect collective deliberation and are binding on Cabinet Ministers as government policy;
- consultation is an essential element of the Cabinet process;
- the deliberations of Cabinet and Cabinet Committees shall be conducted in a secure and confidential environment, and that ongoing confidentiality of Cabinet and related records shall be maintained;
- preparation of business to be considered by Cabinet is of the highest standard reflecting the information needs of Ministers, to ensure informed decision-making can occur in accordance with the public interest;
- Cabinet proposals reflect a rigorous examination of issues, consideration of regulatory best practice principles, whole of government coordination and accord with government policy;
- Cabinet processes are established by the Premier to ensure all Ministers are bound by the same rules and by high standards of probity; and
- Cabinet collectively, and Ministers individually, are responsible and accountable to the Crown, the Parliament, and ultimately the electorate.

Adherence to these principles is the cornerstone of an effective and efficient Cabinet system.

The Handbook is reviewed periodically with proposed changes approved by the Premier or Cabinet.

Cabinet Handbook

Throughout the Handbook the term "Cabinet" refers to Cabinet and Cabinet Committees, except where a section deals specifically with one or the other.

1.2 The Cabinet and collective responsibility

The *Constitution of Queensland 2001* states there must be a Cabinet consisting of the Premier and a number of Ministers. Cabinet is the principal decision-making body of the government and currently comprises all Ministers. Cabinet's decisions are given formal effect through Acts of the Parliament, actions of the Executive Council or the executive powers held by Ministers for the administration of their portfolios.

The Premier or the Deputy Premier (in the Premier's absence) presides at all Cabinet meetings. Ministers are expected to attend every meeting or provide the Premier with reasons for being unable to attend.

Cabinet is responsible for the performance of the government. Each Minister acts jointly with and on behalf of Cabinet colleagues in their capacity as Ministers. Not only does this ensure collective responsibility, but it also enhances collective adherence to all decisions made in Cabinet. Cabinet decisions reflect collective conclusions and are binding on all Ministers as government policy. If a Minister is unable to publicly support a Cabinet decision, the proper course is to resign from Cabinet. All Ministers are required to give their support in public debate to collective decisions of the Cabinet and the government.

Cabinet procedures in this Handbook are designed to support the convention of collective responsibility. Ministers will normally receive copies of all Cabinet documents at least five days in advance of a meeting so they may be aware of the business coming to Cabinet.

Ministers should ensure there is no announcement of policy initiatives or expenditure commitments which have not been given Cabinet authority or, where appropriate, Governor in Council approval. In exceptional cases, announcements should be cleared with the Premier and, if expenditure is involved, with the Treasurer as well.

Ministers should seek the approval of the Premier before making public statements or comment on proposals that they are bringing to Cabinet. Advocacy in public of a particular proposal could otherwise tend to pre-empt Cabinet deliberations. Identification of individual Ministers with particular views tends to call into question the collective basis of agreed outcomes.

It is inappropriate for Ministers to accept invitations to speak or to comment publicly on matters outside their portfolio area without the prior approval of the Premier. Where Ministers are required to speak publicly about an issue, which crosses portfolio boundaries, the Minister should either obtain a collective view from Cabinet or discuss the issue with the Premier and other responsible Ministers.

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 of any case where they may perceive a breach, or a likely breach, of these conventions.

1.3 Ministers

Ministers are appointed by the Governor on the advice of the Premier. On the formation of a government, notifications appear in the Queensland Government Gazette stating the Governor has appointed certain persons as Ministers and as

Cabinet Handbook

Members of the Executive Council. Ministers administer, and are responsible for, their departments of State.

Cabinet comprises all appointed Ministers, with the Premier, as the Leader of the government, being the Chairperson of Cabinet. The Premier's authority rests upon political convention together with a capacity to maintain the support of the Parliament. That requires the support of Ministerial colleagues and the political party which the Premier leads.

The Premier is the channel of communication between the Governor and the Cabinet and between the Queensland Government and the Commonwealth Government or other governments.

1.3.1 Ministerial declaration of interests

The Cabinet process requires the highest standard of propriety to ensure public confidence in the decisions of executive government.

Under the Ministerial Handbook and Ministerial Code of Conduct, Ministers must advise the Premier in writing about any conflict of interest between their personal interests and their ministerial responsibilities and the actions that will be implemented to manage the conflict. This is done via a Conflict of Interest Management Plan.

There is a standing agenda item for all meetings of Cabinet or Cabinet Committees for Ministers attending the meeting to declare any conflict of interest between personal interests held by them, or members of their immediate families and the matters before the relevant meeting.

Where Integrity Commissioner advice has been obtained in relation to the matter, prior to the meeting, this may be tendered at the meeting.

Generally, where a Minister gives notice of a conflict of interest at the meeting of Cabinet or a Cabinet committee, unless the matter under consideration concerns a general public policy or where the Minister has no greater interest than that of other classes of people in the community or within the Cabinet generally, the Minister will withdraw from the meeting while that matter is being considered.

It is recognised that where the matter to be determined concerns a matter of general public policy or where the Minister has no greater interest than that of other classes of people in the community or within the Cabinet generally, the Minister is not required to withdraw from the meeting and may continue to participate fully in the determination of the Government's policy on the matter.

The Cabinet Secretary will record in the Cabinet minutes that the Minister declared his/her potential conflict of interest and if the Minister withdrew from the meeting during consideration of the relevant matter.

1.4 The Governor

The Governor is the personal representative of the Crown in Queensland. All powers and functions of the Crown in respect of the State are exercisable by the Governor except for the power to appoint and the power to terminate the appointment of the Governor.

The Governor in Council (which is the Governor acting on the advice of the Executive Council) is the principal authority for the making of Subordinate Legislation in Queensland subject to the overriding legislative power of the Parliament. Significant

Cabinet Handbook

Subordinate Legislation must have Cabinet endorsement prior to submission to the Governor in Council for approval.

1.5 Matters for consideration by Cabinet

Unless otherwise determined by the Premier as the Chair of Cabinet, the following matters should be brought by Ministers for the consideration of Cabinet:

- all significant or sensitive policy issues, whether originating within the government or from discussions with other governments, including new policy development and variations to existing policies;
- reports outlining the implementation of Cabinet decisions and key government commitments;
- proposed discussion papers for public consultation (Green Papers) and major policy statements of government (White Papers);
- proposed major policy reviews that will require consultation within the public sector or with non-governmental organisations or that will absorb significant departmental resources;
- matters that have a significant impact on either the public or private sectors;
- matters that have a significant budgetary impact;
- governmental or departmental negotiating positions on significant industrial relations issues;
- matters likely to have a considerable impact on relations with Commonwealth, local and other State and Territory Governments, community groups, employer groups, the unions, or on community relations;
- matters of an intergovernmental nature that may constrain the government's ability to develop or amend policy, eg. national policy strategies, interstate agreements, international treaties (particularly at the point when the Commonwealth proposes to sign, ratify or take any legally binding action on a treaty);
- proposals that will require new or amending legislation, including Subordinate Legislation, that is significant in scope or of political or administrative importance;
- proposed Subordinate Legislation (other than exempt Subordinate Legislation) not certified by the Office of the Queensland Parliamentary Counsel;
- major issues to be discussed, or a report of significant outcomes agreed at Ministerial Council forums;
- all appointments defined as "Significant Appointments" in Chapter 5.1.7 "Significant Appointment";
- all contracts where the financial value of the contract exceeds the limit authorised by Cabinet from time to time (Cabinet does not become involved in the selection of a tenderer but may approve the framework for the letting of such contracts. Details of proposed contracts are submitted to Executive Council as Executive Council Minutes for the financial approval of the Governor in Council and presented in a summary list for signature);
- significant portfolio policy announcements and politically sensitive Ministerial Statements to Parliament;
- all whole-of-Government submissions to Queensland Parliamentary Committees or to Commonwealth inquiries and Parliamentary Committees and all Ministerial responses to the reports of Parliamentary Committees prior to their tabling in the Legislative Assembly;
- proposed significant commercial activities or significant expansion of existing commercial activities;
- government responses on Private Members' Bills;
- the proposed public release of Consultation Regulatory Impact Statements (RIS) for regulatory proposals (except where Cabinet has already considered the policy issue and the relevant portfolio minister has determined that Cabinet approval for release is not required);

Cabinet Handbook

- Decision RISs for regulatory proposals and the proposed public release of Decision RISs;
- proposals that have significant national competition policy implications; and
- all proposals for Public Private Partnerships with an expected capital value in excess of \$30 M or a whole of life present value of \$50 M.

1.6 Matters to Note

The purpose of the “Matters to Note” agenda item is for Ministers to inform Cabinet of all upcoming significant decisions and public announcements that would not otherwise go before Cabinet. “Matters to Note” are for noting by Cabinet; if a matter needs to be discussed in greater detail, Cabinet may decide that a formal submission be developed and brought to Cabinet at a later date.

1.7 Definition of Cabinet documents

Cabinet documents are diverse in their form and may broadly be defined as documents, which if disclosed, would reveal any consideration or deliberation of Cabinet, or otherwise prejudice the confidentiality of Cabinet considerations, deliberations or operations. Cabinet documents may include, but are not limited to, the following:

- submissions, submitted or proposed to be submitted to Cabinet;
- Cabinet agenda, notice of meetings and business lists for meetings;
- minutes and decisions of Cabinet;
- briefing papers prepared for use by Ministers or Chief Executive Officers in relation to matters submitted or proposed to be submitted to Cabinet;
- documentation and minutes of Cabinet Committee meetings;
- reports generated by the Cabinet Secretariat or agencies which show Cabinet submissions or proposed Cabinet submissions;
- corrigenda to Cabinet submissions;
- reports and attachments to submissions that have been brought into existence for the purpose of submission to Cabinet;
- legislative proposals, Bills, explanatory notes and Explanatory speeches;
- correspondence between Ministers and/or the Premier that is submitted to Cabinet or that proposes matters to be raised in Cabinet;
- consultation comments on first lodgement and final Cabinet documents;
- reports or studies within or for the Queensland Government that are intended to form the basis of a Cabinet document or an attachment to a Cabinet document;
- all other minutes, correspondence between Ministers and other material that relate to Cabinet matters, eg. letters seeking waiver of all or part of the Cabinet process or minutes seeking comments on submissions;
- drafts, copies or extracts of any of the above; and
- all formats of the above, including hard copy, electronic, or microfilm formats.

Cabinet Handbook

This page left intentionally blank.

2.0 Roles and responsibilities

- [2.1 Ministers](#)
- [2.2 Officials attending Cabinet](#)
- [2.3 Policy Division](#)
- [2.4 Cabinet Secretary \(Secretariat\)](#)
- [2.5 Cabinet Legislation and Liaison Officers](#)
- [2.6 Executive Council](#)
- [2.7 Office of the Queensland Parliamentary Counsel](#)
- [2.8 Assistant Ministers](#)

2.1 Ministers

Ultimate responsibility for departmental management rests with Ministers who are legally and politically accountable to the Parliament for the administration of their department(s). It is the policy of the government to enhance Ministerial responsibility and accountability consistent with its collective commitments.

Ministers must be aware of their constitutional responsibilities to act in the public interest and not disclose confidential information or government information likely to injure the public interest.

As far as possible, the management of departments is the responsibility of the departmental Chief Executive Officer. Chief Executive Officers are responsible for managing the day to day operations of departments, ensuring the efficient and effective delivery of departmental services and providing effective advice to the Minister on policy matters requiring Ministerial attention.

Individual Ministerial authority and responsibility should be balanced against the need to bring to Cabinet major issues of policy and any matter requiring collective consideration by the government. Refer to [Chapter 1.5 "Matters for consideration by Cabinet"](#) and Chapter 3.2.2 ["Matters to be considered by the CBRC"](#).

As a general rule, Ministers should put before Cabinet the sorts of issues on which they themselves would like to be consulted. If uncertain, Ministers should seek advice from the Premier or the Cabinet Secretary. Similarly, departments should seek advice from the office of the portfolio Minister or Policy Division, Department of the Premier and Cabinet. In some matters, consultation and agreement with Ministerial colleagues will suffice. However, when Ministers decide to bring a submission to Cabinet, it is subject to the Premier's approval.

Where two or more Ministers share substantial responsibility for a particular matter, it is appropriate for a joint submission to be presented to Cabinet. It is, however, desirable to avoid the diffusion of responsibility and the practical difficulties that can arise when more than two or three Ministers jointly sign a submission. In cases where many Ministers have an interest in the subject matter, it is preferable for responsibility to be allocated to one or two key Ministers for joint signatures and for the interests of the others to be taken into account by their being consulted, in a timely and effective manner, in the preparation of the submission.

When a decision is made by a Minister to develop a submission, it is the responsibility of that Minister to allocate the appropriate security classification for the submission based on sensitivity and the level of security required (further information on security classification is provided in. Refer to [Chapter 5.2 "Security classifications on Cabinet submissions"](#).

Cabinet Handbook

2.1.1 Attendance at meetings

Attendance at Cabinet meetings takes priority over other commitments, and Ministers should arrange appointments to avoid conflict with scheduled meetings.

Ministers must seek the Premier's approval if they are likely to be unavoidably absent from meetings (or delayed) and obtain leave to be absent.

2.1.2 Extended absence

It is the responsibility of a Minister to nominate to the Premier another Minister to act on his or her behalf during the absence. The nomination is then forwarded by the Premier to the Executive Director, State Affairs, Department of the Premier and Cabinet, who prepares a Delegation of Authority for signature by the Premier, and the Governor if required. A copy of the delegation is forwarded to the Cabinet Secretary.

2.2 Officials attending Cabinet

Officials (other than Cabinet Secretariat staff) do not attend Cabinet meetings unless their attendance has been agreed to by the Chairperson of Cabinet. When it has been agreed that officials may be present, the Cabinet Secretary will arrange for their attendance. All officials should wait in the Cabinet anteroom until they are summoned by the Cabinet Secretary.

Officials may be invited to attend a Cabinet meeting only to assist their Minister and to provide advice at the meeting if requested. They are expected to explain factual or technical material on request, but not to participate in discussions unless invited by the Chairperson. If their Minister leaves the Cabinet room (the meeting), the official will withdraw. Officials cannot represent Ministers in Cabinet or on Cabinet Committees.

Officials present at Cabinet or Cabinet Committee meetings are privy to discussions on the basis of absolute confidentiality. There must be no disclosure of the nature or content of those discussions.

For the purpose of this section, "officials" includes public sector employees, Ministerial staff and statutory body employees.

2.2.1 Audio-visual presentations

Audio-visual presentations, slides, charts, overheads and explanatory texts may be useful supplements to written Cabinet documents to facilitate Ministerial discussion of a proposal. The Premier's approval is required for any supplementary material. Once approval is obtained, officers should liaise with the Cabinet Secretariat to ensure the necessary equipment is available.

2.3 Policy Division

The role of the Policy Division, Department of the Premier and Cabinet is to support the Premier and Cabinet in the provision of coordinated policy advice on matters to be considered by Cabinet.

Cabinet Handbook

The functions of the Policy Division include:

- consulting with government departments on the policy content and coordination implications of proposed Cabinet submissions prior to their formal consideration by Cabinet and to advise the Premier accordingly;
- providing advice to the Premier on submissions formally to be considered by Cabinet once these submissions have been included on the Cabinet agenda;
- monitoring and analysing the implementation of Cabinet decisions; and
- providing advice to the Premier, and through the Premier to Cabinet, on the government's forward policy agenda (in consultation with relevant departments and other bodies) and the strategic implications of this agenda for the whole of government.

In respect of the policy development and coordination role, it is the responsibility of the Director-General of the Department of the Premier and Cabinet to advise the Premier, and through the Premier, the Cabinet, on the coordination of the policy development and implementation program of the government.

Departmental officials should consult with the Policy Division as early as possible in the development of proposed Cabinet submissions.

An important feature of the Policy Division's role is to ensure the contestability of policy advice made available to the Premier and to Cabinet, so that the best possible information is available to Ministers in making decisions. Departmental officials should therefore consult with their Portfolio Contact Officer in Policy Division as early as possible in the development of proposed Cabinet submissions.

Policy Division also leads the development and implementation of Queensland's intergovernmental strategy, including supporting Queensland's participation in National Cabinet and the National Federation Reform Council, and provides leadership to support Ministerial participation in National Cabinet Sub-Committees (including the Council on Federal Financial Relations and National Cabinet Reform Committees), National Federation Reform Taskforces and other Ministerial intergovernmental forums.

2.4 Cabinet Secretary (Secretariat)

The role of the Cabinet Secretary is to manage and coordinate all procedural, operational and logistical services supporting Cabinet and its related functions, including Cabinet Committees. The Cabinet Secretary has a range of specific accountabilities:

- to assist the Premier with the programming of Cabinet business and setting of agendas;
- to attend Cabinet and record the decisions and minutes of meetings on behalf of the Premier;
- to ensure that business presented to Cabinet conforms to the Premier's standards and requirements as detailed in the Cabinet Handbook;
- to provide administrative, operational and other support for the Premier, Cabinet and Cabinet Committees;
- to receive, process and distribute Cabinet documents to be considered by Cabinet and its Committees in a timely and secure manner;
- to maintain a secure record of Cabinet documents and distribute Cabinet Decisions in a timely and secure manner;
- to act as custodian of the Cabinet documents of the Government and previous Governments;

Cabinet Handbook

- to liaise with and advise Ministers, departments and agencies on Cabinet operations and requirements;
- to coordinate a forward legislation program for Government business; and
- other duties as required by the Premier or the Chairperson of a Cabinet Committee.

The Cabinet Secretary is accountable to the Premier as Chairperson of Cabinet and is responsible for ensuring that the Premier's standards and requirements for all Cabinet business are met by all agencies. The Cabinet Secretary attends Cabinet to record the decisions and collective minutes of meetings on behalf of the Premier.

In supporting the operation of Cabinet, the Cabinet Secretary heads the Cabinet Secretariat in the Department of the Premier and Cabinet which assists in the delivery of support services.

2.5 Cabinet Legislation and Liaison Officers

Because of the need to coordinate the Cabinet-related activities of all agencies, the Cabinet Secretariat is supported by a network of officers across departments who assist in the effective functioning and operations of Cabinet (including Cabinet related functions such as Cabinet Committees and Community Cabinet), Executive Council, legislative and parliamentary systems.

These Cabinet Legislation and Liaison Officers (CLLOs) are senior public servants employed by each department who are individually responsible to the Chief Executive Officers and through them, to the relevant Ministers.

The CLLOs are required to:

- manage the Cabinet and legislative functions of the department in an effective manner through the provision of advice on Cabinet and Parliamentary procedures and processes, coordination of the department's Cabinet business and legislative program, and the conduct of training on departmental Cabinet procedures;
- review and critically evaluate, Cabinet submissions and briefing notes to ensure quality, relevance and appropriateness and that such documents have been developed in accordance with government guidelines;
- communicate decisions arising from Cabinet and Cabinet Committee meetings to relevant departmental officers in accordance with government guidelines, and monitor the agency's implementation of those decisions;
- coordinate and provide policy advice and options on matters relating to executive government, Cabinet, Parliament, and public administration issues; and
- coordinate and provide executive services support to the Chief Executive Officer, and where appropriate, the Minister, on Cabinet and Parliamentary proposals.

2.6 Executive Council

The Executive Council of Queensland is constituted under the *Constitution of Queensland 2001*. The proceedings of the Executive Council are strictly confidential and are confined to formal recommendations to the Governor for making or approval of such instruments as are required by the Royal Prerogative or by legislation to be issued by the Governor in Council.

Cabinet Handbook

The Queensland Executive Council Handbook provides detailed advice about the proceedings of the Executive Council including the matters for recommendation to the Governor.

Except in the case of some Significant Appointments and expenditure approvals, it is normally not appropriate for an Executive Council Minute to be submitted at the same time as the associated Cabinet submission, as this would be pre-empting Cabinet's determination on the matter. In the event that a Significant Appointment or expenditure proposal, as mentioned above, is not approved by Cabinet, contact should be made urgently with the Executive Council Secretariat to ensure that the Executive Council Minute does not proceed.

Meetings of Executive Council are normally held at 11.45 am on Thursday each week after Cabinet meets on the Monday.

The Clerk of the Executive Council gives Ministers approximately seven days notice of meeting times and venue. Notice is in writing and included with a Schedule of Minutes to be considered at the meeting.

2.6.1 Executive Council approval process

There are two parts to the Executive Council approval process.

The first part of the approval process involves the submission of Executive Council Minutes to Ministers at Cabinet for consideration. Departments must ensure that Executive Council Minutes provided to Cabinet are correct.

Following receipt of Minutes each Tuesday the Executive Council Secretariat prepares a proposed Schedule of Minutes for consideration by Ministers. Copies of the Schedule are provided to the Cabinet Secretariat each Friday and these are distributed to each Minister and Chief Executive Officer prior to the Cabinet meeting. Entries on the Schedule are not altered once the Schedule is distributed, however Minutes may be withdrawn or amended as per the guidelines in the Executive Council Handbook.

The second part of the approval process is the submission of the Minute the following Thursday to the Governor in Council for approval.

If Ministers agree that the matters incorporated in the Schedule should proceed to the Governor in Council, the original Schedule, which is endorsed "Executive Councillors recommend to His or Her Excellency the Governor that the Minutes detailed in the accompanying Schedule be approved", is initialled by each Minister at the regular Cabinet meeting.

After approval, the original Minute cover and copies of any supporting documents referred to in the Minute, are retained by the Executive Council Secretariat as a permanent record of Executive Council action.

2.6.2 Late Minutes

A late Minute is an Executive Council Minute which, because of time constraints, is required to be submitted to the Governor in Council for consideration at a normal Thursday meeting of the Council without having been included on the Schedule of Minutes considered by Cabinet on the Monday.

Minutes not on the original Schedule will only be considered by Executive Council with the approval of the Premier. Only in circumstances where genuine, unforeseen, urgent matters of State arise, should the submission of late Minutes be considered.

Cabinet Handbook

A Minister wishing to submit a late Minute prepared after Cabinet has met must obtain the approval of the Premier to do so. A written request for approval should be submitted to the Premier stating the reasons for the urgency. In addition, concurrent verbal advice is to be given to the Premier or the Premier's Chief of Staff advising of the proposed late Minute and again stating the reasons for its urgency. The Executive Council Secretariat (telephone 322 58254) should be kept informed of any proposed late Minutes.

The Minute must be initialled by both the sponsoring Minister and the Premier if it is to be considered at the Executive Council meeting.

It is preferable for a Minister lodging a late Minute to attend the Executive Council meeting on the Thursday where the Minister will be expected to explain the reasons for urgency of the late Minute to the Governor.

2.6.3 Governor in Council matters to be authorised by legislation

Decisions of the Governor in Council may be reviewed by the courts with the courts requiring the production of evidence supporting decisions of the Governor in Council to help ascertain the facts and/or the reasons for the decision. Matters and documents coming before the Governor in Council must be properly prepared and drafted and, where necessary, authorised by an Act of Parliament.

If there is any doubt as to whether the Governor in Council has legislative authority to exercise a power, the agency concerned should seek advice from the Executive Council Secretariat in the first instance.

Further details on the operations of the Executive Council are outlined in the Queensland Executive Council Handbook.

2.7 Office of the Queensland Parliamentary Counsel

The *Legislative Standards Act 1992* established the Office of the Queensland Parliamentary Counsel (OQPC).

The main functions of the OQPC include:

- draft all government Bills and, on request, proposed Bills for units of the public sector other than departments;
- draft, on request, Private Members' Bills;
- draft all amendments of Bills for Ministers;
- draft, on request, amendments of Bills for other Members;
- draft all proposed Subordinate Legislation (other than exempt Subordinate Legislation);
- draft, on request, other instruments for use by, or in connection with, the Legislative Assembly (whether or not in relation to a Bill or amendment);
- in carrying out its drafting role, provide advice to Ministers, units of the public sector and Members in relation to alternative ways of achieving policy objectives and the application of fundamental legislative principles;
- provide advice to the Governor in Council, Ministers and units of the public sector on the lawfulness of proposed Subordinate Legislation;
- ensure the Queensland Statute Book is of the highest standard;
- make arrangements for the printing and publication of Queensland legislation including Bills and information relating to that legislation; and
- arrange electronic access to Bills presented to the Legislative Assembly, other Queensland legislation and information relating to that legislation.

Cabinet Handbook

It should be noted that the OQPC's duty in relation to government legislation is to the government as a whole and not simply to individual Ministers, departments or Members. The OQPC will report to the Premier if a Bill or Subordinate Legislation is not in accordance with Cabinet authority, if it infringes fundamental legislative principles, or otherwise contains matters of which Cabinet should be made aware.

The OQPC must generally meet all requests for drafting assistance from Private Members.

Confidential communications between a Minister, or a Private Member, and the OQPC are subject to legal professional privilege under the *Legislative Standards Act 1992*.

Further detailed information regarding the role and responsibilities of the OQPC, and the procedural requirements associated with the legislative development process is contained in the Queensland Legislation Handbook.

2.8 Assistant Ministers

Generally, Assistant Ministers are appointed to assist Ministers in prioritising work, to provide a training experience for future Ministers, to facilitate public access to the Executive and to enable the bureaucracy to have an ongoing point of contact so that parliamentary correspondence and other parliamentary administrative issues are neither overlooked nor downgraded.

An Assistant Minister cannot:

- sit as a Minister in Cabinet;
- breach Cabinet solidarity - although not a member of Cabinet, an Assistant Minister is bound by the collective responsibility of Cabinet;
- attend a meeting of the Executive Council or sign Executive Council Minutes on behalf of the Minister;
- perform any duties in the Legislative Assembly on behalf of the Minister including answering questions without notice, presenting Ministerial Statements, tabling documents and introducing legislation; or
- appear before a Committee of Parliament on behalf of the Minister.

Cabinet Handbook

This page left intentionally blank.

3.0 Committees

- [3.1 Cabinet Committees](#)
- [3.2 Cabinet Budget Review Committee](#)
- [3.3 Interdepartmental committees](#)
- [3.4 Queensland Parliamentary Committees](#)

3.1 Cabinet Committees

Cabinet Committees underpin the operation of normal Cabinet by providing a suitable forum, with Cabinet stature, to deliberate on more complex issues requiring dedicated and longer term attention by stakeholder Ministers. The Premier or Cabinet may establish Cabinet Committees as well as determine Committee membership and terms of reference.

Committees are provided with an official title and may make recommendations to the full Cabinet. Two types of Cabinet Committees may be established:

- Standing Committees which deal with long-term and cross-portfolio issues requiring detailed consideration and coordination prior to Cabinet approval of particular proposals. Standing Committees may be supported by officials from relevant agencies as necessary, dependent on the issue being considered; and
- Special Purpose Committees which are functional Committees established from time to time to consider matters of particular concern to the Premier or the Cabinet according to defined terms of reference. Special Purpose Committees have a flexible structure and may be supported by advisors drawn from the private or public sector or the legislature. Such Committees assist Cabinet by considering matters of detail while also allowing the co-opting of a range of skills to the Cabinet decision-making process.

The Cabinet Secretariat provides secretarial and support services to Cabinet Committees similar to a full meeting of Cabinet and accordingly enquiries concerning Committee meetings should be directed to the Secretariat.

As with normal Cabinet, the CLLOs play a pivotal role in coordinating Cabinet Committee information within their respective agencies. Refer to [Chapter 2.5 for further information on the role of the CLLOs](#).

The preparation of submissions for Cabinet Committees is essentially the same as for Cabinet submissions with only minor variation. Refer to [Chapter 5 "Preparation of submissions"](#).

3.1.1 Membership

Committee membership is only open to members of Cabinet and, with the exception of the Cabinet Budget Review Committee (CBRC), to Assistant Ministers.

Assistant Ministers may be members of committees (other than CBRC) either as a representative or proxy of a minister who is a member or as a member in their own right where they hold relevant responsibilities (and subject to Cabinet approval of their membership).

Other stakeholder Ministers who are not designated Committee members may attend (on the approval of the Premier) to assist in Committee deliberations, however decision-making remains the prerogative of the Committee members only. The Premier or Cabinet also may appoint officials to assist Committees.

Cabinet Handbook

Cabinet Budget Review Committee

The Cabinet Budget Review Committee (CBRC) has a primary role of considering matters with financial or budgetary implications for the government.

It has a membership of four Ministers, with the Premier and Treasurer as standing members along with two rotational senior Ministers occupying the positions for generally one year. At the conclusion of the term for the rotational members, the Premier will seek expressions of interest from other Ministers and decide on the new members.

Excepting the Premier as Chair of CBRC, the Committee may still deliberate in the absence of member Ministers. Another Minister or an official may not deputise for a member Minister in their absence.

3.1.2 Cabinet Budget Review Committee meeting scheduling, business list and briefing information

As Chair of CBRC, the Premier will schedule meetings and decide on the business to be considered. As opposed to Cabinet, CBRC meetings are not scheduled on a regular basis, but according to the nature and priority of issues on hand. By virtue of the flying minute process as described in [Chapter 3.1.4](#), an in-session meeting may not be deemed necessary by the Premier for an issue.

The Premier will determine whether proposed business will be handled via flying minute or in-session meeting, in conjunction with determining the business list for Cabinet for the following week. In making this determination the Premier is assisted by briefing information provided from the Department of the Premier and Cabinet and the Treasury Department on all submissions, and by the Department of Justice and Attorney-General, Division of Public Sector Industrial and Employee Relations on industrial relations issues.

Briefing information is sought on all submissions at both first lodgement and at final lodgement stages similar to Cabinet submissions. However, the CBRC process differs from Cabinet in that briefing information on final submissions is sought prior to the Premier's determination on how submissions will be handled, and their priority relative to other CBRC business. Briefing information is integral to this process.

For the purpose of contributing to open and informed deliberations on submissions at in-session meetings or via flying minutes, briefing information is circulated to CBRC members. For in-session meetings, relevant briefing information is also circulated to Ministers who will be attending the meeting during consideration of their submission.

3.1.3 Circulation of submissions to Committee members

The Cabinet Secretariat distributes Committee submissions in the same way as Cabinet submissions, commensurate with the security classification pertaining to each document. Refer to [Chapter 5.2 "Security classifications on Cabinet submissions"](#).

3.1.4 Use of flying minutes

At the discretion of the Premier, submissions may be circulated as flying minutes to member Ministers to consider individually, rather than at an in-session CBRC meeting. Generally, flying minutes will be circulated on less contentious issues and where policy advice indicates unqualified support. Matters without agreement may be considered at a meeting at which the sponsoring Minister will be invited to attend.

Cabinet Handbook

The flying minute process is an important tool used by CBRC to make optimal use of member Ministers' time. The process enables focussed and dedicated deliberation of more complex and difficult issues than at in-session meetings.

If member Ministers do not unanimously approve the recommendations contained in a submission circulated as a flying minute, then the Treasurer may decide to schedule the matter for resolution at an in-session meeting.

3.1.5 Minutes and decisions of meetings

Minutes of Cabinet Committee meetings are recorded by an officer of the Cabinet Secretariat and distributed to members of the Committee only.

Decisions will also be prepared by the Cabinet Secretariat and circulated to Ministerial and Chief Executive Officer stakeholders, as appropriate, in the same way as Cabinet decisions. Refer to [Chapter 4.12 "Cabinet decisions"](#).

3.1.6 Handling, filing and storage of Cabinet Committee documents

Cabinet Committee information has the same status as Cabinet information and similar security measures must be provided to preserve confidentiality. Refer to [Chapter 4.14 "Security and management of Cabinet information"](#). Similarly, access to Committee information must also accord with access conventions described in the Handbook. Refer to [Chapter 4.15 "Access to Cabinet documents"](#).

3.1.7 Attendance of officials at Committee meetings

Upon agreement with the Chairperson, officials may attend Cabinet Committee meetings to assist their Minister and to provide advice to the meeting where required. They are expected to explain factual or technical material on request, but not to participate in discussions unless invited by the Chairperson. If their Minister leaves the Committee meeting, the official will normally withdraw unless asked by the Minister or Chairperson to remain.

Officials present at Cabinet Committee meetings are privy to discussions on the basis of absolute confidentiality. There must be no disclosure of the nature or content of the discussions. Only members of Cabinet Committees are entitled to deliberate on issues.

For the purpose of this section, "officials" includes public sector employees, ministerial staff and statutory body employees. Other persons may attend at the discretion of the Chairperson of the Committee.

3.2 Cabinet Budget Review Committee

The CBRC is a core Standing Committee that has a primary role of considering matters with financial or budgetary implications for the government. Initiatives or proposals that cannot be funded from existing appropriations must be directed to CBRC in the first instance for consideration. At the direction of the Premier or Cabinet, CBRC may also consider other issues that require dedicated or longer-term scrutiny or otherwise might best be considered in the Committee environment. Refer to Section 3.1.1 for CBRC membership.

Generally stakeholder Minister(s) will be invited to meetings to provide input into deliberations on submissions. CBRC may decide that following its deliberations on a

Cabinet Handbook

matter, it should be referred to Cabinet for consideration of wider policy components by the full Ministry.

3.2.1 Financial information to be agreed by the Treasury Department

Given the pre-eminent role of CBRC in considering financial matters at whole of government level, it is essential that financial information supporting the Committee's deliberations is comprehensive and reliable. The provision of unreliable or incomplete financial information will significantly impact on CBRC's ability to make appropriate and informed decisions on proposals.

Consequently it is essential that the Treasury Department's expertise is sought on financial information within submissions to give CBRC a high degree of confidence in the primary information underlying its decisions.

In drafting CBRC submissions involving financial considerations, originating agencies must consult closely with the Treasury Department and agree on costing information in the submission. Where the submission arises or follows on from earlier CBRC consideration, and costing information has been amended since the original submission, it must also be agreed with the Treasury Department and a comprehensive explanation on the changes given within the submission.

CBRC will not consider the proposal if the prior agreement of the Treasury Department to financial information has not been received and reflected in a proposed submission.

3.2.2 Matters to be considered by the Cabinet Budget Review Committee

Matters that would typically be considered by CBRC include:

- matters that would have a significant budgetary impact;
- cyclical whole of government budget deliberative processes including those involving operational budget determination and mid year budget reviews;
- governmental or departmental negotiating positions and outcomes on significant industrial relations issues. Refer to [Chapter 3.2.4 "Consideration of public sector enterprise bargaining matters"](#);
- proposals that would require funding supplementation beyond that of the normal approved budget allocation to the originating portfolio;
- approval of all major, sensitive, controversial, major impact, and/or television or equivalent advertising campaigns, for Queensland Government agencies. This includes in-flight videos, inserts and publications into state-wide or interstate publications. Refer to [Chapter 3.2.3 "Consideration of major communication campaigns"](#) for further information on this matter;
- key intergovernmental agreements with financial implications for Queensland; and
- all proposals for Public Private Partnerships with an expected capital value in excess of \$30 M or a whole of life present value of \$50 M.

Should there be doubt as to whether a matter should be considered by CBRC, advice should be sought from the relevant Policy Division contact officer or the Cabinet Secretary.

3.2.3 Consideration of major communication campaigns

CBRC is responsible for ensuring communication campaigns undertaken by departments are professionally conceived and executed, meet whole-of-government standards, take into account community expectations, and represent value for money.

The Department of the Premier and Cabinet will submit a CBRC submission attaching an advertising plan that outlines departmental campaigns over the financial year.

Departments are then required to submit campaigns through relevant advertising approval processes managed by the Department of the Premier and Cabinet. Details are listed on the Department of the Premier and Cabinet GovNet website at <http://premiers.govnet.qld.gov.au/policies/index.html>.

CBRC considers a number of elements of a proposed communication campaign from a whole-of-government perspective to ensure that each campaign:

- meets the requirements of the Advertising Code of Conduct (also available on the GovNet website at <http://premiers.govnet.qld.gov.au/policies/index.html>);
- reflects relevant policy initiatives;
- undertakes whole-of-government consultation (where applicable);
- is professionally conceived, executed and justified;
- represents value for money; and
- reflects market research on community attitudes and behaviours.

The process applies to core government departments only.

Further information on advertising approvals and CBRC requirements for communication campaigns is available on the Department of the Premier and Cabinet GovNet website at <http://premiers.govnet.qld.gov.au/policies/index.html> or can be obtained from Communication, Services, Department of the Premier and Cabinet (email gacc@premiers.qld.gov.au).

3.2.4 Consideration of public sector enterprise bargaining matters

CBRC is responsible for considering public sector enterprise bargaining negotiating positions and outcomes. The Department of Justice and Attorney-General, Division of Public Sector Industrial and Employee Relations centrally manages these negotiations through its Central Bargaining Unit.

Given the responsibility the Industrial Relations portfolio has for overseeing and coordinating public sector enterprise bargaining processes (including the implementation of the requirements of the good faith protocol) the Minister for Industrial Relations shall be joint signatory on all CBRC submissions directly relating to these matters.

3.3 Interdepartmental committees

The term "Interdepartmental Committees (IDCs)" is used generically to describe any committee with membership from two or more departments. The Queensland Policy Handbook provides more information on the types of IDCs that may be established according to function and purpose.

The establishment of IDCs need not be reported to Cabinet unless Ministers decide that they have a major implication for government or otherwise have some issue

Cabinet Handbook

worthy of notation by Cabinet. Reporting the establishment of bodies to Cabinet would normally be via an Information submission, but can be accomplished within a Policy submission when associated with wider policy issues requiring approval.

[Chapter 1.5 "Matters for consideration by Cabinet"](#) and [Chapter 5.1.7 "Significant Appointment"](#) may also provide guidance when determining if an IDC or similar body needs to be considered by Cabinet.

3.4 Queensland Parliamentary Committees

Submissions to Committees

The Department of the Premier and Cabinet must be consulted on all submissions to Parliamentary Committees. Individual agency submissions should be of a factual nature only and approved by the relevant Minister/s.

If the policy issues cross agencies, ie more than one agency would wish to make a submission on the same policy matter, a whole-of-Government submission must be prepared in consultation with affected agencies. All whole-of-Government submissions to Parliamentary Committees must receive prior Cabinet approval (see also 8.2.1). Consultation must occur with the Department of the Premier and Cabinet to determine the appropriate department to lead the preparation of the whole-of-Government submission.

Submissions to Parliamentary Committees should be prepared as if they were public documents. These documents should be concise and well-written and acknowledge all relevant Government activity.

Responses to Reports of Committees

When a report of a Parliamentary Committee recommends that action be taken (or not be taken) by the government or a Minister, the responsible Minister must provide a response to the Legislative Assembly. The *Parliament of Queensland Act 2001* provides that a response must state:

- what recommendations contained in a report are to be adopted and the method and time-frame for the implementation of the recommendations; and
- what recommendations contained in a report are not to be adopted and the reasons for not adopting them.

The *Parliament of Queensland Act 2001* provides that a Minister must table a response within three months of the tabling of a Committee's report, however responses to Committee reports about legislation will generally need to be provided more urgently.

In exceptional circumstances, if a response to a Committee report, other than for legislation, proves impracticable, the Minister must table an interim response by way of a letter to the Clerk of the Parliament together with reasons for the delay. A final response must then be tabled within six months of the tabling of the report.

All Ministerial responses to reports of Parliamentary Committees must be prepared in consultation with the Department of the Premier and Cabinet and receive Cabinet approval prior to their being tabled in the Legislative Assembly. The format of responses within the submissions will vary depending on the course of action a Minister proposes to take and the policy issues that may need to be resolved in

Cabinet Handbook

Cabinet. Sufficient time should be allowed for Cabinet consideration of the response and to incorporate any changes post-Cabinet consideration prior to tabling.

Agencies should ensure proposed responses are concise and well-written, and that they acknowledge all relevant Government activity.

This page left intentionally blank.

4.0 Procedures

Cabinet comprises Ministers representing all portfolios in government. The coordination of Cabinet business with portfolios is a difficult task which can only be undertaken effectively if there is a high degree of rigour in Cabinet procedure.

Procedures have been highly developed over many years of Cabinet operation to provide a standardised timed approach to the many elements of Cabinet business, extending from Cabinet business planning mechanisms, lodgement of business, the various elements of meeting administration, to access to Cabinet information.

These procedures serve a number of important purposes such as:

- ensuring that Cabinet proposals take a coordinated approach across government, accord with government policy, and that Cabinet members are informed so that high quality Cabinet deliberations can occur;
- ensuring that Cabinet business is administered in a coordinated, systematic and planned manner that facilitates effective and efficient Cabinet functioning;
- ensuring a regular Cabinet business cycle is clearly understood and able to be met by portfolios; and
- providing a high level of security for Cabinet information from the present and past governments.

The Premier and Cabinet may amend or vary these procedures in accordance with the changing needs of Cabinet or in relation to the merits of a particular emergent issue.

The procedures and timelines supporting the Cabinet process, as discussed in this Chapter, are relatively complex but cyclical in nature. To assist in the understanding of the various procedures, a table representing the Cabinet cycle and showing the actions to be undertaken and their timing in relation to a Cabinet meeting, appears in [Chapter 4.16 "Cabinet Cycle: Procedural Timelines"](#). Each procedure has been referenced to the appropriate Chapter of the Handbook where detailed explanation is given.

- [4.1 Notification of Cabinet Meetings](#)
- [4.2 Cabinet Timetable](#)
- [4.3 Determination of the business list for Cabinet meetings](#)
- [4.4 Lodgement process for Cabinet submissions](#)
- [4.5 Lodgement process for Cabinet Committee submissions](#)
- [4.6 Lodgement letter](#)
- [4.7 Number of copies to be lodged](#)
- [4.8 Oral Cabinet submissions](#)
- [4.9 Circulation of Cabinet submissions and "The Cabinet bag"](#)
- [4.10 Cabinet Agenda](#)
- [4.11 Collective Cabinet Minutes](#)
- [4.12 Cabinet decisions](#)
- [4.13 Briefing information on Cabinet submissions](#)
- [4.14 Security and management of Cabinet information](#)
- [4.15 Access to Cabinet documents](#)
- [4.16 Cabinet cycle: Procedural timelines](#)
- [4.17 Matters to Note Template](#)

4.1 Notification of Cabinet Meetings

Meetings of Cabinet are usually held on the Monday of each week.

Cabinet Handbook

Brisbane meetings will generally be held in the Cabinet Room at 1 William Street and commence at 10.00 am or as otherwise determined by the Premier.

The government is committed to promoting community involvement in government decision-making, and to ensuring that communities have direct access to Ministers and senior departmental officials. Consequently regular Cabinet meetings are held in regional centres throughout the State. Similar to normal Cabinet meetings, the Cabinet Secretariat provides support for these Cabinet meetings.

4.2 Cabinet Timetable

The Premier and Cabinet requires that the Cabinet Secretary maintain an ongoing whole of government Cabinet timetable which indicates proposed Cabinet business for all portfolios for the next six month period. This timetable is an aggregation of individual timetables lodged by portfolios, and is used as a primary tool in the coordination of government policy, programming the passage of legislation through the Legislative Assembly, and in the general management of the flow of Cabinet business.

Ministers, through their CLLO, are required to maintain accurate timetables for their proposed Cabinet business for the next six month period, and to ensure this information is accessible to the Cabinet Secretary via the Cabinet Information System. It is the Premier's expectation that timetable information recorded on the system is current at all times.

Each CLLO is to ensure that all Cabinet timetable information made available to the Cabinet Secretary in relation to their portfolio or department has first been authorised by their Minister.

Care is to be taken to ensure that proposed Cabinet dates for consideration of submissions are realistic and take into account impacting timeframes and processes such as:

- policy development processes as prescribed in the Queensland Policy Handbook;
- intra-government and external consultation requirements;
- lodgement timeframes and processes of Cabinet submissions as prescribed in the Queensland Cabinet Handbook;
- legislation drafting processes as prescribed in the Queensland Legislation Handbook; and
- legislation scheduling in the Legislative Assembly coordinated by the Leader of the House.

Nomination of unrealistic timeframes will engender false expectations of delivery within the whole of government Cabinet timetable used by the Premier, with flow-on impacts on policy coordination activities, Cabinet business list setting and Cabinet business workflow decision-making, and legislation scheduling. Given the pre-eminence of Cabinet's decision-making role, close attention to Cabinet business planning is necessary to allow the proper scheduling of government business.

The Cabinet Secretary will monitor Cabinet timetables and contact CLLOs where discrepancies in information become apparent.

4.3 Determination of the business list for Cabinet meetings

The Premier determines the business list for the next Cabinet meeting usually on the preceding Monday afternoon. At this time the Premier considers Cabinet submissions proposed in the Cabinet timetable as well as briefing material from the Department of the Premier and Cabinet. Following the determination of the business list, the Department of the Premier and Cabinet will contact those departments proposing submissions for the next meeting and notify them of the outcome.

On receipt of advice from the Department of the Premier and Cabinet that a submission is included on the business list, departments can proceed with lodgement of the signed final Cabinet submission with Cabinet Secretariat. Refer to [Chapter 4.4 "Lodgement process for Cabinet submissions"](#).

On an exception basis, Ministers may seek the Premier's approval to delay consideration after the agenda is finalised.

For the determination of business lists for Cabinet Committees refer to [Chapter 3.1.2 "Cabinet Budget Review Committee meeting scheduling, business list and briefing information"](#).

4.3.1 Withdrawal of Cabinet submissions from the business list

The setting of the business list for Cabinet meetings as described above allows the Premier to plan the agenda for the next Cabinet meeting and also facilitates orderly planning of the Government's forward agenda.

Although urgent and unavoidable matters may arise which necessitate the removal of proposed Cabinet submissions from the business list, this should be kept to an absolute minimum.

If an agency needs to remove a proposed submission from the Cabinet forward timetable, removal must occur at least 10 days prior to the Cabinet meeting. However, removal of a submission from the timetable less than 10 days before the meeting will require the Premier's approval of a written request from the Minister outlining the reasons for the proposal removal.

4.4 Lodgement process for Cabinet submissions

Lodgement of a Cabinet submission can occur only when a proposal is fully developed and meets the structural and content guidelines outlined in [Chapter 5 "Preparation of submissions"](#) and the consultation requirements as specified in [Chapter 6 "Consultation"](#). Proposals that are not fully developed should be delayed where possible, so further work can be undertaken to ensure the submission outlines all relevant information and issues for Cabinet's consideration. Cabinet relies on submissions being both well drafted and argued to assist their decision-making needs.

Where a proposal is seeking Cabinet's approval or endorsement of documents for reproduction and circulation purposes (ie. Green and White Papers or communication material), departments must not pre-empt Cabinet's decision by reproducing the material prior to Cabinet's consideration. This will decrease the potential for any unauthorised releases of information that may or may not eventually receive Cabinet's endorsement. For further details in relation to major communication campaigns refer to [Chapter 3.2.3 "Consideration of major communication campaigns"](#).

Cabinet Handbook

The process is governed by a strict lodgement timeframe to ensure that Cabinet proposals reflect a coordinated approach from a whole of government perspective, and accord with government policy. Importantly, the lodgement deadline for final submissions ensures that Ministers are properly informed of Cabinet proposals prior to the meeting so that informed deliberations can occur.

Although first lodgement submissions may be lodged with the Cabinet Secretariat, it remains the Premier's prerogative to determine whether a submission will proceed to Cabinet. Refer to [Chapter 4.3 "Determination of the business list for Cabinet meetings"](#).

4.4.1 Lodgement of first lodgement copy of a Cabinet submission

The first lodgement copy of the submission should be approved by the Minister prior to lodgement with the Cabinet Secretariat. The Minister does not need to sign the first lodgement copy.

The next stage of the first lodgement process is the registration of an electronic copy of the first lodgement submission on the Cabinet Information System. The department should then lodge fifteen "first lodgement" copies of the proposed Cabinet submission with the Cabinet Secretariat by 12.00 noon on the Monday, fifteen working days prior to the Cabinet meeting at which the submission is proposed to be considered. First lodgement copies must be printed on plain white paper.

The copies must be accompanied by a covering lodgement letter as described in [Chapter 4.6 "Lodgement letter"](#). Unless an electronic copy has been registered, the hardcopy submission will not be processed by the Cabinet Secretariat. An electronic copy of attachments to submissions also must be registered where they contain:

- recommendations considered or approved by Cabinet;
- a proposed strategy, policy response, course of action or Ministerial or government statement to be considered or approved by Cabinet in the recommendations;
- drafting instructions attached to Authority to Prepare a Bill submissions; and
- legislative proposals, explanatory notes and Second Reading speeches.

It is essential that the electronic copy of the submission reflects the hard copy exactly.

The provision of first lodgement copies of submissions for perusal within the Department of the Premier and Cabinet ensures that matters to be considered by Cabinet accurately reflect government policy and are properly coordinated.

Final advice is provided by a Department of the Premier and Cabinet contact officer on the Friday of the second week after the first lodgement through the agency CLLO, of any perceived difficulties with the submission and of recommendations for amendments or possible withdrawal of the submission. However, in the interim, contact officers may well be discussing with departments any perceived need for changes to the submission. In addition, the Premier may use this period to discuss the proposed submission with the relevant Minister/s. At this stage, Ministers are able to make amendments where necessary, enabling the final submission to be lodged prior to the requisite deadline.

Should the proposing Minister not concur with the recommendation concerning the perceived deficiency of the submission, the submission may still be lodged. However,

Cabinet Handbook

in such instances, the final submission being placed before Cabinet should raise any issues of concern.

Agency CLLOs must confirm the status of their advance submissions by the Friday before final lodgement is due and update their forward timetable accordingly.

4.4.2 Lodgement of final copy of a Cabinet submission

After the Premier has determined that a submission should be considered by Cabinet (refer to [Chapter 4.3 "Determination of the business list for Cabinet meetings"](#)), the second stage of the lodgement process can commence. Final lodgement begins with the registration of an electronic copy of the final copy of the submission on the Cabinet Information System. Attachments must also be supplied electronically where they contain:

- recommendations considered or approved by Cabinet;
- a proposed strategy, policy response, course of action or Ministerial or government statement to be considered or approved by Cabinet in the recommendations;
- drafting instructions attached to Authority to Prepare a Bill submissions; and
- legislative proposals, explanatory notes and explanatory speeches.

Unless an electronic copy has been registered, the hardcopy submissions will not be processed by the Cabinet Secretariat. The appropriate number of hardcopies on Cabinet-in-Confidence paper and a lodgement letter must be lodged with Cabinet Secretariat by 1.00 pm on the Tuesday before Cabinet.

The appropriate number of copies of a submission to be lodged is discussed in [Chapter 4.7](#). The lodgement letter is described in [Chapter 4.6 "Lodgement letter"](#).

If after lodging a final Cabinet submission, an amendment is required to be made, a corrigendum will need to be lodged with an appropriate replacement page(s). [Chapter 5.4.5 "Preparation of a corrigendum to a submission"](#) describes the requirements to be met in relation to the lodgement of a corrigendum.

4.4.3 Lodgement of "late" final copy of a Cabinet submission

Should a Minister need to lodge a submission that will not meet prescribed lodgement deadlines, the prior approval of the Premier must be obtained. Approval is to be sought by the Minister in writing, including sufficient detail so that the Premier may make an informed decision based on the merits of the situation. The written request may be lodged with the Premier through the Cabinet Secretary.

Generally, approval will be given by the Premier only where there is a clear case of urgency which will not allow deferral of the submission to the next Cabinet meeting. The Premier will notify both the Minister concerned and the Cabinet Secretary of the decision on the proposed late Cabinet submission.

The Cabinet Secretary is not authorised to include a proposed late submission on the Cabinet agenda until such notification is received from the Premier.

If the Premier approves late lodgement of a submission, the appropriate number of hardcopies on Cabinet-in-Confidence paper and a lodgement letter must be lodged with the Cabinet Secretariat as close as possible to the Tuesday cut-off and by no later than 1.00 pm on Friday.

Cabinet Handbook

If the 1.00 pm cut-off cannot be met, the late submission will be held over to the following Cabinet meeting, unless the Minister has obtained the personal approval of the Premier for the submission to proceed. If the Premier approves the late submission proceeding, it will be distributed to Ministers in Cabinet.

To assist with coordination of Cabinet briefing notes, **general information only** about late submissions may be communicated by the originating agency CLLO to the CLLO network.

For security reasons, the notification email must contain general wording only and may provide information about:

- the fact that a submission is coming through late;
- the general subject matter of the submission;
- which agencies were consulted on the submission at discussion paper stage; and
- when the submission is likely to be lodged with Cabinet Services.

Having regard to the strict security surrounding classification "A" (Secret) submissions, no information about the subject matter of these submissions may be communicated to agencies.

4.5 Lodgement process for Cabinet Committee submissions

The lodgement process for Cabinet Committee submissions is essentially the same as normal Cabinet submissions comprising both first and final lodgement stages. Although there are no regular scheduled meetings, first and final lodgement submissions should be lodged at the Cabinet Secretariat on Mondays and Tuesdays respectively, similar to Cabinet submissions.

As per Cabinet, both electronic (via the Cabinet Information System) and hardcopies of first and final lodgement Committee submissions must be lodged at the Cabinet Secretariat with a lodgement letter. In the case of the first lodgement submission, the Department of the Premier and Cabinet contact officers provide feedback to departments, usually through the agency CLLO of any perceived difficulties and/or recommendations for amendments or possible withdrawal of the submission.

At this stage, Ministers are able to make amendments where necessary and the final submission can be lodged. Should the proposing Minister not concur with the recommendation concerning the perceived deficiency of the submission, then the submission may still be lodged. However, in such instances, the final submission should raise any issues of concern.

Once the final submission has been lodged and briefing information received, then the Premier will determine whether the submission should be included on the business list for Committee consideration. Refer to [Chapter 3.1.2 "Cabinet Budget Review Committee meeting scheduling, business list and briefing information"](#)

When additional advice is needed regarding the lodgement of a Cabinet Committee submission, the Cabinet Secretariat will provide specific instructions in relation to lodgement procedures and timeframes to be followed.

4.6 Lodgement letter

A departmental covering letter, signed by the CLLO, must be attached to first lodgement and final submissions delivered to the Cabinet Secretariat. The covering letter should advise the number of copies produced by the originating department, the number of copies being retained and by whom, and must include the related entry number for a Cabinet submission. As a general guide the following format should be adopted:

(insert Date)

Manager
Cabinet Secretariat
Level 13, Executive Building
100 George Street
BRISBANE QLD 4000

Dear *(insert Addressee)*

Enclosed are *(insert number)* copies of Cabinet/Cabinet Committee submission entitled:

(insert title), Related Entry Number *(insert number)* from the Cabinet Information System refers.

An electronic copy of the submission has been entered on the Cabinet Information System. I certify that the electronic copy accords with the hardcopies enclosed.

A total of *(insert number)* copies of the submission have been produced with distribution details of the copies retained as follows:

No. of Copies	Department/Branch	Officer Name
<i>(insert details)</i>	<i>(insert details)</i>	<i>(insert details)</i>

For further information please contact *(insert Officer Name)* on *(insert Telephone Number)*.

(insert CLLO Signature)
(insert CLLO name)

4.7 Number of copies to be lodged

It is the originating department's responsibility to provide the prescribed number of copies of submissions to the Cabinet Secretariat. Copy requirements vary depending on whether lodgements are first lodgements or final lodgements.

For first lodgement copies of Cabinet submissions, fifteen copies are required to be lodged on plain white paper.

The number of final Cabinet submissions required to be lodged on Cabinet-in-Confidence paper will vary according to the security classification given to a submission. The following is a general guide:

Cabinet Handbook

Security classification	Number of copies
"A" (Secret)	As required dependent on the level of consultation. Please consult with the Cabinet Secretariat.
"B" (Restricted)	40
"C" (Confidential)	60

4.7.1 Number of copies to be lodged for Cabinet Committees

In relation to Cabinet Committee submissions, the number of copies required will vary according to the membership of the Committee and whether other Ministers or advisors are invited to attend a meeting in relation to an issue. The Cabinet Secretariat will need to be consulted concerning the number of copies required.

In relation to the CBRC, departments are required to lodge twelve first lodgement copies and 25 final lodgement copies of submissions with the Cabinet Secretariat.

Final submissions are to be copied onto the correct colour paper as described in [Chapter 5.3.2 "Colour of submissions"](#). For details on paper requirements for submissions, refer to [Chapter 5.3.1 "Paper"](#).

4.8 Oral Cabinet submissions

An oral submission is one which is provided verbally to Cabinet by a Minister without prior circulation of a written submission. Accordingly there is no formal lodgement process to be followed.

Oral submissions may be given at Cabinet where there is an emergent issue affecting whole of government, and generally where there is insufficient time to prepare a written submission on the issue. As Ministers will not have had the opportunity to be informed prior to the meeting, complex matters requiring detailed deliberation should not be presented, unless there is no other option.

A Minister may make an oral submission only if the Premier has given prior approval. Such approval will be decided on the merits and urgency of the issue, which must support dispensation of the normal pre-Cabinet consultation process.

Where an approval for an oral submission is being sought, or has been received, the Cabinet Secretary should be advised so that appropriate arrangements in respect of the Cabinet agenda and minutes may be made.

4.9 Circulation of Cabinet submissions

On Monday afternoon, the Premier will consider submissions for inclusion on the business list for the next Cabinet meeting. After receiving notification from the Premier on the submissions to be included, and following the deadline for lodgement of final Cabinet submissions, the Cabinet Secretariat will bar code and label the relevant submissions, and collate them for circulation according to the security classifications assigned by Ministers to their submissions. Refer to [Chapter 5.2 "Security classifications on Cabinet submissions"](#) for further detail on security classifications.

Cabinet Handbook

In the case of Classification "A" Secret and "B" Restricted submissions, generally only those Chief Executive Officers of agencies that have been identified in the Consultation Addendum of a submission will be provided with access to copies at the Minister's discretion. Ministers, as members of Cabinet, will generally receive copies of all submissions.

Submissions will be compiled into Cabinet folders for each Minister and Chief Executive Officer, except where submissions are classified as "A" Secret, in which case they will be separately sealed in envelopes to preserve security. Envelopes to Chief Executive Officers containing "A" Secret submissions will be provided to their respective Minister, who will exercise discretion as to whether it should be passed on to the Chief Executive Officer. Ministers will make this determination based on the sensitivity of the issue, and existing security concerns.

Cabinet folders, envelopes and any other Cabinet information to be circulated will be locked in "Cabinet bags" allocated to individual Ministers and Chief Executive Officers. Each bag is locked with a combination lock for which the combinations are known only to the recipient Minister and Chief Executive Officer and/or their delegate, and officers in the Cabinet Secretariat.

Individual Ministers and Chief Executive Officers are responsible for deciding who shall have access to and the right to open Cabinet bags. Generally this responsibility is invested in the CLLO and selected personal Ministerial staff member(s). Extreme care must be exercised to store Cabinet bags in a secure environment to safeguard the confidentiality of the Cabinet information contained within.

Ministers and Chief Executive Officers are provided with special Cabinet bags, which fit within the mandatory regulations for carry-on luggage, for use when travelling by air, in particular, for Community Cabinet meetings. In such circumstances, the Cabinet bags should be taken on board to enable them to be stored in a relatively secure environment under the supervision and control of Ministers and Chief Executive Officers.

When Cabinet bags are ready for collection, CLLOs will be notified to arrange collection. Generally Cabinet bags will be available for collection on the Tuesday afternoon dependent on the volume of the contents and their complexity, which in turn affects processing timeframes.

After the Cabinet bags have been circulated, any subsequent circulation of Cabinet information will be via sealed envelopes and/or satchels addressed to Ministers and Chief Executive Officers. CLLOs will be notified as and when these are available for collection.

The Cabinet bag and any subsequent Cabinet information must be collected in person from the Cabinet Secretariat and signed for by an authorised collection officer. The officer will be asked to record receipt of any items collected and to certify that items are sealed and secure. Collection officers may be required to show identification to the satisfaction of Cabinet Secretariat Officers before being permitted to collect Cabinet bags or associated Cabinet information. Cabinet material will not be distributed to any persons not authorised by the respective CLLO. The collection officer must be listed on the Authorised Officers List maintained by the Cabinet Secretariat. It is the responsibility of each CLLO to ensure that they advise the Cabinet Secretariat immediately of any changes to the Authorised Officers List.

4.9.1 Return of Cabinet bags

For normal Cabinet meetings, Ministers are required to leave their Cabinet bags and documents in the Cabinet Room after the meeting, while Chief Executive Officers are

Cabinet Handbook

required to return their bags to the Cabinet Secretariat by close of business that day. For Community Cabinet meetings, Ministers and Chief Executive Officers are required to make arrangements for the return of their bags to the Cabinet Secretariat as soon as possible after the meeting.

Following notation of returned submissions, decisions and other Cabinet information, generally all documents returned in a Cabinet bag are securely disposed of by the Cabinet Secretariat. Care should be taken not to include any documents which are needed to be retained by Ministers or departments. While all care is taken by the Cabinet Secretariat to return any documents that may be needed by Ministers, secure disposal of documents may occur immediately after Cabinet and therefore preclude retrieval.

4.10 Cabinet Agenda

The Cabinet agenda is determined by the Premier with the order of business being dealt with in the following sequence:

- apologies;
- conflicts of interest;
- confirmation of Collective Minutes from the previous meeting;
- Cabinet submissions;
- oral submissions;
- matters to note;
- proactive release of Cabinet material;
- proposed Executive Council Minutes;
- Ministers attending Executive Council; and
- time and date of next meeting.

On Monday afternoon, the Premier will consider proposed submissions and determine which should proceed to Cabinet at the next meeting. If approved for inclusion they are compiled into a Cabinet business list. Similarly, should the Premier approve subsequent "late" submissions, they are added progressively to the business list.

All items for "matters to note" must be received at Cabinet Services by 10am on the Thursday before Cabinet. Each portfolio is limited to submit no more than three matters using the approved template (refer Chapter 4.17). These matters should all be shown on a single page. The document must be signed off and approved by the submitting agency's portfolio Minister.

The agenda and business list are included in the Cabinet submission folders which are circulated to Ministers and Chief Executive Officers.

4.11 Collective Cabinet Minutes

The Cabinet Secretary records the Collective Minutes of Cabinet which provide a record of:

- Ministers' attendance and apologies;
- a summary of Cabinet submissions considered;
- confirmation or otherwise of the Minutes of the previous meeting;
- elements of discussion on issues not covered in the text of submissions;
- oral submissions;
- Ministers attending Executive Council;
- confirmation of the next Cabinet meeting and its location; and
- a schedule of Cabinet decisions made.

Cabinet Handbook

Collective Minutes are circulated with the decisions to all Ministers following the Cabinet meeting and are confirmed at the next meeting.

4.12 Cabinet decisions

Cabinet does not make "decisions" in the formal legal sense, since the exercise of statutory powers is normally the legislative responsibility of individual Ministers or of the Governor in Council. Nevertheless, by long established convention, the decisions of Cabinet are at the heart of Executive government.

Cabinet is the highest decision-making body in government and therefore the matters discussed have significant implications for the State, business and individuals. The unauthorised disclosure of Cabinet decisions can be damaging to the public interest, and can be detrimental to the companies and individuals affected by the decisions. Unlawful disclosure may constitute an offence under the *Criminal Code*, corrupt conduct under the *Crime and Corruption Act 2001* and may also offend the *Public Sector Ethics Act 1994*.

Every effort must be made to ensure the security of Cabinet decisions in accordance with the guidelines discussed in [Chapter 4.14 "Security and management of Cabinet information"](#).

All Cabinet submissions, either written or oral, presented to Cabinet will have a corresponding Cabinet decision prepared. Should a Minister decide to withdraw a written submission at Cabinet, a Cabinet decision will record that action.

The Cabinet Secretary records Cabinet decisions, which are circulated to Ministers and to relevant Chief Executive Officers of departments, subject to circulation restrictions imposed by security classifications on submissions and consultation action undertaken. Refer to [Chapter 4.12.2 "Circulation of Cabinet decisions"](#).

4.12.1 Types of Cabinet decisions

Decisions may take four different colour coded forms dependent on the degree of interest and implementation responsibility for action arising:

- **Gold Copy**
Signifies implementation responsibility and is issued to a Minister(s) responsible for taking action arising from a decision. This copy can be retained by the Minister(s) for ongoing reference purposes. The equivalent for a Cabinet Committee decision is a Green Copy.
- **Silver Copy**
Signifies implementation responsibility and is issued to a Chief Executive Officer(s) responsible for taking action arising from a decision. This copy can be retained by the Chief Executive Officer(s) in the departmental Cabinet filing system for ongoing reference purposes. The equivalent for a Cabinet Committee decision is a Pink Copy.
- **Blue Copy**
Signifies that there is an interest in the decision, and is issued to Ministers and Chief Executive Officers. This copy can be retained for ongoing reference purposes. The equivalent for a Cabinet Committee decision is a Pink Copy.
- **White Copy**
Signifies that there is no ongoing interest in the decision and is issued to Ministers and Chief Executive Officers for perusal and immediate return to the Cabinet Secretariat. White Copy decisions have the same significance for Cabinet Committee decisions.

Cabinet Handbook

4.12.2 Circulation of Cabinet decisions

Generally Cabinet decisions will be available for collection from the Cabinet Secretariat during the afternoon on the day following the Cabinet meeting. CLLOs will be contacted when decisions are available.

The Cabinet Secretary is unable to release information or discuss Cabinet decisions arising from a Cabinet meeting until the official decisions have been circulated to the attending Ministers and relevant Chief Executive Officers. Should urgent action be required to be taken on an issue subject to Cabinet consideration prior to circulation of the decision, the respective Minister should be contacted in the first instance.

Decisions with Security Classification "A" Secret will be circulated in a sealed envelope addressed to Ministers who must open these envelopes personally. Secret decisions will be distributed to the Chief Executive Officer of agencies either consulted in the drafting of the submission or with implementation responsibility outlined in the decision. However, these envelopes will be addressed to the Minister and are released to the Chief Executive Officer at the Ministers' discretion.

Ministers and Chief Executive Officers are responsible for ensuring that strict security is maintained regarding decisions and that due care and attention is given in light of the security classification afforded the document.

Within departments, CLLOs are responsible for ensuring that relevant action officers are aware of the particulars of a decision as soon as possible following Cabinet.

4.12.3 Announcement and implementation of Cabinet decisions

Individual Ministers, and through them their Chief Executive Officers, are responsible for the implementation of Cabinet decisions as soon as possible following Cabinet. The implementing Minister must advise other affected Ministers and departments of the decision and the proposed strategy to implement the decision. This should normally be undertaken in writing. The letter may summarise or paraphrase the decision but should not quote the decision. CLLOs are authorised to prepare letters for Ministers containing a précis of Cabinet decisions and for ensuring their appropriate distribution.

Overall coordination of implementation of Cabinet's decisions is vested in the Premier as Chairperson of Cabinet. The Premier, through the Department of the Premier and Cabinet, will periodically review the implementation of Cabinet decisions.

After Cabinet has resolved a matter, Ministers should not announce a Cabinet decision unless the submission has specifically foreshadowed that an announcement will be made. The provision of a copy of Cabinet documents to the media or to the public is not to be undertaken in any circumstances.

Cabinet decisions that require the approval of the Governor in Council should not be publicly announced until this approval has been obtained. In special cases, the approval of the Premier and Governor may be obtained to announce the decision prior to the meeting of the Executive Council. In such cases, the announcement should be along the lines that the particular matter will be submitted to the Governor in Council for consideration.

Where a Cabinet decision is approving guidelines or procedures which will apply across other government agencies, it is the responsibility of the agency tasked with implementation to ensure that follow-up advice is provided to all affected agencies as a matter of priority. Although copies of such decisions are generally provided to affected agencies, the implementation agency has a duty of care to ensure that the

Cabinet Handbook

approved guidelines or procedures are promulgated, understood and practised in accordance with the Cabinet decision.

In terms of public release or correspondence regarding Cabinet submissions and decisions, there should be no direct quotations from submissions or decisions (including disclosure of allocated identification numbers). Where necessary, the content of submissions and decisions may be summarised or paraphrased where it is essential to explain a point of policy relating to the operations of a department.

CLLOs are responsible for updating the status of decision implementation through the Cabinet Information System on a regular basis. Decisions are completed when all aspects of the decision have been fully implemented. Where a decision calls for regular reporting to Cabinet or Cabinet Committees, this should be considered an outstanding decision until it is determined by the Premier, Cabinet or Cabinet Committee that the regular reports are no longer required.

4.13 Briefing information on Cabinet submissions

The exchange of briefing information assists Cabinet's decision-making process by identifying outstanding issues for resolution. It ensures that Ministers are fully informed of issues prior to entering the Cabinet meeting, thereby ensuring that open and informed deliberation of issues can occur.

By 4.00 pm, Thursday four copies of briefing information prepared by departments for their respective Ministers must be lodged with the Cabinet Secretariat for circulation within Policy Division and to the Premier. To assist in distribution, agencies are requested to provide briefing information in four complete sets.

Briefing notes lodged by departments will need to be accompanied by a completed briefing note summary form. A blank form indicating the Cabinet submissions circulated for that meeting will be provided by the Cabinet Secretariat on the Wednesday before.

Should briefing notes be revised, or otherwise amended, they must be resubmitted through the Cabinet Secretariat so that they may be circulated. The words 'amended' or 'replacement' should be marked clearly in the top right hand corner of the briefing note.

Should a significant or contentious issue be evident in a Cabinet submission that has been circulated, contact should be made with Policy Division to discuss the issue. Early contact will allow the Premier to be briefed in a timely manner and expedite the resolution of the issue, if possible, before the Cabinet meeting.

At 9.00 am on the Friday following lodgement of final submissions (the Friday preceding the Cabinet meeting at which the submissions will be considered), the Department of the Premier and Cabinet, through the Cabinet Secretariat, will provide Ministers with copies of briefing information prepared for the Premier in relation to all submissions to be considered. This briefing information must not be photocopied and is provided for Ministers' information only.

4.14 Security and management of Cabinet information

Cabinet is the highest decision-making body in government and therefore matters discussed have significant implications for the State, private sector business and individuals. The unauthorised and/or premature disclosure of matters contained in Cabinet documents (Cabinet-in-Confidence information) can be damaging to the public policy agenda and the government generally, and to the public interest.

Cabinet Handbook

Unlawful disclosure of Cabinet-in-Confidence information may constitute an offence under the *Criminal Code*, *Public Sector Ethics Act 1994* and constitute corrupt conduct under the *Crime and Corruption Act 2001*.

Offence provisions relating to unlawful disclosure of Cabinet-in-Confidence information relates to both electronic and hardcopy forms of information.

For the purpose of this chapter, "Cabinet documents" includes any document, that if disclosed would reveal any consideration of Cabinet, or otherwise prejudice the confidentiality of Cabinet considerations or operations. As defined in [Chapter 1.6 "Definition of Cabinet documents"](#), the range of documents that are considered as Cabinet documents is extremely broad and can include any information that is prepared as part of Cabinet policy development, consultative processes, and/or during Cabinet submission drafting. These documents, whether maintained in electronic and/or hardcopy form, must be the subject to the same security consciousness as any documents actually considered by Cabinet or generated as a result of Cabinet's deliberations.

Ministers and Chief Executive Officers are accountable for Cabinet-in-Confidence information held within their respective portfolios/departments, and accordingly they must be satisfied with the adequacy of measures designed to protect the security and confidentiality of that information.

Should a breach of security be suspected or detected in relation to Cabinet-in-Confidence information, the Cabinet Secretary should be notified immediately.

4.14.1 Filing and storage of Cabinet documents

Security measures governing the filing and storage of electronic and hardcopy Cabinet documents need to be tailored to each department's information management systems and business environment to ensure high security and reduce the risk of unauthorised disclosure of information.

Security measures will typically be a blend of technological solutions and administrative safeguards, with the former being determined on the basis of advice of information technology specialists conversant with the department's information systems. Technological solutions will need to be targeted to provide for an acceptable security profile on critical areas of information systems involving the transmission or storage of Cabinet-in-Confidence information.

Hardcopy Cabinet-in-Confidence documents must be filed on dedicated files held within dedicated secure storage areas, and not on general purpose files which are generally accessible and circulated without access controls. Similarly electronic information must be stored in dedicated secure drives and directory structures, and not in areas which are generally accessible to unauthorised officers.

Other issues which should be considered in connection with departmental information systems are:

- password protected screen-savers should be installed on the personal computers where officers have access to Cabinet-in-Confidence information;
- system safeguards should ensure that a high level of security on Cabinet-in-Confidence information against incursion by external parties via network and internet connections; and
- administrative practices should govern the printing of Cabinet-in-Confidence information and the subsequent secure disposal of that printed information.

Cabinet Handbook

Access to Cabinet-in-Confidence information, whether in hardcopy or electronic form, must be administered closely, with access being granted only on the authority of the CLLO or other designated delegate(s) of the Minister and Chief Executive Officer. Refer to [Chapter 4.15](#) for further information regarding access to Cabinet documents.

During development or consideration of Cabinet proposals, departments should be vigilant as to the confidential status of the information, and actively work towards keeping working documents to a minimum. On finalisation of Cabinet submissions, "draft" versions should be deleted or disposed of in favour of a master final original copy maintained by the CLLO and/or official copies circulated by the Cabinet Secretariat. Disposal of documents must be in accordance with the provisions of the *Public Records Act 2002* governing the disposal of public records.

Administrative practices, to a standard approved by the Minister and Chief Executive Officer, must govern the secure filing and storage of Cabinet-in-Confidence information beginning at the time of its creation. Regular audits must be conducted by departments to ensure compliance.

On change of government, all forms of Cabinet documents must be treated in strict accordance with "Caretaker conventions" as outlined in the [Guidelines on the Caretaker Conventions](#).

4.14.2 Copying of Cabinet documents

Apart from copying associated with the lodgement process for Cabinet submissions, copying of Cabinet documents circulated by the Cabinet Secretariat is not permitted. These documents include Cabinet submissions and attachments, decisions, minutes of proceedings, business lists and Department of the Premier and Cabinet briefing notes.

All requests for copies of these documents must be directed in writing to the Cabinet Secretary through the CLLO. If approved, copies will be provided on "Cabinet Secretariat Official Copy" paper printed for the purpose.

4.14.3 Security measures on circulated Cabinet documents

All Cabinet documents circulated by the Cabinet Secretariat are uniquely bar-coded with circulation details recorded in a computerised database. On return of Cabinet documents, the bar codes are individually scanned into the database which finalises the records. Documents that have not been returned are classified as outstanding.

The Cabinet Secretariat will periodically conduct audits of outstanding Cabinet documents (ie. those submissions and decisions that have been circulated for perusal and return).

In the event of loss of these documents, the procedure outlined in [Chapter 4.14.6 "Loss of Cabinet documents"](#) should be followed.

4.14.4 Retention of Cabinet documents

Departments are entitled to retain Cabinet documents circulated by the Cabinet Secretariat provided that they are issued for ongoing records purposes, that is where there is implementation responsibility ("Gold", "Silver", "Green" or "Pink" copy decision) or some other departmental interest has been established ("Blue" or "Pink" decision). All other documents issued for perusal and return ("White" decision) must be returned promptly to the Cabinet Secretariat.

Cabinet Handbook

If a department wishes to retain a document circulated for perusal and return, the department will be required to provide a written request to the Cabinet Secretary.

4.14.5 Disposal of Cabinet documents

The Cabinet Secretariat is responsible for the destruction of all Cabinet documents that have been circulated as part of the official Cabinet record and are no longer required by departments. These documents include Cabinet submissions and attachments, decisions, minutes of proceedings, business lists and Department of the Premier and Cabinet briefing notes.

All documents that are not required for implementation action must be returned to the Cabinet Secretariat with a covering letter listing all documents being returned. After recording the return of the documents, secure disposal will be undertaken. If after return of a document a department subsequently requires access to that document, a request for an official copy can be directed in writing to the Cabinet Secretary through the CLLO. Refer to [Chapter 4.15 "Access to Cabinet documents"](#) for further information.

At the beginning of the caretaker period and in accordance with instructions issued by the Cabinet Secretary, all Cabinet documents previously circulated by the Cabinet Secretariat as part of the official Cabinet record that are held in ministerial and departmental offices should be clearly identified and prepared for possible return to the Cabinet Secretariat for disposal purposes.

At a change of government, these documents must be returned to the Cabinet Secretariat for disposal.

All other Cabinet documents not circulated by the Cabinet Secretariat, such as working papers and general correspondence on Cabinet proposals, may be disposed of by the department without recourse to the Cabinet Secretariat. Departments should however ensure that any such action is in accordance with the provisions of the *Public Records Act 2002* governing the disposal of public records.

4.14.6 Loss of Cabinet documents

As explained in this chapter, unauthorised disclosure of Cabinet information can have significant implications for the State and other bodies and individuals affected by decisions. Furthermore, unlawful disclosure of Cabinet information may constitute an offence under the *Criminal Code*, the *Public Sector Ethics Act 1994*, and constitute corrupt conduct under the *Crime and Corruption Act 2001*.

The loss of Cabinet documents held by departments is a serious issue that may have serious implications as previously discussed.

Immediately upon discovery of the loss of a Cabinet document circulated by the Cabinet Secretariat, the matter must be reported to the Cabinet Secretary. The Minister or the Chief Executive Officer, as the accountable officers, must then instigate an appropriate investigation into the issue. In cases where it is suspected that the loss can be attributed to unlawful activity, the matter should be referred to the Queensland Police or the Crime and Corruption Commission for investigation depending upon circumstances.

Upon conclusion of investigations, and if the Cabinet document in question has not been recovered, the Chief Executive Officer will be required to provide official notification of the loss in writing to the Cabinet Secretary. This notification will be used to finalise the outstanding status of the document on the database maintained

Cabinet Handbook

by the Cabinet Secretariat. Depending on the circumstances of the matter, the notification may be required to be drawn to the attention of the Premier as Chairperson of Cabinet.

The notification must take the following minimum form. Additional information may be provided where considered necessary.

insert date

The Cabinet Secretary
Cabinet Secretariat
Level 13, Executive Building
100 George Street
BRISBANE QLD 4000

Dear *insert name*

An audit of Cabinet documents issued to *name of Department or Minister* has highlighted the loss of the following Cabinet document:

Document Type	Date	Document Number	Title
(Submission, Decision, etc.)	(Cabinet Date)	(Submission, Decision Number)	(Title of Document)

The matter has been investigated and an extensive search has failed to locate the document. All appropriate and necessary actions have been taken in respect of this matter.

Please amend the Cabinet records with regards to the loss of the above document.

insert signature of Chief Executive Officer
insert name of Chief Executive Officer

4.14.7 Queensland State Archives

Official Cabinet documents should not be sent to the State Archives by Ministers or departments. They must be returned to the Cabinet Secretariat which will pass the documents to the State Archives at the appropriate time.

After the expiration of a restricted access period, the State Archives will seek approval from the current government whether it wishes to release the records.

For all Cabinet documents created after 1 July 2009, the restricted access period is 20 years; before this date the restricted access period is 30 years.

Generally most records upon reaching 30 years of age, or 20 years for documents considered after 1 July 2009, will be released. There may however be instances where it is not desirable for documents to be released because of overriding privacy considerations or other factors in the public interest. In these cases, State Archives will be requested to retain the documents for some additional designated term.

Prior to the release of documents by the State Archives, the Cabinet Secretary will contact the present leader of the party that formed the government in office during the period the records were created, and afford the opportunity for the leader or nominee to view the documents at the State Archives.

4.15 Access to Cabinet documents

The Cabinet Secretary is the custodian of the Cabinet records for the present and all previous governments. Access to the Cabinet record and associated Cabinet documents is governed by strict protocols to protect the confidentiality and security of information, and the interests of current and previous governments and the Ministers involved in Cabinet decision-making, regardless of political party.

Access may only be granted by the Cabinet Secretary based on the approved protocols, and where appropriate, an official Cabinet Secretariat copy may be produced and issued. Accordingly all requests for access to the Cabinet record must be referred to the Cabinet Secretary in writing through the CLLO. The CLLO is authorised to seek access to Cabinet documents on behalf of their Minister or Chief Executive Officer and is therefore able to sign the written request.

Access to Cabinet documents held on departmental files is subject to the same protocols as the official Cabinet record maintained by the Cabinet Secretary. Chief Executive Officers have an obligation to ensure the security of Cabinet documents held in their care and that access is strictly enforced in accordance with the governing protocols. Under no circumstances should copying of Cabinet documents be countenanced. Should there be any doubt regarding access, the Cabinet Secretary should be contacted for advice.

4.15.1 Access to the Cabinet Information System

The Cabinet Information System is the primary information system used to record historical and proposed Cabinet business of the government. Access to the system by departments is administered by the Cabinet Secretariat according to the needs and direction of the Premier and Cabinet. The system operates within a whole of government security framework including smartcard and encryption technology to protect the confidentiality of information.

Departmental access to the system is generally restricted to CLLOs and their assistants who require access to Cabinet information as a normal part of their prescribed Cabinet business support role to their Minister(s).

Access to the system must be requested in writing to the Cabinet Secretary using the prescribed request form detailed at

http://premiers.govnet.qld.gov.au/cis/docs/access_request_proforma.pdf (external site: Queensland Government employees only). The request must be authorised by the CLLO where the nominated user is employed in that office, or in the case of a new CLLO requiring access, the authority of the Chief Executive Officer or delegate is required.

Because of the high security status of information contained in the Cabinet Information System, the request form contains certification from the authorising officer that the prospective user has been made aware and understands their accountabilities to the Premier, Minister and Chief Executive Officer in ensuring security of Cabinet-in-Confidence information, the relevant protocols and security provisions, and penalties for misuse as prescribed in this Handbook.

4.15.2 Disablement of access to the Cabinet Information System

It is the responsibility of the CLLO to monitor administration of the Cabinet Information System within their department, and to ensure that access for a user is disabled by the Cabinet Secretariat in the event of the following:

Cabinet Handbook

- when the officer ceases duties that require access to the Cabinet Information System;
- where an officer is implicated in a security breach associated with Cabinet-in-Confidence information; or
- in any circumstance where it is deemed prudent that an officer should not continue to have access to Cabinet-in-Confidence information.

Access to the Cabinet Information System in departments is given at the discretion of the Chief Executive Officer and the Minister and can be withdrawn at any stage without prior notification to a user. Because of the high security status of Cabinet-in-Confidence information, disablement of access can constitute a precautionary action with reinstatement of access as a future option.

Disablement of access to the system must be requested in writing to the Cabinet Secretary using the prescribed request form detailed at http://premiers.govnet.qld.gov.au/cis/docs/disable_access_request.pdf/ (external site: Queensland Government employees only). The request must be endorsed by the CLLO or other delegate of the Chief Executive Officer.

4.15.3 Access by past governments

All requests for access to Cabinet documents by past government members must be referred to the Cabinet Secretary.

By convention, former Ministers are entitled to special access to Cabinet documents, or copies of them, with which they dealt personally while in office, but they may not retain such documents. The Cabinet Secretary can arrange access after discussion with the present leader of the party that formed the government in office during the period the records were created.

4.15.4 Access to departmental Cabinet files by authorised officers

Access to departmental Cabinet files, whether in hardcopy or electronic form, must be administered closely, with access being granted only on the authority of the CLLO or other designated delegate(s) of the Minister and Chief Executive Officer. Requests for access to these files need not be referred to the Cabinet Secretary.

Where authorised officers are permitted to remove a file from the secure storage area, departments must ensure that there are policies and procedures in place to govern handling of the file, including its use and secure storage, to reduce the risk of unauthorised access to the information.

A register must be maintained to record access and movement of hardcopy Cabinet files with the following detail recorded:

- file details;
- details of the officer accessing the file;
- reason for access; and
- the interim location of the file.

Where appropriate, Chief Executive Officers may authorise certain senior officers including the CLLO to have unrestricted access to all Cabinet documents. It is not necessary to record access to individual files by these officers.

Cabinet Handbook

In the event of a breach in security being detected or suspected in relation to Cabinet documents, the Cabinet Secretary may seek information from departments about the movement and access given to files, and of the policies and procedures that govern their use. Information contained in the access register will be requested in these circumstances.

4.15.5 Access to past government's Cabinet documents by the present government

By convention, current Ministers may not have access to Cabinet documents produced by a past government of a different political party. Such documents are held in trust by the Cabinet Secretary (official record of whole of government Cabinet documents) and the Chief Executive Officer of each department (originals of submissions prepared by the department and working papers).

Current Ministers may also not see other papers giving the unpublished views or comments by Ministers of a former government of a different political party or the advices submitted to them, except in the following instances:

- papers which, even if not publicly available can be deemed to be in the public domain, eg. letters sent by former Ministers to trade associations, trade unions, etc, or to Members of Parliament about constituency cases, or to members of the public;
- papers other than genuinely personal messages, dealing with matters which are known to foreign governments, eg. messages about inter-governmental negotiations; and
- written opinions of the law officers, which are essentially legal rather than political documents.

In providing advice to the current government, where "continuity of administration" requires reference to Cabinet documents of previous governments, it may be appropriate for Chief Executive Officers to paraphrase the contents of those Cabinet documents subject to the following conditions:

- paraphrasing the documents of past governments should only apply where it is essential to explain a point of policy affecting the future operations of the department;
- it is not appropriate to paraphrase documents concerning matters that no longer have an impact on policy or operations in the department; and
- the extent of paraphrasing should be consistent with the principle of maintaining confidentiality of matters considered by the past government. The personal views or comments of previous Ministers or advices submitted directly to them should not be disclosed.

Chief Executive Officers are accountable for ensuring that Cabinet information of a previous government of a different political party is used in strict accordance with the provisions of the Handbook.

Current Ministers may normally see the papers of former Ministers of the same political party provided the need to do so arises in the course of their current Ministerial duties. There may be exceptional circumstances in which it might be appropriate first to seek the agreement of the former Premier concerned.

Where Chief Executive Officers require information for continuity of administration purposes, that has been the subject of Cabinet consideration by a past government of a different political party, application may be made to access the information from the official Cabinet record which is held in trust by the Cabinet Secretary. Continuity of

Cabinet Handbook

administration consideration would apply where access is required in respect of an issue, policy or otherwise, that has continued and remained binding through successive government administrations, and where access to information from the official Cabinet record is required to continue, amend, or otherwise deal with that issue.

Applications to access information from the official Cabinet record must be made to the Cabinet Secretary in writing and stipulate detailed reasons supporting the need for access. As custodian of the official Cabinet record, the Cabinet Secretary may only provide paraphrased information or supervised access to the document with a bona fide continuity of administration case, or where unrestricted access is required under legislation or by courts and investigatory bodies. Refer also to Chapter 4.15.6 "Access required under legislation or by courts and investigatory bodies" for further information.

An official copy of a document or release of information for other than continuity of administration, can only be granted with the consent of the former Premier or the current leader of the party concerned. Where the Cabinet Secretary seeks this consent, the reasons provided in the written application from Chief Executive Officers will form the basis of the request to be prepared by the Cabinet Secretary. The former Premier or the present leader of the party has the right of prerogative to grant or deny access.

Where access is granted, the Cabinet Secretary will make the necessary administrative arrangements with the CLLO of the department concerned. Where access is denied, a written advice will be provided.

4.15.6 Access required under legislation or by courts and investigatory bodies

Ministers and Chief Executive Officers must consult with the Cabinet Secretary where a Cabinet document, as defined in section 4.15, is sought by a court, a tribunal, or an investigatory body or, in any event, under:

- the *Crime and Corruption Act 2001*
- the *Judicial Review Act 1991*
- the *Right to Information Act 2009*
- the *Commissions of Inquiry Act 1950*
- the *Royal Commissions Act 1902* (Commonwealth)
- the *Auditor-General Act 2009*
- the *Ombudsman Act 2001*

The Cabinet Secretary recognises the need to address these referrals promptly, and will give these matters immediate attention.

The Cabinet Secretary will seek legal advice if appropriate, in particular regarding any possible claim of public interest immunity in relation to public release of official Cabinet record documents.

The doctrine of public interest immunity, or Crown privilege, is a rule of evidence which maintains that the production of a document will not be ordered if disclosure would be injurious to the public interest. Cabinet papers, for example, fall within a "class" of document privileged against disclosure, subject only to exceptional circumstances.

Departments must not photocopy official Cabinet record documents in response to requests for the production of documents arising from court, tribunal or inquiry

Cabinet Handbook

proceedings or from the Information Commissioner. When a request is received for the production of official Cabinet record documents, departments must inform the Cabinet Secretary, who where necessary, will provide an authorised copy of the document.

Where the request is for Cabinet working paper documents, Chief Executive Officers must consult with the Cabinet Secretary and if appropriate seek legal advice from the Crown Solicitor, in particular regarding any possible claim of public interest immunity, before copies of such documents are provided.

Where documents from a past government are concerned, the Cabinet Secretary will advise the present leader of the party which formed the government during the period concerned, of the request. However, the Cabinet Secretary reserves the right to release records to the courts prior to informing the present leader if the matter is considered urgent.

4.15.7 Release of Cabinet documents under the *Right to Information Act 2009*

The *Right to Information Act 2009* provides that information created after the commencement of the Act on 1 July 2009 is exempt from release if:

- it was created for the consideration of Cabinet; or
- releasing it would reveal any consideration of Cabinet or otherwise prejudice the confidentiality of Cabinet considerations or operations; or
- it was created in the course of the State's budgetary processes.

The exemption specifically applies to a number of documents directly related to Cabinet's considerations or deliberations. These include:

- Cabinet submissions;
- Cabinet briefing notes;
- Cabinet agendas;
- notes of discussions in Cabinet;
- Cabinet minutes;
- Cabinet decisions;
- a draft of any of the above documents.

A report of factual or statistical information attached to any of the above documents would be considered to be exempt information if its disclosure would reveal any consideration of Cabinet or it was created for Cabinet consideration or for the State's budgetary processes.

This exemption will lapse after 10 years. After that time, release of Cabinet material will be subject to the provisions of the *Right to Information Act 2009* and the public interest test (including assessment of whether disclosure of the information could reasonably be expected to prejudice the collective responsibility of Cabinet).

Cabinet material created **before** 1 July 2009 retains its exemption from the repealed *Freedom of Information Act 1992*. The exemption applies to all documents submitted to Cabinet, as well as documents prepared for Cabinet's consideration, and documents that may disclose Cabinet considerations. There is no time limit on the exemption.

Under s 100 of the *Right to Information Act 2009*, if an application for external review of an information access decision is made, the Information Commissioner is entitled to full and free access at all reasonable times to the documents of the agency or Minister concerned. This includes Cabinet documents.

4.15.8 Access by other parties

Access to Cabinet documents less than 30 years old, or 20 years for documents considered after 1 July 2009, may be granted to various persons under special conditions, eg. scholars working on projects of recognised State importance, such as biographies. Requests for access to these documents must be referred to the Cabinet Secretary who will liaise with the current leader of the political party that formed the government at the relevant time.

Cabinet documents in the State Archives, upon reaching 30 years of age, or 20 years for documents considered after 1 July 2009, may be released publicly subject to the approval of the current government. Refer to Chapter 4.14.7 "Queensland State Archives".

4.15.9 Proactive release of Cabinet documents

In keeping with the government's commitment to open and participatory government, the Premier on advice from the Cabinet Secretary regularly determines what Cabinet information should be released proactively, including submission/decision summaries and attachments, and the time frames for such release.

Generally, documents approved for release are published five weeks after Cabinet consideration, through posting on the Queensland Cabinet Website (www.cabinet.qld.gov.au (external site)).

Release Criteria

All Cabinet material is assessed against release criteria determining whether it is released. Material is released unless its disclosure could reasonably be expected to:

- Breach Cabinet's collective responsibility to Parliament
- Breach Parliamentary privilege
- Reveal or pre-empt the deliberative processes of Cabinet
- Prejudice collective or individual responsibility of Ministers to Parliament
- Prejudice private or business affairs of members of the community
- Prejudice protection of an individual's right to privacy
- Prejudice fair treatment of individuals
- Prejudice security or public safety
- Prejudice law enforcement
- Prejudice security or good order of a corrective services facility
- Prejudice economy of the State
- Prejudice flow of information to police or other law enforcement/regulatory agency
- Prejudice intergovernmental relations
- Prejudice trade secrets, business affairs and research of agency or person
- Prejudice an agency obtaining confidential information
- Prejudice competitive commercial activities or an agency
- Prejudice conduct of investigations, audit/review by the Ombudsman, Auditor General, or Public Service Commissioner
- Prejudice management function or conduct of industrial relations of agency
- Prejudice deliberative process in a public body
- Prejudice effectiveness of testing or auditing procedures
- Prejudice legal professional privilege or budgetary deliberations
- Pre-empt Governor in Council

Cabinet Handbook

See also [5.4.1 "Preparation of a Cabinet submission coversheet"](#), [5.4.3 "Preparation of a body of a Cabinet submission"](#), and [5.4.7 "Preparation of proactive release attachment"](#).

4.16 Cabinet cycle: Procedural timelines

As discussed throughout Chapter 4, the procedures and timelines supporting the Cabinet process are relatively complex, but cyclical in nature. To assist in understanding the various procedures, a table representing a Cabinet cycle and showing the actions to be undertaken and their timing in relation to a Cabinet meeting, follows. Each procedure has been referenced to the appropriate Chapter of this handbook where detailed explanation is given.

The Cabinet Cycle: Procedural Timelines		
Schedule	Activity/Deadline	Cabinet Handbook Reference
Week 1	First lodgement	
Monday	12 noon Lodge hardcopies and lodgement letter for first lodgement submissions with the Cabinet Secretariat. Register electronic copy of the submission on the Cabinet Information System.	4.4.1
	15 copies (Cabinet)	4.7
	12 copies (CBRC)	4.7.1
Week 2	Consultation, negotiation and resolution of issues	4.4.1
All Week	Premier considers first lodgement submissions and, where necessary, consults with sponsoring Minister/s on issues requiring further negotiation and resolution.	
Friday	Policy Division provides final advice to agencies of any concerns with first lodgement submissions lodged on the Monday of the previous week.	
Week 3	Lodgement of final submission	
Monday	4.30 pm Premier considers submissions for inclusion on the Cabinet business list.	4.3
Tuesday	1.00 pm Lodge hardcopies and lodgement letter for final submissions with the Cabinet Secretariat. Register electronic copy of the submission on the Cabinet Information System.	4.4.2
	60 copies for Classification "C". 40 copies for both Classification "B" and "A" plus extra copies as advised by the Cabinet Secretariat.	4.7
	25 copies for CBRC submissions	4.7.1
	pm	

Cabinet Handbook

The Cabinet Cycle: Procedural Timelines		
	Collect Cabinet bag from the Cabinet Secretariat containing: ○ Minister's folder containing agenda, business list and Cabinet submissions ○ CEO folder containing agenda, business list and Cabinet submissions	<u>4.9</u>
Wednesday	pm Collect Briefing Note Summary form from the Cabinet Secretariat.	<u>4.13</u>
Thursday	4.00 pm Lodge 4 copies of Minister's Briefing Notes with completed Briefing Note Summary form.	<u>4.13</u>
Friday	9.00 am Collect Premier's Briefing Notes	<u>4.13</u>
Week 4	Cabinet deliberation	
Monday	10.00 am Cabinet	<u>4.9.1</u>
	pm Return Cabinet Bag	<u>4.9.1</u>
Tuesday	pm Collect Minutes and Cabinet decisions (enclosed in the Cabinet bag)	<u>4.12</u>

Cabinet Handbook

4.17 Matters to Note Template

CABINET-IN-CONFIDENCE

MATTERS FOR CABINET TO NOTE

<u>Department</u>	<Name of agency submitting matter>
<u>Responsible Minister</u>	<Name of responsible Minister>

Description of Matter including timing and public presentation
<u>Title</u>
• • • • •
<u>Head of Power (if applicable)</u>

<Signed>

Director-General
<Department Name>

<date>

<Signed>

<Minister Name>
<Minister Title>

<date>

CABINET-IN-CONFIDENCE

5.0 Preparation of submissions

Cabinet has the pre-eminent role to ensure the development and coordination of government policy. Cabinet collectively, and Ministers individually, have a primary duty to ensure that policy and other decisions are robust and serve the public interest. Information being considered at Cabinet level must be of the highest standard to aid that decision-making.

The contents of a Cabinet submission should be concise and should bring out essential matters under a series of headings, explained and illustrated in [Chapter 5.4](#) and [Chapter 5.5](#) respectively.

As a general rule, the coversheet of a submission should not exceed two A4 pages and the total document not exceed 12 A4 pages, however, where the material is complex, submission length may be as necessary to ensure sufficient detail is included within both the coversheet and the body of the submission.

Attachments to submissions may be added where necessary to support the Cabinet submission. Prescribed procedures apply to attachments and these are listed in [Chapter 5.3.11](#). Attachments should not introduce issues for discussion not raised in the body of the Cabinet submission.

Uniformity of approach to Cabinet and Cabinet Committee business is an important tool for injecting the necessary rigour into the process so that Ministers can be confident that their decisions are based upon sound information which has been gathered and presented in accordance with their collective needs.

This chapter will discuss the various types of Cabinet submissions, their differing structural requirements, as well as give important information on formatting and stylistic requirements. Similarly, the chapter will also address the requirements relating to preparation of a Cabinet Committee submission.

- [5.1 Types of submissions](#)
- [5.2 Security classifications on Cabinet submissions](#)
- [5.3 General formatting and style for submissions](#)
- [5.4 Information requirements for submissions](#)
- [5.5 Example Cabinet submission coversheet](#)
- [5.6 Example Cabinet Committee submission coversheet](#)
- [5.7 Example body of Policy and Policy Memorandum submission](#)
- [5.8 Example body of Authority to Prepare a Bill submission](#)
- [5.9 Example body of Authority to Introduce a Bill submission](#)
- [5.10 Example body of Authority to Forward Significant Subordinate Legislation submission](#)
- [5.11 Example body of an Information submission](#)
- [5.12 Example body of a Significant Appointment submission](#)

5.1 Types of submissions

- [5.1.1 Policy](#)
- [5.1.2 Policy Memorandum](#)
- [5.1.3 Authority to Prepare a Bill](#)
- [5.1.4 Authority to Introduce a Bill](#)
- [5.1.5 Authority to Forward Significant Subordinate Legislation](#)
- [5.1.6 Information](#)
- [5.1.7 Significant Appointment](#)
- [5.1.8 Cabinet Committee](#)

5.1.1 Policy

Policy submissions are those Cabinet documents that primarily form the basis upon which major government policies are determined. It is essential that in drafting these submissions, a strategic view of the issue is adopted with a whole of government focus. Policy submissions must canvass all policy options for a particular issue or problem and contain a recommendation for Cabinet consideration and approval.

A final Policy submission comprises a coversheet on green paper that summarises the contents of the submission and the body of the submission which provides detailed information. Examples of the Policy submission coversheet and body appear as [Chapter 5.5](#) and [Chapter 5.7](#) respectively. [Chapter 5.4.1](#) and [Chapter 5.4.3](#) respectively provide detailed explanation on the content requirements of the coversheet and body.

5.1.2 Policy Memorandum

These submissions are designed to allow broad canvassing of all policy options for a particular issue or problem. Policy memoranda are used in instances where alternative policy options are available to the government and resolution by Cabinet on the preferred option is required. These submissions may be useful in circumstances where Ministers are taking a joint submission but cannot agree on a preferred policy option. The submission should not contain any recommended policy option, but seek direction of Cabinet on a preferred option.

The recommendation should read:

That direction is sought from Cabinet as to the preferred option from those options outlined in the body of the submission.

A final Policy memorandum comprises a coversheet on green paper that summarises the contents of the submission and the body of the submission which provides detailed information. Examples of the Policy Memorandum coversheet and body appear as [Chapter 5.5](#) and [Chapter 5.7](#) respectively. [Chapter 5.4.1](#) and [Chapter 5.4.3](#) respectively provide detailed explanation on the content requirements of the coversheet and body.

5.1.3 Authority to Prepare a Bill

Authority to Prepare a Bill submissions aim to explain the reasons for initiating a legislative proposal and its implications, and seeks Cabinet approval to commence drafting of the Bill. Refer also to [Chapter 7.2 "Development of a Bill"](#)

The title of the submission must reflect the proper name of the Bill that is the subject of the submission. Drafting instructions must be attached to this type of Cabinet submission.

Occasionally, submissions address both a policy and a legislative issue. In this case, the submission can be drafted as a Policy/Authority to Prepare. The submission drafted in this manner must include the relevant headings specified in the Authority to Prepare a Bill submission.

The Authority to Prepare a Bill Submission recommendation should read:

That approval be given to prepare the (name of Bill) in accordance with the drafting instructions accompanying this submission (refer Attachment #), incorporating the following key policy changes:

Cabinet Handbook

- *etc*
- *etc.*

The recommendation must include no more than five or six dot points of key policy changes being implemented by the Bill. For a Policy/Authority to Prepare submission, the policy changes should be listed as separate recommendations.

A final Authority to Prepare a Bill submission comprises a coversheet on green paper that summarises the contents of the submission and the body of the submission which provides detailed information.

Examples of an Authority to Prepare submission coversheet and body appear as [Chapter 5.5](#) and [Chapter 5.8](#) respectively.

[Chapter 5.4.1](#) and [Chapter 5.4.3](#) respectively provide detailed explanation on the content requirements of the coversheet and body.

The relevant Bills Committee must be consulted prior to Cabinet consideration of the Authority to Prepare a Bill submission.

5.1.4 Authority to Introduce a Bill

Authority to Introduce a Bill submissions aim to provide sufficient information to facilitate the introduction of the Bill into the Legislative Assembly.

The draft Bill and explanatory notes must be attached to this type of Cabinet submission. The draft Bill must not be substantially altered once Cabinet approval has been obtained. Refer also to [Chapter 7.3 "Finalisation of a Bill"](#).

The title of the submission must reflect the proper name of the Bill that is the subject of the submission.

The recommendations should read:

1. *That the (name of Bill) in accordance with the draft accompanying the submission, subject to minor corrections, be introduced into the Legislative Assembly as soon as possible.*
2. *That Cabinet note that the (name of Bill) will be referred to an appropriate Parliamentary Portfolio Committee for consideration and report.*

A final Authority to Introduce a Bill submission comprises a coversheet on green paper that summarises the contents of the submission and the body of the submission which provides detailed information. The coversheet must also indicate whether the Authority to Introduce submission is consistent with the Authority to Prepare submission by inclusion or attachment of a table of changes by clause and, if necessary, reference the relevant paragraphs within the body of the submission. Examples of an Authority to Introduce submission coversheet and body appear as [Chapter 5.5](#) and [Chapter 5.9](#) respectively.

[Chapter 5.4.1](#) and [Chapter 5.4.3](#) respectively provide detailed explanation on the content requirements of the coversheet and body.

The relevant Bills Committee and Caucus must be consulted both prior to and following Cabinet consideration of the Authority to Introduce Bill submission.

Cabinet Handbook

5.1.5 Authority to Forward Significant Subordinate Legislation

This type of Cabinet submission should address the core issues associated with significant regulatory proposals, prior to being forwarded to Executive Council.

The Subordinate Legislation, Regulatory Impact Statement (RIS), formal advice received from the Office of Best Practice Regulation (OBPR) on the RIS, and explanatory notes must be attached to the Cabinet submission. Refer also to [Chapter 7.5 "Significant Subordinate Legislation"](#).

The recommendations should read:

*That the (name of Regulation) in accordance with the draft attached to the submission be recommended to the Governor in Council for approval; and
That Cabinet notes that the (name of Regulation) will be laid before the Legislative Assembly within 14 sitting days after publication in the Government Gazette.*

Under section 49 of the *Statutory Instruments Act 1992*, Subordinate Legislation must be laid before the Legislative Assembly within 14 sitting days after notification in the Gazette. The OQPC will arrange for the notification and tabling of all Subordinate Legislation that it drafts. Departments are responsible for the tabling of Subordinate Legislation that is not drafted by OQPC.

A final Authority to Forward Significant Subordinate Legislation submission comprises a coversheet on green paper which summarises the contents of the submission and the body of the submission which provides detailed information. Examples of an Authority to Forward Significant Subordinate Legislation submission coversheet and body appear as [Chapter 5.5](#) and [Chapter 5.10](#) respectively.

[Chapter 5.4.1](#) and [Chapter 5.4.3](#) respectively provide detailed explanation on the content requirements of the coversheet and body.

5.1.6 Information

Ministers may wish their colleagues to be informed of, or to note, a variety of major matters which have a whole of government interest. Ministers may therefore prepare an Information submission with an appropriate security classification for submission to Cabinet. The submission should provide analysis of the information and implications, where necessary. The noting of the Information submission by Cabinet, however, does not imply the endorsement or otherwise of any proposed course of action.

Information submissions must not contain matters that require the endorsement or approval of Cabinet. If such action is required, it must be the subject of a Policy submission.

The establishment of major Interdepartmental Committees, Green/White Papers, major policy reviews, and outcomes from Ministerial Council meetings (subject to approval by the Premier) should be brought to the attention of Cabinet through an appropriate Information submission. It should be noted that, subject to approval by the Premier, outcomes of Ministerial Council meetings may be either an Information submission or a Policy submission depending on whether there is a need for a Cabinet decision concerning a particular policy issue. Refer to [Chapter 3.5 "Ministerial Councils"](#).

The recommendation for Information submissions should read:

That following consideration, the contents of the submission be noted.

Cabinet Handbook

A final Information submission comprises a coversheet on green paper that summarises the contents of the submission and the body of the submission which provides detailed information. Examples of an Information submission coversheet and body appear as [Chapter 5.5](#) and [Chapter 5.11](#) respectively.

[Chapter 5.4.1](#) and [Chapter 5.4.3](#) respectively provide detailed explanation on the content requirements of the coversheet and body.

5.1.7 Significant Appointment

Establishment, Review, or Assessment of a Government Body

Cabinet has approved the adoption of the Public Interest Map as the public sector governance model for the establishment and accountability of Government bodies (excluding companies and government owned corporations), which is detailed at the Department of the Premier and Cabinet's website, see [Public Interest Map policy](#).

A *public interest case* must be made in order to establish any new Government body and to determine the appropriate form of a new body. Executive Services, Department of the Premier and Cabinet, must be consulted in relation to the establishment of any Government Body (except companies and government owned corporations, which are the responsibility of the Treasury Department), and Ministers must seek the Premier's approval of the *public interest case* prior to proceeding with the new body's establishment.

In relation to companies, it should be noted that, if following completion of questions one to six of the *public interest case*, it is determined that a company is the most suitable organisational form, the *public interest case* is not required to be further developed (ie. question seven and determination of governance arrangements). Responses to questions one to six will form part of "Preliminary Consultation" with Queensland Treasury to establish a company.

A *public interest case* will be required when the body is established and reviewed for the first time, but not each time an appointment is made to the body or when the body is assessed every three years. If a sunset clause is not applied when the body is established, the Public Interest Map policy requires that the body must be reviewed three years after it is established.

Departments are required to assess all existing Government bodies every three years to ensure that they are operating effectively against their terms of reference or the functions for which they were established. Newly established bodies should be assessed in the assessment cycle following their first three year review. Departments must inform the portfolio Minister of the assessment outcomes for all Government bodies in their portfolio, including any issues that have been identified requiring action. Ministers are required to inform the Premier in writing that all bodies in their portfolio have been assessed and of the outcomes of the assessment.

An intensive review, using a *public interest case*, is only required if issues are identified at the time of regular assessment, or when there is a significant change proposed for the body's terms of reference or functions.

Appointment to a Government Body

Appointments to Government bodies, including those which are considered by Cabinet as a Significant Appointment submission and those made by a Minister rather than Cabinet, are subject to strict intra-government consultation requirements to ensure that:

Cabinet Handbook

- gender, multicultural and youth considerations, and interested community members generally, are taken into account and given opportunity to add to the expertise of bodies to which key appointments are being made; and
- remuneration for members is commensurate with government policy.

For detailed information on consultation requirements, refer to [Chapter 6.2.1 "Consultation on Significant Appointments"](#)

Ministers are required to raise all proposed appointments, regardless of whether they are significant or not, with the Premier in writing before the appointments are made. This letter should be lodged with the Premier through Executive Services, and must include:

- the Government body membership, including details of new, outgoing and remaining members; and
- current curriculum vitae for all proposed appointees; and
- that the Minister is satisfied with the suitability of the nominees, including that appropriate suitability checks have been carried out; and
- that the Minister has ensured diversity of nominees, including details of the existing and proposed gender distribution on the body, as well as the process used to achieve gender diversity, or reasons why gender diversity could not be achieved; and
- that other Government policies regarding appointment of public servants, Members of Parliament or lobbyists have been considered.

The Premier's approval is required if a Minister is proposing a total membership of an advisory body to exceed 12.

Cabinet consideration of significant appointments

Ministers are required to bring all "**significant**" full-time and part-time appointment proposals to a Government body to Cabinet for consideration. Appointments to a Government body are significant if:

- the members, **in connection with their role on a body**, receive remuneration of any type from government funds (except for appointments to advisory bodies where Cabinet has previously approved that the advisory body be remunerated); or
- members of the body are responsible for **allocating government funds or resources**; or
- they are appointment to regulatory and licensing bodies, commissions, industry tribunals and boards, consumer and other tribunals of appeal or redress, major research bodies, significant regional coordination or service delivery bodies, or bodies principally responsible for the natural and cultural heritage of the State; or
- the **Premier, in consultation with the relevant Minister**, considers they should be brought to the attention of Cabinet because of the pre-eminence of the body in question, its scope and/or influence or function, budgetary impact or other factor of whole of government interest.

Significant Appointment submissions must set out the names of board members who are going to be replaced as well as a list of the remaining board members. These requirements are essential to enable the proper consideration of new significant appointments. This information should also be outlined in the letter to the Premier regarding proposed appointments (mentioned above).

Cabinet Handbook

Wherever possible, departments should consider starting the reappointment process at least six months prior to proposed Cabinet consideration to ensure adequate time for consultation obligations and prescribed Cabinet submission lodgement timeframes.

A Significant Appointment submission does not require a coversheet as for other submission types and the final copy consists only of a body of a submission on blue paper. An example of a Significant Appointment submission appears as [Chapter 5.12](#). Current curriculum vitae for all proposed appointees must be attached to a Significant Appointment submission.

[Chapter 5.4.3](#) provides detailed explanation on the content requirements of the submission.

Gender balance

The Government has set a target that by December 2014, 50 per cent of appointments to Queensland government bodies are women. The *Women on Boards Strategy – Stage 2* contains a range of actions to assist in achieving the target, including support for women, support for agencies and support for the system of appointments.

The Office for Women must be consulted in relation to all appointments made to government bodies, including those made by a Minister and not considered by Cabinet, to assist agencies to meet the government's target. Consultation should commence in the initial stages of the appointment process to enable the Office for Women to work with agencies to proactively identify opportunities for the appointment of women and suitably qualified female nominees.

Significant Appointment submissions, or the letter to the Premier (where appointments will be made by a Minister and not considered by Cabinet), must detail the process used to achieve gender balance, or provide reasons why gender balance cannot be achieved.

Advisory Bodies

A Government advisory body is formally established to provide advice to Government. Advisory bodies need to be distinguished from stakeholder roundtables which are informally established by a Minister in response to a critical issue. The establishment of a stakeholder roundtable is a matter for a Minister, in consultation with the Premier. Members of a stakeholder roundtable are not remunerated and the roundtable should cease once the critical issue is resolved or managed by a relevant government agency or other consultation methods.

Members of Government bodies that are advisory in nature are, as a general rule, not remunerated and therefore the appointment of such members is not considered to be significant. The general policy is that the responsible Minister may approve, without Cabinet consideration, non-remunerated appointments to any established advisory bodies and remunerated appointments to any established advisory bodies where Cabinet has previously approved that the Advisory Body be remunerated.

At a minimum and without Cabinet approval, out of pocket expenses will be paid to all members of advisory bodies.

However, appointments to advisory bodies which will require Cabinet consideration include:

- when a new advisory body is being established; or

Cabinet Handbook

- where it is proposed to vary remuneration arrangements previously approved by Cabinet; or
- the Premier determines that Cabinet should consider the appointments.

Remuneration may only be paid to members of an Advisory Body in limited instances, where the members of that body essentially provide an expert service to the Government through the relevant professional, scientific or technical experience or expertise the member applies to specific tasks delegated to them (as distinct from a general advisory brief).

Relevant experience or expertise may include industry experience or background that is required on that advisory body.

The Premier, in consultation with the responsible Minister, may also determine other exceptions to the general rule of non-remuneration to members of advisory bodies, on a case by case basis.

Assessment of suitability for appointment

To manage risks associated with appointments to Government bodies, information on a person's suitability for appointment must be obtained for all appointments, including those which are considered by Cabinet as a Significant Appointment submissions to be considered by Cabinet, as defined in the previous section.

Formal checks of criminal history, bankruptcy and eligibility to manage corporations (under the *Corporations Act 2001* and *Government Owned Corporations Act 1993*) should be conducted as relevant and where legislation specifies conditions for eligibility for appointment.

Where there are no legislative requirements to undertake checks for eligibility for appointment, departments are to seek a statement from proposed nominees to confirm their suitability for appointment to the relevant body. Such inquiries are to be made in a manner that does not pre-empt a decision by a Minister or Cabinet or Governor in Council approval.

Information on a person's criminal history is only to be sought from person's being proposed for appointment. This information should not be used as a means of short-listing applicants. Disclosures of this nature are not sought from persons who list their details on the Queensland Register of Nominees.

Departments are to ask the proposed nominee(s) to declare whether there are any reasons why they should not be appointed to the relevant government body. Specifically, proposed nominees are to be asked to consent to disclose:

- whether, if successful, there would be any conflicts of interests, ie. any private interests that may affect or appear to affect the appointee's public duty; and
- whether they have any disclosable criminal convictions (convictions as an adult that form part of their criminal history) and have not been rehabilitated under the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

Departments are to ensure that the proposed nominee is advised that, where they are unsure about the definition of disclosable criminal convictions or status of any criminal conviction, they may wish to seek legal advice in responding to the questions.

CLLOs have access to an electronic template, a Personal Particulars Form, for the disclosure form to be used by departments to obtain such information. If necessary, a replacement electronic template of the disclosure form can be obtained from

Cabinet Handbook

Executive Services, State Affairs, Governance Division, Department of the Premier and Cabinet.

Information on a proposed nominee's suitability for appointment is to be sought regardless of whether they are a member of another government body. This is in recognition that:

- the nature and functions of government bodies vary and therefore a person's suitability may vary;
- the bodies may be administered by different Ministerial portfolios and it is not proposed that departments share previously collected personal information; and
- a person's circumstances may have altered, including the expiry of a rehabilitation period for relevant offences or a change in private interests.

All persons proposed for reappointment must also be asked prior to Cabinet consideration or Ministerial appointment, whether there are any reasons why they should not be reappointed.

Refusal by a proposed nominee to provide this information does not automatically exclude a person from appointment. In instances where a person discloses a criminal conviction, the relevant Minister, in consultation with the Premier, is to consider the individual circumstances.

It is not necessary to undertake suitability assessments for proposed appointments in the following situations:

- where the proposed appointee is nominated by virtue of holding a specified position, or is elected under legislation; and
- where the proposed appointee is a public sector employee representing the Queensland Government as part of their work duties.

It is a matter for Ministerial discretion as to whether the same inquiries regarding suitability are carried out where public sector employees are appointed to Government bodies outside of their position and receive remuneration.

Information collected in relation to a person's suitability for appointment, including criminal history, must be handled confidentially, in accordance with the procedures for the security and management of Cabinet documents and not disclosed to outside agencies or parties. It will be the responsibility of CLLOs to ensure the security of this information, in accordance with their existing role.

Appointment of Public Servants to Government Bodies

Public servants may be appointed to a Government body as a Government or departmental responsibility, either linked with their tenure in a particular position or due to their experience within a department or the public service but not necessarily linked to a specific position.

Appointment of office holders

When appointing public servants as Government or departmental representatives to boards, it is preferable to appoint by position title where possible, rather than appointing a specific person by name, ensuring that the appointment tenure is linked to the appointee's position with the department or agency relevant to the board/committee/tribunal position.

Cabinet Handbook

This practice is permissible under the *Acts Interpretation Act 1954*, which provides that appointments may be made by the title of an office and that the appointee is taken to be the person occupying or acting in the office.

The appointment of office holder positions, as opposed to individuals by name, removes the requirement for the appointee to tender a resignation upon ceasing employment with the public service or leaving the relevant position. This practice also eliminates the need for a significant appointment submission each time a new individual is employed in the specified position during the original term of appointment.

Appointment by position title may not suit all appointments of public servants as Government or departmental representatives to boards; however, where possible, this should be the preferred approach, subject to any mandatory appointment requirements prescribed by the enabling legislation being met.

Appointment of persons

In some instances, public servants may be appointed by name as a Government or departmental representative to a Government board, due to their experience within a department or the public service, without the appointment being linked to a specific position. Where this is the case, the appointment instrument should specify that the appointment of the individual is subject to continued employment both under the *Public Service Act 2008* and with the department or agency relevant to the board position.

To ensure that the board position is automatically vacated in these instances, the appointment instrument must specifically state that the appointment terminates on the person ceasing to be employed in the public service or ceasing to be employed with the specific department or agency relevant to the board position.

However, it is acknowledged this may not always be suitable and that a number of existing appointments of departmental representatives to Government boards are not specifically linked to their tenure. In these instances a formal resignation would be required from the Government board if ceasing to be employed by the public service or with the department or agency relevant to the board position.

Recommendations

For appointments to be recommended by Cabinet to the Governor in Council, the recommendation should read:

"That (name of nominee) be recommended to the Governor in Council for appointment as (position name) to the (Board) for a term of (term) commencing from (date/date of approval or otherwise) with remuneration of (\$ remuneration rate(s))."

For appointments of the holder of a particular office or position within a government agency as a Government or departmental representative, the recommendation should read:

"That the (agency position or office title) be recommended to the Governor in Council for appointment as (position name) to the (Board) for a term of (term) commencing from (date/date of approval or otherwise)."

For appointments by name of public servants as a Government or departmental representative, the recommendation should read:

Cabinet Handbook

"That (name of nominee) be recommended to the Governor in Council for appointment as (position name) to the (Board) for a term of (term) commencing from (date/date of approval or otherwise until date/date) or until the person ceases employment as a public servant under the Public Service Act 2008 or with the department or agency relevant to the board position, which ever occurs earlier."

For appointments that can be approved by a Minister and which are required to be submitted to Cabinet for notation purposes, the recommendation should read:

"That Cabinet notes the intention to appoint (name of nominee) as (position name) to the (Board) for a term of (term) commencing from (date/date of approval or otherwise) with remuneration of (\$ remuneration rate(s))."

Where the remuneration of the Board has been previously endorsed by Cabinet and approved by the Governor in Council, the Executive Council minute does not need to specify the remuneration amount. In these instances, the recommendation should read:

*"That Cabinet:
endorse that (name of nominee) be recommended to the Governor in Council for appointment as (position title) to the (Board) for a term of (term) commencing from (date/date of approval or otherwise); and
note that (name of nominee) be remunerated at (\$ remuneration rate(s)) as previously approved by the Governor in Council on (date of approval)."*

This would also need to be reflected in the submission under the remuneration section, outlining when the remuneration of the Board had been previously approved by the Governor in Council and the details of that approval (including Executive Council minute number).

Please note, this can only take place if the Governor in Council has approved a remuneration rate for the Board and there are no changes to the rate of remuneration.

Where multiple appointments are being proposed, the above recommendations may be adapted to incorporate a list provided that all information requirements as shown are met. In exceptional circumstances where a large number of appointments are proposed, a separate schedule may be prepared and provided as an attachment, and appropriately referenced in the recommendation.

The final recommendation will relate to proactive release of the appointment/s and will be worded as follows:

"That Cabinet note that the name/s, position/s and term/s of appointment will be published online in five weeks time, following Governor in Council approval of the nominees (or Ministerial advice to the nominees) and subject to approval by the Premier."

Appointments of Members of Parliament to Offices of Profit

The *Parliament of Queensland Act 2001* provides that Members of Parliament (MP) who perform duties or services for government bodies (eg. boards, committees, or councils) may receive 'reasonable expenses' in the course of performing such additional duties or services.

MPs who receive remuneration associated with the performance of duties or services for government bodies in excess of what is reasonable, or for categories of expenses

Cabinet Handbook

outside those listed in legislation, are liable to loss of their seat. Accordingly, MPs must undertake to irrevocably waive any entitlement beyond reasonable expenses that are associated with the performance of such duties or services for the Crown. This waiver must be in writing and forwarded to the relevant paying authority for the government body concerned with a copy to the Registrar of Members' Interests.

Where a Significant Appointment Cabinet submission is recommending the appointment of an MP to a Queensland Government body and it is not intended to enact legislation to expressly authorise the office of profit to be held and the duties to be performed by a MP, the recommendation should read:

That (name of nominee) MP, Member for (electorate name), be appointed as (position name if applicable) to the (name of Government body); and be referred to sections 65 and 72 of the Parliament of Queensland Act 2001 requiring provision of a written waiver to any entitlement to a fee or reward to the relevant paying authority, with a copy to the Registrar of Members' Interests.

5.1.8 Cabinet Committee

Cabinet Committee submissions may take varying forms depending on the specific requests of Committee members and the nature of information being presented to the Committee. However, as a general rule Cabinet Committee submissions may take either of two forms:

- where information is conducive to Cabinet submission format, then a coversheet and body of a submission should be prepared, generally in accordance with Policy submission or Memorandum guidelines; or
- where information is in a report or other specific form as requested by a Committee, then a coversheet to a submission need only be prepared. In this case, the main body of information, which may be in a report or other form, will be an attachment to the coversheet.

The coversheet to a Cabinet Committee submission is to be prepared on pink paper, while the body of the submission, where required, is to be prepared on white paper. Refer to [Chapter 5.3.2 "Colour of submissions"](#)

Examples of a Cabinet Committee submission coversheet and body (Policy submission) appear as [Chapter 5.6](#) and [Chapter 5.7](#) respectively.

[Chapters 5.4.2](#) and [Chapter 5.4.4](#) respectively provide detailed explanation on the content requirements of the coversheet and body of a submission.

Should there be doubt as to the form of a submission required by a Cabinet Committee, then the Cabinet Secretariat should be contacted for advice.

5.2 Security classifications on Cabinet submissions

Cabinet is the highest decision-making body in government and therefore matters discussed have significant implications for the State, the private sector and individuals. The unauthorised and/or premature disclosure of Cabinet-in-Confidence information can be damaging to the public interest, adversely affect businesses and individuals, and disrupt the public policy agenda. In addition, unlawful disclosure of Cabinet-in-Confidence information may constitute an offence under the *Criminal Code*, *Public Sector Ethics Act 1994* and constitute corrupt conduct under the *Crime and Corruption Act 2001*.

Cabinet Handbook

Offence provisions relating to unlawful disclosure of Cabinet-in-Confidence information relates to both electronic and hardcopy forms of information.

Access to Cabinet submissions is governed by a "need to know" principle with all submissions being assigned a security classification which determines the extent and method of their circulation by the Cabinet Secretariat. There are three levels of security classification ranging from "A" Secret, "B" Restricted, to "C" Confidential.

Ministers will determine the appropriate security classification for their submissions based on sensitivity and the level of security required. As a general rule, the following circulation procedures will apply with submissions bearing the respective security classifications

Security Classification "A" (Secret)

Submissions will be distributed to Ministers in a separate sealed envelope. For departments that have been consulted on an issue, a copy in a separate sealed envelope (addressed to the Minister) will be provided to the relevant Minister for possible referral to that Chief Executive Officer. It is at the discretion of the Minister whether the submission is referred to the Chief Executive Officer, based on the sensitivity of the issue and security concerns that may exist.

Security Classification "B" (Restricted)

Submissions will be distributed to Ministers, Chief Executive Officers of the central agencies and those Chief Executive Officers of departments who were involved or need to be involved in the consultation process. Distribution is via the normal Cabinet folder process.

Security Classification "C" (Confidential)

Submissions will be distributed to Ministers and all Chief Executive Officers.

5.3 General formatting and style for submissions

5.3.1 Paper

First lodgement copies of Cabinet submissions need only be lodged on plain white paper.

The original finals of a Cabinet submission or Cabinet Committee submission are to be prepared on Cabinet-in-Confidence paper specially printed for the purpose and available from GoPrint. The required number of copies for final lodgement purposes are to be photocopied from the signed original onto the correct colour paper as described in Chapter 5.3.2. Departments may use either recycled or permanent paper.

If recycled paper is used, one copy must be provided to the Cabinet Secretariat on permanent paper for archival purposes. It is suggested that the minimum standard for recycled paper be 80:20. Attachments need not be produced on Cabinet-in-Confidence paper.

Cabinet Handbook

5.3.2 Colour of submissions

First lodgement copies of Cabinet submissions are to be prepared on plain white paper.

Final submissions are colour coded to assist in recognition of Cabinet and Cabinet Committee submissions, and to distinguish Significant Appointment submissions from other types of submissions. The following colour coding must be adhered to when preparing final submissions:

Cabinet submission coversheets (except Significant Appointments)	Green
Cabinet Committee submission coversheets	Pink
Significant Appointment Cabinet submission	Blue
Body of Cabinet and Cabinet Committee submissions	White
Attachments	White

5.3.3 Type size and spacing

Type size for the cover sheet and body of Cabinet submissions should be no smaller than 12 point font size (Times New Roman is the preferred font type) and single line spacing. Quotations or references used in submissions must also conform with this type size and spacing. Attachments to submissions created originally for another purpose need not be retyped to conform with this rule.

5.3.4 Margins

A 3 cm left hand margin is to be provided in the submission and on attachments to allow for drilling and placement in the Cabinet folders. Top and bottom margins should allow for Cabinet-in-Confidence annotations.

5.3.5 Headings

All headings should be in block capitals and any sub-headings in lower case. These are to be positioned on the left hand margin and bolded.

5.3.6 Paragraph numbering

Paragraphs in the body of the submission (including Significant Appointment submissions) should be numbered beginning with "1" at the first paragraph under "Objective" running through consecutively to the recommendation. Attachments should have separate paragraph numbering wherever possible.

Sub-paragraphs should be numbered "1.2, 1.3 ...". Sub-sub-paragraphs should be avoided as they can be confusing.

5.3.7 Page numbering

Pages are to be numbered consecutively commencing "2" on the second page of the cover sheet of the document and proceed in sequence to the last page of the body of the document. Page numbers are also to appear at the top centre of each page.

Cabinet Handbook

Attachments which have already been printed and are numbered in a different format are acceptable.

5.3.8 Stapling

To avoid damage to the high speed drilling machine at the Cabinet Secretariat, submissions are to be stapled within a 2 cm square at the top left hand corner.

5.3.9 Tables and schedules

Tables and schedules should be numbered "Table 1, 2,..." consecutively throughout the body of the submission and consecutively from "1" in each attachment. Each table and schedule should be given a brief title clearly describing its contents.

Tables and schedules should only be used if they add value to the document.

5.3.10 Abbreviations/acronyms

Apart from common abbreviations like "eg." and "ie.", abbreviations and acronyms should be spelt out in full the first time they appear in the cover sheet or body of the submission, eg. Business Regulation Reform Unit (BRRU). Repeat this process in the recommendations to assist in identification.

5.3.11 Attachments

The following procedures apply to attachments.

- Attachments are identified by showing "Attachment 1, 2,..." at the top right hand corner of each page. Identifying each page makes for ease of reference where there are multiple attachments.
- Where there is only one attachment, for ease of reference and positive identification, it is marked "Attachment".
- Where an attachment contains a list of recommendations to be approved by Cabinet, it must be placed immediately after the coversheet and identified as Attachment 1.
- Agencies should include a list of attachments after the Consultation Addendum, where there are multiple attachments.
- Attachments are to be self-contained and should not include appendices, recommendations or issues for discussion not raised in the body of the Cabinet submission.
- If a recommendation endorses an attachment, the attachment is to be set out in a form enabling quick comprehension and is to contain no material beyond the scope of the recommendation.
- Where an attachment crucial for the recommendation is used, the body of the submission should summarise the attachment.
- Where an attachment is longer than ten pages, departments should critically examine whether the full attachment is required and if it could more appropriately be attached in a summarised form or merely cited if readily available.

Printed reports or other printed material need not be retyped to conform with these procedures. An appropriate number of printed reports should be lodged as an attachment for the relevant Cabinet submission. Refer to [Chapter 4.7 "Number of copies to be lodged"](#) and [Chapter 4.7.1 "Number of copies to be lodged for Cabinet Committees"](#)

5.3.12 Cross referencing

Any reference in the body of the submission to an attachment must clearly identify the attachment, its page number, paragraph number, table or schedule number.

5.4 Information requirements for submissions

- [5.4.1 Preparation of a Cabinet submission coversheet](#)
- [5.4.2 Preparation of a Cabinet Committee submission coversheet](#)
- [5.4.3 Preparation of a body of a Cabinet submission](#)
- [5.4.4 Preparation of a body of a Cabinet Committee submission](#)
- [5.4.5 Preparation of a corrigendum to a submission](#)
- [5.4.6 Consultation Addendum](#)
- [5.4.7 Preparation of proactive release attachment](#)

5.4.1 Preparation of a Cabinet submission coversheet

All Cabinet submissions with the exception of Significant Appointment submissions, require a coversheet.

The first lodgement copies of a coversheet of a Cabinet submission should be on white paper. For final submissions, coversheets must be copied on green paper with the attached body of the submission on white paper, except for Significant Appointment submissions which are on blue paper. Refer to [Chapter 5.3.1](#) for a description of paper requirements for submissions.

The purpose of a coversheet is to provide a succinct summary of the contents and implications of a submission to be submitted to Cabinet. It provides a Minister with the facility to scan a submission quickly and to understand the fundamentals of the proposal. As a general rule, the coversheet of a submission should not exceed two A4 pages, however its length may be as necessary to ensure sufficient detail is included where the material is complex. Coversheets must be prepared with the prescribed headings for the type of submission.

Where two or more Ministers share substantial responsibility for a particular matter, it is appropriate for a joint submission to be presented to Cabinet. Where this is the case, the submission coversheet must be signed by all sponsoring Ministers. Refer to [section 2.1](#) for a discussion on joint submissions being sponsored and signed by key Ministers only. Signature blocks for the sponsoring Ministers may necessitate exceeding the two page coversheet rule.

Refer to the example Cabinet submission coversheet appearing as [Chapter 5.5](#). Explanation on the content requirements of headings follows.

Title

The title of the submission should be kept short and simple and preferably to one line. If the submission relates to legislation, then the title must include the proper name of that legislation, which should be in italics.

Minister(s)

Provide the title(s) of the Minister(s). In the case of a joint submission, the titles of all Ministers involved must be shown. If a Minister's title is included, that Minister must also sign the submission.

Cabinet Handbook

Objective(s)

A summary of the objective(s) of the Cabinet submission is required. This summary should succinctly state what Ministers are being asked to consider or decide. Do not list the recommendations. The objective is repeated in the body of the submission.

For a Policy Memorandum, the objective should clearly outline that Cabinet's direction is sought as to the preferred policy option from the options given.

Summary

Include a summary of key issues, financial implications and consideration of regulatory best practice principles, and indicate urgency if necessary. This section will provide a concise overview or executive summary of the contents of the submission.

Consistency with Authority to Prepare (Authority to Introduce submissions only)

This section must include or attach a table of changes by clause between the Authority to Prepare and Authority to Introduce submissions to provide Ministers with a quick reference point to determine consistency.

Options (where necessary on a Policy submission; mandatory for a Memorandum)

The principal options for the government should be briefly stated in the coversheet information, but not form part of the recommendation. There is usually insufficient room to develop at length the arguments for and against every option. However, Ministers need to have a clear understanding of the alternatives available and that regulatory best practice principles have been considered in the formulation of options.

A preferred option will be recommended in a Policy submission, whilst with a Policy Memorandum, direction as to the preferred option will be sought.

Results of Consultation

Is there agreement? Yes/No See paragraph # of the body of the submission.

Recommendation(s)

The recommendation should clearly state the proposed course of action, usually derived from a series of options, for which the proposing Minister is seeking Cabinet support. The major policy decisions proposed must be clearly articulated in recommendations. Refer to 5.1 for the specific recommendation requirements for different types of submissions.

The recommendations always move from the general to the specific. The first recommendation may provide an overview of the proposed course of action, while successive recommendations address specifics. The recommendations should not attempt to argue the case for the proposed course of action. The recommendation will serve as the basis for the Cabinet decision and must provide clear direction for further activity. Accordingly, the language and format of the recommendations should reflect the essential elements of a Cabinet decision.

All submissions must contain recommendations which indicate the specific roles of the Minister(s) and other authorities in implementing the decision and provide directions

Cabinet Handbook

for implementation. A report back date to Cabinet on progress with implementation may also be included, where required.

The recommendation should include a definite completion date or milestone for the implementation of the decision. Where a recommendation relies on the introduction and passage of a Bill through Parliament, the Parliamentary Liaison Officer on behalf of the Leader of the House should be consulted regarding appropriate timeframes.

Recommendations must stand on their own and, as a general rule, must not state merely that approval is sought for the proposals outlined in the body of the submission or include options. If recommendations must reference the submission, relevant paragraph numbers or attachment numbers must be included.

If the recommendations are lengthy, the actual recommendations should be put in an attachment and the coversheet recommendation becomes:
"That The recommendations outlined in Attachment 1 of the submission be approved".

To enable Ministers to quickly refer to the recommendations listed in Attachment 1, it should be placed immediately after the coversheet rather than at the back of the submission.

However, in most circumstances it is preferable the recommendations fit within the two page coversheet.

The final recommendation will relate to proactive release of the submission/decision, where this is proposed, and will be worded as follows:

That Cabinet note the submission/decision summary and attachments to be published online in five weeks time (refer Attachment X), subject to finalisation and approval by the Premier.

Minister(s) signature

The Cabinet Secretariat is instructed not to accept final Cabinet submissions without the Minister's signature unless special circumstances exist. In these circumstances, the covering letter should advise of the Minister's oral approval of the submission going forward, and the Chief Executive Officer may sign on the Minister's behalf. Where a Minister is on leave, the Minister acting in the first Minister's portfolio area may sign relevant submissions for Cabinet consideration.

In the case of a joint submission signatures of all sponsoring Ministers are required.

Date

The actual date (ie. day, month and year) on which the submission is signed by the Minister(s) must be shown immediately below the signature.

5.4.2 Preparation of a Cabinet Committee submission coversheet

A coversheet is required for a final Cabinet Committee submission and must be copied on pink paper with the attached body of the submission on white paper. Refer to [Chapter 5.3.1](#) for a description of paper requirements for submissions.

As with a Cabinet submission, the purpose of the coversheet is to provide a succinct summary of the contents and implications of a submission to be submitted to the

Cabinet Handbook

Cabinet Committee. It provides a Minister with the facility to scan a submission quickly and to understand the fundamentals of the proposal. Generally, coversheets should not exceed two A4 pages. Joint submissions may, however, necessitate exceeding the two page coversheet rule to allow for the signature blocks of sponsoring Ministers.

The layout and headings contained in the coversheet are the same as that required for a Cabinet submission, with the exception of the addition of Committee details to be included in the header.

Refer to the example Cabinet Committee coversheet appearing as [Chapter 5.6](#). For explanation of the content requirements of headings, refer further to [Chapter 5.4.1 "Preparation of a Cabinet submission coversheet"](#)

5.4.3 Preparation of a body of a Cabinet submission

The body of a Cabinet submission should generally not exceed 10 A4 pages, however, where the material is complex, submission length may be as necessary to ensure sufficient detail is included. The body of a submission must be prepared with prescribed headings. However, the headings required will vary depending on the type of submission being prepared. For all submissions except Significant Appointment submissions, the body of the submission will be copied on white paper. A Significant Appointment submission will be copied on blue paper.

Refer to the example bodies of submissions appearing as [Chapters 5.7](#) to [5.12](#). Explanation of the various headings required, and their application follow:

Title (Significant Appointment only; for other submissions appears in coversheet)

The title of the submission should be kept short and simple and preferably to one line. If the submission relates to legislation, then the title must include the proper name of that legislation.

Minister(s) (Significant Appointment only; for other submissions appears in coversheet)

The title(s) of the Minister(s). In the case of a joint submission, the titles of all Ministers involved must be shown. If a Minister's title is included, that Minister must also sign the submission.

Objective(s) (all submissions)

A simple and succinct statement of the policy/legislative or other objectives of the Cabinet submission is required. Refer to additional comments regarding objectives in [Chapter 5.4.1 "Preparation of a Cabinet submission coversheet"](#)

Background (all submissions)

Generally, there are two components to the background segment of the Cabinet submission, namely, "Context" and "Previous Consideration by Cabinet".

Context:

The reasons and events which have led to the need for the government to take action on the matter should be clearly identified. Reference should also be made to relevant

Cabinet Handbook

policy commitments given by the government, including the date and reference. References should be as specific as possible.

The policy or legislation development process used should be clearly identified eg. Green/White Paper, Intergovernmental Agreement or Industry submission.

In preparing an Authority to Introduce a Bill submission, conformity with the Authority to Prepare should be stated. If there is not conformity, the new or amended matters should be raised in the "Issues" section of the submission.

Where relevant, reference should be made to policy frameworks and/or legislative approaches in other jurisdictions and whether there is any available data on the success or otherwise of the policy/legislation. Detailed information may be included in the attachment to the submission.

In the case of a Significant Appointment submission, the role of the Committee, statutory body or authority should be outlined. The skills required by the proposed members should be highlighted.

Previous Consideration by Cabinet

This section should read as a concise narrative of the history of Cabinet consideration on the subject of the submission. Reference should be made to any previous Cabinet decisions of government (include the decision number and date), or any consideration by Cabinet Committees.

It is important to indicate conformity with, or departure from, previous Cabinet decisions of government. Cabinet decisions of a previous government may be paraphrased to outline policies that affect the proposal.

Relevant recommendations of a Royal Commission, Commission of Inquiry, Parliamentary Committee, Ministerial Council, etc., should also be outlined.

Copies of Cabinet decisions must not be attached.

Urgency (all submissions excluding Information submissions)

Give the reasons for urgency or any circumstances which may influence timing of consideration. Specify key dates and events, eg. further consideration requested by Cabinet, statutory deadlines, parliamentary deadlines (introduction into the House), Ministerial Council, conference deadlines etc.

For Authority to Prepare and Authority to Introduce submissions, the subheading "Proposed schedule for introduction of the submission" must also include that the Bill will be referred to an appropriate Parliamentary Portfolio Committee. In exceptional circumstances, a report back time for the Portfolio Committee may be recommended.

If the Premier has provided written approval of a commencement date, including public announcement of that date, details of approval including why it is essential for the Bill to commence on a particular day are to be included.

Details of existing members and recommended candidates(s) (Significant Appointment only)

This section should state that the details of current and proposed Board/Authority/Committee/Tribunal membership are provided at Attachment 1. The purpose of Attachment 1 is to provide Cabinet with the full details of the Board

Cabinet Handbook

appointments, including the members that are not being reappointed and the length of time existing members have served on the Board.

Details to be included in the table at Attachment 1 are: list all existing members in the first column (including members who have resigned and are no longer on the Board but whose position is being filled); their position; current status; date of appointment; and, if applicable, date and reason for resignation. In the second column include details for proposed new appointments including names, positions, and reason for appointment. If the person is being reappointed, do not enter name in again, only position details and reappointment details. An example table is in section 5.12.

Text on the information provided in the table, to expand on the board and nominations, to be added in this section including terms/length of appointment.

Proposed period(s) of appointment (Significant Appointments only)

This section should include the proposed periods of appointment for new members. Where the term is shorter than the maximum prescribed by legislation the reason for this should be stated.

Qualifications including reasons for appointment(s) (Significant Appointments only)

This should include particular aspects of the proposed appointment warranting comment, including other government appointments. A two page or less Curriculum Vitae for each candidate must be attached to the submission.

Membership on other government bodies (Significant Appointments only)

This section should include details on membership to other government bodies for all new and reappointed members. Details on all remuneration received should also be included.

Method of Appointment and Legislative Authority (Significant Appointments only)

This section should include a brief outline of the appointment process followed by the department and compliance with any legislative requirements. It should also outline whether the appointment is to be made by the Governor in Council or the Minister.

Issues (all submissions)

This part of a Cabinet submission is to identify the issues for consideration and determination. Presentation is to be logical, concise and contain sufficient information to enable Ministers to focus immediately upon the issues they are to discuss.

Relevant submissions to Cabinet and Cabinet Budget Review Committee must address the impact of proposals on departmental full-time equivalent employees.

For submissions regarding procurement, confirm that the procurement proposal complies with disability legislation and standards at both Commonwealth and State levels including providing details of consultation undertaken with the disability sector, any exemptions to the disability legislation, and legal advice sought (if applicable).

Cabinet Handbook

Where relevant, a table of interjurisdictional comparison of the policy or legislative proposals or other relevant data should be included.

Where a regulatory option is being proposed, this section should demonstrate the consideration of regulatory best practice principles and regulatory impact analysis as outlined in [The Queensland Government Guide to Better Regulation](#). This section should be clear why there is a need for Government action and why the proposed regulatory option is preferred compared to other (non-regulatory and regulatory) options, and whether the preferred option delivers the greatest net benefit for the community. The expected impacts (quantified where possible) on stakeholders from the preferred option compared to the alternatives should be discussed/summarised.

The [Queensland Government Guide to Better Regulation](#) outlines a sequence of policy development actions used to assess the need for, and impacts of, proposed regulation and applies to all regulatory proposals (including Primary and Subordinate Legislation, and some types of quasi-regulation). Under the Guide, certain documentation, such as a RIS, may need to accompany the Cabinet submission to provide further information to assist decision making. For further information, please refer to the [Guide](#), and sections 7.1.3 and 7.1.4 of this handbook.

Clearly outline the positive and negative impacts of this submission on the Statement of the Government's objectives for the Community. Clearly explain how the policy/program proposal may have a positive or negative impact on the Government objectives and what steps are being taken/are required to mitigate a negative effect.

For Authority to Introduce submissions, the Premier's approval of proposed passage and commencement dates must be included under the subheading, 'Approved Timing of Passage and Commencement'.

Authority to Introduce submissions must also include or attach a table detailing any changes, by clause, from the Authority to Prepare submission.

For Significant Appointments, information should be provided on the suitability of the proposed member (ie. has the candidate been assessed in respect of conflicts of interest, criminal history, bankruptcy, etc.).

Departments are required to record the gender balance of the body prior to the vacancies occurring and the subsequent balance if the proposed appointments are approved. In accordance with the Government's target that 50 per cent of appointees to government bodies are women, the submission should state that the Minister has ensured diversity of nominees and must detail the process used to achieve gender balance, or reasons why gender balance could not be achieved.

Human rights impact assessment (all submissions excluding Significant Appointment and Information submissions)

Submissions must include an assessment of the effect of the proposal on human rights, and must detail the reasons why the proposal is compatible with human rights. Further information on how to conduct this assessment can be found at the Queensland Government Human Rights Portal: <https://www.forgov.qld.gov.au/humanrights>, in particular the guide on how to develop policy and legislation compatible with human rights.

For Authority to Introduce submissions a Statement of Compatibility must be attached and for Authority to Forward Significant Subordinate Legislation submissions a Human Rights Certificate must be attached. Templates for these forms can be found at the Queensland Government Human Rights Portal: <https://www.forgov.qld.gov.au/humanrights>.

Cabinet Handbook

Public Interest Case (Significant Appointments only)

Include details of the *public interest case* for the establishment of a new Government Body (refer to the [Public Interest Map policy](#) at the Department of the Premier and Cabinet's website). Use "not applicable" for appointments to an established body.

Remuneration and Conditions (Significant Appointments only)

Details are to be clearly specified in all appointment submissions including the dollar amount of remuneration and the applicable Department of Justice and Attorney-General category. Refer to [Chapter 6.2.2](#) of this Handbook in relation to consultation requirements with the Public Sector Industrial and Employee Relations Division, Department of Justice and Attorney-General.

Options (where necessary on Policy submissions, mandatory on Policy Memoranda)

The principal options for the government should be detailed including information on the arguments for and against every option and that regulatory best practice principles have been considered in the formulation of options. Each option should be developed comprehensively but succinctly in order that Ministers may be informed in a clear and concise manner that aids decision-making.

For a Policy submission, a preferred option must be indicated in the recommendation(s) and in the development of the options. On a Memorandum, options will be explored, and the recommendation will seek the direction of Cabinet on a preferred option.

Consultation (all submissions)

Consultation is an essential part of the development of all Cabinet submissions. It should commence as soon as possible and carry through to Ministerial clearance of the final submission.

Consultation must be held with all relevant agencies or organisations affected by the proposal including Ministers, departments and other bodies such as employers, unions, community and special interest groups. For further information on consultation and the departments that should be consulted in specific circumstances, refer to [Chapter 6 "Consultation"](#).

Consultation with relevant agencies should only commence with the knowledge and approval of either the Minister or the Chief Executive Officer.

A brief summary of the nature of the consultation process undertaken within the public sector and with non-government organisations must be provided.

A Consultation Addendum summarising consultation details with departments must be attached to support this section. Refer to [Chapter 5.4.6 "Consultation Addendum"](#) for information on the purpose and content requirements of the addendum.

Results of Consultation (all submissions including Cabinet Committee submissions)

The results of consultation must be adequately reflected and recorded. Cabinet submissions should state the extent of agreement or disagreement arising from the consultation process. Every effort should be made to resolve minor disagreements prior to consideration of a submission by Cabinet.

Cabinet Handbook

Where there is agreement amongst those consulted, it is sufficient to record this fact and to state which Ministers, departments, committees, employers, unions, professional groups, community groups and others have been consulted.

In some cases independent agencies (such as the Queensland Audit Office) may be asked to comment on policy and legislative proposals from a technical viewpoint (for example the Queensland Audit Office may be asked to comment on accounting or audit implications). Comments received should not be represented as support or approval for the proposed policy except where the agency has specifically indicated its support in accordance with its role and responsibilities.

The Cabinet submission should state concisely and accurately any differing views from agencies, non-government organisations, Ministerial Offices where relevant, and, where known, Ministers, that either support a proposal with reservations or do not support a proposal and where subsequent agreement cannot be reached. Direct summary quotations from these groups should be used wherever possible.

Rural/Regional Impact Statement (all submissions excluding Information and Significant Appointment submissions)

The Rural/Regional Impact Statement is designed to inform Cabinet of the likely effect in rural/regional communities and includes such indicators as the economic and social consequences of the adoption of the proposal in the submission. Further, Cabinet should be informed of the basic strategy for management of the issue in rural/regional communities. If there is no impact, "Nil" is sufficient.

Refer to [Chapter 6.2.2](#) in relation to consultation requirements with the Office for Rural and Regional Queensland, Department of the Premier and Cabinet.

Employment and Skills Development Impact Statement (all submissions including submissions to CBRC but excluding Information and Significant Appointment submissions)

The government is committed to reducing unemployment and skilling the Queensland workforce. The Employment and Skills Development Impact Statement (ESDIS) is intended to assess the likely impact on employment and skills development (either positive or negative) of the action recommended in the Cabinet submission, and to identify where employment and skills development opportunities are being generated, sustained or decreased. If there is no impact, "Nil" is sufficient.

Employment and skills development issues should be considered an integral part of policy development and at an early stage. Consequently, Employment Initiatives, Department of Employment, Economic Development and Innovation (DEEDI) must be consulted in relation to the preparation of the ESDIS during development of the submission. Refer also to [Chapter 6.2.2 "Departments and committees to be consulted"](#) in relation to consultation with DEEDI.

ESDIS guidelines and template have been developed to assist departments with a consistent approach to the preparation of ESDISs and to ensure that Cabinet is fully informed of the employment and skills development issues contained in the proposals submitted for its consideration and decision. The ESDIS in a Cabinet submission will vary depending on the proposal, and will be brief in most cases. However, the conclusions to be reported in the submission require appropriate consideration. The [DEEDI ESDIS Guidelines](#) (PDF, 964 KB) and template are available from DEEDI.

Cabinet Handbook

Institutional Impact Statement (all submissions involving legislative proposals, including submissions to CBRC and excluding Information and Significant Appointment submissions)

The Institutional Impact Statement (IIS) is a written summary of the potential impacts, both financial and operational, on Government institutions arising out of legislative proposals. Government institutions include Queensland Government-owned or managed bodies that deliver frontline services or perform operational functions that directly impact or interact with members of the general public. This includes Queensland's court system, correctional facilities, hospitals and schools.

An IIS should identify operational and financial impacts on Government institutions as a result of implementing a particular legislative proposal (not administrative or operational proposals that do not involve legislative change), and how impacts are proposed to be managed.

The IIS Guideline has been developed to assist departments in preparing Institutional Impact Statements. The format of an IIS will vary and may be achieved in one paragraph or if more complex analysis is required, an attachment could be provided to the submission. The IIS Guideline is available from DPC.

Financial Considerations (all Submissions excluding Information and Significant Appointment submissions)

Funding of new or significant policy initiatives will be referred to CBRC for consideration. The Treasury Department cannot approve funding. It can only agree with the revenue and/or cost estimates. Initiatives or proposals that cannot be funded from existing appropriations must be directed to the CBRC in the first instance for consideration.

Subject to CBRC deciding that the proposal can be funded, it can then be referred to Cabinet for approval. The relevant Minister will be responsible for submitting the submission to Cabinet which will include referral to CBRC's deliberations.

Submissions must contain, or be supported by, the following information:

- whether proposed expenditure:
 - can be funded from existing appropriations and whether suitable provision has been incorporated in revised estimates, offset savings or revenue being available or proposed;
 - meets requirements for additional funding;
 - meets requirements for additional funding in future financial year;
- whether there can be phasing in of expenditure over time, and whether there is any offsetting revenue generated;
- basis for background calculations to explain expenditure and revenue estimates;
- proposed source(s) of funds, if budget funds are not to be sought; and
- consistency of proposals with the overall policy of government, particularly in respect of revenue and expenditure (budget) considerations.

A statement of the Budget implications of each submission must be provided. This statement should be prepared in conjunction with the Treasury Department through the consultative process, and in a form of words agreed with the Treasury Department.

Cabinet Handbook

Implementation (all Submissions excluding Information and Significant Appointment, Enterprise Bargaining and Advertising Review Committee submissions)

Relevant submissions to Cabinet and Cabinet Budget Review Committee need to address how the proposal will be implemented, who will have responsibility for implementing the proposal, and the period of time it will take to implement.

While these matters will often be considered more broadly in the "Issues" section of the submission, the key considerations of who, what, and when of implementation should be addressed in this section.

For significant policy proposals, an Implementation Plan should be prepared prior to Cabinet consideration and attached to the submission for Cabinet's endorsement. A Cabinet-approved Implementation Plan will be required when the proposal meets at least one of the following criteria:

- address a major or complex issue;
- requires significant and complex coordination across agencies;
- requires a large investment of resources;
- presents significant implementation risks;
- is contentious or opposed by stakeholders;
- requires urgent implementation and the sequencing of events is central to effective implementation; or
- is critical to delivering the government's agenda (eg, major election commitments).

Where an initiative involves a number of submissions being developed over a period of time, an Implementation Plan should be prepared at an early stage to assist in monitoring progress. The Implementation Plan must be updated for each subsequent submission.

Where attachments to a submission address implementation issues, a summary should be included in the implementation section of the submission and attachments referenced accordingly.

Drafters of submissions should consult the Implementation Unit and/or Policy Division in DPC and their agency CLLO in determining whether an Implementation Plan should be attached to a submission.

Administrative Review Policy (all Cabinet submissions proposing a new right of review of an administrative decision, or where significant changes are made to existing review processes for administrative decisions).

The Administrative Review Policy guides decisions about whether a Queensland government decision should be subject to review, and if so, whether that review process should be internal and/or external.

If the review is to be heard through an external review process, the policy requires agencies to first consider conferring jurisdiction on the Queensland Civil and Administrative Tribunal before any other external body. The aim is to prevent the gradual increase in the number of separate review bodies being established.

Agencies when proposing to establish a new right of review of a Queensland Government decision, or when proposing a significant change to an existing review

Cabinet Handbook

process, must set out in the relevant Cabinet submission how the issues identified in the Administrative Review Policy have been addressed.

Law and Justice Policy in the Department of the Premier and Cabinet can provide advice on the application of the policy. Strategic Policy in the Department of Justice and Attorney-General can provide advice on the application of the policy in specific circumstances, and in particular whether a particular decision should be subject to review.

Refer to [Chapter 6.2.2](#) in relation to consultation requirements.

Criminal Justice Evaluation Framework (all Cabinet and Cabinet committee submissions that propose new criminal justice policy initiatives or seek funding to evaluate existing policy initiatives)

It is important that policy and program initiatives are evaluated to provide evidence of effectiveness. Quality evaluations improve planning and decision-making by identifying the most effective aspects of the initiatives and any barriers to success, help attract additional resources and promote accountability for publicly funded initiatives.

The [Criminal Justice Evaluation Framework \(CJEF\)](#) provides guidance on planning and implementing efficient and methodologically sound evaluations of criminal justice initiatives. Cabinet and Cabinet Budget Review Committee submissions that propose new criminal justice policy initiatives that require evaluation or seek funding to evaluate existing policy initiatives, must include evaluation plans which comply with the CJEF where practicable.

The Criminal Justice Research Unit, Department of the Premier and Cabinet, can provide assistance in developing these evaluation plans (telephone +61 7 3227 8436).

Refer to [Chapter 6.2.2](#) in relation to consultation requirements with the Department of the Premier and Cabinet.

Public Presentation (all submissions)

Ministers are required to give careful consideration to the public presentation and timing of announcements of their proposals. If the announcement is to be made by media release, a draft media release is to be attached to the Cabinet submission.

Proactive release of a submission/decision summary (and attachments if applicable) is to be discussed under this heading. If no submission/decision summary is proposed for release, the submission will justify this, using the release criteria detailed in section 5.4.7.

Recommendation (Significant Appointment only; for other submissions appears in coversheet)

Refer to [Chapter 5.1.7 "Significant Appointment submission"](#) for details of wording of the recommendation.

Recommendations must stand on their own and not state that approval is sought for the proposed appointments outlined in the body of the submission. Refer to [Chapter 5.4.1 "Preparation of a Cabinet submission coversheet"](#) for additional information on drafting recommendations.

Cabinet Handbook

Minister(s) Signature (Significant Appointment only; for other submissions appears in coversheet)

The Cabinet Secretariat is instructed not to accept final Cabinet submissions without the Minister's signature unless special circumstances exist. In these circumstances, the covering letter should advise of the Minister's oral approval of the submission going forward, and the Chief Executive Officer may sign on the Minister's behalf. Where a Minister is on leave, the Minister acting in the first Minister's portfolio area may sign relevant submissions for Cabinet consideration.

In the case of a joint submission signatures of all sponsoring Ministers are required.

Date (Significant Appointment only; for other submissions appears in coversheet)

The actual date (ie. day, month and year) on which the submission is signed by the Minister(s) must be shown immediately below the signature.

5.4.4 Preparation of a body of a Cabinet Committee submission

The body of a Cabinet Committee submission will typically be of a policy type with the layout and headings the same as that required for a Policy Cabinet submission. For explanation of the content requirement of headings for a Policy submission, refer to [Chapter 5.4.3 "Preparation of a body of a Cabinet submission"](#)

5.4.5 Preparation of a corrigendum to a submission

A corrigendum is used to correct minor errors or omissions in a Cabinet submission that has already been lodged with the Cabinet Secretariat and distributed to Ministers and Chief Executive Officers. Additionally they can provide extra details, consultation or coordination comments received after lodgement.

A corrigendum should not be used to fundamentally alter a policy proposal in a submission or the recommendations to submissions, given that the Premier has included the proposal on the Cabinet business list based on the first lodgement version of the submission and on policy advice received at that time. In the case of fundamental alterations, the submission should be withdrawn in Cabinet, and a redeveloped submission re-lodged for a subsequent Cabinet meeting.

Immediately it becomes apparent that a corrigendum may be required, departments must contact their Portfolio Contact Officer in the Department of the Premier and Cabinet to discuss the policy ramifications of the proposed amendments. This officer will either indicate support for the proposed corrigendum to be processed, or recommend that other alternative actions be taken under the prevailing circumstances.

CLLOs must advise the Cabinet Secretariat immediately they are aware that a corrigendum is required and must lodge the appropriate number of copies of the replacement page(s) with the Cabinet Secretariat. This must be accompanied by a page outlining the title of the submission, the submission number and a brief description of what specifically has been altered, to assist in the briefing process.

CLLOs should consider the impact of the corrigendum on the original submission, for example page numbering and double-sided copies, and factor this into the wording and format of the corrigendum.

Cabinet Handbook

Where a Minister wishes to proceed with a corrigendum even though the proposed amendments are deemed to be fundamental, and affecting the original policy basis for its inclusion in the Cabinet business list, the Minister will be required to seek the approval of the Premier in writing for its circulation.

Corrigenda will generally not be permitted to be circulated late in the week given that amendments to submissions at that late stage before the Cabinet meeting will significantly impact on the ability of other Ministers to prepare for Cabinet and receive meaningful policy advice from their agencies. Where it is too late to circulate a corrigendum, the Minister will be required to raise the amendment in Cabinet during deliberations.

5.4.6 Consultation Addendum

A Consultation Addendum summarising consultation details with departments must be attached to all submissions (including Cabinet Committee submissions) to support the consultation section.

The addendum should be referenced in the consultation section and be numbered in a similar manner to other attachments to a submission. Refer to Chapter 5.3.11 "Attachments".

The purpose of the addendum is threefold:

- to provide a ready reference list of all departments and contact officers consulted in the preparation of the submission. This information will be used by other departments once the submission has been circulated to readily identify whether they have been consulted in relation to the Cabinet proposal, and if so, the contact officer concerned;
- to provide the Cabinet Secretariat with a concise listing of departments as the basis for determining the type and circulation of the resulting Cabinet decision; and
- to provide Policy Division, Department of the Premier and Cabinet, with consultation details necessary to consult with departments on policy content and coordination implications of proposals prior to formal consideration by Cabinet, and in the provision of advice to the Premier. For further information of the role of the Policy Division, refer to [Chapter 2.3](#).

The Consultation Addendum must include the following minimum detail:

- department name;
- officers consulted; and
- date consulted.

5.4.7 Preparation of proactive release attachment

Each Cabinet submission will include a "proactive release documents" attachment with:

- a proposed submission/decision summary (one page) for release; and
- a list of attachments for release.

Agencies must assess the submission and its recommendations (which will form the basis of the decision) against the release criteria detailed below in determining whether a submission/decision summary could be published. If a submission/decision summary is to be published, each attachment must also be assessed for release against the release criteria.

Cabinet Handbook

Release Criteria

Material is released unless its disclosure could reasonably be expected to:

- Breach Cabinet's collective responsibility to Parliament
- Breach Parliamentary privilege
- Reveal or pre-empt the deliberative processes of Cabinet
- Prejudice collective or individual responsibility of Ministers to Parliament
- Prejudice private or business affairs of members of the community
- Prejudice protection of an individual's right to privacy
- Prejudice fair treatment of individuals
- Prejudice security or public safety
- Prejudice law enforcement
- Prejudice security or good order of a corrective services facility
- Prejudice economy of the State
- Prejudice flow of information to police or other law enforcement/regulatory agency
- Prejudice intergovernmental relations
- Prejudice trade secrets, business affairs and research of agency or person
- Prejudice an agency obtaining confidential information
- Prejudice competitive commercial activities of an agency
- Prejudice conduct of investigations, audit/review by the Ombudsman, Auditor General, or Public Service Commissioner
- Prejudice management function or conduct of industrial relations of agency
- Prejudice deliberative process in a public body
- Prejudice effectiveness of testing or auditing procedures
- Prejudice legal professional privilege or budgetary deliberations
- Pre-empt Governor in Council

Where proactive release is proposed, the final submission recommendation will be worded as follows:

- That Cabinet note the submission/decision summary and attachments to be published online in five weeks time (refer Attachment X), subject to finalisation and approval by the Premier.

See also [5.4.1 "Preparation of a Cabinet submission coversheet"](#).

Following Cabinet consideration of the submission, the submission/decision summary will be finalised in accordance with the decision and approved by the Premier prior to publication.

5.5 Example Cabinet submission coversheet

CABINET-IN-CONFIDENCE

SECURITY CLASSIFICATION “...” (A/B/C)

TYPE OF SUBMISSION (all submissions except Significant Appointments)

COVERSHEET

TITLE

MINISTER/S

OBJECTIVE/S

SUMMARY

CONSISTENCY WITH AUTHORITY TO PREPARE (Authority to Introduce submissions only)

Is there consistency? YES/NO. If NO, see paragraph/s ... of body of submission.

OPTIONS (where necessary on a Policy Submission; mandatory on a Policy Memorandum)

RESULTS OF CONSULTATION

Is there agreement? YES/NO. See paragraph/s of body of submission.

RECOMMENDATION/S (excluding Policy Memorandum)

That Cabinet:

1.

.....
Signature/s of Minister/s

Minister/s name

Minister/s title

Date

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

Cabinet Handbook

5.6 Example Cabinet Committee submission coversheet

CABINET-IN-CONFIDENCE

SECURITY CLASSIFICATION “...” (A/B/C)

SUBMISSION TO <NAME OF COMMITTEE>

COVERSHEET

TITLE

MINISTER/S

OBJECTIVE/S

SUMMARY

OPTIONS (where necessary)

RESULTS OF CONSULTATION

Is there agreement? YES/NO. See paragraph/s of body of submission.

RECOMMENDATION/S

.....
Signature/s of Minister/s

Minister/s name

Minister/s title

Date

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

5.7 Example Body of Policy and Policy Memorandum submission

CABINET-IN-CONFIDENCE

<page number>

BODY OF SUBMISSION

OBJECTIVE/S

BACKGROUND

- * **Context**
- * **Previous Consideration by Cabinet**

URGENCY

ISSUES

- * **Human Rights Impact**
- * **Regulatory Impact Analysis** (*regulatory proposals only*)
- * **Compliance with Disability Legislation** (*procurement proposals only*)

OPTIONS (*where necessary on Policy Submission; mandatory on Policy Memorandum*)

CONSULTATION

- * **Community**
- * **Government**
- * **Department of the Premier and Cabinet**
- * **Treasury Department**

(Attach a Consultation Addendum to include: departments consulted, officers consulted, and date consulted)

RESULTS OF CONSULTATION

RURAL/REGIONAL IMPACT STATEMENT

EMPLOYMENT AND SKILLS DEVELOPMENT IMPACT STATEMENT

INSTITUTIONAL IMPACT STATEMENT

FINANCIAL CONSIDERATIONS

IMPLEMENTATION

PUBLIC PRESENTATION

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

5.8 Example Body of Authority to Prepare a Bill submission

CABINET-IN-CONFIDENCE

<page number>

BODY OF SUBMISSION

OBJECTIVE/S

BACKGROUND

- * Context
- * Previous Consideration by Cabinet

URGENCY

- * Is Legislation “Essential for Passage”, “Desirable for Passage” or Introduction only”?
- * Proposed schedule for introduction of the legislation

ISSUES

- * Human Rights Impact
- * Regulatory Best Practice Principles
- * Is Parliamentary Counsel to draft legislation?
- * Are other Acts affected?
- * Are there any Fundamental Legislative Principle issues?
- * Are there any other possible problems?
- * Is there a review/sunset clause?
- * Simplifying or adding to the legislative burden?

CONSULTATION

- * Community
- * Caucus and relevant Bills Committee
- * Parliamentary Liaison Officer
- * Regulatory Reform Branch, Queensland Treasury
- * Integrated Development Assessment System
- * National Competition Policy, Queensland Treasury
- * Ministerial Policy Committee
- * Office of the Queensland Parliamentary Counsel

(Attach a Consultation Addendum to include: departments consulted, officers consulted, and date consulted)

RESULTS OF CONSULTATION

RURAL/REGIONAL IMPACT STATEMENT

EMPLOYMENT AND SKILLS DEVELOPMENT IMPACT STATEMENT

INSTITUTIONAL IMPACT STATEMENT

FINANCIAL CONSIDERATIONS

IMPLEMENTATION

PUBLIC PRESENTATION

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

5.9 Example Body of Authority to Introduce a Bill submission

CABINET-IN-CONFIDENCE

<page number>

BODY OF SUBMISSION

OBJECTIVE/S

BACKGROUND

- * **Context**
- * **Previous Consideration by Cabinet**

URGENCY

- * **Proposed schedule for introduction of the legislation**

ISSUES

- * **Human Rights Impact** (*Attach Statement of Compatibility*)
- * **Is the Bill consistent with the Authority to Prepare approval?** (*Provide a table showing any changes, by clause, between Authority to Prepare and Authority to Introduce*)
- * **Does the Bill infringe Fundamental Legislative Principles?**
- * **Are there any unresolved Policy issues?**
- * **Regulatory Best Practice Principles**
- * **Is the Bill ready for Introduction (and Passage)?**

CONSULTATION

- * **Community**
- * **Caucus and relevant Bills Committee**
- * **Parliamentary Liaison Officer**
- * **Regulatory Reform Branch, Queensland Treasury**
- * **Other Government**

(Attach a Consultation Addendum to include: departments consulted, officers consulted, and date consulted)

RESULTS OF CONSULTATION

RURAL/REGIONAL IMPACT STATEMENT

EMPLOYMENT AND SKILLS DEVELOPMENT IMPACT STATEMENT

INSTITUTIONAL IMPACT STATEMENT

FINANCIAL CONSIDERATIONS

(Changes in costs and funding since ATP approval)

IMPLEMENTATION

PUBLIC PRESENTATION

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

5.10 Example Body of Authority to Forward Significant Subordinate Legislation submission

CABINET-IN-CONFIDENCE

<page number>

BODY OF SUBMISSION

OBJECTIVE/S

BACKGROUND

- * **Context**
- * **Previous Consideration by Cabinet**

URGENCY

- * **Proposed schedule for introduction of the legislation**

ISSUES

- * **Human Rights Impact** (*Attach Human Rights Certificate*)
- * **Are the Regulatory Principles Checklist, Regulatory Assessment Statement, and Explanatory Note attached?**
- * **Is a review/sunset clause included in the authorising Act or subordinate legislation?**
- * **Does the legislation infringe Fundamental Legislative Principles?**
- * **Are there any unresolved Policy issues?**
- * **Have the requirements under the Queensland Government Guide to Better Regulation been complied with?**
- * **Has the subordinate legislation been certified by Parliamentary Counsel? (If not, why not?)**

CONSULTATION

- * **Community**
- * **Queensland Office for Regulatory Efficiency**
- * **Integrated Development Assessment System**
- * **Ministerial Policy Committee**
- * **Office of the Queensland Parliamentary Counsel**

(Attach a Consultation Addendum to include: departments consulted, officers consulted, and date consulted)

RESULTS OF CONSULTATION

RURAL/REGIONAL IMPACT STATEMENT

EMPLOYMENT AND SKILLS DEVELOPMENT IMPACT STATEMENT

INSTITUTIONAL IMPACT STATEMENT

FINANCIAL CONSIDERATIONS

(Changes in costs and funding since ATP approval)

IMPLEMENTATION

PUBLIC PRESENTATION

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

Cabinet Handbook

5.11 Example Body of Information submission

CABINET-IN-CONFIDENCE

<page number>

BODY OF SUBMISSION

OBJECTIVE/S

BACKGROUND

- * **Context**
- * **Previous Consideration by Cabinet**

ISSUES

CONSULTATION

- * **Community**
- * **Government**

(Attach a Consultation Addendum to include: departments consulted, officers consulted, and date consulted)

RESULTS OF CONSULTATION

PUBLIC PRESENTATION

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

5.12 Example Body of Significant Appointment submission

CABINET-IN-CONFIDENCE

SECURITY CLASSIFICATION “...” (A/B/C)

SIGNIFICANT APPOINTMENT

COVERSHEET

TITLE

MINISTER/S

OBJECTIVE/S

BACKGROUND

- * **Context**
- * **Previous Consideration by Cabinet**

URGENCY

DETAILS OF EXISTING MEMBERS AND RECOMMENDED CANDIDATE/S

- * **Details of current and proposed Board/Authority/ Committee/Tribunal membership are at Attachment 1.** *(Details to be included in the table at Attachment 1 are: list all existing members in the first column (including members who have resigned and are no longer on the Board but whose position is being filled); their position; current statues; date of appointment; and, if applicable, date and reason for resignation. In the second column include details for proposed new appointments including names, positions, and reason for appointment. If the person is being reappointed, do not ender name in again only position details and reappointment details.)*
- * **Text on the information provided in the table to expand on the board and nominations to be added in this section.**

PERIOD OF APPOINTMENT

QUALIFICATIONS INCLUDING REASONS FOR APPOINTMENT/S

- * **Curriculum Vitae**

MEMBERSHIP ON OTHER GOVERNMENT BODIES *(include details of all remuneration received)*

METHOD OF APPOINTMENT AND LEGISLATIVE AUTHORITY *(include a brief outline of appointment process followed and compliance with any legislative requirements)*

- * **Public Interest Case**
- * **Suitability for Appointment** *(has candidate been assessed in respect of conflicts of interest, criminal history, etc)*
- * **Gender**

Existing gender distribution:	Women	Men
Proposed distribution:	Women	Men
- * **Regional representation**

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

Cabinet Handbook

CABINET-IN-CONFIDENCE

<page number>

REMUNERATION AND CONDITIONS

- * This section to be completed in consultation with the Department with administrative responsibility for Industrial Relations.

CONSULTATION

- * Queensland Register of Nominees
- * Department with administrative responsibility for Industrial Relations
- * Office for Women
- * Other

RESULTS OF CONSULTATION

PUBLIC PRESENTATION

RECOMMENDATION/S

Recommendations are to be in accordance with Chapter 5.1.7 of the Cabinet Handbook.

.....
Signature/s of Minister/s

Minister/s name

Minister/s title

Date

This document is the property of the Government that created it and is held in trust by the Public Service. It may not be copied or reproduced. For further information contact the Cabinet Secretariat.

CABINET-IN-CONFIDENCE

ATTACHMENT 1

APPOINTMENTS TO NAME OF BOARD (eg QUEENSLAND BOARD OF GOVERNMENT)

EXISTING MEMBERS			PROPOSED CANDIDATES		
NAME	POSITION	TERM/ RESIGNED/ NOT BEING RENEWED	NAME	POSITION	NEW/ REAPPOINT/ TERM
	<i>Chair/ member/ deputy chair/etc</i>	<i>if existing/ resigned (if resigned when)</i>		<i>Chair/ member/ deputy chair/etc</i>	<i>Details of reappointmen t or new</i>
<i>eg Joanne Bloggs</i>	<i>Deputy Chair</i>	<i>Resigned on day/month/ye ar</i>	<i>Mary Temple</i>	<i>member</i>	<i>new</i>
<i>Brad Jones</i>	<i>member</i>	<i>Existing - appointed day/month/ye ar</i>		<i>Deputy Chair</i>	<i>reappointmen t changed position</i>

This page left intentionally blank.

6.0 Consultation

Consultation is a fundamental and mandatory part of the development of all Cabinet submissions. It enables Ministers to receive sound, comprehensive and coordinated policy advice. Departments initiating a Cabinet submission must ensure that they consider the interests of other departments and relevant external stakeholders.

Consultation should occur early in the development of the proposal, with the subsequent Cabinet submission consultation phase providing an opportunity to check that all views have been considered, and where unresolved issues remain, to ensure that both supportive and alternate views of agencies, stakeholders, Ministerial Offices where relevant, and, where known, Ministers are accurately presented in the final submission. Therefore, consultation commences as soon as possible, prior to the preparation of the Cabinet submission, and carries through to Ministerial clearance of the final submission.

Departmental staff preparing a submission for Cabinet's consideration should seek the approval of either the Minister or the Chief Executive Officer before commencing consultation on policy proposals within government and the community. Cabinet approval must be sought prior to consultation on major policy reviews and the release of Public Discussion (Green) papers.

The importance of effective consultation during the development of Cabinet submission cannot be over-emphasised. Ineffective consultation frequently leads to delays in Cabinet's consideration of proposals with departments required to re-lodge their submission or the Minister being directed by Cabinet to undertake further consultation prior to re-lodgement.

- [6.1 Community consultation](#)
- [6.2 Consultation within Government](#)
- [6.3 Discussion \(Green\) Papers and Policy \(White\) papers](#)

6.1 Community consultation

Consultation with persons or organisations external to government (including employers, unions, community groups, and special interest groups) should be a routine part of policy development. Consultation should not involve the unauthorised disclosure of previous or proposed discussions or deliberations by Cabinet. Non-government organisations or persons must not be given a Cabinet submission or decision for comment.

6.2 Consultation within Government

- [6.2.1 Consultation on Significant Appointments](#)
- [6.2.2 Departments and committees to be consulted](#)

To ensure a whole of government approach is applied to matters to be considered by Cabinet, it is essential that full consultation takes place between the originating agency and other relevant, interested or affected agencies, prior to the matter becoming the subject of a formal submission.

Departments being consulted must be given adequate time to consider a draft submission. Disputes about the adequacy of consultation or how accurately other departments' views are presented often result in a submission being delayed. Clear feedback should be provided during the development of a submission on whether the views of consulted departments are accepted and how these are being reflected in the submission. Consulted departments should see the final version of the document before it is submitted to the Cabinet Secretariat to ensure that they agree with the comments attributed to them.

Cabinet Handbook

Every attempt must be made to resolve disagreement between departments prior to the submission being lodged. However, submissions should not be unduly delayed because of a failure to reach full agreement. Where agreement cannot be reached on contentious issues, such differences should be outlined in the body of the submission.

A Consultation Addendum summarising consultation details with departments must be attached to all submissions to support the consultation section (refer to [Chapter 5.4.6" Consultation Addendum"](#)). The Addendum must include the following minimum details:

- department name;
- officers consulted; and
- date consulted.

6.2.1 Consultation on Establishment of and Appointments to a Government Body

Establishment of a Government Body

In accordance with the [Public Interest Map policy](#) at the Department of the Premier and Cabinet's website, Executive Services, Department of the Premier and Cabinet, must be consulted in relation to the establishment of any Government body (excluding companies and government owned corporations). In relation to the establishment of companies, Queensland Treasury will consult with Executive Services during "Preliminary Consultation" with departments who are seeking the Treasurer's approval to form a company.

As part of the *public interest case* process, where it is proposed to remunerate appointees, Treasury Department, and Public Sector Industrial and Employee Relations Division, Department of Justice and Attorney-General must also be consulted.

Appointments to a Government Body

It is the Government's policy to support and encourage diversity and equity in Government bodies and committees. This is reflected in Government policies including the *Women on Boards Strategy – Stage 2* and the Queensland Multicultural Policy – *A multicultural future for all of us*. In order to support these policies, it is important to reflect diversity and equity considerations in Significant Appointment submissions, or the letter to the Premier (where appointments will be made by a Minister and not considered by Cabinet).

The government's target that 50 per cent of appointments to government bodies should be women by December 2014 is supported by the *Women on Boards Strategy – Stage 2*. In order to increase the representation of women on government bodies and meet the government's target, departments should ensure that:

- selection panels, where applicable, reflect a gender mix;
- nominating organisations, including industry bodies, propose equal numbers of male and female candidates and/or demonstrate how they have considered gender diversity in their recruitment and nomination process; and
- Significant Appointment submissions, or the letter to the Premier (where appointments will be made by the Minister and not considered by Cabinet), detail the process used to achieve gender diversity, or provide reasons why gender diversity cannot be achieved.

Executive Services (Department of the Premier and Cabinet), Public Sector Industrial and Employee Relations Division (Department of Justice and Attorney-General) and the Office for Women (Department of Communities) must be consulted in relation to all appointments to Government bodies, including both those considered by Cabinet as a Significant Appointment

Cabinet Handbook

submission and those made by a Minister and not considered by Cabinet. Treasury Department must be consulted for Significant Appointments to companies.

The purpose of this consultation is to ensure:

- that gender and multicultural considerations, and interested community members generally, are taken into account and are given the opportunity to add to the expertise of bodies to which key appointments are being made; and
- remuneration for members is commensurate with government policy.

The Queensland Register of Nominees is a database of applicants who would like to be considered for appointment to Queensland Government bodies.

Departments are required to complete a search of the register for appointments to government bodies. When completing a search of the register and considering nominees for appointment, consideration should be given to diversity on boards.

A search of the register is not required when:

- the legislation, under which the appointment is to be made, provides for the appointee to be nominated by a specific body or a specific type of body, internal or external to the government; or
- the appointment is judicial or quasi-judicial in nature.

When a search of the register is considered unnecessary, the consultation section of the Significant Appointment Cabinet submission, or the letter to the Premier (where appointments will be made by the Minister and not considered by Cabinet), should set out the reasons why the search was not conducted.

Ministers are required to raise all proposed appointments, regardless of whether they are significant or not, with the Premier in writing before the appointments are made. This letter should be lodged with the Premier through Executive Services and must include:

- the Government body membership, including details of new, outgoing and remaining members; and
- current curriculum vitae for all proposed appointees; and
- that the Minister is satisfied with the suitability of the nominees, including that appropriate suitability checks have been carried out; and
- that the Minister has ensured diversity of nominees, including details of the existing and proposed gender distribution on the body, as well as the process used to achieve gender diversity, or reasons why gender diversity could not be achieved; and
- that other Government policies regarding appointment of public servants, Members of Parliament or lobbyists have been considered.

Wherever possible, departments should consider starting the reappointment process at least six months prior to proposed Cabinet consideration to ensure adequate time for consultation obligations and prescribed Cabinet submission lodgement timeframes.

All Significant Appointment Cabinet submissions will need to reflect the consultation undertaken in the relevant sections of the submission as well as the consultation addendum attached to the submission.

6.2.2 Departments and committees to be consulted

The following departments and committees must be consulted prior to preparation of a submission in the specific instances listed.

Cabinet Handbook

Department of the Premier and Cabinet

Policy Division

The Policy Division must be consulted in relation to all Cabinet proposals. Consultation must begin at the commencement of the policy development process with close liaison maintained through the whole process leading to Cabinet consideration.

The Policy Division has a primary role of coordination of government policy by facilitating consultation through the network of Division contacts allocated to departments. Their involvement in the development process from an early stage is essential to ensure the best possible policy outcome. A full description of the role of the Policy Division is described in [Chapter 2.3](#).

Policy Division's Intergovernmental Relations area must be consulted from an early stage in relation to Cabinet proposals involving other jurisdictions which are, or are likely to be, sensitive or raise whole of government considerations (e.g., matters associated with National Cabinet, international agreements and treaties, intergovernmental agreements, submissions to national or Parliamentary inquiries, etc.).

Policy Division must be consulted in relation to all submissions to Queensland Parliamentary Committees, all responses to Queensland Parliamentary Committee reports, and all submissions to Commonwealth inquiries and Commonwealth Parliamentary Committees, including individual agency submissions of a factual nature only which are not going to Cabinet. (See also [Chapter 8.3.1](#).)

Where submissions propose new criminal justice policy initiatives requiring evaluation or seek funding to evaluate existing policy initiatives, the Criminal Justice Research Unit should be consulted.

Policy Division should also be consulted where submissions progressing legislative proposals are likely to impact on Government institutions. There is a requirement to prepare an Institutional Impact Statement in these circumstances (see Chapter 5.4.3). Policy Division has administrative responsibility for the Government Institutional Impact Statement Guideline.

Office for Rural and Regional Queensland

The Office for Rural and Regional Queensland must be consulted in relation to all Cabinet proposals to ensure that the rural and regional impacts of all proposals are fully considered. Consultation must begin at the commencement of the policy development process with close liaison maintained through the whole process leading to Cabinet consideration. Their involvement in the development process from an early stage is essential to ensure the best possible policy outcome for rural and regional communities.

Parliamentary Liaison Officer

The Parliamentary Liaison Officer must be consulted on all proposed legislation. Consultation must begin when timelines for the passage and commencement of the legislation are being considered. This is often at the policy submission stage. Consultation must also occur on all Authority to Prepare and Authority to Introduce submissions. The purpose of this consultation is to ensure that sufficient time has been allowed for introduction, review by a relevant Parliamentary Portfolio Committee/s, and passage.

The Premier's written approval is required before any public announcement or arrangements are made concerning the passage and commencement of legislation. Refer to [Chapter 7.1.5 Monitoring the legislative program](#).

Cabinet Handbook

Executive Services (Policy Submissions - Establishment of Government Body and Significant Appointment submissions)

Executive Services, Department of the Premier and Cabinet must be consulted in relation to any of the following:

- the *public interest case* to establish a new Government body as outlined in the [Public Interest Map Policy](#) at the Department of the Premier and Cabinet's website (excluding companies and government owned corporations);
- all Significant Appointment submissions;
- consultation with the Queensland Register of Nominees, a database of members of the community interested in being appointed to government bodies; and
- any proposal to appoint Members of Parliament to Government bodies.

Communication Services (Major communication campaigns)

Where a department is proposing any major, sensitive, controversial, major impact, and/or television or equivalent advertising campaigns, Communication Services, Department of the Premier and Cabinet, should be aware of this proposal and provide advice in relation to the process for obtaining relevant approvals (email gacc@premiers.qld.gov.au).

Refer to Chapter 3.2.2 "Matters to be considered by Cabinet Budget Review Committee" and Chapter 3.2.3 "Consideration of major communication campaigns".

Office of the Queensland Parliamentary Counsel (OQPC)

In performing its drafting functions, OQPC has a specific statutory function to advise Ministers and units of the public sector on:

- alternative ways of achieving policy objectives; and
- the application of fundamental legislative principles.

OQPC should be consulted in the early stages of developing legislative proposals, preferably before finalising the drafting instructions attached to an Authority to Prepare a Bill submission.

Public Service Commission (PSC)

PSC must be consulted on issues relating to the management and governance of the Queensland public sector, including proposals involving:

- significant change management;
- the structure and governance of government entities;
- proposed legislative change which may impact on the structure of departments or employment arrangements;
- the senior executive service;
- workforce management and employment security issues; and
- any other matter relating to the statutory function of the Public Service Commission.

Departments must consult with the Public Service Commission on submissions with departmental full-time equivalent impacts to ensure the Government's whole-of-sector approach to reprioritising efforts has been considered. This is to ensure, to the extent possible, that the skills of existing public service employees are considered when new projects or policies are to be implemented and to drive the internal reprioritisation of staff by agencies. Four weeks before advance submission (or as early as possible) departments should contact PSC through FTE@psc.qld.gov.au.

Cabinet Handbook

Treasury Department

Financial considerations

The Treasury Department has the responsibility to advise government on the financial and budgetary implications of all Cabinet documents. Therefore, all Cabinet proposals with financial implications, whether implicit or explicit, direct or indirect, must be the subject of consultation with the Treasury Department as early as possible during their development.

For appointments to Government bodies, Treasury Department should be consulted, through the Treasury CLLO, in relation to Significant Appointments to companies and funding and remuneration as part of the *public interest case* (refer to Chapter 5.1.7 Significant Appointment and to the [Public Interest Map policy](#) at the Department of the Premier and Cabinet's website).

In drafting CBRC submissions with financial implications, originating agencies must consult closely with the Treasury Department and agree to costing information that is to be included in the submission. Where the submission arises or follows on from earlier CBRC consideration, and costing information has been amended since the original submission, it must be agreed with the Treasury Department, and a comprehensive explanation on the changes made should be outlined in the submission.

CBRC will not consider the proposal if prior agreement of the Treasury Department to financial information has not been received and reflected in a proposed submission.

Office of Best Practice Regulation

Departments should undertake early and ongoing consultation with the Office of Best Practice Regulation (OBPR), within the Queensland Productivity Commission, as part of policy development where new or amending regulation (including Primary and Subordinate Legislation and some quasi-regulation) is being considered.

OBPR provide advice in relation to regulatory impact analysis and should be consulted during the development of regulatory proposals, Regulatory Impact Statements and post-implementation reviews in accordance with the [Queensland Government Guide to Better Regulation](#).

All submissions involving regulatory proposals and post-implementation reviews of regulation should detail advice received from OBPR as to whether:

- the regulatory proposal is excluded from further regulatory impact analysis and the basis for the exclusion;
- the regulatory proposal is likely to have significant adverse impacts on the community or a section of the community;
- a Regulatory Impact Statement (RIS) is required; and
- the RIS prepared in relation to the regulatory proposal or post-implementation review is adequate.

For further information please refer to the [Queensland Government Guide to Better Regulation](#) and [OBPR's website](#).

National Competition Policy

Treasury Department is responsible for the coordination of National Competition Policy implementation across departments. In the first instance, agencies should consult with the relevant business groups within Treasury Department on all proposals that have competition implications including the following:

Cabinet Handbook

- proposed new or amending legislation (or reviews of legislation) which could contain restrictions on competition. Legislation that restricts competition should be assessed under the [Queensland Government Guide to Better Regulation](#). The Guide incorporates assessment requirements that were previously required under the Queensland Government's Public Benefit Test process;
- consideration of restructuring options for government business activities; and
- competitive neutrality issues.

Department of Justice and Attorney-General

The Department must be consulted where proposals raise the creation of new offences, increased powers to police or other State officials, affect court, tribunal or State Penalties Enforcement Registry processes or resources, or directly or indirectly require the provision of extensive legal representative services, eg. by Legal Aid Queensland, or the provision of legal advice, in particular by the Crown Solicitor.

Where the advice of the Crown Solicitor has been sought in relation to a Cabinet proposal:

- the Attorney-General must be notified before lodgement of the final Cabinet submission;
- the legal advice must be referenced in the body of the submission when prepared, and a copy of the advice attached; and
- the Department of Justice and Attorney-General must be included in the consultation addendum to the submission.

When proposing to establish a new right of review of a Queensland Government decision, or when proposing a significant change to an existing review process, the relevant Cabinet submission must set out how the issues identified in the Administrative Review Policy have been addressed. Strategic Policy can provide advice on the application of the policy in specific circumstances.

Human Rights Impact

The *Human Rights Act 2019* (the Act) requires human rights to be taken into account when developing legislation. A Statement of Compatibility must set out whether, in the opinion of the Member who has introduced the Bill, the Bill is compatible or incompatible with the human rights set out in the Act, and set out reasons that explain how a Bill is compatible or otherwise, and the nature and extent of an incompatibility. There is a similar requirement for subordinate legislation under section 41 of the Act, which requires a Human Rights Certificate to be tabled at the same time as the subordinate legislation.

In exceptional circumstances (such as a war, state of emergency, or exceptional crisis situation) an override declaration may be made (as per s 43 of the Act). This has the effect of declaring that an Act or provision has effect despite being incompatible with human rights. Policy officers considering use of an override declaration should consult with the Human Rights Unit at the Department of Justice and Attorney-General before proceeding with drafting instructions.

Inconsistency with the Corporations Act 2001 (Commonwealth)

Departments preparing legislation that could be inconsistent with the *Corporations Act 2001* (Commonwealth) are required to consult with the Department of Justice and Attorney-General to ensure that Queensland's obligations arising from the Commonwealth-State Corporations Agreement are fulfilled. This Agreement provides that States must notify, and seek the approval of, the Ministerial Council for Corporations when proposing legislation that is inconsistent with the *Corporations Act 2001* (Commonwealth).

Cabinet Handbook

Central Bargaining Unit (Enterprise Bargaining Agreement CBRC submissions)

The Central Bargaining Unit of the Division of Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General centrally manages public sector enterprise bargaining negotiations. Departments are required to consult with the Central Bargaining Unit prior to submitting negotiating frameworks to CBRC for consideration and approval.

The Minister responsible for Industrial Relations is to be a joint signatory on all CBRC submissions directly relating to public sector enterprise bargaining matters.

Division of Public Sector Industrial and Employee Relations (PSIER) Division (Significant Appointments)

If it is proposed, as part of the *public interest case* process (refer to Chapter 5.1.7 Significant Appointment and to the [Public Interest Map policy](#) at the Department of the Premier and Cabinet's website), that remuneration will be paid to appointees, then the Division of Public Sector Industrial and Employee Relations (Department of Justice and Attorney-General) will be consulted in relation to the determination of the amount of remuneration.

The Division of Public Sector Industrial and Employee Relations must be consulted on all Significant Appointment Cabinet submissions to ensure that remuneration rates in the submission are consistent with the various categories as outlined in the Remuneration Guidelines - Remuneration of Part-time Chairs and Members of Government Boards, Committees and Statutory Authorities.

In order to implement this directive, all proposed Significant Appointment Cabinet submissions are to be directed to the CLLO, Department of Justice and Attorney-General, who will coordinate the Department of Justice and Attorney-General's response.

In order to minimise the impact of timing, consultation with the Division of Public Sector Industrial and Employee Relations should be undertaken during the preparation of the Cabinet submission.

All Significant Appointment Cabinet submissions will need to reflect the consultation undertaken with the Department of Justice and Attorney-General in the sections entitled Remuneration and Conditions; Consultation; and Results of Consultation. Consultation with the Department of Justice and Attorney-General also needs to be included in the consultation addendum attached to the submission.

Department of Employment, Economic Development and Innovation

Employment Initiatives

The Division of Employment and Indigenous Initiatives within the Department of Employment, Economic Development and Innovation must be consulted as early as possible during the development of an Employment and Skills Development Impact Statement for all Cabinet submissions (excluding Information and Significant Appointment submissions but including submissions to CBRC). Refer to [Chapter 5.4.3 "Preparation of a body of a Cabinet submission"](#)

Department of Public Works

The Office of the Queensland Government Chief Information Officer, Department of Public Works must be consulted where a Cabinet or Cabinet Committee submission has a major information management or information technology and communications component. Such consultation should be noted in any subsequent Executive Council Minute.

Cabinet Handbook

The QGCIO has a leadership role across Government in relation to information and communication technology matters. Its involvement in the development process from an early stage is essential to ensure a more centralised and coordinated approach to information and communication technology matters.

Department of Local Government and Planning

The Department of Local Government and Planning must be consulted on proposals dealing with infrastructure, project delivery, economic and resource development.

Integrated Development Assessment System

The Department of Local Government and Planning must be consulted to ensure conformity with the Integrated Development Assessment System (IDAS) principles when new legislation and regulations include development assessment and approval provisions.

Local Government

State agencies have a continuing responsibility to consult and communicate with local governments regarding policy and legislative proposals in accordance with the *Protocol Establishing Roles and Responsibilities of the State Government and Local Government in the Queensland System of Local Government (the Protocol)*.

In particular, paragraphs 5.2.4 and 5.2.5 of the Protocol outline the responsibilities of State agencies as follows:

5.2.4 Engage in timely, cooperative, proper and meaningful consultation on all legislative and policy initiatives affecting Local Government, where practicable.

5.2.5 Consider and consult with Local Government regarding financial and other resourcing implications, that flow from policy or legislative changes that could result in additional functions and responsibilities for Local Government.

The Local Government Association of Queensland (LGAQ) is the peak body representing Local Governments in Queensland and accordingly, as well as consulting with the Department of Local Government and Planning, departments need to consult separately with the LGAQ.

Departments are obliged to consult with the LGAQ at major stages of policy and legislative development. Further, Cabinet should be informed of the results of consultation with local government when policy and legislative proposals that affect local government are submitted for Cabinet consideration. The Department of Local Government and Planning is responsible for whole of government coordination of State policies affecting local government. Departmental officers are available to assist departments in complying with the requirements of the Protocol.

Department of Communities

Commission for Children and Young People and Child Guardian (the Commission)

The Commission should be consulted at an early stage on policies or legislation relating to the delivery of services to children and young people (under the age of 18), or that otherwise impact on children or young people.

The Commission has a legislative requirement to monitor and review laws, policies and practices relating to the delivery of services to children and young people or that otherwise impact on them. The Commission is able to provide independent advice from the viewpoint of what is in the best interests of children or young people.

Cabinet Handbook

Office for Youth

The Office for Youth can work with agencies to proactively identify opportunities for the appointment of young people (aged 18-25) to government boards and other bodies. The Office for Youth can also assist in recruiting candidates on request.

The Office for Youth should be consulted at an early stage on policies or legislation relating to the delivery of services to young people (aged 12-25), or that otherwise impact on young people. This is consistent with the Queensland Youth Charter.

Office for Aboriginal and Torres Strait Islander Policy

Departments should be aware that Aboriginal and Torres Strait issues encompass a broad policy spectrum. The Office for Aboriginal and Torres Strait Islander Policy (OATSIP) is concerned with improving the cultural, economic, physical and social well-being of Aboriginal and Torres Strait Islander Queenslanders through coordinating and partnering arrangements. Departments should therefore ensure that OATSIP is consulted on all matters relating to or impacting on outcomes for Indigenous Queenslanders.

Office for Women

The Office for Women must be consulted in relation to all appointments made to government bodies, including those made by a Minister and not considered by Cabinet. The Office for Women will work with agencies to proactively identify opportunities for the appointment of women and suitably qualified female nominees, to assist agencies to meet the government's target that by December 2014, 50 per cent of appointees to government bodies should be women.

Queensland Ombudsman

The Queensland Ombudsman must be consulted on policies or legislation that potentially restrict the right of the citizen to bring a grievance to the Queensland Ombudsman and any matter which may affect that office or involve significant issues of public administration.

Caucus and Bills Committees

Caucus and the relevant Bills Committee should be consulted throughout the policy development of any legislation. Caucus must be consulted at both the draft and final Bill stages prior to the legislation being introduced into Parliament.

6.3 Discussion (Green) Papers and Policy (White) Papers

Ministers are to seek the approval of the Premier, in writing, prior to the commissioning of work leading to a public discussion paper or to a major policy review. There is to be no public announcement before consideration by Cabinet. The Minister should provide the Premier with details of the rationale for preparing the paper; how it relates to Government priorities, the nature of options likely to be considered and whether it is intended to consult with other portfolios. If consultation with other portfolios is intended, the Minister should advise the Premier which portfolios will be involved.

Discussion Papers (Green) are prepared at the direction of a Minister. The preparation and publication of a Discussion Paper is clearly understood to be for the purposes of public discussion and comment. Discussion Papers do not commit the government or a Minister either to the views expressed or to a particular direction for future action. A statement to this effect must be included as a foreword to all Discussion Papers, and "Discussion Paper Only" should be printed on the centre top of each page.

Cabinet Handbook

Policy Papers (White) are papers or reports which embody a statement of government policy on a topic of significance. Policy Papers are to be presented as a Cabinet submission with security classification based on the sensitivity of the document. They are prepared at the direction of a Minister, approved by Cabinet and express a clear government policy framework.

The submissions to cabinet proposing approval of circulation of the papers should include the rationale for the policy discussion or policy initiative, the strategy for consultation, the public availability of any technical or consultants' reports arising from the study and a timetable for the publication and release of the reports.

Discussion and Policy Papers should be tabled in Parliament after being cleared by Cabinet. Departments should consult with the Bills and Papers Office at Parliament House on the appropriate number of copies for distribution to the Parliament.

Discussion and Policy Papers should be widely distributed to achieve the desired level of information dissemination, public discussion and comment. They should normally be distributed to all areas of government, the Judiciary (where appropriate), academic and other relevant parties (eg. employer and employee groups, community and special interest groups, professional organisations).

It is crucial that Cabinet be advised candidly and succinctly on the result of a Discussion or Policy Paper consultation process. This should include quantitative assessment of support or otherwise for the proposal, as well as qualitative judgements of submissions received. Ministers and Chief Executive Officers should adopt the use of Discussion and Policy Papers for the formulation of policy matters wherever necessary.

This page left intentionally blank.

7.0 Legislation

- [7.1 Legislation program](#)
- [7.2 Development of a Bill](#)
- [7.3 Finalisation of a Bill](#)
- [7.4 Parliamentary Portfolio Committees](#)
- [7.5 Subordinate legislation](#)
- [7.6 Private Members' Bills](#)

7.1 Legislation program

A program of legislative proposals provides the necessary mechanism to facilitate:

- prompt and efficient preparation of government Bills;
- orderly consideration of Bills by Cabinet, Bills Committee and Caucus, having regard to policy priorities, administrative urgency, public commitment and other policy considerations;
- planned introduction of Bills into Parliament with maximum opportunity for informed debate in the Parliament;
- an even flow of legislation throughout Parliamentary sittings; and
- coordination of principal and Subordinate Legislation so that policy objectives of the government are comprehensively and effectively addressed.

These objectives are best met if legislative proposals are planned as far ahead as possible and the timing of Cabinet consideration and the drafting of Bills is planned to make maximum use of Parliamentary recesses and sittings.

7.1.1 Formulation of a program

Prior to each Parliamentary sitting, Ministers will be requested to confirm to the Leader of the House proposals for legislation to be introduced in the next sitting and to indicate the priority and urgency which the Minister attaches to each proposal.

Ministerial legislative proposals are classified Cabinet-in-Confidence and are subject to the rules applying to the secure handling of Cabinet documents.

Three levels of priority may be placed on proposed legislation:

- "Essential for passage" status may be applied by the Leader of the House and Caucus where:
 - the originating Minister considers the passage of the Bill is essential for policy, legal or administrative reasons; and
 - that the consequences of not passing the Bill would amount to a serious policy omission or give rise to serious legal or administrative difficulties; and/or
- "Desirable for passage" status may be applied where the policy is not yet broadly settled, or other contingencies must be met, eg. consultation needs to be concluded; or
- "Introduction only" status is used when the government requires the Bill to "lie on the table" of the Legislative Assembly to allow public scrutiny of the proposed legislation during the sitting.

In making proposals for priorities, consideration should also be given to the matters set out in Part 5 of the Standing Orders dealing with the legislative process. Part 5 provides that once

Cabinet Handbook

a Bill is introduced it will be examined by a Parliamentary portfolio committee for up to six months unless:

- The Committee of the Legislative Assembly determines that the Bill be reported on in a particular timeframe and advises the House accordingly;
- A Minister or the Leader of the House moves that the Bill be reported on by a particular date;
- a Minister or the Leader of the House moves that the Bill be declared urgent (so that the Bill may be expedited through all stages); or
- the House otherwise orders.

7.1.2 Core program

The Leader of the House may make a recommendation to Cabinet on a core program of "essential for passage" legislation, comprising those Bills to which a high degree of importance is attached for policy, budgetary or legal reasons.

Core program Bills should receive priority over other Bills with regard to the preparation of Cabinet submissions and drafting instructions, the forwarding of any further instructions required, and the drafting and printing of Bills.

Cabinet may confirm the legislative program for each sitting. Cabinet may also set deadlines by which Authority to Prepare a Bill or Authority to Introduce a Bill submissions should be received. These dates vary depending on whether a Bill is intended for introduction and passage in a sitting or for introduction only.

Ministers may bring forward Authority to Prepare a Bill or Authority to Introduce a Bill submissions, subject to the Premier's concurrence. A Bill's status on the legislative program for introduction and passage (or introduction only) depends on the submission being received by the relevant deadlines or by its priority. It is the responsibility of Ministers and departments to ensure that proposals for Bills to be prepared for passage reach the Leader of the House in a timely manner.

A decision by the Leader of the House or by Cabinet on a Bill's priority in no way constitutes approval in principle for the policy details underlying that Bill. Approval in principle for the policy is a separate process controlled collectively by Cabinet.

7.1.3 Controlling the volume and quality of legislation

Legislation is introduced only for those matters that are essential to the government's objectives and which cannot be achieved in other ways, bearing in mind legal requirements and Parliamentary obligations and conventions. The need for legislation must be reviewed carefully when a proposal is first formulated and the Authority to Prepare a Bill submission must include justification for legislation as the most appropriate means of proceeding.

In general, legislation should only be recommended:

- to redefine or extend existing rights or obligations;
- to circumscribe or extend powers;
- if there is a constitutional requirement;
- to raise revenue; or
- if it is justified for important policy reasons.

To ensure the efficiency of new and amended regulation and avoid unnecessary compliance costs on business, community and government, and restrictions on competition, all Policy, Authority To Prepare, Authority To Introduce and Authority To Forward Significant

Cabinet Handbook

Subordinate Legislation submissions must demonstrate consideration of regulatory best practice principles.

The Queensland Government has committed to ensuring that all regulatory processes are consistent with the following COAG principles:

- establishing a case for policy action before addressing a problem;
- a range of feasible policy options must be considered, including self-regulatory, co-regulatory and non-regulatory approaches, and their benefits and costs assessed;
- adopting the option that generates the greatest net benefit for the community;
- in accordance with the Competition Principles Agreement, legislation should not restrict competition unless it can be demonstrated that:
 - a) the benefits of the restrictions to the community as a whole outweigh the costs, and
 - b) the objective of the regulation can only be achieved by restricting competition;
- providing effective guidance to relevant regulators and regulated parties in order to ensure that the policy intent and expected compliance requirements of the regulation are clear;
- ensuring that regulation remains relevant and effective over time;
- consulting effectively with affected key stakeholders at all stages of the regulatory cycle; and
- government action should be effective and proportional to the issue being addressed.

These principles are considered in greater detail in the [Queensland Government Guide to Better Regulation](#). The consideration of these principles throughout the regulatory development process will assist in ensuring that the final regulatory proposal reflects regulatory best practice.

7.1.4 The Queensland Government Guide to Better Regulation

All departments, agencies and statutory bodies should consider the application of the [Queensland Government Guide to Better Regulation](#) when developing policy that may potentially lead to a regulatory response. The Guide outlines a sequence of policy development actions used to assess the need for, and impacts of, proposed regulation including Primary and Subordinate Legislation, and some quasi-regulation. The Guide aims to support Cabinet decision making by helping departments demonstrate proposed regulation is necessary, efficient and effective, and minimises regulatory burden on business, community and government. Departments are strongly encouraged to consider the application of the Guide early when developing policy and to have early and ongoing engagement with the Office of Best Practice Regulation (OBPR) within the Queensland Productivity Commission, Treasury Department, and the Department of the Premier and Cabinet to help ensure the best policy outcome.

In departments' application of the Queensland Government Guide to Better Regulation, certain documentation may be produced in the development of a regulatory proposal, such as a Preliminary Impact Assessment, Consultation RIS and/or a Decision RIS. Such documentation should be provided to OBPR for its assessment and, in the case of a RIS, attached to the relevant Cabinet submission (e.g. Policy, Authority to Prepare, Authority to Introduce, Authority to Forward Significant Subordinate Legislation). OBPR's formal advice in relation to these documents (including advice that a RIS is not required) should also be attached to the Cabinet submission.

Departments should be aware that, if required, a Consultation RIS has a minimum public consultation period of 28 days, and should factor this into the policy development, approval and drafting timeframes.

Cabinet Handbook

Wherever possible, departments should quantify the compliance cost impacts of a regulatory proposal on business, the community or government. OBPR can provide departments advice on calculating compliance costs.

For further details, please refer to the [Queensland Government Guide to Better Regulation](#) and [OBPR](#).

7.1.5 Monitoring the legislative program

The Leader of the House will review the progress of the legislative program as a whole and of Bills included for each sitting.

Scheduling of the passage of the Bill will depend on a variety of factors including its urgency, status of other Bills listed for debate, and the volume of legislation required for passage.

It should be noted that it is a minimum requirement under the Standing Orders and to enable proper scrutiny of a Bill for it to sit on the floor of the Parliament for at least 13 calendar days following introduction.

However, it cannot be assumed that passage will occur following the minimum 13 calendar day requirement.

Details of proposed passage and commencement dates should be included in the information that is regularly provided to the Premier concerning Ministers' legislative programs. No public announcement about proposed passage and commencement dates for legislation should be made without the Premier's prior written approval.

The Premier's approval of proposed passage and commencement dates must be included in the Authority to Introduce submission in the "Issues" section under the subheading, 'Approved Timing of Passage and Commencement'. The Parliamentary Liaison Officer must be consulted in relation to these matters. Refer to Chapter 6.2.2 Departments and committees to be consulted.

The Cabinet Secretariat may prepare Legislation Progress Reports for presentation to the Leader of the House showing the stage reached in the development of each legislative proposal. These reports may provide information on:

- Bills which have received Authority to Prepare a Bill approval from Cabinet but have not yet been approved as Authority to Introduce a Bill;
- the critical dates which should apply to elements of the legislative program;
- the drafting status of each Bill and whether further instructions are required; and
- Bills which have received Authority to Introduce a Bill approval but have not yet been introduced.

On the basis of this information, Ministers may be asked by the Leader of the House, to advise Cabinet on the progress of particular Bills.

Following Ministerial approval, CLLOs are responsible for providing the Cabinet Secretariat with updated information on the status of every Bill under their Minister's control.

7.1.6 Late additions

All legislation should be planned in time for inclusion in the legislative program. When a genuinely unforeseen Bill becomes necessary after Ministers have made their initial bids, the Minister responsible must seek approval from the Leader of the House for the inclusion of the Bill on the program. Late bids will then be discussed with the Premier. In the request the Minister should indicate:

Cabinet Handbook

- that the need for legislation could not have been foreseen;
- that the legislation is urgent and unavoidable; and
- the Bill's priority relative to other Bills which the Minister has put forward and which Bill could be omitted if necessary to make way for the new Bill.

7.1.7 Withdrawing a Bill

A Minister wishing to withdraw a Bill from the program following Authority to Prepare approval from Cabinet should consult with the Leader of the House and the Premier.

7.1.8 Altering the program status of a Bill

A Minister who wishes to alter the program status of a Bill should seek endorsement from the Leader of the House. The circumstances surrounding the reason for the proposed change should be explained, together with implications if the Bill is not passed.

7.2 Development of a Bill

7.2.1 Cabinet approval to prepare a Bill

Cabinet approval must be obtained for all proposals involving new or amending legislation. In some instances, Ministers may wish Cabinet to consider recommendations relating to matters involving both the development of policy and legislative proposals. In such cases, the submission should foreshadow that legislation will be required at a later date and indicate approximate timetables.

Drafting instructions must be prepared at the same time as the Cabinet Authority to Prepare a Bill submission. As drafting instructions are an integral part of the submission, Cabinet confidentiality should be maintained by ensuring that their preparation is only done "in house" within the instructing department. Ministers and departments who are consulted on the policy proposals set out in the Authority to Prepare a Bill submission should also be given the opportunity to comment on the preliminary drafting instructions.

The Premier may authorise drafting to start before the Authority to Prepare has been approved by Cabinet. Departments should firstly contact Policy Division, Department of the Premier and Cabinet to discuss the necessity for early drafting, after which Ministers must write seeking the Premier's approval, with drafting instructions attached.

The instructing department must forward drafting instructions to the Office of the Queensland Parliamentary Counsel within two working days of receiving Cabinet Authority to Prepare a Bill approval unless alterations to the instructions need to be made. In the latter case, instructions must be forwarded to the Office of the Queensland Parliamentary Counsel within five working days of Cabinet Authority to Prepare a Bill approval.

An example body of an Authority to Prepare a Bill submission indicating submission headings and layout appears as [Chapter 5.8](#). Further information on the preparation of this type of submission including recommendation wording is contained in [Chapter 5.1.3 "Authority to Prepare a Bill"](#), [Chapter 5.4.1 "Preparation of a Cabinet submission coversheet"](#) and [Chapter 5.4.3 "Preparation of a body of a Cabinet submission"](#).

There should be a period of at least 20 days between approval by Cabinet for Authority to Prepare a Bill and the lodgement of the advance copy of a submission seeking Authority to Introduce a Bill. This period is to allow for full consultation with all stakeholders. Ministers must receive the written approval of the Premier to relax this requirement.

7.2.2 Legislation to bind the State

Legislation that has the potential to bind the State must expressly declare whether or not it binds the State. This matter should be specifically addressed in the submission seeking Cabinet's Authority to Prepare a Bill.

7.2.3 Consistency with Commonwealth legislation

Care must be taken to ensure consistency between Commonwealth legislation and proposed Queensland legislation. Section 109 of the *Commonwealth Constitution* provides that State legislation which is inconsistent with Commonwealth legislation is inoperative to the extent of the inconsistency. In addition, the High Court has interpreted section 109 to the effect that if the Commonwealth expresses an intention in legislation to "cover the field" of law, any State legislation in the same field is inconsistent and therefore inoperative.

7.2.4 International treaties

Consistency with Australia's obligations under international treaties, particularly those that have been ratified, should be considered in the drafting of legislation. Legal advice should be sought as necessary.

7.2.5 Fundamental legislative principles

The *Legislative Standards Act 1992* defines fundamental legislative principles (FLPs) as "principles relating to legislation that underlie a Parliamentary democracy based on the rule of law". These principles ensure that legislation has sufficient regard to the civil and legal rights of citizens and also that it pays sufficient regard to the institution of Parliament.

Under the *Legislative Standards Act 1992*, the Office of the Queensland Parliamentary Counsel has a function to advise Ministers, departments and agencies on the application of fundamental legislative principles to proposed government legislation. This advice is given directly to Ministers and instructing officers.

While fundamental legislative principles are important guiding principles, they are not absolute. Sometimes the application of these principles needs to be modified to achieve important policy objectives in the public interest. Cabinet submissions must clearly identify where it is intended that proposed legislation (including Subordinate Legislation) will depart from a fundamental legislative principle and Cabinet approval for the proposed departure must be sought.

Appropriate arguments must be included in the Cabinet submission in support of any departure from a fundamental legislative principle.

Detailed information on fundamental legislative principles can be found in the Queensland Legislation Handbook.

7.2.6 Compatibility with human rights

The *Human Rights Act 2019* (the Act) requires human rights to be taken into account when developing legislation. After the commencement of the substantive provisions of the Act all Bills introduced into Parliament must be accompanied by a Statement of Compatibility (as per section 38 of the Act). This applies to government Bills and Private Members' Bills.

A Statement of Compatibility must set out whether, in the opinion of the Member who has introduced the Bill, the Bill is compatible or incompatible with the human rights set out in the

Act, and set out reasons that explain how a Bill is compatible or otherwise, and the nature and extent of an incompatibility.

In exceptional circumstances (such as a war, state of emergency, or exceptional crisis situation) an override declaration may be made (as per s 43 of the Act). This has the effect of declaring that an Act or provision has effect despite being incompatible with one or more human rights or with anything else in the Human Rights Act. Policy officers considering use of an override declaration should consult with the Human Rights Unit at Department of Justice and Attorney-General before proceeding with drafting instructions.

Further guidance about how to address human rights when developing policy and legislation can be found at the Queensland Government Human Rights Portal:

<https://www.forgov.qld.gov.au/humanrights>.

7.2.7 Administrative Arrangements

Administrative Arrangements (the Arrangements) set out the principal Ministerial responsibilities of Ministers and the Acts that they administer. The Arrangements are determined solely by the Premier and are made by Order in Council and published on a regular basis in the Queensland Government Gazette. Any proposal by a Minister to transfer a Ministerial responsibility or an Act to another Minister must be approved by the Premier. The administration of these matters is undertaken by Constitutional and Administrative Law Services within the Department of the Premier and Cabinet.

It is not necessary for the Minister responsible for the administration of a particular Act or provisions of an Act to be specified in legislation unless there are specific legislative requirements. The Arrangements set out the Acts administered by each Minister and if more than one Minister is responsible for the administration of the provisions of an Act this will be specified in the Arrangements.

Entrusting departments with functions and responsibilities, relieving departments of such functions and responsibilities, the amalgamation of part or parts of departments, creating an entity and adding that entity to any department and matters of a like nature, as specified within the *Public Service Act 2008*, are determined by the Premier. Such actions are also made by a Departmental Arrangements Notice and published in the Queensland Government Gazette. The administration of these matters is undertaken by the Public Service Commission.

Similarly, matters of internal government arrangement should not be specified in legislation unless there are special legal reasons requiring legislative provision. It is not, for example, appropriate for one Minister to be required to act with the consent of another Minister or after consulting with another Minister. Such matters will, where necessary, be dealt with through the Cabinet process.

7.2.8 Absolute Majority

Section 4A of the *Constitution of Queensland 2001* provides that a Bill to amend an Act respecting the constitution, powers or procedure of the Parliament must not be presented to the Governor for assent unless the Bill has been passed by an absolute majority of the Legislative Assembly.

An absolute majority means a majority of the total number of members of the Legislative Assembly. For example, if the Legislative Assembly consists of a total number of 89 members, then a Bill to amend an Act respecting the constitution, powers or procedure of the Parliament would need to be passed with at least 45 members voting in favour at the third reading stage. If an absolute majority was not achieved at the third reading stage then the Bill would not be able to be presented to the Governor for assent.

Cabinet Handbook

The term constitution, powers or procedure of the Parliament comes from section 6 of the *Australia Act 1986* (the Australia Act) of the Commonwealth.

The constitution, powers and procedure of the Parliament include the nature and composition of the Parliament, rules for its conduct, laws about its own legislative authority, the duration of the Parliament, the number of members, procedures, privileges and immunities of the Parliament (including the power to make standing orders and requirements as to the passage of bills), and the power to enact legislation. (RD Lumb, *The Constitution of the Australian States* (University of Queensland Press, 5th ed 1992) 119.)

Any Bill which expressly amends provisions of the *Constitution of Queensland 2001* with respect to the constitution, powers or procedure of the Parliament requires the support of an absolute majority at the third reading stage of the Bill. These provisions are contained principally in Chapter 2 of the *Constitution of Queensland 2001*. In addition to this, any Bill which indirectly (consequentially or impliedly) amends provisions of the *Constitution of Queensland 2001* with respect to the constitution, powers or procedure of the Parliament will be required to be passed by an absolute majority.

Any Bill that impliedly amends the *Constitution of Queensland 2001* with respect to the constitution, powers or procedure of the Parliament should be identified and drafted to clearly state the amendments.

Where a Bill *may* expressly or impliedly amend the constitution, powers or procedure of the Parliament, Crown Law advice should be sought by the administering department at the drafting stage of the Bill.

Information about whether an absolute majority is required should be included under the Issues section of the Authority To Introduce Cabinet Submission.

7.3 Finalisation of a Bill

7.3.1 Cabinet approval to introduce a Bill

The draft Bill must be attached to the Authority to Introduce a Bill submission lodged with the Cabinet Secretariat.

An example body of an Authority to Introduce a Bill submission indicating submission headings and layout appears as [Chapter 5.9](#). Further information on the preparation of this type of submission including recommendation wording is contained in [Chapter 5.1.4 "Authority to Introduce a Bill"](#), [Chapter 5.4.1 "Preparation of a Cabinet submission coversheet"](#) and [Chapter 5.4.3 "Preparation of a body of a Cabinet submission"](#).

7.3.2 Explanatory notes

Departments are required to prepare an explanatory note to accompany the Authority to Introduce a Bill submission. *The Legislative Standards Act 1992* sets out the various matters that must be addressed in an explanatory note for a Bill, including consistency with fundamental legislative principles. The explanatory notes should be concise and in plain English.

Explanatory notes are to be circulated to Members of Parliament at the time of the explanatory speech by the Minister introducing the legislation. Section 22(1) of the *Legislative Standards Act 1992* requires the circulation. This will assist Members of Parliament and the general public to understand the objectives behind the legislation.

Cabinet Handbook

Explanatory notes are to be produced as an addendum to the original explanatory notes for amendments during consideration in detail being proposed to a Bill. However, explanatory notes are not required to be produced for amendments where it is impractical to do so or where the amendments are minor in nature, such as renumbering of a clause or the omission or inclusion of inconsequential words.

Ministers are required to ensure these explanatory notes are circulated with the relevant amendment as soon as possible prior to the commencement of the second reading debate. The explanatory notes should also be tabled at the earliest opportunity but no later than during the Minister's summing up speech prior to the consideration in detail stage of the debate of the Bill.

Ministers are required to ensure these explanatory notes are circulated with the relevant amendment as soon as possible prior to the commencement of the second reading debate. The explanatory notes should also be tabled at the earliest opportunity but no later than during the Minister's summing up speech prior to the consideration in detail stage of the debate of the Bill.

Preparation of the explanatory notes by the department ensures that the policy aims of the legislation are properly clarified and understood by the department and are reflected in the final form of the legislation.

More detailed information on explanatory notes is available in the *Guidelines to the preparation of explanatory notes*, the Handy Hints checklist, and the Queensland Legislation Handbook. Agencies are required to adopt the templates set out in these guidelines to ensure a consistent approach across government.

7.3.3 Changes to Bills following Cabinet approval

Once Cabinet has approved introduction of the Bill via consideration of an Authority to Introduce a Bill submission, further development of the content of a Bill cannot be undertaken by the Office of the Queensland Parliamentary Counsel unless also authorised by Cabinet. Minor amendments without Cabinet approval may be made to the Bill however, provided that they relate to minor technical or stylistic matters that do not change the intent or context of the Bill as approved previously by Cabinet.

7.3.4 Announcement of proposed legislation

Except with the specific agreement of the Premier, no announcement of an intention to introduce legislation should be made until after Cabinet has given Authority to Prepare a Bill approval. Caution should be exercised by Ministers in publicly announcing when legislation is to be introduced into the House. These decisions lie with the Premier, the Leader of the House, Caucus, and the Cabinet as a whole.

7.3.5 Caucus and Bills Committee

Caucus and relevant Bills Committee should be consulted throughout the policy development of any legislation. Caucus must be consulted at both the draft and final Bill stages prior to the legislation being introduced into Parliament.

7.3.6 Briefings of Members (including the Opposition) of Parliament

When requested by the Minister, departmental officers are to provide a briefing to Members in relation to Bills before the Legislative Assembly and must be accompanied by a Ministerial officer.

7.3.7 Late amendments

Bills Committee and Caucus amendments proposing substantial changes to Bills should normally be submitted to Cabinet. Substantial amendments proposed by opposition parties in the Parliament could be treated similarly if the sponsoring Minister believes that they should be considered or accepted. Where time does not permit this, the sponsoring Minister must clear the proposed amendments with the Premier and the Leader of the House.

Routine or minor House amendments (initiated by the responsible Minister) may proceed after consultation with the Premier and the Leader of the House.

Wherever possible, explanatory notes should be produced for any such proposed amendments in order to inform debate in the House. Explanatory notes are not required to be produced for amendments where it is impractical to do so or where the amendments are minor in nature, such as the renumbering of a clause or the omission or inclusion of inconsequential words.

Under section 93 of the *Parliament of Queensland Act 2001*, a Portfolio Committee examines each Bill and Subordinate Legislation relevant to its portfolio area. This includes considering the policy to be given effect by the legislation, the application of fundamental legislative principles and the lawfulness of subordinate legislation.

Under Part 5 of the Standing Orders, a Portfolio Committee is required to report on its examination of a Bill and may make recommendations about whether the Bill should be passed and whether the Bill should be amended. Part 5 of the Standing Orders also provides that a Portfolio Committee may consider the application of fundamental legislative principles and compliance with the requirements to prepare explanatory notes.

7.4 Parliamentary Portfolio Committees

Under section 93 of the *Parliament of Queensland Act 2001*, a Parliamentary Portfolio Committee (portfolio committee) examines each Bill and Subordinate Legislation relevant to its portfolio area. This includes considering the policy to be given effect by the legislation, the application of fundamental legislative principles and the lawfulness of subordinate legislation.

Under Part 5 of the Standing Orders, a portfolio committee is required to report on its examination of a Bill and may make recommendations about whether the Bill should be passed and whether the Bill should be amended. Part 5 of the Standing Orders also provides that a portfolio committee may consider the application of fundamental legislative principles and compliance with the requirements to prepare explanatory notes.

7.4.1 Portfolio Committee Review Process

Portfolio committees may call for public submissions on proposed legislation, which will be published on the Committee website.

On review of such submissions, the relevant Minister may choose to provide a response for the Committee's consideration. Individual Ministerial responses should describe and offer factual analysis of policies and programs or the manner in which relevant issues have been dealt with.

Where a response deals with a politically sensitive matter or significant policy issues Cabinet approval should be sought prior to forwarding to the Committee.

Following receipt of public submissions, portfolio committees may also hold public hearings with stakeholders regarding legislation.

Cabinet Handbook

Following tabling of the Committee's report on the legislation, the Minister must provide a response to the report prior to the commencement of the second reading debate. Subject to the content of the report and proposed response, Cabinet consideration may be required. The timeframe for Cabinet consideration, if required, will be determined by when the Bill needs to be debated.

Policy Division, Department of the Premier and Cabinet must be consulted in relation to all submissions to Parliamentary Committees and responses to Parliamentary Committee reports, including to assist in determining whether or not Cabinet consideration is required.

7.4.2 Role of Public Officials

Public Service employees may have dealings with parliamentary committees regarding legislation as either an assistant or a witness at any stage of the process. In both roles, they can provide committees with detailed information about the proposed legislation.

Consultation with OQPC before responding to portfolio committee comments about the application of fundamental legislative principles will depend on the circumstances. See section 4.6 of the Legislation Handbook for further details.

The [Code of Practice for Public Service employees assisting or appearing before Parliamentary Committees](#) provides guidance for public service employees dealing with Parliamentary committees. See also 8.2 Guidance in relation to dealing with Queensland Parliamentary Committees.

7.5 Subordinate Legislation

Subordinate Legislation includes regulations, orders in council of a legislative character and other statutory instruments declared to be Subordinate Legislation by the *Statutory Instruments Act 1992* or by another Act.

Significant Subordinate Legislation must be submitted to Cabinet prior to being forwarded to Executive Council. The type of submission used is an Authority to Forward Significant Subordinate Legislation. "Significant Subordinate Legislation" can be defined as:

- Subordinate Legislation for which a Regulatory Impact Statement (RIS) is required under the Queensland Government Guide to Better Regulation; or
- Subordinate Legislation that affects a politically sensitive policy area; or
- Subordinate Legislation that involves major government expenditure for which Cabinet approval has not previously been sought; or
- Subordinate Legislation that the OQPC has refused to certify.

From time to time Ministers and Chief Executive Officers will seek advice on whether particular Subordinate Legislation is "significant" in the first three matters above. Such advice may be obtained from the Policy Division in the Department of the Premier and Cabinet, the Treasury Department and, in relation to whether a RIS is required, the Office of Best Practice Regulation within the Queensland Productivity Commission.

7.5.1 The Queensland Government Guide to Better Regulation

The [Queensland Government Guide to Better Regulation](#) applies to all Subordinate Legislation. Refer to 7.1.4 and the [Guide](#) for further information.

7.5.2 Explanatory notes

Under the *Legislative Standards Act 1992*, explanatory notes must accompany all Subordinate Legislation tabled in the Legislative Assembly. The *Legislative Standards Act 1992* sets out the various matters to be addressed in the explanatory notes.

For significant Subordinate Legislation, the explanatory note should be accompanied by the Decision RIS prepared for the Subordinate Legislation. Information is taken to be included in the explanatory note if it is in the accompanying Decision RIS and is referred to in the explanatory note and, if necessary, supplemented or updated.

The explanatory note must accompany the Authority to Forward Significant Subordinate Legislation submission to Cabinet.

More detailed information on explanatory notes is available in the *Guidelines to the preparation of explanatory notes*, the Handy Hints checklist, and the Queensland Legislation Handbook. Agencies are required to adopt the templates set out in these guidelines to ensure a consistent approach across government.

7.5.3 Office of the Queensland Parliamentary Counsel

The Office of the Queensland Parliamentary Counsel (OQPC) has two roles in the Subordinate Legislation process.

Firstly, it drafts the Subordinate Legislation. In doing this, it provides advice to Ministers, departments and agencies on alternative ways of achieving policy objectives, the application of fundamental legislative principles, and the Subordinate Legislation process. Early consultation with OQPC is highly recommended, especially for Subordinate Legislation that may require a RIS.

Secondly, OQPC coordinates processes before and after the making of Subordinate Legislation. OQPC prepares certified copies of Subordinate Legislation drafted by OQPC and provides them to departments for submission to Executive Council.

Also, if a department must submit to Executive Council a Decision RIS and explanatory note prepared by the department, OQPC electronically formats these documents and provides the department with copies for submission to Executive Council. OQPC also arranges for the notification, printing and tabling of Subordinate Legislation after making and for the printing and tabling of the Explanatory Note and any Decision RIS.

7.5.4 Compatibility with human rights

The *Human Rights Act 2019* (the Act) requires human rights to be taken into account when developing legislation. After the commencement of the substantive provisions of the Act all subordinate legislation tabled in the Legislative Assembly must be accompanied by a Human Rights Certificate.

A Human Rights Certificate must set out whether, in the opinion of the Member who has tabled the subordinate legislation, it is compatible or incompatible with the human rights set out in the Act, and set out reasons that explain how the instrument is compatible or otherwise, and the nature and extent of any incompatibility.

Further guidance about how to address human rights when developing policy and legislation can be found at the Queensland Government Human Rights Portal:
<https://www.forgov.qld.gov.au/humanrights>.

7.6 Private Members Bills

In addition to Ministers, other Members of Parliament have the opportunity to introduce Bills and have them debated in the Legislative Assembly. These Bills are known as Private Members' Bills.

Once a Private Members' Bill is introduced in the Legislative Assembly, and if the question for the first reading of the Bill succeeds, the Bill will be referred to a relevant Parliamentary Portfolio Committee. The portfolio committee will have up to six months to examine the Bill and report back to Parliament.

Following the introduction of the Bill, the Premier and the Leader of the House will confer in order to identify which Minister is to take portfolio lead in responding to the proposed legislation. The lead Minister will coordinate consultation with other Ministers with portfolio interests in the proposed legislation.

Within six weeks of the portfolio committee report on the Bill being tabled, the lead Minister is required to prepare a policy submission to respond to the Bill for Cabinet's consideration. The submission must address the policy matter of the Bill from the government's perspective and recommend support, amendment or opposition to the Bill on the floor of the House. Specifically, the submission must:

- state the nature of the Bill;
- analyse the Bill's consistency with government policy generally;
- give detailed legal policy analysis (including consistency with other laws and internal consistency); and
- state the Bill's financial and other impacts.

The Committee report must be taken into consideration when preparing the response, however the Cabinet submission is responding to the Bill, not the Committee report. It will be a matter for the private member to respond or otherwise to the report. After consideration by Cabinet, the lead Minister will draw the matter to the attention of Caucus.

Following the tabling of the portfolio committee report, the Bill will be set down on the notice paper for its second reading stage in the Parliament. The minimum timeframe between the tabling of the portfolio committee report and the commencement of the second reading dateable is three calendar months.

This page left intentionally blank.

8.0 Guidelines for briefings and submissions to Members of Parliament, Parliamentary Committees and Commonwealth inquiries

- [8.1 Guidelines for departmental officers required to brief Members \(including Opposition Members\) of the Legislative Assembly in relation to Bills before the House](#)
- [8.2 Guidelines for Queensland Parliamentary Committees](#)
- [8.3 Guidelines for Queensland submissions to Commonwealth inquiries/reviews](#)

8.1 Guidelines for departmental officers required to brief Members (including Opposition Members) of Parliament in relation to Bills before the House

When requested by their Minister, departmental officers are to provide a briefing to Members in relation to Bills before the Legislative Assembly.

Should a departmental officer receive a request for a briefing directly from an Opposition Member, that officer or the relevant CLLO is to contact their Minister and seek advice in relation to providing the briefing requested.

Generally the time and location for the briefing will be supplied when the request for the briefing is made by the Member. The briefings will usually take place while Parliament is sitting.

The briefing officer must be accompanied by an officer from the Minister's Office and, if necessary, another departmental officer such as the CLLO.

The briefing should outline the Minister's policy objectives to be achieved by the Bill and discuss and explain the provisions of the Bill, and should not take place until after the Bill has been introduced into the House. Individual Ministers may arrange for an earlier briefing - however, this should be after the Bill has been considered by Cabinet.

Advocacy and defence of policy is the responsibility of the Minister and accordingly should not form part of the brief.

Briefing officers should answer questions of a factual nature and not venture an opinion. If the briefing officer considers the question requires a response which goes beyond the factual nature of the briefing, the Member concerned should be advised that it is not appropriate for the briefing officer to answer the question.

Any written material provided should be limited to copies of the Bill, the explanatory notes and any other publicly released material such as discussion papers or statistical information.

8.2 Guidance in relation to dealings with Queensland Parliamentary Committees

- [8.2.1 Government submissions and responses](#)
- [8.2.2 Public Service employees](#)
- [8.2.3 Statutory office holders](#)
- [8.2.4 Estimates](#)

8.2.1 Government submissions and responses

Submissions to Committees

All individual agency submissions must be approved by the relevant Minister/s. All individual agency submissions should describe and offer factual analysis of policies and programs or the manner in which relevant issues have been dealt with.

Where a submission deals with a politically sensitive matter or significant policy issues, it may be necessary to seek Cabinet approval prior to forwarding to the Committee.

If the policy issues cross agencies, ie more than one agency would wish to make a submission on the same policy matter, a whole-of-Government submission must be prepared in consultation with affected agencies.

Policy Division, Department of the Premier and Cabinet must be consulted in relation to all submissions to Parliamentary Committees.

Responses to Reports of Committees

All Ministerial responses to reports of Queensland Parliamentary Committees, except those reports about legislation, must receive Cabinet approval prior to their being tabled in the Legislative Assembly. Responses to reports of Parliamentary Committees on matters that cross agency responsibilities require whole-of-Government development and coordination. Policy Division, Department of the Premier and Cabinet, must be consulted in relation to all responses to reports of Parliamentary Committees.

Whether or not Cabinet consideration is required for Parliamentary Committee reports about legislation will be determined on a case by case basis after consultation with the Department of the Premier and Cabinet.

8.2.2 Public service employees

Public service employees and employees of statutory authorities, government owned corporations and other government entities may have dealings with Parliamentary Committees as either an assistant or a witness. In both roles, they can provide committees with detailed information about the processes and operations of a department or entity to allow committees to effectively discharge their functions to scrutinise the executive, consider proposed legislation and conduct reviews and inquiries on behalf of the Legislative Assembly.

The *Code of Practice for Public Service employees assisting or appearing before Parliamentary Committees* provides guidance for public service employees dealing with Parliamentary Committees as either an assistant or as a witness.

The Code of Practice seeks to recognise the importance of the Legislative Assembly having a high standard of scrutiny over the executive government and legislation while recognising the duties owed by public service employees to their departments and Ministers, and to provide guidance on the public service employee's role in this process. The Code of Practice has been adopted by the Legislative Assembly and incorporated in the Standing Rules and Orders.

The Code of Practice applies to public service employees of entities declared to be government departments in accordance with section 14 of the *Public Service Act 2008*.

The Code of Practice may also be used by officers and employees of statutory authorities, government owned corporations and other government entities.

Cabinet Handbook

It is noted that paragraphs 39 to 44 of the Code of Practice deal with public service employees making objections to producing material or answering questions in relation to committee hearings. If the Committee's leave is obtained to seek the Chief Executive's view about information a public servant employee believes should not be released, consideration should be given to whether Crown Law advice is required, particularly if the grounds of objection may include complex legal concepts such as public interest immunity or legal professional privilege.

Where requested material is a Cabinet document (including a Cabinet working paper), the Chief Executive must consult with the Cabinet Secretary and if appropriate seek legal advice from the Crown Solicitor, in particular regarding any possible claim of public interest immunity, before copies of such documents provided.

Chief Executive Officers should ensure that the Policy Division in the Department of the Premier and Cabinet is briefed and consulted in relation to committee hearings. For example, it may be necessary to coordinate evidence and provide a whole of government perspective on issues concerning more than one agency.

8.2.3 Statutory office holders

Certain statutory office holders, notably such as the Auditor-General, the Chairperson of the Crime and Corruption Commission and the Queensland Ombudsman have defined functions independent of Ministers. Submissions to Parliamentary Committees by such office holders dealing with matters arising from their independent functions need not be cleared with the Minister.

As noted in 8.2.2, the Code of Practice for Public Service employees assisting or appearing before Parliamentary Committees may also be used by statutory officers as reference document when assisting parliamentary committees.

A separate Code of Practice has also been developed in relation to the assistance that the Auditor-General and the Queensland Audit Office are able to provide portfolio committees. This Code of Practice is intended to be used as a guide to ensure that interactions between portfolio committees, Members of Parliament and the Auditor-General are appropriate, and that these interactions respect the independence of the Queensland Audit Office and the role and status of the portfolio committees.

8.2.4 Estimates

Parliamentary Portfolio Committees consider the relevant appropriation bills and the estimates for the committee's area of responsibility. Procedures for estimates are set out in Part 6 of the Standing Orders of the Legislative Assembly.

It is noted that Ministers, Directors-General and certain Chief Executive Officers must be present at all times in estimates hearings where they are responsible for the relevant area or entity under consideration. The list of entities to which direct questioning of Chief Executive Officers at estimates is to apply is set out in Schedule 7 of the Standing Orders of the Legislative Assembly.

Ministers may also have advisers present to assist.

8.3 Guidelines for Queensland submissions to Commonwealth inquiries/reviews

These guidelines apply to formal inquiries and reviews, undertaken by a Commonwealth commission, committee (including Parliamentary Committees) or agency, which require the

Cabinet Handbook

preparation of a formal submission by a Queensland agency or the Queensland Government, including inquiries where a Queensland official may be called subsequently to give oral testimony.

The guidelines do not apply to routine correspondence and meetings between Queensland agencies and their Commonwealth counterparts for the purpose of policy development, program administration or exchange of information.

The guidelines provide general guidance, and particular cases will require careful judgement and appropriate consultation. This is particularly the case where a rapid response is required by the Commonwealth review body. In all cases, Ministers should write to the Premier when invited to participate in Commonwealth inquiries.

8.3.1 Written submissions

It is normally in the interest of the State to cooperate in providing information to inquiries/reviews undertaken by Commonwealth commissions, committees (including Parliamentary Committees) and agencies on matters affecting policy and administration at State level. However, where staff time and resources required to prepare a submission would adversely affect the operational efficiency of the unit, the relevant Chief Executive Officer may determine that a submission is not warranted. Policy Division, Department of the Premier and Cabinet should be informed of such decisions.

Policy Division, Department of the Premier and Cabinet must be consulted in relation to all submissions to Commonwealth inquiries or Parliamentary Committees. An agency proposing to prepare a written submission to a Commonwealth inquiry/review should formally notify the Director-General, Department of the Premier and Cabinet in writing at an early stage.

Where a proposed written submission is of a factual nature only and where the subject matter is relevant to only one Queensland agency, that agency may transmit the submission as an agency submission direct to the Commonwealth after consultation with the Department of the Premier and Cabinet and approval by the relevant Minister/s.

Submissions to Commonwealth Parliamentary Committees and inquiries should be prepared as if they were public documents. These documents should be concise and well-written and acknowledge all relevant Government activity.

Where the proposed written submission comments on policy matters, co-ordination and clearance arrangements are to be negotiated with the Department of the Premier and Cabinet.

Where a proposed written submission covers subject matter relevant to two or more agencies, a single coordinated submission should be prepared to ensure a consistent whole of government approach. Coordination arrangements between agencies should be negotiated appropriately for each case, in consultation with the Policy Division in the Department of the Premier and Cabinet. The department primarily responsible for preparing the coordinated submission should ensure that other agencies have an opportunity to comment.

All whole-of-Government submissions to Commonwealth inquiries or Parliamentary Committees must receive prior Cabinet approval. The Cabinet submission should also seek approval for proposed oral testimony in the case of Industry Commission inquiries (see below).

Where a proposed written submission raises issues dealing with Commonwealth/State financial arrangements or raises policy or service issues with significant resourcing implications, early consultation should be undertaken with the Treasury Department.

Cabinet Handbook

Where a proposed written submission may raise legal issues, including Queensland's obligations under Commonwealth legislation or under national/international agreements, early consultation should be undertaken with the Department of Justice and Attorney-General and the Department of the Premier and Cabinet.

Where it is proposed that a Government Owned Corporation will make a submission independently of government departments, the shareholding Minister/s must approve the submission. Where it is proposed that a statutory authority will make a submission independently of government departments, the Chairperson should approve the submission and provide a copy to the relevant Minister and Chief Executive Officer. The submission is to state clearly that it does not represent the views of the Queensland Government.

8.3.2 Oral testimony

Where it is proposed for senior officers to provide oral testimony before a Commonwealth commission or committee, the following considerations apply:

- comments should primarily focus on clarification of a written submission prepared in accordance with the above arrangements;
- officers should not comment on the merits of Queensland government policy, including alternative policy approaches, except where:
 - such comment is made in an authorised written submission and the officer is clarifying points made in the submission;
 - comment is based on other information officially released by the Queensland government (eg. comments on government policy made in a government issues paper or policy statement); or
 - the officer has specific authorisation to comment (eg. from the departmental Minister or Chief Executive Officer);
- in arranging representation at hearings dealing with joint submissions, consideration should be given to ensuring appropriate senior representation from agencies whose responsibilities are affected;
- where a joint or whole of government submission has been made to a Commonwealth inquiry, officers should ensure that their oral testimony reflects the coordinated perspectives contained in the submission. Where it is not practicable for all relevant departments to be individually represented, State representatives may request that questions falling within the administration of another department or agency be deferred until that department or agency is consulted;
- questions that cannot be reasonably addressed under the above guidelines should be taken "on notice" and a supplementary written submission provided where necessary; and
- except in cases where an officer's appearance before a Commonwealth inquiry is legally mandatory, the merits of a Queensland agency providing oral testimony should be considered and a decision taken by the relevant Chief Executive Officer.

Members of statutory authorities having a statutory role in providing public information and education may express views on the policy responsibilities of their authorities. However, care should be taken to avoid taking positions on matters of controversy outside the policy frameworks established by government.

Executives of Government Owned Corporations may express views on matters related to the commercial operations of their corporations. Expression of views on the policy frameworks established by government should be approved by the shareholding Minister/s and clearly identified as not representing the views of the Queensland Government.

Queensland officers will not provide oral testimony on policy issues at public hearings of Commonwealth inquiries except with the approval of Cabinet or, in urgent cases, the Premier, through the Department of the Premier and Cabinet.

This page left intentionally blank.

9.0 Intergovernmental Processes and Procedures

- [9.1 Principles for intergovernmental activities](#)
- [9.2 National Cabinet](#)
- [9.3 Council on Federal Financial Relations](#)
- [9.4 National Cabinet Reform Committees](#)
- [9.5 National Federation Reform Council](#)
- [9.6 Other Ministers' Meetings and Engagement](#)
- [9.7 Commonwealth-State funding agreements](#)
- [9.8 Non-financial intergovernmental agreements](#)
- [9.9 Queensland's international interjurisdictional relationships](#)
- [9.10 Free Trade Agreements, United Nations Conventions, and other international treaties](#)
- [9.11 Negotiating framework template](#)

9.1 Principles for intergovernmental activities

9.1.1 Principles

The Queensland Government will advance the best interests of Queenslanders in all intergovernmental activities.

In all intergovernmental activities, both formal and informal, Queensland Government Ministers and agencies will seek to act in accordance with the Principles for Intergovernmental Activities. General principles are outlined below. See also Chapter 9.7 for considerations specific to negotiation and entry into intergovernmental agreements.

9.1.2 Proactive

Queensland will proactively engage in intergovernmental activities with a focus on seeking out opportunities and proactively positioning Queensland by leveraging strategic negotiating frameworks at the earliest opportunity.

9.1.3 Outcomes focused

Queensland will focus on achieving the best outcomes for Queenslanders in all intergovernmental activities based on cost-benefit analysis and risk assessments.

9.1.4 Aligned to priorities

Queensland will ensure intergovernmental activities are aligned to the Queensland Government's whole-of-government interests and priorities. In doing so, agencies will also ensure intergovernmental activities align with the Human Rights Act 2019 (Qld). Early engagement with central agencies is important to ensure identification of issues in a whole-of-government context.

9.1.5 Best practice agreements

Queensland will work to ensure agreements are fit-for-purpose, ensure appropriate accountability at each level of government, and do not contribute to further overlap or duplication between levels of governments. Queensland will seek flexibility and ensure appropriate exit planning is undertaken to ensure all options remain available to Queensland.

Cabinet Handbook

9.1.6 Positive overall impact

Queensland will prioritise intergovernmental activities that maximise the positive budgetary impact on Queensland. Cost-benefit analysis will be holistic and address upfront implementation costs as well as ongoing operational costs, risks and legal liability associated with any changes in responsibility or regulatory function. This includes consideration of the impact of fiscal equalisation affecting distribution of GST revenue among states and territories.

9.2 National Cabinet

National Cabinet comprises the Prime Minister of Australia (Chair) and the Premiers and Chief Ministers of all Australian states and territories. The Premier represents Queensland on the National Cabinet.

National Cabinet is established as a Federal Cabinet Committee and operates under Cabinet rules in accordance with the [Federal Cabinet Handbook](#).

9.2.1 Queensland's membership

Queensland's participation in National Cabinet does not derogate from the sovereign authority and powers of the Queensland Government.

The Premier is Queensland's representative on National Cabinet. In the Premier's absence, the acting Premier may represent Queensland as needed.

9.2.2 National Cabinet information security

All proceedings and documentation of National Cabinet remain strictly confidential.

The information security of National Cabinet must operate in accordance with the Australian Government's [Protective Security Policy Framework](#).

The Federal Cabinet Handbook 14th Edition specifies handling requirements for National Cabinet documents. All information and materials prepared for National Cabinet are to be handled in accordance with these requirements.

All documents and associated records prepared for National Cabinet are to be marked "NATIONAL CABINET" and carry a sensitivity classification of 'OFFICIAL: SENSITIVE' or a security classification of 'PROTECTED' or higher.

Agency officials are accountable for the security of National Cabinet information held within the respective portfolio and agencies and must ensure the appropriate level security clearance is held for access to relevant sensitive and security classified information. Individuals who share National Cabinet documents within their jurisdiction must ensure recipients are made aware of how to handle National Cabinet documents and their obligations.

		Sensitive Information	Security classified information		
Classification	OFFICIAL	OFFICIAL: Sensitive	PROTECTED	SECRET	TOP SECRET
Personnel security clearance required for ongoing access	Security clearance not required (Employment screening is sufficient).	Security clearance not required (Employment screening is sufficient).	Baseline security clearance or above	Negative Vetting 1 security clearance or above	Negative Vetting 2 security clearance or above

In addition to security clearance requirements, to reduce the risk of unauthorised disclosure, access to sensitive and security classified information is only to be provided on a 'need-to-know' basis.

Cabinet Handbook

All possible security breaches must be reported to the Department of the Prime Minister and Cabinet (Commonwealth) via Intergovernmental Relations, Policy Division, DPC. Failure to adhere to security requirements may result in a security breach, removal from the system, or other sanctions as applicable under the Crimes Act 1995 and other relevant legislation.

Access to National Cabinet-related documents, is managed by Intergovernmental Relations, DPC.

9.2.3 National Cabinet coordination

The Policy Division in DPC coordinates the Premier's participation at National Cabinet.

Information prepared for, and considered by, National Cabinet may be provided to Queensland Government officials to support the briefing process, subject to information security protocols above.

National Cabinet information marked 'OFFICIAL' or 'OFFICIAL: SENSITIVE' may be distributed externally to portfolio agencies with approval of the Executive Director, Intergovernmental Relations, DPC. This information must only be shared on a strict need-to-know basis. It is the responsibility of the officer sharing the information to ensure the recipient understands the relevant information security handling requirements.

9.2.4 National Cabinet decisions and implementation

National Cabinet does not operate on a consensus decision making basis and Queensland's participation in National Cabinet does not derogate from Queensland's sovereign authority and powers. This means National Cabinet members are not bound to decisions to which they have not agreed.

The Director-General, DPC, or their delegate, will advise relevant agency Directors-General and Chief Executive Officers of National Cabinet decisions and outcomes relevant to their agency and advise of any implementation requirements.

The Premier will update relevant Ministers on National Cabinet decisions impacting their portfolio as required. Agencies are responsible for tracking the implementation of decisions for which they have been assigned implementation responsibility.

9.3 Council on Federal Financial Relations

The Council on Federal Financial Relations (CFFR) is a sub-committee of, and reports to, National Cabinet. CFFR is comprised by the Federal and state and territory Treasurers and is responsible for pursuing economic reforms and managing all Federal-State funding agreements including National Agreements and Federation Funding Agreements. CFFR is constituted as a Federal Cabinet Office Policy Committee and operates under Cabinet rules defined by the Federal Cabinet Handbook.

9.3.1 Queensland's membership

The Treasurer represents Queensland on CFFR.

Where CFFR will consider issues that impact on another Minister's portfolio, the Treasurer is responsible for ensuring affected Ministers are consulted.

9.3.2 Decision-making authority

Cabinet approval is required for Queensland agreement to any binding CFFR decisions involving:

Cabinet Handbook

- a new or materially changed policy position for Queensland Government
- amendments to Queensland legislation
- entry into Commonwealth-state funding agreements
- funding commitments
- commitment to measures with significant resourcing impacts for Queensland public service.

Chapter 9.7 sets out ministerial responsibilities for leading Cabinet processes for Commonwealth-State funding agreements.

Cabinet processes (if required) for other CFFR decisions (for example, in setting agreed policies not necessarily tied to a Commonwealth-State funding agreements) will be led by the Treasurer. For these matters:

- Where CFFR timeframes require urgent decisions and timing prevents these being progressed through the Queensland Cabinet, the Treasurer may seek agreement from the Premier (preferably in writing).
- Where possible, the Treasurer will also seek Cabinet endorsement prior to taking a position on any matter which is intended for escalation to First Ministers for decision. Where it is not possible to seek Cabinet endorsement, the Treasurer should seek the Premier's endorsement, preferably in writing.
- Where possible, the Treasurer will seek agreement from portfolio Ministers on relevant substantive reforms and/or binding decisions that may affect their portfolio.

Where CFFR is progressing substantive policy reform, early consultation with DPC should occur to determine whether a negotiating framework is required and the appropriate approval processes for any negotiating framework.

9.3.3 CFFR information security

All proceedings and documentation of CFFR are strictly confidential.

CFFR is constituted as a Federal Cabinet body and operates under Federal Cabinet rules. The Federal Cabinet Handbook 14th Edition specifies handling requirements for CFFR documents. All information and materials prepared for CFFR are to be handled in accordance with these requirements.

All documents and associated records prepared for CFFR are to be marked "NATIONAL CABINET" and carry a sensitivity classification of "OFFICIAL: SENSITIVE" or a security classification of "PROTECTED" or higher.

Agency officials are accountable for the security and handling of CFFR information held within their portfolio.

Agencies must ensure access to sensitive and security classified information is only provided to others on a 'need-to-know' principle.

Agency officials are accountable for the security and handling of CFFR information held within their portfolio.

Access to CFFR-related documents is managed by Queensland Treasury (QT).

9.3.4 CFFR coordination

QT is responsible for coordination of the Treasurer's participation in CFFR.

Cabinet Handbook

QT should ensure DPC is kept informed of the timing, agenda, potential substantive issues for discussion, and decisions, for each CFFR meeting as soon as the information is available.

9.3.5 CFFR decisions and implementation

The Treasurer should ensure the Premier is kept regularly updated in writing on the progress of CFFR's work including any decisions made by CFFR. The Premier will advise the Treasurer whether an update should be provided to Cabinet.

Where decisions of CFFR impact another agency or require implementation by another agency, the Treasurer will write to relevant Ministers, with a copy to the Premier, to outline clear expectations for implementing decisions and outcomes.

QT is responsible for ensuring CFFR decisions are implemented appropriately and monitoring implementation progress. Where possible, QT will engage with relevant agencies to inform the Treasurer's advice to the portfolio Minister on expectations for implementing CFFR decisions and outcomes.

Ministers and relevant agencies are responsible for tracking the implementation of decisions impacting their relevant portfolio.

9.4 National Cabinet Reform Committees

National Cabinet Reform Committees (NCRCs) are established to support National Cabinet to progress priority issues. National Cabinet Reform Committees report to National Cabinet and operate under Cabinet rules defined by the Federal Cabinet Handbook.

9.4.1 Establishment of NCRCs

The National Cabinet may establish NCRCs as required to support National Cabinet to progress priority issues. The work program, tenure, and other arrangements for NCRCs will be determined by National Cabinet. Each NCRC will be bound by Terms of Reference.

NCRCs are intended to provide advice to National Cabinet, with National Cabinet retaining ultimate decision-making responsibility.

NCRCs are time limited and cease to exist once National Cabinet's tasking has been completed or as otherwise determined by National Cabinet.

9.4.2 Queensland's membership

The Premier will nominate a Minister to represent Queensland on each NCRC.

If the NCRC's work program impacts a number of portfolios, the lead Minister will be responsible for working in cooperation with other relevant Ministers.

The lead Minister may delegate to another Minister to represent Queensland as needed and in consultation with the Premier, preferably in writing.

9.4.3 Expert Advisory Groups

National Cabinet may establish Expert Advisory Groups (EAGs) to support NCRCs to deliver their work program. National Cabinet may choose the composition of EAGs or determine the general parameters of the skills and expertise required. Where appropriate, Ministers should proactively advocate to ensure Queensland is appropriately represented on EAGs.

9.4.4 NCRC operating principles

The Federal Government has devised a set of principles to guide engagement with the operations of the NCRCs:

- National Cabinet establishes and tasks NCRCs.
- The NCRCs' work programs are at the direction of National Cabinet.
- Membership of NCRCs is strictly one Minister and one senior official per jurisdiction and the Federal Minister. The Federal Minister is the permanent Chair. Attendance at each meeting must be recorded and provided to the Department of Prime Minister and Cabinet, Cabinet Division.
- Experts can be co-opted to meetings as appropriate. Attendance must be approved by the Federal Cabinet Secretary.
- NCRC meetings should occur as frequently as is required to make decisions on tasking issued by the National Cabinet.
- Materials and discussions are confidential and are to be handled in accordance with the Federal Cabinet conventions and the Federal Cabinet Handbook 14th Edition.
- All material must be marked as a minimum 'OFFICIAL: SENSITIVE' 'NATIONAL CABINET'.
- Material prepared for the NCRCs and the National Cabinet can only be provided to those with a need-to-know.
- NCRC material classified 'PROTECTED' can only be provided to those with a Baseline security clearance or higher who also have a need-to-know.
- Before any NCRC material is considered for release or production (under Freedom of Information legislation, parliamentary inquiries, and judicial processes) careful consideration needs to be undertaken and consultation with the Federal Government (through DPC) should occur.
- All meetings must be conducted via secure telepresence, able to support 'OFFICIAL: SENSITIVE' discussions (as a minimum). The Ministerial Communications Network (MCN) is the preferred and best supported system. However, PM&C Cabinet Division holds a list of alternative approved platforms, which DPC can assist to identify.
- The Federal Department supporting the Chair is responsible for managing the circulation of agendas, papers and minutes to their state and territory counterparts in accordance with the Protective Security Policy Framework.
- All meetings must have an agenda and a minute must be produced to record decisions. Agendas must only cover issues which have been tasked to the NCRC by the National Cabinet. The Federal Cabinet Secretary must authorise each minute and the minute will be endorsed by the National Cabinet at the next meeting.
- Official note takers are responsible for producing the minute. All notes taken by the official note takers must be made in a Cabinet notebook issued by PM&C Cabinet Division. Three note takers are required for each meeting: one from the lead Federal Department; one from a nominated jurisdiction; and the Federal Cabinet Secretary (or their delegate).

This section should be read in conjunction with [Chapter 4.15.6](#) of the Cabinet Handbook. Agencies must ensure DPC is consulted immediately if access is sought under legislation or by courts and investigatory bodies to NCRC documents.

9.4.5 Proactive engagement

NCRCs are a key opportunity for promoting Queensland policy positions, supporting cross-jurisdictional information sharing and building relationships to support Queensland's strategic

Cabinet Handbook

agenda. Ministers should adopt a proactive position to advance Queensland's strategic policy objectives with the Federal Government and other states and territories. This includes:

- strengthening Queensland's position by proactively shaping terms of reference, work plans and agendas to ensure Queensland's priorities are pursued
- working with jurisdictions to find common ground in agenda items that deliver a net benefit to Queenslanders, and
- early engagement with other Queensland Ministers to ensure consistency in messaging.

9.4.6 Decision-making authority

It is the responsibility of the lead Minister to ensure they are prepared to represent the Queensland Government at NCRC meetings.

A negotiating framework should be developed by the lead Minister's agency to guide Queensland participation in reforms being progressed by NCRCs. Early consultation with DPC is expected to determine the approval pathway for the negotiating framework.

The lead Minister is responsible for seeking Queensland's Cabinet authorisation for any substantive binding decisions being made by the NCRC, including Queensland's position on matters which are intended to be escalated to First Ministers for decision.

Where NCRC timeframes require urgent decisions and timing prevents these being progressed through the Queensland Cabinet, or amendments are required to a Queensland Cabinet-approved position, the lead Minister may seek agreement from the Premier (preferably in writing).

Where new issues or alternative proposals arise at meetings which the Minister believes require further consideration by Cabinet/CBRC; or consultation with the Premier is required, it is the responsibility of that Minister to make this position clear to the NCRC.

The Minister should ensure the Premier is kept regularly updated in writing on the progress of the NCRC's work including any decisions made by this body. The Premier will advise the Minister whether an update should be provided to Cabinet.

9.4.7 NCRC information security

All proceedings and documentation of the NCRCs are strictly confidential.

The information security of NCRCs must operate in accordance with the Australian Government's [Protective Security Policy Framework](#).

NCRCs are constituted as committees of Federal Cabinet and operate under Federal Cabinet rules. Documents and advice prepared by NCRCs are Federal Cabinet materials. The Federal Cabinet Handbook 14th Edition specifies handling requirements for NCRC documents. All information and materials prepared for NCRCs are to be handled in accordance with these requirements.

In accordance with the NCRC operating principles (see [Section 9.4.4](#)), all documents and associated records prepared for NCRCs are to be marked 'NATIONAL CABINET' and carry a sensitivity classification of 'OFFICIAL: SENSITIVE' or a security classification of 'PROTECTED' or higher. It is not expected that information prepared for NCRCs will be classified above 'OFFICIAL: SENSITIVE'. Should Ministers or agencies need to access information at or above the 'PROTECTED' level for the purposes of the NCRC, advice should be sought from Intergovernmental Relations, DPC, who can assist where the Minister or agency does not have an appropriately secure network for receipt of the information and/or do not hold appropriate security clearances to access the information.

Cabinet Handbook

Agency officials are responsible for the security and handling of NCRC information held within their portfolio.

To reduce the risk of unauthorised disclosure, agencies must ensure access to sensitive and security classified information is only provided on a 'need-to-know' basis.

9.4.8 NCRC coordination

The lead Minister's agency is responsible for coordination of the lead Minister's participation in the NCRC.

The lead Minister's agency should ensure DPC is kept informed of the timing, agenda, potential issues for discussion, and decisions, for each NCRC meeting as soon as the information is available.

9.4.9 NCRC decisions and implementation

The lead Minister is responsible for ensuring implementation of NCRC decisions in Queensland.

Where an NCRC decision impacts another Minister's portfolio or requires implementation by another Minister's agency, it is the responsibility of the lead Minister to advise the relevant Minister in writing, with a copy to the Premier.

The lead Minister's agency is responsible for the implementation and tracking of any NCRC decisions.

9.5 National Federation Reform Council

The National Federation Reform Council (NFRC) comprises the National Cabinet, CFFR and the Australian Local Government Association. The NFRC meets annually to discuss priority national federation issues. The NFRC is not bound by the Federal Cabinet Handbook.

9.5.1 National Federation Reform Council Taskforces

The NFRC may establish Taskforces to focus on national priorities. Taskforces will report to the NFRC and will comprise Ministers with portfolio responsibilities for issues being pursued.

9.5.2 Queensland's membership

The Premier and the Treasurer will represent Queensland on the NFRC.

Queensland's representation on NFRC Taskforces will be determined by the Premier based on the nature of the reform work being pursued.

9.5.3 Proactive engagement

NFRC Taskforce are a key opportunity for promoting Queensland policy positions, supporting cross-jurisdictional information sharing and building relationships to support Queensland's strategic agenda. Ministers should adopt a proactive position to advance Queensland's strategic policy objectives with the Federal Government and other states and territories. This includes:

- strengthening Queensland's position by proactively shaping terms of reference, work plans and agendas to ensure Queensland's priorities are pursued
- working with jurisdictions to find common ground in agenda items that deliver a net benefit to Queenslanders, and
- early engagement with other Queensland Ministers to ensure consistency in messaging.

9.5.4 Decision-making authority

NFRC Taskforces

It is the responsibility of the lead Minister and their agency to ensure they are prepared to represent the Queensland Government at NFRC Taskforce meetings.

A negotiating framework should be developed by the lead Minister's agency to guide Queensland participation in reforms being progressed by NFRC Taskforces. Early consultation with DPC should be undertaken to determine the approval pathway for the negotiating framework.

Where any decision being made at the NFRC Taskforce will impact on another Minister's portfolio, it is the responsibility of the lead Minister to consult with the effected Minister.

The lead Minister is responsible for seeking Queensland's Cabinet authorisation for any substantive binding decisions being made by the Taskforce.

Where it is not possible to seek Cabinet approval, the relevant Minister should seek approval from the Premier (preferably in writing) for the proposed position to be taken.

Where new issues or alternate proposals arise at meetings which the lead Minister believes require further Cabinet or CBRC consideration or consultation with the Premier is required, it is the responsibility of that Minister to make this position clear at the NFRC Taskforce meeting.

The lead Minister should ensure the Premier and Treasurer are kept regularly updated in writing on the progress of the Taskforce's work including any decisions made by this body. The Premier will advise the Minister if an update should be provided to Cabinet.

Where decisions require implementation in another Minister's portfolio, it is the responsibility of the lead Minister to communicate the decision to the relevant Minister for implementation.

9.5.5 Information security

It is the responsibility of Ministers and agencies to maintain confidentiality of NFRC-related material. These documents should be treated as Cabinet-in-Confidence and only circulated on a need-to-know basis.

9.5.6 National Federation Reform Council coordination

DPC, in collaboration with QT, will coordinate the Premier and Treasurer's participation in the NFRC.

The relevant agency will coordinate their Minister's participation at NFRC Taskforce meetings.

The relevant agency should ensure DPC is kept informed of the timing, agenda, potential substantive issues for discussion, and decisions, for each NFRC Taskforce meeting as soon as the information is available.

9.5.7 National Federation Reform Council decisions and implementation

The Premier is responsible for ensuring Queensland Cabinet is kept informed of relevant NFRC decisions. Following a NFRC meeting, the Premier will advise relevant Ministers of key decisions requiring implementation and/or bring a Matter to Note to Queensland Cabinet, where appropriate, to ensure visibility of key NFRC decisions.

DPC is responsible for monitoring implementation of NFRC decisions in Queensland.

9.6 Other Ministers' Meetings and Engagement

Other Ministers' Meetings, outside the National Cabinet and NFRC structures, are established to provide a forum for portfolio Ministers from the Federal and all states and territories to meet and decide matters of common interest and/or requiring a national approach, undertake national regulatory responsibilities established under national or state/territory legislation and to pursue a future focused approach to public policy.

Outside of the National Cabinet and NFRC structures, Ministers are encouraged to continue to collaborate informally on national policy priorities to ensure the best interests of Queensland are pursued. In these instances, the protocols outlined in this section continue to apply.

Ministers should not establish any interjurisdictional ministerial forums without the written support of the Premier.

9.6.1 Proactive engagement

Ministers' Meetings are a key opportunity for promoting Queensland policy positions, supporting cross-jurisdictional information sharing and building relationships to support Queensland's strategic agenda. Ministers should adopt a proactive position to advance Queensland's strategic policy objectives with the Federal Government and other states and territories. This includes:

- strengthening Queensland's position by proactively shaping terms of reference, annual work plans and agendas to ensure Queensland's priorities are pursued
- working with jurisdictions to find common ground in agenda items that deliver a net benefit to Queenslanders, and
- early engagement with other Queensland Ministers to ensure consistency in messaging.

Ministers' Meetings are established by National Cabinet but do not report to National Cabinet unless specially requested to by National Cabinet.

Ministers' Meetings fall into two categories: Ongoing; and time-limited/meet as needed.

9.6.2 Ongoing Ministers' Meetings

Ongoing Ministers' Meetings oversee national policy implementation in areas of key service delivery, advise the Council on Federal Financial Relations on policy matters relevant to national funding agreements, and oversee national regulatory arrangements. Ongoing Ministers' Meetings are subject to review every two years by First Secretaries Group, which will make recommendations to National Cabinet.

9.6.3 Time-limited/meet as needed Ministers' Meetings

Time-limited and meet as needed Ministers' Meetings oversee reform implementation, implement national regulatory functions, and meet specific tasks set by National Cabinet. Time-limited and meet as needed Ministers' Meetings are reviewed nationally every 12 months.

9.6.4 Queensland's membership

The Premier will nominate a lead Minister to represent Queensland for each Ministers' Meeting.

Where the Ministers' Meeting will consider issues that impact on another portfolio, the lead Minister will be responsible for ensuring affected Ministers are appropriately consulted.

9.6.5 Decision-making authority

It is the responsibility of Ministers and their agencies to ensure they are prepared to represent the Queensland Government at Ministers' Meetings.

Queensland's Cabinet authorisation should be sought for any decisions that would have a significant fiscal or regulatory impact on the state, may constrain the government's ability to develop or amend policy, or would have a considerable impact on relations with Commonwealth, local and other state and territory governments.

Where it is not possible to seek Cabinet approval, the relevant Minister should seek approval from the Premier (preferably in writing) for the proposed position to be taken. The Intergovernmental Relations team, DPC, can provide advice to agencies on matters where it is unclear if Cabinet or Premier approval is required.

Where new issues or alternate proposals arise at meetings which the Minister believes require further Cabinet or CBRC consideration or consultation with the Premier is required, it is the responsibility of that Minister to make this position clear to the Ministers' Meeting.

Where out-of-session voting is sought as part of the operation of a Ministers' Meeting, the Minister should ensure the Premier is kept regularly updated in writing of any positions that is not consistent with existing Queensland policy positions or would have a fiscal or regulatory impact on the state.

The Minister should ensure the Premier is kept regularly updated in writing on the progress of the Ministers' Meeting's work including any decisions made by this body. The Premier will advise if an update needs to be provided to Cabinet.

9.6.6 Information security

It is the responsibility of Ministers and agencies to maintain confidentiality of Minister's Meetings information. Information should be circulated strictly on a need-to-know basis.

9.6.7 Decisions and implementation

The lead Minister is responsible for implementation and tracking of any Ministers' Meeting decisions.

The lead Minister may delegate, in writing, the implementation of a decision to another Minister where appropriate, with a copy to the Premier.

9.6.8 Ministers' Meetings sub-committees and officials working groups

Ministers' Meetings are encouraged to establish a streamlined and agile supporting architecture including sub-committees and senior officials working groups. Where appropriate, the principles outlined in this section continue to apply for Queensland participation on sub-committees and working groups.

9.6.9 Other ministerial intergovernmental engagement

Outside the formal Ministers' Meetings structure, Ministers may continue to collaborate to exercise regulatory powers or negotiate complementary legislation.

Ministers are also encouraged to continue to work proactively and cooperatively with their interjurisdictional colleagues to pursue policy outcomes for Queensland. When undertaking these activities, the measures outlined at the introduction to this chapter should be considered.

9.6.10 Establishing new interjurisdictional ministerial forums

Given National Cabinet's shared objective to reduce the number of Ministers' Meetings, and to limit the remaining Ministers' Meetings to decision making on key priorities, Ministers should not establish any interjurisdictional ministerial forums without first receiving written support from the Premier.

9.7 Commonwealth-State funding agreements

National Cabinet has tasked the Treasurers, through the Council on Federal Financial Relations (CFFR), with responsibility for all Commonwealth-State funding agreements (including bilateral agreements). National Cabinet has also tasked CFFR to ensure these agreements are streamlined and do not place significant administrative burden on jurisdictions.

Accordingly, CFFR acts as the gatekeeper for all Commonwealth-State funding agreements and has issued Federation Funding Agreements Process Operational Rules (FFAPORs) outlining expectations around management of the pipeline of new agreements, and regular reporting on agreements.

In leading Commonwealth-state funding agreements, QT works in close partnership with DPC.

9.7.1 Federation Funding Agreements Process Operational Rules

CFFR has endorsed a set of rules for development and execution of funding agreements – the FFAPORs. These rules provide specific guidance on how agreements should progress to meet CFFR's expectations. It is the collective role of Treasurers' Departments, in consultation with First Ministers' Departments, to ensure that the FFAPORs are followed.

Agencies should ensure negotiations are underpinned by the FFAPORS, the [Intergovernmental Agreement for Federal Financial Relations](#) and the Queensland Government Intergovernmental Principles (see [Chapter 9.1](#)).

9.7.2 CFFR's leadership role

CFFR retains visibility of all funding agreements through a reporting process, in which CFFR considers the strategy for each forthcoming agreement, allowing CFFR to choose to provide specific guidance, receive oral updates on progress, or negotiate key aspects of certain agreements (among other options).

CFFR will provide direction on its requirements for progression of each agreement, including whether Treasurers will negotiate the economic and fiscal aspects of the agreements or delegate negotiation on the economic and fiscal aspects of the agreement to portfolio ministers.

Agencies will work with QT to support the Treasurer with CFFR's leadership role and support the negotiation of agreements in a timely manner. This may include proactive policy work or preliminary without prejudice negotiations. Agencies should consult with QT for further advice.

CFFR may also provide directions on the negotiation and execution process such as:

- Providing and/or receiving written guidance on the content of the agreement
- Requesting oral or written updates on the progress of negotiations at future CFFR meetings
- Reviewing the agreement for consistency with the standard terms and conditions and the FFAPORs
- Specifying that the agreement be executed by CFFR
- Requiring no further action.

The Treasurer will communicate these requirements to relevant Ministers as they arise.

9.7.3 Negotiation and approval pathway for Commonwealth-State funding agreements

The negotiation and approval pathway for funding agreements will differ depending on an assessment of risk and economic, fiscal or policy impact.

It is the responsibility of agencies to ensure DPC and QT are immediately informed of the commencement of any negotiations. If a Minister, other than the Treasurer, has received official correspondence on a new or varied funding agreement, the Portfolio Minister should formally refer the correspondence to the Premier and the Treasurer for consideration and action/advice.

Queensland Ministers and agencies will take a proactive approach to all negotiations to ensure Queensland is strongly positioned to maximise outcomes. Queensland Ministers will ensure all negotiations are conducted in accordance with the Intergovernmental Principles (see [Chapter 9.1](#)).

Portfolio Ministers, in consultation with the Premier and the Treasurer, will be responsible for ensuring Queensland Cabinet or Cabinet Budget Review Committee (CBRC) approval is sought for a proactive negotiating strategy and/or framework at the outset of discussions on any major agreements.

The Treasurer is responsible for seeking the Premier's approval as chair of Cabinet and CBRC for appropriate processes for the execution of all Commonwealth-state funding agreements, including new agreements, and extensions and/or variations to existing Commonwealth-state funding agreements.

Generally, CBRC endorsement should be sought for execution of new agreements, and extensions and/or variations to existing Commonwealth-state funding agreements, however, the Treasurer may seek the support of the Premier to vary these requirements, based on an assessment of risk and economic, fiscal or policy impact.

9.7.4 Negotiating frameworks

Negotiating Frameworks are an important tool for ensuring Queensland's interests are best served in intergovernmental funding negotiations. The level of detail required in a negotiating framework will vary depending on the status and importance of the negotiation. However, as a minimum a negotiating framework will identify:

- the key risks to the state and proposed mitigation strategies
- threshold clauses that must be included in the final agreement
- threshold clauses that must not be included in the final agreement
- tangible options to incentivise Queensland's agreement
- strategies to minimise the fiscal exposure to Queensland
- options to exit negotiations including the risks and implications associated

While the content of negotiating frameworks will be refined as negotiations progress, it is important that agencies take a proactive role to ensure Queensland is best positioned from the negotiations. There is no need to wait for Commonwealth or other state and territory priorities to be known before developing a Queensland negotiating framework based on the best possible outcomes for Queensland.

Agencies should seek advice from DPC and QT in developing negotiating frameworks.

A suggested negotiating framework template forms Chapter 9.11.

Cabinet Handbook

General guidance on basic Queensland positioning on key elements of funding agreements is provided in Chapter 9.11. Deviations from these positions may be considered in exceptional circumstances but should be the subject of consultation with DPC and QT, and the reasons for any variance explained in Cabinet and CBRC submissions seeking approval for the negotiating framework.

9.7.5 General process for Treasurer-negotiated agreements

The following process will generally apply for agreements negotiated by the Treasurer.

The Treasurer will work closely with relevant Portfolio Ministers to negotiate these agreements. Unless otherwise determined by the Premier or the Cabinet, these agreements will be signed by the Treasurer on behalf of Queensland.

In supporting the Treasurer and Portfolio Minister with these negotiations, QT and agencies will consult with the DPC at the earliest opportunity and throughout the negotiation process.

At the commencement of negotiations, the Treasurer and relevant Portfolio Minister will bring advice to Cabinet Budget Review Committee and seek endorsement of a negotiating framework (in accordance with Chapter 9.11).

The Treasurer will be responsible for ensuring the Premier is kept updated on the progress of negotiations, including unresolved fiscal or policy elements. The Premier will advise the Treasurer if an update on the negotiations (including seeking authority for an updated negotiating framework) should be provided to Cabinet.

At the completion of negotiations, the Treasurer and relevant Portfolio Minister should seek Cabinet Budget Review Committee endorsement to sign the agreement on behalf of Queensland. However, the Treasurer may seek the support of the Premier to vary these requirements as needed, based on an assessment of risk and economic, fiscal or policy impact.

9.7.6 General process for Minister-negotiated agreements

The following process will generally apply for agreements negotiated by portfolio ministers.

Portfolio Ministers and their agencies will lead the negotiation of these agreements. Unless otherwise determined by the Premier, Treasurer or Cabinet, Portfolio Ministers will sign these agreements.

The Treasurer will be responsible for ensuring the relevant Portfolio Minister is advised of any requirements in relation to:

- Cabinet/Cabinet Budget Review Committee considerations
- consultation with other agencies
- the content of the agreement (over and above what is already provided by the FFAPORs)
- expected frequency and format of updates on the progress of negotiations
- the proposed signatory to the agreement.

As soon as practicable at the commencement of negotiations, the lead agency will submit a negotiating framework to QT for consideration. QT will consult with DPC, and QT will advise the agency if the negotiating position requires consideration by Cabinet Budget Review Committee, Cabinet or by the Treasurer and/or Premier via correspondence.

Agencies should continue to engage QT in the consideration and negotiation of fiscal implications associated with these agreements.

Cabinet Handbook

For agreements of a routine or low-value nature, a streamlined negotiating framework can be developed between agencies and QT.

At the completion of negotiations, the relevant Portfolio Minister should write to the Treasurer to seek endorsement for the proposed Queensland Government final position on the Agreement, such as a recommendation to sign.

The Treasurer may recommend to the Premier that a proposed position on the agreement requires CBRC consideration or may seek the support of the Premier to exempt the agreement and authorise the Minister to progress the final position on behalf of Queensland.

This process may be varied by agreement between the Portfolio Minister, the Treasurer and Premier, preferably in writing.

9.7.7 Variations to existing funding agreements

Once finalised, agreements may be varied for several reasons. The process for variations will vary depending on the impact of the proposed variation. While variations that result in an increased fiscal impact or increased fiscal risk may require CBRC consideration, some variations, such as those that are extremely low risk, may not require further approvals.

Portfolio Agencies should seek guidance from QT as soon as they are aware that an agreement requires variation. QT will consult with DPC and advise the Portfolio Agency of the appropriate negotiation and approval process for the Queensland position on the variation.

If QT and DPC determine the variation is extremely low risk and that further approvals are not required, the Minister may proceed to finalise the variation on behalf of Queensland and should write to the Treasurer, copying the Premier, to advise once the variation has been signed.

9.7.8 Renewal of existing agreements

Existing agreements may be renewed for various reasons. While renewals that result in an increased fiscal impact or increased fiscal risk may require CBRC consideration, some renewals, such as those that are extremely low risk may not require further approvals.

When an existing agreement is renewed, the renewal is usually in the form of a new agreement, rather than continuation of the existing agreement. The new agreement should go through the processes for a new agreement as per Chapter 9.7.5 and 9.7.6.

If the existing agreement is continued, then this is considered a variation to the existing agreement and should go through the processes per Chapter 9.7.7.

9.7.9 Performance and risk reporting

The Premier is responsible for ensuring Cabinet is kept informed of Queensland's performance under intergovernmental funding agreements. DPC will oversee regular risk and performance reporting with the support of Queensland Treasury. DPC, with the support of Queensland Treasury, will also lead Queensland's participation in any whole-of-government performance reporting.

9.7.10 Implementation

Portfolio Ministers remain responsible for implementing funding agreements relevant to their portfolio, including those executed by the Treasurer. Portfolio Ministers will ensure the Treasurer is kept up to date on the status of implementation and will write to the Treasurer (copying in the Premier) as soon as feasible to escalate any significant risks to Queensland's ability to meet implementation requirements.

9.8 Non-financial intergovernmental agreements

Unless otherwise specified, non-financial intergovernmental agreements remain the responsibility of the portfolio Ministers and their agencies.

9.8.1 Non-financial agreements (such as intergovernmental agreements, non-financial bilateral agreements and memorandums of understanding)

The process for negotiation and approval of non-financial agreements will be considered on a case-by-case basis, depending on the agreement's broader economic and policy impacts. Agencies should seek advice from DPC on these agreements as soon as possible.

9.8.2 Agency Level Agreements

The process for financial and non-financial agreements which are to be signed by agency officials will be considered on a case-by-case basis, depending on the agreement's broader economic and policy impacts. Agencies are encouraged to seek advice on these agreements from DPC as soon as possible.

9.9 Queensland's international interjurisdictional relationships

9.9.1 Queensland Government process for foreign arrangements under Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020 (Cth)

The Queensland Government has implemented a decentralised approach to meeting its obligations under the Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020 (Cth) (the Act) are met. Accordingly, agencies are responsible for ensuring they familiarise themselves with Act and make decisions in accordance with the legislation.

The Act seeks to ensure arrangements between state/territory entities and foreign entities do not adversely affect Australia's foreign relations and are not inconsistent with Australia's foreign policy (called the 'foreign policy test').

Broadly, the Act applies to foreign arrangements (legally binding or not) between a 'State/Territory Entity' and 'Foreign Entity'. A 'state/territory entity' includes any agency of the government, local governments, and public universities.

The Act creates a tiered system for arrangements based on the parties involved:

- core foreign arrangements – between a 'state/territory entity' and foreign nation.
- non-core foreign arrangements – between a 'state/territory' and foreign sub-national government and any arrangements between local governments and universities and foreign entities.
- subsidiary arrangements – agreements designed to implement a foreign arrangement. This may include commercial contracts.

The Act establishes the Foreign Arrangements Scheme which imposes new obligations on Queensland, for example, relating to negotiation of, and entry to, all new foreign arrangements from 10 March 2021.

The Foreign Affairs Minister has power to approve or reject negotiations or declare a 'state/territory entity' cannot enter an arrangement.

The Act requires details of foreign arrangements and decisions be available on a Public Register. The Public Register is available at <https://www.foreignarrangements.gov.au/>.

9.9.2 Agencies' responsibility for compliance with the Act

Ministers are ultimately responsible for ensuring their portfolio entities comply with the Act. This includes when agencies are considering, negotiating, entering or declaring foreign arrangements.

All agencies should familiarise themselves with obligations under the Act, and appropriate processes should be embedded within agencies to ensure compliance within all current and future business operations.

Agencies should consult with DPC early on any foreign arrangements intended to be negotiated or entered by their Minister and agency.

9.9.3 Requirement to notify the Premier when negotiating or entering arrangements

Ministers are required to notify the Premier, in writing, as the earliest opportunity, where the Minister reasonably believes, in the context of the Act, the negotiations of, or entry in to, a foreign arrangement may carry a level of risk to Queensland requiring the Premier's attention. In writing to the Premier, the Minister should identify information regarding the:

- foreign arrangement generally (including proposed parties, dates and scope)
- significance of the arrangement to Queensland (including benefits and alignment with government's strategic priorities)
- risks to Queensland (e.g., fiscal, legal, or reputational) in the context of the Act, and appropriate mitigation or negotiation strategies to respond to these (including whether further approvals such as Cabinet consideration may be appropriate).

Where a Minister has entered any foreign arrangement subject to the Act, the Minister is required to notify the Premier in writing, and provide a copy and details of the arrangement, confirming obligations of the Act have been complied with.

Where a foreign arrangement covers two or more agencies, the Minister with primary responsibility for preparation, negotiation, or signing, of the arrangement is required to notify the Premier in consultation with other relevant Ministers.

9.9.4 Requirement to notify of adverse declarations by the Federal Government

Where the Minister for Foreign Affairs makes an adverse declaration under the Act regarding a foreign arrangement involving a portfolio entity the Minister is responsible for, the Minister must immediately inform the Premier in writing, and advise on consequences of, and appropriate mitigation strategies in response to, the declaration.

9.9.5 Usual Queensland Government processes apply to foreign arrangements

Existing Cabinet and Cabinet Budget Review Committee processes should be followed for foreign arrangements with significant or sensitive policy issues or budgetary and fiscal implications.

Existing approvals and signatories for certain foreign arrangements will continue, for example:

- The Premier will sign sister-state arrangements or state-wide memoranda of understanding where appropriate.

- The Minister for Trade will sign trade and investment related arrangements, where appropriate.
- The Premier may delegate the signing of any foreign arrangement to another Minister, or their appropriate delegate.

9.9.6 Queensland's Central Foreign Arrangements Registry

DPC will maintain a registry of all foreign arrangements entered by the Queensland Government under the Act.

Immediately following declaration of any foreign arrangement to the Federal Government, agencies must provide DPC with a copy of the arrangement and the information declared about it for inclusion on the central registry. This can be sent by email to: foreignarrangements@premiers.qld.gov.au.

9.10 Free Trade Agreements, United Nations Conventions, and other international treaties

The Federal Government leads Australia's involvement in Free Trade Agreements (FTAs), United Nations (UN) Conventions, and other international treaties. DPC leads the Queensland Government's engagement with the Federal Government on these matters. To inform this engagement, DPC consults with other Portfolio Agencies as needed.

9.10.1 Free Trade Agreements

The Federal Government is Australia's representative on the global stage when negotiating FTAs with other countries or trading blocs. Under Australia's federated system, responsibility for relevant areas of interest under an FTA may fall under the legislative and regulatory authority of States and Territories. The Federal Government, represented by DFAT, liaises with State and Territory jurisdictions to seek views and positions on matters to be included in an FTA.

To ensure a coordinated approach to all FTAs and a whole of government view, DPC receives all requests from DFAT. DPC will circulate information updates and requests for input as necessary. If necessary, DPC may also brief Cabinet on significant matters relating to FTAs and their negotiation or implementation.

Australia's agreement to FTAs may place long term obligations on the state. It is the responsibility of relevant Ministers and agencies to ensure the Queensland Government remains compliant with these obligations.

9.10.2 United Nations Conventions and other international Treaties

Power to enter into treaties is an Executive power vested in the Federal Government by the Australian Constitution. While these agreements are signed at the Federal level, such agreements, have implications for the operation of state and territory jurisdictions.

Similar to the negotiation of FTAs, Queensland's position on the negotiation of United Nations Conventions and other international treaties are led through DPC. Many international agreements and multilateral institutions have reporting requirements or reviews to ensure jurisdictions are meeting their obligations. Such exercises are led nationally by DFAT with requests sent to state and territory jurisdictions. DPC coordinates these requests and relies on Portfolio agencies to provide information as content experts. Timeframes for these requests are outside the control of DPC, although endeavours are made by DPC to ensure the maximum time is provided for agencies. It is the responsibility of agencies to provide relevant, succinct information relating directly to the request circulated by DPC within the required timeframes.

9.11 Negotiating framework template

Queensland Negotiating Framework for the [INSERT AGREEMENT]

This framework template is a guide and agencies may need additional advice for individual negotiations. Agencies should work with QT and DPC to ensure the negotiating frameworks are fit for purpose for the relevant negotiations.

Purpose

1. Outline the purpose for the negotiating framework, including the status of the negotiations at the time the framework has been developed.

Queensland Government principles for intergovernmental activities

2. Negotiations will be undertaken in accordance with the Queensland Government principles for intergovernmental activities. The principles are designed to guide assessments of participation of the Queensland Government in current and future intergovernmental activities.

a. Proactive

Queensland will proactively engage in intergovernmental activities with a focus on seeking out opportunities and proactively positioning Queensland by leveraging strategic negotiating frameworks at the earliest opportunity.

b. Outcomes focused

Queensland will focus on achieving the best outcomes for Queenslanders in all intergovernmental activities based on cost-benefit analysis and risk assessments.

c. Aligned to priorities

Queensland will ensure intergovernmental activities are aligned to the Queensland Government's whole-of-government interests and priorities. In doing so, agencies will also ensure intergovernmental activities align with the Human Rights Act 2019 (Qld). Early engagement with central agencies is important to ensure identification of issues in a whole-of-government context.

d. Best practice agreements

Queensland will work to ensure agreements are fit-for-purpose, ensure appropriate accountability at each level of government, and do not contribute to further overlap or duplication between levels of governments. Queensland will seek flexibility and ensure appropriate exit planning is undertaken to ensure all options remain available to Queensland.

e. Positive overall impact

Queensland will prioritise intergovernmental activities that maximise the positive budgetary impact on Queensland. Cost-benefit analysis will be holistic and address upfront implementation costs as well as ongoing operational costs, risks and legal liability associated with any changes in responsibility or regulatory function. This includes consideration of the impact of fiscal equalisation affecting distribution of GST revenue among states and territories.

Cabinet Handbook

Negotiation process

3. Treasurers and the Council of Federal Financial Relations (CFFR) oversee all intergovernmental funding agreements.
4. CFFR have established Federation Funding Agreements to set out the core agreed terms and conditions for most funding agreements. Accordingly, negotiations should consider CFFR's Principles of Federation Funding Agreements and the Intergovernmental Agreement on Federal Financial Relations.
5. Negotiations should aim to develop agreements/schedules which are similar to, and compatible with, Federation Funding Agreements.

Negotiating principles for the [INSERT AGREEMENT]

6. What is Queensland's strategic goal from these negotiations?
7. At a high level, what are the key principles that will guide Queensland's negotiations. These will need to be tailored to the specific negotiations being undertaken and cover key threshold matters to the state.

Cabinet Handbook

Queensland's negotiating position on proposed [INSERT AGREEMENT]

This table outlines the key factors of the Schedule to the Federation Funding Agreement (FFA), anticipated Federal Government position and proposed Queensland positions. Queensland's position should include a preferred position and identify a suitable fall back. Add additional rows as required. If the issue is a threshold matter for the state, the framework should indicate why and identify the outcome should the Federal Government not agree. The table will need to be tailored if negotiations are for an intergovernmental agreement or other funding agreement.

Factors	Anticipated Federal Government position	Queensland position
Duration	Outline anticipated Federal Government position	General statement about Qld's preference. Identify if there are any threshold considerations for this matter. <i>Preferred position</i> Outline Qld's preferred position. <i>Fallback position</i> Outline a fallback position/s.
Purpose	Outline anticipated Federal Government position	General statement about Qld's preference. Identify if there are any threshold considerations for this matter. <i>Preferred position</i> Outline Qld's preferred position. <i>Fallback position</i> Outline a fallback position/s.
Roles and Responsibilities	Outline anticipated Federal Government position	General statement about Qld's preference. Identify if there are any threshold considerations for this matter. <i>Preferred position</i> Outline Qld's preferred position. <i>Fallback position</i> Outline a fallback position/s.
Estimated financial contributions	Outline anticipated Federal Government position	General statement about Qld's preference. Identify if there are any threshold considerations for this matter. <i>Preferred position</i> Outline Qld's preferred position. <i>Fallback position</i> Outline a fallback position/s.
Additional terms	Outline anticipated Federal Government position	General statement about Qld's preference. Identify if there are any threshold considerations for this matter. <i>Preferred position</i>

Cabinet Handbook

Factors	Anticipated Federal Government position	Queensland position
		Outline Qld's preferred position. <i>Fallback position</i> Outline a fallback position/s.
Reporting requirements	Outline anticipated Federal Government position	General statement about Qld's preference. Identify if there are any threshold considerations for this matter. <i>Preferred position</i> Outline Qld's preferred position. <i>Fallback position</i> Outline a fallback position/s.
Performance requirements	Outline anticipated Federal Government position	General statement about Qld's preference. Identify if there are any threshold considerations for this matter. <i>Preferred position</i> Outline Qld's preferred position. <i>Fallback position</i> Outline a fallback position/s.

10.0 Caretaker arrangements

By accepted convention, the government assumes a 'caretaker' role in the period immediately before an election and special arrangements apply to the operation of government. Every election carries the possibility of a change of government, and decisions that bind the incoming government are not normally made during this caretaker period.

In accordance with the Constitution of Queensland 2001 (the Constitution), commencing from the 2020 State General Election, elections are held in Queensland every four years on the last Saturday in October, unless the Legislative Assembly has been otherwise dissolved under the Constitution. Under Part 2A of the Constitution, the Governor is to dissolve the Legislative Assembly and issue the writ 26 days before the polling day.

The 'caretaker period' begins at the time the Legislative Assembly is dissolved and concludes when the election result is clear if the Government is to be returned to office, or if there is to be a change of Government, when the new Government is sworn in by the Governor.

The [Guidelines on the Caretaker Conventions](#) is the Queensland Government guidance on caretaker matters.