

Appendix B

Guidelines for the Preparation of Cabinet Submissions¹

Introduction

Information relating to matters requiring Cabinet consideration, co-ordination of policy proposals, handling of Cabinet papers and the announcement of Cabinet decisions and subsequent action will be discussed.

Drafting of Submissions

Submissions, whether to Cabinet or to a Cabinet Committee, should be prepared in the following manner:

Length: Submissions should be drafted to bring out essential issues or items. They should be kept short and in general not exceed 3–4 pages. Any necessary attachments to the Submission should be kept to a minimum.

Title: A brief and descriptive title indicating the subject matter for consideration should head the Submission. The heading should be as specific as practicable and show, as appropriate, the short title of any Act proposed to be amended, or of any proposed Bill where new legislation is involved.

Body of the Submission: this should be divided into parts as suggested below, in order to produce a clear and logical exposition of the subject. Paragraphs in the body of the Submission should be numbered consecutively.

- *Purpose of Submission* – the opening paragraph should reveal its purpose.
- *Background* – a brief summary of the events leading up to the proposal, including references to any previous considerations of the subject by the Cabinet or Committee.
- *Issues for Consideration* – treated separately in subparagraphs as necessary.
- *Interdepartmental Consultation* – reference to interdepartmental consultation should be made in the Submission and where there are differences these should be mentioned.

¹ Reproduced and adapted from the *Handbook on Legislation*, with the permission of the Attorney-General of the Commonwealth of Australia.

- *Financial Considerations* – costs of the proposal or savings, should be stated. If proposals affect revenue or the tax pattern, they should be developed in consultation with the Treasury and, as necessary, with the Treasurer, or the Permanent Secretary to the Ministry of Finance.
- *Employment Considerations* – where significant employment effects are likely to result from adoption of the proposals, these should be stated.
- *Legislation* – where approval of a recommendation would involve legislation, reference to this should be made in the Submission and an adequate statement of the nature of the proposed legislation should be presented. The Submission should indicate:
 - whether a completely new Act is required;
 - in the case of proposals involving amending legislation, the short title or titles of the Act or Acts affected;
 - whether there is any particular degree of urgency associated with the legislation, for example whether it has to be in force by a particular date;
 - whether there is any other legislation (to be named) which needs to be drafted or otherwise dealt with in association with the proposed legislation.

In connection with the last two points, reference should be made to any Legislation Committee decision concerning inclusion of the proposed legislation in the legislation programme for a period of Parliamentary Sittings.

- *Recommendations* – the Submission should conclude with a summary of recommendations for which Cabinet approval is sought.

The recommendations should contain no argument or evidence, but should be confined to the action recommended to the Cabinet. The recommendations should stand on their own, although reference may be made as appropriate to the supporting paragraph in the Submission. In effect, the language of the recommendations should be as close as possible to the language of the necessary Cabinet Decision. Care should be taken to ensure that the recommendations are comprehensive, i.e. they should cover all proposals advanced in the Submission.

Attachments and cross-references: Where in the body of a Submission a reference is made to an attachment, that reference should be underlined and it should be made clear which paragraph of the attachment is referred to.

Cabinet decisions of earlier administrations – Quotation of, and explicit references by number and date to, Cabinet Decisions of earlier administrations

should be avoided. According to the conventions which apply in this area, it is desirable that new Governments do not in the normal course have access to Cabinet and other personal or confidential papers of earlier administrations.

Where a particular decision needs to be known, the preferable course is for a new Government to be advised of such of its terms as are necessary, but without providing access to the decision itself and all the associated papers. However, the conventions permit access to Cabinet files by incoming administrations in particular circumstances for the purpose of discovering what operative decisions have actually been made and ascertaining the content of communications in fact made between the Governments and outside persons or authorities.

Date of Submission

The date the Submission is forwarded to the Cabinet Secretariat should be shown on the bottom left-hand corner of the last page of the Submission.

Number of copies

The Cabinet Secretariat will state the number of copies required of each Submission and any attachments.

Time factor

Unless circumstances are exceptional, a strict '*day rule*' will apply; that is, in order to be taken in Cabinet, a Submission must have been circulated to Ministers at least three clear working days beforehand. As far as possible, Submissions should not be listed for the Cabinet or a Cabinet Committee for consideration less than ten days following circulation. If there is any urgency for Cabinet consideration this should be mentioned, for example:

- where Cabinet has requested a report by a certain date
- where some agreement or Treaty is due for renewal
- where legislation has to be in force by a particular date
- where inter-governmental or other discussions are scheduled for a particular date.

Security

Cabinet documents are to be protected, in accordance with standing instructions on the security of official documents, and their confidentiality maintained.

Physical preparation of Cabinet Submissions paper

- Size A4
- Printed on special paper with the appropriate security classification printed in red at the top and bottom of each page
- Typeface not smaller than [one] pica except in columnar attachments
- Page numbers to be shown at the top (centre) of each page
- Attachments
 - each Submission and its attachments should be page-numbered comprehensively, that is, beginning at the first page of the Submission and running through to the last page of the last attachment
 - Where an attachment is so bulky that it is preferable that it is separate or is a bulky report already printed, it may have separate page numbering. A cover should be attached showing appropriate security classification.

FORMAT OF CABINET SUBMISSIONS**CONFIDENTIAL***(or other security classification)*

Submission No.....

Copy No.....

Purpose of Submission

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Background

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Issues for Consideration

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Interdepartmental-Ministerial Consultations

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Financial Considerations

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Employment Considerations

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Legislation

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Recommendations

*Minister for.....**Date*