

# The Queensland Cabinet Handbook

## Governing Queensland



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*Cabinet Handbook*

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## Information security

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# Introduction

The Constitution of Queensland 2001 provides that there must be a Cabinet consisting of a Premier and other Ministers.

Cabinet is the principal decision-making body of the Queensland Government.

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

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
- to allow for the highest quality collective decision-making.

The Cabinet Secretariat within the Department of the Premier and Cabinet (DPC) facilitates the operation of Cabinet and its related processes, by providing advisory and administrative support to Ministers and departments in accordance with this Handbook.

## *Application of this Handbook*

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

## *Review of this Handbook*

The Handbook is reviewed periodically. Substantive updates are approved by the Premier or Cabinet. Minor administrative updates are approved by the Cabinet Secretary.

## *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

Cabinet is responsible for the development and coordination of the policies of the government and must adhere to fundamental principles that:

- 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 ongoing confidentiality of Cabinet and related records shall be maintained unless documents are released with Cabinet's express authority
- 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
- Cabinet collectively, and Ministers individually, are responsible and accountable to the Crown, the Parliament, and ultimately the electorate.

### 1.2 The Cabinet and collective responsibility

Cabinet comprises all Ministers, with the Premier as the Chairperson.

The Premier presides at all Cabinet meetings. The Deputy Premier may preside in the Premier's absence, with the Premier's prior agreement. Ministers are expected to attend every meeting unless leave has been granted by the Premier.

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. This ensures collective responsibility, and enhances collective adherence to all decisions made in Cabinet. Cabinet decisions reflect collective conclusions and are binding on all Ministers as government policy. All Ministers are required to give their support in public to collective decisions of the Cabinet and the government. If a Minister is unable to publicly support a Cabinet decision, the proper course is to resign from Cabinet.

Ministers should exercise caution in commenting publicly on matters outside their portfolio area and ensure any comments maintain the collective responsibility of Cabinet.

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 Management of Conflicts of Interest

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

The Ministerial Handbook and Ministerial Code of Conduct require Ministers to 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 at all meetings of Cabinet and Cabinet Committees whereby the meeting Chair asks Ministers attending the meeting to declare any conflicts of interest between personal interests held by them, or members of their immediate families, and the matters before the meeting.

Where Integrity Commissioner advice has been obtained in relation to a conflict of interest matter, prior to the meeting, this may be tendered at the meeting by providing a copy to the Cabinet Secretary.

Where a Minister has a conflict of interest with a matter being considered by Cabinet or a Cabinet committee, unless the matter under consideration concerns 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.

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 any declarations related to conflicts of interest and if the Minister withdrew from the meeting during consideration of the relevant matter.

### 1.4 Matters for consideration by Cabinet

It is ultimately a decision for the Premier whether a matter proceeds to 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 status of Cabinet decisions and key government commitments
- proposed discussion papers for public consultation and major policy statements of government

- 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 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 (including non-financial intergovernmental agreements and matters arising from intergovernmental forums) that may constrain the government's ability to develop or amend policy, e.g. 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 National Cabinet
- all appointments defined as Significant Appointments in **5.1.1.6 Significant Appointment**
- 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
- proposed significant commercial activities or significant expansion of existing commercial activities
- government responses on Private Members' Bills
- Consultation Impact Analysis Statements (IAS) prior to release for public consultation (except where Cabinet has already considered the policy issue and the relevant portfolio minister has determined that Cabinet approval is not required)
- Decision IASs for regulatory proposals
- proposals that have significant national competition policy implications.

If uncertain about whether a matter requires Cabinet consideration, Ministers should seek advice from the Premier or the Cabinet Secretary. Similarly, departments should seek advice from the office of their Minister, the Cabinet Secretary, or The Cabinet Office, DPC.

### 1.5 Definition of Cabinet documents

Cabinet documents are documents, which if disclosed, would reveal any consideration or deliberation of Cabinet, or otherwise prejudice the confidentiality of Cabinet considerations, deliberations or operations.

Documents which are comprised exclusively of Cabinet information under the terms of the *Right to Information Act 2009* are:

- Cabinet submissions

## CABINET HANDBOOK

- Cabinet briefing notes
- Cabinet agendas
- notes of discussions in Cabinet
- Cabinet minutes
- Cabinet decisions, and
- drafts of any of the above documents.

Examples of other Cabinet documents in addition to those listed in the *Right to Information Act 2009* include:

- reports and attachments that have been brought into existence for the purpose of consideration by Cabinet
- 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
- legislative proposals, Bills, explanatory notes and Explanatory speeches
- material brought to Cabinet to supplement Cabinet submissions, including audio-visual presentations, slides, charts, overheads and explanatory texts
- corrigenda to Cabinet submissions
- briefing papers prepared for Ministers or Chief Executive Officers in relation to matters submitted or proposed to be submitted to Cabinet
- reports generated by the Cabinet Secretariat or agencies which show Cabinet submissions or proposed Cabinet submissions
- correspondence between Ministers and/or the Premier that proposes matters to be raised in Cabinet
- consultation comments on advance and final Cabinet submissions
- all other minutes, correspondence between Ministers and other material that relate to Cabinet matters, e.g. letters seeking waiver of all or part of the Cabinet process or minutes seeking comments on submissions
- all formats of the above, including hard copy, electronic, or microfilm formats.

These examples are not intended to limit the documents which are considered to be Cabinet documents. Any document which would reveal any consideration or deliberation of Cabinet, or otherwise prejudice the confidentiality of Cabinet considerations, deliberations or operations is a Cabinet document.

If there is any doubt about whether a document is a Cabinet document, advice should be sought from the Cabinet Secretary.

## 2.0 Roles and responsibilities

### 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).

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.

Individual Ministerial authority and responsibility should be balanced against the responsibility of Ministers to bring to Cabinet major issues of policy and any matter requiring collective consideration by the government. Refer to **1.4** Matters for consideration by Cabinet and **4.3.2** Matters to be considered by the Cabinet Budget Review Committee.

#### *Chief Executive Officers*

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 matters requiring Ministerial attention.

#### 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.

The Cabinet Secretary should be advised of all approved absences ahead of the meeting in question.

#### 2.1.2 Extended absence

It is the responsibility of a Minister to nominate to the Premier another Minister to act on their behalf during an extended absence. The nomination is processed by Appointment and Constitutional Services, DPC, who prepares an Appointment Instrument for signature by the Premier, and the Governor if required. A copy of the Appointment Instrument is provided to the Cabinet Secretary.

### 2.2 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 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
- to liaise with and advise Ministers, departments and agencies on Cabinet operations and requirements
- to coordinate a forward legislation program for Government business
- 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.

In supporting the operation of Cabinet, the Cabinet Secretary heads the Cabinet Secretariat in the DPC which assists in the delivery of support services and Performance Unit that monitors and analyses the implementation of Cabinet decisions and Government commitments.

### 2.3 Cabinet and Legislation Liaison Officers

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 meetings), Executive Council, legislative and parliamentary systems to ensure coordination of Cabinet-related activities across all agencies.

These Cabinet and Legislation 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:

- liaise closely with the Cabinet Secretary and Cabinet Secretariat to ensure accurate and timely advice is regularly provided on the status of Cabinet and Parliamentary business of their agency
- 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
- coordinate and provide executive services support to the Chief Executive Officer, and where appropriate, the Minister, on Cabinet and Parliamentary proposals.

## 2.4 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.

The Queensland Executive Council Handbook provides detailed advice about the proceedings of the Executive Council including the matters for recommendation to the Governor. Meetings of Executive Council are normally held at 11.45 am on Thursday each week.

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.

## 2.5 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 are to:

- draft all government Bills and, on request, proposed Bills for units of the public sector other than departments, within timeframes set by Executive Government
- 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
- arrange electronic access to Bills presented to the Legislative Assembly, other Queensland legislation and information relating to that legislation.

The OQPC's duty in relation to government legislation is to the government as a whole and not to individual Ministers, departments or Members. The OQPC will inform the Premier, via advice to DPC, 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.

## 2.6 Assistant Ministers

Assistant Ministers are appointed by the Governor in Council to assist Ministers in performing their duties. Assistant Ministers have their duties determined by the Premier.

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
- appear before a Committee of Parliament on behalf of the Minister.

### 3.0 Procedures

It is critical there is a high degree of rigour in Cabinet procedure to ensure the quality of material presented to Cabinet and to ensure Cabinet members have sufficient time to properly consider complex matters coming before Cabinet.

The Cabinet procedures ensure:

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

The Premier 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.

### 3.1 Notification of Cabinet Meetings

Meetings of Cabinet are held on the Monday morning of each week, unless otherwise determined by the Premier.

Meetings will generally be held in the Cabinet Room at 1 William Street.

The Cabinet Secretary will advise CLLOs of any change to Cabinet day, time or location at the earliest opportunity. It is the responsibility of CLLOs to ensure their Minister is aware of Cabinet logistics.

### 3.2 Non-Cabinet members attending Cabinet

Non-Cabinet members (other than the Cabinet Secretary) do not attend Cabinet meetings unless their attendance has been agreed to by the Chairperson.

When it has been agreed that a non-Cabinet member may be present, the Cabinet Secretary will arrange for their attendance. All non-Cabinet members must wait in the Cabinet anteroom until they are summoned by the Cabinet Secretary.

Public sector employees, Ministerial staff and statutory body employees may be invited to attend a Cabinet meeting only to assist their Minister and to provide advice at the meeting if requested. These attendees are expected to explain factual or technical material on request, but not to participate in discussions unless invited by the Chairperson. Officials cannot represent Ministers in Cabinet or on Cabinet Committees.

Non-Cabinet members 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.

### 3.3 Cabinet Timetable

The Cabinet Secretary maintains an ongoing whole-of-government Cabinet timetable which indicates proposed Cabinet business for all portfolios for the next six month period. This timetable 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 TRIM Cabinet Information System (TCIS). Timetable information recorded on TCIS must be 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
- 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
- legislation scheduling in the Legislative Assembly coordinated by the Leader of the House.

Once a matter is listed on the forward timetable in TCIS, the relevant CLLO must advise the Cabinet Secretary of any change in proposed timing or withdrawal of the submission from the forward timetable as soon as possible.

### 3.4 Determination of the business list for Cabinet meetings

The Premier determines the business list for the next Cabinet meeting usually on the preceding Monday. Whilst the Premier authorises the business list, this decision will be informed by the input of key senior ministers. This may also be assisted by briefings provided by senior DPC staff from The Cabinet Office as well as briefing material from DPC.

On the Friday before final lodgement of a Cabinet submission is due, the CLLO must confirm the readiness of the submission to proceed to final lodgement and advise the Cabinet Secretariat of any concerns, so this can be taken into account in determining the business list.

Following the determination of the business list, DPC will contact those departments proposing submissions for the next meeting and notify them of the outcome.

Any changes to the final Cabinet business list require approval of the Premier. Ministers must seek the Premier's approval to delay consideration of a submission after the agenda is finalised. This should only occur in exceptional circumstances.

### 3.5 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 **5.0**

Preparation of submissions to Cabinet and Cabinet Committees and the consultation requirements as specified in **6.0** Consultation.

The process is governed by a strict lodgement timeframe. The lodgement deadline for final submissions ensures that Ministers are properly apprised of Cabinet proposals prior to the meeting so that informed deliberations can occur.

Where a proposal is seeking Cabinet's approval or endorsement of documents for reproduction and circulation purposes (i.e. discussion papers and policy papers or communication material), departments must not pre-empt Cabinet's decision by reproducing the material prior to Cabinet's consideration.

### **3.5.1 Advance lodgement of a Cabinet submission**

Advance submissions are required to be lodged with the Cabinet Secretariat by 12.00pm on Monday, three weeks prior to the proposed Cabinet meeting date.

Advance submissions are a critical step in ensuring the quality of submissions proceeding to Cabinet.

Advance submissions must be provided for all matters proposed to be brought to Cabinet, unless the Premier's approval has been obtained for straight to final lodgement.

Advance lodgement is the registration of an electronic copy of the advance submission and attachments on TCIS.

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

Submissions which have not been advance lodged in a timely fashion, or approved for straight to final lodgement, may only proceed to Cabinet in exceptional circumstances.

The Cabinet Office will provide feedback to agencies on advance submissions as soon as possible.

Notwithstanding feedback provided on the advance submission, the final form of the submission is ultimately a matter for the signing Minister/s.

The final submission should clearly outline major issues identified in feedback and how this feedback has been incorporated or the reasons this feedback has not been adopted.

Although advance 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 **3.4** Determination of the business list for Cabinet meetings.

### **3.5.2 Lodgement of final copy of a Cabinet submission**

Final submissions are required to be lodged with the Cabinet Secretariat by 1.00pm on the Tuesday prior to the Cabinet meeting.

Final lodgement is the registration of an electronic copy of the final copy of the submission and attachments on TCIS.

### **3.5.2.1 Corrigendum**

If after lodging a final Cabinet submission, an amendment is required to be made, a corrigendum should be lodged with an appropriate replacement page(s).

A corrigendum is used to correct substantive errors or omissions in a Cabinet submission that has already been lodged with the Cabinet Secretariat.

Ministers are required to seek approval from the Premier to progress a corrigendum.

CLLOs must advise the Cabinet Secretariat immediately when they become aware that a corrigendum is required and, subject to approval, must lodge the replacement page(s) and corrigendum explanation, including submission number and a brief description of what has been altered, with the Cabinet Secretariat on TCIS.

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.

Corrigenda that have been approved to progress by the Premier will be distributed to Ministers and Chief Executive Officers as per the security classification.

### **3.5.3 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 a future Cabinet meeting.

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

If the Premier approves late lodgement of a submission, the submission must be lodged with the Cabinet Secretariat as close as possible to the Tuesday cut-off and by no later than 5.00pm on the Wednesday before the Cabinet meeting.

### **3.5.4 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.

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 only make an oral submission if the Premier has given prior approval.

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

### 3.5.5 Audio-visual presentations

Supplementary material (such as audio-visual presentations, maps, dashboards, and slides) may be used as supplements to written Cabinet documents.

It is the responsibility of the relevant Minister to ensure the Premier's approval is obtained for any supplementary material proposed to be provided to Cabinet.

In preparing supplementary material, officers should liaise with the Cabinet Secretariat at the earliest opportunity to ensure supplementary material is prepared in accordance with Cabinet Secretary guidelines, and appropriate arrangements can be made for the presentation and/or distribution of the material.

### 3.5.6 Matters to Note

The purpose of Matters to Note is to inform Cabinet of upcoming significant decisions and public announcements that would not otherwise go before Cabinet. Matters to Note are for noting only 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.

All items for Matters to Note must be received at Cabinet Services by 1pm on the Tuesday before Cabinet.

Matters to Note are to be limited to a single page and are generally not to include attachments. Agreement should be sought from the Cabinet Secretary to lodge a Matter to Note which exceeds the page limit or includes an attachment.

Matters to note should be formatted in accordance with the Matter to Note template in the Appendices.

## 3.6 Distribution of Cabinet submissions

In the week prior to the Cabinet meeting, the Cabinet Secretariat will distribute the final submissions via the TCIS according to the security classifications assigned to the submissions. Refer to **5.2 Security classifications on Cabinet submissions** for further detail on security classifications.

### 3.6.1 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 open and informed deliberation of issues can occur.

As soon as possible following lodgement of final submissions, the Cabinet Secretariat will provide Ministers with copies of briefing information prepared for the Premier by DPC in relation to all submissions to be considered.

Briefing information prepared by departments for their respective Ministers must be lodged with the Cabinet Secretariat by midday Thursday. Departmental briefing information is only provided to the department's Minister and Chief Executive Officer, and DPC.

Should briefing notes be revised, or otherwise amended, they must be resubmitted through the Cabinet Secretariat so that they may be distributed. 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 distributed, contact should be made with The Cabinet Office, DPC, to discuss the issue.

### 3.6.2 The Cabinet Bag

On the Thursday night before Cabinet, the Cabinet Secretariat provides the complete set of Cabinet submissions and the briefing information prepared by DPC for the Premier, known as the 'Cabinet Bag', to Ministers and Chief Executive Officers via the Cab Bag app. Circulation of a submission in the Cabinet Bag is as per the security classification protocol described at **5.2** Security classifications on Cabinet submissions. The submissions are loaded remotely via a secure network system to the relevant iPad, which must have security settings to ensure Cabinet confidentiality.

Hard copies of the submissions may also be provided to Ministers and Chief Executive Officers by the Minister's CLLO. This excludes submissions that are classified as "A" (Secret). If a hard copy is required by a Minister of an "A" class submission a request is made to the Cabinet Secretariat to print a copy which will be provided in a sealed envelope for the Minister.

Extreme care must be exercised to store Cab Bag app enabled iPads and Cabinet folders in a secure environment to safeguard the confidentiality of the Cabinet information.

Cabinet submissions uploaded to the iPads expire at a set date after the Cabinet meeting and will be deleted at this time.

Ministers are to take Cabinet folders and documents with them from the Cabinet Room after the meeting. Ministers must also ensure any notes they make which could reveal deliberations of the Cabinet are appropriately marked as Cabinet in confidence and stored or destroyed securely.

## 3.7 Cabinet Agenda

The Cabinet agenda is dealt with in the following sequence:

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

## 3.8 Collective Cabinet Minutes

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

- Ministers' attendance and apologies
- Ministers' declared conflicts of interest
- confirmation or otherwise of the Minutes of the previous meeting
- oral submissions made
- a summary of Cabinet submissions considered
- endorsement of the Executive Council Schedule
- Ministers attending Executive Council
- confirmation of the next Cabinet meeting and its location
- a schedule of Cabinet decisions made.

Collective Minutes are distributed to all Ministers via the Cab Bag app following the Cabinet meeting and are confirmed at the next meeting.

## 3.9 Cabinet decisions

All Cabinet submissions, either written or oral, considered by Cabinet will have a corresponding Cabinet decision prepared. Decisions are not issued for Matters to Note. Should a Minister decide to withdraw a written submission at Cabinet, a Cabinet decision will record that action.

The Cabinet Secretary is responsible for accurately recording the decisions of the Cabinet.

### 3.9.1 Circulation of Cabinet decisions

Written Cabinet decisions, certified by the Cabinet Secretary, will be distributed by the Cabinet Secretariat as soon as possible after the Cabinet meeting.

The security classification of a Cabinet decisions mirrors the security classification of the associated Cabinet submission. The security classification of a Cabinet decision on an Oral submission will be determined by the Premier.

Decisions are distributed to Ministers and to relevant department Chief Executive Officers via the Cab Bag app, subject to circulation restrictions imposed by security classifications.

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.

### 3.9.2 Announcement and implementation of Cabinet decisions

Individual Ministers, and their Chief Executive Officers, are responsible for the implementation of Cabinet decisions.

Monitoring and regularity of reporting of Cabinet Decisions will be determined by Government, with advice provided by The Cabinet Office, DPC. 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 or approval has otherwise been provided by the Premier.

The provision of Cabinet documents, which includes original documents and copies of documents, to the media or to the public is not to be undertaken in any circumstances. Attachments to Cabinet submissions may be released only with the express approval of Cabinet or the Premier.

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 make clear that the particular matter will be submitted to the Governor in Council for consideration.

In announcing a decision of Cabinet, there should be no direct quotations from the relevant submission or decision (including disclosure of allocated identification numbers).

### 3.10 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 can be damaging to the public policy agenda and the government generally, and to the public interest. This includes, but is not limited to, consultation on proposals prior to Cabinet consideration, as well as discussion around scheduling of Cabinet submissions.

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.

Cabinet documents are defined in **1.5** 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 protocols as 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.

#### 3.10.1 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 should comprise both technological solutions and administrative safeguards.

It is the responsibility of Chief Executive Officers to ensure there are security protocols in place to provide appropriate security for Cabinet-in-Confidence information.

Hardcopy Cabinet-in-Confidence documents must be filed on dedicated files held within appropriately secure storage areas, and not on general purpose files which are generally accessible and distributed 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 with a maximum of five minutes must be installed on computers where officers have access to Cabinet-in-Confidence information
- security safeguards including biometric authentication, pins and passwords must be configured on iPads used to access Cabinet-in-Confidence information
- system safeguards must ensure that a high level of security on Cabinet-in-Confidence information to protect against incursion by unauthorised parties via network and internet connections
- administrative practices should govern the printing of Cabinet-in-Confidence information and the subsequent secure disposal of that printed information.

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 **3.11** Access to Cabinet documents 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, electronic draft versions should be stored securely in dedicated secure drives and hardcopies disposed of in favour of a master final original copy maintained by the CLLO and/or official copies distributed 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, approved by the Chief Executive Officer, must be in place to ensure 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 arrangements as outlined in the **Guidelines on the Caretaker Conventions**.

### 3.10.2 Copying of Cabinet documents

Copying of Cabinet documents distributed by the Cabinet Secretariat is not permitted. These documents include Cabinet submissions and attachments, decisions, minutes of proceedings, business lists and any

briefing notes. Cabinet documents must only be accessed as per the protocols presented in Chapter **3.11** Access to Cabinet documents.

### **3.10.3 Security measures on distributed Cabinet documents**

All Cabinet documents distributed by the Cabinet Secretariat are uniquely bar-coded and circulation details are recorded. The TCIS records each occasion that an electronic Cabinet file is viewed and/or printed by an authorised officer.

Cabinet documents distributed by the Cabinet Secretariat should not be further circulated in electronic format, such as via email, except through the secure Cabinet External Briefing Officer system.

On return of Cabinet documents printed from the TCIS, the bar-codes are individually scanned into the database which finalises the records. Printed documents that have not been returned are classified as outstanding.

It is the responsibility of the CLLO to conduct periodic audits of the location, handling and secure storage of Cabinet documents held by their agency and to ensure the outcomes of those audits are reported to their Chief Executive Officer.

The Cabinet Secretariat will periodically conduct audits of outstanding Cabinet documents.

In the event of loss of these documents, the procedure outlined in **3.10.6** Loss of Cabinet documents should be followed.

### **3.10.4 Retention and disposal of Cabinet documents**

Electronic access to Cabinet documents distributed by the Cabinet Secretariat via the TCIS expires two weeks after the date of distribution. Departments are entitled to retain Cabinet documents after this time provided there is implementation responsibility or some other departmental interest has been established, subject to ensuring those documents being managed in accordance with the security considerations at **3.11** Access to Cabinet documents.

If a department wishes to access a document after expiry from the TCIS, the department will be required to submit a request to the Cabinet Secretary via the TCIS.

Hardcopy Cabinet documents which are no longer required must be returned by the relevant departmental CLLO to the Cabinet Secretariat with a covering report listing all documents being returned.

After recording the return of the documents, secure disposal will be undertaken by the Cabinet Secretariat.

### **3.10.5 Caretaker arrangements**

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 identified and prepared for possible return to the Cabinet Secretariat for disposal purposes.

In the event of a change of government, all Cabinet documents distributed to departments, including those that have been issued for records purposes, must be returned to the Cabinet Secretariat for disposal.

All other Cabinet documents not distributed 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.

Refer to the **Guidelines on the Caretaker Conventions** for more information on caretaker arrangements.

### 3.10.6 Loss of Cabinet documents

Immediately upon discovery of the loss of a Cabinet document distributed 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 instigate an appropriate investigation into the loss.

In cases where it is suspected that the loss can be attributed to unlawful activity, the Cabinet Secretary should be consulted and the matter will be referred to the Queensland Police and/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 must 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 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 minimum form as set out at the **Loss of Cabinet document template** in the **Appendices**. Additional information may be provided where considered necessary.

### 3.10.7 Queensland State Archives

Official Cabinet documents are provided to the Queensland State Archives by the Cabinet Secretariat, Ministers and departments should not provide official copies of Cabinet documents to the State Archives.

Prior to the expiration of a restricted access period in accordance with the *Public Records Act 2002*, the State Archives will seek approval from the Cabinet Secretary 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.

Documents will be released at the conclusion of their Restricted Access Period unless there are overriding privacy considerations or other factors in the public interest which mean the documents should not be released at that time. In these cases, the Cabinet Secretary will request the State Archives to apply a further restricted access period for an additional 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 proposed for release.

### 3.11 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. All agency requests for access to the Cabinet record must be referred to the Cabinet Secretary in writing through the relevant CLLO. The CLLO is authorised to seek access to Cabinet documents on behalf of their Minister or Chief Executive Officer.

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.

#### 3.11.1 Access to the TRIM Cabinet Information System (TCIS)

The TCIS 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. The system operates within a whole-of-government security framework including encryption technology to protect the confidentiality of information.

Departmental access to the system is 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 from the Cabinet Secretary in writing. 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.

Prior to accessing the TCIS, the user must certify that they are aware of and understand 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.

### 3.11.2 Disablement of access to the TCIS

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

- when the officer ceases duties that require access to the TCIS
- where an officer is implicated in a security breach associated with Cabinet-in-Confidence information
- 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 TCIS in departments can be withdrawn at any stage without prior notification to a user.

### 3.11.3 Access by past governments

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

Former Ministers are entitled to access copies of Cabinet documents, which they dealt with personally while in office, but they may not retain such documents. The Cabinet Secretary must advise the present leader of the party that formed the government in office during the period the records were created of the intention to provide access to records to former Ministers.

### 3.11.4 Access to hardcopy departmental Cabinet files by authorised officers

Access to hardcopy departmental Cabinet files 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 hardcopy 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
- 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.

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 must be provided to the Cabinet Secretary on request in these circumstances.

### 3.11.5 Access to past government's Cabinet documents by the present government

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, with regard to the official record of official Cabinet documents, and the Chief Executive Officer of each department, with regard to 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, for example, 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, for example, messages about inter-governmental negotiations
- 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
- 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 this 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, which will be undertaken at the discretion of the Cabinet Secretary.

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 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 **3.11.6 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 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.

### **3.11.6 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 **1.5 Definition of Cabinet documents**, 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 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 documents 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 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 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 is authorised to release records to the courts prior to informing the present leader if the matter is urgent.

### 3.11.7 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
- 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 section 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.

### 3.11.8 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, for example, 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 prior to coming to a decision about whether access should be granted.

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 Cabinet Secretary. Refer to **3.10.7** Queensland State Archives.

### 3.11.9 Guidance for departments about requests for access to Cabinet documents

From time-to-time, requests for Cabinet documents will come directly to agency staff.

#### *Role of government employees other than CLLO staff*

Upon receiving a request for access to Cabinet information, departmental officers must immediately consult with their agency CLLO. The CLLO is to provide advice on how to action the request and will liaise with the Cabinet Secretary to ensure that proper protocols are followed.

#### *Role of CLLO staff*

The CLLO must notify the Cabinet Secretary of any request for access to Cabinet material including:

- who is requesting the documents and for what purpose
- when the response is due
- details on action that has been taken to clarify with requestor any elements of the request that may be ambiguous
- proposed timeframe of provision of any relevant documents held by the agency to the Cabinet Secretary for consideration.

## 4.0 Committees

### 4.1 Cabinet Committees

Cabinet Committees support the operation of Cabinet by providing a suitable forum, with Cabinet stature, to deliberate on 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.

The Cabinet Secretariat provides secretarial and support services to Cabinet Committees.

For information about the preparation of submissions for Cabinet Committees refer to **5.0**

Preparation of submissions to Cabinet and Cabinet Committees.

#### **4.1.1 Membership**

The membership of committees is determined by the Premier or the Cabinet and is only open to members of Cabinet.

Other stakeholder Ministers who are not designated Committee members may attend with the approval of the Committee Chair to assist in Committee deliberations, however decision-making remains the prerogative of the Committee members only.

The Premier or Cabinet may also appoint officials to assist Committees. These officials do not have decision-making roles on the Committees, they are appointed in an advisory role only.

#### **4.1.2 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.

The Deputy Premier is the Chair of CBRC.

The Premier, Deputy Premier and Treasurer are standing ministers of CBRC, with other senior Ministers appointed as members as determined by the Premier.

The Committee may deliberate in the absence of member Ministers at the discretion of the Chair except the Premier, who must give approval for the committee to meet in their absence. Another Minister or an official may not deputise for a member Minister in their absence, this includes Ministers acting for a CBRC member who is on approved leave.

#### **4.1.3 Cabinet Budget Review Committee meeting scheduling, business list and briefing information**

Meetings of CBRC are held on a Monday of each week except during Parliament sitting weeks when meetings will be held on a Wednesday, if required.

The business list for the next CBRC meeting will be settled by the Premier, in consultation with the Chair, usually on the preceding Monday. The business list will be informed by the input of key senior ministers and consideration will be given to whether proposed business will be handled via flying minute or at a meeting. This may also be assisted with briefing information provided by DPC and Queensland Treasury (QT).

DPC and QT briefing information on all submissions is distributed to CBRC members for both in session meetings and flying folders. For in-session meetings, relevant briefing information is also distributed to Ministers who will be attending the meeting during consideration of their submission.

### **4.2 Lodgement process for Cabinet Committee submissions**

The lodgement process for Cabinet Committee submissions mirrors the process for Cabinet submissions, including both advance and final lodgement stages. Electronic copies of the advance and final lodgement Committee submissions must be lodged on the TCIS.

The DPC will provide feedback to departments on advance submissions at the earliest opportunity.

Notwithstanding feedback provided on the advance submission, the final form of the submission is ultimately a matter for the signing Minister/s.

The final submission should clearly outline major issues identified in feedback and how this feedback has been incorporated or the reasons this feedback has not been adopted.

Once the final submission has been lodged and briefing information received, the Premier in consultation with the Chair will determine whether the submission should be included on the business list for Committee consideration. Refer to **4.1.3** Cabinet Budget Review Committee meeting scheduling, business list and briefing information.

#### **4.2.1 Circulation of submissions to Committee members**

The Cabinet Secretariat distributes Committee submissions in the same way as Cabinet submissions, commensurate with the security classification. Refer to **5.2** Security classifications on Cabinet submissions.

#### **4.2.2 Flying minutes**

A flying minute is the process by which submissions are circulated to member Ministers to be considered out of session.

Whether a submission is dealt with via a flying minute is at the discretion of the Premier. Generally, flying minutes will be circulated on less contentious issues and where policy advice from DPC and QT is in alignment.

A flying minute is accompanied by a letter from the Cabinet Secretary setting out the time by which the Minister's decision must be returned to the Cabinet Secretariat. Ministers should indicate their decision on the decision sheet provided with the flying minute. In exceptional circumstances, the Minister may indicate their decision by other means, in writing, to the Cabinet Secretary to ensure the return time is met, however, a signed decision sheet should also be returned at the earliest opportunity.

#### **4.2.3 Minutes and decisions of meetings**

Minutes of Cabinet Committee meetings are recorded by the Cabinet Secretary and distributed to members of the Committee only.

Decisions will also be prepared by the Cabinet Secretary and distributed to Ministerial and Chief Executive Officer stakeholders, as appropriate, in the same way as Cabinet decisions. Refer to **3.9** Cabinet decisions.

Outcomes of Cabinet Committee meetings are to be reported to Cabinet on a regular basis.

#### **4.2.4 Handling, filing and storage of Cabinet Committee documents**

Cabinet Committee information has the same status as Cabinet information and similar security measures must be in place to preserve confidentiality. Refer to **3.10** Security and management of Cabinet information. Similarly, access to Committee information must also accord with access conventions described in this handbook. Refer to **3.11** Access to Cabinet documents.

#### 4.2.5 Attendance of non-Cabinet members at Committee meetings

Upon agreement of the Chairperson, non-Cabinet members may attend Cabinet Committee meetings.

Public sector employees, ministerial staff and statutory body employees who attend Committee meetings are to assist their Minister and to provide advice to the meeting where required. Officials are expected to explain factual or technical material on request, but not to participate in discussions unless invited by the Chairperson.

Non-Cabinet members 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.

### 4.3 Cabinet Budget Review Committee

The CBRC 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. Refer to **4.1.1 Membership**.

Stakeholder Minister(s) will be invited to meetings to provide input into deliberations on submissions at the discretion of the Chair.

#### 4.3.1 Financial information to be agreed by Queensland Treasury

QT's input must be 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 QT 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 QT and a comprehensive explanation on the changes given within the submission.

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

#### 4.3.2 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 **4.3.4 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 **4.3.3** Consideration of major communication campaigns for further information on this matter

- negotiating positions for intergovernmental agreements, including any new or significant variations to agreements with financial implications for Queensland
- 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. The commencement of projects valued over \$10 million (including GST) and increases to the value of such a project by 10% or more are submitted to Executive Council as Executive Council Minutes for the financial approval of the Governor in Council in accordance with the QT Project Commencement Approval policy and presented in a summary list for signature)
- all proposals for Public Private Partnerships with an expected capital value in excess of \$30 million or a whole of life present value of \$50 million.

Should there be doubt as to whether a matter should be considered by CBRC, advice should be sought from the Cabinet Secretary.

#### 4.3.3 Consideration of major communication campaigns

CBRC is responsible for ensuring communication campaigns undertaken by departments which meet the criteria set out on [Marketing Matters](#) are professionally conceived and executed, meet whole-of-government standards, take into account community expectations, and represent value for money.

Departments are required to submit campaigns through relevant advertising approval processes managed by DPC. Details are listed on the [Marketing Matters](#) website (<https://marketing.govnet.qld.gov.au/advertising/gacc.aspx>).

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 and Marketing Communication Code of Conduct (available on the Marketing Matters website)
- reflects relevant policy initiatives
- undertakes whole-of-government consultation (where applicable)
- is professionally conceived, executed and justified
- represents value for money
- 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 [Marketing Matters](#) website (<https://marketing.govnet.qld.gov.au/advertising/gacc.aspx>) or can be obtained from Strategic Communication, DPC (email [gacc@premiers.qld.gov.au](mailto:gacc@premiers.qld.gov.au)).

#### 4.3.4 Consideration of public sector enterprise bargaining matters

CBRC is responsible for considering public sector enterprise bargaining negotiating positions and outcomes. Approval of certain bargaining negotiating positions has been delegated to the Industrial

Relations Chief Executive's Committee (IR CEO's Committee). The Office of industrial Relations' Industrial Relations Public Sector unit provides central guidance on these processes.

The Minister responsible for Industrial Relations must be joint signatory on all CBRC submissions directly relating to these matters.

## 5.0 Preparation of submissions to Cabinet and Cabinet Committees

Information being considered at Cabinet level must be of the highest standard to aid decision-making.

The contents of a Cabinet submission should be concise and written in plain English.

Submissions must be presented on the templates provided at the Appendices.

Where two or more Ministers share substantial responsibility for a particular matter, it is appropriate for a joint submission to be presented to Cabinet. In cases where many Ministers have an interest in the subject matter, it is preferable for responsibility to be allocated to key Ministers to oversee development of, and sign, the submission 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.

### 5.1 Types of submissions

#### 5.1.1 Cabinet and Committee submissions

All submissions for Cabinet and Committees, except Significant Appointment submissions, should be produced using the template at **Information requirements for submissions** in the **Appendices**.

Cabinet submissions must be categorised as one or more of Information, Policy, Authority to Prepare, Authority to Introduce and Authority to Forward Significant Subordinate Legislation.

Submissions should be prepared having regards to the requirements in **Colour of submissions** at the **Appendices**.

All submissions should be short and to the point. They should be written in plain English, avoiding repetition. Attachments should only be included where their content provides important information required for Cabinet or the Committee to make a decision on the matter.

Examples of the General Cabinet and Committee submission coversheet and body appear in the template at **Information requirements for submissions** in the **Appendices**.

##### 5.1.1.1 Information Submissions

Information submissions may contain noting recommendations only.

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.

##### 5.1.1.2 Policy Submissions

Policy submissions seek Cabinet agreement for government policies. It is essential that these submissions provide a strategic view of the issue 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.

### 5.1.1.3 Authority to Prepare Submissions

Authority to Prepare a Bill submissions seek Cabinet approval to commence drafting 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 Authority to Prepare submission.

Where a submission addresses both a policy and a legislative issue, the submission can be drafted as a Policy/Authority to Prepare.

An Authority to Prepare submission must include a recommendation:

*That approval be given to prepare the (name of Bill) in accordance with the drafting instructions accompanying this submission.*

### 5.1.1.4 Authority to Introduce Submissions

Authority to Introduce a Bill Submissions are required to seek Cabinet approval for the introduction of all Government Bills.

Authority to Introduce submissions should be brought to Cabinet at least one week prior to the sitting of Parliament at which it is proposed to introduce the Bill.

Authority to Introduce submissions must have attached the Bill to be introduced, the associated Explanatory Notes, and a Statement of Compatibility with Human Rights.

An Authority to Introduce submission must include the following recommendations:

*That the (name of Bill) in accordance with the draft accompanying the submission, subject to minor corrections, be introduced into the Legislative Assembly.*

*That Cabinet note that the (name of Bill) will be referred to an appropriate Parliamentary Portfolio Committee for consideration and report.*

While different categories of submissions will need to include different types of information, they should all be prepared using the Cabinet and Committee template.

### 5.1.1.5 Authority to Forward Significant Subordinate Legislation Submissions

Authority to Forward Significant Subordinate Legislation submission should address the core issues associated with significant regulatory proposals, prior to being forwarded to Executive Council.

Refer also to **8.6.1** Significant Subordinate Legislation.

Authority to Forward Significant Subordinate Legislation submission should include recommendations:

*That the (name of Regulation) in accordance with the draft attached to the submission be recommended to the Governor in Council for approval.*

*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.

#### 5.1.1.6 Significant Appointment

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)
- members of the body are responsible for allocating government funds or resources
- they are appointments 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
- 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 (see **6.2.1** Consultation on Establishment of and Appointments to a Government Body under ‘Appointments to a Government Body’ regarding the requirements for writing to the Premier on all proposed appointments, whether Significant appointments or not).

Wherever possible, departments should consider starting the appointment process at least six months prior to proposed Cabinet consideration to ensure adequate time for consultation obligations and prescribed Cabinet submission lodgement timeframes. Departments should also consider the need to consult with the appropriate Parliamentary Committee on certain appointments, as required in legislation.

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. A Current curriculum vitae for all proposed appointees must be attached to a Significant Appointment submission.

The section on Significant Appointments in the Appendices provides detailed explanation on the content requirements of the submission.

Significant Appointment submissions must use the standard recommendations laid out at **Information requirements for submissions** in the **Appendices**.

## 5.2 Security classifications on Cabinet submissions

All submissions are assigned a security classification which determines the extent and method of their circulation by the Cabinet Secretariat.

When a decision is made by a Minister to develop a submission, it is the responsibility of that Minister, in consultation with the Cabinet Secretary, to allocate the appropriate security classification for the submission based on sensitivity and the level of security required.

### Security Classification "A" (Secret)

Class A submissions and their associated decisions will be distributed to Ministers only via the Cab Bag app. Should the Minister require a hard copy, this will be provided direct from the Cabinet Secretariat to the Minister

Where an agency requires access to a Class A submission or decision in order to implement the decision, the relevant Minister may request that their Chief Executive is issued with a copy of the decision.

### Security Classification "B" (Restricted)

Class B submissions and their associated decision 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.

### Security Classification "C" (Confidential)

Class C submissions will be distributed to Ministers and all Chief Executive Officers.

## 6.0 Consultation

Consultation is a fundamental and mandatory part of the development of all Cabinet submissions. Departments initiating a Cabinet submission must ensure 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 and other stakeholders, 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.

The confidentiality of Cabinet matters attaches by definition to the consultation process, including participants.

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 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, including the expected timing of Cabinet consideration of the matter. Non-government organisations or persons must not be given a Cabinet submission or decision for comment.

### 6.2 Consultation within Government

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. 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 for advance lodgement to ensure that they agree with the comments attributed to them.

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 Consultation addendum to the submission.

### 6.2.1 Consultation on Establishment of and Appointments 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 and not considered by Cabinet, are subject to strict intra-government consultation requirements.

Governance and Constitutional Services, DPC, 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 DPC's website (excluding companies and government owned corporations)
- all Significant Appointment submissions
- remuneration assessments for government bodies
- any proposal to appoint Members of Parliament to government bodies.

Consultation is also required with the Queensland Register of Nominees, a database of members of the community interested in being appointed to government bodies, and certain other relevant departments, as detailed below.

Consultation with a relevant Parliamentary Committee is also specified for some appointments under legislation.

#### *Establishment of a Government Body*

In accordance with the Public Interest Map policy at DPC's website, Governance and Constitutional Services, DPC, 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, QT will consult with Governance and Constitutional Services during preliminary consultation with departments who are seeking the Treasurer's approval to form a company.

If it is proposed, as part of the public interest case process, that remuneration will be paid to appointees, Governance and Constitutional Services, must also be consulted in relation to the determination of the amount of remuneration. This consultation is required to ensure that remuneration rates in the submission are consistent with the Remuneration Procedures for Part-time Chairs and Members of Queensland Government Bodies. Consultation with the Public Sector Commission is also required for certain statutory office holder appointments to ensure remuneration rates are consistent with other Government policies (where applicable).

QT must be consulted in relation to Significant Appointments to companies and funding and remuneration as part of the public interest case.

#### *Appointments to a Government Body*

In order to achieve Government targets for the representation of women on government bodies and maintain 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
- the letter to the Premier (including where appointments will be made by the Minister and not considered by Cabinet) and Significant Appointment submissions, detail the process used to achieve gender diversity, or provide reasons why gender diversity cannot be achieved.

The Office for Women can be consulted in relation to all appointments to Government bodies, including both those considered by Cabinet as a Significant Appointment submission and 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 achieve the Government's target that 50 per cent of appointees to government bodies should be women and 50 per cent representation of women across in-scope boards.

Queensland Treasury must be consulted for Significant Appointments to companies.

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
- 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 at least six weeks before the appointments are made. This letter should be lodged with the Premier through Governance and Constitutional Services and must include:

- the Government body membership, including details of new, outgoing and remaining members
- current curriculum vitae for all proposed appointees,
- that the Minister is satisfied with the suitability of the nominees, including that appropriate suitability checks have been carried out,
- 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

- 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.

### Department of the Premier and Cabinet

#### *The Cabinet Office*

The Cabinet Office 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 Cabinet Office has a primary role of coordination of government policy, their involvement in the development process from an early stage is essential to ensure the best possible policy outcome.

The Cabinet Office 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 8.0 Parliament and Legislation).

The Cabinet Office should 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 in accordance with the Government Institutional Impact Statement Guideline (see **Preparation of the body of a Cabinet or Cabinet Committee submission in Appendices**). The Cabinet Office should also be consulted on subordinate legislation, including whether it should be classed as 'significant' and require Cabinet approval to progress (refer to **8.6 Subordinate Legislation**).

The Cabinet Office, Intergovernmental Relations, 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.). (See also **10.0 Intergovernmental Relations matters**).

The Cabinet Office, Performance Unit, must be consulted where advice is required on whether an Implementation Plan should be attached to a submission (as per **Information requirements for submissions**), as well as on any new whole-of-government planning or reporting requirements that are being proposed as part of the submission.

*Parliamentary Liaison Officer*

The Parliamentary Liaison Officer must be consulted on all proposed legislation, including amendments, responses to Parliamentary Committees, Committee referrals and the proposed establishment of inquiries. 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 **8.2.4** Monitoring the legislative program.

*Governance and Constitutional Services* (Policy Submissions - Establishment of Government Body and Significant Appointment submissions)

Governance and Constitutional Services, must be consulted in relation to the establishment of government bodies and appointments to government bodies, as detailed in **6.2.1** Consultation on Establishment of and Appointments to a Government Body.

*Strategic Communication* (Major communication campaigns)

Where a department is proposing any major, sensitive, controversial, major impact, and/or television or equivalent advertising campaigns, Strategic Communication, should be aware of this proposal and provide advice in relation to the process for obtaining relevant approvals (email [gacc@premiers.qld.gov.au](mailto:gacc@premiers.qld.gov.au)).

Refer to **4.3.2** Matters to be considered by the Cabinet Budget Review Committee and **4.3.3** 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
- 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.

Submissions must accurately reflect the results of consultation with OQPC, including in relation to the expected timeframes for drafting legislation.

The Working with OQPC on Queensland Legislation document provides more detail about interaction with OQPC on legislative proposals.

### *Public Sector 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
- any other matter relating to the statutory function of the Public Sector Commission.

Departments must consult with the Public Sector 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](mailto:FTE@psc.qld.gov.au).

Consultation with the Public Sector Commission is also required for certain statutory office holder appointments to ensure remuneration rates align with Government policies (where applicable) administered by the PSC.

### **Queensland Treasury**

#### *Financial considerations*

QT has 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 QT as early as possible during their development.

For appointments to Government bodies, QT 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 **5.1.1.6** Significant Appointment and to the Public Interest Map policy at the DPC's website).

In drafting CBRC submissions with financial implications, originating agencies must consult closely with QT 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 QT, and a comprehensive explanation on the changes made should be outlined in the submission.

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

QT should also be consulted if proposals will affect State Penalties Enforcement Registry processes or resources.

#### *Office of Best Practice Regulation*

Departments must notify the Office of Best Practice Regulation (OBPR) when a regulatory solution (including Primary and Subordinate Legislation and some quasi-regulation) has first been identified as a viable option to address a policy issue under consideration, either as a new policy or as part of a review. OBPR will provide agencies with preliminary advice on potential costs, benefits and risks from regulation for significant proposals or where proposals would benefit from early advice.

OBPR is available to provide guidance, assistance and support for all regulatory proposals to reflect best practice regulatory principles and meet the regulatory impact analysis requirements of **The Queensland Government Better Regulation Policy** available on the OBPR website ([www.treasury.qld.gov.au/betterregulation](http://www.treasury.qld.gov.au/betterregulation)).

#### *National Competition Policy*

QT 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 QT on all proposals that have competition implications including the following:

- 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 Better Regulation Policy (see **8.2.3** The Queensland Government Better Regulation Policy). The Policy incorporates assessment requirements that were previously required under the Queensland Government's Public Benefit Test process
- consideration of restructuring options for government business activities
- competitive neutrality issues.

#### **Department of Justice and Attorney-General**

The Department of Justice and Attorney-General (DJAG) must be consulted where proposals raise the creation of new offences, increased powers to police or other State officials, affect court or tribunal processes, or relates to a proposal for offences to be subject to infringement notices, or directly or indirectly require the provision of extensive legal representative services, for example 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
- DJAG 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. DJAG 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 section 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 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 DJAG 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 Legislative and Governance Forum for Corporations when proposing legislation that is inconsistent with the *Corporations Act 2001* (Commonwealth).

### **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 meeting the government's target that 50 per cent of appointees to government bodies should be women.

The Office for Women must also be consulted where a submission needs to include consideration of a Gender Impact Analysis.

### **Department of Employment, Small Business and Training**

The Strategy Division within Department of Employment, Small Business and Training (DESBT) 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).

### **Queensland Government Customer and Digital Group**

The Office of the Queensland Chief Customer and Digital Officer, Department of Transport and Main Roads 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.

The Queensland Government Customer and Digital Group 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 State Development and Infrastructure

The Department of State Development and Infrastructure (DSDI) must be consulted on proposals dealing with infrastructure, project delivery, economic and resource development.

#### *Integrated Development Assessment System*

DSDI 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.

#### Department of Housing, Local Government, Planning and Public Works

The Department of Housing, Local Government, Planning and Public Works (DHLGPPW) should be consulted on proposals that may affect housing supply and affordability.

#### *Local Government*

State agencies have a continuing responsibility to consult and communicate with local governments regarding policy and legislative proposals in accordance with the Agreement for the partnership and relationship between the Queensland Government and Local Government in Queensland (the Agreement).

The Queensland Government's agreed role and responsibility is to ensure timely and meaningful engagement with individual councils when making decisions that directly impact their local government area. In particular, paragraph 4.2 of the Agreement outlines the responsibilities of State agencies as follows:

*Undertake timely and meaningful engagement on all policy, legislation, strategy and program initiatives where Local Government has an interest, with where practicable, a minimum consultation period of four weeks to allow the Local Government Association of Queensland (LGAQ) to engage meaningfully with its members.*

The Local Government Association Queensland (LGAQ) is the peak body representing Local Governments in Queensland and accordingly, as well as consulting with the DHLGPPW, 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. DHLGPPW is responsible for whole-of-government coordination of State policies affecting local government.

DHLGPPW officers are available to assist departments in complying with the requirements of the Protocol.

## Office of Industrial Relations (OIR)

### *Industrial Relations*

#### Enterprise Bargaining Agreement CBRC submissions

The OIR provides whole-of-government guidance for public sector enterprise bargaining, including for Government Owned Corporations (GoC). Departments are required to consult with OIR prior to lodging bargaining frameworks and bargaining in-principle approval submissions to CBRC (or to the IR CEO's Committee in the case of a bargaining framework which is wholly consistent with Public Sector Wages Policy of GoC Wages and Industrial Relations Policy) 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.

#### Establishment of a government body

In addition to the requirements at **6.2.1** Consultation on Establishment of and Appointments to a Government Body, Departments are required to consult with OIR – Industrial Relations Division when considering the establishment of a government body.

### *Workplace Health and Safety Queensland and the Electrical Safety Office*

OIR is also responsible for improving work health and safety, delivering electrical safety services and regulating workers' compensation in Queensland. Departments should therefore ensure that Workplace Health and Safety Queensland, OIR, is consulted on all matters relating to or impacting health and safety practices for workers and workplaces in Queensland and Workers' Compensation Regulatory Services, OIR, is consulted in relation to workers' compensation policies in place for any new government bodies.

## Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts

The Queensland Government is committed to reframing the relationship with Aboriginal peoples and Torres Strait Islander peoples by working in genuine partnership and co-design with the community to develop laws, policies and services that impact on their lives. This reframed relationship underpins socio-economic targets that seek to close the gap in life outcomes between Aboriginal peoples and Torres Strait Islander people and non-Indigenous Australians.

The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts must be consulted as early as possible in the policy development process to identify if there are any positive or negative impacts of the proposed policy to reframing the relationship and in meeting the four priority reform obligations and the socio-economic targets under the National Agreement on Closing the Gap.

## 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.

#### **Department of Child Safety, Seniors, and Disability Services**

The Department of Child Safety, Seniors and Disability Services (DCSSDS) should be consulted as early as possible in the policy development process to identify if there are any positive or negative impacts of the proposed policy on the inclusion and rights of Queenslanders with disability and seniors, and how the policy initiative could potentially support the Queensland Government to meet its commitments under Australia's Disability Strategy and Queensland's Disability Plan 2022-27.

DCSSDS will review relevant Cabinet Submissions to ensure that inclusive language is used.

#### **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. 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 Backbench Committees**

Caucus and the relevant Backbench Committee should be consulted at the appropriate time in the development of any legislation. Caucus must be consulted prior to the legislation being introduced into Parliament.

### **6.3 Discussion Papers and Policy 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 of such proposals 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 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 clearly marked on each page.

## 7.0 Proactive release of Cabinet Material

Documents considered by Cabinet on, or after 25 March 2024 will be proactively released online within 30 business days of Cabinet consideration.

The release of Cabinet documents must be closely managed to ensure various public interest considerations are balanced including the commitment to open and accountable government, ensuring necessary privacy and confidentiality is maintained, and upholding the fundamental tenet of collective Cabinet responsibility.

The potential application of proactive release to a Cabinet document must not undermine the nature and quality of advice included in cabinet material.

## 7.1 Cabinet material subject to proactive release

For the purposes of proactive release, release of a Cabinet submission will include all attachments to the submission and the official Cabinet decision on the submission issued by the Cabinet Secretary.

The only version of a Cabinet submission subject to proactive release is the version as considered by Cabinet, where a submission has been subject of a corrigendum it is in the amended version which is eligible for release. Earlier versions of Cabinet submissions, not considered by Cabinet, are not eligible for proactive release.

Proactive release does not apply to:

- Deliberative submissions - Deliberative submissions are those where further consideration is required by Cabinet before a final decision is made on the matter which is the subject of the Cabinet submission. For example, where Cabinet is asked to approve development of a policy which is required to return to Cabinet for approval; or where Cabinet is asked to approve drafting of legislation which is required to return to Cabinet for approval prior to introduction to Parliament.
- Significant Litigation submissions - Significant litigation submissions are those dealing exclusively with Significant Litigation issues
- Significant Appointment submissions - Significant Appointment submissions are those dealing exclusively with Significant Appointment matters.
- 'Secret' (Class A) or 'Restricted' (Class B) submissions
- Cabinet Committee submissions
- Matters to Note
- Presentation aides
- Intergovernmental relations submissions - Intergovernmental relations submissions are those dealing predominantly with intergovernmental relations matters where disclosure of the material may prejudice Queensland's relationship or reveal negotiation strategy.

## 7.2 Timeline for proactive release

Cabinet documents subject to proactive release will be published online by the Cabinet Secretariat within 30 business days of Cabinet's final consideration of the documents and following Cabinet's authorisation of proactive release.

The count of 30 business days commences on the business day after Cabinet considered the submission, and does not include any public holidays which fall on a business day during the period.

Publication may be delayed beyond 30 business days where there is reasonable justification for delay. Reasonable justification may include where announcement of the initiative outlined in the Cabinet submission is planned for a time shortly after the 30 business day period, where release within 30 business days might prejudice commercial agreements or economic stability, where a Bill has not yet been introduced to Parliament, or where Cabinet has not had the opportunity to approve the final Proactive Release version of the submission for publication, including where publication falls due during the Cabinet's summer recess.

Where possible, approval to publish outside 30 business days should be sought at the time of Cabinet's consideration of the submission. In exceptional circumstances, approval may be sought from the Premier.

Where publication has been deferred beyond 30 business days, the material must be published at the earliest opportunity after the reason for the delay has resolved.

## 7.3 Requirements for Cabinet submissions relevant to proactive release

Each Cabinet submission must include a recommendation that seeks Cabinet's approval to release, or not release, the Cabinet material and the timeframe in which release is proposed (noting the information on timelines provided at Timeline for proactive release). The recommendation should be worded as follows:

*That Cabinet note the intention to proactively release this submission, attachments and associated decision in thirty business days, subject to finalisation and approval by Cabinet.*

*That Cabinet note the intention to proactively release this submission, attachments and associated decisions, outside the thirty business day timeframe for the reasons outlined in paragraphs xx – xx of the submission, and subject to finalisation and approval by Cabinet.*

*That Cabinet approve this submission, attachments and associated decision are not suitable for proactive release for the reasons outlined in paragraphs xx- xx of the submission.*

In addition, all Cabinet submissions must include a section titled 'Proactive Release'. This must include an explanation of why proactive release is proposed, or not proposed, for the submission and/or associated cabinet materials such as attachments to the submission. Specific reference must be made to the criteria and considerations outlined in **7.0** Proactive release of Cabinet Material.

Where proactive release is proposed but approval is sought to defer release beyond 30 business days, the justification and expected publication date for relevant cabinet materials must also be included in this section of the submission.

## 7.4 Cabinet material not suitable for proactive release

Where Cabinet has approved that a submission for proactive release, it is important to ensure that information not suitable for release is redacted prior to publication of the submission.

The department that led drafting of the submission (the lead agency) is responsible for coordinating redaction of any information which is not suitable for release in accordance with the criteria and considerations in **Table 1**. It is the responsibility of the lead agency to ensure all necessary consultation is undertaken with other agencies as part of the redaction process.

All material proposed for proactive release must undergo a thorough and consistent review process. Redactions must remove only information not suitable for release in accordance with the redaction criteria and considerations at **Table 1**.

Impact Analysis Statements are not subject to the application of redaction criteria.

Table 1

<b>Redaction Criteria (Code)</b>	<b>Considerations</b>
Executive Government (01)	<p>Disclosure would reveal previous Cabinet deliberations that were prior to 1 January 2024 or previous deliberations made on or after 1 January 2024 that may have been determined as exempt from proactive release.</p> <p>Disclosure would reveal information about ongoing Cabinet deliberations (i.e. decisions not yet finalised).</p> <p>Disclosure would reveal information that has been specifically created for provision to Executive Council e.g. Executive Council Schedule.</p>
Constitutional conventions (02)	<p>Disclosure would breach constitutional conventions, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) Individual and collective ministerial responsibility (e.g. comments between Ministers or reference to specific Minister’s positions);</li> <li>b) The political neutrality of officials;</li> <li>c) The free and frank expression of opinions (objective, expert or evidence-based advice or analysis provided by Ministers or any public service agency should be redacted if disclosure would be contrary to collective ministerial responsibility);</li> <li>d) Communications with or regarding the sovereign</li> <li>e) The independence of the judiciary or interference with judicial processes.</li> </ul>

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<b>Redaction Criteria (Code)</b>	<b>Considerations</b>
Intergovernmental relations (03)	<p>Disclosure would prejudice the state's relations with another government, including by revealing active discussions at National Cabinet or Ministerial Councils.</p> <p>Disclosure would reveal information provided in confidence by another government.</p>
Risk of serious damage to the economy (04)	<p>Disclosure would reveal information which has been created in the course of the State's budgetary process.</p> <p>Disclosure would risk serious damage to the economy.</p> <p>Disclosure would risk information being used for improper gain or advantage.</p>
Contempt of court or Parliament or prohibited by Act (05)	<p>Disclosure would infringe the privileges of Parliament, the Parliament of the Commonwealth or a State, or a House of such a Parliament or the Legislative Assembly of Norfolk Island.</p> <p>Disclosure of information would be contempt of court.</p> <p>Disclosure would be contrary to an order made or direction given by a royal commission, commission of inquiry or another appropriate body having power to take evidence on oath.</p> <p>Disclosure or publication is prohibited by another State or Commonwealth Act.</p>
Legal professional privilege (06)	<p>Information is subject to legal professional privilege.</p>
Potential civil or criminal liability (07)	<p>The information may result in potential liability, civil or criminal. Matters to be considered include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Individual privacy - Personal information, including that which is subject to the <i>Information Privacy Act 2009</i>. Disclosure of personal information of natural persons, including that of the deceased natural persons. This extends to information regarding a person's family and marital relationships, health or ill health, relationships and emotional ties with other people and domestic responsibilities or financial obligations.</li> <li>• Defamation – If the information proposed for release says or does something that may potentially harm the reputation of another person, group, or organisation.</li> </ul>

Redaction Criteria (Code)	Considerations
Breach of confidence (08)	<p>Disclosure would constitute a breach of the <i>Information Privacy Act 2009</i>.</p> <p>Disclosure would reveal information that is commercial in confidence.</p> <p>Disclosure would represent a breach of confidence including information received in confidence from another organisation or relates to another organisations interests.</p> <p>Disclosure of commercially sensitive information would be a breach of contract or copyright.</p> <p>Disclosure would adversely affect ongoing negotiations with a third party.</p>
Security and Law Enforcement (09)	<p>Disclosure could:</p> <ul style="list-style-type: none"> <li>• Damage the security of the State or Commonwealth</li> <li>• Impact on the effectiveness of law enforcement efforts</li> <li>• Prejudice an ongoing investigation by a government agency</li> <li>• Prejudice a person’s fair trial or the impartial adjudication of a case.</li> <li>• Endanger a person’s life or physical safety, including being subject to harassment or intimidation.</li> <li>• Endanger the security of a building, structure or vehicle; prejudice a system or procedure for the protection of persons, property or the environment; or prejudice the wellbeing of a cultural or natural resource or the habitat of animals or plants.</li> <li>• Prejudice the confidentiality of information sources.</li> </ul>

The lead agency is responsible for seeking legal advice where necessary to determine if information in a submission should be redacted prior to release.

Each separate redaction should have all relevant redaction codes listed against any redacted information. Where an entire attachment is not suitable for release, it should be replaced with a page with the Attachment’s number and the relevant redaction code/s referenced.

Once a submission has been prepared for proactive release, the lead department should ensure that all metadata has been removed from the document.

## 7.5 Approval for proactive release material

Cabinet approval is required to publish the final proactive release documents.

Once a submission has been reviewed for any information not suitable for release, and proposed redactions applied, this becomes the Proactive Release version.

The Proactive Release version must include a Coversheet.

The Proactive Release Coversheet is to be endorsed by the lead Minister, whose agency led development of the cabinet submission. It is the responsibility of the lead Minister to ensure any necessary consultation has been undertaken with other Ministers, including all other signatories to the submission, prior to Cabinet consideration of the material for proactive release. By endorsing the Proactive Release Coversheet, the Minister is certifying that the final proactive release cabinet submission is an exact replication of the submission considered by Cabinet, subject to redactions, and all information not suitable for release has been redacted.

The Proactive Release version and coversheet must be provided to Cabinet Services, DPC, at least 10 business days before the release deadline. In exceptional circumstances, where publication is planned for after 30 business days, the date of provision should be confirmed with Cabinet Services, DPC, at the earliest opportunity.

The Cabinet Secretariat will lodge the Proactive Release version and Coversheet in TCIS for Cabinet consideration. Cabinet will consider all Proactive Release versions at least one week prior to the publication deadline.

Cabinet is responsible for approving the Proactive Release version for publication.

## 7.6 Publication

Following Cabinet approval, DPC will publish Cabinet-approved proactive release Cabinet material on The Queensland Cabinet and Ministerial Directory website.

Ministers and agencies are not permitted to publish Cabinet material, including Cabinet-approved proactive release material, except in accordance with the provisions of the Cabinet Handbook.

The formal Cabinet record will continue to be supplied to the State Archivist by DPC. As both the original and the proactive release submissions will be considered by Cabinet, both copies will be provided to the State Archivist for the formal record and will be released at the appropriate time in accordance with the *Public Records Act 2002*.

## 8.0 Parliament and Legislation

More detailed information on the processes for legislation and Parliament is available in the Queensland Legislation Handbook and the Queensland Parliamentary Procedures Handbook.

## 8.1 Queensland Parliamentary Committees

### 8.1.1 Submissions to Committees

The DPC must be consulted on all submissions to Parliamentary Committees, including those made to parliamentary committees outside Queensland. Individual agency submissions should be of a factual nature only and approved by the relevant Minister/s.

If the matters being canvassed by the Parliamentary Committee or in the submission to the Parliamentary Committee relate to more than one agency, a whole-of-government submission should be prepared in consultation with affected agencies. All whole-of-government submissions to Parliamentary Committees must receive Cabinet approval prior to submission to the Parliamentary Committee. Consultation must occur with DPC 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.

### 8.1.2 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
- 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.

If a final response to a Committee report, cannot be tabled within three months, 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 Committee's report.

Where the Committee report relates to a Bill, the Minister must table the response prior to or at the commencement of the second reading debate.

Where Ministerial responses to reports of Parliamentary Committees significantly depart from the scope of the ATI, these responses must be prepared in consultation with DPC and receive Cabinet approval prior to their being tabled in the Legislative Assembly. Otherwise, the Premier's approval, via letter, will usually be sufficient for Ministerial responses to reports of Parliamentary Committees to be tabled in the

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

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

## 8.2 Legislation program

A program of legislative proposals provides the necessary mechanism to facilitate:

- prompt and efficient preparation of government Bills
- appropriate allowance for drafting time, taking account of the nature and complexity of each Bill
- prioritisation of drafting resources
- orderly consideration of Bills by Cabinet, Backbench 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
- 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.

### 8.2.1 Formulation of a program

The Leader of the House formulates a forward legislation program each year based on proposals from Ministers. Prior to the commencement of each sitting year, Ministers will be requested to provide proposals for legislation to be introduced in that sitting year. The Cabinet Secretary makes a legislative proposal template available. The template includes provision for expected dates for ATP, ATI, introduction, debate and passage. Departments must consult with OQPC to ensure sufficient drafting time is provided between ATP and ATI.

Ministerial legislative proposals are classified Cabinet-in-Confidence and are subject to the rules applying to the secure handling of Cabinet documents.

A bill's status on the legislative program depends on the submission being received by the relevant deadlines. Ministers and departments must ensure that legislative proposals and ATP and ATI submissions are lodged in a timely manner.

A decision by the Leader of the House or by Cabinet on a Bill's priority is not approval for the relevant policy. Policy approval is a separate matter controlled collectively by Cabinet.

### 8.2.2 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
- 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 Subordinate Legislation submissions should demonstrate consideration of regulatory best practice principles.

Consideration of regulatory impacts is outlined in greater detail in The Queensland Government Better Regulation Policy (see **8.2.3** The Queensland Government Better Regulation Policy). The consideration of regulatory impacts throughout the regulatory development process will assist in ensuring that the final regulatory proposal reflects regulatory best practice.

### **8.2.3 The Queensland Government Better Regulation Policy**

All departments, agencies and statutory bodies should consider the application of The Queensland Government Better Regulation Policy when developing policy that may potentially lead to a regulatory response. The Policy 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 Policy 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 Policy early when developing policy and to have early and ongoing engagement with Treasury Department, including its Office of Best Practice Regulation (OBPR) and DPC to help ensure the best policy outcome.

In departments' application of the Queensland Government Better Regulation Policy, certain documentation may be produced in the development of a regulatory proposal, specifically, an Impact Analysis Statement (IAS). The IAS, approved and signed by the Minister and Director-General of the relevant portfolio agency, must be attached to the relevant Cabinet submission (e.g. Policy, Authority to Prepare, Authority to Introduce, Authority to Forward Significant Subordinate Legislation).

Departments should be aware that, if required, a Consultation IAS has a minimum public consultation period of 28 days, and should factor this into the policy development, approval and drafting timeframes.

Wherever possible, departments should quantify the compliance cost impacts of a regulatory proposal on business, the community or government. The OBPR can provide departments advice on calculating compliance costs.

Departments should also be aware that all IASs must be published on the departmental website, and a copy provided to the OBPR, following final approval of the regulatory proposal by the relevant decision-making body (such as Cabinet or Governor-in-Council).

For further details, please refer to The Queensland Government Better Regulation Policy available on the OBPR website ([www.treasury.qld.gov.au/betterregulation](http://www.treasury.qld.gov.au/betterregulation)).

## 8.2.4 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 introduction, debate and 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.

No public announcement about proposed passage and commencement dates for legislation should be made without the Premier's prior written approval.

The Parliamentary Liaison Officer prepares and maintains a report on the Legislation Program 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
- Bills which have received Authority to Introduce a Bill approval but have not yet been introduced.

Following Ministerial approval, CLLOs are responsible for providing the Parliamentary Liaison Officer with updated information on the status of every Bill under their Minister's control.

## 8.3 Development of a Bill

### 8.3.1 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. 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.

It is important that drafting instructions are complete, accurate and comprehensive. In particular, it is not appropriate to progress drafting instructions until policy positions have been resolved. In exceptional

cases, where drafting must commence while some aspects are still being worked out, drafting instructions must clearly identify matters still undergoing consideration or subject to change.

OQPC is authorised to draft Bills for the Government legislation program only in accordance with Cabinet's authority to prepare. However, in cases of urgency the Premier may authorise drafting to start before the Authority to Prepare has been approved by Cabinet. Departments should firstly contact The Cabinet Office, DPC, 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.

The time required to draft will depend on the nature of each Bill.

### **8.3.2 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.

### **8.3.3 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.

### **8.3.4 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.

### **8.3.5 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 supporting information must be included in the Cabinet submission to justify any departure from a fundamental legislative principle.

Detailed information on fundamental legislative principles can be found in the Queensland Legislation Handbook.

### 8.3.6 Compatibility with human rights

The *Human Rights Act 2019* (the Act) requires human rights to be taken into account when developing legislation. All Bills introduced into the Legislative Assembly 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 the 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 section 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 Act. Policy officers considering use of an override declaration should consult with the Human Rights Unit at DJAG 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>.

### 8.3.7 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. As the Legislative Assembly consists of a total number of 93 members, a Bill to amend an Act respecting the constitution, powers or procedure of the Parliament needs to be passed with at least 47 members voting in favour at the third reading stage. If an absolute majority was not achieved at the third reading stage then the Bill will not be able to be presented to the Governor for assent.

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.

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 Legislative compliance section of the Authority to Introduce Cabinet Submission.

## 8.4 Finalisation of a Bill

### 8.4.1 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.

### 8.4.2 Explanatory notes and Statement of Compatibility

Departments are required to prepare explanatory notes and a Statement of Compatibility to accompany the Authority to Introduce a Bill submission. The *Legislative Standards Act 1992* sets out the various matters that must be addressed in explanatory notes for a Bill, including consistency with fundamental legislative principles. The explanatory notes will assist Members of Parliament and the general public to understand the objectives behind legislation and should be concise and in plain English.

As noted in **8.3.6** Compatibility with human rights the *Human Rights Act 2019* sets out the requirements for the Statement of Compatibility. Explanatory notes are to be tabled with the Bill when a Minister introduces the legislation.

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.

### 8.4.3 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 or the Premier. 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.

#### 8.4.4 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.

### 8.5 Parliamentary Portfolio Committees

Under section 93 of the *Parliament of Queensland Act 2001*, a Parliamentary Portfolio Committee (portfolio committee) examines each Bill and item of 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, compatibility with human rights 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 must consider the application of fundamental legislative principles, the Bill's compatibility with human rights and compliance with the requirements to prepare explanatory notes.

#### 8.5.1 Portfolio Committee Review Process

Portfolio committees may call for public submissions on proposed legislation, which will be published on the Parliament House website.

The committee may also request departmental advice and analysis of the submissions.

Following receipt of public submissions, portfolio committees may also hold public hearings with stakeholders regarding legislation.

Following tabling of the Committee's report on the legislation, the Minister must provide a response to the report if there are actions directed at the Government for action (no Government response is required if the only recommendation is that the Bill be passed, or that an issue be noted by the Legislative Assembly) 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.

The Cabinet Office, DPC, including the Parliamentary Liaison Officer, 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. OQPC should also be consulted where there are issues raised about the drafting of a Bill.

## 8.6 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.

### 8.6.1 Significant Subordinate Legislation

Significant Subordinate Legislation must be submitted to Cabinet prior to being forwarded to Executive Council. The Subordinate Legislation Impact Analysis Statement (IAS) must be attached to the Cabinet Submission. Significant Subordinate Legislation can be defined as:

- Subordinate legislation for which a Full Impact Analysis Statement (IAS) is required under **The Queensland Government Better Regulation Policy** (see **8.2.3**)
- 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
- 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 regard to the second and third matters above. Such advice may be obtained from the The Cabinet Office in the DPC and QT. In relation to whether a Full IAS is required, guidance should be sought in the first instance from **The Queensland Government Better Regulation Policy** (see **8.2.3**).

### 8.6.2 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 for which a Full IAS is required, the explanatory note should be accompanied by the IAS prepared for the Subordinate Legislation. Information is taken to be included in the explanatory note if it is in the accompanying IAS 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 (<https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/cabinet-handbook/legislation/assets/guidelines-preparation-of-explanatory-notes-2015.pdf>), the Handy Hints checklist ([Explanatory notes - Handy Hints \(premiers.qld.gov.au\)](https://www.premiers.qld.gov.au/explanatory-notes-hand-hints)) and the Queensland Legislation Handbook ([Queensland Legislation Handbook - Department of the Premier and Cabinet \(premiers.qld.gov.au\)](https://www.premiers.qld.gov.au/queensland-legislation-handbook)). Agencies are required to adopt the templates set out in these guidelines to ensure a consistent approach across government.

### 8.6.3 Compliance Certificate

When subordinate legislation is proposed to be made, the proposed instrument must be accompanied by the Parliamentary Counsel's certification that the instrument is within power and has sufficient regards to fundamental legislative principles. Subordinate legislation that has not been certified may be made only with Cabinet's approval.

### 8.6.4 Compatibility with human rights

The Human Rights Act 2019 (the Act) requires human rights to be taken into account when developing legislation. 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. Subordinate legislation that is incompatible with human rights will be valid only if the incompatibility is authorised by the empowering provision under which it is made.

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>.

## 8.7 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 Portfolio Committee which 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 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.

The lead Minister is required to prepare a submission to respond to the Bill for Cabinet's consideration. This must occur prior to debate commencing on the Private Member's Bill, and should be completed within six weeks of the tabling of the associated committee report. 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)
- state the Bill's financial and other impacts.

## CABINET HANDBOOK

The Committee report must be taken into consideration when preparing the Submission, and should also attach a response to any recommendations in the Committee report that are specifically directed to government. 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. Under Standing Orders, the minimum timeframe between the tabling of the portfolio committee report and the commencement of the second reading debate is three calendar months. However, debate can occur earlier than this should there be agreement to do so.

## 9.0 Guidelines for briefings and submissions to Members of Parliament, Parliamentary Committees and Commonwealth inquiries

### 9.1 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.

All other requests for a briefing on a Bill before the Legislative Assembly should be referred to the Minister's Office for consideration.

The briefing officer should be accompanied by an officer from the Minister's Office and another departmental officer.

The briefing should not take place until after the Bill has been considered by Cabinet, or preferably introduced into the House.

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.

### 9.2 Guidance in relation to dealings with Queensland Parliamentary Committees

#### 9.2.1 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 (<https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/cabinet-handbook/briefing/assets/code-of-practice-public-service-employees.pdf>)

provides guidance for public service employees dealing with Parliamentary Committees as either an assistant or as a witness.

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.

Under the Code of Practice, public service employees may make 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, in particular regarding any possible claim of public interest immunity, before copies of such documents are provided.

Chief Executive Officers should ensure The Cabinet Office 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.

### 9.2.2 Statutory office holders

Certain statutory office holders, 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 do not require approval of the Minister.

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 (refer to Schedule 9 of the Standing Orders of the Legislative Assembly. 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.

### 9.2.3 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.

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.

### 9.3 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 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.

#### 9.3.1 Written submissions

The state may provide information to inquiries/reviews undertaken by Commonwealth commissions, committees (including Parliamentary Committees) and agencies on matters affecting policy and administration at State level. 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. The Cabinet Office should be informed of such decisions.

The Cabinet Office, DPC 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, DPC 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 DPC 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 DPC.

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 Cabinet Office in DPC. The department primarily responsible for preparing the coordinated submission should ensure that other agencies have an opportunity to comment.

Whole-of-government submissions to Commonwealth inquiries or Parliamentary Committees should be considered by Cabinet. 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 QT.

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 DJAG and DPC.

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.

### 9.3.2 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 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 (e.g. comments on government policy made in a government issues paper or policy statement)
  - the officer has specific authorisation to comment (e.g. 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 should 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
- 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 DPC.

## 10.0 Intergovernmental Relations matters

### 10.1 Principles for intergovernmental activities

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 **10.5** Commonwealth-State funding agreements for considerations specific to negotiation and entry into intergovernmental agreements.

#### 10.1.1 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.

#### 10.1.2 Outcomes focused

Queensland will focus on achieving the best outcomes for Queenslanders in all intergovernmental activities based on cost-benefit analysis and risk assessments.

#### 10.1.3 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.

#### 10.1.4 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.

#### 10.1.5 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.

### 10.2 National Cabinet

National Cabinet comprises the Prime Minister of Australia (Chair) and the Premiers and Chief Ministers of all Australian states and territories.

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.

**10.2.1 National Cabinet information security**

All proceedings and documentation of National Cabinet remain strictly confidential.

National Cabinet information security must operate in accordance with the Australian Government’s Protective Security Policy Framework.

The National Cabinet Terms of Reference specifies National Cabinet documents should be classified as ‘OFFICIAL: SENSITIVE’ unless a higher classification is required. All information and materials prepared for National Cabinet must be handled in accordance with these requirements.

Agency officials are accountable for the security of National Cabinet information held within the respective portfolio and agencies and must ensure the appropriate level of 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.

All possible security breaches must be reported to the Federal Government’s Department of the Prime Minister and Cabinet via the Intergovernmental Relations team in 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.

**10.2.2 National Cabinet coordination**

Intergovernmental Relations, 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 as 'OFFICIAL' or 'OFFICIAL: SENSITIVE' may be distributed externally to portfolio agencies with the 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.

### 10.2.3 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 the state'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.

## 10.3 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 of 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.

The Treasurer represents Queensland on CFFR.

Where CFFR will consider issues that impact another Minister's portfolio, the Treasurer is responsible for ensuring affected Ministers are consulted.

### 10.3.1 Decision-making authority

Cabinet approval is required for Queensland agreement to any binding CFFR decisions involving:

- a new or materially changed policy position for the Queensland Government
- amendments to Queensland legislation
- entry into Commonwealth-State funding agreements
- funding commitments
- commitment to measures with significant resourcing impacts for the Queensland public service.

Chapter 10.5 Commonwealth-State funding agreements 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 Commonwealth-State funding agreements) will be led by the Treasurer. For these matters:

- Where CFFR timeframes require urgent decisions and the timing prevents these from 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 (see Chapter **10.5** Commonwealth-State funding agreements).

### 10.3.2 CFFR information security

All proceedings and documentation of CFFR are strictly confidential.

All documents and associated records prepared for CFFR are to be marked 'NATIONAL CABINET' and should be classified 'OFFICIAL: SENSITIVE' unless a higher classification is required. All information and materials prepared for CFFR must be handled in accordance with these requirements.

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' basis. Agency officials are accountable for the security and handling of CFFR information held within their portfolio.

Access to CFFR-related documents is managed by QT.

### 10.3.3 CFFR coordination

QT is responsible for coordination of the Treasurer's participation in CFFR.

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.

### 10.3.4 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 for monitoring implementation progress. Where possible, QT will engage with relevant agencies to inform the portfolio Minister of the Treasurer's advice on expectations for implementing CFFR decisions and outcomes.

Ministers and relevant agencies are responsible for tracking the implementation of decisions impacting their relevant portfolio.

## 10.4 Ministerial Council Meetings and Engagement

Ministerial Councils are established to provide a forum for portfolio Ministers from the Federal and all state and territory governments 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 Ministerial Councils, 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.

The Premier will nominate a lead Minister to represent Queensland for each Ministerial Council.

Where the Ministerial Council will consider issues that impact on another portfolio, the lead Minister will be responsible for ensuring effected Ministers are appropriately consulted.

### 10.4.1 Proactive engagement

Ministerial Councils 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.

### 10.4.2 Decision-making authority

It is the responsibility of Ministers and their agencies to ensure they are prepared to represent the Queensland Government at Ministerial Councils.

Queensland 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. 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, it is the responsibility of that Minister to make this position clear to the Ministerial Council.

Where out-of-session voting is sought as part of the operation of a Ministerial Council, the Minister should ensure the Premier is kept regularly updated in writing of any position 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 Ministerial Council's work including any decisions made by this body. The Premier will advise if an update needs to be provided to Cabinet.

#### **10.4.3 Information security**

It is the responsibility of Ministers and agencies to maintain confidentiality of Ministerial Council information. Information should be circulated strictly on a need-to-know basis.

#### **10.4.4 Decisions and implementation**

The lead Minister is responsible for implementation and tracking of any Ministerial Council decisions.

The lead Minister may delegate, in writing, the implementation of a decision to another Minister where appropriate, with a copy to the Premier.

#### **10.4.5 Ministerial Council sub-committees and officials working groups**

Ministerial Councils 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.

#### **10.4.6 Other ministerial intergovernmental engagement**

Outside the formal Ministerial Council 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 principles outlined at the introduction to this chapter should be considered.

#### **10.4.7 Establishing new interjurisdictional ministerial forums**

Given National Cabinet's shared objective to limit the number of Ministerial Councils, and to limit Ministerial Councils to decision making on key priorities, Ministers should not establish any interjurisdictional ministerial forums without first receiving written support from the Premier.

### **10.5 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).

The Federation Funding Agreements (FFA) Framework developed by CFFR, and endorsed by National Cabinet, ensures that CFFR acts as the gatekeeper for all Commonwealth-State funding agreements.

Agencies should ensure negotiations are underpinned by the FFA Framework principles, the Intergovernmental Agreement for Federal Financial Relations (Council on Federal Financial Relations - Intergovernmental Agreement on Federal Financial Relations) and the **Principles for intergovernmental activities** (see Chapter 10.1).

### 10.5.1 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 direction 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 FFA Principles
- Specifying that the agreement be executed by CFFR
- Requiring no further action
- The Treasurer will communicate these requirements to relevant Ministers as they arise.

### 10.5.2 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 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 **Principles for intergovernmental activities** (see Chapter 10.1).

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.

Generally, CBRC endorsement should be sought for execution of new agreements, and extensions and/or variations to existing Commonwealth-State funding agreements. However, these requirements may be varied, based on an assessment of risk and economic, fiscal or policy impact. Agencies should seek advice from DPC and QT on these matters.

### 10.5.3 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 associated risks and implications.

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 outset of 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 is included in the **Appendices at Intergovernmental Agreement Negotiating framework template**.

Guidance on basic Queensland positioning on key elements of funding agreements is also provided in the **Appendices at Queensland's negotiating position on proposed [INSERT AGREEMENT]**. Changes to these positions may be considered in exceptional circumstances. However, these must be discussed with DPC and QT, and the reasons for any variance must be explained in a Cabinet or CBRC submission seeking approval for the negotiating framework.

### 10.5.4 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 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 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 or CBRC and seek endorsement of a negotiating framework (in accordance with **Intergovernmental Agreement Negotiating framework template** and **Queensland's negotiating position on proposed [INSERT AGREEMENT]** in the **Appendices**).

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 Minister should seek CBRC 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.

### 10.5.5 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, the Minister will sign these agreements.

The Treasurer will be responsible for ensuring the relevant Portfolio Minister is advised of any requirements in relation to:

- Cabinet/CBRC considerations
- consultation with other agencies
- the content of the agreement (over and above what is already provided by the FFA Principles)
- 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 develop a negotiating framework for consideration by DPC and QT with advice provided to the agency if the negotiating position requires consideration by CBRC, 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.

For agreements of a routine or low-value nature, a streamlined negotiating framework can be developed.

At the completion of negotiations, the relevant Minister should write to the Treasurer, with a copy to the Premier, 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.

This process may be varied by agreement between the Minister, the Treasurer and Premier, preferably in writing.

For example, for agreements deemed low risk and low value, the Treasurer may agree to approve a request from a Minister for an exemption from CBRC consideration on advice from QT and with the support of DPC. The Treasurer will advise the Minister and copy the Premier into this advice.

The Premier may provide advice to the Treasurer on the Portfolio Minister's recommendation for signing an agreement or a request for an exemption from CBRC consideration.

#### **10.5.6 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 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, with a copy to the Premier, to advise once the variation has been signed.

#### **10.5.7 Renewal of existing funding agreements**

Existing agreements may be renewed. The renewal usually takes the form of a new agreement, rather than a continuation of the existing agreement and should follow the process for a new agreement.

While renewals that result in an increased fiscal risk may require CBRC consideration, other renewals, such as those deemed by QT and DPC to be extremely low risk, may not require further approvals.

If the existing agreement is continued, then this is considered a variation to the existing agreement.

#### **10.5.8 Performance and risk reporting**

The Treasurer is responsible for ensuring Cabinet is kept informed of Queensland's performance under intergovernmental funding agreements. QT will oversee regular risk and performance reporting with the support of DPC. QT, with the support of DPC, will also lead Queensland's participation in any whole-of-government performance reporting.

#### **10.5.9 Implementation**

Ministers remain responsible for implementing funding agreements relevant to their portfolio, including those executed by the Treasurer. Ministers will ensure the Treasurer is kept up to date on the status of implementation and will write to the Treasurer (with a copy to the Premier) as soon as feasible to escalate any significant risks to Queensland's ability to meet implementation requirements.

## 10.6 Non-financial intergovernmental agreements

Unless otherwise specified, non-financial intergovernmental agreements remain the responsibility of the portfolio Ministers and their agencies.

The process for negotiation and approval of non-financial agreements, such as intergovernmental agreements, non-financial bilateral agreements and memorandums of understanding 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.

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.

## 10.7 Queensland's international interjurisdictional relationships

### 10.7.1 Queensland Government process for foreign arrangements under Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020 (Cth)

*Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020 (Cth)* (the Act) establishes the Foreign Arrangements Scheme which imposes obligations on Queensland, relating to negotiation of, and entry to, all new foreign arrangements.

The Queensland Government has implemented a decentralised approach to ensure its obligations under the Act are met. Accordingly, agencies are responsible for ensuring they familiarise themselves with the 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 state government, local governments, and public universities.

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.

### 10.7.2 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 about any foreign arrangements intended to be negotiated or entered by their Minister and agency.

### 10.7.3 Requirement to notify the Premier

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.

### 10.7.4 Requirement to notify of adverse declarations by the Federal Government

Where the Federal Minister for Foreign Affairs makes an adverse declaration under the Act regarding a foreign arrangement involving a portfolio entity for which a Queensland Minister is responsible, the Minister must immediately inform the Premier in writing, and advise on consequences of, and appropriate mitigation strategies in response to, the declaration.

### 10.7.5 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.

## 10.8 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 agencies as needed.

### 10.8.1 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 the Department of Foreign Affairs and Trade (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.

### 10.8.2 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 by 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 agencies to provide information as content experts.

## 11.0 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.

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.

## Appendices

## Loss of Cabinet document template

<Insert date>

The Cabinet Secretary  
Cabinet Secretariat  
Level 40,  
1 William 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:

<b>Document Type</b>	<b>Date</b>	<b>Document Number</b>	<b>Title</b>
(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*

### Cabinet Cycle timelines

Cabinet cycle: Procedural timelines

As discussed throughout **3.0 Procedures**, the procedures and timelines supporting the Cabinet process are 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.

<b>Process and Timelines for Cabinet Submissions and Matters to Note</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<ul style="list-style-type: none"> <li>• During the period leading up to formal lodgement: approval is sought by the responsible Minister to begin development of a submission or Matter to Note.</li> <li>• The details for submissions are entered into the TCIS where it forms part of the Cabinet Forward Timetable.</li> <li>• The drafting of the submission or Matter to Note includes undertaking the necessary consultation across government, and the provision of drafts to DPC for comment.</li> <li>• A draft submission is then provided to the responsible Minister for approval to <b>advance</b> lodge with the Cabinet Secretariat.</li> </ul>				
<i>Advance Lodgement of submissions - 3 weeks before the Cabinet meeting date</i>				
<ul style="list-style-type: none"> <li>• Midday - advance submission lodged by department through its Cabinet Legislation and Liaison Officer (CLLO) with Cabinet Secretariat by 12 midday on the Monday, 3 weeks before Cabinet.</li> </ul>			<ul style="list-style-type: none"> <li>• Advance briefing note on submissions prepared by DPC.</li> </ul>	
<i>Resolution of outstanding issues for submissions and advance lodgement of Matters to Note - 2 weeks before the Cabinet meeting date</i>				
<ul style="list-style-type: none"> <li>• Throughout week 2 - DPC and departments work together to resolve any issues. Department provides final submission to Minister to sign.</li> </ul>				
<ul style="list-style-type: none"> <li>• Midday – draft Matter to Note lodged with the Cabinet Secretariat by</li> </ul>				

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department's CLLO.				
<i>Final Lodgement of submissions - 1 week before the Cabinet meeting date</i>				
<ul style="list-style-type: none"> <li>The Premier approves the final agenda.</li> </ul>	<ul style="list-style-type: none"> <li>1pm - final signed submissions and signed Matters to Note lodged with the Cabinet Secretariat by departments through CLLO, and distributed to Ministers and departments according to security classification.</li> </ul>	<ul style="list-style-type: none"> <li>Final briefing note (yellow) on submissions prepared by DPC.</li> <li>5pm – final deadline for submissions approved for late lodgement.</li> </ul>	<ul style="list-style-type: none"> <li>All Cabinet documents are uploaded onto Ministers' iPads.</li> <li>Cabinet Bag closes.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>

Matter to Note template

CABINET-IN-CONFIDENCE

**MATTERS FOR CABINET TO NOTE**

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

<b>Description of Matter including timing and public presentation</b>
<b><u>Title</u></b>
<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>
<u>Head of Power (if applicable)</u>

<Signed>

**Director-General**  
**<Department Name>**

<date>

<Signed>

**<Minister Name>**  
**<Minister Title>**

<date>

CABINET-IN-CONFIDENCE

## Significant Appointments

### Establishment, Review, or Assessment of a Government Body

The Public Interest Map is the public sector governance model for the establishment and accountability of Government bodies (excluding companies and government owned corporations), which is detailed at DPC'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. Governance and Constitutional Services, DPC, must be consulted in relation to the establishment of any Government Body (except companies and government owned corporations, which are the responsibility of QT, 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 QT 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 and not considered by Cabinet, are subject to strict intra-government consultation requirements. Some appointments are also subject to consultation with Parliamentary Committees under legislation.

For detailed information on consultation requirements, refer to **6.0** Consultation.

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

- the Government body membership, including details of new, outgoing and remaining members
- current curriculum vitae for all proposed appointees
- that the Minister is satisfied with the suitability of the nominees, including that appropriate suitability checks have been carried out
- 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
- 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.

### Gender balance

The Government is committed to achieving and sustaining gender equity on government bodies.

The Office for Women has collated a range of actions to assist in achieving and maintaining the targets, including support for women, support for agencies and support for the system of appointments, available on the Women on Boards website.

The Office for Women can be consulted in relation to all appointments made to government bodies, including those made by a Minister and not considered by Cabinet. 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.

The letter to the Premier (including where appointments will be made by a Minister and not considered by Cabinet) and Significant Appointment submissions must detail the process used to achieve gender balance, or provide reasons why gender balance cannot be achieved. The Office for Women can provide advice and support to government departments to implement strategies to achieve gender equity on their government bodies.

### Diversity Considerations

Government has committed to increasing all forms of diversity on its boards. This includes Aboriginal people and Torres Strait Islander people, culturally and linguistically diverse people, women, seniors, young people, people with disability, and people who identify as LGTBIQ+. The Join a Board website contains a range of materials and tools to assist in delivering on this commitment including support for people from diverse backgrounds and support for the system of appointments.

It is recommended that Significant Appointment submissions, or the letter to the Premier (where appointments will be made by a Minister and not considered by Cabinet), detail the efforts made and

the process used to support and promote recruitment of diverse applicants onto Government boards and committees.

### 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
- where it is proposed to vary remuneration arrangements previously approved by Cabinet
- 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 Appointments, as defined in **5.1.1.6 Significant Appointment**.

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 candidates registered 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, i.e. any private interests that may affect or appear to affect the appointee's public duty
- 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 Governance and Constitutional Services, DPC.

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
- 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
- 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.

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 Sector Act 2022* 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.

#### **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 (e.g. 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 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.

**Formatting and style for submissions**

**General formatting and style for submissions**

*Colour of submissions*

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

The electronic version of the final submissions should be 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

*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.

*Margins*

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

*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.

*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.

*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.

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

### *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.

### *Abbreviations/acronyms*

Apart from common abbreviations like 'e.g.' and 'i.e.', abbreviations and acronyms should be spelt out in full the first time they appear in the cover sheet or body of the submission, e.g. Office of Best Practice Regulation (OBPR). Repeat this process in the recommendations to assist in identification.

### *Attachments*

Attachments should not introduce issues for discussion not raised in the body of the Cabinet submission.

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
- 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 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.

Reports in PDF form or printed material need not be retyped to conform with these procedures. Reports should be lodged as an attachment for the relevant Cabinet submission.

### *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.

## Information requirements for submissions

### Preparation of a Cabinet and Cabinet Committee submission coversheet

All Cabinet and Cabinet Committee submissions, with the exception of Significant Appointment submissions, require a coversheet. Refer to **Colour of submissions** for a description of colour 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. The coversheet must not exceed one A4 page

The submission coversheet must be signed by all sponsoring Ministers.

### **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.

### **Purpose**

A single sentence on the purpose of the Cabinet submission is required. This should succinctly state what Ministers are being asked to consider or decide. Do not list the recommendations.

### **Executive Summary**

This section will provide a concise overview or executive summary of the contents of the submission. Include a summary of key issues within one to two paragraphs. This should be a high level summary and not a direct replication of information which is included in the body of the submission.

### **Proactive release**

For Cabinet submissions only, the coversheet must include an indication yes or no whether the submission is proposed for proactive release and which paragraphs of the submission outline the reasons for that position.

### **Minister(s) signature**

The Cabinet Secretariat is instructed not to accept final Cabinet submissions without the Minister's signature.

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

## Date

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

## 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 or Cabinet Committee support. The major policy or financial decisions proposed must be clearly articulated in recommendations.

Refer to **5.1** Types of submissions for the specific recommendation requirements for specific types of submissions.

The recommendations should always move from the general to the specific.

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 or Cabinet Committee decision and must provide clear direction for further activity.

All Cabinet and Cabinet Committee submissions must contain recommendations which indicate the specific roles of the Minister(s) and other authorities in implementing the decision and provide directions 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 refers to the preparation of a Bill, OQPC should be consulted about drafting timelines. 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 should not state that approval is sought for the proposals outlined in the body of the submission. If recommendations reference the submission, relevant paragraph numbers or attachment numbers must be included.

Where options are presented in the recommendations, these options should be clearly marked as such, and be written so that each option stands alone once the alternative recommendation/s are deleted.

Recommendations are always Attachment 1 to a submission. 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.

The final recommendation for Cabinet submissions will relate to proactive release of the submission/decision and should be worded:

*That Cabinet note the intention to proactively release this submission, attachments and associated decision in thirty business days subject to finalisation and approval by Cabinet.*

*That Cabinet approve this submission, attachments and associated decision are not suitable for proactive release for the reasons outlined in paragraphs xx-xx of the submission.*

*That Cabinet note the intention to proactively release this submission, attachments and associated decisions, outside the thirty business day timeframe for the reasons outlined in paragraphs xx-xx of the submission, and subject to finalisation and approval by Cabinet.*

### Preparation of the body of a Cabinet or Cabinet Committee submission

The body of a Cabinet or Cabinet Committee submission should generally not exceed 8 A4 pages.

#### **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 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. discussion paper and policy paper, Intergovernmental Agreement or Industry 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.

#### **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 the government of the day (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 where essential to outline policies that affect the proposal.

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.

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

Copies of Cabinet or Cabinet Committee decisions must not be attached to any submission.

#### **Timing and Urgency**

This section should give the reasons for any urgency or any circumstances which may influence timing of consideration. Specify key dates and events, such as further consideration requested by Cabinet, statutory deadlines, parliamentary deadlines (introduction into the House), Intergovernmental forum, conference deadlines etc.

For Authority to Prepare and Authority to Introduce submissions, this section should also outline the proposed timing for introduction of the proposed Bill. This proposed timing should be developed in consultation with OQPC and The Cabinet Office, DPC, including the Parliamentary Liaison Officer.

### Strategic Objective

This section should provide a statement of the opportunity that the submission is presenting and also outline how the recommendations help deliver on Government objectives, priorities, election or charter letter commitments.

### Issues

This part of a 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 required to come to a decision on the recommendations of the submission.

Where relevant:

- FTE Impact - submissions must address the impact of proposals on departmental full-time equivalent employees
- Procurement - confirm that the procurement proposal complies with the Queensland Procurement Policy and related guidance, 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).
- Interjurisdiction comparison - a table of interjurisdictional comparison of the policy or legislative proposals or other relevant data should be included.
- Regulatory proposals - demonstrate the consideration of regulatory best practice principles and regulatory impact analysis as outlined in The Queensland Government Better Regulation Policy ([www.treasury.qld.gov.au/betterregulation](http://www.treasury.qld.gov.au/betterregulation)). 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. For further information, please refer to the Policy, and the section of this Handbook on the **Office of Best Practice Regulation**.
- Authority to Introduce submissions - must also include or attach a table detailing any changes, by clause, from the Authority to Prepare submission.

Where it is necessary for the submission to include a summary of any legal advice, which would otherwise be subject to legal professional privilege, a sub-heading Legal Advice should be used within the Issues section. This is the only place legal advice should be summarised within a submission.

### Implementation

Relevant submissions to Cabinet and Cabinet Committees 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 may 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 or Cabinet Committee consideration and attached to the submission for endorsement. An Implementation Plan should be attached when the proposal put forward by the submission:

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

Performance Unit in DPC and the agency CLLO can provide advice in determining whether an Implementation Plan should be attached to a submission.

The Implementation section should also include details of how any proposal will be evaluated, and the proposed timeframe for that evaluation.

Evaluation, particularly when considered early in the program design phase, can provide guidance on the effectiveness of a program, how efficiently funds were used, and potential changes to improve the program.

The Program Evaluation Guidelines (PEG) provide information to assist agencies to plan, commission, manage and conduct high-quality evaluations. Cabinet and Cabinet Committee submissions that propose new policy initiatives which require evaluation or seek funding to evaluate existing policy initiatives should include evaluation plans that are informed by the PEG and its accompanying Information Sheets.

The Queensland Government Statistician's Office, QT, can provide advice on developing evaluation plans and frameworks. Contact [peg@treasury.qld.gov.au](mailto:peg@treasury.qld.gov.au) or (07) 3035 6421 for more information.

### **Legislative Compliance**

This section should outline how the proposed course of action does or does not comply with relevant legislation.

All submissions must include a statement in this section outlining 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>.

For Authority to Prepare and Authority to Introduce submissions, a statement outlining the Bill's compliance with Fundamental Legislative Principles and whether an absolute majority is required should be included in this section.

This section should also state whether consultation with the Parliamentary Liaison Officer, Department of the Premier and Cabinet, has occurred, timing for legislation and any other matters requiring consideration.

### **Consultation**

This section should briefly state what consultation has occurred and the general results of consultation. This statement should not include information which would reveal the specific views of individuals, organisations or agencies.

A more detailed account of consultation which outlines specific consultation feedback must be included Attachment 2 to the submission.

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.

### **Financial Impact**

Funding of new or significant policy initiatives will be referred to CBRC for consideration. Initiatives or proposals that cannot be funded from existing appropriations must be directed to the CBRC in the first instance for consideration. Cabinet consideration of financial impact is not funding approval.

Submissions must detail any costs associated with the recommendations and the proposed source of funding to meet those costs.

QT should be consulted in the development of this section.

### **Impact Assessment**

This section must include a sub-heading Regulatory Impacts, beneath which is a brief summary of the impact assessment and justification where regulation is increased.

This section should include sub-headings from the below list as relevant. Where there will be a substantive impact as a result of implementation of the recommendations of the submission on any of the groups or issues outlined below a sub-heading should be included. Beneath the sub-heading a summary of any expected impacts, positive or negative, should be outlined and any justification or mitigation outlined as necessary.

Possible sub-headings:

- Human Rights Impact Assessment (compliance with HRA should be stated in the Legislative Compliance section – further discussion of impacts should be in this section)
- Aboriginal peoples and Torres Strait Islander peoples impact, including impact on Closing the Gap (it is anticipated that most submissions will need to detail this impact)

- Rural/regional impacts
- Employment and skills impacts
- Institutional impacts
- Impacts on people with a disability
- Gender impact
- Climate/emissions impact.

Further guidance on content for specific impact assessment subheadings:

### Aboriginal peoples and Torres Strait Islander peoples impact assessment

The Queensland Government is committed to reframing the relationship with Aboriginal and Torres Strait Islander peoples. The reframed relationship acknowledges, embraces and celebrates the humanity of Indigenous Australians, and is actioned through the Queensland Government doing things with Aboriginal and Torres Strait Islander people, not to them or for them. This means that Aboriginal and Torres Strait Islander peoples should have a greater say on the laws, policies and services that impact them and their lives, achieved through genuine partnership and co-design. This reframed relationship also aligns with four priority reforms under the National Agreement on Closing the Gap: Formal Partnerships and Shared Decision Making; Building the Community Controlled Sector; Transforming Government Organisations; and Shared Access to data and Information.

Submissions should include an assessment of the effect of the proposal on the reframed relationship and detail how the proposal supports government efforts to reframe the relationship including, where applicable, supporting the Queensland Government in meeting the four priority reform obligations and a range of socio-economic targets under the National Agreement on Closing the Gap.

This assessment requires appropriate engagement with First Nations stakeholders. Additionally, the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts must be consulted where relevant, as early as possible in the policy development process to assist in the assessment of any positive or negative impacts on the reframed relationship and efforts to meet obligations under the National Agreement on Closing the Gap. See the **Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts** section of the Handbook.

### Rural/Regional Impact Statement

The Rural/Regional Impact Statement is designed to inform Cabinet and Cabinet Committees 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. Submissions should include detail of the basic strategy for management of the issue in rural/regional communities.

### Employment and Skills Development Impact Statement

The government is committed to reducing unemployment and skilling the Queensland workforce. An 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.

Employment and skills development issues should be considered an integral part of policy development and at an early stage. Consequently, DESBT should 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 DESBT.

### Institutional Impact Statement

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.

### Public Presentation

Ministers are required to give careful consideration to the public presentation and timing of announcements of their proposals.

### Proactive Release

This section should explain why proactive release is proposed or not proposed for the submission, attachments and associated decision, with reference to the criteria and considerations outlined at **7.0 Proactive release of Cabinet Material**.

Where proactive release is proposed but approval is sought to defer release beyond 30 business days, include the reasonable justification for the proposed delay and the expected date that proactive release can occur.

## Preparation of a Significant Appointment submission

### **Title**

The title of the submission should be kept short and simple and preferably to one line.

### **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.

### **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.

### **Background**

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 make the appointment should be clearly identified. Reference should also be made to relevant policy commitments given by the government, including the date and reference. References should be as specific as possible.

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, Intergovernmental Forum, etc., should also be outlined.

Copies of Cabinet and Cabinet Committee decisions must not be attached.

### **Urgency**

Give the reasons for urgency or any circumstances which may influence timing of consideration. Specify key dates and events, e.g. further consideration requested by Cabinet, statutory deadlines,

parliamentary deadlines (introduction into the House), Intergovernmental forum, conference deadlines etc.

**Details of existing members and recommended candidates(s)**

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

An example table of information to be included in Attachment 1 is in Appendix A.

**APPENDIX A.** Details to be included in the Existing Members columns of the table are to 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 in the second column, and
- current status, date of appointment, and, if applicable, date and reason for resignation in the third column.

The Proposed Candidates columns of the table are to include details for proposed appointments including names (first column), position/s (second column), and term of new appointment/reappointment (third column). If the person is being reappointed, do not enter name in again, only position details and reappointment details.

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

**Proposed period(s) of appointment**

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)**

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**

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**

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**

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.

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.

Information should be provided on the suitability of the proposed member (i.e. 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 Government body prior to the vacancies occurring and the subsequent balance if the proposed appointments are approved. 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.

Where applicable, details of regional representation on the Government body are to be included.

### **Public Interest Case**

Include details of the public interest case for the establishment of a new government body (refer to the Public Interest Map policy at DPC's website). Use 'not applicable' for appointments to an established body.

### **Remuneration and Conditions**

Details of remuneration, including the dollar amount and the applicable category under the Government's Remuneration Procedures for Part-time Chairs and Members of Queensland Government Bodies, are to be clearly specified in this section. Refer to **6.2.1 Consultation on Establishment of and Appointments to a Government Body** in relation to consultation requirements with Governance and Constitutional Services, DPC, and the Public Sector Commission (where applicable).

### **Consultation**

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

If consultation with a Parliamentary Committee is required, this should be included in this section.

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**

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.

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.

The Cabinet submission should state concisely and accurately any differing views from agencies and non-government organisations, 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.

## Public Presentation

Ministers are required to give careful consideration to the public presentation and timing of announcements of their proposals.

## Recommendation

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:

*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 Sector Act 2022 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 of the (Minister) 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)*

*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.

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*

Recommendations must stand on their own and not state that approval is sought for the proposed appointments outlined in the body of the submission.

#### **Minister(s) Signature**

The Cabinet Secretariat is instructed not to accept final Cabinet submissions without the Minister's signature.

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

#### **Date**

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

**APPOINTMENTS TO NAME OF BOARD (e.g. 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 reappointment or new</i>
<i>eg Joanne Bloggs</i>	<i>Deputy Chair</i>	<i>Resigned on day/month/ year</i>	<i>Mary Temple</i>	<i>member</i>	<i>New</i>
<i>Brad Jones</i>	<i>member</i>	<i>Existing - appointed day/month/ year</i>		<i>Deputy Chair</i>	<i>reappointment changed position</i>

## Intergovernmental Relations matters

### Intergovernmental Agreement 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 framework is fit for purpose for the relevant negotiation.

#### 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.

#### 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.

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.*

<b>Factors</b>	<b>Anticipated Federal Government position</b>	<b>Queensland position</b>
Purpose	Outline anticipated Federal Government position	General statement about Qld’s preference. Identify if there are anythreshold 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 anythreshold 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 anythreshold 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 anythreshold considerations for this matter. <i>Preferred position</i>
Duration	Outline anticipated Federal Government position	General statement about Qld’s preference. Identify if there are anythreshold considerations for this matter. <i>Preferred position</i> Outline Qld’s preferred position. <i>Fallback position</i> Outline a fallback position/s.

APPENDICIES - CABINET HANDBOOK

<b>Factors</b>	<b>Anticipated Federal Government position</b>	<b>Queensland position</b>
		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 anythreshold 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 anythreshold considerations for this matter. <i>Preferred position</i> Outline Qld's preferred position. <i>Fallback position</i> Outline a fallback position/s.