

CABINET HANDBOOK

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Acronyms	
The following acronyms are used in this document	
Acronyms	Full form
NTPS	Northern Territory Public Sector
GERS	Government Executive Reporting System
DCM	Department of the Chief Minister
MOU	Memorandum of Understanding
CEO	Chief Executive Officer
MDM	Mobile Device Management
NGOs	Non-Government Organisations

FOREWORD

The Cabinet Handbook outlines the underlying principles of Cabinet government and general expectations for Cabinet business and meetings, with detailed arrangements and procedures included in Appendices. The Handbook is designed as a resource for Ministers, ministerial staff and public officials involved in the development and progression of Cabinet business.

A well-functioning Cabinet system requires high-quality Cabinet proposals and documents, robust processes for the development of Cabinet proposals, and appropriate levels of security. Ministers and officials are expected to take particular care with the quality of Submissions and Memoranda brought forward to Cabinet and its Sub-Committees, and that timelines for the lodgement of Cabinet documents are met. Effective Cabinet confidentiality requires strict observance of the security requirements for Cabinet documents by Ministers, their staff and Northern Territory Government officers.

The Cabinet Office can be contacted for advice on interpretation of the Handbook or assistance in the preparation of, and process for, Cabinet proposals as required. Agency officers should make contact with their Secretariat/Ministerial Liaison Unit as a first step should they have any questions regarding matters in this Handbook or about Cabinet processes generally.

In addition to this Handbook, a range of guidelines, reference materials, detailed instructions and templates relevant to Cabinet processes are available to Northern Territory Public Service (NTPS) officers and Ministerial staff online at the Cabinet Office Tool Box site: <http://ntgcentral.nt.gov.au/ntg-tools-services/legal-and-governance/cabinet-and-secretariats-tool-box/>.

Feedback on this Handbook and the Cabinet Office Toolbox materials is welcome and can be directed to the Cabinet Office on telephone 8999 6295 or by email to dcm.cabinet.office@nt.gov.au.

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1 CABINET GOVERNMENT

1.1 Cabinet

- 1.1.1** Cabinet consists of all Northern Territory Government Ministers, each of whom are elected members of the Northern Territory Legislative Assembly. Cabinet makes decisions on matters such as the Government's strategic priorities, significant policy matters, Government's legislative program, the allocation of financial resources, appointments to significant Government statutory positions and to Government boards and committees, and agreements with other Australian or overseas governments.
- 1.1.2** As a forum, Cabinet seeks through discussion and consultation to build consensus around complex and sometimes controversial issues. The decisions of Cabinet are understood to be collective, not of individual Ministers, and Cabinet solidarity requires all Ministers to take responsibility for Cabinet's decisions and to support those decisions.
- 1.1.3** Cabinet is a product of convention and practice. There is no reference to Cabinet in the *Northern Territory (Self-Government) Act* and its establishment and procedures are not the subject of any legislation. Provided the guiding principles of a Cabinet system are met - collective responsibility and solidarity - it is for the Chief Minister to determine the shape, structure and operation of Cabinet.
- 1.1.4** As Cabinet does not have specific terms of reference or powers laid down in statute, the outcomes of its deliberations may require action by the Administrator, individual Ministers, holders of statutory offices, or the Parliament to be put into effect.

1.2 The Chief Minister

- 1.2.1** There is no statutory provision that establishes the office of Chief Minister or defines the role. The Chief Minister is understood to be the 'first among equals' with responsibility for the strategic policy and organisational direction of the Government. Much of the Chief Minister's power to lead policy and political direction is achieved through his or her position as the Chair of Cabinet.
- 1.2.2** The Chief Minister is responsible for the membership of Cabinet and for determining and regulating Cabinet arrangements, and is the final arbiter in relation to Cabinet procedures.
- 1.2.3** As Chair of Cabinet, the Chief Minister sets Cabinet's agenda and determines when and where meetings take place. The Chief Minister leads and guides discussion to achieve a collective response and ensures the clarity of decisions. In exceptional circumstances where a collective decision is not possible, the Chief Minister's view is authoritative.
- 1.2.4** The Chief Minister is also responsible for the establishment of Cabinet Sub-Committees, including their terms of reference and membership.
- 1.2.5** The Chief Minister is supported by the Cabinet Secretary, to whom may be delegated responsibility for the day-to-day procedural and operational matters of Cabinet.
- 1.2.6** The Chief Minister advises the Administrator on the appointment of Ministers, including the title and scope of each Minister's portfolios.

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1.3 Principles of Cabinet Government

- 1.3.1** A Westminster-style Cabinet is defined by adherence to the principles of **collective responsibility** and **Cabinet solidarity**. These principles ensure the unity of purpose of the Government. They underpin the formulation of consistent policy advice and the exercise of collective accountability. These principles are in turn supported by effective consultation, confidentiality and respect for Cabinet authority.
- 1.3.2 Collective decision-making and responsibility:** The Cabinet system of government is founded on the principle of collective responsibility. This is reflected in a number of ways: the Parliament expresses its confidence in the collective government rather than in individual Ministers; the Administrator, in acting on ministerial advice, needs to be confident that individual Ministers represent official government policy, and in all areas of their work Ministers represent and implement government policy - policy which has often been considered and set through the Cabinet process.
- 1.3.3** In practice this means that a decision of Cabinet is binding on all members of the Government, regardless of whether they were present when the decision was taken or of their personal views. Issues may, and should, be debated vigorously within the confidential setting of the Cabinet meetings. The aim is to reach consensus so that the Chief Minister, as Chair of Cabinet, can summarise the collective outcome for recording a decision.
- 1.3.4** All members of the Ministry are understood to have participated in the decision-making process which underpins government policy, and therefore they share responsibility for those policies.
- 1.3.5 Cabinet solidarity:** In governments using the Westminster system, members of Cabinet must publicly support all government decisions made in Cabinet, even if they do not agree with them. Cabinet Ministers cannot dissociate themselves from, or repudiate, the decisions of Cabinet unless they resign from Cabinet. It is the Chief Minister's role as Chair of Cabinet, where necessary, to enforce Cabinet solidarity.
- 1.3.6 Consultation:** The principle of collective responsibility can only operate effectively if all members of Cabinet are well informed and well advised (including by their departmental officials) about matters coming before Cabinet for decisions. The Cabinet process is designed to provide Ministers with the opportunity to inform the discussion, bringing to the table his or her portfolio knowledge and political judgement. Good policy requires informed decisions.
- 1.3.7** Ministers bringing forward Submissions are responsible for ensuring that the consultation necessary to enable a fully informed discussion occurs at both ministerial and official levels. One objective of consultation in the development of proposals is to ensure that, as far as possible, differences between agencies and Ministers are resolved in advance of Cabinet's consideration or, if resolution is not possible, differences are identified and set out in such a way as to facilitate informed decision-making.
- 1.3.8 Confidentiality:** The principle of collective responsibility requires that Ministers should be able to express their views frankly in Cabinet meetings in the expectation that they can argue freely in private while maintaining a united front in public when decisions have been reached. This in turn requires that opinions expressed in Cabinet and Cabinet Sub-Committees, including in documents and any correspondence, are treated as confidential.

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- 1.3.9** All attendees are responsible for ensuring that discussions at Cabinet and Cabinet Sub-Committee meetings remain confidential. Ministers and officials should not disclose proposals likely to be considered at forthcoming meetings outside Cabinet-approved consultation procedures. Nor should they disclose the nature or content of the discussions or the views of individual Ministers or officials expressed at the meeting itself.
- 1.3.10** The vital importance of confidentiality in relation to the deliberations of Cabinet is recognised in legislation and under the common law. The Northern Territory *Information Act*, for example, recognises the special nature of Cabinet deliberations in the exemption it provides for certain Cabinet documents from disclosure under the Act. Cabinet confidentiality is also a well-established ground for not producing documents or information on a public interest immunity basis to courts, tribunals, Royal Commissions or legislatures (subject to assessment on a case-by-case basis).
- 1.3.11 Cabinet authority:** Ministers must carry out Cabinet-determined policies with respect to their own ministries, whether or not they agree with such policies. Ministers (and portfolio Agencies) must act on Cabinet directions as recorded in Cabinet Decisions.

1.4 Ministerial Responsibility

- 1.4.1** The key responsibilities of Ministers in Cabinet relate to upholding the principles of collective responsibility and Cabinet solidarity.
- 1.4.2** Ministers must:
- (a) not only refrain from publicly criticising Cabinet decisions, but also defend them publicly;
 - (b) not announce a major new policy without previous Cabinet approval;
 - (c) not express private views on government policies nor speak about or otherwise become involved in a ministerial colleague's portfolio without first consulting that colleague and possibly the Chief Minister; and
 - (d) understand that government advice to the Administrator is assumed to be unanimous.
- 1.4.3 Individual ministerial responsibility:** Some ministerial posts have responsibility for certain statutory functions that are exercised by the individual Minister and not through Cabinet. Ministers should, however, inform Cabinet of any exercise of an individual statutory power that merits Cabinet-level attention. Informing Cabinet of the intended decision and the basis for that decision enables the Minister's colleagues to defend that decision publicly and collectively.
- 1.4.4** If Ministers are unsure about whether to bring an issue concerning the exercise of a statutory power or function to Cabinet, they should seek guidance from the Chief Minister or the Cabinet Secretary.

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1.5 The Cabinet Secretary

- 1.5.1** The Chief Minister may appoint a Cabinet Secretary to manage the flow of business to Cabinet and determine the forward Cabinet and Cabinet Sub-Committee program.
- 1.5.2** The Cabinet Secretary generally attends all meetings of Cabinet. Where the Cabinet Secretary is not able to attend a meeting, an Acting Cabinet Secretary should be nominated by the Chief Minister.
- 1.5.3** The Cabinet Secretary has the authority to:
- (a) in consultation with the Chief Minister, settle the business list for each meeting of Cabinet and establish Cabinet meeting dates and locations;
 - (b) finalise the Cabinet Decisions following each meeting; and
 - (c) determine the appropriate format for Cabinet documentation.

*SEE APPENDIX B FOR
GUIDELINES FOR CABINET
SECRETARIES.*

1.6 The Cabinet Office

- 1.6.1** The Cabinet Office provides continuity and impartial support for the operations of Cabinet. It is a unit within the Department of the Chief Minister (DCM) and is staffed and managed by officers of that Agency. The Cabinet Office supports the Chief Minister, the Cabinet Secretary and the Chief Executive Officer (CEO) of Department of the Chief Minister in ensuring that Cabinet business is coordinated and conducted in an effective and timely manner and that proper collective consideration takes place.
- 1.6.2** The Cabinet Office provides support on all aspects of Cabinet processes and is the principal source of advice for Ministers, ministerial offices and Agencies on Cabinet administration matters. Cabinet Office staff are in regular contact with Ministers' offices and Agency officers, providing assistance and advice concerning Cabinet meetings, documents and procedures.
- 1.6.3** The Executive Director of the Cabinet Office acts as notetaker at each Cabinet meeting. The notetaker's role is to assist the Cabinet Secretary and prepare decisions of the meeting for approval and signature by the Secretary.
- 1.6.4** The Cabinet Office is also responsible for the management of the records of successive governments. It maintains the Cabinet documents for the current Government and preserves the Cabinet records of previous governments.

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1.7 Cabinet Sub-Committees

- 1.7.1** Cabinet Sub-Committees provide the forum for detailed consideration and discussion of issues either prior to full Cabinet consideration or on behalf of Cabinet, with officials available to assist Ministers if required.
- 1.7.2** The Chief Minister determines the membership, Chairperson, and terms of reference of each Cabinet Sub-Committee, however it is usual practice for the Chief Minister to present these matters to Cabinet for noting and endorsement.
- 1.7.3** Cabinet Sub-Committees are usually established either in respect of a subject area, such as economic development, or around a general function of government, such as expenditure.
- 1.7.4** Temporary Cabinet Sub-Committees may also be established by the Chief Minister to carry out a particular task, usually within a limited timeframe.
- 1.7.5** Cabinet Sub-Committees derive their powers from Cabinet. Generally, Cabinet Sub-Committee decisions are brought forward to Cabinet for noting or ratification.
- 1.7.6** The secretariat for each Cabinet Sub-Committee is provided by the relevant policy area in the Department of the Chief Minister. The CEO of the lead Agency is the Secretary to the Sub-Committee. The Sub-Committee Secretary is responsible for preparing agendas, coordinating the meeting papers for the Sub-Committee and for signing the Decisions arising from the Sub-Committee's meetings. The Decisions are distributed to relevant Ministers and Agencies by the Cabinet Office. A copy of all papers considered by each Sub-Committee is to be provided to the Cabinet Office for retention.

Further detail on the administrative arrangements for Sub-Committees is set out later in this Handbook.

1.8 Responsibilities of Ministerial Staff

- 1.8.1** It is the responsibility of Ministerial Office staff to:
- ensure Cabinet iPads and Cabinet papers (drafts or final) are kept secure at all times;
 - ensure any late papers uploaded for Cabinet meetings are drawn to the attention of the Minister;
 - give advance notice to the Cabinet Office of any proposed absence of their Minister from a Cabinet meeting (noting that any absence must be approved by the Chief Minister); and
 - liaise with the Cabinet Office regarding any special requirements for a Minister's participation in a meeting e.g. telephone or video conferencing requirements (noting attendance in this way must be approved by the Chief Minister).

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2 CABINET BUSINESS

2.1 Guidance on Matters for Collective Agreement

- 2.1.1** As a general rule, Ministers should put before their colleagues the types of issues on which they themselves would wish to be consulted - matters of public interest, importance, or controversy. The need to advise Cabinet on these matters must be balanced against the demands that Cabinet meetings make on Ministers' time.
- 2.1.2** If there is uncertainty about whether a matter requires Cabinet consideration, Ministers should seek advice from the Cabinet Secretary. Similarly, Agencies should seek advice from their Minister, or from the CEO of the Department of the Chief Minister or the Cabinet Office as appropriate, if they are uncertain about whether a particular matter requires Cabinet consideration.

2.2 Issues for Cabinet

- 2.2.1** There are no hard and fast rules about the issues that should be considered by Cabinet and it is ultimately for the Chief Minister to decide the agenda, on the advice of the Cabinet Secretary. Consideration should be given to whether the matter requires Cabinet-in-Confidence status or whether it can proceed as a memorandum to all Ministers outside the Cabinet process.
- 2.2.2** The following is an indication of the type of issues that would normally require consideration by Cabinet (or a Cabinet Sub-Committee):
- (a) proposals relating to Government's formally agreed strategic priorities;
 - (b) significant policy issues and proposals;
 - (c) proposals with significant financial implications, including those requiring additional budget appropriation;
 - (d) contentious proposals which are likely to attract significant public comment;
 - (e) issues that impact on the portfolio responsibilities of a number of Ministers;
 - (f) significant matters affecting state and territory relations, including memoranda of understanding (MOUs) and intergovernmental agreements;
 - (h) formal international arrangements proposed to be entered into by the Territory including new agreements and renewals of agreements, whether these be with overseas national or regional governments or organisations, and also proposals to terminate any such arrangements;
 - (i) proposed Northern Territory Government submissions to Federal, parliamentary and Australian Government Inquiries, reviews and reports (unless the submission is merely factual, uncontroversial and does not cross multiple ministerial portfolio interests) (also see section 2.2.4);
 - (j) proposals requiring legislation or which impact on the Government's legislative program generally;
 - (k) matters regarding significant legal action to which the Territory is (or may become) a party;

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- (l) significant Government statutory office holder appointments;
- (m) key board and committee appointments (statutory and non-statutory) (refer to the detailed guidelines (**Appendix D**));
- (n) Executive Council Submissions;
- (o) agreements/MOUs with external bodies where these involve major policy issues, significant employment or expenditure implications, and/or important initiatives or departures from previous arrangements¹;
- (p) draft Northern Territory Government discussion papers proposed for stakeholder or public consultation;
- (q) agendas of Ministerial Councils (which must be accompanied by the proposed Northern Territory Government position on each agenda item and the Terms of Reference for the Council); and
- (r) Cabinet papers circulated out-of-session.

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

2.2.4 In respect of officer attendance before hearings of Federal inquiries, generally Ministerial rather than Cabinet approval will be sufficient however, DCM Cabinet Office is to be advised.

2.3 The Budget Process

2.3.1 The Budget is the mechanism through which Government allocates its finite resources, and is the culmination of Government decisions that consider the needs of the Territory community while having regard to fiscal policy and principles of sound fiscal management.

2.3.2 The budget development phase (December to March each year) focuses on individual proposals that may be included in the coming financial year's budget and incorporates the following:

- development of proposals that focus on the Government's priorities, strategic and/or operational requirements for Agencies; and
- administrative variations resulting from previous Cabinet Decisions, additional or changed revenue related estimates and any other action which results in a financial impact for an Agency.

¹ In respect of Memoranda of Understanding with overseas governments at any level entered into by the Northern Territory Government, Agencies should ensure consideration is given to the need for a formal arrangement, its alignment with the political, economic, social and cultural priorities of the Northern Territory, budget availability and any alternative non-formal options that may achieve the desired result. The wording of such arrangements is important and advice in this regard can be obtained by contacting the Office of Asian Engagement, Trade and Investment within the Department of Trade, Business and Innovation.

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- 2.3.3** Budget Cabinet is similar to a regular Cabinet meeting however the focus is on budget development matters (both recurrent and capital). The Department of Treasury and Finance and other Agencies assess Submissions and provide comments to Cabinet on the budgetary, economic, social and policy implications of each proposal. There are usually two to three Budget Cabinet meetings held between February and March of each year.
- 2.3.4** Budget Cabinet Submissions are to be prepared on the standard Cabinet Submission template and are to be circulated for Agency comment in January of each year, for finalisation and lodgement with the Department of Treasury and Finance by mid-February. Specific processes, timeframes and deadlines for Budget Cabinet Submissions are issued by the Department of Treasury and Finance in December each year.
- 2.3.5** Budget Cabinet Submissions are subject to the same confidentiality requirements as normal Cabinet Submissions. The Submissions are distributed to Ministers by the Department of Treasury and Finance and the original documents remain in the custody of that Agency, with the Cabinet Office receiving two sets of the papers for archiving and reference purposes.
- 2.3.6** Budget Cabinet Decisions are generally signed by the Under Treasurer who acts as Cabinet Secretary for Budget Cabinet meetings. Decisions are distributed to Ministers by the Cabinet Office and are issued to Agencies through the Government Executive Reporting (GERS) SharePoint system once the Budget Bills are introduced in the May Sittings. The Department of Treasury and Finance provides an advance, confidential set of Budget Cabinet Decisions to Agency CEOs once these are finalised.

2.4 Ministerial Responsibility for Proposals

- 2.4.1** Submissions coming before Cabinet and Cabinet Sub-Committees must have a sponsoring Minister, usually the Cabinet Minister with portfolio responsibility. Ministers are expected to take full responsibility for the proposals they bring forward, even where detailed development or drafting may have been done on their behalf by officials.
- 2.4.2** Where a proposal involves two Ministers more or less equally, the Submission can be jointly sponsored by those Ministers. However, where it is possible to agree on the Submission being brought forward by a single Minister as lead Minister, this is desirable for ease of administration.
- 2.4.3** Where more than two Ministers have a significant interest in a proposal, it is generally preferable for responsibility to be allocated to one or two key Ministers and for the other Ministers to be thoroughly consulted during the preparation of the Submission.

2.5 Cabinet Decisions

- 2.5.1** The Cabinet Secretary finalises the Cabinet Decisions as soon as possible after each Cabinet meeting. Decisions record only the outcome, and not the detail of discussions at the meeting. Decisions are issued to Ministers and relevant Agencies by the Cabinet Office once they have been approved by, and in accordance with any specific instructions from, the Cabinet Secretary.
- 2.5.2** If a Minister has a query about the accuracy of a Decision as circulated, they should draw the matter to the attention of the Cabinet Secretary as soon as possible.

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2.5.3 If a Cabinet Decision requires action in several portfolios, and if Cabinet does not direct otherwise, it is for the Minister who raised the matter in Cabinet to initiate follow-up procedures where appropriate (usually by memorandum to other Ministers involved in implementing the decision). Lead Agencies are also expected to initiate contact with other Agencies as necessary for implementation purposes.

2.6 Report Backs

2.6.1 Ministers or Agencies may be requested to return to Cabinet with further information on a matter and this is usually known as a “report back”. The Cabinet Office will monitor the due dates of report back requests and liaise with Agencies for progress updates. This will generally occur every 2 months.

2.6.2 Where a report back is no longer warranted, for example due to changed circumstances, the relevant Minister should write to the Chief Minister explaining why the matter no longer needs to be considered by Cabinet, and seek agreement to directly conclude the matter. A copy of the Chief Minister’s approval is to be provided to the Cabinet Office for noting and filing.

2.7 Implementation

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

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

2.7.3 To ensure that Cabinet is fully informed when making decisions, sponsoring Ministers must ensure that their Cabinet Submissions provide enough detail on risk and implementation challenges to ensure Cabinet can make an informed decision on the efficacy of the proposal.

2.8 Cabinet Submissions, Memoranda and Out-of-Session Items

2.8.1 **Standard Cabinet Submission format** - Proposals for inclusion on the Business List should ordinarily be in the format of a formal Cabinet Submission and contain Agency blue comments, as described in this Handbook. The Cabinet Submission template is set out at **Appendix M**.

2.8.2 **Cabinet Memoranda** - Cabinet proposals are generally prepared using the Cabinet Submission template. The exception to this rule is any relatively straightforward proposal which (a) does not require circulation for formal Agency comment and (b) does not require/benefit from the full analysis offered by the Cabinet Submission template. These Submissions can be prepared as a Memorandum to Cabinet Colleagues. Such memoranda must include a clear recommendation and indicate what, if any, consultation has occurred in the preparation of the proposal. The Cabinet Memorandum template is set out at **Appendix M**.

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2.8.3 Out-of-session Items - Very occasionally, it may be necessary to distribute a memorandum (with or without an attached Cabinet Submission) to Cabinet members “out-of-session” for decision. This is **only** to occur:

- (a) with the approval of the Cabinet Secretary
- (b) where the matter is not controversial, and
- (c) where the matter is so urgent it must be dealt with prior to the next scheduled Cabinet meeting and the convening of a special Cabinet meeting is not possible.

In this case, there should be a section at the end of the memorandum for each recipient Minister to indicate whether they approve the proposal. The original and the relevant number of watermarked copies of the memorandum are to be lodged with the Cabinet Office at the time the memorandum is distributed to Ministers. The item will then be included on the next available Business List for formal noting by Cabinet. Copies of the signed off Memoranda by the Ministers must be provided to the Cabinet Office for noting and filing when all have been received.

An out-of-session item is not considered to be approved until ALL Ministers have indicated their agreement to it.

As out-of-session circulation of Cabinet proposals means Ministers do not have the opportunity to collectively discuss the matter, this mechanism should only be used in exceptional circumstances.

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3 CABINET MEETINGS

3.1 Meeting Timetable

- 3.1.1** Cabinet generally meets on a weekly basis, although this pattern varies from time to time. A list of projected Cabinet dates is settled by the Cabinet Secretary prior to the start of each calendar year and is distributed on a confidential basis to all Agency Secretariats/Ministerial Liaison Units and all Ministerial offices. Cabinet meetings are generally held in Darwin but may be held in other locations from time to time.
- 3.1.2** The Cabinet Secretary is responsible to the Chief Minister for determining the times and business lists for all meetings.
- 3.1.3** Cabinet Sub-Committees meet as required.

3.2 Meeting Chairperson

- 3.2.1** Where the Chief Minister is unable to attend a Cabinet meeting, the next most senior Minister takes the chair. The same principle is adopted for Cabinet Sub-Committees, if the Chairperson is absent.

3.3 Ministerial Attendance

- 3.3.1** For the effective operation of the principle of collective responsibility, Cabinet and Cabinet Sub-Committee meetings must take precedence over all other ministerial business, with the exception of attendance at meetings of the Executive Council.
- 3.3.2** Ministers should ensure that neither they nor their offices commit to engagements that conflict with scheduled Cabinet and Cabinet Sub-Committee meetings.
- 3.3.3** The Chief Minister must be advised in writing of any planned absence from Cabinet meetings.
- 3.3.4** When Ministers are overseas, on leave or otherwise unavailable for day-to-day duties, including Cabinet matters, they must advise the Chief Minister in writing and nominate another Minister to act on their behalf. The Chief Minister's approval is then to be provided to the Cabinet Office for preparation of a formal Authority to Act instrument.

3.4 Quorum

- 3.4.1** There is no quorum for Cabinet or Cabinet Sub-Committees.
- 3.4.2** The decision to proceed with a Cabinet or Cabinet Sub-Committee meeting is made by the Chairperson taking into account:
- (a) the importance of the items under consideration;
 - (b) the presence of relevant Ministers; and
 - (c) the advisability of taking decisions if few Ministers are present.

The Chairperson of a Cabinet Sub-Committee may seek the advice of the Cabinet Secretary in this regard.

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3.5 Declarations of Interest

- 3.5.1** Any matter which may give rise to a conflict between a Minister's duty and interest, or a perceived conflict, must be declared.
- 3.5.2** Ministers attending Cabinet or Cabinet Sub-Committee meetings must, in relation to the matters under discussion, declare any private interests which give rise to, or are likely to give rise to, a conflict with their public duties. Generally, declarations should be made in all cases where an interest exists which could not be said to be shared with the rest of the community.
- 3.5.3** Ministers must adopt a broad interpretation of the requirement to declare relevant interests, and take into account pecuniary and non-pecuniary interests, the interests of family members and all interests of their own when considering whether there is a conflict (or potential conflict) which should be declared.
- 3.5.4** Ministers need not automatically absent themselves from the discussion; the Chairperson must decide whether to exclude the Minister or explicitly agree to them taking part in discussions and/or the decision. A record must be kept by the Cabinet Secretary of all declared conflicts or relevant interests and whether or not the Minister participated in the discussion and/or decision-making. Refer to the Ministerial Code of Conduct at Appendix A for further information.

3.6 Officials and Ministerial Staff Attending Cabinet and Cabinet Sub-Committee Meetings

- 3.6.1** **Cabinet:** With the exception of the Cabinet Secretary and the Chief Executive Officer of the Department of the Chief Minister and the Executive Director of the Cabinet Office, officials and ministerial advisers do not attend meetings of Cabinet. However, the Chief Minister may agree to the attendance of an Agency officer to make a presentation to Cabinet or to explain a technical proposal.
- 3.6.2** **Cabinet Sub-Committees:** As Cabinet Sub-Committees are a forum for considering detailed issues and developing outcomes for Cabinet consideration, officials and ministerial staff may attend meetings of Cabinet Sub-Committees at the invitation of the Chairperson when the Sub-Committee is considering matters where it is necessary to have specialist policy and/or technical expertise at hand.
- 3.6.3** **Confidentiality:** Officials attending Cabinet or Cabinet Sub-Committee meetings should be mindful of the confidentiality requirements of the Northern Territory Public Service Code of Conduct, and in particular be aware of the need to maintain appropriate confidentiality of information raised and discussions held at the meeting.
- 3.6.4** Ministerial staff should be aware of the Code of Conduct for ministerial staff, particularly the requirement to acknowledge the role of Ministers and public servants in making executive decisions, and of maintaining appropriate confidentiality dealing with Cabinet information.

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4 DRAFTER'S GUIDE TO PREPARING CABINET SUBMISSIONS

4.1 General

4.1.1 Given the volume of Cabinet documentation that Ministers need to consider, there are strict guidelines on the format of Submissions so that:

- (a) the proposal and the problem it seeks to address are expressed clearly and concisely;
- (b) there is a focus on what action the Government could take;
- (c) the impact on the Government's priority policy areas can be easily discerned; and
- (d) implementation strategies and risks are clearly identified.

4.1.2 In addition to the prescribed format, Cabinet also requires that, during the development of a Submission, there is consultation as necessary between Ministers and Agencies so that:

- (a) there is agreement on the facts, including costs, being presented in the Submission;
- (b) all relevant factors are taken into account;
- (c) Agencies with responsibility for, and/or knowledge of, implementation in the policy area can provide input; and
- (d) as far as possible, differences between Ministers and Agencies are resolved in advance of Cabinet consideration or, where they cannot be resolved, are identified and set out in a way that will facilitate discussion and decision-making.

4.2 Implementation Analysis and Planning

4.2.1 Implementation issues must be adequately addressed in Cabinet Submissions and Memoranda, as a part of sound policy delivery. Guidance text has been provided in the Cabinet Submission and Memorandum templates to assist drafters when preparing these documents. The guidance text outlines the information that should be included under each heading.

4.2.2 At a minimum, all Submissions should:

- (a) include rigorous analysis that justifies the proposed measures (including, as appropriate, business cases, feasibility studies and cost-benefit analyses);
- (b) identify how, when and by whom the recommendations of a Submission will be implemented, including a timeframe for required action;
- (c) identify key risks and mitigation strategies; and
- (d) invite specific and focused comment on proposed approaches to implementation through the Agency commenting process.

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4.2.3 For each Submission, the Minister must ensure:

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

4.2.4 When Agencies are developing Cabinet proposals with public impacts or other communication considerations, it is important that advice is sought from the Agency's Communications Unit as early as possible in the process.

The Agency's Communications team needs to be aware of relevant Cabinet proposals, and have the opportunity to provide advice on what information needs to be included in terms of any Public Impact Analysis and Communications Strategy.

4.3 Format of Submissions

4.3.1 Submissions should, in general, be arranged as follows:

Cover sheet: A one page cover sheet should appear at the front of every submission printed on white paper in colour.

Comment sheets: Comments of relevant Agencies are to be in a standard format printed on blue paper and inserted in all Submissions immediately behind the cover sheet. The comments are **not** to be printed double-sided. The order of the comments should be consistent with the order of Agencies in the Secretariat Agency Contact list as issued to Secretariats/Ministerial Liaison Units by the Department of the Chief Minister from time to time.

In the case of any significant delay in finalising a Submission after comments have been received, consideration should be given to whether updated or fresh comments should be sought, especially in the case of significant restructures or new leadership in commenting agencies and/or shifts in policy environment. Agencies should contact the Cabinet Office if in doubt.

Body of Submission: The Submission body follows the comments and is printed on white paper. Each paragraph should be numbered and 1.5 line spacing is to be used. There should be a 12 point space between each paragraph. Submissions should be sufficiently comprehensive to enable Cabinet to make an informed decision but also as succinct as possible – the body of a Submission should preferably not be more than eight (8) pages in length. **If it is considered that a heading in the template is not applicable then “Not Applicable” is to be inserted under the heading. The heading is not to be deleted (with the exception of the ‘Options’ and ‘Impacts on Children’ headings – see later in this section).**

If there are no budget implications this should be stated under the “Budget implications” heading and the Budget breakdown table removed.

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Attachments: Only essential attachments should be provided. Lengthy attachments should be avoided where possible but if used should include or be preceded by a précis. In particular, attachments in excess of 30 pages should include or be accompanied by an Executive Summary (this relates to lengthy reports/reviews, discussion papers, agreements or strategy documents).

Copying of Submissions for lodgement: Submissions and attachments are to be photocopied double-sided. Blue Comments are NOT to be double sided. The body of the Submission, each blue comment and each attachment is to start on a new page.

4.4 Body of the Submission

4.4.1 The body of the Submission should be prepared as follows:

(a) Recommendation

- Clearly set out what it is proposed that Cabinet is to decide: approve, endorse, note etc. Each action should appear in a new sub-paragraph in the recommendation.
The Recommendation should be structured as one sentence, not multiple sentences.
- Provide a timeframe for completion/implementation of the recommendations wherever applicable.
- The recommendation forms the starting point for the draft Cabinet Decision so it is important to ensure it contains all the elements the Agency is seeking to have included in Cabinet's Decision. Advice on standard wording for recommendations is provided in **Appendix I**.
- Include any funding requirements, including by each forward financial year, and purpose of the various components of the funding e.g. capital and recurrent.
- The recommendation must stand on its own and not merely state that approval is sought for proposals outlined in the Submission.
- Consider how the Decision will be reported against when drafting the recommendation/s.
- Clearly indicate which Agency or Agencies will be responsible for each task/action where applicable.
- If the Submission concerns a legislative drafting proposal, include approval of the proposed timetable and drafting instructions and any Communications Strategies as attached to the Submission. If it concerns a Bill for introduction, include reference to proposed Sittings for introduction and approval of the Bill, Second Reading Speech, Explanatory Statement, Communications Strategy (if applicable) and Legislation Summary Brief.
- The recommendation should not contain argument and should not normally include options - the recommendation should reflect the preferred option canvassed in the Submission.

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(b) Background

- This section should essentially be historical.
- Provide a succinct explanation of events and issues leading to the current situation.
- Cite any relevant Cabinet Decisions, election commitments, announcements by Government and Ministerial Statements.

(c) Issues and Supporting Information

- General: This section presents the key issues and proposed response or responses, and sets out the case for and against the proposal, consequences and alternatives. Identify relevant existing Government policies and identify how the proposal relates to these. Use topic headings if there are a number of topics or issues discussed in this section (note that specific headings later in the template may accommodate some of the material which would otherwise appear under this heading). Supporting information that cannot be concisely summarised (e.g. data, matrices, reports etc.) should be contained in attachments.
- Major project implications: The contractual arrangements for major projects should be considered where any action proposed could be detrimental to those projects and there may be consequences (including financial consequences) for the Territory. Advice should be sought in respect of any proposal which could potentially have implications for a major project to which the Territory is a contractual party. The implications of the effect of any proposal should be discussed and the potential impact upon the Northern Territory should be clearly summarised under this heading.
- Native Title: Where Submissions relate to land which is or might be subject to a claim pursuant to the *Native Title Act*, it is the responsibility of the originating Agency to obtain from the Department of Infrastructure, Planning and Logistics a current and historical tenure search of the area(s) involved, obtain advice from the Department of Attorney-General and Justice as to potential native title implications, and undertake a risk assessment if necessary. A summary of the legal advice obtained and the outcome of any risk assessment should then be incorporated into the body of the Submission.
- Employment issues: Any effects on employment or industrial relations (whether public or private sector) should be identified. Any associated or consequential implications for new training requirements or opportunities should be clearly identified.

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(d) Options

- ***This heading can be deleted if not applicable:*** If the options are clearly only to approve or not approve the proposal, there is no requirement to set this out and this heading can be deleted from the Submission. If the options are more complex, Agencies should then set out all options which Cabinet might reasonably be expected to consider. Where relevant, briefly state implications of each option. Indicate the preferred option and briefly summarise why it is preferred. Ensure Cabinet is provided with all reasonable options e.g. including middle ground options where applicable, partial implementation options, variations on funding arrangements.

(e) Benefits of Proposal

- Explain what difference the proposal will make, and how the benefits will be measured and reported.

(f) Risk Management Strategy

- Identify key risks for Government in adopting the recommendation/s and key risks to successful implementation. Outline how these risks will be managed.

(g) Budget Implications

- If there are budget implications of any nature, these must be reflected in the Budget Implications table. Add further text underneath the table for any required explanation of the budget implications. ***If there are no funding implications, "Nil" is to be typed under this heading and the table should be deleted.*** Consult your Agency's Chief Financial Officer and, if applicable, the Department of Treasury and Finance in identifying all relevant budget requirements (e.g. asset purchases, recruitment costs, personnel on-costs, accommodation, vehicles, ICT system development costs, consultancies, media campaigns, savings and revenue measures, potential or requirement for Commonwealth funding).

	Current year \$000	2017-18 \$000	2018-19 \$000	2019-20 \$000
Additional Funding sought	\$	\$	\$	\$
= Recurrent				
- Staffing				
- Operational				
plus Capital				
less Revenue(b)				
less Savings / Substitution				
No. of Full Time Equivalent (FTE) Staff and designation associated with this proposal:				

(h) Impacts on Children

- Identify how the proposal may impact on the health and well-being of children or early childhood development. Outline how these impacts will be managed.
- If there are no impacts on children, this heading can be removed.

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(i) Legislation and Regulatory Implications

- **Regulatory implications:** Identify whether the recommendations involve or will lead to measures which will regulate or in some way restrict the activities of industry or other groups in the community, including new or increased fees or charges.
- **Legislation:** Where approval of a recommendation would involve new or amending legislation, a summary explanation should be provided under this heading along with reference to any issues such as whether it is uniform legislation, intended for introduction as a cognate Bill (i.e. introduced in conjunction with other Bill/s), will require regulations to be made prior to commencement etc. A Submission seeking approval to draft legislation must attach a Legislation Timetable indicating the Sittings in which it is proposed that the Bill be introduced.
- **Regulation-Making Framework:** Submissions seeking approval to prepare draft regulatory legislation introduce or table a Bill of this nature in the Legislative Assembly or for the development of subordinate legislation must be accompanied by a statement from the Economic Policy Unit in the Department of Treasury and Finance with regard to whether the proposal complies with Regulation-Making Framework requirements. To further assist agencies, see the Northern Territory Government Regulation-Making Framework Principles and Guidelines on the NTG Central website including the requirement for a Regulation Impact Analysis. The information to be provided under this heading is to indicate the outcome of the Regulatory Impact Analysis.
- **Title of Submission:** Any Submission seeking approval to draft legislation should be titled "Approval to Draft the (name of proposed Bill)". Any Submission seeking approval to introduce a Bill in the Legislative Assembly should be titled "Approval to Introduce the (name of Bill)".
- **Drafting instructions:** When Cabinet approval to draft legislation is being sought, drafting instructions are to be attached to the Submission (guidelines on preparing drafting instructions are available from the Office of the Parliamentary Counsel if required).
- **Attachments:** All Submissions which propose that Cabinet approve the introduction of a Bill must attach a copy of the draft Bill, Second Reading Speech, Explanatory Statement and Legislation Summary Brief. Cabinet should be asked to approve each of these documents. The Explanatory Statement is tabled by the Minister at the time the Second Reading Speech is delivered. The Hansard version of the Speech, along with the Explanatory Statement are added to the Government's Legislation database (a public database) by the Cabinet Office following introduction of the Bill. For more detail about the development and passage of legislation, see the NT Government's Legislation Handbook.

(j) Australian, State and Local Government Relations

- Where proposals have implications for Australian, State and Local Government relations, the possible effects should be canvassed under this heading, in addition to details of any negotiations or discussions which are suggested (or which have already taken place) with other levels of government.

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(k) Results of Consultation within NT Government

- Information under this heading is to include:
 - (a) in the case of a draft Cabinet Submission, a list of those Agencies which will be invited to provide a formal Cabinet comment or, in the case of a final Cabinet Submission, a list of those agencies which were invited to provide a formal Cabinet comment;
 - (b) details of any Government boards, committees, groups, statutory office holders, independent office holders etc. who have been consulted during the development of the proposal²; and
 - (c) a summary of the outcomes of the comments, consultation and feedback.
- Note that if a commenting Agency makes a suggestion for a change to the Submission in its blue Cabinet comment, this is to be mentioned, along with an indication of what action has been taken in response to the suggestion. If the Agency preparing the Cabinet Submission has chosen not to take up the suggestion, then the reason for this is to be stated.
- Where a Submission is significantly amended following receipt of Agency comments, it should be recirculated for fresh comments.

(l) Results of Consultation outside of NT Government

- List all persons and organisations outside of the NT Government who have been consulted and provide a summary of the feedback/input received.
- Before undertaking external consultation, ensure this is agreed by the Minister or authorised by Cabinet as appropriate.

(m) Public Impact Analysis and Communications Strategy

- Indicate expected stakeholder and broader community reaction to the recommended proposal, how the Decision will be publicly communicated and how public reaction will be managed. Where communication issues are straightforward, the detail can be provided under this heading. Where the issues are more complex or detailed, a Communications Strategy is to be attached to the Submission (the Communications Strategy template is at Attachment A in the Cabinet Submission template). Note that the Communications Strategy template should be deleted if not required.

(n) Timing

- If there is a particular timing requirement, this should be indicated e.g. where legislation is required to be in force by a particular date, a deadline for a Submission to a Federal Inquiry, a previously announced Government commitment, etc.

² Draft Cabinet Submissions are generally not circulated to Government boards, committees or independent office holders for comment although consultation with these entities is encouraged during the development of the proposal. See the guidelines on this type of consultation at Attachment G and on the online Cabinet Toolbox.

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(o) Attachments

- All attachments to the Submission are to be listed under this heading for ease of reference. Agencies should take care to ensure that Attachments are appropriately labelled and presented as per the order in which they are listed within the Submission.

If an attachment is longer than 30 pages and does not contain an Executive Summary, please ensure that an Executive Summary is provided with the document as part of the attachments.

4.5 Length of Submissions

- 4.5.1** Submissions should be succinct and bring out the essential issues. Excluding the cover sheet, comments and attachments, a Submission should preferably not exceed eight (8) pages in length.
- 4.5.2** Attachments to a Submission should be kept to a minimum, and the main argument should be carried in the Submission itself to avoid unnecessary reference to attachments in the course of the Cabinet discussion.

4.6 Lodgement Deadlines and Requirements including watermarking

- 4.6.1** Once a Submission is signed by the Minister and ready for lodgement, the Cabinet Office requires the original of each Submission (signed by the Minister) plus watermarked copies of the signed Submission including the relevant attachments (the number of copies required is as advised from time to time by the Cabinet Office).
- 4.6.2** In addition to the hard copies for lodgement, the Cabinet Office requires a PDF version of the signed Submission to be uploaded to the Cabinet Office SharePoint Site, or for Cabinet Memoranda, on the Agency's SharePoint Library.
- 4.6.3** Submissions and memoranda for Cabinet are to be lodged no later than six working days prior to the target Cabinet meeting. For example, for a Tuesday Cabinet meeting, papers must be lodged on the Monday the week prior to the meeting. Special approval procedures apply to papers which miss the six working day lodgement deadline – see **Appendix E** on "Procedures for Managing Cabinet Business".

4.7 Presentation of Submissions

4.7.1 General presentation requirements

The original cover sheet (on white paper, printed in colour), Agency comments (blue paper), and subsequent pages (white paper) are required for the original of the Submission which is to be signed by the Minister (A4 sized pages must be used except for pre-printed reports, diagrams, maps, etc. of a different size). Copies of Submissions and attachments are to be double-sided with the exception of the cover sheet and blue comments which are NOT to be double-sided. The body of the Submission and attachments are to always start on a fresh page.

The photocopies of the Cabinet Submission or Cabinet Memorandum must all carry the Minister's signature i.e. no unsigned photocopies are to be lodged.

All original copies and photocopies of Submissions or Memoranda being lodged with the Cabinet Office are to be hole-punched (standard two-hole punch). The Cabinet Office should be provided with the original plus the required watermarked copies.

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4.7.2 Type and Spacing

Except in printed attachments, type size should be equivalent to Arial 12 font. Spacing should be single on the cover sheet and comment sheets and 1.5 spacing for the body of the Submission. There should be a 12 pt space between each paragraph.

4.7.3 Margins

A margin of approximately 3 cm should be allowed on the left hand side of each page and 1.5 cm on the right hand side.

4.7.4 Page Numbering

The page number should be shown at the top centre of each page. The Submission should be page numbered consecutively beginning at page 1 (the first white page after the cover and comment sheets) and running through to the last page of the body of the Submission.

4.7.5 Paragraph Numbering

Paragraphs in the body of the Submission should be numbered beginning with 1 at the first paragraph and running through consecutively to the last paragraph before the Minister's name. Sub-paragraphs should be lettered (a), (b), etc., and secondary sub-paragraphs should be numbered (i), (ii), etc.

4.7.6 Attachments

Please observe the following requirements:

- where an attachment is referred to in the body of the Submission, bold text should be used e.g. **Attachment A**.
- attachments (including schedules and tables) are to be identified by showing ATTACHMENT A (B, etc.) typed at the top right hand corner of each page;
- where there is an appendix/attachment to an attachment, it should be identified by showing at the top right hand corner of each page - APPENDIX 1 to ATTACHMENT A etc.;
- each attachment and appendix should have a title which clearly identifies the contents;
- printed reports or other printed material need not be retyped;
- a list of the attachments accompanying the Submission is required for ease of reference under the "Index to Attachments" heading in the body of the Submission;
- attachments can be tabbed at the Agency's discretion on the copies of Submissions, but not on the original Submission;
- do not provide bound attachments or bound documents of any sort as part of a Cabinet Submission as these will not be able to be incorporated in the original Cabinet record and cannot be placed onto the Cabinet iPads; and
- attachments are to be in portrait rather than landscape format as far as possible.

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4.7.7 Abbreviations

Apart from very common, unambiguous abbreviations like 'NT', abbreviations must be spelt out in full the first time they appear in the Submission, with the abbreviation or acronym in brackets immediately following.

4.7.8 Clipping/fastening of papers

Please use bulldog clips, not glider clips or staples, when preparing the original and copies of Submissions for lodgement.

4.7.9 Electronic Lodgement

A PDF version of the signed Cabinet Submission is to be uploaded to the Cabinet Office SharePoint Site, or for Cabinet memoranda to the Agency's Sharepoint Library, as part of the lodgement process.

*SEE APPENDIX M FOR CABINET
SUBMISSION TEMPLATE, CABINET
COMMENT TEMPLATE, SAMPLE
LEGISLATION TIMETABLE AND STEP BY
STEP CABINET PROCESS.*

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APPENDIX A



NORTHERN TERRITORY MINISTERIAL CODE OF CONDUCT

These guidelines have been developed to assist Ministers to understand their responsibilities and obligations within the Westminster system of government and as Ministers generally.

Ministers are expected to behave according to the highest ethical standards in the performance of their duties. They hold a position of public confidence and trust, and must act in a manner that is consistent with the highest standards of integrity and propriety. This Code sets out the standards of conduct expected of Ministers.

Ministers are required to act in accordance with the law, their oaths of office and their obligations to the Legislative Assembly of the Northern Territory. In addition to those requirements, it is vital that Ministers conduct themselves in a manner that will ensure public confidence in them and in the government. Ministers must not only act lawfully but also in a manner which withstands the closest public scrutiny and which has regard to prevailing community values and standards, and in the best interests of the people of the Northern Territory.

It is the democratic right of a citizen to raise issues and to have them dealt with on their merits and it is the responsibility of the Minister to consider those issues appropriately. Irrespective of the context, and whomever the person or business, community group, association or entity involved, Ministers should always ensure they act in accordance with their overall obligations to the people of the Northern Territory for honest, efficient and effective government.

If a Minister engages in conduct which constitutes a breach of this Code, the Chief Minister shall decide upon an appropriate course of action.

1. WESTMINSTER CONVENTIONS – INDIVIDUAL AND COLLECTIVE RESPONSIBILITY

- 1.1 Ministers are answerable to the Legislative Assembly (and through the parliament to the people of the Northern Territory) for the administration of their portfolios, including in relation to the expenditure of public money, in keeping with accepted conventions of Westminster system parliaments. Ministers have individual and collective responsibilities. Individual responsibilities relate to their personal decisions and conduct and the management of their portfolios. Collective responsibilities relate to the decisions of the Cabinet.
- 1.2 The convention of collective responsibility is central to the Cabinet system of government. It is essentially that Cabinet decisions reflect collective conclusions and are binding on all Ministers as Government policy. Following on from this, all Ministers are expected to give their support in public debate to decisions of the Government, regardless of their personal view. This is the basis of the ethical and effective working of executive government within the Westminster system. Cabinet Ministers cannot dissociate themselves from, or repudiate, the decisions of their Cabinet colleagues unless they resign from Cabinet. It is the Chief Minister's role as Chair of Cabinet, where necessary, to enforce Cabinet solidarity.

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- 1.3 Ministers should ensure that policy initiatives or expenditure commitments which require Cabinet authority are not announced in advance of Cabinet's consideration of the matter. In exceptional cases where prior Cabinet clearance is not possible, proposed announcements must be cleared with the Chief Minister and, if expenditure is involved, with the Treasurer before any announcement is made.
- 1.4 Administrative procedures have been adopted to support the convention of collective responsibility. All Ministers receive copies of Cabinet Submissions, memoranda, business lists, and forecasts so that they may be aware of the business coming to Cabinet, whether or not they are able to be present at any particular meeting. Similarly, Ministers receive a copy of all Cabinet Decisions (with the occasional exception in the case of particularly sensitive Decisions) whether or not they were present at the meeting.

2. CABINET CONFIDENTIALITY

- 2.1 Collective responsibility is supported by the strict confidentiality attaching to Cabinet documents and to discussions in the Cabinet room.
- 2.2 Cabinet meetings are forums in which Ministers, while working towards a collective position, are able to discuss proposals and a variety of options and views with frankness and freedom. The openness and frankness of discussions in the Cabinet Room is protected by the strict observance of Cabinet confidentiality.
- 2.3 Effective Cabinet confidentiality requires the protection of Cabinet deliberations not only at the time an issue is current but also into the future, subject to the agreed processes for distribution and announcement of Cabinet outcomes.

3. CONFLICT OF INTEREST

3.1 General

Ministers should avoid situations in which their private interests conflict, have the potential to conflict or appear to conflict with their public duty. Ministers are to advise the Chief Minister immediately of any private interests, pecuniary or non-pecuniary, held by themselves or members of their immediate family of which they are aware, which give rise to (or may potentially give rise to) a conflict with their public duties. Any other matter which may give rise to a conflict between duty and interest must also be declared. Ministers should adopt a broad interpretation of this requirement. Any conflict of interest between a Minister's private interest and their public duty which arises must be resolved promptly in favour of the public interest.

3.2 Nature of Conflicts of Interest

A conflict of interest may exist when a Minister is influenced or appears to be influenced by private interests. Private interests include not only a Minister's financial or other interests but the financial or other interests of the Minister's spouse, domestic partner or children.

A conflict of interest does not only encompass actual or direct conflicts of interest between a Minister's public duty and private interests. A potential or perceived conflict of interest may also constitute a conflict of interest.

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3.3 Disclosure of Actual, Potential or Apparent Conflicts of Interest

Ministers are under an obligation to advise the Chief Minister (or, in the case of the Chief Minister, Cabinet) in writing as soon as possible after becoming aware of any conflict of interest between their public duty and private interests.

The advice should contain sufficient detail of the conflict of interest in order to enable the Chief Minister (or Cabinet) to consider and determine the most appropriate course of action to be taken in the circumstances.

Where circumstances change after an initial disclosure has been made, the Minister must promptly disclose the further information.

If a Minister has any doubt as to whether or not an interest is likely to constitute a conflict of interest, the Minister should promptly consult the Chief Minister (or in the case of the Chief Minister, Cabinet).

3.4 Consideration of Disclosures

Conflicts of interest relating to portfolio matters will generally be dealt with by the Chief Minister. Conflicts that are very serious or which involve the Chief Minister or which relate to Cabinet matters, will be referred to Cabinet for discussion and determination as to what action should be taken.

In considering how to deal with a conflict of interest, the Chief Minister (or in the case of the Chief Minister, Cabinet) must consider how the conflicting interest will interfere with or affect the performance of the Minister's public duty (if at all) and how the public will perceive the propriety of the Minister's continued participation in a matter. Options may include:

- approving the conduct and allowing the Minister to continue his or her involvement in the matter
- requiring the Minister to divest himself/herself of the relevant private interest
- asking the Minister to publicly apologise, stand aside or resign
- requiring that the Minister not take part in the determinations relating to the conflict. This may involve requiring the Minister to leave the Cabinet room or to delegate certain powers and duties to another Minister.

Where a clear conflict has arisen and is of a very serious nature, the Minister should not wait until the Chief Minister or Cabinet has considered the matter. In appropriate cases, the Minister should immediately relinquish their private interest or offer their resignation.

3.5 Consequences of Failure to Disclose a Conflict

If a Minister does not disclose a conflict of interest that is later found to exist, the Chief Minister (or in the case of the Chief Minister, Cabinet) may, among other things:

- require the Minister to apologise publicly
- require the Minister to stand aside or resign
- refer the matter to an appropriate authority for investigation and require the Minister to stand down during the investigation
- discuss the matter with the Minister and then seek the view of Cabinet before making a determination as to how the conduct of the Minister should be dealt with.

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3.6 Dealing with Different Types of Conflicts of Interest

3.6.1 Business Interests

Ministers are expected to devote their time and talent to carrying out their official business, both as members of the executive and as Members of the Legislative Assembly. Holding office is a full-time occupation and is remunerated as such. Ministers must not accept retainers or income from personal exertion other than their remuneration as Ministers and parliamentarians.

This requirement does not apply where a Minister has the Chief Minister's permission to continue an involvement in a family company.

Ministers must cease to be actively involved in the day to day conduct of any professional practice or in any business in which they were engaged before assuming office.

3.6.2 Public Appointments

When taking up office, Ministers should relinquish public appointments that give rise to a conflict or potential conflict of interest with their Ministerial duties and portfolio responsibilities.

3.6.3 Non-public Bodies

Ministers should declare their involvement in lobby groups and other non-public organisations whose objectives may conflict with Government policy (other than local community, charitable, voluntary and sporting organisations).

3.6.4 Trade Unions and Professional Associations

Ministers should relinquish any paid office they hold in a union or professional association and receive no remuneration for a union or professional association. This does not preclude a Minister from retaining a right to vote as a member of a union or professional association.

3.6.5 Shares and Financial Interests

Ministers must divest themselves completely of all shareholdings and other forms of equitable interest held in their private capacity in companies (both public and private) *that may create a conflict of interest as a result of their portfolio responsibilities*. The transfer of shares and interests to an immediate family member (spouse, domestic partner and/or dependent children) is not an acceptable form of divestment of shares or financial interests for the purposes of this Code.

Ministers may transfer control of their interests to an outside professional nominee or trust provided the Minister or family member exercises no control over the operation of the nominee or trust. Ministers should obtain professional advice in relation to the divestment of their interests in order to comply with this Code.

Members of a Minister's immediate family are not required to divest themselves of any interests and are not prevented from acquiring any shares or other financial interests in their own name. However, Ministers have an obligation to report immediate family members' investments on the Members' Register of Interests.

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Subject to this Code, acceptable forms of interest generally include:

- investment by Ministers in managed funds;
- investment by Ministers in managed funds or managed trust arrangements (provided that the portfolio of investment is broadly diversified and at "arm's length" from the Minister's control);
- investment by Ministers in superannuation investment funds;
- the receipt and divestment by Ministers of shares and interests pursuant to a will or as a result of the demutualisation of a company or other exceptional circumstances.

Nothing in this Code prevents a Minister from holding a share in a credit union where the holding of a share is a condition of membership of the union.

3.6.6 Directorships

Ministers must resign from and decline directorships of public companies upon taking up office as a Minister. Ministers must not provide advice or assistance to such companies other than as may be required in their official capacity as a Minister.

Ministers may retain directorships in private companies or associations only with the express approval of the Chief Minister, and only in cases where the Chief Minister (or, in the case of the Chief Minister, Cabinet) considers them unlikely to give rise to a conflict of interest with the Minister's portfolio responsibilities. The offer of any directorships must be disclosed to the Chief Minister before being accepted so that an immediate assessment of their impact on a Minister's portfolio can be made.

3.6.7 Employment of Relatives

Ministers are not to appoint close relatives to positions in their own ministerial offices or electorate offices.

A Minister's spouse, domestic partner and/or children should not be appointed to any position in an agency within the Minister's own portfolio unless the appointment is first approved by Cabinet.

4. LEGAL ASSISTANCE FOR MINISTERS

- 4.1 It is a convention of government that Ministers should be indemnified by the Crown for any actions taken against them for things done or decisions made in the course of their Ministerial duties. The Crown normally gives such an indemnity to all its servants, and Ministers are servants of the Crown.
- 4.2 A Minister's entitlement to an indemnity is not absolute. There is generally a requirement that the Minister was acting in good faith, and this is a matter which would be taken into account in determining whether or not to extend an indemnity.
- 4.3 However, the Crown will not provide funding, or assistance through the Solicitor for the Northern Territory, for Ministers or Members of the Legislative Assembly to seek legal advice, or to commence legal proceedings, as a potential plaintiff for defamation or a similar related personal action, even if the alleged defamatory statement or material relates to the performance of their official duties. A defamation action is a claim for

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monetary compensation for damage to the Minister's or Member's personal reputation. Financial, or in-kind, support by the Crown could give rise to a public perception that the Crown was seeking to suppress legitimate criticism of it. In such circumstances the appropriate response (if any) to ill-founded criticism is a public rebuttal of the criticism.

- 4.4 Subject to and consistent with the indemnity referred to above, the Crown will however provide funding, or assistance via the Solicitor for the Northern Territory, for Ministers or Members of the Legislative Assembly to seek legal advice, or to defend legal proceedings, where the Minister or Member is a potential defendant and the matter relates to the performance of their official duties.

5. ETHICAL PRINCIPLES

- 5.1 The ethical standards required of Ministers reflect the fact that, as holders of public office, Ministers are entrusted with considerable privilege and wide discretionary power. In recognition that public office is a public trust, the people of the Northern Territory are entitled to expect that Ministers will act with due regard for integrity, fairness, accountability, responsibility and the public interest.

- 5.2 In particular, in carrying out their duties:

- (i) Ministers must ensure that they act with integrity, that is, through the lawful and impartial exercise of the statutory and other powers available to their office, appropriate use of the resources available to their office for public purposes, and in a manner which is appropriate to the responsibilities of the Minister.
- (ii) Ministers must observe fairness in making official decisions. They must act honestly and reasonably, with consultation as appropriate to the matter at issue, taking proper account of the merits of the matter, and giving due consideration to the rights and interests of the persons involved, and the interests of the Northern Territory.
- (iii) Ministers must accept responsibility for the exercise of the powers and functions of their office, that is, to ensure that their conduct, representations and decisions as Ministers, and the conduct, representations and decisions of those who act as their delegates or on their behalf, are open to public scrutiny and explanation.
- (iv) Ministers must accept the full implications of the principle of ministerial responsibility. They must ensure that:
 - their conduct in office is, in fact and appearance, in accordance with this Code;
 - they promote the observance of the standards set out in this Code by leadership and example in the public bodies for which they are responsible; and
 - their conduct in a private capacity demonstrates appropriately high standards of personal integrity.

- 5.3 When taking decisions in or in connection with their official capacity, Ministers must do so in terms of advancing the public interest, that is, based on their best judgement of what will advance the common good of the people of the Northern Territory.

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6. DURING TERM OF APPOINTMENT

- 6.1 **Change in circumstances** – Ministers must inform the Chief Minister of any changes in their personal circumstances as they arise, in particular, the loss or gain of any interests relevant to issues before Cabinet, or being a party to legal proceedings or other investigations.
- 6.2 **Respect for Parliament** – Ministers must not wilfully mislead parliament. If an error is identified, a Minister must correct the record as soon as possible. Ministers must ensure that their personal conduct does not bring the Legislative Assembly, the Government, or their position into disrepute, or adversely affect public confidence in the integrity of the Northern Territory's system of government.
- 6.3 **Administrative resources** – Ministers must use administrative resources appropriately and not permit public resources to be wasted or used in an improper manner.
- 6.4 **NT Public Sector** – Ministers must respect the impartiality of the public service and recognise and respect the role and functions of the NT Public Sector as set out in the *Public Sector Employment and Management Act* General Principles and Code of Conduct.
- 6.5 **Ministerial Staff** – Ministers must abide by their moral and legal obligations as an employer in dealing with their staff. Ministers must ensure staff are aware of their ethical and administrative obligations generally, and as set out in the *Statement of Standards for Ministerial Staff*.
- 6.6 **Lobbying** – Ministers must handle lobbying by business and other parties carefully and ensure their personal interests do not clash with or override their public duties.
- 6.7 **Gifts and benefits** – Ministers must not solicit, encourage or accept gifts, benefits or favours either for themselves or for another person in connection with performing or not performing their official duties as a Minister. Ministers may accept customary official gifts, tokens of appreciation and similar formal gestures, including some hospitality and entertainment at the discretion of the Chief Minister. The Government's Gift Policy for Ministers provides more detailed guidance on this matter.
- 6.8 **Improper advantage** – Ministers are not to use their position improperly to gain a direct or indirect personal advantage for themselves, or any other person or entity, not enjoyed by the general public. Ministers are not to use information obtained in the course of their official duties so as to gain a direct or indirect personal advantage for themselves or improperly for any other person or entity not enjoyed by the general public.
- 6.9 **Claims for entitlements** – Ministers must be scrupulous in ensuring the legitimacy and accuracy of any claim for the payment of any Ministerial, parliamentary or other allowance.

7. POST-MINISTERIAL EMPLOYMENT

- 7.1 **Return of public property/papers** – On leaving office, Ministers must return all government documents and resources that were provided to assist in fulfilling their duties as a Minister.

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- 7.2 **Information obtained in the course of official duties** – Ministers must not disclose information obtained in the course of their official duties on leaving office. Any information that is not in the public domain must not be used to their own or another's advantage. Ministers must also be mindful of obligations created under privacy legislation in relation to personal information.

7.3 Post-ministerial employment

Ministers in the NT Government are likely to hold multiple portfolios covering a very broad range of responsibilities including in areas which would, elsewhere in Australia, be municipal responsibilities. It is acknowledged that due to the size of the Northern Territory, opportunities for roles completely unrelated to government are limited. On leaving office, Ministers should be conscious of the potential for allegations of conflict of interest or controversy to arise in the event that they take up other employment in an area over which they have held ministerial responsibility.

In particular, former Ministers should consider the likelihood of there being an appearance of their gaining personal financial or other benefits from knowledge gained while they were a Minister, or opportunities for criticism of their misusing contacts made in that role for their personal gain. The extent to which a proposed employer has a contractual or other financial relationship with the NT Government will be a relevant consideration in a former Minister reaching a decision on an appropriate course of action. In deciding to accept a particular offer of post-ministerial employment, former Ministers should be mindful of their standing in the community, and continuing responsibility to uphold public confidence in the Northern Territory's system of government.

Further, it is a specific requirement of this Code that Ministers must not take up employment or act as a consultant within six months of leaving office where such employment or consultancy relates to any of the Minister's portfolio responsibilities held in the last six months of their appointment as a Minister. Northern Territory Government agencies will be notified of this requirement and will be expected to ensure it is not breached.

8. RELATED PARTY DISCLOSURES

- 8.1 Ministers as members of the principal decision making body of the Government (Cabinet) are deemed to be Key Management Personnel (KMP) for the Territory as a whole. Each minister is also designated as KMP for their respective portfolio agencies. KMP are persons having the authority and responsibility for planning, directing and controlling the activities of Government or a Territory-controlled entity, directly or indirectly, including those in a position to influence the strategic direction of the entity.
- 8.2 Annual financial statements are required to disclose the remuneration of KMP and their related party transactions. To comply with these requirements, ministers are required to disclose transactions that a minister, a minister's close family member and/or entities controlled or jointly controlled by a minister or a minister's close family member, have had with any Territory Government-controlled entity during a reporting period.
- 8.3 The Treasurer's Annual Financial Statements (TAFS) will include the remuneration and related party transactions for all ministers, their close family members and related entities. A minister's portfolio agency annual financial statement will only include the transactions the minister, their close family members and related entities have had with the minister's portfolio agency. A minister's remuneration will not be disclosed in their portfolio agency's financial statements, only in the TAFS.

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- 8.4 A minister will be required to complete a Related Party Disclosures Declaration Form once a year as at 30 June, or at any point in time there is a change in a minister's status such as on resignation, retirement, dismissal, changes in ministerial portfolio. A minister is also responsible for obtaining signed individual declarations from close family members, where a transaction exists with a government entity.
- 8.5 Failure to comply by a minister or their close family member will be explicitly disclosed within the relevant financial reports. Any non-disclosure has the potential to negatively influence the public's perception regarding the integrity and transparency of government transactions.

Step-by-Step Cabinet Process

APPENDIX B

GUIDELINES FOR CABINET SECRETARIES

The role of the Cabinet Secretary can be broadly described as follows:

- (a) To assist the Chief Minister with the programming of Cabinet business and setting of the business list for each meeting.
- (b) To attend Cabinet meetings, record Cabinet's decisions, record absences, abstentions, and any declarations of interest and make *aide memoire* notes on Cabinet discussions generally.
- (c) To ensure that business presented to Cabinet conforms to the requirements of the Cabinet Handbook.
- (d) To provide advice and support to the Chief Minister and other Ministers in relation to the operations of Cabinet and Cabinet Sub-Committees.
- (e) To liaise with and advise Ministers and agencies in respect of Cabinet operations and requirements.

1. CABINET DECISIONS AND MEETING PAPERS

- 1.1 Decisions are to clearly summarise the key outcomes of Cabinet's deliberations, and be sufficiently comprehensive to provide a clear direction for implementation purposes.
- 1.2 Where a matter is deferred, the Decision should generally indicate whether any action is required, and by whom, before the matter is placed back on the Business List.
- 1.3 Meeting papers will be collected after the meeting and destroyed by the Cabinet Office except in the case of deferred papers which will be held by the Cabinet Office until they are next required.
- 1.4 Cabinet papers are not to be taken from the meeting room by Ministers unless this is recorded by the Cabinet Secretary and notified to the Cabinet Office. In such instances, the papers are to be returned to the Cabinet Office immediately they are no longer required by the Minister.

2. ATTENDANCE SHEET

- 2.1 The Cabinet Secretary is to sign a 'Record of Attendance' Sheet which is a summary of attendance, including details of video or telephone participation. The Secretary must also note on the Attendance Sheet if any Minister is absent for a part of a meeting. Details of those items for which a Minister was not present are to be recorded in the Notebook.
- 2.2 The Attendance Sheet is also used to note any item in which a Minister declares an interest (further detail of which is to be recorded in the Notebook).

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3. TABLED PAPERS AND PRESENTATIONS

- 3.1 All tabled papers are to be the subject of a Decision noting the tabling, along with any other decision or direction of Cabinet in respect of the matter.
- 3.2 Similarly, all presentations are to be recorded by way of a Decision, noting that a presentation was made and by whom, and any additional information as applicable.
- 3.3 The Cabinet Secretary will provide a copy of all tabled papers and presentation material to the Cabinet Office for inclusion in the official Cabinet meeting record.

4. CABINET NOTEBOOKS

- 4.1 **General:** Cabinet Notebooks contain the handwritten notes of the proceedings of Cabinet meetings made by the Cabinet Secretary. Notebooks constitute official Cabinet documents and information and may potentially be required for legal proceedings, Commissions of Inquiry etc. Any such requests to access a Notebook will be managed through the Cabinet Office and will be the subject of legal advice.
- 4.2 **Nature of the Notebook record:** Cabinet Notebooks should record significant discussion points on each agenda item, and on discussions on matters outside the agenda. The notes may summarise differing views in a discussion. These notes may be used to assist in finalising Cabinet Decisions and for follow up purposes.

The Cabinet Secretary's notes are to identify any specific agenda items for which a Minister was absent from the meeting/discussions.

- 4.3 **Declaration of interests:** Ministers must declare any private pecuniary or other interests held by themselves or members of their immediate families, relevant to matters under discussion in Cabinet. The details of any such declarations are to be recorded by the Cabinet Secretary in the Cabinet Notebook and summarised on the meeting Attendance Sheet.

In the event of a declared interest by a Minister, Cabinet may excuse the Minister from the discussion or agree explicitly to their taking part. This decision is also to be recorded in the Notebook. A Minister may only abstain from a decision in the case of a conflict of interest.

When considering whether there is a potential or apparent conflict of interest that should be declared, Ministers should adopt a broad interpretation. Declarations should be made in all cases where an interest exists which could not be said to be shared with the rest of the community. *Refer to the Ministerial Code of Conduct for further detail.*

- 4.4 **Issue and return of Notebooks:** The Cabinet Office maintains a register of all Notebooks. Once a Cabinet Notebook has been filled, it is the responsibility of the Cabinet Secretary/Acting Cabinet Secretary to return it to the Cabinet Office. A new notebook will be issued as necessary.

Each person carrying out the role of Cabinet Secretary will be issued with their own Notebook. This maintains the confidentiality of Cabinet discussions to those persons present at the meeting.

In the case of an Acting Cabinet Secretary, the Notebook is to be returned to Cabinet Office after the Cabinet meeting and will be re-issued to the individual the next time they act as Cabinet Secretary.

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APPENDIX C

CABINET CONFIDENTIALITY PRACTICES

A. Cabinet Information Confidentiality Advice for NTPS Officers and Ministerial Staff

This advice is for NTPS officers and ministerial staff who will, or may be required to, deal with Cabinet documents and Cabinet information as part of their duties. Cabinet is the highest decision-making body in government and the types of matters considered by Cabinet can have significant implications for the Government and for the broader community. The unauthorised or premature disclosure of Cabinet information can be damaging to the public interest and to the Government and its public policy agenda.

Unlawful disclosure of confidential Cabinet information may constitute a breach of the NT Public Sector Code of Conduct and/or be an offence under the NT Criminal Code.

This advice is concerned particularly with the security of Cabinet documents. However, it is equally important to exercise care with other types of Cabinet information, for example, to only discuss Cabinet proposals or decisions with persons who need to know or are otherwise authorised to know that information.

What are Cabinet documents? Cabinet documents include any documentation (whether in electronic or paper format) prepared for consideration by Cabinet or associated with Cabinet meetings and decision-making. Examples include:

- Cabinet Submissions and Memoranda (draft and final), Cabinet comments and Cabinet Decisions;
- Executive Council Submissions;
- Reports and attachments to Submissions which have been brought into existence for the purpose of being considered by Cabinet;
- Cabinet Sub-Committee papers and decisions; and
- Copies of, or extracts from, the types of documents listed above.

Responsibility of staff: All NTPS officers and ministerial staff are expected to –

1. Maintain the confidentiality of Cabinet information and not unlawfully disclose such information to any person or entity not authorised to receive it.
2. Observe the requirements for appropriate handling and storage of Cabinet-in-Confidence information and documents as set out in the NT Government Cabinet Handbook.
3. Notify their Agency's Chief Executive Officer or, for ministerial staff, the Chief of Staff in the Chief Minister's office, should a breach of security be suspected or detected in relation to confidential Cabinet information.

NTPS officers should direct any questions about Cabinet confidentiality to their Agency's Secretariat/Ministerial Liaison Unit in the first instance. Ministerial staff should contact the Cabinet Office in the Department of the Chief Minister.

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B. NT Government Cabinet Documents Clean Desk Policy

Scope: The purpose of this policy is to minimise the risk of confidential Cabinet information being accessed by unauthorised persons, within or outside of the NT Government.

The NT Public Sector Code of Conduct provides that a Public Sector officer must take care to maintain the integrity and security of documents or information for which he or she is responsible (section 14.3 of the Code of Conduct).

Cabinet information includes documentation prepared for consideration by Cabinet including draft and final Cabinet Submissions and Cabinet memoranda, comments on Cabinet Submissions and Cabinet Sub-Committee documents. Please refer to the Cabinet Handbook for further examples.

Policy requirements: To support officers to meet their obligations in respect of confidential information, and to minimise the risk of a security breach, all NTPS officers are to observe the following workplace practices.

Hard copy documents in the workplace

1. Where an officer leaves their desk or work area unattended for a lengthy period of time during the work day, for example during a lunch break or while at a meeting, any confidential Cabinet document on their desk or in their work area is to be put away, preferably in a locked drawer or cabinet.
2. Where confidential Cabinet information is kept in an office or other room, the office or room is to be locked at the end of each work day.
3. Where confidential Cabinet information is kept in an open plan office, the information is to be secured in a locked drawer or cabinet at the end of each work day.

Information in electronic form kept on desktop computers and other ICT equipment

It is NT Government policy that a password protected screen saver should be used by all users of Government ICT equipment in order to minimise the risk of unauthorised access from their sign-on. For added security, users may manually lock their workstations when not in use or left unattended for any length of time.

In the case of confidential information held on devices such as iPads, smart phones or USBs/memory sticks, appropriate measures are to be taken to ensure both the information and the device are secure at all times, including through the use of password protection for Word and PDF documents and for the device. Agencies should consider the use of Mobile Device Management (MDM) software for added control of mobile devices.

Responsibility: All NT Public Sector officers regardless of level are subject to this policy.

Adherence to these guidelines will be the subject of an annual Cabinet Confidentiality audit in all Agencies. Any officer found to be in breach of these guidelines may be subject to disciplinary action.

Any officer requiring guidance about the operation or implementation of this policy should contact their Secretariat/Ministerial Liaison Manager. Any matters which cannot be resolved at Agency level may be referred to the Cabinet Office in the Department of the Chief Minister for advice.

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C. Recommended Footer Messaging for Inclusion on NT Government Emails Containing or Attaching Cabinet Information

Recommended wording for inclusion on emails:

Use or transmittal of the information in this email other than for authorised NT Government business purposes may constitute misconduct under the NT Public Sector Code of Conduct and could potentially be an offence under the NT Criminal Code.

This wording is suitable to be used with all NTG email communications, regardless of content. If preferred, it may be used in conjunction with other messaging, caveats etc on Government emails. All Northern Territory Government officers using registered mobile devices should ensure this email footer is included in their signature block on their mobile device.

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APPENDIX D

APPOINTMENTS PROCESS

Appointments to Northern Territory Boards

Only those appointments to **key statutory boards** are required to be submitted to Cabinet. A key statutory board is defined as:

- (a) those boards classified under the Northern Territory Government Boards Classification Framework as:
 - o Governing and Management Bodies Class A1 or A2; or
 - o Quasi-Judicial Bodies Class B1 or B2 (Level 1); or
 - o Advisory and Review Bodies Class C1; or
- (b) boards where there are statutory restrictions on the ability to remove a member.

Ministers may bring to Cabinet proposals for appointments to other statutory or non-statutory boards should they wish to do so. However, this should be discussed with the Chief Minister in the first instance.

Appointments in respect of all other board/committees which do not meet the definition of “key statutory board” may be progressed without the need for Cabinet clearance (i.e. Ministerial endorsement only).

Significant office holder appointments made a Minister

For significant office holder appointments, a Cabinet memorandum is to be prepared and submitted to Cabinet for noting prior to the responsible Minister signing the instrument of appointment. The Cabinet memorandum should include the following information:

- (a) identification of whether the appointment is statutory or non-statutory and, if statutory, the name of the Act and relevant section number in the Act for making the appointment;
- (b) brief detail on how the vacancy arose and the process for seeking applicants/nominations, including whether the position has been advertised and, if not, the reason for that decision;
- (c) in the case of a re-appointment, the justification for this;
- (d) confirmation that the person being proposed is appropriately qualified and has experience relevant to the vacancy, that the appointment conforms with any legislative requirements, and that due regard has been paid to gender, cultural and geographical balance of membership of the board where applicable;
- (e) if a selection process was involved, the reason for selecting the proposed appointee;
- (f) background on the proposed appointee; and
- (g) any timing and/or sensitivity considerations.

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Statutory appointments made by the Administrator on the advice of Executive Council

Board appointments made by the Administrator require an Executive Council Submission which is to be lodged for Cabinet consideration in the usual way. For those significant appointments, a memorandum to Cabinet Colleagues should also accompany the Executive Council Submission and should include:

Cabinet memoranda for proposed appointments

The recommendation in a Cabinet memorandum for a proposed appointment should be similar to the following example –

“It is recommended that Cabinet note the proposed appointment of [person’s name] as a member of [name of board or committee] for [insert period of appointment] and support the attached Executive Council Submission – Department No. [insert number] – [insert title of Executive Council Submission].

Timing for Cabinet noting of proposed appointments

Where an appointment needs to be made by a particular date, it is critical that sufficient time is allowed for the memorandum to Cabinet to be lodged (observing the six day lodgement rule) and for the subsequent appointment documentation to be processed, whether the appointment is one being made by the Minister or by the Administrator on the advice of the Executive Council.

Suggested Approach for Dealing with Potential Appointees

To avoid pre-empting an appointment decision which is subject to Cabinet endorsement, but where it is necessary to approach an individual in relation to the proposed appointment, it is suggested the person initially only be asked to confirm:

- (a) a willingness for their name to be put forward for consideration along with other candidates (where applicable); and
- (b) whether, if selected, there would be any conflict of interest in such an appointment, in accordance with the Government’s requirements.

Cabinet Decision and Announcement

Distribution to Agencies of Cabinet Decisions regarding proposed appointments is on the understanding that no information concerning an appointment is to be divulged until all necessary processes have been completed (for example, until the Minister or the Administrator has made the appointment).

In the case of appointments made by the Administrator, no public announcement is to be made prior to approval of the appointment by the Administrator. In exceptional circumstances, where Government considers it imperative to make an announcement of an appointment prior to it being considered by the Administrator, consultation between the Minister’s office and the Official Secretary at Government House Darwin is essential before any such announcement is made. The Executive Council Secretariat (located in the Cabinet Office) should also be notified in these circumstances and can assist with the necessary liaison with Government House in such cases if required.

Step-by-Step Cabinet Process

Appointments of Close Relatives of Ministers

To avoid any real or apparent conflict of interest, any Minister who has a family relationship with a person under consideration for appointment to a significant statutory position or to a board or committee within the NT Government must declare that interest and absent themselves from all discussion on that matter.

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SUMMARY OF CABINET DOCUMENT AND PROCESS REQUIREMENTS BY CATEGORY OF APPOINTMENT – OCTOBER 2016

	Type of appointment	Cabinet document and process requirements
Board appointments		
1	Non-statutory board appointment (no instrument of appointment)	No Cabinet clearance required for appointments.
2	Statutory board appointment where instrument is signed by Minister	Cabinet clearance is required for key statutory boards. Key statutory boards are: 1. boards which are classified under the NTG boards classification framework as: a. governing and management bodies class A1 or A2 or b. quasi-judicial bodies class B1 or B2 (Level 1) or c. Advisory and Review Bodies Class C1 or 2. boards where there are statutory restrictions on the ability to remove a member.
3	Statutory board appointment where instrument is signed by Administrator	Executive Council submission. Normal Cabinet lodgement requirements apply. A covering Cabinet memorandum can be utilised if it is necessary to provide Cabinet with information additional to that in the Executive Council submission.
Office holder appointments		
4	Significant office holder appointment where instrument is signed by Minister	Cabinet memorandum. Normal Cabinet lodgement requirements apply. Note: Short-term acting appointments of persons from within the same office / agency do not need to be submitted to Cabinet e.g. acting Information Commissioner, acting Ombudsman, etc.
5	Significant statutory office holder appointment where instrument is signed by Administrator	Cabinet memorandum attaching Executive Council submission. Memorandum is used to provide Cabinet with detail on recruitment / selection process and any other background material which would not normally appear in the Executive Council submission. Normal Cabinet lodgement requirements apply.
6	Other statutory office holder appointments (i.e. those not classed as significant for the purposes of the Cabinet handbook) where instrument is signed by the Minister	Cabinet clearance is not a requirement. Note however there may be circumstances where a Minister prefers to submit the proposed appointment to Cabinet for noting, in which case a Cabinet memorandum is used.
7	Other statutory office holder appointments where instrument is signed by the Administrator i.e. statutory appointments not classed as 'significant' for the purposes of the Cabinet handbook. This includes appointments such as JPs.	Executive Council submission. Normal Cabinet lodgement requirements apply.

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APPENDIX E

PROCEDURES FOR MANAGING CABINET BUSINESS

The Business List

1. Management of the Cabinet Business List is central to the operation of Cabinet and no item will be included on a Business List without the Cabinet Secretary's approval. Approved late items will only be added to the Business List once the documentation is lodged.
2. Following approval of each meeting's Business List by the Cabinet Secretary in consultation with the Chief Minister as necessary, the Cabinet items are uploaded electronically to secure Cabinet devices (iPads) issued to each Minister and each Minister's Chief of Staff. This task is undertaken by the Cabinet Office. Ministerial offices will be advised when meeting papers are uploaded.
3. The Cabinet Office does not circulate Business Lists to Agencies. Ministers are responsible for seeking any required briefings on agenda items from their CEOs.
4. As Business Lists are subject to change due to lodgement of late papers, revised lists will be issued as necessary. The Cabinet Office will advise Ministerial offices when revised Business lists and late papers have been uploaded to the iPads.

Cabinet forecasting

5. Agencies are required to provide the Cabinet Office with a forecast of proposed Cabinet Submissions on a quarterly basis. This assists with the prioritisation and orderly listing of business for Cabinet consideration.
6. Agency forecasts are approved by the responsible Minister and are then provided to the Cabinet Office electronically (both PDF and Word version required). Proposed items for Cabinet consideration in these reports are to be listed by portfolio and in date order and be in the format stipulated by the Cabinet Office.

Cabinet Submission requirements

7. The Cabinet Submission process is the key mechanism for enabling informed decision-making in Cabinet and therefore adherence to the process is critical to the proper exercise of the principle of collective decision-making.
8. The Cabinet Secretary is responsible for setting standards for the form and content of Submissions and accompanying presentations. The Cabinet Office plays both a gate keeping and advisory role to ensure that those standards are met.
9. The Cabinet Handbook provides guidance and templates to assist Ministers and their Agencies to prepare concise documents which:
 - (a) set out the benefits, disadvantages and risks associated with Cabinet proposals;
 - (b) identify any linkages to the delivery of the Government's strategic priorities;
 - (c) identify the implementation challenges, the level of risk and risk management analysis;
and

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- (d) highlight any public expenditure implications.
- 10. Of equal importance are the consultation and circulation requirements that ensure appropriate input occurs prior to the item coming before Cabinet.
- 11. Ministers are responsible for the Submissions they submit to Cabinet and are expected to be fully conversant with them. Ministers bringing forward Submissions are also responsible for ensuring that the consultation necessary to enable a fully informed decision to be taken occurs at both ministerial and official levels. It is particularly important that there is agreement on factual matters, including costs.
- 12. Items for inclusion on the Business List should be in the format of a formal Cabinet Submission and with Agency blue comments, or in the form of a Memorandum to Cabinet Colleagues, as described in this Handbook.

Cabinet Memoranda

- 13. Submissions for Cabinet or Budget Cabinet consideration are generally to be prepared utilising the Cabinet Submission template. The exception to this rule are matters:
 - (1) which are straightforward and do not require the analysis framework offered by the formal Cabinet Submission template; and
 - (2) which do not require circulation for Agency comment.

If a proposal satisfies these criteria, the item can be prepared as a Memorandum to Cabinet Colleagues.

Ministerial Statutory Decisions

- 14. Special considerations apply to protect the integrity of the relevant statutory decision-making process when a Minister brings an item to Cabinet on a statutory decision or action he or she intends to make. Cabinet cannot make, or appear to make, a decision that the statute requires a Minister (or designated office holder) to make. The Submission should be drafted accordingly and Cabinet Decisions must not instruct an independent decision-maker on the decision to make.

Out-of-Session Cabinet Papers

- 15. Very occasionally, it may be necessary to distribute a memorandum (with or without an attached Cabinet Submission) to Cabinet members “out-of-session” for decision. This is **only** to occur:
 - (a) with the approval of the Cabinet Secretary;
 - (b) where a matter is not controversial, and
 - (c) where the matter is so urgent it must be dealt with prior to the next scheduled Cabinet meeting and the convening of a special Cabinet meeting is not possible.

In this case, there should be a section at the end of the memorandum for each recipient Minister to indicate that they approve the proposal. Also refer to **section 2.8** in this Handbook.

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16. The original (or a good quality copy) and the relevant number of watermarked copies of the memorandum are to be lodged with the Cabinet Office at the time of distribution to Ministers. Copies of the memoranda pages signed by each of the Ministers must be provided to the Cabinet Office for noting and filing when all have been received by the Minister's office.
17. Following lodgement of the item with the Cabinet Office, the item will be included on the next available Business List for formal noting by Cabinet.
18. Note that an out-of-session item is not considered to be approved until ALL Ministers have indicated their agreement to it.

Out-of-session circulation of Cabinet proposals denies Ministers the opportunity to collectively discuss the matter and for this reason the use of this mechanism is not encouraged and should only be utilised in exceptional circumstances. Cabinet papers for noting only are not to be circulated out-of-session solely for that reason; it is still important for such matters to be submitted to a Cabinet meeting.

Lodgement Deadlines and Late Submissions

19. The standard deadlines for the lodgement of Cabinet documents (that is, Submissions and memoranda) ensure that Ministers have sufficient time to read and seek advice on papers and to discuss them with colleagues prior to the Cabinet meeting if required. The standard Submission process provides that papers for Cabinet be lodged six working days prior to the meeting date. Waiver of this six day rule requires the approval of the Cabinet Secretary, which will only be given where the need for late lodgement consideration is urgent and unavoidable.
20. Where a Submission has missed the lodgement deadline for a meeting but where the Minister still requires the Submission to proceed to that meeting, the following procedure applies:
 - (a) The sponsoring Minister's Office is to email a request to the Cabinet Office seeking approval for the Submission to be accepted as a late lodgement and giving the reason for the urgency. The request is to be provided to the Cabinet Office as early as possible and preferably by the lodgement deadline for the meeting in question.
 - (b) The Cabinet Office will then seek approval from the Cabinet Secretary for the item to be included on the Cabinet Business List. No late items will be included on the Business List without the approval of the Cabinet Secretary. The Cabinet Secretary may also liaise with the Chief Minister about the need for a late item to proceed if required.
 - (c) Advice will be provided to the Agency and the Minister's Office on whether or not a late lodgement request is approved.

Late papers should be lodged with the Cabinet Office **no later than noon two working days** prior to the Cabinet meeting. Any papers lodged after this time requires a further approval from the Cabinet Secretary before the item can be included on the Business List.

Amending and Withdrawing Submissions

21. Amendments to Cabinet Submissions and Memoranda already lodged with the Cabinet Office will not generally be accepted. If a Minister wishes to make amendments to a paper already lodged, the usual practice is to withdraw the original paper and submit a replacement.
22. If a sponsoring Minister wishes to withdraw his or her Submission from consideration after the Cabinet Office has issued a Business List, that Minister or their Chief of Staff must provide

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written notice of withdrawal, including a reason for the withdrawal, to the Cabinet Secretary through the Cabinet Office as soon as practicable (an email is sufficient for this purpose).

23. If an Agency proceeds with lodgement of a Cabinet Submission without all Agency comments in order to meet lodgement timeframes, but receives the comment prior to consideration by Cabinet, the responsible Agency is to liaise with their Minister's office and request approval for the comment to be included as part of the Submission. A copy of this approval is to be provided to the Cabinet Office as soon as possible, along with the original Cabinet comment and necessary copies.
24. Under no circumstances may a paper be amended after it has been submitted to Cabinet and, for example, deferred. Any adjustments to Submissions in these circumstances are to be by way of a supplementary Memorandum to Cabinet Colleagues, which will be added to the original documentation following approval by the Cabinet Secretary.

Oral Items and Walked-in Papers

25. In cases of particular urgency or confidentiality, or to test preliminary support for a proposal, a Minister may wish to raise an oral item at a Cabinet meeting or bring a paper in to the Cabinet meeting. Oral and walked-in items for Cabinet will be accepted only with the prior approval of the Chief Minister.

Seeking approval to vary implementation of a Cabinet Decision

26. A Minister should write to the Chief Minister if it is proposed to vary the implementation of a Cabinet Decision in a manner which does not warrant reconsideration of the matter by Cabinet. A copy of any such approval must be provided to the Cabinet Office.

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APPENDIX F

CONDUCT OF CABINET BUSINESS

Notification of Business Lists

1. The Cabinet Office submits to the Cabinet Secretary a draft Business List one week prior to the meeting.
2. Once the Business List is approved by the Cabinet Secretary, the Cabinet Office issues the Business List and electronically uploads copies of all Cabinet papers to Ministers through a secure Cabinet device (iPad) and notifies Ministerial offices of this.

Notification of Non-attendance – Delay or Absence

3. If a Minister does not expect to be available to attend a meeting of Cabinet or will be late or need to depart early, that Minister is to advise the Cabinet Secretary through the Cabinet Office prior to the meeting, and is to provide the reason for the absence.

Declaring Interests

4. Ministers attending Cabinet meetings must, in relation to the matters under discussion, declare any private interests, pecuniary or non-pecuniary, held by them, or by members of their immediate family of which they are aware, which give rise to, or are likely to give rise to, a conflict with their public duties.
5. It is then open to the Chairperson of the meeting to excuse a Minister from the discussion or to agree expressly to his or her taking part in the discussion and/or the decision.
6. Any such declarations will be recorded by the Cabinet Secretary.
7. Also refer to the Ministerial Code of Conduct at Appendix A and to section 3 of this Handbook.

Declaration during Discussions on Appointments

8. A Minister is to withdraw from discussion of any proposal to appoint a person who is a relative of that Minister to a NT Government body or position.

Step-by-Step Cabinet Process

APPENDIX G

CONSULTATION ON CABINET PROPOSALS

Submission Consultation Processes

1. Good policy outcomes require informed decisions by Ministers. Informed decisions require agreement on facts and an understanding of the opinions of those who have expertise in the subject matter. During the development of Submissions, Ministers and Agencies will need to balance the benefits of broad consultation with adherence to the need-to-know principle, so that the confidentiality of Cabinet's considerations is protected.
2. The mandatory consultation processes for Submissions outlined below relate to the consultation that occurs between Ministers (and their Agencies) prior to Cabinet consideration.
3. Ministers are responsible for ensuring that these consultation processes are adhered to by their Agencies.
4. The first step is for the authoring Agencies to identify Ministers, and/or Agencies with an interest in the policy area(s) under discussion in the Submission.
5. As far as possible, consultation with Ministers and Agencies should ensure that differing viewpoints are resolved in advance of Cabinet's consideration or, if this is not possible, differences are identified and set out in a way that will facilitate informed decision-making at the meeting.
6. It is particularly important that there is agreement regarding the factual matters (that is, matters that are not open to interpretation or differences of opinion), including costs, which will form the basis of Cabinet discussions.

Coordination within NT Government

7. **Circulation of draft Submissions to Agencies:** Once a draft Submission is prepared, it is submitted to the Minister for approval to circulate to Agencies for formal comment. In the case of Submissions dealing with matters of more than usual sensitivity, the Minister is to discuss with the Chief Minister the extent to which the Submission is to be circulated to NT Public Sector Agencies for comment. Draft Submissions are to be circulated to all NT Public Sector Agencies that have an interest in the proposal and/or will be affected by the proposal except where otherwise directed by the Chief Minister. Generally speaking, however, all Agencies with an interest in a Cabinet proposal are to be provided with the opportunity to formally comment on the Submission.
8. **Mandatory commenting Agencies:** The Department of the Chief Minister, Department of Treasury and Finance and the Department of Attorney-General and Justice are to be consulted on ALL draft Cabinet Submissions. The Office of the Commissioner for Public Employment is to be consulted where there are NTPS staffing and/or industrial relations implications.
9. **List of Agencies invited to comment:** A draft Submission should state clearly which Agencies have been consulted in the development of the proposal and which Agencies are being requested to provide comments. This information is to be included under the "Results of Consultation within NT Government" heading of the Submission. Once Agency comments have been received, these are to be summarised and discussed under this same heading.

Step-by-Step Cabinet Process

10. **Five day commenting period:** Agencies are to be allowed a minimum of five (5) working days to comment on draft Cabinet Submissions. For more complex Submissions, it is recommended Agencies be allowed a longer period of time to comment. If it is proposed to circulate a Submission for any period of less than five days, the sponsoring Agency Secretariat/Ministerial Liaison Unit is to liaise with the Cabinet Office regarding the optimum circulation timeframe in the circumstances.

Circulation periods should not be reduced solely to meet lodgement deadlines. It is preferable that, where possible, the standard commenting period apply when circulating Cabinet Submissions and that the Minister's office request late lodgement from the Cabinet Secretary in order for the item to be placed on the intended Business List. This approach optimises consultation time with the objective of ensuring the best possible advice is submitted to Cabinet.

11. **CEO signature on comments:** Comments are to be signed by Agency Chief Executive Officers and prepared on blue paper as per the pro-forma in this Handbook.
12. **Differing Agency views:** Differing Agency views should as far as possible be resolved by the author Agency during the consultation phase. Where any differences cannot be resolved, or issues in an Agency's comments require a response, these need to be addressed in the body of the final Submission. Significant adverse Agency comments may also be addressed in brief in a "self-blue" comment by the originating Agency. The self-blue comment must be clearly identified as such and is to be included in the Cabinet Submission immediately after the cover sheet and before the Agency blue comments.
13. **Submissions with Asian Engagement dimension:** In relation to Cabinet proposals with an Asian Engagement dimension, Agencies are to make early contact with the Office of Asian Engagement, Trade and Investment in the Department of Trade, Business and Innovation to discuss the requirement for and timing of Cabinet clearance.
14. **Consultation with Independent Statutory Officers:** NT Public Sector Agencies are required to consult with the Government's independent statutory officers as part of the development of policy proposals where applicable, including proposals for Cabinet. Independent statutory officers include the Ombudsman, Auditor-General, Information Commissioner, Anti-Discrimination Commissioner, the Children's Commissioner, the Public Interest Disclosures Commissioner and the Health and Community Services Complaints Commissioner. As a general rule, Independent statutory officers are not provided with draft Cabinet Submissions or asked to provide formal Cabinet comments. However, their views on proposals (as relevant) are to be sought as part of the policy development process and incorporated in Cabinet Submissions under headings such as "Consideration of the Issues" and "Results of Consultation within Government". The written advice or views of the statutory office holder may also be included as an attachment to the Submission. The consultation can include providing discussion papers and draft legislation for comment by independent statutory officers.
15. **Consultation with NT Government boards and committees:** Agencies are to ensure consultation takes place with NT Government boards and committees, as appropriate, in the development of proposals for Cabinet consideration.

In no circumstances should a Cabinet Submission or Decision document be provided to a Government board or committee. There may be occasions when it is appropriate to convey relevant details about a Cabinet outcome to a board/committee which is a stakeholder in a matter. Chief Executive clearance should always be obtained first and on some occasions it may be appropriate to seek Ministerial approval to provide details of the matter to a board or committee.

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Boards and committees should be treated in the same way as other stakeholders in the development of policy and legislative proposals etc. That is, where a Government board is identified as a stakeholder in respect of a Cabinet proposal:

- the Minister's approval is to be sought prior to consulting the board/committee;
- the board/committee should be provided with relevant material about the proposal such as a background briefing, discussion paper or options paper, but is not to be provided with a copy of the draft Cabinet Submission; and
- the Cabinet Submission should indicate when a board/committee has been consulted and summarise the comments/position of the body. Under no circumstances should a board/committee provide a "blue" Cabinet comment.

In particular, Agencies are asked to ensure that the Northern Territory Environment Protection Authority is consulted as appropriate on proposals involving environmental issues.

16. **Significant amendments to Submissions following Agency consultation:** Where there are changes to a draft Cabinet Submission following Agency consultation which affect the content of the Submission in a material way relevant to the interests of one or more commenting Agencies, the Submission is to be re-circulated for fresh comments. Whether to re-circulate is always a matter of judgement depending on the circumstances; if there is any doubt, it is recommended that commenting Agencies be provided with the amended Submission with an indication of what has changed, and asked to advise if they wish to amend their comment. The outcome of this process should be summarised under the "Results of Consultation within the NT Government" heading.
17. **Revision of Agency comments following significant amendments to Submission:** In the case of any significant delay in finalising a Submission after comments have been received, consideration should be given to whether updated or fresh comments should be sought, especially in the case of significant NTPS restructures or new leadership in commenting agencies and/or shifts in the policy environment which may have occurred while the Submission was being finalised. Agencies should consult the Cabinet Office if in doubt.

Consultation Outside of NT Government

18. Agencies should ensure that where appropriate, and where approved by Cabinet or the Minister, adequate consultation takes place on the proposal with other levels of government, non-government bodies, interest groups and affected individuals. Where outside consultation is to be undertaken on a proposal using a scoping, discussion or options paper (or similar document) it is usual for the consultation document to be endorsed by Cabinet. Under no circumstances is a draft Cabinet Submission to be provided to any person or organisation outside of the NT Government.
19. The outcome of any external consultation is to be included under the "Results of Consultation outside of NT Government" heading of the Cabinet Submission.

Step-by-Step Cabinet Process

APPENDIX H

CABINET DECISION PROCEDURES

Distribution

1. Once the Cabinet Secretary has approved and signed the Cabinet Decisions following each meeting, the Cabinet Office is responsible for distribution of Decisions to Ministers and Agencies.
2. Cabinet Decisions are normally distributed to all Cabinet Ministers, and to relevant Agencies. Cabinet Decisions are distributed to Agencies which are specifically required to take action or which have a “need-to-know” requirement in relation to the Decision. Distribution to Ministers is via hard copy and to Agencies via the Government Executive Reporting (GERS) SharePoint data management system.
3. Agency Chief Executive Officers are expected to have procedures in place to ensure that details of Cabinet Decisions are circulated internally with the strict application of the need-to-know principle and that a proper record is kept of who has access to Cabinet Decisions in the Agency.
4. Where an Agency does not receive a copy of a Cabinet Decision when initially distributed, and on advice from their Minister’s office or from another Agency considers they require access to the Decision, they may request access to the Decision from the Cabinet Office, indicating the reason for the request. In this regard, the lead Agency should send an email request to the Cabinet Office to arrange read-only access in GERS SharePoint.
5. Agencies with lead responsibility for a Cabinet Decision may convey the effect of that Cabinet Decision to other Agencies where there is a legitimate information requirement, or may request the Cabinet Office to make the Decision available on a read-only basis to the other Agency.
6. Where implementation of a Cabinet Decision is to be transferred to another Agency, the CEOs of the respective Agencies must agree to the transfer and a formal email request to the Cabinet Office is then required. The Cabinet Office is responsible for re-allocating Cabinet Decisions in GERS SharePoint.

Amendments to Decisions

7. Should a Minister consider that the wording of a Cabinet Decision does not accurately reflect the outcome of Cabinet’s deliberations, they should immediately raise the matter with the Cabinet Secretary. If it is agreed that the Cabinet Decision requires adjustment, an amended Cabinet Decision may be issued. If there is a more fundamental dispute over the content of the Cabinet Decision, the matter may need to be brought forward to Cabinet for consideration.

Step-by-Step Cabinet Process

Announcements

8. Any proposal to Cabinet for the public release of a Decision must be indicated in the recommendations of the Cabinet Submission, with a draft Communications Strategy included as an attachment to the Submission.
9. No publicity is to be given to an Executive Council matter which is awaiting the Administrator's approval, unless the Administrator's prior approval of an announcement has been obtained. Where a matter requires urgent announcement prior to consideration by the Administrator, the Minister or their Senior Adviser is to liaise with the Official Secretary at Government House.

Information Campaigns

10. Submissions which propose Government funded information campaigns must provide adequate information to enable Cabinet to consider the scope and cost-effectiveness of the campaign. The Communications Strategy template in the Cabinet Submission template must be used for this purpose.

Step-by-Step Cabinet Process

APPENDIX I

STANDARD WORDING FOR RECOMMENDATIONS

Recommendations in Cabinet papers generally provide the starting point for drafting the resulting Cabinet Decision. As such, they need to be self-contained and comprehensively cover all matters advanced in the paper for which Cabinet agreement is required.

Recommendations must not canvass the reasons for a particular decision.

Examples of standard wording for Recommendations are provided below:

For Cabinet Submissions

Basic Form:

It is recommended that Cabinet:

- (a) agree....;
- (b) direct:
 - (i); and
 - (ii)
- (c) note....; and
- (d) approve....

Approval to draft legislation

It is recommended that Cabinet approve:

- (a) the drafting of legislation to amend the XXXXXX Act to:
 - (i) XXX; and
 - (ii) XXX;
- (b) the drafting instructions at Attachment A to the Submission;
- (c) the timetable at Attachment X to the Submission proposing introduction of the Bill in the XXXX 2017 Sittings of the Legislative Assembly; and
- (d) the Communications Strategy Overview at Attachment X to the Submission (if applicable).

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Approval to introduce legislation

It is recommended that Cabinet approve:

- (a) the introduction of the XXXX Bill 2017 at Attachment X to the Submission during the (month and year) Sittings of the Legislative Assembly (subject to any such minor drafting amendments as may be necessary);
- (b) the Second Reading Speech and Explanatory Statement at Attachments X and X to the Submission;
- (c) the Legislation Summary Brief at Attachment X to the Submission; and
- (d) the Communications Strategy Overview at Attachment X to the Submission (if applicable).

For Cabinet Memoranda

Noting of Reports

It is recommended that Cabinet note the 2017-18 Budget Mid-Year Report at Attachment A to the memorandum.

Appointments

It is recommended that Cabinet note the proposed appointment of:

- (a) Mr John Smith as the Chairman of the Northern Territory Land Corporation for a period of three years; and
- (b) Mr Tom Bloggs and Ms Mary Jones as members of the Northern Territory Land Corporation for a period of two years.

Ministerial Statements

It is recommended that Cabinet endorse the Ministerial Statement on XXXXX to be presented by the Minister for XXXX in the (month and year) Sittings of the Legislative Assembly.

Ministerial Council Agenda and proposed NTG Position

It is recommended that Cabinet:

- (a) note the agenda for the Ministerial Council on XXXXX being held on XXXXX in XXXXX, as provided at Attachment A to the memorandum;
- (b) endorse the Northern Territory Government's proposed position on each of the agenda items, as provided in Attachment B to the memorandum; and
- (c) noted the Terms of Reference for the Ministerial Council on the XXXX as provided at **Attachment C** to the memorandum.

Step-by-Step Cabinet Process

APPENDIX J

HANDLING OF AND ACCESS TO CABINET DOCUMENTATION AND INFORMATION

Special Nature of Cabinet Documents and Information

1. Cabinet documentation and information includes:
 - (a) any material that is intended for Submission to Cabinet (including Cabinet Submissions, Cabinet Memoranda, attached materials, materials for tabling at Cabinet and Cabinet presentations and draft Cabinet materials); and
 - (b) documents and materials dealing with Cabinet meetings (including attendance sheets, business lists and Cabinet Decisions);
 - (c) excerpts of Cabinet documents; and
 - (d) discussions and emails relating to Cabinet proposals and Decisions.

Note that sometimes supporting material such as statistics and data which is being included with Cabinet Submissions or Memoranda is not in itself Cabinet-in-Confidence. Should the status of such information become an issue, the matter should be discussed with the Cabinet Office.

2. Cabinet information is considered to be the property of the government of the day and must be dealt with as such.
3. The unauthorised and premature disclosure of Cabinet documents and Cabinet information generally, including draft Cabinet documents, undermines collective ministerial responsibility. It also breaches the convention of Cabinet confidentiality. It is essential that the confidentiality of Cabinet documents, including draft Cabinet documents, is maintained to enable full and frank discussions to be had prior to Cabinet making its decision.
4. Copies of, or access to, final or draft Cabinet documents are not under any circumstances to be provided to sources external to Government. It may, however, sometimes be necessary to consult with external sources in relation to matters which are the subject of proposed or current Cabinet consideration to ensure that Cabinet is fully informed of the relevant information required for it to make an informed decision. The consultation processes set out in this Handbook apply.
5. Agency activity in preparing, handling and securely storing Cabinet documents is subject to detailed security requirements as set out in this Handbook. The requirements apply equally to ministerial offices and their staff as to public sector employees.

Secure Handling of Cabinet Documents

6. Cabinet information must be treated as strictly confidential in hard copy and access confined to a 'need-to-know' basis. Cabinet Decisions will be distributed to Ministers' offices, the Cabinet Office and out-of-session Cabinet documents must be securely circulated by the sponsoring Minister's office. Except where an envelope is clearly identified as 'To be opened by the Minister only', the nominated custodian of Cabinet documents in each Minister's office may open envelopes and bring the Submissions or other documents to the Minister's attention.

Step-by-Step Cabinet Process

When Cabinet documents are sent to Agencies they must be delivered under appropriate security arrangements.

7. Cabinet information must be subject to secure handling practices at all times. Final Cabinet documents must only be passed between Ministers' offices and their Agencies and from Agency to Agency in a sealed envelope or other container and labelled "Cabinet-in-Confidence" with the addressee clearly indicated. In the case of a Cabinet Submission accompanied by a ministerial memorandum and being delivered to or from the Minister's office, it is acceptable for the documents to be enclosed in an Agency ministerial folder and marked "Confidential". When multiple copies of Submissions are being delivered to Cabinet Office for lodgement, they must be conveyed in a sealed envelope or secure container. Where Cabinet information and documents are distributed electronically, the words "Cabinet-in-Confidence" must form part of the record.
8. Draft Cabinet Submissions circulated for Agency comment should be emailed to the relevant Agency Secretariat/Ministerial Liaison Unit's group email account. Scanned copies of Agency Cabinet comments may be emailed in the same way.
9. Cabinet documents must not be sent through the Government's internal mail system or via the postal system; transmission via the secure Cabinet Office SharePoint site or by personal or direct courier delivery is required.
10. Cabinet-in-Confidence documents are to be contained within dedicated secure storage areas and access strictly controlled. This includes having secure network drives with appropriate access permissions maintained at all times.

Responsibility of Ministers over Access

11. Ministers have the following particular responsibilities:
 - (a) to arrange for a person in each Minister's office to have primary custody of Cabinet documents (electronic or hard copy) and to be responsible for their security;
 - (b) to impress on staff having access to Cabinet documents the need to maintain security over Cabinet documents; and
 - (c) to satisfy themselves that appropriate security arrangements are made in their offices for the handling of Cabinet documents and that access is on a 'need-to-know' basis only.

Availability of Submissions and Decisions to Agencies

12. The Cabinet Office is not authorised to make final Cabinet Submissions available to non-owner Agencies for general briefing purposes without notifying the owner Agency, and the Minister if appropriate. It is the responsibility of the Agency preparing a Cabinet Submission to ensure that other Agencies which have been involved or consulted in its preparation are kept informed of developments as necessary.
13. The Cabinet Office is not authorised to make Cabinet Decisions available to Agencies outside the distribution list for a Decision, except with the consent of the owner Agency, the Chief Minister, the responsible Minister or the Cabinet Secretary.
14. The Cabinet Office provides the lead Agency for each Cabinet Decision with full GERS access to that Decision. In addition, the Cabinet Office will identify any other Agency with an obvious significant interest in a Decision (such as partial implementation responsibility) and that Agency will be given read-access to the Decision. While every effort is made to identify other

Step-by-Step Cabinet Process

Agencies with a legitimate interest in a Decision, it is ultimately up to the lead Agency to ensure that other 'need-to-know' Agencies are provided with the relevant details. The lead Agency may provide an extract of a Decision to another Agency for this purpose, or can request the Cabinet Office to provide another Agency with read-access to the Decision on GERS.

15. If a Principal Agency requires the release of a Cabinet Decision in GERS to another Agency to assist in internal reporting requirements, an advice in writing from the Principal Agency to the Cabinet Office approving the release will be required.
16. Agencies that require read only access to older Decisions in GERS should seek Principal Agency approval prior to seeking access from the Cabinet Office.
17. Where Agencies are seeking a copy of a Cabinet Submission from another Agency, the request should be made to the originating Agency. Owner Agencies should make their decision in terms of need-to-know operational requirements. If an Agency considers it is not appropriate to provide a copy of the Cabinet Submission, consideration should be given to providing a summary of relevant parts of the Cabinet Submission instead. This can be done on an officer-to-officer basis (either verbally or in writing) or via the Secretariat/Ministerial Liaison Manager.
18. A reason should be provided if it is decided it is not appropriate to provide a copy of a Submission/information about the Submission. If the requesting Agency still considers it necessary for them to have a copy of the Submission, the matter may need to be taken up at a more senior level in the Agency, or the Cabinet Office may be able to provide assistance in resolving the issue. Note that, generally speaking, blue comments should not be included when providing copies of final Submissions between Agencies. Records should be maintained by all parties regarding provision of all or part of a Decision/Submission between Agencies.
19. Agency staff are to be conscious when requesting or providing access to Cabinet documents of previous Governments of the policy in relation to such documents (see below).

Classification of Documents

20. Consistent with Record Management Standards for Public Sector Organisations in the NT (issued pursuant to sections 137 and 138 of the *Information Act*), Cabinet records are to be qualified by the use of a caveat describing its particular category of confidentiality i.e. 'Cabinet-in-Confidence'. Where Cabinet documents deal with official matters of a highly important nature which, if unofficially disclosed, would have the potential to cause damage to national or Northern Territory interests, they are to be classified as 'Protected' and marked accordingly.

Copying of Cabinet Documents

21. Cabinet documents must not be copied except as provided in this Handbook and copying and distribution of any Cabinet information must always be governed by strict application of the need-to-know principle and the requirements of this Handbook.

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Filing and Storage of Cabinet Documents

22. Cabinet-in-Confidence documents must be kept within secure containers and appropriate security access controls maintained. Hard copy containers must be stored within dedicated secure storage areas and with restricted access arrangements.
23. Cabinet documents or related materials containing Cabinet information (e.g. emails) must not be filed in any ordinary departmental file or container. Files containing Cabinet documents must be recorded as Cabinet-in-Confidence. However, a cross reference from ordinary departmental files to the appropriate Cabinet file may be made.

Electronic and Facsimile Transmission of Cabinet Documents

24. Wherever possible, the electronic transmission of Cabinet documents is to be conducted via the Cabinet Office Government Executive Reporting (GERS) SharePoint site or through the secure shared LAN drive. Final Cabinet documents are never to be emailed or faxed. Draft Cabinet documents must be clearly marked as such and may be emailed or faxed, noting that all precautions are to be taken to ensure Cabinet documents transmitted in this way are sent to the intended recipient only and labelled "Cabinet-in-Confidence". Note that hard copy Cabinet documents must be delivered by hand and are not to be forwarded by mail or by the Government's internal mail system.
25. In terms of security of Cabinet information, it is desirable that Cabinet materials not be stored on portable devices such as laptops, iPads, tablets and USB flash drives/memory sticks. If there is a requirement for Cabinet documents to be placed onto any portable device, Agencies/action officers must ensure that the documents are password protected or the device itself has password protection.

Custody of Cabinet Documents

26. A new series of Cabinet records is established at the time of a change of government.
27. Cabinet records are ultimately held on behalf of the Government in the care and control of the Chief Executive Officer of the Department of the Chief Minister. Once a Minister or Agency no longer has any need for them and, in any event, when the Minister vacates office or a change of government occurs, any copies of Cabinet documents not strictly required for business purposes must be returned to the Cabinet Office or destroyed.

Cabinet Documentation of Previous Governments

28. By convention, Cabinet documents are considered confidential to the Government that created them. Access to previous Government Cabinet documents by succeeding governments is not granted without the approval of the current parliamentary leader of the appropriate political party. This is only to be arranged by the Cabinet Office.
29. Where continuity of administration requires reference back to Cabinet or other deliberative documents of previous governments, Agencies can provide Ministers of the current Government with summaries of relevant facts and of operative decisions necessary for an understanding of current issues. This can include summaries of Cabinet Decisions of a previous Government, but not the Decisions themselves. Note, however, that the number and/or date of any Cabinet Submission or Decision of a previous Government is not to be referred to in Submissions (or other documents) prepared for a current Government.

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Access to Cabinet Documentation Required Under Legislation or by the Courts and Investigatory Bodies

30. Ministers and Chief Executives must consult with the Cabinet Office or DCM Chief Executive Officer where a Cabinet document is sought by a court, tribunal, royal commission, investigatory body or under legislation. DCM will seek advice on the release of the information from the Solicitor-General in such cases.
31. Authorised copies of Cabinet documents for legal purposes are to be sought from the Cabinet Office.

30 Year Opening of Cabinet Records

32. Under the NT *Information Act*, archived government records generally become publicly available once the records reach 30 years of age.
33. The Northern Territory Cabinet records, as some of Government's most significant historical records, have been the subject of a formal annual opening process through the Northern Territory Archives Service since 2008.
34. An index of those Cabinet records which have reached 30 years of age, and a summary document highlighting particular records likely to be of general public interest, is prepared each year and placed on the NT Archives website as from 1 January each year.
35. Each year's records are examined prior to the annual opening. As part of this process, NTPS Agencies are consulted on whether any records should be exempt from opening on the basis that disclosure of particular information would be contrary to the public interest because its disclosure would have a prejudicial effect on essential public interests or on the private and business interests of persons in respect of whom the information is held by public sector organisations [section 3(1)(a)(ii) of the *Information Act*]. In addition, some categories of information are outside the 30 year opening requirement such as materials which are the subject of legal professional privilege. The final decision on the exemption of materials rests with the Chief Executive Officer of the Department of the Chief Minister.

Step-by-Step Cabinet Process

APPENDIX K

CABINET SUB-COMMITTEE PROCEDURES

General: Cabinet Sub-Committees may be established by the Chief Minister as an element of the Cabinet system which the government may adopt in setting its Cabinet arrangements. They allow for an appropriate level of detailed policy and technical discussion, informed by the views of all relevant ministers, with later Cabinet endorsement as required. Sub-Committees have decision-making authority in relation to matters within their terms of reference, however all Sub-Committee decisions are to be ratified by Cabinet.

If a decision on a higher order matter is required (e.g. significant new policy, policy decisions crossing portfolios, financial allocations) the Sub-Committee is to recommend that the matter be referred to full Cabinet for consideration. This may also include a recommendation that a Cabinet Submission be prepared in order to present a proposal to Cabinet. The normal Cabinet Submission process will apply in this instance.

As with other matters considered at Cabinet-level, it is the responsibility of individual Ministers to give practical effect to Sub-Committee Decisions.

Papers for consideration: Agencies that have items for consideration by a Sub-Committee should lodge their paperwork with the relevant lead supporting Agency. Agencies should liaise with the supporting Agency as to the number of copies that are required. This may vary due to the number of members in the Sub-Committee and for filing requirements.

Decisions of Sub-Committees: Decisions of Sub-Committee meetings are to be submitted to Cabinet for ratification at the next available Cabinet meeting (unless the Sub-Committee's terms of reference indicate otherwise). The Chairperson should sign a brief or covering Cabinet memorandum to outline the key points of interest of the Sub-Committee's deliberations and recommending that Cabinet ratify the attached Sub-Committee decisions. The memorandum should then be lodged with the Cabinet Office in the usual way.

Once Sub-Committee decisions have been ratified by Cabinet, the Secretary to the Sub-Committee will provide a formal set of decisions to the Cabinet Office for recording and distribution to Ministers and agencies.

A hard copy of each decision will be distributed to the Sub-Committee members and Secretary. Decisions will be released to the relevant agencies electronically through the Cabinet Office GERS SharePoint site.

Attendance by officials and ministerial staff: Officials and ministerial staff may attend meetings of Cabinet Sub-Committees on those occasions when a committee is considering matters where it is useful to have specialist policy and/or technical expertise at hand.

*SEE APPENDIX L FOR FURTHER DETAILS
FOR THE ARRANGEMENTS AND
OPERATIONAL PROCEDURES OF CABINET
SUB-COMMITTEES.*

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APPENDIX L

ARRANGEMENTS FOR CABINET SUB-COMMITTEES

OPERATIONAL PROCEDURES

May 2017

1. General

Cabinet Sub-Committees may be established by the Chief Minister as an element of the Cabinet system which the government may adopt in setting its Cabinet arrangements. They allow for an appropriate level of detailed policy and technical discussion, informed by the views of all relevant ministers, with later Cabinet endorsement as required.

Proposals for the establishment of a Cabinet Sub-Committee are to be noted and endorsed by Cabinet, including the proposed terms of reference and membership.

2. Chairperson and Membership

- (a) Membership details for each Cabinet Sub-Committee, including identification of the Chairperson, should be endorsed by Cabinet and included in the Cabinet Sub-Committee's Terms of Reference. Membership can include non-Ministerial members (e.g. Assistant Ministers, Chief Executive Officers or external members).
- (b) A Minister cannot delegate their attendance at Sub-Committee meetings to another person (e.g. Advisers). Ministers who are not able to attend meetings will be noted as an apology at the meeting.
- (c) The Chairperson may delegate the role of Chairperson to another Minister on the Sub-Committee if they are unable to attend the meeting.
- (d) When the Sub-Committee is to discuss a matter of direct interest to a Minister who is not a member of the Sub-Committee, the Minister affected by the Sub-Committee's considerations should be invited to attend the relevant meetings.
- (e) Non-government members of Committees (where applicable) must sign a Terms of Appointment Agreement to acknowledge the nature and obligations of their membership of a Cabinet Sub-Committee.

3. Attendance by officials and ministerial staff

Officials and ministerial staff may attend meetings of Cabinet Sub-Committees at the invitation of the Chairperson when the Sub-Committee is considering matters where it is necessary to have specialist policy and/or technical expertise at hand.

4. Secretariat arrangements

- (a) **Secretary to Sub-Committee:** The Secretary to each Cabinet Sub-Committee shall be the CEO of the Department of the Chief Minister or other designated lead Agency. If the Secretary is unavailable to attend the Sub-Committee meeting, they may nominate a person to act as Secretary in consultation with the DCM CEO.

Step-by-Step Cabinet Process

- (b) **Notetaker:** There will be a notetaker at each Cabinet Sub-Committee meeting who will record the decisions of the meeting for approval and signature by the Secretary. The notetaker will be a senior officer of the Department of the Chief Minister.
- (c) **Secretariat services generally:** Other secretariat services, including organisation of meetings, receipt of agenda papers, preparation of agendas and distribution of papers to Sub-Committee members shall be provided by the Department of the Chief Minister.

5. Nature of the Notebook Record (Notetaker)

- (a) The notebooks are used to record the outcomes of the Sub-Committee meetings to assist in finalising Sub-Committee Decisions, and for follow up purposes as necessary.
- (b) Each person carrying out the role of Notetaker should be issued with their own Notebook.
- (c) These notebooks do not constitute official Cabinet documents and are considered a personal record of information for the Notetaker.

6. Meetings

- (a) Sub-Committee meetings will be scheduled at the direction of the Chairperson.
- (b) From time to time, officials and other persons may be invited to make presentations to the Sub-Committee.
- (c) A record of attendance for each Sub-Committee meeting should be prepared by the Secretariat and signed by the Chairperson. A template for this purpose will be provided by the Cabinet Office. This document should also outline any conflicts of interest identified by members of the Sub-Committee during the meetings.

7. Sub-Committee authority

- (a) Sub-Committees have decision-making authority in relation to matters within their terms of reference, however all Sub-Committee decisions are to be ratified by Cabinet.
- (b) If a decision on a higher order matter is required (e.g. significant new policy, policy decisions crossing portfolios, financial allocations) the Sub-Committee is to recommend that the matter be referred to full Cabinet for consideration. This may also include a recommendation that a Cabinet Submission be prepared in order to present a proposal to Cabinet. The normal Cabinet Submission process will apply in this instance.
- (c) As with other matters considered at Cabinet-level, it is the responsibility of individual Ministers to give practical effect to Sub-Committee Decisions.

Step-by-Step Cabinet Process

8. Agenda and Sub-Committee papers

- (a) The agenda for each Cabinet Sub-Committee meeting is to be approved by the Chairperson.
- (b) Non-Government Organisations (NGOs) may be invited to submit proposals to a Sub-Committee, however these proposals are to be provided to the relevant Minister or Agency in the first instance. The relevant Agency will then be responsible for preparing a paper on the NGO proposal for submission to the Sub-Committee.
- (c) Agendas should indicate which items are for discussion and which are for decision. A discussion item is one where there is no recommended outcome. Decision items are to include a recommendation for action which requires ratification by Cabinet. A template for this purpose will be provided by the Cabinet Office.
- (d) Papers for consideration by the Sub-Committee should be presented by way of a Cabinet memorandum.
- (e) All material for the Sub-Committee meeting must be lodged with the Secretariat of the Sub-Committee at least six days prior to the meeting, and circulated to members at least four days prior to the meeting unless otherwise directed by the Chairperson.
- (f) A full set of all Sub-Committee agenda papers and decisions are to be provided to the Cabinet Office as soon as practicable after each meeting, and will be retained as part of the Cabinet Office records.

9. Decisions of Sub-Committee meetings

- (a) All decisions of Sub-Committee meetings are to be submitted to Cabinet for ratification at the next available Cabinet meeting. The Chairperson should prepare a one-page Cabinet memorandum to briefly outline the key points of interest of the Sub-Committee's deliberations and recommending that Cabinet ratify the Sub-Committee's decisions.
- (b) The Cabinet Office will arrange for Sub-Committee decisions to be submitted to Cabinet.
- (c) Once Sub-Committee decisions have been ratified by Cabinet, the Secretary to the Sub-Committee will provide a formal set of decisions to the Cabinet Office for recording and distribution to Ministers and agencies.
- (d) The format of decision numbers for each Sub-Committee should consist of a Sub-Committee acronym, followed by the last two digits of the relevant year and the decision number (e.g. for the Children Sub-Committee, decision numbers should appear as CSC16/01, for the Aboriginal Affairs Sub-Committee, it should appear as AASC16/01 etc). Decision numbers should continue consecutively throughout the year.
- (e) A hard copy of each decision will be distributed to the Sub-Committee members and the Secretary. Decisions will be released to the relevant agencies electronically through the Cabinet Office GERS SharePoint site.

Step-by-Step Cabinet Process

10. Confidentiality

- (a) Cabinet Sub-Committee information attracts the same level of confidentiality as Cabinet information. Consistent with this, all deliberations of Sub-Committees are confidential.
- (b) Ministers, ministerial staff, Government officials and any external Sub-Committee members are bound by the conventions of Cabinet confidentiality in relation to Sub-Committee information. They may not disclose Sub-Committee outcomes, deliberations, information or documents, or details of any proposal likely to be considered at a forthcoming Sub-Committee meeting, outside of approved disclosure arrangements.
- (c) Any non-Government member is bound by the Terms of Appointment Agreement they have entered into with the Chairperson, which stipulates confidentiality obligations. These obligations survive the expiry of those agreements.

11. Conflicts of interest

- (a) Any member or person involved in a Cabinet Sub-Committee meeting must immediately declare to the Chairperson any private interest, pecuniary or non-pecuniary, held by themselves or a member of their immediate family, or a business associate, of which they are aware, which gives rise to (or may potentially give rise to) a conflict with their public duty and/or role with the Sub-Committee. Any other matter which may give rise to a conflict between duty and interest must also immediately be declared to the Chairperson.
- (b) Further guidance on conflicts and declaration of interests is available in Appendix A of the Cabinet Handbook. While this guidance is written for Ministers, it also provides useful guidance for Cabinet Sub-Committee members who are not Minister.

Step-by-Step Cabinet Process

APPENDIX M

CABINET TEMPLATES AND STEP-BY-STEP CABINET PROCESS

Cabinet Submission Template

To be printed on white paper and in colour

NORTHERN TERRITORY OF AUSTRALIA CABINET-IN-CONFIDENCE		CABINET OFFICE USE ONLY			
		SUBMISSION NO.	DATE RECEIVED		
FOR CABINET <SUBMISSION TITLE> <Ministerial portfolio, the Hon (Minister's name) MLA> <Agency>					
Key recommendations (summary only)	<Brief summary of the key recommendations>				
Strategic Policy alignment	<List any NTG strategic policies to which the proposal relates>				
Timing	<Indicate any timing imperatives for the proposal?>				
Legislation Change	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Is this a proposal with regulatory implications? <i>E.g. Legislation, Regulations, new fees and charges</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, has the proposal complied with the Government's Regulation-Making Framework (RIS/PRIS) Processes?</i>				
Does this proposal impact on children?	Yes <input type="checkbox"/> No <input type="checkbox"/> <If yes, provide further detail under Child Impacts heading in Cabinet Submission>				
Announcements required	Yes <input type="checkbox"/> No <input type="checkbox"/> <If yes, provide further details under the Communication Strategy heading in the Cabinet Submission.>				
Documents for release	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Brief outcome of consultation	Supported Generally supported, no major concerns Significant concerns indicated <i>Delete as applicable following receipt of comments</i>				
Budget impact	Net funding requirements	Current year	Future years		
		2016-17 \$000	2017-18 \$000	2018-19 \$000	2019-20 \$000
	Recurrent				
	Capital				
	Offset Savings				
Revenue Implications					
	No. of Full Time Equivalent (FTE) Staff associated with proposal				

CABINET SUBMISSION

CABINET-IN-CONFIDENCE

Step-by-Step Cabinet Process

CABINET-IN-CONFIDENCE

1

RECOMMENDATION

1. It is recommended that Cabinet:

(a)

<Use a sub-paragraph for each element of the Decision>

<Clearly set out what it is proposed that Cabinet do: approve, endorse, note etc. Provide a timeframe for completion/implementation of the recommendations wherever applicable. The recommendation forms the starting point for the draft Cabinet Decision so ensure it contains all the elements the agency is seeking to have covered by Cabinet's Decision. Include any funding requirements, including financial years, and purpose of the various components of the funding e.g. capital and recurrent. Include timeframe for action if applicable. The recommendation must stand on its own and not merely state that approval is sought for proposals outlined in the Submission. Consider how the Decision will be reported against. Clearly indicate which agency/ies will be responsible for each task/action where applicable. If the recommendation includes a legislation drafting proposal, include approval of the proposed timetable as attached to the Submission. If it concerns a Bill for introduction, include reference to proposed Sitings for introduction and approval of the draft Second Reading Speech, Explanatory Statement and Legislation Summary Brief.

The recommendation should not contain argument and should not normally include options – the recommendation should reflect the preferred option canvassed in the Submission.

Paragraphs are numbered – line spacing is 1.5 - Each paragraph throughout the Submission is to be numbered consecutively. There should be a 12 pt space between each paragraph.

BACKGROUND

2.

<Provide a succinct explanation of events and issues leading to current situation. Cite any relevant Cabinet Decisions of the Government, election commitments, announcements by Government and Ministerial Statements. This section should essentially be historical although it may also introduce the key issues.>

ISSUES AND SUPPORTING INFORMATION

3.

<This section presents the case for and against the proposal, consequences and alternatives. The proposal should be clearly identified, along with those issues necessary for Cabinet to consider when assessing the proposal (note that specific headings later in the template may accommodate some of the material which would otherwise appear under this heading). Identify relevant existing Government policies and identify how the proposal relates to these. Use topic headings if there are a number of topics or issues discussed in this section. Supporting information that cannot be concisely summarised (e.g. data, matrices, reports etc.) should be contained in attachments.

The contractual arrangements for major projects should be considered where any action proposed could be detrimental to those projects and there may be consequences (including financial consequences) for the Territory. Advice should be sought in respect of any proposal which could potentially have implications for a major project to which the Territory is a contractual party. The implications of the effect of any proposal should be discussed and the potential impact upon the Northern Territory should be clearly summarised under this heading.

Where Submissions relate to land which is or might be subject to a claim pursuant to the Native Title Act, it is the responsibility of the originating agency to obtain from the Department of Infrastructure, Planning and Logistics a current and historical tenure search of the area(s) involved, obtain advice from the Department of Attorney-General and Justice as to potential native title implications, and undertake a risk assessment if necessary. A summary of the legal advice obtained and the outcome of any risk assessment should then be incorporated into the body of the Submission.

Any effects on employment or industrial relations (whether public or private sector) should be identified. Any associated or consequential implications for new training requirements or opportunities should be clearly identified.

CABINET-IN-CONFIDENCE

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OPTIONS **(Delete this heading if not applicable)**

4.

<If the options are clearly only to approve or not approve the proposal, there is no requirement to set this out and this heading can be deleted from the Submission. If the options are more complex then set out all options which Cabinet might reasonably be expected to consider. Where relevant, briefly state implications of each option. Indicate the preferred option and briefly summarise why it is preferred. Ensure Cabinet is provided with all reasonable options e.g. including middle ground options where applicable, partial implementation options, variations on funding arrangements etc.>

BENEFITS OF PROPOSAL

5.

<Explain how the proposal links to relevant strategic goals of the Government. Explain how the proposal links to any other NTG strategic policies or frameworks. Explain what difference the proposal will make, and how the benefits will be measured and reported.>

RISK MANAGEMENT STRATEGY

6.

<Identify key risks for Government in adopting the recommendation/s and key risks to successful implementation. Outline how these risks will be managed.>

IMPACTS ON CHILDREN **(Delete this heading if not applicable)**

7.

<Identify how this proposal may impact on the health and well-being of children and/or on early childhood development. Outline how these impacts will be managed, or how the non-government sector could be approached to assist. Outline how this proposal links in with the Early Childhood Policy and its implementation.>

BUDGET IMPLICATIONS

8.

<If there are budget implications of any nature, these must be reflected in the Budget Implications table. Add further text underneath the table for any required explanation of the budget implications. If there are no funding implications, "Nil" is to be typed under this heading. Consult your agency's Chief Financial Officer and, if applicable, the Department of Treasury and Finance in identifying all relevant budget requirements (e.g. asset purchases, recruitment costs, personnel on-costs, accommodation, vehicles, ICT system development costs, consultancies, media campaigns, savings and revenue measures, potential or actual Commonwealth funding)>

	Current year \$000	2017-18 \$000	2018-19 \$000	2019-20 \$000
Additional Funding sought	\$	\$	\$	\$
= Recurrent				
- Staffing				
- Operational				
plus Capital				
less Revenue(b)				
less Savings / Substitution				
No. of Full Time Equivalent (FTE) Staff and designation associated with this proposal:				

CABINET-IN-CONFIDENCE

Step-by-Step Cabinet Process

CABINET-IN-CONFIDENCE

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<Further text can be included to explain the budget implications if necessary.>

LEGISLATION AND REGULATORY IMPLICATIONS

9.

<"Regulation" for the purposes of this document, refers to any 'rule' endorsed by government where there is an expectation of compliance. It includes primary (i.e. Acts) and subordinate legislation (legislative or non-legislative instruments) including regulations, rules, codes and plans of management and quasi-regulation. Quasi-regulation refers to a wide range of rules or arrangements by which governments influence businesses to comply, but which do not involve direct government intervention. Some examples of quasi-regulation include government-sanctioned industry codes of practice, industry-government agreements and accreditation schemes. Please refer to the Regulation-Making Framework: Alternatives to Regulation 2007 on the NTG Central website (<http://ntgcentral.nt.gov.au/ntg-tools-services/money-and-finance/financial-management/regulation-making-framework>) for further information.>

Regulatory implications: Identify whether the recommendations involve or will lead to measures which will regulate or in some way restrict the activities of industry or other groups in the community, including new or increased fees or charges.

Legislation: Where approval of a recommendation would involve new or amending legislation, a summary explanation should be provided under this heading along with reference to any issues such as whether it is uniform legislation, intended for introduction as a cognate Bill (i.e. introduced in conjunction with other Bill/s), will require regulations to be made etc. Submissions seeking approval to prepare draft legislation, present a draft Bill in the Legislative Assembly or for the development of subordinate legislation must be accompanied by a statement from the Economic Policy Unit in the Department of Treasury and Finance with regard to whether the new legislative proposal complies with Regulation-Making Framework requirements. To further assist agencies, see the Northern Territory Government Regulation-Making Framework Principles and Guidelines on the NTG Central website including the requirement for a Regulation Impact Analysis. The information to be provided under this heading should indicate the outcome of the Regulatory Impact Analysis.

Note that where a Submission proposes new or amending legislation, this should be made clear in the title of the Submission e.g. Agents Licensing Act Amendment – Conveyancing Provisions, Amendment to the Territory Parks and Wildlife Conservation Act or Proposed Geothermal Energy Legislation/Act. When Cabinet approval to draft legislation is being sought, drafting instructions are to be attached to the Submission (guidelines on preparing drafting instructions are available from your agency Secretariat if required). All Submissions which propose that Cabinet approve the introduction of a Bill must attach a copy of the draft Bill, Second Reading Speech, Explanatory Statement and Legislation Summary Brief. Cabinet should be asked to approve each of these documents. The Explanatory Statement is tabled by the Minister at the time the Second Reading Speech is delivered. The Speech and the Explanatory Statement become public documents once the Bill is introduced. For more detail about the development and passage of legislation, please refer to the NT Government's Legislation Handbook.>

AUSTRALIAN, STATE AND LOCAL GOVERNMENT RELATIONS

10.

<Where proposals have implications for Australian, State and Local Government relations, these should be explained. Include details of any negotiations or discussions which are suggested (or which have already taken place) with other levels of government.>

RESULTS OF CONSULTATION WITHIN NT GOVERNMENT

11.

<Information under this section is to include:

(a) a list of those agencies which are to be (draft Cabinet Submission) or have been (final Cabinet Submission) invited to provide a formal Cabinet comment; (b) details of any committees, groups, statutory office holders, independent office holders etc. which have been consulted during the development of the proposal"; and (c) a summary of the outcomes of the comments, consultation and feedback.

Note that if a commenting Agency makes a suggestion for a change to the Submission in its blue Cabinet comment, this should be mentioned, along with an indication of what action has been taken in response to the suggestion. If the author Agency chooses not to take up the suggestion, then the reason for this is to be stated.

*Refer to the Cabinet Handbook for more detailed advice about consulting with these bodies on Cabinet proposals.>

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Step-by-Step Cabinet Process

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RESULTS OF CONSULTATION OUTSIDE OF NT GOVERNMENT

12.

<List all persons and organisations outside of the NT Government which have been consulted and provide a summary of the feedback / input received. Refer to the Cabinet Handbook for more detailed advice about external consultation on Cabinet proposals.>

PUBLIC IMPACT ANALYSIS AND COMMUNICATIONS STRATEGY

13.

<Indicate anticipated stakeholder and broader community reaction to the recommended proposal, how the decision will be publicly communicated and how public reaction will be managed. Where communication issues are straightforward, the detail can be provided under this heading. Where the issues are more complex or detailed, a Communications Strategy is to be attached to the Submission (the Communications Strategy template is at Attachment A in the Cabinet Submission template.) Note that the Communications Strategy template should be deleted if not required.>

TIMING

14.

<If there is a particular timing requirement, this should be indicated e.g. where legislation is required to be in force by a particular date, a deadline for a Submission to a Federal Inquiry, a previously announced target date etc.>

INDEX TO ATTACHMENTS

<All attachments to the Submission should be listed under this heading for ease of reference. Attachments must be kept to a minimum.>

If an attachment is longer than 30 pages, please ensure that an Executive Summary (maximum 1-2 pages) is provided with the document as part of the attachments.>

	TITLE
A	
B	
C	

Minister's signature:

Date: <dd/mm/yyyy>

Minister only signs the final lodgement copy of the Submission. Delete this guidance text when Submission is finalised for signature.

Hon <insert name> MLA

MINISTER FOR <PORTFOLIO>

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Step-by-Step Cabinet Process

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REMOVE IF NOT REQUIRED

Communication Strategy Overview

<Name of project >

<It is recommended this document be completed in consultation with your Agency's Communications and Engagement unit. The document can be adapted to meet your Agency's strategy>

Introduction

<Short overview of project>

Communication objectives

<Detail communication objectives>

Stakeholders

Stakeholder name	Likely issues	Key messages

Implementation plan

Stakeholder	Communication tactic	Timing	Actioned by

Supporting materials

<Details of materials required to support the communication tactics e.g. media release, web copy, social media posts, advertising.>

Budget:

<Indicative budget against main tactics/communication methods.>

Measurement:

<Describe how you intend to measure the effectiveness of the communication activities.>

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Step-by-Step Cabinet Process

CABINET MEMORANDUM TEMPLATE

To be printed on green paper



CABINET MEMORANDUM CABINET-IN-CONFIDENCE

TO: CABINET COLLEAGUES DEPT REF:
FROM: MINISTER FOR MIN REF:
RE:

Note – the headings in this template are mandatory do not delete.

PURPOSE

This should be a one sentence explanation of the aim of the memorandum.

BACKGROUND

Provide relevant background/contextual information to lead to the recommendation. For longer Cabinet memoranda (e.g. more than one page), you are welcome to use your own sub-headings to clearly identify the relevant components/sub-topics of the briefing.

CONSULTATION

Agencies are strongly encouraged to consult with other agencies which have an interest in the subject matter of the memorandum. This section of the memorandum is to record which agencies have been consulted and to note the feedback/views of those agencies. This section can also be used to record the outcome of external consultation where this has occurred.

RECOMMENDATION

Ensure the recommendation appears on the same page as the Minister's signature block.

It is recommended that Cabinet...

MINISTER'S NAME
/ /2016

Step-by-Step Cabinet Process

Legislation Timetable Template

(example details included)

PROPOSED LEGISLATION TIMETABLE

[Insert name of Bill]

7 February 2017	Cabinet Submission proposing the drafting of legislation to be considered by Cabinet. <i>Note: the Cabinet Submission must attach drafting instructions, legislation timetable and Preliminary Regulatory Impact Certificate. Agencies must obtain an estimate of drafting time from the Office of Parliamentary Counsel as part of the preparation of the first stage Cabinet Submission and this timetable.</i>
8 February 2017	Forward drafting instructions to Parliamentary Counsel
31 May 2017	Completion of draft Bill by Parliamentary Counsel
4 July 2017	Cabinet Submission to be considered by Cabinet. <i>[Note: the Cabinet Submission must attach the draft Bill, Second Reading Speech, Explanatory Statement, Legislation Summary Brief and Regulatory Impact Certificate]</i>
October 2017	For introduction in October 2017 Sittings
November 2017	For passage in November 2017 Sittings

Step-by-Step Cabinet Process

