



CABINET GUIDE NUMBER 8

CABINET COMMITTEES AND TASKFORCES: OPERATIONAL FRAMEWORK



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Government of South Australia
Department of the Premier
and Cabinet

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INTRODUCTION

Cabinet is the central decision-making body of the state and is the forum where the Premier and ministers meet to discuss and decide issues of importance to South Australia. Cabinet collectively decides the government's policy and strategic direction, especially in regard to legislation passed by the Parliament.

Cabinet committees and taskforces are established by Cabinet to assist in the conduct of Cabinet business by providing a forum for consideration of strategic policy direction on major issues requiring dedicated attention before their referral to Cabinet. Committees and taskforces have also been delegated the authority to approve matters within their terms of reference on behalf of Cabinet.

A list of existing committees and taskforces and their terms of reference is available from [Cabinet Coordination Online](#).

Further information

For further information, please contact the Manager, Cabinet Coordination, on 8429 5107 or at michael.brougham@sa.gov.au.



POWERS, ESTABLISHMENT, AND MEMBERSHIP

Powers

The powers of Cabinet committees and taskforces are granted to them by Cabinet. Cabinet committees and taskforces do not have the power to approve matters that would normally be decided by Cabinet unless Cabinet has delegated its powers to them. Cabinet has delegated its authority to committees and taskforces in the following matters:

- the Budget and Performance Cabinet Committee (BPCC) to:
 - approve funding requests of up to \$10 million per annum (ex. GST)
 - providing approval for agencies to enter into contracts or agreements consistent with Treasurer's Instruction 8
 - consider all fees and charges related Cabinet business, and
 - monitor the status and delivery of key commitments, projects and achievement of budgets, and
- other Cabinet committees and taskforces to approve Cabinet submissions relevant to their policy areas (as defined by the relevant terms of reference), including submissions to inquiries.

Where a matter is significant, Cabinet committees and taskforces must refer it on to Cabinet, even if it is within the terms of reference of the committee or taskforce. This will be a matter of judgement and will be decided through consultation between the chair of the committee, the Premier (if he is not the chair), the authoring agency, and Cabinet Office.

Decisions made by committees and taskforces under the delegation provided to them by Cabinet are considered to be decisions of Cabinet.

In the absence of a delegated power, committees and taskforces must refer matters to Cabinet for a decision. However, where a Cabinet submission has been provided to a Cabinet committee or taskforce for its consideration prior to formal submission to Cabinet, the committee or taskforce may require such changes as it considers necessary prior to the submission going forward to Cabinet.

Committees and taskforces with a delegated power thus have a dual role – they both endorse matters before referring them to full Cabinet and also decide matters on behalf of Cabinet. When presenting business to a committee or taskforce, it must be made clear in which role the committee or taskforce is expected to act.

Committees and taskforces cannot make decisions of Cabinet in relation to matters that must be referred to the Governor.

What must be referred to a committee?

Matters are referred to BPCC by the Department of Treasury and Finance (DTF) through the costing comment process. For other committees and taskforces, referral is ascertained through consultation between the authoring minister, the chair of the committee and taskforce, and the Premier's office. Cabinet Office can provide advice on this subject through the Cabinet Office comment process.

Presentation of matters to committees and taskforces

Submissions for approval by a committee or taskforce must be presented as if they were submissions to full Cabinet, including being accompanied by a DTF costing comment and a Cabinet Office comment.

Proposals for approval should be considered in the context of Professor Mark Moore's Public Value Scorecard, having regard to whether all three elements of the 'strategic triangle' are addressed in the proposal:

- Public value (defining the public value outcomes that the proposal aims to achieve and for whom)
- Legitimacy and support (building a coalition of stakeholders whose support is necessary to sustain action and ensuring formal authorising requirements are met)
- Operational capabilities (ensuring capacity and mobilising operational resources to implement proposals and achieve desired public value outcomes).

Items for discussion should use the Cabinet note format.

Establishment

Cabinet approves the establishment of Cabinet committees or taskforces as well as committee membership, terms of reference, and, in the case of taskforces, term of operation. Once terms of reference are established, amendments can be approved by the committee or taskforce, although significant amendments should be noted by Cabinet. Changes in membership must also be noted by Cabinet.

Where there are specific matters of short term importance, Cabinet can approve the establishment of Cabinet taskforces. At the expiry of their term, Cabinet taskforces cease to exist unless a further extension is approved by Cabinet.

Cabinet submissions seeking to establish a new committee or taskforce must provide the following information:

- Purpose and objectives
- Terms of reference
- Reporting arrangements
- Membership
- Term of operation (for Cabinet taskforces only), and
- Agency support arrangements.

Establishment of a Cabinet committee or taskforce should be considered in the context of the public value framework, in particular defining the public value outcomes that the committee or taskforce will achieve and for whom.

Membership

Membership of Cabinet committees and taskforces is only open to members of Cabinet. The terms of reference will define which members of Cabinet make up the committee or taskforce and who will be the chair and deputy chair. The chair (or deputy chair) may delegate the role of chair to another minister if unable to attend a meeting.

Committee membership does not necessarily follow ministerial position. Whether a new appointee to a ministerial position takes the Cabinet committee or taskforce membership of his or her predecessor will depend in part on portfolio and other changes that may have occurred since the original appointment.

Decision-making remains the prerogative of the committee members only. When a Cabinet committee or taskforce is to discuss a matter of direct interest to a minister who is not a member of that committee, the minister affected can be invited by the chair to attend the relevant meeting to assist in deliberations, but the minister cannot participate in decision-making.

The Premier or Cabinet may appoint officials to assist a Cabinet committee or taskforce. The Premier, Cabinet, or the chair of the committee may also invite external parties to attend a Cabinet committee or taskforce, either for selected items or on an ongoing basis.

A quorum of a committee or taskforce is the chair (or acting chair) plus two other ministers.

OPERATIONAL MATTERS

Meeting attendance

Attendance of public sector officials and external parties at Cabinet committees and taskforce meetings is at the discretion of the Chair, and limited to discussions for relevant agenda items only.

The attendance of officials at meetings of a committee or taskforce will be limited as follows:

- The chair may invite any senior official, departmental officer or external stakeholder to attend meetings to assist the committee or taskforce to achieve their objectives
- The chair can invite their chief of staff or other senior advisors to attend meetings and provide specialist support, and
- The chair may agree that officials (including public sector employees and ministerial staff) attend meetings to assist their minister and to provide advice as required, but this is limited to:
 - a small number of senior officials who may regularly attend meetings at the invitation of their ministers, and
 - other officials on an ad hoc basis, with the approval of the chair, to provide advice as required – but this must be limited to only those officials who will either speak directly to a topic or will advise on a topic to aid discussion, and the officials must not be present during discussion of agenda items other than those for which they are invited to attend.

Officials in attendance should only speak when called upon for information or advice by a minister or the chair. Officials do not participate in deliberations or decision-making on matters before the committee or taskforce. Officials and external parties attend meetings on the basis of absolute confidentiality.

Secretariat and specialist support

Secretariat services to Cabinet committees and taskforces will generally be provided by the Department of the Premier and Cabinet (DPC), with support and advice for the preparation of papers provided by relevant agencies.

Specialist support may also be provided by the chief of staff or other senior advisors to the committee or taskforce chair. They may attend committee and taskforce meetings to assist as deemed appropriate by the chair.

Committees and taskforces may also seek advice from other public sector agencies or executives as relevant.

Agenda

The chair must approve agenda items. Late items should only be included when dictated by exceptional circumstances and will require the permission of the chair.

Clarity on decision-making capacity

The agenda should clearly identify, for the chair and members, the capacity in which the committee or taskforce is exercising their powers. This is particularly important to distinguish between submissions that the committee or taskforce is approving under their delegated powers versus submissions that the committee or taskforce is referring to full Cabinet or to BPCC.

Agenda papers

Committee and taskforce papers have the same level of confidentiality as the papers of Cabinet. Documents should be clearly marked 'Sensitive: SA Cabinet' and classified according to the government's information asset classification framework.

As with documents prepared for Cabinet, documents prepared for Cabinet committees and taskforces will generally be exempt from disclosure under the *Freedom of Information Act 1991*. Not all Cabinet documents are automatically protected from disclosure, however, and in some circumstances the courts may decide that it is in the public interest for some Cabinet materials to be disclosed.

Meeting papers are to be tabled only on the authorisation of the chair or executive officer of the Cabinet committee or taskforce. There must be a clear indication of the type and purpose of the submission. Papers presented by third parties must be clearly distinguishable from papers submitted by government.

The recommendations of papers should provide a clear description of the decision that the Cabinet committee or taskforce is being asked to make. Committees and taskforces can make the following decisions:

- approved (for use when the committee or taskforce is exercising their delegated decision-making authority)
- approved to proceed to Cabinet or BPCC, or
- noted.

Templates

Templates for matters to be presented to Cabinet committees or taskforces are available on [Cabinet Coordination Online](#), and can also be obtained through the executive officer of the Cabinet committee or taskforce.

Submissions

If a proposal is seeking approval from the committee or taskforce, the Cabinet submission template is to be used. Submissions should be marked: FOR CABINET COMMITTEE/TASKFORCE. Recommendations should state, 'I recommend that the Cabinet committee/taskforce...'. All Cabinet submissions presented to Cabinet committees or taskforces must be accompanied by a Cabinet Office comment and a costing comment (see Cabinet Guide 5 for details of how to obtain these).

Notes

The Cabinet note template is to be used when ministers wish to bring matters to a committee or taskforce simply noting or for information, rather than for decision or approval. It is inappropriate to include any recommendation in a note except, 'That the committee/taskforce note...' Notes should be marked: FOR CABINET COMMITTEE/TASKFORCE TO NOTE.

Strategic discussions

A strategic discussion template is also available for items that require more in-depth consideration and discussion by the committee or taskforce. This template provides pre-reading information to ministers prior to the strategic discussion.

Timeframes

Except where a different timeline is required (for example, as for BPCC), papers must be **lodged five business days prior to the meeting** and must be **circulated at least three business days prior to the meeting** unless the chair approves late distribution. It is essential that the chair of each committee or taskforce ensure that these timelines are strictly adhered to for the effective functioning of the committee or taskforce.

Out-of-session items

Where necessary for efficiency, each committee or taskforce may develop a process for dealing with out-of-session papers. However, committees and taskforces cannot use their delegated authority to approve submissions out of session.

Reporting

Minutes are to be recorded for each meeting of a Cabinet committee or taskforce. Committee or taskforce minutes must at a minimum capture any decisions taken and future actions assigned during meetings.

Where the agenda item is a submission, one of the following decisions must be recorded in the meeting minutes against each recommendation:

- Approved
- Approved as amended
- Not approved
- Approved to proceed to Cabinet (or BPCC)
- Approved to proceed to Cabinet (or BPCC) as amended
- Not approved to proceed to Cabinet (or BPCC)
- Deferred, or
- Noted.

The chair of each committee or taskforce (with the exception of BPCC) must submit the endorsed minutes of each meeting to Cabinet to note within 2 weeks of the meeting. To enable this to occur, minutes are to be endorsed by the chair out of session.

BPCC must submit a note to Cabinet immediately following each meeting summarising the funding it has approved on Cabinet's behalf. The submissions that are the subject of approvals must be attached to the note.

The recommendations section of Cabinet notes dealing with the minutes of committees and taskforces must explicitly set out the decisions that a committee or taskforce has made on Cabinet's behalf. This is necessary to ensure a searchable record of Cabinet decisions on ECO.

The terms of reference of individual committees or taskforces may also set out additional reporting requirements.

Schedule of meetings

The scheduling of meetings will be at the discretion of the chair and deputy chair and at the convenience of all ministers, where possible. The schedule should be made available to other ministers and to agencies through [Cabinet Coordination Online](#).

Forward agenda and work plan

Committees and taskforces should develop and implement a forward agenda, work plan and operating procedures necessary for their effective conduct of business, subject to the guidelines set out above.

Security arrangements and the management of Cabinet committee and taskforce documents

Cabinet committee and taskforce documents have the same status as Cabinet documents, so the same security measures must be provided to them to preserve confidentiality. These requirements are detailed in Cabinet Guide 4.