11 September 2018

Cabinet Submission Checklist – Proclamation to Commence the Operation of an Act and/or Commit the Administration of an Act to a Minister

Bill or Act?

The Governor formally assents to Bills in Executive Council. Once this has occurred, the Bill becomes an Act.

Commencement

When a Bill is passed by both Houses of Parliament, there is usually a provision in the document relating to the commencement of the Bill. This provision will determine whether a proclamation is required.

Committal

Only principal Acts (not amending Acts) are required to be committed to ministers.

## Submission Content – commencement of Act

The body of the submission must include details on the following:

|  |  |
| --- | --- |
| **Submission details** | **Y/N** |
| The dates when both Houses of Parliament passed the Bill and the date that the Governor assented to the Act |  |
| State what the Act does and its impact on the community |  |
| Whether parts of the Act have already been brought into operation and when this occurred, if any sections will be suspended, and if only certain provisions are coming into operation the reasons for this |  |
| State that the proclamation will be published in the Government Gazette on the day that it is issued by the Governor in Executive Council  Provide other details of any proposed communication or publicity for the Act |  |

|  |  |
| --- | --- |
| Details on when the proclamation should be issued by the Governor in Executive Council |  |
| State who is responsible for implementing the Act and provide details of any implementation strategy, including the reason for the chosen date of commencement, and indicate what resources are required (noting that any additional funding must have been approved by Cabinet) |  |

## Recommendation – commencement

The recommendation must make reference to:

|  |  |
| --- | --- |
| **Recommendation details** | **Y/N** |
| His Excellency the Governor in Executive Council issuing the proclamation |  |
| The full name and year of the Act that is being brought into operation |  |
| The proposed commencement date |  |
| If only certain provisions of the Act will come into operation, details of which provisions will commence and which will be suspended |  |

**Examples of different types of recommendations:**

*I recommend that Cabinet recommend that His Excellency the Governor in Executive Council issue a proclamation declaring (insert date) as the date on which the (insert full and correct title of Act) will come into operation.*

*I recommend that Cabinet recommend that His Excellency the Governor in Executive Council issue a proclamation declaring (insert date) as the date on which sections (insert sections) of the (insert full and correct title of Act) will come into operation.*

*I recommend that Cabinet recommend that His Excellency the Governor in Executive Council issue a proclamation declaring (insert date) as the date on which the (insert full and correct title of Act) will come into operation but suspending the operation of sections (insert sections) until (insert date or the wording “a later date”).*

## Submission Content – committal of Act

The body of the submission must include details on the following:

|  |  |
| --- | --- |
| **Submission details** | **Y/N** |
| The date when both Houses of Parliament passed the Bill and the date that the Governor assented to the Act |  |
| State what the Act does and its impact on the community |  |
| Which ministerial portfolio the Act is being committed to and why |  |
| If the Act is being recommitted to another minister, that consultation has occurred between both ministers |  |
| State that the proclamation will be published in the Government Gazette on the day that it is issued by the Governor in Executive Council  Provide other details of any proposed communication or publicity for the Act |  |
| Details on when the proclamation should be issued by the Governor in Executive Council |  |

## Recommendation – committal

The recommendation must make reference to:

|  |  |
| --- | --- |
| **Recommendation details** | **Y/N** |
| His Excellency the Governor in Executive Council issuing the proclamation |  |
| The full name and year of the Act that is being committed |  |
| The Ministerial portfolio that the Act is to be committed to |  |
| The *Administrative Arrangements Act 1994* |  |

**Examples of recommendation:**

*I recommend that Cabinet recommend that His Excellency the Governor in Executive Council issue a proclamation to commit the administration of the (insert full and correct title of Act) to the Minister for (insert portfolio), pursuant to the Administrative Arrangements Act 1994.*

## Attachments

The following attachments must be included, in the listed order:

|  |  |
| --- | --- |
| **Attachments** | **Y/N** |
| Costing comment from the Department of Treasury and Finance |  |
| Cabinet Office comment |  |
| Proclamation *if the proclamation has been drafted by Parliamentary Counsel prior to Cabinet approval* |  |
| Any other documentation associated with drafting of the proclamation to assist Parliamentary Counsel |  |

|  |  |
| --- | --- |
| **For more information:** |  |
| Contact the Executive Council clerks, Cabinet Coordination, Cabinet Office | [Cabinet Coordination contact list](http://in.dpc.sa.gov.au/docs/Documents/Cabinet-Coordination-Contact-List.pdf) |