

SIGNIFICANT MATTERS AFFECTING COMMONWEALTH, STATE AND TERRITORY RELATIONS AND RELATIONS WITH EXTERNAL BODIES



FACTSHEET

Significant matters affecting Commonwealth, state and territory relations or relations with external bodies require Cabinet consideration as set out below.

ACT Government Submissions to Intergovernmental or External Inquiries

The ACT Government may be invited to provide a written submission to a range of inquiries including Commonwealth Government Parliamentary Inquiries, State or Territory Government Inquiries, Royal Commissions, Productivity Commission or other external inquiries. A request may take the form of a direct approach (in writing or otherwise) to the Chief Minister or portfolio minister or a general invitation to the public. Submissions and responses to inquiries must be from a whole-of government perspective and Cabinet approval is required before a whole of government response is provided.

Responding to a request

Requests for a government submission will generally be received by either the relevant portfolio Minister or the Chief Minister. On receipt of a request by a portfolio Minister, the relevant portfolio Directorate Liaison Officer (DLO) should consult with the Chief Minister, Treasury and Economic Development (CMTEDD) DLO to ensure the Chief Minister's office is aware of the request.

The Chief Minister's office will review all requests and, in consultation with the portfolio Minister's office, will determine whether a response is required.

If it is agreed that a government submission is not required the request will be forwarded to the relevant directorate and a one page acknowledgement prepared in response.

Where it has been determined that a Government submission should be prepared, a lead directorate will be identified to coordinate the submission. The lead directorate should schedule Cabinet consideration in accordance with the due date for the submission and seek timing advice from Cabinet Office as early as possible in the drafting process.

In some instances where the submission is merely factual, uncontroversial and does not cross multiple ministerial portfolios, the Chief Minister may determine that a submission does not require Cabinet approval. Agreement to provide a Government submission without reference to Cabinet must be sought in writing from the Chief Minister with a copy provided to Cabinet for information.

Only in exceptional circumstances should an extension be sought to a due date for a submission and only with agreement from the Chief Minister's office.

Memoranda of Understanding

Cabinet agreement is required for all new Memoranda of Understanding (MoU) with external bodies and significant or controversial amendments to current MoUs, particularly where agreements/MOUs with external bodies involve major policy issues, significant employment or expenditure implications, and/or important initiatives or departures from previous arrangements

Minor updates to previously agreed MoUs can be authorised by the relevant portfolio Minister.

Intergovernmental Agreements

Cabinet agreement is required when negotiating positions for, and agreement to Intergovernmental Agreements.

Further advice can be sought from the Cabinet Office.