

The National Cabinet



[The National Cabinet meets for the first time 2020](#)

The national cabinet is an inter-governmental decision-making forum for the federal and state and territory leaders, encouraging solidarity and bipartisanship when managing national crises. It was established in 2020 to lead a unified and coordinated response to the COVID-19 pandemic across the nation. This forum provides opportunities for all leaders to discuss how to best coordinate and manage national actions.

Comprised of the prime minister as chair, state premiers, chief ministers, and specialised committees, this forum focuses all regions across Australia on matters, such as; education, energy, housing, transport and infrastructure, population and migration, healthcare, and responses to national emergencies - such as a pandemic.

In times of managing national emergencies, Australians look to our leaders to lead through crises. This involves finding solutions to challenges that are rapidly evolving and impact Australian citizens.

The Australian Constitution is a set of rules which came into effect in 1901 after a national referendum. It outlines how power is shared across the nation, with checks and balances installed to limit power. This division of powers refers to the separation, or allocation of law-making powers to the federal and state governments at the time of federation:

- **Exclusive powers** are federal powers and include areas of national concern, such as defence, immigration, currency, foreign affairs, and overseas trade. **Specific powers** are given to the federal government to make laws for peace, order, and good government.
- **Concurrent powers** refers to areas in which both the federal government and states share the power - both having authority to legislate in these areas, such as marriage, divorce, and bankruptcy. Section 109 of the Constitution says that where a state law conflicts with a federal law, the federal law will prevail.
- **Residual powers** are state powers and include urban planning, education, health, and civil and criminal law. These law-making powers are not found in the Australian Constitution.

Any area not covered in the Constitution is considered to be within the states' powers to make laws

These are the powers that were not transferred to the Commonwealth at federation.

How does operation of the federal cabinet compare to the national cabinet?

The federal cabinet is a top level primary decision making body of executive government ministers, where they are accountable to the federal Parliament. As with the national cabinet and led by the prime minister, the federal cabinet also makes decisions on national issues, directing government policy and legislative proposals, including decisions made on matters such as commonwealth expenditure and proposing laws. Accountability is maintained through a collective responsibility to the federal Parliament, of which all cabinet members are a part of. All decisions are examined, with actions and checks scrutinised through parliamentary question time.

Federalism is a system of government where one territory is controlled by multi-levels of government

The Commonwealth Government is responsible for broader governance of larger territorial areas, while the smaller levels; the states, territories, and local areas manage the issues of local concern.



Decisions made in all national cabinet proceedings must be clear, transparent and predictable

Does the national cabinet provide a clear chain of command during times of national crises?

The national cabinet gathers leaders to discuss and manage a shared crisis - the 2020 pandemic. This forum provides opportunities to bring together information and intelligence, and the capacity to test ideas before determining jurisdictional responsibility.

It is important to note that during these meetings, the prime minister, premiers and chief ministers appear as individuals. They are leaders of their respective political parties and represent the people who elected them in their role as local members within each state and territory. Therefore, each member is accountable to their own state parliaments.

Emergency health management in Australia

The **National Emergency Declaration Act** was reviewed in 2020 in response to the COVID 19 pandemic. It provides guidelines in managing communicable disease outbreaks that pose a major threat to the health and life of Australians, including outbreaks that are spreading, is out of control overseas, and likely to reach Australia.

In Australia, state and territory health authorities manage health emergencies. The commonwealth government gets involved when health emergencies have a national or international impact.

When national health emergencies occur, it is important to have a coordinated approach to be consistent and provide appropriate responses between states and territories as they manage the extra load on health systems and seek to reduce the effect on Australians.

An example of this includes the **Australian COVID-19 Vaccination Policy**. This policy sets out the roles and responsibilities of the commonwealth, and states and territories in rolling out a national vaccination program.

What principles need to be considered when the states and territories apply their emergency powers?

In times of emergency, all leaders have a role in ensuring that emergency declarations are carefully considered, that they are clear, proportionate, transparent, and predictable - and that all citizens can and are willing to comply.

The declarations must be balanced to protect the public health of our nation yet maintain our individual rights and freedoms. Such freedoms include; the freedom to work, to move freely around Australia to do business, to holiday, visit friends and family, to protect individuals in having the right to privacy and freedom of speech.

Each state and territory is responsible for developing their COVID-19 vaccination implementation plans, in line with the **National COVID-19 Vaccination Policy** and Australian Government expectations.

This policy defines the Commonwealth Government's responsibility in, but not limited to:

- *selecting and purchasing safe and effective vaccines approved by the Therapeutic Goods Administration (TGA)*
- *arranging the safe transportation of vaccine doses from suppliers to the storage and administration sites*
- *prioritising at-risk population groups for immunisation, as advised by the Australian Technical Advisory Group Immunisation (ATAGI) specifying the types of locations vaccination should take place*
- *specifying the types of locations where vaccination should take place*



What's the Difference?

How does the federal cabinet compare to the national cabinet in holding state and territory leaders accountable for their decisions during times of crisis?



Federal Cabinet

A top level primary decision making body of executive government where all decisions are accountable to Parliament.

A council of senior government ministers, led by the prime minister.

Federal cabinet makes decisions on national issues, directing government policy and legislative proposals, including decisions on matters such as commonwealth expenditure and proposing laws.

The cabinet combines two important aspects of responsible government:

confidentiality and **solidarity**

Cabinet proceedings are exempt from freedom of information requests, therefore safeguarding robust discussion within the cabinet.

Cabinet solidarity means that all members publicly support decisions, even if they were not present during deliberations.

Accountability is maintained through a collective responsibility to the Parliament, which cabinet members are all part of. Decisions are examined, with actions and checks scrutinised through parliamentary question time.

Cabinet is not a requirement in the Australian Constitution.

National Cabinet

An inter-governmental decision-making forum for the federal, and state and territory leaders to meet, encouraging solidarity and bipartisanship when managing national crises - such as a pandemic.

An opportunity for coordinated leadership, working together in a joint executive decision-making forum.

A non-parliamentary body. Members are not collectively responsible to one Parliament:

- *state and territory leaders are bound by their own representative parliaments*
- *they cannot be held to account or maintain solidarity, because they are not elected members of the federal Parliament.*

Commonwealth, state and territory governments remain responsible for implementing decisions that arise from the national cabinet.

States have a unique level of bargaining power against the intention or direction of the Commonwealth Government.

The commonwealth has limited power over the states when responding in times of national crisis. The states are free to make decisions on matters that impact their jurisdiction, such as lockdowns, as provided in the Constitution.

National cabinet is not a requirement in the Australian Constitution.



Why is a forum, such as the national cabinet an important element of a democracy?

To help guide your understanding, consider answering the following questions in your explanation:

What benefits does this forum provide to state and territory leaders, the federal government, and ultimately the citizens of Australian society?

What responsibilities do state and territory leaders have to the people who elected them?



What would happen if the national cabinet did not exist?

Identify the challenges and disadvantages the states and territories, and federal government have experienced in managing the pandemic, and how the committee has worked to overcome them.

Think about how the national cabinet is an important component of Australian democracy in supporting and maintaining the rule of law in Australian society.

