

A DRAFTER'S GUIDE TO MEMORANDA TO CABINET

(Adapted from Privy Council Office, 2013)

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Introduction

Cabinet and its committees constitute the forum in which ministers collectively make decisions on government policy and initiatives. The Cabinet decision-making system is the setting in which Ministers bring policy, political and strategic considerations to bear on ministerial proposals. It is the mechanism through which Ministers can reconcile different perspectives, participate and influence deliberations, and collectively reach decisions.

This drafter's guide to Memoranda to Cabinet provides guidance to civil servants on supporting ministers for their participation in Cabinet.

2. When an Item Should be Brought to Cabinet

Generally, Cabinet time focuses on decision items rather than on introductory or preliminary discussion of issues, except at the request of the Prime Minister. At Cabinet, Ministers seek their colleagues' consideration of proposals in their areas of responsibility when Ministers wish to:

- advance a new policy or initiative;
- propose a substantive change to an existing program or policy;
- implement priorities that were announced in the Speech from the Throne or Budget or were requested by the Prime Minister;
- advance a proposal that implicates other Ministers' responsibilities or other jurisdictions, or that may be controversial;
- submit legislative proposals to Parliament or respond to a parliamentary committee or to private members' bills or motions.

3. Drafting a Memorandum to Cabinet

MCs are submitted by Ministers when they are seeking a Cabinet decision on their proposals.

The MC template adopted here consists of two parts: the Ministerial Recommendations (MR) and the Annexes – the Implementation Plan and the Communications Plan.

Ministerial Recommendations (MR)

"The MR is the key component of the MC. It sets out the issue to be discussed, the Minister's recommended course of action ...alternative options that could be pursued, and the considerations to be taken into account. ... It is therefore important to focus on the information that is essential for Minister' understanding and discussion." The maximum length of an MR is five single-spaced pages, formatted on legal-sized pages (8.5" x 14").

Title

The title should be short and descriptive. It should reflect any previous references to the issue, for example, as set out in the Speech from the Throne, Budget, electoral platform, or as directed by the Prime Minister.

Issue

The MR should begin with a one sentence explanation of the question to be discussed and resolved. This sentence is the link between the title and the MC's recommendations.

The sentence should be carefully written so that it clearly refers to the nature of decisions before Ministers, and may need to be adjusted as the MC takes shape. Common ways of starting this issue statement include:

- Whether to ...
- How to ...
- Whether and how to ...

Recommendations

The recommendations box sets out the Minister's proposed course of action for which he or she is seeking Cabinet's approval. [This box will be used by PCO officials to draft a Record of Decision from Cabinet meetings.]

The Recommendations box should be a self-explanatory statement of what direction the Minister is seeking from his or her colleagues. It must indicate which of the options presented in the MC is being recommended by the Minister. It should not present arguments as to why the recommendations should be adopted.

The box begins with the phrase 'it is recommended that,' followed by an itemized list of the approvals being sought. It sets out:

- the specific policy or initiative being recommended;
- the specific roles and authorities of implicated Ministers in implementing the proposal;
- what policy instruments (e.g., legislation, grants and contributions) will be used;

Rationale

This section sets out the reasons why the action is desirable for the issue raised in the MC. This section should note the reasons why the issue has arisen or is emerging. It should also note connections with Government priorities, including those set out in the Speech from the Throne and the Budget.

Proposed Approach and Options

This section outlines the proposed approach, that is, the sponsoring Minister's recommended option. The proposed approach should be supported by a robust business case that is objective and factual. The section should also provide credible options for Ministers' consideration.

This section should begin by explaining the proposed approach. Drafters should clearly describe significant components of the policy, program or other activity being proposed.

Drafters should set out the arguments for and the evidence supporting the proposed approach, including the reasoning underpinning the instruments selected for the proposal, e.g., spending programs, policy measures, fiscal measures, new legislation or regulation.

Drafters should also explain the positive and negative consequences of proceeding and not proceeding with the proposed approach, taking care not to duplicate information provided in other sections. The MC should also set out any trade-offs the Government would have to accept in adopting the recommended course of action, as well as any identified risks or limitations the

approach may have for achieving its policy objectives. Drafters should indicate the strategies that would be adopted to mitigate these risks and challenges. Anticipated reactions should also be addressed.

This section should also provide alternative means of addressing the issue raised by the MC. Two alternative options are typically adequate to support Ministers' discussion on how best to address the issues raised in the MC.

Drafters should also objectively set out the strengths and weaknesses of the alternative options. This section should also indicate whether it is anticipated that stakeholders would support any of the alternative options over the proposed approach.

ANNEX 1 – Implementation Plan (maximum length one page)

The Implementation Plan links to the Proposed Approach and Options section of the MR as it provides additional detail on how the proposed option would be implemented, operated and terminated over its timeline. This information should include key milestones in the timeline and expected results at key junctures (e.g., the end of the fiscal year or annual anniversary of the initiative's launch, as appropriate).

In terms of timeline, particular reference should be made to the point at which benefits should flow to the targeted population and other beneficiaries, when stated objectives would be achieved, and at which point the initiative would be wound up.

Annex 2 – Communications Plan (maximum length one page)

The Communications Plan links to the Proposed Approach and Options. This plan should outline the key messages to accompany the policy announcement and delivery. This can be thought of as a storyline for the initiative. It should take account of the sector stakeholders and the general public, explaining in plain terms why the proposed actions are a good idea.

ANNEX A: Memorandum to Cabinet Template

Memorandum to Cabinet

TITLE OF THE MEMORANDUM TO CABINET

Date

Minister of XXXXXXXXX

MINISTERIAL RECOMMENDATIONS

(maximum five pages plus cover page)

(Font: 12 points)

ISSUE

One sentence summary of question to be discussed and resolved.

RECOMMENDATIONS

It is recommended that:

1. XXX

Proposed course of action, for which the sponsoring Minister is seeking Cabinet support.

- specifies roles and authorities of respective ministers in implementing the decision;
- indicates use of key policy instrument(s) (e.g., legislative/regulatory direction, etc).

RATIONALE

2. Clearly outlines why action is required, including origin of the issue, any gaps in existing departmental and/or horizontal programs and policies, and,

3.. Link reasons for action to strategic agenda/ SFT/ previous Cabinet direction provided under the current Ministry.

PROPOSED APPROACH AND OPTIONS

4. Proposed Approach

-clearly outline the proposed policy/program approach, including timeframe for implementation, and

-present the principal arguments and evidence in support of the recommended approach/option, including instrument choice analysis, possible adverse consequences of both proceeding and not proceeding, what trade-offs the proposed approach would require the Government to accept, limitations of the approach in addressing the policy objectives, and strategies for addressing key risks/challenges

5. Alternative Options

-outline the alternative options that Ministers could consider' and,

-present the principal strengths and weaknesses of the options (including whether any of the principal stakeholders support any of the alternative options).

ANNEX 1 – Implementation Plan (one page)

ANNEX 2 – Communications Plan (one page)