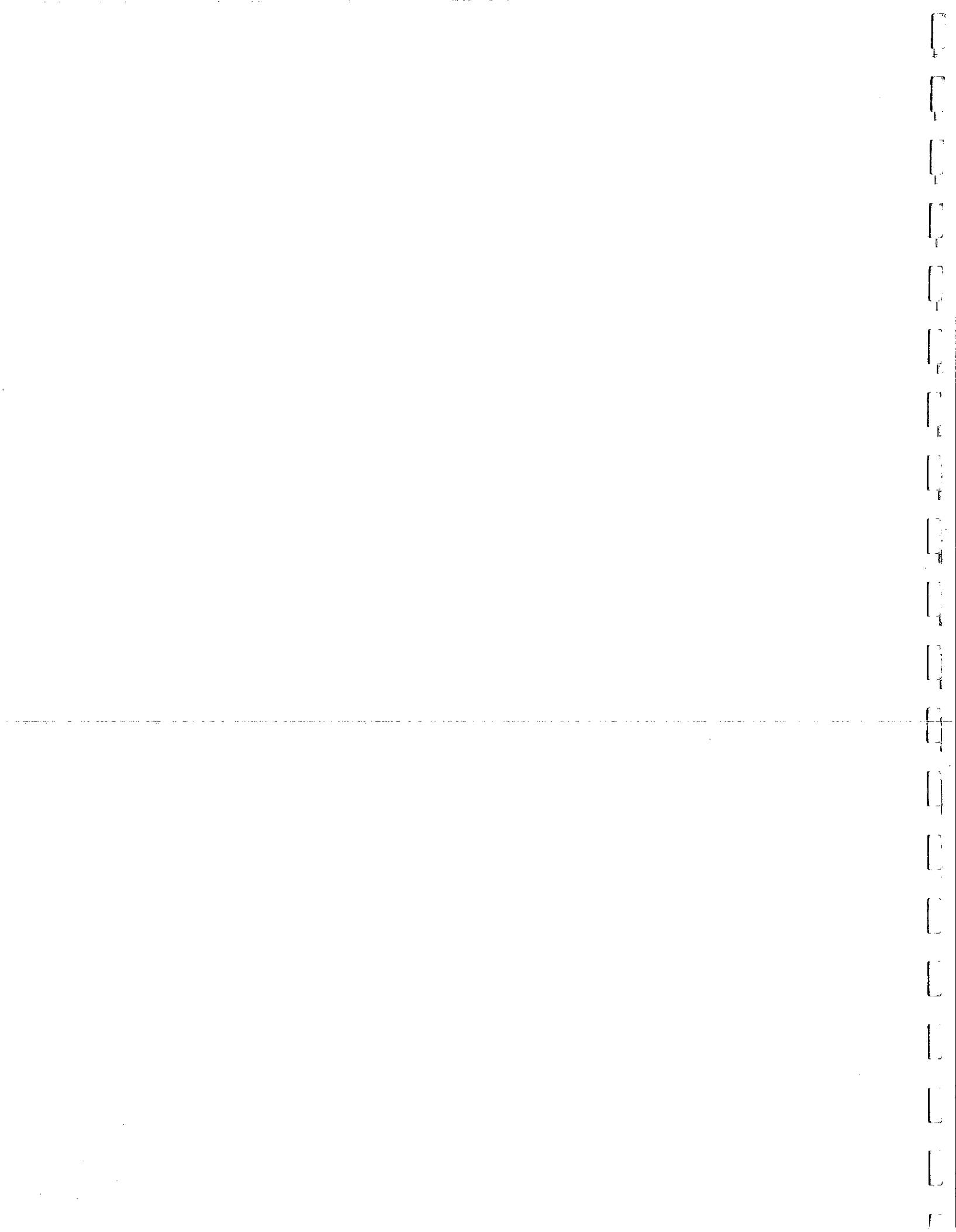




**MANUAL OF
CABINET
AND
MINISTRY PROCEDURE**



MANUAL OF CABINET AND MINISTRY PROCEDURE

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MANUAL OF CABINET AND MINISTRY PROCEDURE

PART I

CABINET

I. Collective Responsibility

1. Article 72 of the Constitution provides that there shall be a Cabinet which shall have the general direction and control of the government of The Bahamas and shall be collectively responsible therefor to Parliament.

This doctrine of collective responsibility is the basis on which the system of ministerial government rests. Without it the ministerial system cannot be effective and cannot survive as a method of Government developed to work in accordance with the wishes of the people.

2. All major decisions of policy must be made by Cabinet.

3. A fundamental principle of "Cabinet Government" is unity. It is important to present a united front to the public; if any Minister feels conscientiously unable to support a decision taken by Cabinet, he has one course open to him and that is to resign his office

4. This principle is not affected by the assignment of responsibility to individual Ministers.

Decisions made by a Minister about any matter in his portfolio, when it is not within policy already decided by Cabinet, must always be such as could, without doubt, be defended and supported by Cabinet.

5. All major matters of policy, and matters on which there may be doubt regarding the attitude of other members of Cabinet, and all subjects on which there is unresolved difference of opinion between Ministries, should be put before Cabinet. Moreover, should any Minister not agree with an action taken by a fellow Minister

without prior consultation with Cabinet, Cabinet will decide whether or not the action should be upheld.

6. So long as a Minister remains a Minister he may not speak in public or in private against a decision of Cabinet or against an individual decision of another Minister. As he is a member of the Government Bench in the House of Assembly or in the Senate, he must not speak or vote on any measure debated in either House otherwise than on the lines agreed by Cabinet.

7. No Minister may, in the Parliament or in public speeches, commit the Government to any course of action save in accordance with the policy of Cabinet.

8. A Minister should bear these principles in mind in making public speeches and not commit the Government in advance to any legislation or major policy which has not been put before Cabinet and approved directly or indirectly.

9. In many Acts there is provision for the Governor-General or the Minister to make subsidiary legislation such as Rules, Regulations or Orders. If the power lies with the Governor-General, the Minister responsible for the subject would put the draft subsidiary legislation to Cabinet. Similarly, unless the matter is very minor, a Minister, having the authority to make subsidiary legislation, would put the draft to Cabinet for collective approval.

10. Bearing these points in mind, Ministers and their Permanent Secretaries should ensure that major policy matters are referred to Cabinet while sparing that body the need to consider routine or trivial subjects.

II. Ministerial Responsibility

11. The most elementary qualification demanded of a Minister is honesty and incorruptibility. It is necessary not only that Ministers should possess this qualification but also that they should appear to possess it.

12. The first duty of Ministers is to play a full part in reaching the decisions on policy matters which only Cabinet can take.

13. Under Article 77 of the Constitution, the Governor-General, on the advice of the Prime Minister, may charge any Minister with responsibility for any matter or department of Government.

14. A Minister is expected to introduce in Cabinet any memorandum that

covers a subject within his portfolio and to undertake and discharge business concerning his portfolio in Parliament.

15. The individual responsibilities assigned to Ministers must, however, be exercised in accordance with the principle of collective responsibility of Cabinet, as stated in paragraph 3.

The taking of a decision whether to submit a matter to Cabinet or not places a considerable responsibility on a Minister. If he submits too much to Cabinet, the burden of Cabinet business for all Ministers is increased, and it might be said that he is not prepared to carry his share of responsibility. If he submits too little, and appears to act too independently he might lose the confidence of his colleagues and, moreover, if he makes a decision which they are unable to support, he might be called upon to resign, or in a very serious matter it might mean that Cabinet, as a body, would have to resign.

16. There will be, of course, many matters which have to be put to Cabinet because the law says so; for example, where the Constitution or an Act empowers the Governor-General without specifying that it is in his discretion or on the advice or recommendation of some other body or person (e.g. a Service Commission): in such cases when there is no qualification the Governor-General always acts on the advice of Cabinet.

III. Secrecy

17. On taking office every Minister is required to take the Oath of Allegiance and the Ministerial Oath, which includes an oath of secrecy.

In no circumstance may the nature of the discussion or of the opinions expressed by individual members of Cabinet be divulged.

Discussion between Ministers under a common obligation of secrecy about subjects to which that obligation applies, should always be so conducted that there is no reasonable likelihood of a breach of that obligation. It is in this respect relevant to note that:

- (a) A Minister has responsibilities wider than those relating to his own portfolio and will, in the exercise of those responsibilities, receive documents which do not concern the matter listed in his portfolio.

- (b) Members of Parliament and Senators who are not members of Cabinet are not members of the Government; accordingly, information given to them must be strictly limited, according to what they need to know, however sympathetic they may be towards the policy of Cabinet or of one of its members.

18. Every paper put before Cabinet, including the Agenda, is secret.

Some subjects, of course, are secret in themselves. Matters of high policy and fiscal measures are secret because premature disclosure would prejudice the issue or give to some persons unfair advantage; but all subjects coming before Cabinet are treated as secret because outside knowledge that Cabinet is considering any subject may hamper free discussion or may give rise to undesirable speculation or may result in embarrassment to members through attempts by interested parties to influence them. For these reasons the public should not be told what subjects are to be discussed by Cabinet. However, decisions taken by Cabinet are taken for and on behalf of the Bahamian people who have a right to know the decisions taken in their name and on their behalf. This being the case, decisions of Cabinet should be brought to their attention as soon as possible. The exceptions to this would be in matters dealing with national security or matters which would be prejudicial to the economic and financial well-being of the country.

19. Apart from the secrecy regarding subjects to be put before Cabinet, the other important aspect of secrecy is that of the discussions at Meetings. The conciliar responsibility of Cabinet makes it essential that members must be able to express themselves freely in Cabinet without fear that individual opinions put forward may become public knowledge, whether at an early date or in the distant future. A member of Cabinet may have argued for or against a particular line of action in the secrecy of Cabinet Meeting, but once a decision has been reached, he must support that decision in public. The thought that there might be any departure from this fundamental rule would prohibit frank discussion and nullify collective responsibility.

20. It also follows that it would be wrong for a member of Cabinet to claim or disclaim personal responsibility for any part of a decision by Cabinet.

The oath of a member of Cabinet continues to be binding after the resignation or dismissal of that member or the dissolution of a Government. This is important, for the essential confidence between Ministers would be destroyed if it were known that they were free to air any differences once they were no longer Ministers.

21. If a Minister resigns and, in stating the reasons for his resignation, wishes to refer to discussions in Cabinet, he must through the Prime Minister obtain the consent of the Governor-General before doing so. The Prime Minister, in making his recommendation to the Governor-General would have regard to the public interest and would not in any case advise disclosure of the views put forward by individual members of Cabinet or how a Minister voted if the subject had been put to the vote. Although a Minister cannot erase from his mind what went on in Cabinet, he should avoid taking personal advantage of knowledge acquired in Cabinet that is not public knowledge, whether this is during office or after relinquishing office.

22. An important consideration regarding the security of Government business is that there must be no disclosure to anyone save those who need to know the facts in the course of their official duties. The proceedings of all Committees of Cabinet, including details of their composition and terms of reference, are equally secret.

23. All officials who handle Cabinet documents will have made Secrecy Declarations. Ministers will have taken the Ministerial Oath, and both Ministers and officials are bound by the Official Secrets Act. Cabinet leakages can arise from oral disclosures or as a result of Cabinet papers getting into the wrong hands. They can vary in seriousness from a possible danger to the State to a minor embarrassment to an individual but at the very least can inhibit freedom of discussion in Cabinet if such discussion is not secure.

24. Members of Cabinet and officials should notify the Secretary to Cabinet of any unauthorised disclosure of information about proceedings of the Cabinet or of Committees of Cabinet or of any breach of security involving Cabinet matters that may come to their notice. The Secretary to Cabinet will immediately inform the Prime Minister and will take his instructions regarding the degree of investigation necessary, whether by the Secretary to Cabinet himself, or whether the matter should be reported to the Attorney General or the Commissioner of Police for action by the Criminal Investigation Department. Much will depend on the circumstances and seriousness of the leakage.

PART II

MINISTERS AND PARLIAMENTARY SECRETARIES

I. Ministerial Responsibility

1. Administrative procedures have been adopted to support collective responsibility. With limited exceptions, all Ministers receive copies of all Cabinet documents, including Submissions, Memoranda, Notices of Meeting, so that they may be aware of the business coming to Cabinet. Again with limited exceptions, all Ministers receive copies of all Minutes of the Ministry, Cabinet and Cabinet committees, whether or not they were present at discussions.

2. The exceptions referred to in paragraph 1 relate to documents of special sensitivity (for example, those referring to national security or Budget matters), which may be circulated to nominated Ministers. Some particularly sensitive documents may be distributed in the Cabinet Room at the time of the meeting and collected at the end of the discussion.

3. Ministers should ensure that policy initiatives or expenditure commitments which do not have Cabinet authority are not announced. In exceptional cases where prior Cabinet clearance is not possible, proposals must be cleared with the Prime Minister and, if expenditure is involved, with the Minister of Finance.

4. ~~Ministers should not make public statements or comment on policy proposals which they are bringing or which are to be brought to Cabinet. Promotion in public of a particular line may pre-empt Cabinet deliberations. Identification of individual Ministers with particular views tends to call into question the collective basis of agreed outcomes.~~

5. Each Minister is responsible for direction and public presentation of policy regarding his portfolio, and other Ministers should avoid separate policy stances becoming matters of public debate.

6. It is inappropriate for Ministers to accept invitations to speak or to comment publicly on matters outside their portfolios in circumstances which may involve disagreement - or which are likely to be construed as amounting to disagreement with the conduct of another portfolio, without the prior concurrence of the appropriate Minister or the Prime Minister.

7. Cabinet considers policy proposals that are brought before it by a sponsoring Minister or Ministers.

Each portfolio is represented by a Minister in Cabinet: "Ministers are responsible for the proposals they bring forward, even where detailed developments or drafting may have been done on their behalf by public officers."

II. Appointments Requiring Cabinet Approval

8. Action relating to appointments to posts requiring Cabinet approval is initiated by the Minister concerned. Before approaching any person being considered for appointment to a position, the proposed appointment is to be cleared with the Portfolio Minister where appropriate. Nominating Ministers should also consult relevant Ministerial colleagues, particularly when proposing to appoint officers employed in another portfolio to an advisory committee or board in their own portfolio.

9. Ministers should in proposing appointments to Public Boards and Committees take into account the Government's policy of actively seeking more equitable representation of women, young people and persons of different ethnic backgrounds on these Boards and Committees.

10. In proposing and making appointments, care must be taken to ensure that the Government and nominees are caused no embarrassment. This applies to all appointments, whether they are considered by Cabinet or not. Ministers must ensure that all necessary checks are carried out and, where required, assurances obtained from prospective nominees - particularly in respect of potential conflicts of interest and personal financial affairs. Ministers are expected to be able to advise Cabinet in this regard when it considers appointments. Only in exceptional circumstances will a proposed appointment be listed for consideration by Cabinet before all necessary checks have been completed. In those circumstances, the Cabinet Minute will not be circulated and the appointment will not proceed until the Prime Minister has been advised that the checks have been satisfactorily completed.

11. Additional procedures apply to appointments concerning close relatives of Ministers, Members of Parliament, Ministerial staff or heads of departments or agencies. Any such relationship should be noted in appointment proposals being put to Cabinet. To avoid the appearance of conflict of interest, those involved in the appointments process should have no immediate family relationships

with the person under consideration and any Ministers concerned should absent themselves from all discussions on the matter.

III. Ministers with Portfolio

12. Article 77 of the Constitution provides that "The Governor-General, acting in accordance with advice of the Prime Minister may by directions in writing charge any Minister with responsibility for any business of the Government of The Bahamas, including the administration of any department of Government ..."

13. A Minister so charged (a Minister with portfolio) has responsibility for the running of his Ministry.

14. A Minister with portfolio is duly bound to make decisions himself on matters for which he has been assigned responsibility but he makes those decisions within policy already decided by Cabinet or with the knowledge that they are such as would without doubt have the support of his colleagues.

15. In all his actions a Minister is responsible to the people of the country through their elected representatives in Parliament. In cases where responsibility for a specific field of public activity is entrusted to a statutory corporation, the Act establishing the Corporation will declare the extent to which general or specific directions may be given to it by Cabinet or by a Minister acting under the general authority of Cabinet.

A. Ministers of State

16. The Minister charged by the Prime Minister for the administration of any Department of Government is alone answerable to Parliament for the exercise of the powers on which the administration of that Department depends. The Minister may, subject to his general direction and control, authorise a Minister of State to deal with a defined range of Departmental work and to supervise the day-to-day administration of a defined range of subjects.

17. Courtesy titles, descriptive of the duties assigned to Ministers of State, may be given by the Prime Minister.

18. Reference to Minister includes a Minister of State.

B. Parliamentary Secretaries

19. In accordance with Article 81 of the Constitution the Governor-General, on the advice of the Prime Minister, may appoint Parliamentary Secretaries from among the Members of the two Chambers of the Parliament to assist Ministers in the performance of their duties.

20. The primary duty of a Parliamentary Secretary is to assist his Minister in the Parliament and in dealing with parliamentary matters generally. Within the Ministry to which he has been assigned a Parliamentary Secretary may handle such matters as may be assigned to him by the Minister to deal with on his behalf. This may vary from a general range of subjects to specific matters referred to him, depending on the size and complexity of the Minister's portfolio. He can relieve the Minister by deputising for him in receiving visitors who may be more suitably interviewed by a politician than by a public officer. He can also be of assistance in meeting a wider section of the public than the Minister may have time for in explaining the details of Government policy.

21. A Parliamentary Secretary is a member of the Government. At parliamentary meetings or committee meetings he may play a full part by means of suggestion and criticism in the formulation of policy. Once the Government has established its course of action, it is the duty of the Parliamentary Secretary to give that course his full support in public.

22. A Parliamentary Secretary would not normally give directions to the Permanent Secretary. The Minister charged with responsibility for the administration of a Department of Government should ensure that informal understandings are reached with respect to the relationship between the Parliamentary Secretary and Permanent Secretary.

23. When a Minister with portfolio is in the Senate and he has a Minister of State or a Parliamentary Secretary in the House of Assembly the latter has a particular responsibility for being fully acquainted with all aspects of the work of the Ministry so that he may play an active part in the House in the support of Bills sponsored by his Minister and in answering questions on the work of the Ministry. Similarly, a Minister of State or a Parliamentary Secretary in the Senate can speak authoritatively on subjects for which his Minister, in the other House, is responsible and can be of considerable assistance to the Leader of Government business on all such subjects.

IV. The Priority of Cabinet Meetings

24. Cabinet meetings take precedence over all other business.

As recorded in Part I paragraph 1, the first duty of a Minister is to play a full part in reaching decisions on policy matters in Cabinet. In planning visits to places outside New Providence a Minister should give due regard to his obligations to Cabinet and his duties in his Ministry.

25. Requests for permission to be absent from Cabinet should be made only in the most exceptional circumstances, and should be made at the earliest opportunity and by a personal Minute to the Prime Minister. A personal Minute is not necessary when the reason for absence from Cabinet is an overseas visit for which the Prime Minister's approval has already been obtained.

26. In order not to disturb the proceedings of Cabinet (and Ministerial Committees), Ministers should see that messages are not sent to them during meetings unless this is absolutely essential.

V. Absence from New Providence

27. Ministers should keep the Secretary to the Cabinet informed of engagements which involve their absence from New Providence in order that the Secretary to the Cabinet may be able to tell the Prime Minister when the Agenda is being planned, which Ministers will be present at a meeting and also so that, if some sudden emergency arises, the Prime Minister can at once be informed which Ministers are immediately available. Ministers may absent themselves from New Providence for a day without notification, unless it is for the day of Cabinet meeting. Absences for a period of two or more days will be notified to the Secretary to the Cabinet for the Prime Minister's information on a pro forma memorandum.

VI. Absences from The Bahamas or from Duty

28. It is essential for the good governance of the country that the Prime Minister is kept aware at all times of the movement of Ministers within and without the country. He must know where Ministers are should any emergency arise and also so that necessary adjustments can be made in the portfolio responsibilities. Permanent Secretaries must bear this in mind and ensure that the Cabinet Office is notified as far in advance as possible of the movements of Ministers which would take them out of the Commonwealth for however short a period or away from New Providence for more than two days.

29. Ministers and Parliamentary Secretaries who wish to be absent from The Bahamas or to absent themselves from their duties must in accordance with Article 85 of the Constitution, before being so absent, obtain permission from the Governor-General who will act in accordance with the advice of the Prime Minister. Application to the Governor-General by a Minister for leave of absence from his or her duties or for permission to leave The Bahamas for a period exceeding two days should be submitted through the Secretary to the Cabinet, and in the case of a Minister other than the Prime Minister, the application should be accompanied by the recommendation of the Prime Minister regarding the proposed absence and regarding the responsibilities of the Minister's portfolio during the absence, whether they should be held by another Minister or by a temporary Minister.

30. It is particularly important that details of a Minister's travel arrangements abroad should be provided as far in advance as possible to enable the Ministry of Foreign Affairs to arrange for the usual courtesies to be shown to a Minister when visiting another country. The Secretary to the Cabinet would inform the Permanent Secretary, Ministry of Foreign Affairs, as soon as the Prime Minister's approval has been given for the Minister's foreign visit so that the necessary messages could be sent.

31. **Functions:** Each Minister with portfolio is responsible for -

- (a) the general direction and control of the Ministry and the Departments which fall within his portfolio;
- (b) the initiation of action in regard to policy on subjects for which he is responsible, the preparation of proposals on general policy for consideration by Cabinet and their presentation in Cabinet;
- (c) the implementation of decisions of Cabinet insofar as they affect his Ministry;
- (d) ensuring that no expenditure is incurred which has not been sanctioned by Parliament in respect of matters falling within his portfolio;
- (e) dealing with matters affecting his Ministry in the House of Assembly or in the Senate.

32. **Cabinet business.** Cabinet is constitutionally the principal instrument of policy and it is charged with the general direction and control of the Government for which it is collectively responsible to Parliament. Cabinet therefore deals with -

- (a) all questions of general policy including all draft legislation; and
- (b) all matters involving expenditure for which the sanction of Parliament has not yet been received.

33. **Accountability.** Each Minister charged with responsibility for the administration of any business or department of government is responsible for the actions carried out by the Department in pursuit of Government policies or in the discharge of responsibilities laid upon him as a Minister. Ministers are accountable to Parliament, in the sense that they have a duty to explain in Parliament the exercise of their powers and duties and to give an account to Parliament of what is done by them in their capacity as Ministers or by their Departments. This includes the duty to give Parliament, (including its Select Committees), and the public as full information as possible about the policies, decisions and actions of the Government, and not to deceive or mislead Parliament and the public.

34. A Minister or a Parliamentary Secretary must perform the duties of his office impartially and uninfluenced by fear or favour or self-interest.

35. A Minister must be frank and honest in official dealings with colleagues and must give frank and honest answers to questions raised in Parliament bearing in mind always that he is conducting the people's business.

36. A Minister must avoid situations in which his private interest, whether pecuniary or otherwise, conflicts or might reasonably be thought to conflict with his public duties.

37. When a Minister possesses, directly or indirectly, an interest which conflicts or might reasonably be thought to conflict with his public duty, or improperly to influence his conduct in the discharge of his responsibilities in respect of some matters with which he is concerned, he should disclose that interest to the Prime Minister or Cabinet. Should circumstances change after an initial disclosure was made, so that new or additional facts become material, the Minister must disclose the further information.

38. When the interests of members of his immediate family are involved a Minister must disclose those interest to the extent that they are known to him. Members of the immediate family will ordinarily include only the Minister's spouse and dependent children but may include other members of his household or family when their interests are closely connected with his.

39. A Minister must not use information obtained in the course of official duties to gain directly or indirectly a pecuniary advantage for himself or for any other person. In particular, a Minister must scrupulously avoid investments or other transactions, about which he has, or might reasonably be thought to have early or confidential information which might confer on him unfair or improper advantage over other persons.

40. A Minister must not:

- (a) Solicit or accept from any person any remuneration or benefit for the discharge of the duties of his office over and above his official remuneration;
- (b) Solicit or accept any benefit, advantage or promise of future advantage whether for himself, his immediate family or any business concern or trust with which he is associated from persons who are in, or seek to be in, any contractual or special relationship with Government;
- (c) Except as may be permitted under the rules applicable to his office accept any gift, hospitality or concessional travel offered in connection with the discharge of the duties of his office.

41. A Minister must be scrupulous in his handling of public property and services and should not permit their misuse by other persons. Members of a Minister's family and others must not be allowed to use his official vehicle for private purposes nor must such vehicle be permitted to be used for partisan political purposes.

42. A Minister must not allow the pursuit of his private interests to interfere with the proper discharge of his public duties.

43. A Minister must not engage in nepotism, i.e., the use of his office and power to secure advantages for himself, his relatives or associates to the disadvantage of others who would otherwise have received the advantage.

43. A Minister must not engage in nepotism, i.e., the use of his office and power to secure advantages for himself, his relatives or associates to the disadvantage of others who would otherwise have received the advantage.

44. A Minister who violates these rules (34 - 43) leaves himself open to discipline and, depending on the seriousness of the breach, may be relieved of his ministerial appointment.

45. Ministers should adopt a broad interpretation of the requirement that they take into account the interests of family members and all interests of their own, when considering whether there is a conflict, or a potential or apparent conflict, which should be declared. Generally, declarations should be made in all cases where an interest exists which could not be said to be shared with the rest of the community.

PART III

MINISTERS AND THE PUBLIC SERVICE

1. In order that Ministers may be able collectively to frame policy and individually to make decisions and to see that they are carried out, they must have the services of an efficient Public Service.

2. The Public Service must be impartial and responsive and its members non-partisan in attitude, and thus ready to serve whoever are, as the result of democratic process, elected to represent the people. It must serve the people in whose name and on whose behalf it acts.

The Public Service must be efficient in order that all factors (human, material, professional, technical and financial), can be presented to the Minister to enable him to reach his decision; and however wise, valuable and farsighted a ministerial decision may be, it counts for little unless there is an effective organisation capable of executing the decision and implementing Government policy.

All this applies whether the execution is carried out directly by the Public Service or by means of Statutory Corporations set up by Government, or by non-Government organisations.

3. Article 108 of the Constitution provides that the Governor-General and not the Minister is charged with the power to make appointments to public offices and to remove and to exercise disciplinary control over persons holding or acting in such offices. The Governor-General acts in accordance with the advice of the Public Service Commission. Under Article 123 of the Constitution the grant of any benefits in relation to pensions and gratuities is likewise vested in the Governor-General on the recommendation of the Service Commission.

4. Permanent Secretaries, Directors and other officials have a responsibility to act in support of Ministers' obligations to abide by Cabinet conventions, and a responsibility to advise Ministers in any case where they may perceive a breach, or likely breach, of these conventions.

5. Ministers have a duty to give fair consideration and due weight to informed and impartial advice from public servants, as well as to other considerations and advice, in reaching policy decisions; a duty to refrain from asking or instructing public servants to do things which they should not do; a duty to ensure that influence over appointments is not abused for partisan purposes; and

a duty to observe the obligations of a good employer with regard to terms and conditions of those who serve them.

Public servants should not be asked to engage in activities likely to call in question their political impartiality, or to give rise to the criticism that people paid from public funds are being used for partisan political purposes.

I. The Permanent Secretary

6. The Public Service organisation within a Ministry must be headed by a person through whom can be brought to focus all the human, material, professional, technical and financial advice that the public officers under the Minister can give. Article 88 of the Constitution provides that where any Minister has been charged with the responsibility for a matter or department of Government he shall exercise general direction and control over the work relating to that matter and over that department; ... and subject to such direction and control the work and the department shall be under the supervision of a public officer ..."

7. "Permanent Secretary" is the designation of the Public Officer responsible to the Minister for the organisation and control of the work of the Ministry. He will submit recommendations to the Minister on questions coming within the scope of the responsibility of the Minister, ensure that decisions are sent to the proper quarter for execution, and keep the Minister informed of the progress made in translating such decisions into action.

8. As the Minister is answerable to the Parliament for the policies and plans in relation to the matters within his portfolio, the advice given to him must be authoritative. The Permanent Secretary must, therefore, not only exercise the supervision of all the work of the Minister, but keep himself fully informed about everything affecting that work; but he would not be expected (nor should he elect) to direct professional or technical work.

9. As the Permanent Secretary is a Public Servant and, therefore, may take no part in politics, he may not be called upon to deal with purely political matters which arise by virtue of the Minister's representative capacity as a Member of Parliament.

10. Direction and control by the Minister of the business or department of Government should be exercised through the Permanent Secretary. The Minister should not himself give direct instructions to a subordinate officer.

11. The Permanent Secretary is the Minister's principal adviser on policy

for all the subjects for which the Minister is responsible. When policies and projects are initiated by a Minister, the Permanent Secretary should see that all necessary data are made available for the adequate consideration of the matter, to bring his knowledge and experience to bear and to make a contribution to the task of the Minister both in the elaboration of the policies or plans and to assist the Minister in the determination of the best means of carrying them out.

12. Subject to Ministerial directions, the Permanent Secretary is responsible for the effective working of the Ministry and, in particular, for the handling of official correspondence passing to and from the Ministry, for the preparation of memoranda to be put before Cabinet by his Minister and for ensuring that effect is given to the decisions reached in Cabinet, or by his Minister on the latter's own initiative, on matters for which his Minister is responsible.

13. He must see that his Minister is kept in touch with all the happenings in his own Ministry and in other Ministries, and elsewhere, which may have an important bearing on the policies or plans in hand. He must, of course, see that such material of interest or value presented to the Minister is in suitable form, that is to say, adequately but economically expressed.

14. In particular a Permanent Secretary will brief his Minister on matters brought before Parliament, for example, by providing material for replies to parliamentary questions or material which will assist the Minister in dealing with the Budget Estimates.

15. The Permanent Secretary has also a positive function as adviser to the Minister; that is to say, he is not merely concerned with meeting situations as they arise. In the light of the Minister's general objectives, the Permanent Secretary must advise on the formulation of policy, especially in its early stages. It is he who must see that there is a flow of significant facts and information, and that essential data are distinguished; he, with the aid of the professional/technical officers in the Ministry, must interpret the facts and discover any considerations relevant to the policies or plans in hand or in prospect, and define and weigh alternative issues or courses of action.

16. The Permanent Secretary has a special responsibility to advise the Minister on the development of what might be called the permanent policies of the portfolio, and to attend to those things which aim at amending, modifying or developing long-term projects or policies. Much of this kind of policy is shaped by forces which change only slightly with the progress of time, and continuous efforts by a permanent officer in those fields of policy produce the best results.

17. On advising his Minister, the Permanent Secretary must not lose sight of the responsibility of other Ministers in the machinery of Government and of the powers of statutory or other bodies, particularly, of course, the responsibilities of the Minister of Finance.

18. Paragraphs herein describe how all available advice is brought to a focus for the Minister through the Permanent Secretary in order that the individual responsibility of the Minister and the collective responsibility of Cabinet for formulation of policy may be effectively discharged. It is apparent from those paragraphs that the relations between the Permanent Secretary and the Minister must be very close; but the relations of both with the principal professional/technical officer (or officers) of the Ministry must be equally close. In general, it can be said that every policy matter which requires the personal decision of the Minister comes from or across the desk of his Permanent Secretary.

19. Clearly, in a large Ministry, the Permanent Secretary has only the time to attend to some of the more important matters himself, but he must nevertheless, satisfy himself that the work of the whole Ministry is properly organised, and that operations are co-ordinated and that effective means of checking upon the results obtained are established.

20. The Permanent Secretary should ensure that the following functions are adequately provided for within the Ministry:

- (a) **Interpretation.** The spelling out of the meaning of determined policies, including the briefing of legal draftsmen with a view to legislation; the drawing up of regulations or explanatory statements, white papers, position papers and the preparation of press releases on Government policy.
- (b) **Research.** The regular collection of data on which policies are to be based, improved or kept up to date.
- (c) **Advice.** The gathering of specialised advice, for example, legal advice or advice in some highly technical field.

- (d) **Co-ordination.** The Permanent Secretary may be called upon to use his influence and authority in the co-ordination of Ministry matters, especially where functions touch or overlap. It is almost inevitable that competing claims for the use of finance or services in pursuit of particular activities will arise, and there are often pressures from outside the Ministry in support of particular claims. Regular meetings and discussions with his Minister and with senior officials in the Ministry are a feature of the Permanent Secretary's work. He must also keep in close touch with the other Permanent Secretaries in other Ministries whose policies or activities impinge on his Ministry, and must see that, where necessary, inter-Ministry meetings are arranged or committees set up with a view to harmonising the policies of the Ministry with those pursued elsewhere
- (e) **Execution and Checking of Results.** A Permanent Secretary must know to what extent the activities of the Ministry can secure results in accordance with the plans and policies of the Minister, and that, where necessary, realistic amendments to policies and plans are made without delay. He should, in consultation with the heads of the finance and technical divisions of the Ministry, ensure that the executive organisation is as efficient as can be and that machinery exists whereby he is made aware of the following:
- (i) significant differences between planned and committed expenditure under various votes;
 - (ii) the progress of planned work, including the physical state of the more important projects in hand;
 - (iii) arrears of work and causes thereof;
- (f) The Permanent Secretary must ensure that the operations of the Ministry and its Departments are carried out with efficiency and economy.

21. Section 18 of the Financial Administration and Audit Act provides for the Minister of Finance to designate, in writing, officers who shall be principal receivers of revenue or accounting officers. The said Act also provides that an accounting officer means, inter alia, any person who is charged with the duty of controlling expenditure thereunder or under any other Act.

(a) A Permanent Secretary is a designated accounting officer. Accounting Officers are responsible for the collection of revenues and the payment of revenues into the Consolidated Fund.

(b) The primary duties and responsibilities of an accounting officer are found in the Financial Regulations and principally concern the keeping of books and records, the rendering of departmental accounts and the duty to ensure that funds expended are applied only for the purpose intended by Parliament. Other functions of an accounting officer include

the submission of purchase orders and contracts to the Treasurer.

(c) The head of department has different responsibilities from those of an accounting officer under the Financial Regulations, for example, the issuing of warrants (regulation 21) and powers of virement (regulation 24). Regulation 2 of the Financial Regulations provides that the head of department includes, in relation to a Ministry, the Permanent Secretary of the Ministry. Accordingly, the head of department may be, but need not be, a Permanent Secretary.

22. While Article 88 of the Constitution provides for a department of Government to be under the supervision of a Permanent Secretary, the specific functions and responsibilities of a Permanent Secretary in that regard are not stated. It is implicit, though, that there would be other persons within the department who would be required either by statute or administratively by the Permanent Secretary to perform duties which fall within the portfolio of the department.

23. Where the holder of a public office has powers conferred or duties imposed upon him by any written law, in accordance with section 39 of the Interpretation and General Clauses Act, the holder of that public office may delegate to any other public officer the exercise of powers to perform the duties on his

behalf: provided that the Governor-General has issued a notice in the Gazette specifying the public office either generally or for the purpose of any particular written law.

24. Whilst any responsibilities that are administratively imposed upon a Permanent Secretary may be delegated, the delegation of the general supervisory function of a Permanent Secretary is not permissible.

II. Control and Accountability for Public Expenditure

25. The principal objectives of the system of control of Government expenditure are:

(a) to achieve, among the different services of the Government, a distribution of the available financial resources that reflects policy decisions on priorities;

(b) to ensure that the money so allocated is, in fact, used for the

purposes for which it was provided and in accordance with statutory authority and pertinent administrative instructions;

(c) to ensure that full value is obtained for the money which is disbursed.

26. It is the duty of all Ministers to see that these objectives are reached and to support the Minister of Finance in the implementation of such measures as he may deem necessary to discharge his overall responsibilities for financial control. Further, there are two principles of cardinal importance which must always be borne in mind. These principles are that:

(a) finance and policy are complementary from the outset. It is

impossible to divorce the one from the other; this remains true at all levels of Government activity;

(b) in the presentation of policy to Parliament, the Government is one and indivisible; decisions reached in Cabinet are

collective decisions; and they must be loyally implemented by all branches of the Executive.

27. Final authority for financial decisions does not rest with the Minister of Finance as an individual; it rests, ultimately, subject to the consent of Parliament with the Government as a whole. The functions which the Minister of Finance exercises are thus essentially those of control, and, with the exception of the Departments within his portfolio, they are not those of direction. Policy, with its resultant expenditure, is normally proposed by the spending Ministries to the Ministry of Finance.

III. Relationship between Ministers and among Permanent Secretaries and Professional and Technical Officers

28. Although a Permanent Secretary may be required by his Minister to provide information for him for a speech which the Minister may have to make, and may be required to submit for the Minister's consideration a draft of such a speech, the Permanent Secretary and other officials in the Ministry are not responsible for and should not assist in the preparation of a political speech, or in any other purely political activity undertaken by the Minister.

29. The Permanent Secretary should appoint a clerk in the Ministry to have the responsibility for ensuring that any copies of the Laws in the Ministry are kept up to date. This work could be done by the clerk in consultation, if necessary, with the clerk in the Cabinet Office who has that duty in that office.

30. The Head of Department will be responsible to the Minister for:

- (a) the administration of his Department, and will act as adviser to the Minister on professional or technical matters falling within the scope of his Department. It will be the duty of the Head of Department to keep the Minister fully informed, through the Permanent Secretary, of all the important activities of the Department, and to execute such decisions of policy as come within the scope of the Department.
- (b) The Head of Department will not take any action involving a change of policy or the likelihood of public controversy without reference to the Minister through the Permanent Secretary.

- (c) The Head of Department will have the right of access to the Minister.
- (d) If a Head of Department considers that compliance with a direction or decision of his Minister will have a seriously adverse effect upon the work of his Department he should so inform the Minister and he may request the Minister to have the matter referred to Cabinet. Every effort should be made to avoid recourse to this procedure.

IV. Channels of Communication

31. The senior professional/technical officers of the Ministry will frequently be drawn into policy discussions and the principal professional or technical officer (the "head of department") must always have the right of direct access to the Minister and the right to have his professional/technical advice put before the Minister in full. But in order that the Permanent Secretary may effectively carry out his duty of being the focus for Public Service advice to the Minister and in order that the non-professional considerations may be fully presented to the Minister's mind, professional/technical submissions should be made through the Permanent Secretary, and he should be present when such matters are discussed with the Minister.

32. The normal channel of communication between the Minister and Head of Department will be through the Permanent Secretary to the Ministry. Ministerial files will not normally be referred to Heads of Departments but correspondence should ordinarily be by typed memorandum or minute, of which a copy will be retained in the file of the Ministry.

Departments should correspond direct with one another on matters pertaining to their respective functions. When the Head of Department is in charge of matters which pertain to different Ministries he will deal, as may be necessary, with the Head of the Department concerned, keeping the Permanent Secretary of his own Ministry informed as may be necessary.

V. Consultation between Ministers

33. Meetings of Cabinet will provide a regular opportunity for discussions between Ministers on matters of general policy, but frequent consultation between

Ministeris, the Attorney General and the Minister of Finance will be necessary on matters of mutual concern. Ministers, Permanent Secretaries and Heads of Departments will ensure that all officers for whose supervision and direction they are responsible are mindful of the importance of inter-Ministerial consultation and co-operation at all levels.

VI. Financial Matters

34. The Ministry of Finance should be consulted in all cases where authority has not been obtained for the expenditure of public funds, and on all matters affecting general financial policy. Annual Estimates will be submitted to the appropriate Ministry by Heads of Department and transmitted by the Permanent Secretaries to the Ministry of Finance after detailed scrutiny and, if necessary, revision in the Ministry.

35. Requests for supplementary provision will be submitted by Heads of Departments to the appropriate Ministry. The Permanent Secretary, if the Minister approves the application, will ensure that the Ministry of Finance is consulted before the matter is submitted to Cabinet in accordance with the procedure set out in section 34 above. Addenda for all financial Resolutions should be approved by the Ministers responsible before transmission to the Ministry of Finance.

VII. Consultation with Law Officers

36. Ministers and Permanent Secretaries will seek legal advice, as may be necessary, from the Attorney General's Chambers. Departmental requests for legal advice will normally be made through the Ministry concerned. Where legislation is required, the policy involved should normally be referred to Cabinet before the legislation is drafted.

VIII. Personnel

37. The responsibility for appointments, promotions, transfers and disciplinary control is vested in the Governor-General who will act in accordance with the recommendations of the Public Service, the Judicial and Legal Service or Police Service Commission, as the case may be.

- (a) All matters appropriate for the attention of the Services Commissions will be sent by Heads of Department, or Permanent Secretaries in the case of Ministries, to the Permanent Secretary of the Department of Public Service.

- (b) Article 109 of the Constitution, however, requires that the Prime Minister be consulted on appointments to certain very senior posts, e.g. Permanent Secretary and Head of Department.
- (c) Holders of other posts are subject to control by the Permanent Secretary of the Department of Public Service or Permanent Secretaries in accordance with directives in force from time to time.
- (d) All routine matters relating to staff and personnel will also be addressed to the Permanent Secretary of the Department of Public Service.

IX. Establishment

38. Questions of establishment (which include the number and grading of posts, salaries, allowances, pension and travel policy, and all matters of this kind affecting the Public Service) are the responsibility of the Public Service Commission.

X. Police Administration and Public Order

39. Police administration and the preservation of public order are under the general control of a Cabinet Minister. The Commissioner of Police has certain constitutional obligations for administration and control of the Police Force and all members of the Force have statutory obligations relating to the enforcement of law and order with particular reference to the detection of crime and the prosecution of offences. Whilst these duties are precise and definite and must be performed with complete freedom from direction and interference, the Commissioner will consult with the Minister on broad questions of public policy. Accordingly, the Commissioner of Police is required to:

- (a) advise the Minister on all aspects of Police Administration and establishment; and
- (b) bring to the notice of the Minister any matters affecting Police Administration and establishment.

XI. Intra-Ministry

40. As explained in Section I paragraphs 6 - 24, the Permanent Secretary is the focus for official advice to a Minister; but in most matters a major part of that advice will be of a technical nature. The framing of that advice and its submission through the Permanent Secretary are the responsibility of the principal technical officer and that officer, the Head of Department, or whatever title he carries, is responsible for organising and supervising the carrying out of the technical work resulting from policy decisions.

41. The Permanent Secretary should not interfere with the daily technical work of the branch operations, i.e. the department, of the Ministry. Neither should a Minister nor a Permanent Secretary give direct instructions to a subordinate officer. Directions and instructions issued by a Minister should be communicated through the Permanent Secretary. But in giving or conveying directions regarding the execution of policy, neither the Minister nor the Permanent Secretary should give instructions on how technical work should be executed. The Permanent Secretary can direct what the Minister wants to be done, but if it is a technical matter he should not, save in the most exceptional circumstances, say how it is to be done. That is the responsibility of the technical officer.

42. The maintenance of good relations between and among the administrative and technical officers in a Ministry, and particularly between the Permanent Secretary and the Head of the technical branch of the Ministry, is fundamental to its efficient operation. The Permanent Secretary should regard the fostering of good relations within his Ministry as being one of the most important of his duties.

43. The Permanent Secretary is responsible for the building up of a proper and efficient filing system in his Ministry. There should be one set of files in a Ministry which should be available for action, as may be necessary, by both the administrative and technical officers and on which submissions would be made to the Minister.

44. External correspondence issuing from a Ministry (except that sent from the Minister's private office and semi-official correspondence) on all matters touching policy, particularly that between Ministries, should go out by or on behalf of the Permanent Secretary; and letters dealing with the practical details of the execution of policy handled in the operations branch of a Ministry should be signed by or on behalf of the Head of the relevant Department of the Ministry.

45. The general aim must be for the administrative and technical branches of a Ministry to co-operate fully. All branches are equally part of the Ministry and

each has its own particular tasks to perform, and there should be regular consultation between and among them at all levels.

46. The direction of the administrative branch of a Ministry involves more than receiving reports, making rules and regulations and issuing instructions, but requires, rather, the giving of inspired guidance and leadership, based on knowledge, practical experience and understanding of the work involved.

47. The effective and efficient joint functioning of the administrative and technical officers of a Ministry is primarily a matter of organisation. Care is necessary to ensure that nothing is done to damage the morale of the service or harm the *esprit de corps* in the administrative and technical/professional branches of Government.

48. Ministries should be so organised that administrative officers, under the Permanent Secretary, should be responsible for formulating policy, general administration, finance and establishment matters, thus enabling technical/professional officers to concentrate on giving professional advice and on execution. It is to be remembered, however, that the formulation of policy in certain Ministries depends heavily upon professional/technical considerations and so requires close consultation between the administrative and technical sections of each Ministry. In this way the best possible policies would emerge from an easy exchange and regular flow in all directions of ideas and professional opinions.

49. Technical officers should work on parallel lines with administrative officers. In an executive Ministry, one line, the technical one, will be much longer than the administrative line. But there is no question of the professional/technical or technical group being subordinate to the administrative group, for each has its particular sphere of duty and there should be continual consultation between them. Technical/professionals are an integral part of a Ministry, but insofar as their professional activities are concerned, they fall under the control of a professional head.

50. These principles are particularly important in Ministries which actually execute policy and have a cadre of professional/technical staff employed for that purpose. Two outstanding examples are the Ministries dealing with Education and Public Works. In each case the policy making branch is headed by a Permanent Secretary assisted by a number of administrative staff while the professional/technical section is under the general supervision of a technical officer of high rank (a Director of Education or Director of Public Works) whose professional/technical staff are also supported by administrative assistants who relieve the professional/technical officers of routine matters and who take their instructions from the technical/professional officer.

51. As the technical/professionals in a Ministry must be able to look to a technical/professional head, even though the latter is subordinate to a Permanent Secretary, so also must the senior professional be in a position of authority over the technical/professional staff in the Ministry. He must be the person to give technical instructions on the carrying out of policy decided by Cabinet or by the Minister and conveyed to him by the Permanent Secretary.

52. In no circumstances except the most urgent should instructions on technical matters or on the implementation of policy be given to a technical professional officer or to the administrative assistant to a technical/professional officer than through the technical/professional head. In the same way, whenever technical/professional advice is required, the matter should be referred to the technical/professional head whose duty is to consult his staff and present their collective view to the Minister. Any subsequent meeting for further discussion should be held in the presence of the technical/professional head and requests for further information or for clarification should be channelled through the technical/professional head.

53. The foregoing remarks about technical/professionals do not run counter to the principle that there must be in each Ministry one person to whom the Minister can look for the final submission of a problem for a decision. The Minister should not be expected to have to arbitrate between the administrative and technical/professional views. Any purely technical/professional advice from the chief technical/professional officer should be submitted through the Permanent Secretary, but the latter would not recommend that a Ministry should act contrary to technical/professional advice on a purely technical matter, without very strong reasons.

54. A nicety of judgement is needed to achieve the right balance between the administrative and technical sides of a Ministry, preserving a clear chain of responsibility and command and ensuring that the Minister receives, by co-operation among all the members of his staff, through the Permanent Secretary, the best combined administrative and technical advice that the Ministry can command on each and every subject.

XII. Relations with Statutory Authorities

55. Statutory Corporations perform an important role in the implementation of Government policy. As members of the Boards are appointed by the Governor-General or the Minister, after approval by Cabinet, the Chairmen and members of the Boards will normally have direct access to their Ministers. However, correspondence with the Ministry on the business of the Board should

normally be addressed to the Permanent Secretary who should consult with the Minister before decisions of policy affecting the Board are taken.

56. Conditions of service of employees of Statutory Corporations normally equate with posts of equivalent grading in the Public Service. In particular:

- (a) subject to any Cabinet directives, Boards should, on matters affecting the conditions of service of their staff including the regarding of posts, seek the prior approval of their own Ministries. On these matters Permanent Secretaries should in turn consult with the Permanent Secretary of the Department of Public Service, and, where appropriate, refer the matters to Cabinet, before decisions are taken;
- (b) discussion between the Minister and Chairmen of Corporations should normally be attended by the Permanent Secretary or some other official of the Ministry deputised by him. If this cannot conveniently be arranged, the Chairman concerned should be asked to submit to the Permanent Secretary a note of the discussion for confirmation by the Minister.

57. Relations between Ministries and Statutory Corporations must be more flexible than between Ministries and Government Departments, and the Minister responsible should feel himself free to prescribe the procedural guidelines which he considers the most suitable in the circumstances of a particular Corporation/Board.

58. The degree to which directions can be given to a Corporation/Board by a Minister will depend on the terms of the relevant legislation. In some instances a Minister can give general directions; in other cases he can give both general and specific directions. Whatever the legislative position might be, the relationship between a Minister and a Statutory Corporation/Board must rest upon a basis of mutual understanding and an exchange of information, otherwise the Minister cannot exercise his responsibilities.

59. Statutory Corporations/Boards must, as a matter of course, keep Ministers constantly informed through their Permanent Secretaries about their affairs. A suitable way for policies, procedures and practices to be co-ordinated properly is for the Minister, the Chairman of the Corporation and the General Manager to have regular meetings and for the Permanent Secretary to be present. If the Permanent Secretary is not present, he should always be informed of what took place at the meetings.

PART IV

PREPARATION AND ENACTMENT OF LEGISLATION

I. Introduction

1. The following procedure is a detailed expansion of Part III (7) Consultation with Law Officers, and is set out for the guidance of those concerned in the preparation of Bills for Parliament and for the final stages of bringing an Act or Subsidiary Legislation into operation.

2. Throughout these notes on procedure the reference to the law officers will always be to the Attorney General. The Attorney General is responsible for the final form of the draft.

3. Matters arise from time to time in Ministries or in the Attorney General's Chambers which indicate the desirability of having new legislation or making improvements to existing legislation. When such a situation arises there are two main courses of action, viz, the Normal Method and the Alternative Method.

II. Approval for the Introduction of a Bill

A Normal Method

4. On the instructions of the Minister the Permanent Secretary in the Ministry responsible for the subject prepares a memorandum setting out the main points on which legislation is proposed and seeking approval for a Bill to be drafted. The Minister, when satisfied with the terms of the draft, initials the memorandum and the Permanent Secretary sends it to the Secretary to the Cabinet for action under the approved procedure for putting a subject to Cabinet.

5. Cabinet considers the memorandum and decides upon policy. If it authorises the preparation of a Bill and if there is much other legislation being prepared the Conclusions indicate the degree of priority to be accorded to the drafting. The Secretary to the Cabinet sends extracts from the Conclusions to the Ministry for action and to the Attorney General for information. The next step lies with the Ministry.

6. The Minister concerned will arrange for drafting instructions to be conveyed by the Permanent Secretary to the Director of Legal Affairs in pursuance

of Cabinet decisions. These instructions should be as full as can be, setting out in ordinary language the points and principles on which legislation is required.

7. If a subject is very complicated, the Prime Minister or Cabinet may appoint a Cabinet Committee to consider the matter so that details can be thoroughly discussed before Cabinet is invited to make policy decisions or drafting instructions are conveyed to the Director of Legal Affairs.

8. The Director of Legal Affairs sends the draft Bill with draft Objects and Reasons to the Permanent Secretary of the Ministry.

9. Any Ministerial amendments to the draft are settled in consultation with the Director of Legal Affairs.

10. When the Minister is satisfied with the draft, the Permanent Secretary sends it to the Director of Legal Affairs for production of the necessary Cabinet copies.

11. The Director of Legal Affairs sends the fair copies to the Ministry. One copy will be initialled by the Director of Legal Affairs and will be retained in the Ministry file on the subject.

12. The Minister responsible will put the Bill to Cabinet under cover of a Memorandum explaining and commenting on it. In doing this, the Permanent Secretary in the Ministry sends the draft Cabinet Memorandum to the Secretary to the Cabinet with copies of the Bill for circulation.

13. If a Bill is very important, or lengthy, Cabinet may refer it to a Committee of Cabinet for careful scrutiny. In such a case,

(a) the Committee examines the Bill in detail and makes its recommendations; and

(b) the Minister responsible puts the Bill back to Cabinet with the observations of the Committee and, when appropriate, with amendments drafted by the Director of Legal Affairs.

14. If Cabinet decides that the Bill or its Objects and Reasons should be amended, the Secretary to the Cabinet will send an extract from the Conclusions to the Ministry and the Director of Legal Affairs. The Permanent Secretary of the Ministry concerned will be responsible for conveying full drafting instructions to the Director of Legal Affairs. When the amendments have been settled between the

Ministry and the Director of Legal Affairs, the Minister will put the subject back to Cabinet according to the procedure outlined above. Although sometimes in cases of urgency, the Director of Legal Affairs would proceed with the amendments upon receipt of the Conclusion, the Ministry should still convey full drafting instructions to the Director of Legal Affairs.

15. If the amendments are not of major importance the Bill would not be put back to Cabinet. The Conclusion in such a case would normally give authority to proceed with the Bill without further reference to Cabinet.

16. When Cabinet approves the Bill, with or without amendments, it will authorise the Minister to introduce it into Parliament. Once a Bill has been approved arrangements should be made for it to be photo copied as quickly as possible so that copies can be made available to Members of Parliament when the Bill is introduced.

17. The Secretary to the Cabinet then sends copies of the Bill, as approved by Cabinet, to the Minister and Clerk of the House of Assembly for printing after introduction by way of First Reading in Parliament and subject to 25 hereof and ensures that a copy is available for the Minister concerned on the date of introduction in the House of Assembly. The Minister will sign that copy of the Bill. If for any reason he is not present another Member of Cabinet may do so.

B Alternative Method

18. The above lengthy procedure can sometimes be abbreviated, firstly, if the proposed Bill is short and raises no issue of policy, and secondly, if Cabinet has decided on its own initiative that legislation is desirable. Action in such cases may proceed as set out in subsequent sections.

19. If the proposed Bill is short and raises no important issues of policy, or if it is in pursuance of accepted Government policy, the Minister concerned may, before consulting Cabinet, invite the Director of Legal Affairs to prepare a draft Bill. If he sees no difficulty in following this course he will prepare a draft Bill with Objects and Reasons and the Minister responsible will present the Bill to Cabinet with a Memorandum explaining the need for legislation and showing how the draft meets it. Action will then continue as from paragraph 12- 17 above.

20. Cabinet may decide on its own initiative in the course of business that legislation on a certain matter is desirable and a Conclusion would be recorded accordingly. Action will continue as above.

III. Action Sheet

21. The Notices of Motions prepared by the House of Assembly sets out the Agenda for a meeting of the House of Assembly as provided by notice given to the House of Assembly and continuation of business already commenced.

22. The Action Sheet is prepared by the Cabinet Office before each meeting of the House of Assembly as a supplement to the Notices of Motions and to assist members of Cabinet in their responsibilities for putting matters before the Parliament. All items which have been approved for introduction after the previous meeting of the House of Assembly are placed on the Action Sheet.

23. Each item is set out under the appropriate Minister's name and copies are handed to the Prime Minister and each Minister concerned before 10:00 a.m. on the day the House of Assembly meets. Items on the Action Sheet are listed as follows:

- (a) Any Subsidiary Legislation (Statutory Instruments) i.e. Orders, Regulations, Rules, Bye-Laws, Appointed Day Notices etc. (The Cabinet Office is usually aware of such legislation because it would have been to Cabinet, but some Orders are made by Ministers without reference to Cabinet. Ten (10) copies of such subsidiary legislation should be forwarded to the Cabinet Office by the Ministry concerned for publication in the Official Gazette prior to introduction into the House of Assembly. The Editor of the Gazette prepares the copies for the Action Sheet).
- (b)
 - (i) Annual Reports
 - (ii) Quarterly Statements of transactions in Crown Lands
 - (iii) Financial Statements on the issue of Special Warrants
 - (iv) Copies of Agreements between Government and other parties
 - (v) Other communications and prepared statements by Ministers

(Copies of documents (i) to (v) are forwarded to the Cabinet Office and prepared accordingly).

- (c) Answers to Questions, after they have been approved by Cabinet
- (d) Bills which have been approved by Cabinet and prepared for introduction into the House of Assembly
- (e) Amendments to Bills before the House of Assembly which have been approved by Cabinet (or by discussion between Ministers)
- (f) Motions by Government for Resolutions

24. For uniformity and to ensure that action is promptly taken on Cabinet decisions, fair copies of Answers to Questions, Communications and Resolutions are prepared in the Cabinet Office.

IV. Passage Through the Parliament

25. Following on paragraph 17, if the Speaker authorises printing in advance of introduction or if the House authorises printing on introduction, the Clerk of the House of Assembly obtains the first proof from the printer which he sends direct to the Director of Legal Affairs for checking.

26. The Director of Legal Affairs, when satisfied, authorises printing and sends the approved printer's proof back to the Clerk of the House of Assembly.

27. The Bill is taken through its various stages in the House of Assembly and the Senate following the Rules of the respective legislative Houses.

28. Should occasion arise for an amendment to the Bill during the Committee stage it may be settled by informal discussion between members of the Government Bench, referring to the Director of Legal Affairs as may be necessary, or by postponing action on the Bill until a formal decision of Cabinet can be obtained in the usual way.

V. Register of Bills

29. The Secretary to the Cabinet keeps a Register of Bills which shows the progress of a Bill from inception as a subject for legislation until the Act is brought into force.

30. The Clerk of the House of Assembly also keeps a register of all Bills from the time the House of Assembly is first notified, showing the stages through which it passes in both Houses until it has received assent and has been published.

31. The Permanent Secretary of the Ministry responsible for a Bill should take care to keep track of the progress of the Bill, referring to the Secretary to the Cabinet or the Clerk of the House of Assembly as may be necessary.

32. The Secretary to the Cabinet should arrange for a list of Pending Legislation to be put before Cabinet from time to time so that a general review of the state of progress of legislation can be held and priorities for drafting be allocated.

VI. Assent

33. When a Bill has been passed by both Houses the original copy signed by the President of the Senate, the Speaker and the Chief Clerks of both Houses is sent by the Speaker to the Secretary to the Cabinet.

34. Having been passed by the House of Assembly, a copy of the Bill certified by the Clerk of the House is sent to the Cabinet Office and put on the relevant Act file.

35. Having been passed by the Senate, a copy of the Bill certified by the Clerk of the Senate is sent to the Cabinet Office; this is also placed on the relevant Act file.

36. When a Bill is passed only by the House of Assembly under the terms of Articles 60 or 61 of the Constitution, the Speaker sends a copy with the necessary additional Certificate signed by himself and the Chief Clerk of the House of Assembly to the Secretary to the Cabinet, together with two authenticated copies.

37. The file with the two certified copies thereon is then sent to the

Director of Legal Affairs with a request for the Assent Certificate of the Attorney General.

38. The Clerk of the House of Assembly will meanwhile send six copies of the Bill to the Cabinet Office:

- (a) the original (with the green ribbon)
- (b) two authenticated copies (with a Certificate signed by both himself and the Clerk of the Senate)
- (c) three other copies

39. A large red Seal is placed on the top right hand corner of the two authenticated copies and the word "GOVERNOR-GENERAL" is written above the Seal. UNDER NO CIRCUMSTANCES SHOULD ONE PLACE THE SEAL ON OR WRITE ON THE ORIGINAL.

40. Having received the Assent Certificate from the Attorney General, the original Bill, the two authenticated copies and the Assent Certificate are placed on the file and sent to the Governor-General with a minute from the Secretary to the Cabinet conveying Cabinet's advice that the Governor-General should assent to the Bill.

41. The words of enactment are set out in Section 9 (2) of the Interpretation and General Clauses Act. The restrictions and limitations placed upon the powers of the Senate as stated in Articles 60 and 61 of the Constitution should be carefully noted.

42. The Governor-General generally acts on the advice of Cabinet or of a Minister acting under the general authority of Cabinet (Article 79 of the Constitution). This general authority has been given by Cabinet to the Prime Minister in this matter. The Secretary to the Cabinet is normally the official responsible for "conveying the decision of Cabinet to the appropriate person or authority"; it is therefore the Secretary to the Cabinet who should convey Cabinet's advice to the Governor-General that he should assent to a Bill. This advice would not be given until after the Attorney General has signed an Assent Certificate saying that from the legal point of view it would be proper for the Governor-General to assent to the Bill.

43. The Secretary to the Cabinet obtains the Prime Minister's advice to the Governor-General, or in certain circumstances the advice of Cabinet, regarding the granting or withholding of assent and passes that advice together with the original Bill, the two authenticated copies and the Attorney General's Assent Certificate to the Governor-General.

44. The Governor-General, after giving assent and affixing the Public Seal on the authenticated copies, returns the signed original and the authenticated copies to the Secretary to the Cabinet.

45. It is desirable to save confusion over numbering; therefore, whenever possible, all Bills passed by the Parliament in one year should be assented to before the end of the year.

46. The original is given a chronological number in the Register of Acts in the Cabinet Office and is sent by the Secretary to the Cabinet to the Registry of Records for safekeeping.

47. The number and the date of assent are written on the two authenticated copies which are then sent to the Governor-General.

48. At the same time the Secretary to the Cabinet arranges for the Act to be published in Supplement Part I of the Gazette at the earliest opportunity and will inform the Permanent Secretary of the Ministry concerned.

VII. Date of the Commencement of an Act

49. An Act comes into operation on the date of assent (subject to the provisions of Section 15 of the Interpretation Act Chapter I regarding reserved Bills) unless it contains within itself provision for some other date of commencement. For example, some Acts come into force on a date to be notified in the Gazette; sometimes different parts of an Act come into force on a date to be notified in the Gazette; sometimes different parts of an Act come into force at different times. The Permanent Secretary in the Ministry responsible for a Bill is responsible for ensuring that the necessary order bringing a Bill into effect is made and published when one is required. There are times when reference to Cabinet may be necessary. The Registers kept by the Secretary to the Cabinet and by the Clerk of the House of Assembly should help as reminders of this.

50. The Clerk of the House of Assembly is responsible for inserting in the final printed copies of the Act the date of assent and also the date of commencement

if that differs from the date of assent.

VIII. Private Bills

51. Should a Representative of the House of Assembly introduce a Private Bill Cabinet will need to consider the policy to be adopted towards the Bill at an early stage, whether to oppose it or to permit its passage with or without amendments.

XI. Preparation and Making of Subsidiary Legislation

52. Normally the same procedure for the drafting, consideration and approval by Cabinet of Bills would be followed in regard to the preparation of subsidiary legislation.

53. All subsidiary legislation should go through the Attorney General's Chambers and the fair copy of the draft be sent by the Attorney General to the Minister. When instructing the Attorney General's Chambers in regard to subsidiary legislation, the Permanent Secretary should state whether or not a sufficient number of copies for Cabinet is required.

54. Some Bills cannot be fully effective without the relevant Rules or Regulations and therefore in the course of progress of a Bill from the early stages up to enactment, Permanent Secretaries should keep in mind the need for drafting instructions to be given to the Attorney General's Chambers for such subsidiary legislation.

55. When subsidiary legislation has been prepared by the Attorney General's Chambers it is sent with all copies to the Ministry concerned whether the draft was for submission to Cabinet or for final signature and gazetting.

56. When the draft subsidiary legislation is to go to Cabinet the Permanent Secretary would send the additional copies to the Cabinet Office with the draft covering Cabinet memorandum.

57. The Director of Legal Affairs will arrange for the approved copy of the draft of an instrument of subsidiary legislation to be initialled. This copy will be retained for record on the Ministry's file on the subject.

58. When the subsidiary legislation requires the Governor-General's signature the Permanent Secretary would submit the draft on the file direct to Government House and not send it through the Secretary to the Cabinet.

59. After signature the Permanent Secretary would keep the signed copy on the file and send the copies for the Gazette to the Cabinet Office on the file for publication in the Gazette and distribution to newspapers. When the instrument has been published, a copy of it taken from the Gazette should be placed in the file for record purposes.

60. The Secretary to the Cabinet would send to the Minister, the Prime Minister and the Leader for Government in the Senate copies of the signed Instrument to be laid on the Table of both Houses of the Legislature.

X. Date of Commencement of Subsidiary Legislation

61. All rules or orders made under any Act shall, unless a contrary intention is expressed within the instrument itself, come into force on the date of publication in the Gazette.

PART V

BUSINESS FOR CABINET

I Agenda and Proceedings

1. The Secretary to the Cabinet will take the Prime Minister's instructions on agenda and the calling of meetings.

2. Proceedings in Cabinet are informal and are not subject to the rules of debate.

3. Save with the consent of the Prime Minister, matters discussed will be limited to items listed on the Agenda. An item is listed normally only after a member of Cabinet has given notice of the subject by the submission of a memorandum. The Minister putting forward a memorandum is expected to lead the discussion on the subject.

4. Should a Minister wish to raise a matter orally in Cabinet, he should inform the Prime Minister as early as possible beforehand through the Secretary to the Cabinet, giving details of the matter which he wishes to raise, together with the reason why discussion of the matter cannot be delayed until after the submission of a memorandum. However, as it is important that members of Cabinet should be able to give prior consideration to any subject coming before Cabinet, matters which have not been discussed on the basis of a memorandum by a Minister will not normally be recorded in the Conclusions.

5. Any Minister may ask that a matter be discussed in Cabinet but, if it concerns a subject for which he is not responsible, he should not do so without first consulting the Minister concerned.

6. A memorandum submitted by a Minister will not normally be discussed at a meeting at which he is not present unless he has given his consent and arrangements have been made for another Minister to introduce the memorandum on his behalf. Save with the Prime Minister's permission, which will be granted only for reasons of extreme urgency, a memorandum may not be set down on the agenda for discussion by Cabinet until two working days after it has been circulated.

7. The Agenda for a meeting will be circulated by the Secretary to the Cabinet two days before a meeting. An Agenda notice is itself an invitation to a meeting.

8. Under each item for discussion the Agenda will quote the serial number of the memorandum, the Minister responsible and the symbols of any references to previous discussions. If a memorandum covering the subject on an Agenda has not been circulated at the time the Agenda is issued the memorandum will be given a number in advance which will be quoted with the remark "to be circulated".

9. Cabinet is the highest policy making body in the country and it is essential that all available facts and information should be before it when a decision is made. Once a decision is made a Ministry is required to take action.

10. Every discussion in Cabinet should be on the basis of a carefully prepared memorandum and matters should not be raised orally except in emergencies where it is desirable for Cabinet to be given information. Cabinet would not normally be expected to make a decision on policy on a subject raised orally. The Minister concerned should be invited by the Prime Minister to submit a paper.

II. Cabinet Documents

11. Cabinet documents are of three main kinds:

- (a) Memoranda (or Notes) submitting questions for decision or giving general information on matters affecting the conciliar responsibilities of Cabinet or on other matters of considerable importance to Cabinet;
- (b) Agenda listing the business to be decided at a meeting;
- (c)
 - (i) Conclusions recording proceedings and decisions of Cabinet;
 - (ii) Minutes recording proceedings and recommendations and, in certain cases, decisions of a Committee of Cabinet.

All these documents are the property of Cabinet. The Secretary to the Cabinet is responsible for making all necessary arrangements to ensure that their contents are not divulged to unauthorised persons.

12. The Secretary to the Cabinet is responsible for sending to the Governor-General one copy of every Cabinet Conclusion. All copies of Cabinet memoranda, Notes, Conclusions and Minutes will be numbered, each Minister having

his own number. The records kept by the Secretary will show which documents have been issued and to whom. It is the duty of Ministers and of any officials who may be permitted to handle Cabinet documents to ensure that such documents are safely locked up when not in use. When they are no longer required for current Cabinet business they will be recalled by the Secretary and their return will be recorded. Recall will normally take place at the end of each year and immediately upon the dissolution of Parliament. Should it be necessary, such documents could be reissued. All Cabinet documents must be returned by a Minister on his resignation or on his ceasing to be a Minister except for those documents or extracts that will remain on a Ministry or Departmental file.

III. Preparation of Memoranda for Cabinet

13. The need for a memorandum to be prepared for Cabinet may arise during the study of a problem in a Ministry when it may become evident that Cabinet decisions on various points will be required: it may arise at the instigation of the Minister who would direct his Permanent Secretary or Head of Department to examine the matter and prepare a memorandum for Cabinet, or it may arise in Cabinet itself when a Minister may be invited to put forward a memorandum on a subject for consideration.

14. It is most important that Cabinet, when considering any matter, should have before it all the facts that can reasonably be ascertained, on which to base its decisions. It is primarily for this reason that subjects on the Agenda for a Cabinet meeting are discussed on the basis of a paper. The preparation of a memorandum in the Ministry means that careful thought has to be given to the problem in advance and it enables the points for consideration to be set out.

15. A memorandum should be prepared in the Ministry file dealing with the subject. Care should be taken in preparing the draft to set out in a concise and clear form all the pertinent points. A well-drafted memorandum should explain at the outset what the problem is, setting out briefly the relevant considerations and ending with a precise statement of the decision sought. For ease of discussion in Cabinet it is usually best to set out in the final paragraph a statement inviting Cabinet to agree or consider proposals set out in a series of short, brief propositions.

16. The time spent in making a memorandum short and clear will be saved many times over by all those who have to consider the paper. If a memorandum has to be long because the subject is complex it is better to relegate

the supporting data to an annex. If authority is sought to publish a statement a draft may be attached.

17. In the light of his knowledge of Government policy as a whole, a Minister may not always feel able to accept the advice of his official advisers: in such a case the memorandum should draw attention to the fact that there is a difference of opinion and both official views and the Minister's feelings should be set out, thereby providing Cabinet all the available facts and advice for its information and consideration

18. Cabinet is responsible for the final determination of the policy of the Government of the country and is the focus of coordination for the work of Ministries. It should be in a position to deal carefully with all important matters and should not, therefore, be expected to have to deal with matters of routine. Only those matters which are sufficiently important to warrant the attention of Cabinet should be put to Cabinet for decision, bearing in mind the collective responsibility of Cabinet. If a Minister wishes to keep his colleagues informed of a matter of importance but not take up the time of Cabinet, a memorandum can be circulated for information.

19. If Cabinet has decided a matter and the Minister finds that it is impracticable to carry out the conclusion of Cabinet, or if the circumstances have changed thereby making the conclusion difficult to implement, then the Minister should put the matter back to Cabinet. If only a minor variation from Cabinet Conclusion is necessary the Minister should inform the Prime Minister and take his instructions whether to proceed or to revert to Cabinet.

IV. Memorandum or Note

20. A paper put before Cabinet or a Committee of Cabinet should either be a memorandum or a note; the terms are largely interchangeable, but the first should normally be used for any document of substance, the expression "note" being applied usually to a short statement or a covering note to a Report or some such document that is circulated.

21. Every memorandum or note is put forward by the Minister responsible for the subject, the only exceptions are notes by the Secretary to the Cabinet which may be either factual statements to assist Government business, such as a list of Bills approved by Cabinet, or notes put forward at the request of the Prime Minister, or covering notes to papers circulated for information. The Secretary may issue a note giving additional information, relevant to a Minister's paper, that Cabinet may need but which has become available so near to a meeting that there is no opportunity for the Minister's initials to be obtained to the paper.

V. Form of Memoranda

22. The general lay-out of a Cabinet memorandum follows the form used by the United Kingdom Cabinet. The lay-out shows the title of the subject, states which Minister is presenting the memorandum, gives the date at the foot of the paper on which the draft was initialled by the Minister and gives, at the head of the paper, the date of actual circulation to Members of Cabinet by the Cabinet Office. Memoranda are circulated as soon as they are completed and reproduced. The date at the head of the paper is important because of the rule that, except in rare emergencies, no paper should be considered unless it has been circulated at least two clear days before a meeting. Memoranda by a Minister are initialled; papers or notes by the Secretary to the Cabinet or by any other official are signed. Drafts and papers prepared by an official for a Minister and put forward by the Minister would not bear the official's signature.

23. All Cabinet documents are headed "**THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS**". This is done deliberately to draw attention to the importance of the documents. It helps to differentiate Cabinet Papers from other papers and should act as a warning if the paper gets into the wrong hands. In order to draw the special attention of Ministers and officials to them, all Cabinet memoranda are reproduced on green paper; buff paper is used for memoranda and minutes of Committees of Cabinet; Cabinet Conclusions are printed on golden paper.

VI. Consultation with Other Ministries

24. A paper for Cabinet should be prepared in the Ministry primarily concerned. There are occasions when a subject falls within the portfolio of more than one Minister, in which case it is appropriate for a joint memorandum initialled by both Ministers to be put before Cabinet. It is the responsibility of the Permanent Secretary or Head of Department dealing with the file in which the memorandum is being drafted to clear it with the appropriate officials of the other Ministry before the two Ministers are invited to approve and initial the memorandum.

25. More frequently it may happen that another Minister is not exactly jointly responsible but is concerned with some aspect of the subject or is interested in the matter in more general terms. In such cases the Permanent Secretary or Head of Department should, through the Permanent Secretary of the other Ministry, obtain the agreement or views of the other Minister. If the other Minister himself has seen the paper the fact should be recorded in the memorandum "The Minister of _____ has been consulted and supports the proposals" or whatever

wording is appropriate. If it is difficult to contact the Minister and only the officials have seen the paper it could be recorded that "The Ministry of _____ agrees" or "has no objection", or whatever it may be. It is preferable, however, whenever possible for the Minister himself to see the paper.

26. If more than one Ministry is concerned it is often simplest and best for a meeting to be convened to settle the terms of the draft or to resolve any doubtful points. The aim should be to help the work of Cabinet by endeavouring to secure agreement on as many points as possible so that Cabinet does not have to appear to arbitrate between two Ministries. In the last resort, of course, if there is a fundamental difference of opinion between two Ministers it is one of the duties of Cabinet to resolve any such conflict. In any case, where two or more Ministries are concerned the greatest care should be taken to ensure that needs and views of those Ministries are adequately represented in the paper put before Cabinet.

VII. Consultation with the Ministry of Finance

27. The foregoing paragraphs apply with particular reference to the Ministry of Finance. Frequently a matter requiring a decision will have financial implications and these should be set out clearly in the paper after consultation with the Ministry of Finance. Whenever proposals in a memorandum involve the expenditure of public funds it must be referred to the Ministry of Finance first and should be seen by the Minister himself so that the memorandum can record "The memorandum issues with the concurrence (or otherwise) of the Minister of Finance".

VIII. Consultation with the Law Officers

28. If legal issues are involved or legal advice is required in the course of the preparation of a memorandum for Cabinet the Attorney General should be consulted and the fact that that has been done should be mentioned in the memorandum.

29. Bills, Rules and Regulations coming before Cabinet will have been drafted in the Department of Legal Affairs. It is often of value to have the Legal Draftsman present in Cabinet when an important draft Bill or difficult clauses in a Bill are under discussion. The Secretary to the Cabinet should bear this in mind when the Agenda is prepared and ask the Prime Minister if he wishes the appropriate officer from the Legal Department to be present or to be warned to stand by.

30. Permanent Secretaries should not attempt to draft Bills or Regulations. Drafting instructions should be made as clear as possible and the

drafting left to the Department of Legal Affairs. If it is intended that legislation should be based on a model or on an Act passed by some other country then a copy of the relevant legislation should be forwarded or referred to in conveying the draft instructions.

31. When a Bill or Draft Regulations are circulated as an Annex to a memorandum the copies will be run off in the Department of Legal Affairs and the copies circulated to Ministers must be copies of the draft legislation as approved, so far as that stage has gone, by the Attorney General. This will be shown by the initials of the officer concerned in the top right-hand corner of the original copy of the draft legislation. The initialled copy should be preserved for reference in the file.

IX Consultation with the Ministry of Foreign Affairs

32. Whenever the subject matter of a memorandum to be considered by Cabinet has an external content or raises issues which affect or involve relations between The Commonwealth of The Bahamas and another country, the views of the Minister charged with responsibility for Foreign Affairs should be obtained through the Permanent Secretary to the Ministry before the memorandum is put to Cabinet.

X Information Papers

33. Ministers may sometimes wish to keep their colleagues apprised of some matters of importance that do not require Cabinet decision. In such a case the usual method, i.e., the preparation of a memorandum, will be taken except that when the file is passed to the Secretary to the Cabinet the Permanent Secretary will record that the paper is for circulation for information. The Secretary to the Cabinet may himself, on reading a draft memorandum, consider that its substance would not warrant putting a paper down for discussion and in that case will take the matter up with the Permanent Secretary to secure the Minister's approval for the paper to be circulated for information.

34. All such papers will have "FOR INFORMATION" printed in capitals inserted below the date at the top, left-hand side of the first page of the memorandum. Such papers will be recorded at the end of the Agenda of the next meeting of Cabinet and will not be discussed unless a Minister specifically requests of the Prime Minister that the memorandum should be formally considered by Cabinet.

35. It is sometimes useful to utilise the Cabinet Office facilities for the

distribution of another form of Information Paper if the memorandum explaining the subject does not need to be treated as a Secret Cabinet document. Such Information Papers may, by agreement between the Permanent Secretary and the Secretary to the Cabinet, be circulated making use of the Cabinet Office. They will be issued in a separate series with the serial number INF and will be printed on white paper. Such documents can have a wider circulation than that of a normal Cabinet memorandum.

XI. Submission of Memoranda to Cabinet

36. The draft Cabinet memorandum, after it has been initialled, or approved by the Minister, should be placed at the back cover of the Ministry file in which the subject is receiving attention and the Permanent Secretary or Head of Department should minute the file to the Secretary to the Cabinet for action.

37. As already mentioned, Cabinet memoranda must reach Members of Cabinet at least two full days before the meeting at which they are to be considered. It is therefore imperative that approved Cabinet memoranda are forwarded to reach the Secretary to the Cabinet at least five days before they are due to be taken in Cabinet in order to allow time for their processing and circulation.

38. There are occasions when, as a matter of urgency, it might be necessary for additional papers to be circulated at the table. This is generally to be avoided because it does not give Ministers an opportunity to study them closely; it can disturb the trend of discussion; and it might mean that Ministers do not have the benefit of official advice on their contents. It should only be done with the Prime Minister's approval. When it is necessary, and there has been no time to reproduce the paper as a Cabinet Memorandum or as an annex to a memorandum and the paper is not of sufficient importance to reproduce as a Cabinet Paper subsequently, it can be of advantage to let copies of the paper be passed around the table and to mark it for future reference with a Cabinet Memorandum number. When this is done care should be taken to ensure that copies are filed in the Cabinet volumes of memoranda, that a copy is in the file appropriately marked and that a copy is sent to the Governor-General.

XII. Duty of the Secretary to the Cabinet

39. The Prime Minister instructs the Secretary to the Cabinet to scrutinise on his behalf all memoranda before circulation. If the Secretary is not satisfied that other Ministers who might be interested in the subject dealt with in the paper have been consulted, he should refer the draft to them. When a memorandum has legal

implications it might be necessary to refer the draft to the Attorney General, if this has not been done by the originating Ministry. Occasions may arise from time to time in which draft Cabinet papers concerning Ministers other than the originating Minister may be sent to the Secretary for circulation without first having been referred to other Ministers concerned. In such circumstances it is the Secretary's duty, in accordance with the procedure quoted above, to submit the paper to such other Ministers as may be interested or may be partially responsible for the subject matter of the paper. It could, however, be very embarrassing for the Secretary to have to do this when a Minister has already approved a paper for circulation as it might appear that the Secretary was interfering with the Minister's discretion in such matters; nevertheless, his directions in such cases are clear and he must carry them out. In every case this leads to delay and it may cause resentment on the part of the originating Ministry. In order to avoid this difficulty Permanent Secretaries should ensure that in all cases where other Ministries are concerned with the subject matter of a particular paper, those Ministries are consulted, in the manner set out in paragraphs 24 to 32 above, before the paper is referred to the Cabinet Office for circulation.

40. The Secretary to the Cabinet will, nevertheless, be looking at the paper with a fresh eye as a servant of Cabinet and it is his duty on behalf of the Prime Minister to scrutinise the paper and, in accordance with the foregoing paragraph, to consider the following points before authorising reproduction and circulation:

- (a) He will ensure that any Minister other than the author of the document, who may be particularly concerned with the subject matter, has been consulted, or has had opportunity to see the paper before circulation. If this has not been done the Secretary to the Cabinet should send the draft for him to see preferably through the Permanent Secretary of the originating Ministry.
- (b) He will ensure that any paper that has a financial aspect has been referred to the Minister of Finance.
- (c) He will refer the draft to the Attorney General if there are legal implications if this has not already been done by the originating Ministry.
- (d) He will consider whether there is any relevant information not contained in the memorandum that Cabinet ought to have before it is invited to make a decision on the recommendations put forward.

- (e) He will consider from his knowledge of previous decisions in Cabinet or from his records of such decisions whether reference to a previous decision should be incorporated in the paper, if this has not been done already, or whether there should be some reference to any other closely related matter that has been before Cabinet.
- (f) He will consider whether the memorandum might not be circulated for information instead.
- (g) He will consider whether the paper might not better be put before a Committee of Cabinet.
- (h) He will consider whether the Memorandum has been put forward by the Minister charged with responsibility for the subject. If the draft appears to fall within the portfolio of another Minister, the Secretary to the Cabinet has the Prime Minister's authority to refuse the memorandum and to advise that the matter be referred to the responsible Minister. In case of doubt the Secretary to the Cabinet would refer the paper to the Prime Minister for his decision.

41. The majority of these duties are laid upon the Secretary to the Cabinet as the final filter before the Cabinet paper is circulated; the more carefully a paper is prepared in the Ministry the less the Cabinet Office has to do in this particular respect.

42. The Secretary to the Cabinet should make sure that previous references are included whenever appropriate and are properly quoted. As a general principle reference to Conclusions are always preferable to reference to Cabinet memoranda unless it is a document circulated for information or a memorandum not yet considered by Cabinet. A Minister or official looking up a Conclusion reference can always thereby see the number of the memorandum considered: reference to a memorandum alone does not indicate whether it was approved or rejected or what was decided by Cabinet.

43. When all these points have been covered the Secretary to the Cabinet should, where necessary, tidy up the memorandum, ensure that any attachments are complete and arrange for the numbering, the recording of the paper in his Register, its reproduction and distribution.

XIII. Serial Numbers

44. All Cabinet papers are marked with serial numbers for ease of identification and reference. Cabinet memoranda are marked CO followed by the last two digits of the year in question and a serial number for the paper, e.g. CO (95) 15. The two letters would be changed with a change of government. Cabinet Committee papers are similarly marked but each Committee would have a separate set of indicating letters.

XIV. Reproduction of Memoranda

45. All memoranda for Cabinet and for Cabinet Committees are reproduced in the Cabinet Office. If a memorandum is accompanied by a report or other attachment the Permanent Secretary forwarding the file with the draft memorandum is responsible for ensuring that 30 copies of the attachment are forwarded to the Cabinet Office or for providing a clear copy of the matter to be attached to the memorandum if it has been agreed with the Secretary to the Cabinet that the attachment will be run off in the Cabinet Office. Bills, Rules or Regulations attached to Cabinet memoranda will be reproduced by arrangement with the Cabinet Office.

46. Once a memorandum has been initialled for submission to Cabinet or to a Cabinet Committee the draft is the property of Cabinet and may not be reproduced without the authority of Cabinet. Such authority will be obtained from the Prime Minister through the Secretary to the Cabinet. This would not necessarily or normally apply to an annex to a Cabinet memorandum. If a Ministry requires an additional copy or copies of a Cabinet paper application must in every case be made to the Secretary to the Cabinet. If authority is given for the substance of a Cabinet memorandum or an extract from a memorandum to be reproduced it should bear no indication that it comes from a Cabinet document.

47. One copy of the memorandum is placed in the file in which the draft was prepared and remains permanently in the file. The file is returned to the Permanent Secretary with a brief minute stating that the relevant extracts from the Conclusions will be forwarded in due course. The Draft of the memorandum is retained by the Secretary in the "skin" belonging to the document in the Cabinet Office and a note is kept of the number of the Ministry file from which the memorandum originated.

48. Permanent Secretaries must bear in mind that the file will have been returned to them after a Cabinet memorandum has been issued. The files are not kept for reference at a Cabinet meeting unless there is a specific request, for example, for a plan on a file to be produced. The memorandum should be complete

without the need for the file to be held up. It may be that the file is required in the Ministry for other action but Permanent Secretaries will need to be prepared to obtain the file as soon as the extract from the Conclusions of Cabinet on the memorandum is received.

XV. Conclusions of the Cabinet: General

49. It is the business of Cabinet to make decisions for action. For this reason the records of a Cabinet meeting are called Conclusions. These Conclusions will be the decisions of the Government and need to be clear and precise so that those who have to act on them know exactly what to do. Where action is required the Conclusion should place the responsibility on the Minister, Department or individual who is to carry it out. The minutes of a Committee of Cabinet are called "Minutes" in the usual way to draw a distinction because a Committee would normally make recommendations to Cabinet (unless it has been specifically authorised by Cabinet to make decisions in certain matters). The aim in the production of Cabinet Conclusions should be to have them prepared and distributed as quickly as possible after a meeting. First, because there may be occasions when early action is needed on some item and this cannot be taken until the Conclusions are circulated and extracts made; secondly, it is desirable that Ministers should have the opportunity of verifying the correctness of the record while their memories are still fresh; thirdly, it can happen that persons present at a meeting unconsciously have afterthoughts in terms of their own particular viewpoints and these can become crystallised if there is a delay between a meeting and a sight of the record.

50. The preparation of minutes of Cabinet meeting requires a different technique from that usually required when recording the discussion at other kinds of meetings at which the principle of collective responsibility does not apply.

51. The first duty of a Cabinet Secretary is to work out and to set down in clear and precise terms what was decided. After that has been done, he should turn his attention to recording as much of the discussion as may be necessary or desirable to show how the decisions were reached. This procedure is the best one to follow because the whole object of Cabinet meeting is to reach decisions on the problems placed before it for the good governance of the country and because the Members are collectively responsible for the decisions taken.

52. A Cabinet Secretary can only do his work effectively if by study and experience he makes himself knowledgeable of each matter that comes to Cabinet; only thus can he appreciate what it is that is said in discussion that is of vital relevance and what is not, and can feel in tune with the thought process of the

meeting. Cabinet minuting is not a mechanical recording of what was said but a skilled interpretation of the intentions of the meeting. In this way the Cabinet Office can make a considerable contribution to the work of the Prime Minister and Ministers in Cabinet and of public officials.

53. For the reasons given, Cabinet minuting differs from the recording or discussions at other types of meetings attended by delegates or persons representing different interests, who may have particular views to put forward or concessions to make. Such a meeting has no collective responsibility and it may be particularly important to record the views individuals put forward and to attribute them to the speakers who make them. Even then the meeting may be wasted if any agreements reached are not clearly recorded. Any decisions at such meetings should be picked out and not hidden in the middle of a narrative.

54. It is the duty of the Secretary to clarify as well as to record the results of the meeting but the Conclusions should not in any way be a substitute for verbatim record. The Secretary, in drafting the Conclusions, is instructed to avoid as far as possible any reference to opinions expressed by individuals and to record in as precise a form as possible the decisions reached. He is required to set out the essence of the discussions which lead to the Conclusions only if that should be necessary for clarity or for future reference.

55. Complete copies of the Conclusions will only be issued outside the Cabinet Office to the Governor-General and Ministers. But in the Prime Minister's discretion complete sets of Conclusions, may also be issued to Permanent Secretaries and the Director of Legal Affairs in the interest of elucidation and the expeditious implementation of Government Policy generally.

56. Conclusions will be circulated as far as possible not later than three days after the meeting, and will be taken as final unless a Minister, present at the meeting, notifies the Secretary of a proposed amendment within twenty-four hours. In cases of doubt, the Secretary will take the instructions of the Prime Minister.

57. The Cabinet Conclusions are the most important of all Cabinet documents. It is essential that they are never, in their complete forms, seen by unauthorised persons. Ministers and the officials to whom copies are supplied are expected to ensure that Conclusions are handled only by the minimum number of persons necessary to assist them in their work.

58. Conclusions of exceptional secrecy would be set out in a Secret Annex to the Conclusions and given a very limited circulation. In some circumstances, there may be no circulation at all. For example, discussion on revenue proposals for the Budget, regarding which any leakage would be dangerous, might be set out in a

Top Secret Annex and two copies only would be made, one for the Minister of Finance and the other would be kept for reference in the office of the Secretary. Or the Conclusions might record that the Budget was discussed without recording any details. In any case, however, it must be remembered that the Governor-General is entitled to information and the Secretary should ensure that the details are eventually conveyed to him.

XVI. Notation of Conclusions

59. The meetings of Cabinet will be numbered serially through the year and the items decided at each meeting will be numbered consecutively with sub-conclusions in brackets if necessary. Thus the decision on the third item taken at the second meeting of Cabinet in 1995 would be set out in full as CO (95) 2nd Meeting, Conclusion 3; or in shortened form CO2 (95) 3. If item 3 had several sub-conclusions and reference to the fourth were needed, for example, the notation would be CO (95) 2nd Meeting, Conclusion 3 (4) or CO2 (95) 3 (4). As mentioned in paragraph 49 previous references in Conclusions, Memoranda or Agenda should be made to a Conclusion rather than to a memorandum because in that way reference can be made to both the decision and the memorandum. This, of course, would not prevent reference to some other memorandum by number when necessary.

XVII. Notation of Committee Minutes

60. In order to draw a distinction between the recommendations of a Cabinet Committee and Conclusions of Cabinet, recommendations of a Committee will be referred to as minutes. Thus if a certain Committee, say, one on Public Transport, had been given the classifying initials CPT, the first memorandum for that Committee in 1995 would be CPT (95) 1 and the recommendation or decision in item 5 at the second meeting in 1995 would be CPT (95) 2nd Meeting, Minute 5 or in the shortened form CPT (95) 5.

XVIII. Action on Cabinet Decisions - Extracts from Conclusions

61. At the same time as he circulates the Conclusions of a Cabinet Meeting the Secretary will prepare extracts from the Conclusions and send them to the Permanent Secretary or Head of Department of the appropriate Ministry for insertion in the relevant file to enable further action to be taken. Where appropriate, the Secretary will send extracts to the Financial Secretary, Director of Legal Affairs, Director of the Budget, Treasurer, and other Permanent Secretaries and Heads of Departments whose Ministries would have an interest in the subject matter. Extracts are typed on yellow paper so that they can be clearly distinguished

on the file. The Secretary conveys these decisions in accordance with the long standing convention of Cabinet Government or where, in his discretion, it is necessary to do so in the interest of the smooth and expeditious action of Cabinet decisions.

62. When the Cabinet Office is not aware of the appropriate file number the Permanent Secretary should see that the extract is properly filed.

63. Extracts from Conclusions are accompanied by acknowledgement slips. They should be completed by the Permanent Secretary or Head of Department and promptly returned to the Cabinet Office.

64. It is important that prompt action should be taken in the Ministry or Department concerned in accordance with Cabinet Conclusions. The responsibility lies with the Permanent Secretary or Head of Department to see that this is carried out.

65. The Permanent Secretary or Departmental Head in the Ministry concerned will be responsible for the preparation of a letter conveying such instructions as may be necessary arising from the Conclusions or to take other required action. The Permanent Secretary will, where appropriate, take the Minister's instructions in the drafting of any such letter. In preparing the letter, Cabinet Conclusions should be read in conjunction with Cabinet memorandum on which the discussion was based. If, for convenience or clarity, it is necessary to use the actual words of a Conclusion verbatim, they should not be quoted in inverted commas. A decision will normally be conveyed as a direction of the Minister concerned and not as a decision of Cabinet unless the latter course has been specifically prescribed.

XIX. Correspondence with the Public

66. The public is naturally interested in the way in which the Government conducts its business, particularly when members of the public are in negotiation with the Government on important matters. In such circumstances, private individuals might be anxious to know whether a matter has been put before Cabinet or when the subject may come up for consideration. It has been mentioned in the section on secrecy that Cabinet Agenda is secret for the very reason that if its contents were known it could give rise to undesirable speculation and pressures. It is in any case unwise to let the public know when a matter is going to Cabinet or has been to Cabinet. It is also unwise to indicate whether a matter has been decided in Cabinet or has been decided by a Minister himself within Government policy, as that can encourage the public to try and make a distinction and even to attempt to

appeal to Cabinet if they do not like what they think might have been a decision by a Minister,

67. When a member of the public is addressed conveying the Government's decision on any important matter the letter should say that the decision is "by directions of the Minister" whether the Minister has consulted his colleagues in Cabinet or not.

68. It is perfectly in order in internal correspondence within the Government for it to be said that a matter must go to Cabinet or has been decided in Cabinet. A decision of Cabinet may be quoted in internal correspondence verbatim provided the recipient Ministry understands, that the Conclusion should not be quoted verbatim to the public. To repeat the principle: a letter to a member of the public giving a Government decision should be couched in easily understandable language based on the facts of the matter as understood from the correspondence in the Ministry file on the subject, and in the light of the policy set out in the Cabinet Conclusion.

XX. Outstanding Conclusions

69. The Secretary to the Cabinet should circulate to Ministries or Departments, from time to time, schedules of Cabinet Conclusions which have called for memoranda, reports or references back to Cabinet on which no indication has been received by him that action has been taken.

XXI. Access to Cabinet Documents

70. It is a general principle of Cabinet Government that Ministers who are members of a Cabinet, formed by one political party, are not entitled to see the confidential Cabinet papers of the Government of a party with a different political complexion. However, most Cabinet papers deal with administrative matters that are not of a political nature and copies of such memoranda and extracts from the conclusions on the subject will be seen by the Minister concerned on the Ministry file.

71. When there has been a change in Ministers during the lifetime of one Government the incoming Ministers may, with the Prime Minister's permission, be given copies of the Conclusions on subjects considered before they became Ministers if reference to these is necessary for the discharge of current business, but no Minister is entitled as a right to see the memoranda put to Cabinet or Conclusions of Cabinet meetings held when he was not a Minister. The working copy of a Cabinet memorandum will be retained permanently in the relevant file unless there are any

particular political or security reasons for not so doing. A Minister will, therefore, see in the files of his Ministry copies of memoranda put forward by the previous Ministers holding that portfolio, together with extracts of Conclusions of Cabinet on that subject.

72. All Cabinet documents, with the exception of the working copy of a memorandum in the file of the Ministry concerned, are returned to the Cabinet Office when no longer required for current administration. Normally such documents are returned at pre-determined intervals, but they must be returned by a Minister on his ceasing to be a Minister.

73. Notwithstanding any other rules regarding access to Cabinet documents, a Minister on returning to office is entitled to see copies of memoranda or Conclusions issued while he was previously in office. Application should be made to the Secretary to the Cabinet.

XXII. Attendance of Officials at Cabinet

74. If a Minister wishes any official to be present at discussions on a particular matter in Cabinet, the Minister should pass such a request to the Secretary to the Cabinet who will obtain the decision of the Prime Minister. Any such official permitted to attend a meeting for any particular item will normally withdraw from the meeting before Cabinet takes its decision on the matter.

XXIII. Cabinet Committees

75. Whenever there is a particularly complicated or detailed subject which Cabinet wishes to consider or which should be put before the Cabinet a Committee of Cabinet may be formed to ensure that all aspects of the problem are thoroughly examined before Cabinet is called upon to take a decision. A Committee is of particular value if the implications of a problem concern several Ministries. It is also useful when it is desirable to avoid taking up the time of Cabinet in the consideration of a large number of minor matters.

76. A Committee can shorten discussion in Cabinet by preliminary examination of the problem, which narrows the points outstanding for Cabinet decision. The system enables the Chairman of a Committee to put to Cabinet in a single memorandum matters which might otherwise come before it in the form of papers submitted by several Ministries. There is the added advantage that persons who are not members of Cabinet but who have special knowledge of a subject can be members of a Committee.

77. A Committee may consist of members of Cabinet only, or of members of Cabinet and officials, or of officials only.

78. As with Cabinet, it is desirable that discussion on a subject by a Committee should be on the basis of a memorandum. There are times, however, when the Committee is authorised to investigate a certain subject and a preliminary meeting may be necessary at which decision may be made regarding the preparation of papers for discussion.

79. If the Chairman of a Committee is a Minister he will submit the report of the Committee to Cabinet. If he is not then the Chairman's report should be submitted by the Minister primarily responsible for the subject.

80. The formation of a Committee may be authorised by Cabinet itself in the course of discussion or arising from a memorandum put to Cabinet recommending the formation of a Committee, or a Committee may be appointed by the Prime Minister himself.

81. When the formation of a Committee has been decided upon the Secretary to the Cabinet should verify that the composition and terms of reference are in accordance with Cabinet's or the Prime Minister's approval. If no precise terms of reference have been laid down these should be drafted by the Secretary and approved by the Prime Minister.

82. The Secretary to the Cabinet appoints Secretaries of a Committee with the approval of the Chairman. One Secretary will normally be a member of the Cabinet Office. When appropriate, the Joint Secretary may be an officer in the Ministry primarily concerned with the subject to be examined by the Committee. There is much advantage in this when a complicated subject is being examined and the official of the Ministry has background knowledge of the subject. He can be of assistance to the Committee from the technical aspect in the production of the minutes or any report of the Committee; the Secretary from the Cabinet Office will, on his side, have the advantage of access to the Cabinet Office facilities for the reproduction of minutes and papers.

83. The first paper in a Committee memoranda series will be issued by the Secretary to the Cabinet and will set out the authority for the appointment, the membership and terms of reference of the Committee. The proceedings of a Committee are conducted in the same manner as a Cabinet meeting but the records of Committee Meetings are referred to as Minutes, not as Conclusions.

84. There may, however, often be occasions when a Committee of Cabinet

is appointed by Cabinet or by the Prime Minister to look into a certain matter and it is more convenient, particularly if it is a small committee, for it to meet and discuss and carry out its duties in a more informal manner, both as regards proceedings and records, before reporting back to Cabinet.

85. The method adopted by Cabinet for discussion among themselves on questions of policy is essentially a domestic matter and is of no concern to Parliament or to the public. The doctrine of collective responsibility of Cabinet depends in practice on there being every opportunity of full and frank discussion among members and such discussion might be hampered if the public would always expect to know by which process it is carried on. For this reason it is not the practice to disclose particulars of the composition and terms of reference of Cabinet Committees.

PART VI

CONCLUSIONS AND MINUTES

I. INTRODUCTION

1. These notes are prepared for the guidance of those upon whom may fall the responsibility of preparing minutes of official meetings and to indicate to members of such meetings the principles behind the preparation of the minutes. They are intended mainly for those concerned in the preparation of Conclusions of Cabinet and minutes of Committees of Cabinet but they are to a large extent applicable to the preparation of the record of any official meeting.
2. As stated previously, the decisions of Cabinet are called "Conclusions" and minutes of Cabinet Committees are called "Minutes", though in this note the word minute is used from time to time in reference to Cabinet Conclusions for simplicity, particularly where it is necessary to differentiate between the discussion on an item and the actual Conclusion on which action is to be taken.
3. That the value of a meeting depends on the decisions reached at it, is particularly true when the meeting is responsible for some aspect of Government administration. The time and effort of important busy people attending such a meeting can be wasted if the decisions reached are not adequately recorded and follow-up action ensured. There can be other forms of meeting held for the purpose of exchanging views or to clear up misunderstandings. These notes are not concerned with such meetings but are for the purpose of assisting in the process of good government by meetings of persons who have a public duty to perform.
4. A good minute should be:
 - (a) brief
 - (b) self-contained
 - (c) in the main impersonal, and
 - (d) decisive
5. Brevity should be sought in two ways. First, a minute should be selective. It is not a substitute for a verbatim record and should not attempt to

reproduce, however summarily, what speakers said. It should record only the essence of the discussion picking up the main threads which lead to the Conclusion. Secondly, the points selected for inclusion in the minute should be recorded as briefly as possible. Any striking phrases used in the discussion may be recorded as this will help to reflect the tone of the meeting but no attempt should be made to set out the course of the arguments as they are put forward by the speakers, as this will tend to an unnecessarily diffuse style.

6. A minute should be self-contained as regards each particular item so that an official receiving an extract of that item, read with the memorandum on which it was based, will know clearly what action to take.

7. To the fullest extent permissible a minute should be impersonal. This applies especially to Cabinet Conclusions because Cabinet is collectively responsible for the decisions it reaches but at the same time Ministers must be able to air their views freely for and against a course of action, if need be, while the subject is under consideration.

8. A minute should be as crisp and decisive as possible. This is specially important for the Conclusions but applies also to the record of the discussion. The essential core of the discussion should be recorded as briefly and as clearly as possible.

II. Structure of a Minute

9. The first purpose of a minute is to set out the conclusions reached so that those who have to take action will know what they have to do. The second is to give the reasons why the conclusions were reached. A minute on any item should, therefore, fall clearly into three parts:

- (a) the statement of the problem
- (b) points in discussion
- (c) conclusion

10. A Secretary has a duty not only to record but to clarify the results of a meeting. In drafting minutes it is a good rule to work backwards and to set out first the conclusions reached. Even if a discussion may have been somewhat rambling and precise decisions were not expressed in so many words it is the Secretary's responsibility to interpret the intentions of the meeting. It is only after the decisions have been set down in a precise form should the Secretary consider

how much of the discussion needs to be recorded and in what order it can best be arranged.

11. The essential aspect of a minute on any subject takes the form of the inset conclusions at the end of the item. These conclusions must not only set down crisply the decisions but must indicate the Minister or other person responsible for carrying them out.

12. A style to be avoided is one in which decisions are lost in a discursive manner within the narrative. Decisions reached must be pulled out and set down as conclusions in the manner indicated so that there is no doubt about what action should be taken and by whom.

There may be occasions when separate aspects of a problem are dealt with serially. In such a cast it may be found convenient to set down a brief narrative, then an inset conclusion, then narrative and conclusion and so on, instead of having all the conclusions grouped together at the end of the item.

III. Statement of the Problem

13. Subjects taken in Cabinet are, with rare exceptions, considered on the basis of a memorandum by the responsible Minister setting out the basic facts and arguments, points for consideration and usually with a recommendation for action.

14. The minute on each item should begin by recording the memorandum or memoranda under discussion, thus

"Cabinet considered a memorandum by the Minister of Transport (CO (95) 102"

or, if there were in addition a related memorandum it could be

"Cabinet considered a memorandum by the Minister of Transport, (CO (95) 102 and had before it memorandum by the Minister of Public Works, CO (95) 119".

If there were several memoranda on a complicated subject, which were considered together, they could be listed thus

"Cabinet had before it the following memoranda on the development of the Family Islands:"

CO (95) 106 Memorandum by the Prime Minister

CO (95) 109 Memorandum by the Minister of Transport

CO (95) 111 Memorandum by the Minister of Public Works

CO (95) 113 Note by the Secretary circulating a Report by Messrs. Alpha, Beta and Gamma".

15. In preparing the Minutes of a Committee, when a subject is considered without the benefit of a memorandum and also when this occurs on rare occasions in Cabinet, the record should begin with a brief statement showing what the discussion was about. When there is no memorandum, particularly at a committee meeting which is exploring a subject, the record of the discussion may well have to be much longer than would be usual in Cabinet which is setting out to reach decisions.

IV. Points in Discussion

16. Most discussions begin with a statement by the author of the memorandum under consideration, who either summarises or enlarges upon his memorandum. It is unnecessary to record statements and arguments which are set out in the memorandum, but any additional facts of importance put forward verbally should be recorded.

17. It must be remembered that a Cabinet, or a Committee or a Government Board, is not a public debating chamber, in which members seek to edify or impress the outside world with information or views; it is a group of persons seeking, in an informal manner, to reach solutions to problems.

18. The ideal minute, on a complicated subject, after stating the problem for discussion, should proceed:

"The following points were raised in discussion:

(a) _____

(b) _____

(c) _____

and will set out, in separate lettered paragraphs, a concise summary of the various points made before the conclusion was reached.

19. The style "A said __ , B replied __ , C then pointed out" should be avoided at all costs. To the fullest extent possible this part of the minute should be impersonal. The main reason for this rule is, that the responsibility of Cabinet is collective and all Ministers must uphold a decision once reached but be free to put forward any views in the search for a solution. Secondly, it makes for brevity, and a point can usually be recorded more concisely in an impersonal form. Thirdly, a point raised by one speaker is often taken up and developed by others; in an impersonal minute it need only be recorded in its final form. If it is attributed to the original speaker it will have to have the comments added and be restated. Fourthly, it is often convenient to weld together into a single paragraph a number of points made by various speakers. Finally, a statement attributed to a particular speaker may invite requests for additions or modifications to the minutes which are not strictly necessary for the purpose of the conclusions.

20. As an alternative to the listing of points made in the manner suggested above the discussion could be recorded on the following lines:

"On this question there was some difference of view. Some members felt that __ : others took the view that ____"

or the discussion may conveniently be recorded on this basis:

"In support of this proposal the following arguments were used:"

(a) _____

(b) _____

(c) _____

On the other hand it was pointed out that:

(d) _____

(e) _____

(f) _____ "

21. It is often inexpedient to reproduce the points in discussion in the order in which they are made. The points in discussion should be arranged in the

logical order in which they lead up to the conclusion. The irrelevant and the non-essential should be discarded. Much said in a discussion need not be recorded.

22. Other useful phrases are "Cabinet then discussed ____; Cabinet then considered ____"; "In a short discussion doubts were expressed ____"; "the general view taken was that ____"; "In discussion attention was drawn to the need ____";

23. In a straightforward matter in which a Minister's recommendations in his memorandum are accepted there is usually no need for any record of the discussion to be set down. The same thing applies to a complicated matter in which the arguments for and against are fully set out in the memorandum and the discussion consists of a thrashing out of those arguments.

24. There are occasions when it is necessary to attribute views to persons. So far as Cabinet is concerned this would apply when the author of a memorandum under discussion provides additional information which would be of value to record; when a Minister, not the author of a memorandum needs to put forward the official or technical views of his Ministry on a subject; and on the occasions in which Cabinet invites some outsider to attend and express his observations.

25. The impersonal form would not always be suitable for the minutes of a meeting of a negotiating committee or of a conference.

26. General speaking, when a subject is discussed on a properly documented memorandum and the conclusions are full and have been carefully drafted, points raised in discussion need only be recorded if new facts which are worth setting down are brought forward; or if the discussion would help the persons responsible for carrying out the decisions; or if it appears desirable to show for future reference the arguments that lead up to the Conclusions.

V. Conclusions

27. A minute on each item should end with conclusions which are clear and precise so that those who have to act on them know exactly what to do. Decisions reached may at times be perfectly clear but on other occasions, when there has been a long and diffuse discussion it may not be so and it is the duty of the Secretary to draft a set of Conclusions which expresses the sense of the meeting. In carrying out his duty to clarify as well as to record the results of a meeting a Secretary has the obligation to interpret the intentions of the meeting. Secretaries should not shirk this function, which is a valuable administrative duty, but neither should they frame Conclusions which go beyond what is implicit in the discussion. When in doubt reference can always be made to the Chairman. It is, for example,

not easy to draft a form of words around a table and unnecessary time can be taken up attempting to do so but the Secretaries can put what is needed into words immediately after the meeting. In preparing the Conclusions it is most important to check with the memorandum under discussion to make sure that all the points raised in it requiring a decision are covered.

28. Where action is required the Conclusion should place the responsibility clearly on the Minister or official who is to carry it out. If several persons or departments are concerned the Conclusion should name them all but be careful to indicate with whom the initiative should rest.

29. To make them stand out as clearly as possible it is usually convenient to divide the Conclusions into their constituent parts, putting each into a separate paragraph. The following are examples:

"Cabinet

- (1) authorised the Minister of Finance and Planning to _____.
- (2) invited the Minister of Health and Environment to _____.
- (3) requested the Attorney General to draft _____.
- (4) instructed the Secretary to arrange _____.
- (5) invited the Minister of Education and Training, in conjunction with the Minister of Public Works, to examine and to put forward recommendations to Cabinet for _____.
- (6) appointed a committee composed of
 - (a) Minister of Youth and Culture
 - (b) Minister of Social Development
 - (c) Minister of Health and Environment
 - (d) Minister of Transport

with the following terms of reference

- (i) _____.

(ii) _____.

(iii) _____.

VI. Notation of Minutes

30. Each item will be separately numbered 1, 2, etc. Ordinary paragraphs setting out the discussion under each item will not be numbered. Conclusions, within one item, should be numbered (1), (2), etc. If a subdivision is needed under one conclusion small Roman numerals should be used (i), (ii), etc. Thus will be provided a clear notation of decisions reached at any one meeting.

31. Points raised in discussion should be lettered (a), (b), (c) as indicated in paragraph 21 above. The lettering should be carried on consecutively throughout the discussion of one item.

32. A Committee would be allocated three letters for reference and a similar notation would apply, e.g., SAC (95) 17th Meeting, Minute 5(3).

VII. Extraneous Subjects

33. If a matter quite irrelevant to the subject under discussion is raised there is no obligation to record it because it can only cause confusion. Also, if the practice is followed it is not helpful to the Chairman as it can lead to the encouragement of the introduction of extraneous subjects not on the Agenda without the opportunity for consideration of all the facts.

34. Occasions do arise, however, when, as quite a genuine outcome of a discussion on one subject, a definite decision is made on a different subject which should be recorded. When that happens it can usually be of advantage to set the decision down quite separately under its own heading as another item in the Conclusions. This makes the extract simpler to produce and makes indexing easier for future reference.

VII. Voting and Dissent from Decisions

35. Cabinet reaches decisions by informed discussion and, because of the collective responsibility of Cabinet, all Ministers must publicly support any decisions reached. Conclusions are therefore arrived at on the basis of the general feeling of

the meeting and voting should seldom be necessary. Should, on rare occasions, the Prime Minister decide to take a vote to avoid a deadlock and get on with business, the Secretary would not record the vote but merely record the decision reached and without indication that it was reached by a majority.

36. Similarly, should a Minister disagree with a decision of Cabinet, he has no right to have his dissent recorded because that would be incompatible with collective responsibility. He must accept the decision of the majority or resign. The Minister may, on resignation, wish to ask the Prime Minister's permission to explain his disagreement and the reasons for his resignation to Parliament.

IX. Headings

37. Each subject discussed at a meeting should be recorded under a separate heading. When a subject is discussed on the basis of a memorandum the heading would normally correspond with the title of the memorandum but this need not necessarily be so. The heading should be chosen by thinking of the title a person might be expected to look for when searching the record in the future. The proper criterion in choosing a heading for a Cabinet Conclusion is "How will the conclusion best be entered in the index and be most easily traced in the future?"

38. The main subject of discussion should be set out in block capitals. If necessary, a short description of the special topic may be added, not in block capitals, for example:

HARBOUR DEVELOPMENT: Extension of dredging area

39. Occasionally when two matters have separate titles but are related, it is found convenient to take them together. Then the minute could have two headings.

40. Although a Bill should, generally speaking, be most conveniently referred to by the short title, e.g., Quieting Titles Bill, when a draft Bill is before Cabinet it is useful to put the word Bill first in the heading so that it stands out for subsequent action in getting the Bill introduced into Parliament, thus

BILL TO AMEND THE TRAFFIC ACT (CH-204)

Whenever an Act is mentioned in a heading or for the first time in a document it should be given its Chapter number, if it is in a bound volume, or its number and year if enacted subsequently to law revision. This saves the time of anyone who wishes to refer to the law.

41. Cabinet Conclusions would never have headings such as "Other Matters" "Matters arising from minutes of previous meetings". Apart from other objections, this makes difficulties for the indexer and even greater difficulties for anyone who tries to search for a reference without access to the index. In any case, no such titles would ever appear on the Agenda.

42. The number of the file from which the Memorandum under discussion was prepared would be quoted immediately below the title in the heading. This helps to ensure that the extract gets into the right file. At times, it may be helpful to quote more than one file.

X. Previous References

43. A reference to a previous decision on the subject by the Government in office should always be quoted, if there has been one, immediately below the heading. This assists indexing and subsequent reference to the Conclusions as a permanent record and helps in the logical follow-up of action on the particular subject. The reference will always be to an earlier Conclusion rather than to an earlier memorandum because it is the decision that matters. A previous memorandum can always be traced from a previous Conclusion but not the other way round. Also decisions in the Conclusion may have differed from recommendations in the previous memorandum.

44. If Cabinet considers the report of a Committee of Cabinet and the minutes of that Committee have been circulated and given reference numbers the relevant notation of the Committee minutes could be quoted as previous reference in the Cabinet Conclusion.

XI. Front Page

45. The front page should contain the meeting reference number, the time, date and place of the meeting, a list of the members present, the names of the Secretaries and the names of persons who may have been invited to be present for particular items.

46. The title of the Prime Minister, or Chairman, would be shown at the top centre of the list of those present followed by the name and office of members in two columns in order of precedence. With Ministers, the name would be put first, followed by their office; with officials the office would be put first then the name. Decorations are not added in minutes of Cabinet or of a Committee though they would be in a list of those attending a more formal meeting such as a Conference.

There is no need to record the names of persons absent; though if a member is present for only part of a meeting it would be noted against his name, thus: (Items 5 to 11).

XII. Contents Table

47. The headings, excluding the previous references, of the various items in a set of Conclusions should be brought together into a Table of Contents which should form the second page of the Conclusions. If only a few items are considered at a special meeting or at a meeting of a Committee the list of contents could appear at the bottom of the first page.

CONTENTS

Item	Subject	Page
1.	Bill to Amend the Customs Act	2
2.	House of Assembly Business	3
3.	Hospital Extension	5

The inclusion of such a Table of Contents makes it much easier to find a subject dealt with at a meeting.

48. The number of the meeting in the year, e.g., "5th Meeting", should be reproduced at the top right hand corner of every page so that when a search is subsequently made the record of the meeting that is sought can easily be found when flipping through a bound volume of Conclusions.

XIII. Production of Minutes

49. The aim in the production of minutes should be to ensure that they are prepared and distributed as quickly as possible after a meeting. Secretaries should take the attitude that the meeting and the preparation of the minutes are all part of one continuous process. First, there are occasions when early action is necessary on Cabinet decisions that cannot properly be taken until the Conclusions are circulated and extracts made. Secondly, it is important to put decisions and arguments on record while the matter is fresh in the mind. Brief notes taken at a meeting can have immediate meaning directly after a meeting. Any delay between a meeting and the drafting of the minutes can mean that important points may be lost or even extraneous ideas may intrude. Thirdly, it can happen that persons present

at a meeting can unconsciously have after-thoughts in terms of their own viewpoints which may become crystallised if there is a delay before they see the minutes. Also, an early distribution of the minutes gives members an opportunity to verify the correctness of the record while the particular meeting is still fresh in their minds.

50. Immediately after a Cabinet meeting, work in the Cabinet Office in the preparation of the Conclusions must take priority over all other business. This applies to the secretaries and to all persons engaged in the reproduction and circulation of the Conclusions and subsequent distribution of the extracts to Ministries. Any delay in the completion of the Conclusions and issue of the extracts holds up the process of important Government business.

51. The Conclusions of Cabinet are issued on the responsibility of the Secretary and are taken as final unless a member of Cabinet makes a request to the Secretary within 48 hours for addition or amendment. If an amendment is found to be needed a corrigendum will be issued. In case of doubt or disagreement the Secretary will take the instructions of the Prime Minister or the Chairman of the meeting. Minutes are not brought up for confirmation at the next meeting; that wastes time, invites a rehash of old arguments and in any case in important urgent matters the responsible Minister will probably have taken action before the next meeting. If there is serious disagreement about a Conclusion of Cabinet the subject should be considered on its own as a separate item on the Agenda of a subsequent meeting on a substantive memorandum.

52. These principles apply, though to a less rigid extent, to the minutes of a formal Committee of Cabinet because a Cabinet Committee would normally be meeting with the object of making recommendations or of submitting a report to Cabinet.

53. The Secretary to the Cabinet, though he may not have been present at a meeting of a Committee of Cabinet, should scrutinise the minutes prepared by a Committee of Cabinet before circulation.

XIV. Preparation for a Meeting

54. The Secretary should have prepared for himself and for the Chairman sets of memoranda for a meeting. There is much advantage in using a plain manila folder for each item which can contain the memorandum and any previous papers, maps, minutes or a file that may be required for that subject.

55. A Secretary can only be of value if he knows as much as possible about the subjects to be discussed; only thus can he spot what is pertinent and relevant, intelligently interpret the discussion and disregard what is irrelevant.

56. A Secretary going into a meeting of Cabinet should have as much of the routine necessary for the preparation of the minutes ready in advance. For example, a copy of the Front Page should be at hand; it will only need brief amendment if a Minister is absent or if an official is invited to attend for a particular item. The headings, with previous references, for each item should be prepared beforehand to save having to prepare and check such details afterwards. The more that can be done in this respect in preparation before a meeting the less time is wasted after a meeting over the drafting of the Conclusions by having to deal with routine matters.

57. The Secretary should ensure that there is available for easy access at any Cabinet Meeting an up to date set of the Laws (preferable two sets), copies of the Constitution, General Orders and a calendar.

58. The Prime Minister would sit at the centre of one of the long sides of the table as that enables him to have closer contact with a greater number of Ministers than he would have if he were in relative isolation at one end. The Secretary sits on the Prime Minister's right so that he can, if necessary, draw the Prime Minister's attention to any relevant matter without openly joining in the meeting and be in an easy position to hear what is going on. The Secretary is the one person who should not be disturbed in order that he may give his whole concentration to what is discussed and not miss anything that may be relevant to the issue. He would always have at least one assistant with him so that they can check their results afterwards and speed the production of the Conclusions and so that, at the meeting, if anything needs to be fetched or a message brought in, the trend of the discussion is not broken by the temporary absence of the Secretary.

XV. Conferences and Other Committee Meetings

59. The foregoing guide applies primarily to Cabinet and to Cabinet Committees but much of it is applicable to the preparation of minutes of other Government meetings. There may, however, be a need for a particular modification in regard to attributing views to individual speakers. A statutory board or a committee is not collectively responsible and therefore the principle of the impersonal style in recording a discussion may in parts have to be abandoned.

60. The Cabinet Office staff might, for example, have to serve as the Secretariat for a conference which does not have collective responsibility but which

is a meeting place of persons representing conflicting views seeking to reach a solution to problems affecting the community. The format and method of notation of the minutes of such a conference could follow the patterns set out above with the exception that, where advisable, views should be attributed to individuals. Also Cabinet principle of not recording dissent would not apply.

61. A note of the names of those present, the discussion and conclusions reached at any form of official meeting should always be recorded in writing. If the meeting is with officers of the same Ministry or Department, it may be sufficient merely to make a note of the meeting by a Minute on the relevant file. Should the meeting be attended by officers of other Ministries or Departments or by other persons, brief minutes should be recorded and be distributed to those attending and to any other persons who may require to be informed.

PART VII

OTHER DUTIES OF THE CABINET OFFICE

I Appointment of a Minister

1. The Prime Minister advises the Governor-General to appoint a member of the House of Assembly or of the Senate to be a Minister under Article 73(2) of the Constitution. This advice would be conveyed by a minute or a letter addressed to the Governor-General by the Prime Minister, the document being prepared in the Cabinet Office.

2. The Governor-General would indicate his acceptance of the advice in writing and thereupon would sign an Instrument under the Public Seal addressed to the Minister which would be prepared at Government House.

3. The Governor-General would write to the Minister inviting him to take the oath of Allegiance and Oath of Office and, after the Oaths have been taken, the Governor-General would hand the Instrument to the Minister under cover of a letter. Copies of the letter and the Instrument would be sent from Government House to the Cabinet Office for record.

4. The Secretary to the Cabinet would be responsible for:

- (a) the publication in the Gazette of a copy of the Instrument and of a Gazette Notice and for the issue of a press release.
- (b) allocating to the Minister a Cabinet number, Cabinet cases and keys.
- (c) drawing the attention of the Prime Minister to the need to set out an order of precedence of Ministers, from which would follow the allocation of Cabinet numbers and the order of names on the front page of Cabinet Conclusions. (The customary method is for the Deputy Prime Minister to come after the Prime Minister and for other Ministers to follow in order of the first initial of titles of portfolios, with the modification that a Minister with longer service in Cabinet would come before a Minister more recently appointed and the Minister with portfolio would come before a Minister without

- portfolio. However, this subject is entirely a matter for discretion of the Prime Minister).
- (d) ensuring that a Minister has a Seal which may be passed on from the previous Minister unless the portfolio title has changed in which case it may be necessary for a new Seal to be made.
 - (e) arranging for any Minister who has not already done so to be sworn in as a Justice of the Peace. This would be done through the Registrar of the Supreme Court.
 - (f) informing the Treasurer, with a copy to the Ministry concerned, of the date on which the Minister assumes office so that appropriate entries can be made on pay vouchers.
 - (g) notifying the Minister of the first meeting which he will attend with the first Agenda and first Cabinet Papers and for supplying the Minister with a copy of the Manual of Cabinet and Ministry Procedure.

II. Allocation of Portfolios

5. The Prime Minister by minute prepared in the Cabinet Office on his instructions addressed to the Governor-General would, under Article 77 of the Constitution, set out his advice allocating matters and departments of Government to each individual Minister and designating the style which each Minister would be called.

6. The allocation of portfolios is by the Governor-General in writing, on the advice of the Prime Minister, not by Public Seal. Notification to each Minister would be by letter from the Governor-General, issued from Government House, with a copy to the Secretary to the Cabinet.

7. The Cabinet Office would then arrange for a press release and for publication in the Gazette.

8. When allocation is general among Ministers, on the occasion of a change of Government or a major re-organisation of portfolios, the simplest way for this to be done is to publish an omnibus Gazette Notice covering all Ministers.

9. If a particular Minister is allocated a portfolio or if there are minor

changes between Ministers, then an amending public notice would be issued from the Cabinet Office giving information of the modification of the omnibus Order.

10. A change in portfolios might involve the need to reallocate numbers for Cabinet Papers to Ministers, particularly if the size of the Cabinet increased or decreased. The Secretary to the Cabinet should take the necessary action and inform the Minister concerned.

11. The Secretary to the Cabinet is responsible for ensuring that Permanent Secretaries are notified at the earliest opportunity of the allocation of portfolios or of any change in allocation.

12. When portfolios are transferred from one Minister to another Minister (or subjects within portfolios), it will be the responsibility of the Secretary to the Cabinet to draw the attention of the Permanent Secretary in the Ministry from which subjects are being transferred and the Permanent Secretary of the Ministry to which the matters have been allocated to ensure that all the relevant files and papers are transferred, as soon as possible, to the Ministry or Ministries concerned.

13. The Permanent Secretary of the dispatching Ministry should draw particular attention to files which are in current progress by minute to the receiving Permanent Secretary to ensure that action on the files does not die.

14. Where files and papers are classified by well-defined main groups or categories of business (as directed in paragraph 4 of Appendix H to General Orders) or by subject, the identification of the files should not be difficult. Where, however, there is little or no system of classification of subject papers, the identification of the files to be transferred will present difficulties. Whatever the difficulties, every effort must be made to identify the papers, even if this means that every file must be examined. Files and papers constitute the official record and collective memory of public business and completeness and continuity are essential.

15. When the files for transfer have been identified, they should be listed (file number and title) and sent to the Ministry which is to be responsible for the portfolio subjects. Two copies of the list should be sent to the Ministry concerned where a senior officer should endorse the top copy with a certificate to the effect that the files listed have been received. This certified copy should indicate the new numbers given to the files and should be returned to the Ministry from which the files were received.

16. The Ministry from which the files have been transferred should ensure that the office records, lists and indexes of files are noted to the effect that the files have been transferred to the Ministry or Ministries concerned.

III. Resignation or Revocation of Appointment of a Minister

17. A Minister might cease to be a Minister as a result of:

- (a) resignation
- (b) revocation of his Instrument of appointment under Article 74 (3)(c) of the Constitution
- (c) any other of the reasons set out in Article 74 of the Constitution

18. A Minister may resign from his office by letter addressed to the Governor-General.

19. If the Prime Minister wishes the appointment of a Minister to be revoked, then the Prime Minister would advise the Governor-General by minute prepared in the Cabinet Office, addressed to the Governor-General, to revoke that appointment under Article 74 (3)(c).

20. The Governor-General would indicate his acceptance of that advice by initialling the minute.

21. The Governor-General would then sign an Instrument under the Public Seal, prepared in Government House.

22. The Governor-General would arrange for the Instrument to be delivered to the person concerned.

23. A copy of the Instrument would be sent to the Cabinet Office and the Secretary to the Cabinet would arrange for a copy of the Instrument to be published in the Official Gazette

24. In any event the Secretary to the Cabinet would write to the Minister inviting him to return his Cabinet Memoranda and Conclusions to the Cabinet Office.

25. The Secretary to the Cabinet should inform the Treasurer, with a copy to the appropriate Ministry, of the date on which the Minister ceased to hold office so that the appropriate adjustment can be made on the payment vouchers.

IV. General Election

26. The Constitution provides that there shall always be a Prime Minister. Following on a General Election the former Prime Minister and his Cabinet remain in office until the moment when the Governor-General asks him, assuming he has been re-elected and still commands a majority in the House of Assembly to form a new Government or the Governor-General asks some other Member of Parliament to form a Government. In either case at that moment all the former Ministers cease to be Ministers. This leaves the Prime Minister, whether he is the same person or a different person, free to form his Cabinet and to decide on the allocation of portfolios.

27. The above applies after a General Election but it also applies if there were, for any reason, to be a change of Prime Minister between one General Election and another because, under Article 74 (3)(a) of the Constitution, a Minister shall vacate his office whenever a person is appointed to be a Prime Minister. When this occurs there is no need for Ministers to formally resign or for the Governor-General to revoke their appointments under the Public Seal.

28. After the appointment of a Prime Minister the Cabinet Office has the following duties to perform:

- (a) The Secretary to the Cabinet would arrange for the return to the Cabinet Office of all copies of Memoranda and Conclusions held by outgoing Ministers.
- (b) The Secretary to the Cabinet would similarly arrange for the return of cases, keys and Ministers' Seals.
- (c) When the Governor-General has appointed a person to be Prime Minister, the Prime Minister, by minute prepared in the Cabinet Office, would advise the Governor-General to appoint various persons to be Ministers.
- (d) The Prime Minister, similarly by minute from the Cabinet Office, would advise the Governor-General to allocate portfolios to those Ministers.

- (e) Action would then continue as in Action on Appointment of a Minister and Action on Allocation of Portfolios.
- (f) The Secretary to the Cabinet would advise the Prime Minister on the Cabinet Paper numbers to be given to each Minister and on receipt of the Prime Minister's decision in the matter, would arrange for a Cabinet Memorandum to be issued setting out the numbers and for officials to be informed.
- (g) Following on the Prime Minister's decision regarding Ministers and Portfolios the Secretary to the Cabinet would advise the Prime Minister on the posting of Permanent Secretaries to serve those Ministers, with consequent postings of administrative staff; the recommendations would then be put to the Public Service Commission.
- (h) The Secretary to the Cabinet would prepare the draft of a memorandum for the Prime Minister to put to Cabinet to advise the Governor-General on the date of the opening of the new Parliament, if that was not done before dissolution.
- (i) The date of the opening of the new Parliament must be fixed sufficiently far from the formation of the new Government to enable time to be given for the preparation of the Speech from the Throne.
- (j) Action would then continue as in Action Towards Opening of Parliament.

V. Opening of Parliament

29. In accordance with Article 66(1) and (2) of the Constitution the Prime Minister advised the Governor-General when to prorogue or dissolve Parliament. This would be by letter or minute prepared in the Cabinet Office, signed by the Prime Minister. The Prime Minister may well consult Cabinet beforehand but the decision would not be a Cabinet decision; Cabinet might endorse or take note of the Prime Minister's decision.

30. On receiving the advice, the Governor-General issues a Proclamation in the Gazette.

31. In accordance with the Constitution Cabinet advises the Governor-

General when to summon Parliament. The Secretary to the Cabinet should remind the Prime Minister of the need for the subject to be put on the Agenda of a Cabinet meeting. On receipt of the Conclusion of Cabinet on that subject, the Governor-General would issue a Proclamation to be published in the Gazette.

32. When Parliament has been prorogued during the life of the same Government, the date of the summoning of Parliament would normally be decided at the same time as the date of prorogation so that both Proclamations could be published at the same time.

33. After dissolution the new Government would advise the Governor-General on the date of summoning the new Parliament.

34. The Secretary to the Cabinet would prepare the draft of a memorandum for the Prime Minister to put to Cabinet to advise the Governor-General on the date of the opening of the new Parliament. It would be customary for there to be informal consultation with the Governor-General about the date of the opening because he personally is involved in reading the Speech from the Throne.

35. On the day the new Parliament opens, it is normal for the Governor-General to arrive at the Senate Chamber at 11:00 a.m. There may be need for Parliament to do some business before the arrival of the Governor-General such as the election of a Speaker or the appointment of the President of the Senate. Therefore, if there is such business to be transacted, the Proclamation should summon Parliament for a time earlier than 11:00 a.m., possibly 9:30 or 10:00 a.m.

36. If there has been a dissolution, steps must be taken to form the new Senate.

37. The Secretary to the Cabinet would draw the attention of the Prime Minister to the need for the preparation of a Speech from the Throne.

38. The Secretary to the Cabinet would see that the list of pending legislation is brought up to date and secure the Prime Minister's decision on its contents and circulate the list to Ministers and Permanent Secretaries.

39. The Secretary to the Cabinet would send out a circular to all Permanent Secretaries for contributions for the Speech from the Throne.

40. The Secretary to the Cabinet would coordinate the contributions and prepare a first draft of the Speech for consideration by the Prime Minister and subsequent circulation to Cabinet.

41. After the draft Speech has been finalised by Cabinet or by a Committee of Cabinet the Secretary to the Cabinet must see that two fair copies of the Speech, bound with ribbon, are prepared for presentation by the Prime Minister to the Governor-General at the opening of Parliament, having previously sent a fair copy to Government House.

42. The Secretary to the Cabinet should ensure that a member of the Cabinet Office is present to hand the two copies of the Speech from the Throne to the Prime Minister when he leads the procession from the House of Assembly to the Senate so that the Prime Minister can hand two copies to the Governor-General.

43. At the opening of a new Session, on the return of the Members of the House of Assembly from the Senate, a designated Representative gives notice that the following motion for an address in reply to the Speech from the Throne will be moved at the next meeting:

"Resolved that a humble address be presented to His Excellency the Governor-General thanking him for his most gracious speech at the opening of Parliament".

The Resolution would be seconded by another designated backbencher in due course.

44. Notice of a similar motion would be given in the Senate.