

MANUAL OF CABINET AND MINISTRY PROCEDURE

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

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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.

11. 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 councilor 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

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resignation or on his ceasing to be a Minister except for those documents or extracts that will remain on a Ministry or Departmental file.

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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.

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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 initialed 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 initialed; 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

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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.

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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 initiated 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".

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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

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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.

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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

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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.

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- (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

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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

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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.

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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

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Cabinet in 1995 would be set out in full as CO (95) 2nd Meeting, Conclusion 3; or in shortened form C02 (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 C02 (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) S.

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 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

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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 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

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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 made a distinction and even to attempt to 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 predetermined 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.

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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.

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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.