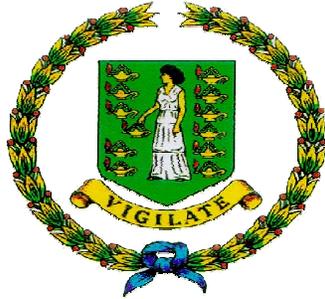


Cabinet Office



CABINET HANDBOOK

First Edition

Published November 2009

© Government of the Virgin Islands

First published 2009

This work is copyright. Apart from any use that is permitted under the Copyright Act 2000, no part may be reproduced by any process without prior written permission from the Government of the Virgin Islands. Requests and enquiries concerning reproduction and rights should be addressed to the Cabinet Secretary, Cabinet Office, 33 Administration Drive, Central Administration Complex, Road Town, Tortola VG1110, British Virgin Islands.

Information provided herein is correct as of 1st October, 2009.

Cabinet Office
Central Administration Complex
Road Town, Tortola VG1110
British Virgin Islands

Foreword

The Cabinet system is a new form of government to the Virgin Islands and this *Cabinet Handbook* details the principles and convention under which it will operate.

This *Cabinet Handbook* is intended to assist with sound management of the policy cycle, and in so doing, with the delivery of noticeable consistency in quality policy formulation. Ministers will be better able to deliver fully on their individual and collective responsibilities to Cabinet due to better informed decision-making. This *Cabinet Handbook* is intended to facilitate the co-ordination of policy development in a strategic way.

This is the first edition of the *Cabinet Handbook* and it builds on the practices developed in the former Executive Council. The contents of this publication draw on the conventions and practices related to Cabinet business in the Commonwealth and in our region. Special attention is paid to the procedures for ensuring our leadership roles in determining the country's strategic direction.

This publication is intended to support the *Step-by-Step Guide* for activities involved in preparing Cabinet papers and other documents for Cabinet. This document lays the foundation for the operations and business of the Cabinet.

It is our request that officials and Ministers be guided by this publication as well as the *Step-by-Step Guide*. We look to the Cabinet Secretary and staff of the Cabinet Office to provide guidance and assist all concerned with ensuring that the business of the Cabinet Office is executed efficiently.

David Pearey
Governor

Ralph T. O'Neal, OBE
Premier

Contents

1. ORGANIZATION OF THE CABINET	1
Elements of the Cabinet system	1
Cabinet Office	2
Role of the Cabinet Secretary	3
2. CABINET CONVENTIONS AND PRINCIPLES	5
Collective responsibility	5
Cabinet confidentiality	6
Responsibility for proposals to Cabinet	7
Implementation and follow-up	7
Declaration of interest	8
Custody of Cabinet documents	9
3. CABINET WORK PROGRAMME	10
Schedule of meetings	10
Notification of meetings	10
Attendance of Ministers	11
Co-options	12
Attendance of Cabinet officials	12
Attendances of ministry/departmental officials	12
4. CABINET BUSINESS	13
Forms of Cabinet business	13
Need for Cabinet consideration	13
Strategic focus for Cabinet discussions	14
Preparation of Cabinet submissions and memoranda	15
“Two-day rule” for submissions and memoranda	15
Joint submission	16
Submissions prepared by one Minister in consultation with others	16
Handling of business without submission	17
Cabinet Minutes	17
Circulation of Minutes to ministries and departments	18
Minutes requiring further action before announcement	19
Announcements	19
5. CONSULTATION	20
Purposes of consultation	20
Co-ordination comments – the basic consultation requirements	20
Legislation Handbook	22
Who should be consulted?	22

6. BOARDS, COMMITTEES, WORKGROUPS AND APPOINTMENTS	23
7. SECURITY AND HANDLING OF CABINET DOCUMENTS	27
Cabinet documents defined	27
Classification of Cabinet documents	28
Handling procedures	28
Recording access to Cabinet documents	29
Copying of Cabinet documents	30
Quoting from Cabinet Minutes	30
Responsibilities of Members regarding access	30
Electronic storage and transmittal of Cabinet material	31
Access to Cabinet documents by courts and investigative agencies	31
Destruction of Cabinet documents	31
Access to Cabinet documents by previous governments	31
Archives	32

Definitions

In this Handbook –

“Cabinet attendants” mean Cabinet Office staff that assists the Cabinet Secretary in fulfilling his duties in accordance with the Constitution section 51(4);

“Cabinet documents” mean the documents listed and defined in Chapter 7.2 of this Handbook;

“Cabinet liaison officer” means a public servant who is the contact between the ministry and the Cabinet, through the Cabinet Office;

“Cabinet Recording Secretary” means a public servant who attends Cabinet meetings along with the Cabinet Secretary for the purpose of notetaking;

“Cabinet Room” means the room in which Cabinet meetings are conducted;

“Cabinet Secretariat” means the Cabinet Office which services the operations of the Cabinet and is staffed by public servants who are responsible to the Cabinet Secretary;

“Cabinet Secretary” means the person appointed to head the Cabinet Office in accordance with the Constitution section 51(1);

“Cabinet Steering Group” means the group formed by the Cabinet Secretary, the Governor and the Premier for the purpose of setting the agenda of the Cabinet in accordance with the Constitution section 49(4);

“Cabinet” means the Virgin Islands Cabinet which is the system of government created under the Virgin Islands Constitution Order 2007 section 47(1);

“Governor” means Governor and Acting Governor;

“Public officer” means a person described in the Constitution section 50(1);

“Statutory body” means an agency described in the Constitution section 50(2);

“The Constitution” means the Virgin Islands Constitution Order 2007;

“Thirty-year rule” means the period of time to be elapsed, according to conventional practice in the Commonwealth, after which documents may be released to the public only in exceptional cases or where a freedom of information law provides for their release;

“Three-day rule” means papers are to be submitted at least three days before being placed on the agenda.

1. ORGANIZATION OF THE CABINET

Elements of the Cabinet system

- | | | |
|--|-----|---|
| Executive Authority of the Virgin Islands. | 1.1 | The executive authority of the Virgin Islands is vested in Her Majesty. Subject to the Virgin Islands Constitution Order 2007, Her Majesty's authority may be exercised by His Excellency, the Governor either by himself or through sub-ordinates. |
| The Cabinet System in the Virgin Islands. | 1.2 | Unlike most developed countries, the Virgin Islands Cabinet is a creation of its Constitution. The Cabinet of the Virgin Islands is established by section 47(1) of the Virgin Islands Constitution Order 2007. |
| Membership of the Cabinet. | 1.3 | The Virgin Islands Constitution Order 2007 determines not only the upper limit, but also the membership of Cabinet as it sets it out in sections 47(1) to include the Premier, four other Ministers and the Attorney General (as an ex-officio Member). |
| Meetings of the Cabinet. | 1.4 | The Cabinet meets on a regularly scheduled basis. In addition, the Governor and the Premier in accordance with section 48 of the Virgin Islands Constitution Order 2007 are authorized to call special meetings of the Cabinet. |
| Proceedings of the Cabinet. | 1.5 | The Governor shall attend all meetings and chair Cabinet as far as practicable (the Virgin Islands Constitution Order 2007 section 49(1)) and in his absence the Premier or the Deputy Premier when the Premier is absent (section 49(2)). |
| Cabinet Quorum. | 1.6 | Cabinet is properly constituted when no less than three Ministers, one of whom must be the Premier, are present (the Virgin Islands Constitution Order 2007 section 49(3)). |
| The Cabinet Steering Group. | 1.7 | The Governor, the Premier and the Cabinet Secretary form the Cabinet Steering Group and its main purpose is to set the agenda of the Cabinet. The Governor and the Premier are each entitled to inscribe papers on the Cabinet agenda. |
| Summoning public officers and other officers to Cabinet. | 1.8 | In accordance with the Virgin Islands Constitution Order 2007, the Premier may summon public officers (section 50(1)) or an officer of a statutory body (section 50(2)) to Cabinet on his own request or at the request of the Governor. |
| Functions of Cabinet. | 1.9 | The Cabinet is the centre of the Executive branch of the Government of the Virgin Islands. Cabinet sets the broad |

policy directions, approves the broad strategy and takes the most important operational decisions of government. In addition, Cabinet is responsible for resolving the inherent conflicts that arise in the operations of government. (See section 47(3) of the Virgin Islands Constitution Order 2007).

- | | | |
|---------------------|------|--|
| Cabinet directives. | 1.10 | The outcomes (decisions, directives, requests, etc.) require actions on the part of the Governor, Ministers, and Permanent Secretaries. |
| Cabinet committees. | 1.11 | Typically the preliminary deliberations of Cabinet are undertaken by Cabinet committees, especially in case of the more detailed and involved subjects such as high impact policies, revenue/expenditure and larger capital initiatives. |

Cabinet Office

- | | | |
|----------------------------------|------|--|
| Role of the Cabinet Secretariat. | 1.12 | The Cabinet Office is the Cabinet Secretariat and it is responsible for servicing the operations of the Cabinet, including advising the Governor and the Premier on the conduct of Cabinet business, the preparation and distribution of Minutes and the safekeeping of Cabinet documents. Documents handled by the Cabinet Office include agendas for meetings, Cabinet papers, draft Minutes, Minutes and submissions. (For a fuller definition of Cabinet documents see section 7.2). |
| Cabinet Room staff. | 1.13 | The Cabinet Office staff (Cabinet attendants) assists Cabinet Members during meetings by conveying messages and passing information to the Cabinet Room. In the Cabinet Office staff takes custody of and distribute Cabinet documents arriving during meetings. Cabinet Room staff is not to participate in Cabinet debates save the Cabinet Secretary. |
| Cabinet Office. | 1.14 | The Cabinet Office serves as the repository of Cabinet documents and as such is responsible for the management of current and archived Cabinet documents. The Cabinet Office thus has custody and manages access to all Cabinet documents. |
| Cabinet liaison officers. | 1.15 | Cabinet liaison officers are the contact between ministries and the Cabinet, through the Cabinet Office. The Cabinet Office advises and assists Ministries with the preparation of Cabinet documents and adhering to Cabinet procedures. |
| Cabinet Secretary. | 1.16 | The Cabinet Office is a separate Office in the Government of the Virgin Islands and is staffed by public officers under the |

command of the Cabinet Secretary. The Cabinet Secretary must be a Virgin Islander as defined in section 65(2) and a public officer in accordance with section 51(1) of the Virgin Islands Constitution Order 2007.

Cabinet Rules. 1.17 Subject to the Virgin Islands Constitution Order 2007, the Cabinet determines its own rules of procedure for the conduct of its business as set out in this publication.

Role of the Cabinet Secretary

Cabinet Secretary responsibility. 1.18 The Cabinet Secretary is the Head of the Cabinet Office and is appointed in accordance with section 51(1) of the Virgin Islands Constitution Order 2007. The Cabinet Secretary has joint responsibility to the Chairman of the Cabinet and the Premier for Cabinet business.

Duties of the Cabinet Secretary. 1.19 The duties of the Cabinet Secretary are laid out in section 51(3) of the Constitution. The Cabinet Secretary shall –

- (a) *provide such policy advice and technical support to the Cabinet as the Cabinet may require;*
- (b) *transmit copies of all papers submitted for consideration by the Cabinet to its Members;*
- (c) *inform all its Members of the summoning of any meeting of the Cabinet and of the matters to be discussed at any such meeting;*
- (d) *furnish all its Members, as soon as practicable after each meeting of the Cabinet, with a copy of the confirmed Minutes of the previous meeting showing the matters discussed and the conclusions reached at the meeting;*
- (e) *promote and facilitate adherence to the rules of procedure of the Cabinet;*
- (f) *monitor the implementation of Cabinet decisions and report periodically to the Cabinet in respect thereof; and*
- (g) *perform such other functions as are incidental to the functions of the Cabinet Secretary.*

Subordinate staff. 1.20 The Cabinet Secretary is authorized to assign subordinate staff to undertake certain duties on his behalf in accordance with section 51(4) of the Virgin Islands Constitution Order 2007.

2. CABINET CONVENTION AND PRINCIPLES

Collective responsibility

- | | | |
|--|-----|--|
| Collective responsibility. | 2.1 | Collective responsibility is at the core of the Cabinet system of government. Collective responsibility is a convention of Cabinet. The conclusions of Cabinet on any matter presented to Cabinet as recorded in Cabinet Minutes are thus government policy. |
| Support for Cabinet conclusions. | 2.2 | Ministers and Members of Cabinet are therefore bound to support Cabinet's conclusions in public discussion or debate. |
| Actions on Cabinet Minutes. | 2.3 | Cabinet Minutes are not operative until they are final and confirmed at a subsequent meeting of Cabinet unless Cabinet has otherwise decided. |
| Cabinet documents and Minutes. | 2.4 | Ministers and Members of Cabinet must be aware of matters coming to Cabinet. The Cabinet Office thus provides all Members of Cabinet with Cabinet documents including agendas, papers, reports and any other submissions to Cabinet. Members of Cabinet therefore receive copies of Minutes whether or not they were present at a particular meeting. |
| National security matters. | 2.5 | In the context of the Virgin Islands, national security matters are handled by the National Security Council (NSC) comprising the Governor, the Premier, a Minister appointed by the Premier, the Attorney General and the Commissioner of Police in accordance with section 57 of our Constitution. |
| Commenting publicly on policy matters. | 2.6 | Members of Cabinet should refrain from commenting publicly on policy matters or expenditure initiatives in advance of Cabinet considering such matters. In exceptional cases, the Premier may permit Members to announce or discuss, in advance of their consideration in Cabinet, certain initiatives which in their judgment might not erode the principle of collective responsibility. |
| Public statements on Cabinet matters. | 2.7 | Members of Cabinet should not make public statements on matters being brought to Cabinet that might pre-empt Cabinet deliberations. Members should also refrain from identifying or associating particular views of Cabinet deliberations with a particular Minister in order to avoid eroding the principle of collective responsibility. Ministers are responsible for management and public presentation of particular subjects |

under their portfolios, other Ministers should therefore not make the policy positions public.

- | | | |
|--|-----|--|
| Speaking engagements on policy matters. | 2.8 | Members of Cabinet should not speak publicly on policy matters that could illuminate or identify disagreement in policy positions. Members should not make public comment on other Ministers or Members portfolios that may be construed as disagreement between Cabinet Members. |
| Acting in support of Cabinet responsibility. | 2.9 | Permanent Secretaries, ministry officials, statutory bodies and other public enterprises have a responsibility to conduct business and otherwise act in support of the principle of collective responsibility. In this connection it is their responsibility to advise Members of Cabinet accordingly. |

Cabinet confidentiality

- | | | |
|---|------|---|
| Collective responsibility and strict confidentiality. | 2.10 | The concept of collective responsibility and strict confidentiality goes hand-in-hand. Cabinet business is therefore conducted in strict confidence and is only broken with the permission of Cabinet. Individual Members of Cabinet are afforded the opportunity to come to their individual positions during deliberations that are held in strict confidence. Openness and frankness of discussions in the Cabinet meetings are protected. |
| Confidentiality maintained in the future. | 2.11 | Cabinet confidentiality on a particular issue or during a discussion must be maintained in the future. Members of Cabinet are therefore to refrain from publication or discussion of the position of other Members in a Cabinet meeting, notwithstanding how many years have passed. This is essential to avoid a breach of personal confidentiality and loyalty to other Cabinet Members. |
| Confidentiality extended to Secretariat staff. | 2.12 | Collective responsibility and Cabinet confidentiality extend to Cabinet liaison officers and ministry officials. In this connection, Members of Cabinet, Cabinet officials and support staff should not reveal the individual position of Members during a particular or any discussion. |
| | 2.13 | Cabinet confidentiality and collective responsibility are permanent and are never to be broken with or without the permission of individual Members. Ministers, certain Members of Cabinet and the Cabinet Secretary shall before entering upon their duties take an oath or affirmation of allegiance as well as an oath or affirmation of that office in |

accordance with section 61 of the Virgin Islands Constitution Order 2007.

Responsibility for proposals to Cabinet

- | | | |
|--|------|--|
| Only Members to bring proposals. | 2.14 | Proposals are brought to Cabinet by Ministers and Members appointed to take part in Cabinet deliberations. Proposals are usually associated with the portfolios of Ministers and Members. Generally Ministers' proposals are discussed in their presence unless other provisions have been made to the contrary. |
| Proposals by the Governor. | 2.15 | Proposals are brought to Cabinet by the Governor as appointed to take part in Cabinet deliberations. |
| Proposals by Cabinet Secretary. | 2.16 | The Cabinet Secretary brings proposals in relation to Cabinet business or other matters on which Cabinet has agreed. |
| Proposals could cut across ministries. | 2.17 | Proposals to Cabinet might cut across several ministries. In order to avoid the diffusion of responsibility and other practical difficulties that might arise, it is preferable to have the key Minister to be the sponsoring Minister. It is not unusual for ministries and officials to collaborate on the development of proposals coming before Cabinet. |
| Ministers are fully responsible for proposals. | 2.18 | Ministers and Members of Cabinet are to take full responsibility for proposals coming before Cabinet even if the detailed preparation is done by the ministry or other officials. |

Implementation and follow-up

- | | | |
|--|------|--|
| Members to ensure follow-up action. | 2.19 | Ministers and Members of Cabinet are responsible to Cabinet to ensure that the appropriate follow up action is effected, even if it extends to public corporations, statutory bodies and other government agencies. The responsibilities of Ministers and Members of Cabinet may be carried out by Permanent Secretaries, heads of departments or heads of other bodies. |
| Sponsoring ministry to ensure follow-up. | 2.20 | If a proposal requires decision or action in several portfolios and Cabinet does not make a directive in regards to implementation, it is for the sponsoring Minister or Member to take the follow-up action. In these cases it is advisable for the sponsoring Minister or Member to inform the other Ministers about the follow up-plan. |

- Ministers to ensure that departments are informed of Cabinet activities. 2.21 Most departments and agencies do not receive Cabinet Minutes. However, in the event that follow-up action or arrangements are to be implemented by those departments or agencies, it is the responsible Minister or Member to ensure that they are informed in a timely manner.
- Cabinet Minutes may be sent directly to agencies and enterprises. 2.22 Where a statutory body, a public enterprise or agency is directly involved in the preparation of a matter or will be impacted directly by the outcome of Cabinet deliberation, the relevant Cabinet minute may be sent directly to the Chief Executive Officer/Managing Director. As well, the co-ordinating ministry or the ministry under which this portfolio falls may be issued a copy of the Cabinet minute.

Declaration of interest

- Members to declare interest. 2.23 Ministers and Members of Cabinet attending meetings in relation to matters in which they have an interest must declare their interest or members of their family interest. Interests, whether private, pecuniary or non-pecuniary of Ministers, Members of Cabinet or their immediate family must be declared prior to discussions, if their participation is likely to give rise to a conflict.
- Declaration of interest to be recorded. 2.24 Declaration of interest should be recorded by the Cabinet Secretary. Following the declaration of interest it is then for Cabinet to excuse the Minister or Member or for that Minister or Member to excuse himself or for Cabinet to allow that Minister or Member to participate in the discussions thereafter. Ministers or Members should excuse themselves from the discussions where a close relative is being appointed to a position in government or a statutory body. Once a declaration is made on a particular matter, it is not necessary for that Minister or Member to declare his interest in subsequent discussion on that particular matter. However, if the colleagues of the Minister or Member are not aware of the interest due to the passage of time, the Minister or Member is advised to reiterate his previously declared interest.
- Doubts about one's interest. 2.25 Ministers or Members having doubts or uncertainty about their interest in a Cabinet matter should inform the Premier in advance of the matter coming up for Cabinet discussion.

Custody of Cabinet documents

- | | | |
|--|------|--|
| Confidentiality of Cabinet documents. | 2.26 | The confidentiality of Cabinet documents is of utmost importance; accordingly special arrangements are to be made for their handling. The arrangements for handling Cabinet documents are provided for under chapter 7. |
| Cabinet documents are Government property. | 2.27 | Cabinet documents are the property of the Government of the Virgin Islands and are not the property of any individual Minister. A new series of Cabinet records are created for each government. Cabinet records are held by the Cabinet Secretary on behalf of the Government of the Virgin Islands. Cabinet records are to be issued only by the Cabinet Secretary. |
| Cabinet records to revert to the Cabinet Secretary. | 2.28 | Once Cabinet records are no longer needed by a Minister, Member, or ministry (except the Chairman) they revert to the Cabinet Secretary. Hard copies of these documents are to be destroyed under certificate by the Cabinet Secretary. If a Minister or Member vacates his office or indeed there is a change in government, hard copies of those documents must be destroyed by the Cabinet Secretary under his certificate. |
| Requests for Cabinet documents. | 2.29 | Any requests for documents by former Ministers or Members must be made in writing to the Cabinet Secretary. The Cabinet Secretary must inform the Chairman and the Premier of his decision and subsequent action, where necessary. |
| Copies of Cabinet documents to be returned to the Cabinet Secretary. | 2.30 | Any other ministry, department, statutory or corporate enterprise official holding copies of official Cabinet documents must return the hard copies to the Cabinet Secretary for destruction under his certificate, if there is a change in government or he or she vacates the office or position under which he or she received those Cabinet documents. |

3. CABINET WORK PROGRAMME

Schedule of meetings

- | | | |
|---------------------------------------|-----|---|
| Authority to call Cabinet meetings. | 3.1 | The Chairman and the Premier are jointly responsible for determining the business and times of all meetings of Cabinet. |
| Regular and Special Cabinet meetings. | 3.2 | Cabinet meets in a regularly-scheduled meeting, except on public holidays and other times that Cabinet may decide. Cabinet also meets whenever the Premier, or the Governor, acting in his or her own discretion, where practicable after consultation, requests, according to section 48 of the Virgin Islands Constitution Order 2007. The Cabinet Secretary is responsible for summoning the Cabinet to any such special meeting. Indeed it is customary for Cabinet to meet with certain public enterprises during each year or otherwise as necessary. |
| Cabinet Steering Group meetings. | 3.3 | Cabinet Steering Group (CSG), comprising the Chairman, the Premier and the Cabinet Secretary meets weekly to determine the agenda (business) for the next meeting of Cabinet. |
| Cabinet forward schedule. | 3.4 | In order to ensure the smooth implementation of Cabinet business, the Cabinet Office must develop and maintain a forward schedule of Cabinet business, including matters that are to return to Cabinet for further deliberation. |

Notification of meetings

- | | | |
|---|-----|---|
| Cabinet Secretary to give notice of meetings. | 3.5 | The Cabinet Office, through the Cabinet Secretary, each week (as outlined in section 3.3) submits a proposed Schedule of Business to the Cabinet Steering Group as the business of the Cabinet for the next meeting. The Cabinet Office proposals include papers, documents, and other memoranda, that it considers appropriately prepared for consideration, to the weekly meeting of the Cabinet Steering Group. Once the Cabinet Steering Group approves the business agenda, the Cabinet Office is then responsible for issuing to the Ministers and Members, so that the documents are received at least two days in advance of the Cabinet meeting: |
|---|-----|---|

- a) the schedule of Cabinet business for the next week;

- b) the suite of papers, memoranda or documents to be considered or circulated at the next meeting of Cabinet; and
- c) draft Minutes from the previous week's meeting of Cabinet. Documents should be delivered to Ministers and Members of Cabinet by the end of business on Friday evening prior to each meeting of Cabinet.

Cabinet Secretary to give notice of change in meetings and to send documents.	3.6	In the event that the meeting times have been changed or when new or additional meetings are called, revised schedules of Cabinet business are issued by the Cabinet Office to Ministers and Members. Others affected by these changes are to be notified by the Cabinet Secretary. When Cabinet business is added or deleted, the Cabinet Office must issue the relevant papers, documents or memoranda as soon as practicable and Ministers and Members, and Cabinet liaison officers must be immediately notified of deletions or additions.
Notice of changes to be given in hard copy or electronic format.	3.7	The Cabinet Office can inform Cabinet liaison officers about changes to Cabinet business that affect their ministries/departments by written or electronic means, depending on the particular situation, at the discretion of the Cabinet Office, although business agendas are not circulated to them.
	3.8	Cabinet liaison officers are responsible for briefing Ministers/Members in the event of deleted or new business.

Attendance of Ministers

Cabinet meetings take priority.	3.9	Ministers and Members attendance at Cabinet meetings take priority over all activities other than meetings of the House of Assembly. Ministers' staff is therefore not to commit their Ministers to events that are in conflict with scheduled Cabinet meetings.
Ministers to inform of their absence from Cabinet meetings.	3.10	Ministers or Members are required to inform the Chairman and the Premier, respectively, of their absence from, or delay in attending meetings of the Cabinet. A Minister or Member must seek agreement from the Premier and the Chairman, respectively, to have another Member or Minister present his papers to Cabinet.

Co-options

- | | | |
|--|------|--|
| Experts or visitors attend only for the items for which they were invited. | 3.11 | Subject to section 50 of the Virgin Islands Constitution Order 2007, Officials or experts invited or designated to attend Cabinet meetings for any reason must only attend when that item is reached and being discussed on the agenda. Cabinet officials are responsible for informing and calling visitors as they are needed. |
|--|------|--|

Attendance of Cabinet officials

- | | | |
|-----------------------------------|------|---|
| Attendance of Cabinet officials. | 3.12 | Normally only the Cabinet Secretary and the Cabinet Recording Secretary attend meetings of Cabinet. The Cabinet Secretary, Cabinet Recording Secretary or Cabinet attendants may be asked to leave the Cabinet Room discussions whenever the Chairman or the Premier decides that the Cabinet needs to conduct private discussions. |
| Cabinet notes not to be verbatim. | 3.13 | Notes taken by the Cabinet Secretary must not be a verbatim record. Notes taken by the Cabinet Secretary are not part of the Cabinet record but these must be kept in strict confidentiality. There is no access to Cabinet notes. |

Attendances of ministry/departmental officials

- | | | |
|---|------|--|
| Chairman and Premier only to invite officials to meetings. | 3.14 | Subject to section 50 of the Virgin Islands Constitution Order 2007, officials attend Cabinet meetings at the request of the Chairman and the Premier under the invitation of the Cabinet Secretary. Officials or experts attend for specific items on the agenda and are invited in and announced by the Cabinet Secretary or Cabinet attendants. |
| Officials not part of the discussion. | 3.15 | Officials do not participate in the deliberation, as their sole purpose is to present factual and technical information. Officials or experts should leave the Cabinet before the full discussion commences. |
| Officials subject to the strict confidentiality of Cabinet. | 3.16 | Officials attending Cabinet meetings are subject to the strict confidentiality rules just as Ministers. Officials are therefore forbidden from disclosing their purpose of attending Cabinet and the nature or content of their participation. Notes made by officials during the meeting must be surrendered to the Cabinet Secretary for destruction according to official procedures. |

4. CABINET BUSINESS

Forms of Cabinet business

- | | | |
|---------------------------------|-----|---|
| Definition of Cabinet business. | 4.1 | <p>Cabinet business including business before its committees are in the following forms:</p> <ul style="list-style-type: none"> (a) memoranda (Cabinet papers or submissions); (b) emergency non-memorandum matters (including genuine emergencies agreed to by the Chairman and the Premier and there is no time to have memoranda prepared); (c) matters for mention by individual Ministers and Members; and (d) draft Minutes and Minutes for endorsement by Cabinet. |
|---------------------------------|-----|---|

Need for Cabinet consideration

- | | | |
|--|-----|---|
| Members to consider the need to bring papers to Cabinet. | 4.2 | <p>Cabinet business is about collective consideration and collective endorsement by the government. Ministers and Members should, before initiating matters for placement before Cabinet, consider whether the particular matters warrant Cabinet's time and could not have otherwise gained the agreement of colleagues through consultation. This is an important consideration so as not to waste the time Ministers and Members need to discharge their other responsibilities. Ministers and Members must therefore balance the need for collective endorsement of policies to come before Cabinet and to avoid "cluttering" Cabinet's calendar with simple decisions they could make otherwise in ministries and departments.</p> |
| Members to find ways of saving Cabinet time. | 4.3 | <p>Cabinet time could be significantly reduced if Ministers and Members could have endorsement and agreement of certain matters via meetings, correspondence, and subsequently informing the Chairman and the Premier. Another way of significantly reducing Cabinet time is to have high volume decisions brought periodically for final endorsement.</p> |
| Matters sent to Cabinet Steering Group. | 4.4 | <p>Matters coming to Cabinet via the Cabinet Steering Group from Ministers and Members include:</p> |

- (a) new policy proposals or proposals to make significant changes to existing or current policies, programmes and projects;
- (b) proposals that are likely to have significant impact on the size or composition of the public sector;
- (c) proposals or policies that are likely to have significant economic, social, spatial and environmental impacts on the Virgin Islands and its people;
- (d) current and capital works as part of the whole current and capital budgets, whether the Budget Estimates or a Schedule of Additional Provision (SAP), for a fiscal year in whole or in part;
- (e) proposals that are likely to have a significant impact on our relations with the United Kingdom government, governments and organizations with which we have relations in regional or international organizations and other significant impacts with the rest of the world;
- (f) proposed response to recommendations or requests made by the House of Assembly or any of its Committees; and
- (g) negotiations or actions to enter into or alter international arrangements made by the Virgin Islands or significantly alter the intent of Treaties entered into on behalf of the Virgin Islands.

Strategic focus for Cabinet discussions

Cabinet discussion to have a strategic focus.

4.5 Cabinet is the centre of Government and as such its activities should have a strategic focus, including government overall policy thrust and legislative agenda. In order to affect this strategic focus, memoranda and papers should be submitted through the Cabinet Office and circulated to Ministers and Members in a timely fashion and in accordance with rules established by Cabinet. Further, the Cabinet Steering Group decides which matters need detailed consideration and discussion, given:

- (a) the strategic importance or development significance of the issue/matter; and

- (b) the likelihood that there could be or could not be significant disagreement on the issue/matter among Ministers and Members.

Cabinet to have a strategic focus.	4.6	Adding a strategic thrust to Cabinet must not only establish a strategic focus but review the implementing of that focus as well. In this connection it is important that the strategic thrust or direction of the continuing and related matters becomes a central feature on the business agenda of regular meetings of the Cabinet. In addition regularly-scheduled briefings on particular areas should be presented to Cabinet.
Special meetings to have strategic focus.	4.7	Special meetings of the Cabinet should focus on the areas of Government's strategic agenda.

Preparation of Cabinet submissions and memoranda

Cabinet memoranda limited to 5 pages.	4.8	Cabinet submissions (memoranda) are limited to 5 pages including the entire summary sheet, the decision section, the background, the recommendations/conclusions and media release, where necessary. Any arrangements for implementation or co-ordination are included here as well.
	4.9	Submissions on expenditure and budgets are exempted from this rule.
Papers to be prepared according to a guide.	4.10	<i>The Preparers Guide for Cabinet Papers</i> provides details of the process for draft Cabinet papers. It targets ministry policy research officers, Cabinet liaison officers and other relevant officials.

“Two-day rule” for submissions and memoranda

Papers to be submitted 2 days before going on the agenda.	4.11	Ministers and Members of Cabinet need adequate time to consider proposals on which they are asked to make a decision. Cabinet proposals should be presented at least two (2) working days in advance of being placed on the Cabinet business agenda. This is needed to consider issues and implementation arrangements.
---	------	---

- Bypassing the two-day rule. 4.12 In cases where Ministers consider it necessary to bypass the “two-day rule” an exemption to do so is required from the Cabinet Steering Group only in response to their requests to the Cabinet Secretary. In this connection, Ministers must have satisfied themselves that a genuine case exists for placing their colleagues in a position of having to decide without adequate time to consider issues. Exemptions to the “two-day rule” should be applied for, only in cases where not to do so will result in disruption or delays in implementation of a ministry’s programme.
- Presentation of papers must be in good time. 4.13 Members of Cabinet and their officials must ensure that the presentation of proposals to Cabinet are normally within the schedule of the activities they would like to execute. These places are premium on planning in order to avoid imposing on the time other Ministers need to implement their programmes.

Joint submission

- Premier to approve joint submissions. 4.14 It is for the Premier to decide whether a particular subject is to be brought to Cabinet by a single Member or jointly by two or more Members. For example there might be matters such as a particular area of financial services that might be brought by the Minister of Education alone or jointly with the Minister of Finance or the Premier.
- Members to agree on the text of joint submissions. 4.15 In cases of joint submissions, all involved Ministers or Members must agree on the text of the memoranda. However, there might not be full agreement on the recommendations. In these instances, this must be clearly identified and stated in the submission to Cabinet.
- There must be a lead Member in joint submissions. 4.16 Although joint submissions are shared efforts by definition, there must be a lead ministry that takes on the task of leading the consultation, circulating and sending the submissions to Cabinet.

Submissions prepared by one Minister in consultation with others

- Lead Member fully responsible for memoranda text. 4.17 When one Minister is required to or prepares a submission to Cabinet in consultation with other ministries, it is the responsibility of the lead Minister to fully inform and provide for the participation of the other Minister/ministries. Although agreement might not be achieved in some instances, it is the responsibility of the lead ministry to allow the other ministries

the full opportunity to have their view taken into consideration in the drafting of the memoranda.

Handling of business without submission

- Members to have written permission to deal with Cabinet matters without a paper.
- 4.18 As the nature of governance is such that the unexpected happens quite frequently, there will be times when Ministers/Members might have to deal with matters in the absence of a formal paper to Cabinet. In such occasions, Ministers are expected to seek the permission of the Cabinet Steering Group to deal with matters in this way. These matters are limited to:
- (a) urgent matters pertaining to procedures but never pertaining to policy;
 - (b) urgent policy matters on which Ministers/Members might have been unable to reach agreement otherwise; and
 - (c) urgent appointments, typically where replacement will be necessary so as not to hamper business.
- 4.19 Above all, Ministers/Members must carefully consider whether there is a disadvantage to other Ministers/Members in not pursuing their submission in the normal way, i.e. a regular submission allowing colleagues to fully study the proposal.
- 4.20 Before handling an informal submission under paragraph 4.22, requests by Ministers for permission to make an informal submission should typically:
- (a) provide enough information and background that one would expect in Cabinet deliberations; and
 - (b) state whether the proposal is an (i) urgent procedural matter, (ii) an urgent policy matter, or (iii) an appointment.
- 4.21 The Cabinet Secretary is responsible for arranging for the appearance of experts before the Cabinet on these matters.

Cabinet Minutes

- Cabinet Minutes are not operative until signed.
- 4.22 The outcomes of Cabinet deliberations are recorded as Cabinet Minutes by the Cabinet Secretary assisted by the Cabinet Recording Secretary. Cabinet Minutes are not operative until they are confirmed by Cabinet and signed by the Cabinet Secretary and the Chairman of the Cabinet.

- | | | |
|--|------|--|
| Minutes to record decisions taken. | 4.23 | Cabinet Minutes are recorded by the Cabinet Secretary assisted by the Cabinet Recording Secretary during or after meetings in a form that enables the necessary action to be taken. Cabinet Minutes do not record discussions at the meeting, only decisions. |
| Minutes are recorded as draft Minutes. | 4.24 | Minutes recorded on the day of Cabinet meeting are considered draft Minutes until confirmed at the next meeting and signed by the Cabinet Secretary and the Chairman of the Cabinet, at which point they become the Minutes of the meeting. Draft Cabinet Minutes are finalized as part of the agenda of the next meeting. Once draft Minutes are finalized, the Cabinet Secretary takes possession, destroys same or causes same to be destroyed. |
| Doubts about Minutes to be raised before next meeting. | 4.25 | If there arises any doubt by a Minister or Member concerning the accuracy of Minutes circulated, it is for that Minister or Member to raise the doubt with the Cabinet Secretary before the next Cabinet meeting, if possible. |
| Circulation of draft Cabinet Minutes. | 4.26 | Cabinet Minutes are issued in draft as soon as practicable after the adjournment of every Cabinet meeting. Draft Cabinet Minutes are circulated to Members of the Cabinet only together with the agenda and Cabinet documents approved by the Cabinet Steering Group for the next meeting of Cabinet. |

Circulation of Minutes to ministries and departments

- | | | |
|---------------------------------------|------|---|
| Circulation of final Cabinet Minutes. | 4.27 | Final Cabinet Minutes are circulated to Members of the Cabinet and selected officials on the direction or approval of Cabinet. |
| | 4.28 | Any heads of department desiring to receive Cabinet Minutes must write directly to the Cabinet Secretary giving reasons, and the request must be approved by the Cabinet Steering Group. |
| | 4.29 | Minutes are circulated to ministries, departments and other agencies which are specially required to take action or on a need-to-know basis. Heads of units of government receiving Minutes are to satisfy the Cabinet Secretary that there are procedures in place to ensure that these are perused by only persons needing to have access to Cabinet Minutes. |

Minutes requiring further action before announcement

- 4.30 There are instances where Cabinet decisions must await further action from the House of Assembly, a regulatory agency, or the United Kingdom Government. In instances such as these, the announcement on Cabinet decision must have the approval of Cabinet, the Chairman or the Premier.

Announcements

- | | | |
|--|------|---|
| Timing of announcement of Cabinet decisions. | 4.31 | Cabinet decisions are announced as decisions of government rather than decisions of the Cabinet. This assumption takes into consideration the supporting role of non-Cabinet Members of government. Of course, the timing of government announcements depends on the decisions of Cabinet. Cabinet decisions are not normally announced as government decisions until those decisions are declared final by Cabinet. The cover page of a Cabinet memorandum details the Minister/member, timing and method of the announcement of a government decision. Announcements made before they are declared final requires the permission of Cabinet or the Premier. |
| Significant policies should be first announced in the House of Assembly. | 4.32 | It is regarded as good parliamentary practice and high regard for the House of Assembly if significant policy developments are first announced in the House of Assembly. As well, it is also best democratic practice for significant policy papers (white papers, green papers) to be first laid on the table in the House of Assembly. Of course, it is understood that not all recommendations regarding policy can be made in public. |
| | 4.33 | Ministers and ministries must first consider whether the facts and analysis included in documents should be made public, and at what stage in the process it is best to do so. This type of conclusion is the basis for the information/recommendations contained in the announcement strategy. |

5. CONSULTATION

Purposes of consultation

- | | | |
|--|-----|--|
| Cabinet makes policy on the basis of facts and knowledge. | 5.1 | Consultation is one of the fundamental processes in a democracy. Indeed, good policy-making requires effective consultation. Cabinet must make policy on the basis of facts and knowledge. It is consultation that ensures a full consideration of views. Consultation is absolutely necessary to ensure that differences and similarities are known and possibly resolved in advance of Cabinet meetings. Members are responsible for identifying the differences so that there might be the best decision-making possible. |
| There must be agreement on the facts. | 5.2 | Members bringing proposals to Cabinet bear the responsibility for ensuring agreement by other Members and their ministry officials. There must be agreement on the facts contained in proposals being brought before Cabinet. Where there appears to be disagreement among Members about facts, it is incumbent upon the Cabinet Secretary to consider this matter until agreement is reached among Members on the facts presented. |
| Chairman or Premier can bypass co-ordination arrangements. | 5.3 | The Chairman or the Premier may request that certain proposals are to be advanced to Cabinet before the co-ordination arrangements can be worked out or agreed. Typically, these proposals include position on upcoming and urgent international issues or urgent legislation or legislation that is expiring or emergency domestic matters. |

Co-ordination comments – the basic consultation requirements

- | | | |
|--|-----|---|
| Multi-ministry interest subject to consultation. | 5.4 | While the consultation process above-described is essential, all proposals that hold interest by several Ministers and ministries must be subject to consultation at both levels. Interested ministries are to be allowed to provide a co-ordination comment on matters for which they have an interest within two days after the papers are circulated to the Cabinet Secretary. |
| Interested ministries to participate. | 5.5 | A key feature in policy development is to provide Members and ministries with a good opportunity to view papers to decide if there exists an interest. Indeed, if ministries do have an interest, they should be provided with an opportunity to participate in the development of the proposal before it is sent to Cabinet. Cabinet, in turn, expects to receive high quality, well-prepared comments without undue delays. |

- Comments should focus on the risks and consequences. 5.6 Co-ordination comments should focus on the risks and the consequences for their ministries and departments. The purpose of co-ordination comments is to make the other ministries aware of issues with the proposal and to initiate the process of working out arrangements.
- Co-ordination comments are to amplify issues for Cabinet discussion. 5.7 Co-ordination comments are brought to Cabinet as the views of the ministry presenting them. Co-ordination comments are provided to amplify matters/issues for the Cabinet deliberation. Ministers are therefore not bound or limited to these positions or views in the deliberations. However, ministries are not expected to contribute to the delay of proposals waiting for co-ordination comments.
- Ministries to prepare a record of consultation. 5.8 Although sponsoring ministries are responsible for preparing the record of consultation, other interested ministries must be allowed to suggest changes/amendments to the final record. Sponsoring ministries are responsible for circulation of the draft consultation documents once amendments have been made. In instances where the draft consultation documents have been circulated, the sponsoring ministry must allow interested ministries ample time to review and comment on the revised drafts. In cases where interested ministries decline to comment on draft consultation documents, the record must properly reflect this in the appropriate section of the Cabinet memorandum.
- Ministries expressing difference to take it up with the concerned ministry and Cabinet Secretary. 5.9 If after submission of a consultation document, differences still exist, or it is concluded that the consultation has been inadequate, or the consultation is not properly reflected in the submission, it is for the Minister expressing disagreement to take it up with the sponsoring Minister and the Cabinet Secretary.
- 5.10 If a co-ordination comment raises a new issue that remains unaddressed in the Cabinet memorandum, the sponsoring ministry must consider revising the submission to include the comment or the effects of the comment. It is not necessary then for Ministers/Members to issue for comment; instead the Minister/Member could bring out his points in the Cabinet discussion.
- 5.11 If a submission is requested by Cabinet on a particular consultation, and in the opinion of the Cabinet Secretary, there

are strong unaddressed criticisms by the sponsoring ministry, the Cabinet Secretary may return the submission for further consultation.

- 5.12 In cases where an interested ministry realizes that a Cabinet submission has been made without its knowledge, the interested ministry/Minister must draw this to the attention of the sponsoring ministry and the Cabinet Secretary before Cabinet considers the matter.
- 5.13 The sponsoring ministry is responsible for sending memoranda, on which a disagreement has arisen, to the ministries that have identified such as having an interest.

Legislation Handbook

- | | |
|---|--|
| Legislation to have special consultation process. | 5.14 Taking legislation in the Cabinet processes requires special handling due in part to the consultation process. This process is described in the <i>Legislation Guide</i> and the <i>Cabinet Memoranda Preparers Guide</i> . |
|---|--|

Who should be consulted?

- 5.15 Ministries preparing Cabinet submissions bear the first responsibility in identifying the ministries that might have an interest. Indeed ministries must be fully aware of the distribution of portfolios as this is where this information is likely to be found.

6. BOARDS, COMMITTEES, WORKING GROUPS, AND APPOINTMENTS

- Premier to approve committees' papers except under law.
- 6.1 Boards, committees, working groups and task forces play an important role in the workings of Government. Cabinet Members are expected to seek the approval of the Premier before bringing such matters to Cabinet, except where it is provided for, otherwise, under law.
- 6.2 The establishment of the following units are to be brought to Cabinet, through the Cabinet Steering Group:
- (a) boards and commissions being set up to manage key areas of the economy or the public service;
 - (b) statutory bodies;
 - (c) working groups and task forces;
 - (d) committees and other advisory bodies.
- 6.3 The appointment of the following types of membership must be brought to Cabinet, on the approval of the Premier:
- (a) the appointments of members to the units as described in paragraph 6.2; and
 - (b) appointment to serve on appeal boards, commissions and other offices.
- 6.4 The accepted practice is that types of establishments and membership previously brought to Cabinet are to continue.
- Members should not pre-empt Cabinet decisions.
- 6.5 Cabinet has a collective responsibility in the establishment of units and the appointment of their membership. Therefore, Cabinet Members should be mindful of approaching potential members so as not to pre-empt the Cabinet decision. It is therefore expected that contact with potential members should be limited to:
- (a) ascertain the potential member's willingness to serve with an identified list of potential members;
 - (b) whether the potential candidate knows of any possible conflicts of interest; and

- (c) whether there are any other conditions that might legally prevent the potential member from serving in the position to which he might be appointed to serve.
- Consider the cost/benefit analysis of establishing a board.
- 6.6 In considering the establishment of a board, statutory body, committee or like body, the sponsoring Cabinet Member must consider the cost/benefit analysis of his recommendations on the economy, the private sector and the public service. The assessment should include:
- (a) the immediate and longer term impacts this body would have on the public sector;
- (b) how would the particular body benefit or impact on the private sector?
- (c) what would be the expected impact on the enterprise, statutory body or committee? and
- (d) what would be the financial impact on the public purse?
- 6.7 In considering the appointments of persons to boards, committees, working groups, etc, the sponsoring Cabinet Member should be prepared to provide justification for the appointments or re-appointments.
- Procedures for recommending appointments.
- 6.8 Members are required to adhere to the following procedures for their recommended appointments to be considered by the Cabinet Steering Group:
- (a) proposals for placing recommendations for committee membership should reach the Cabinet Steering Group no less than one week before the memorandum is to be considered;
- (b) appointment memoranda must indicate the date when the appointment is to become active or when existing membership expires;
- (c) all appointments must contain all the specific information requested in the appointments template;
- (d) the appointments template must include tenure of appointment, remuneration particulars, members' genders, members' names and full list of other members;

- (e) Cabinet Members proposing persons to be appointed are to ensure that those persons being proposed met the requisite qualifications and experience;
- (f) Cabinet Members must also pay due regard for Government's present policy of appointing young persons, women and sister islands residents;
- (g) Cabinet Members must give due regard to selecting persons for appointment from all districts of the Virgin Islands;
- (h) proposals requesting appointments must include supporting information such as resumes, work experience, etc;
- (i) nominating Cabinet Members should consult with other Cabinet Members who might have the potential appointee already serving an appointment in their portfolio subjects;
- (j) in appointing members to boards of enterprises and commissions, Cabinet Members must be consistent with the provisions of the relevant or guiding law; and
- (k) nominating Cabinet Members must not make announcements about appointments that pre-empt Cabinet approval of decisions.

Nature of relationship to appointee to be described.	6.9	Where any appointment of a close relative of a Cabinet Member, a Member of the House of Assembly, staff members of a ministry or staff of a public enterprise or statutory body is considered, the nature of the relationship must be clearly described in the paper.
Appearance of conflict to be avoided.	6.10	It is inevitable that relatives of Cabinet Members will be appointed to boards, committees and statutory bodies. However, it is important that the appearance of conflict is avoided. Persons involved in the nomination process should not be related to the nominee. This of course means that close relatives should not be nominated without the permission of the Premier. Cabinet Members should excuse themselves when relatives' nominations are being considered.

- Appointment not to be announced before being cleared by Cabinet.
- 6.11 Announcement of appointments before Cabinet has cleared them is only permitted with the approval of Cabinet or the Premier when the situation dictates.
 - 6.12 Circulation of appointments should be very limited until the process is complete and the Minister/Member has made his announcement.
 - 6.13 The procedures to be followed for re-appointment are essentially the same as those for appointments, in most cases with the exception being the urgency of the situation.
 - 6.14 Adherence to the procedures for appointment is critical to ensuring that due consideration is given bearing in mind the importance of these appointments to good governance.

7. SECURITY AND HANDLING OF CABINET DOCUMENTS

Cabinet documents defined

- 7.1 Cabinet documents must be handled in such a way so as to preserve the frankness and openness of the discussions that one expects in the Cabinet Room. In this connection, Cabinet documents are to be kept secured and safely away from other documents of government. Cabinet documents produced by one government are not available for viewing by other governments, and they are expected to be destroyed at the end of the life of that government. This principle is deviated from, only in exceptional cases or where a freedom of information law provides for their release. The conventional practice in the Commonwealth is for the 30-year rule after which those documents may be released to the public.
- What are Cabinet documents? 7.2 Cabinet documents in the Virgin Islands are defined as follows:
- (a) business agenda of Cabinet;
 - (b) notices of Cabinet meetings;
 - (c) Cabinet papers and memoranda (including copies of those documents held with the sponsoring ministry);
 - (d) reports and attachments to papers and memoranda, attached or not, that have been developed for Cabinet to consider;
 - (e) schedules circulated for information to Cabinet Ministers and Members, including appointments and matters discussed without submissions;
 - (f) any papers circulated by Ministers or Members in the Cabinet Room for discussion;
 - (g) legislation documents that are used in getting a draft bill cleared by Cabinet, including Parliamentary Counsel and Attorney General memoranda; legislation profiles produced for Cabinet, draft bills and other documents used for explanation purposes;
 - (h) Ministers' correspondence to the Chairman or the Premier regarding appointments, or other matters to be raised with Cabinet;

- (i) Cabinet draft Minutes;
- (j) copies of all Cabinet Minutes extracts.

7.3 Cabinet documents do not include documents used in connection with the preparation of papers and memoranda submitted. However, ministries must give special care to the handling of memoranda, briefing papers and notes relating to Cabinet deliberation outcomes, as well as other related materials.

Classification of Cabinet documents

- 7.4 The special care and handling of documents related to Cabinet documents, deliberations and discussions are to be handled according to sections 7.8 to 7.20.
- 7.5 All Cabinet documents are to be marked “Cabinet-in-Strict Confidence” and this shall be the classification of these documents.
- 7.6 The basic principle to be applied in the handling of Cabinet documents is the “need to know”.
- 7.7 Officials handling Cabinet documents, whether in ministries or in the Cabinet, as would Cabinet Room attendants, are expected to have positions of trust. As with all public servants, such officials would be expected to have taken the Oath of Confidentiality.

Handling procedures

- No electronic circulation of Cabinet documents. 7.8 Cabinet documents are not circulated electronically to Members; instead, all circulation is by hard copy. Cabinet Members must nominate no more than three ministries’ officials who are cleared to receive and dispatch Cabinet documents. Nominations are to be sent to the Cabinet Secretary well in advance of any planned changes.
- 7.9 Officials receiving Cabinet documents in ministries are required to sign and certify that they will be handled in accordance with the Cabinet Handbook, section 7. Officers receiving Cabinet documents are responsible to the Cabinet Secretary for their safe handling and safe custody.

- 7.10 Cabinet documents addressed to a Member of Cabinet or the Cabinet Secretary and marked “To be opened by the addressee only” may not be opened by a Cabinet liaison officer or a Cabinet Room attendant. Cabinet documents not marked “To be opened by the addressee only” may be opened by other ministry or Cabinet Office officials and brought to the Member or Cabinet Secretary immediately.
- 7.11 Cabinet Members are to decide which of their officers can see Cabinet documents. However, once the Cabinet Member passes a Cabinet document to his Ministry official that official assumes responsibility for the safe handling and safe custody of those documents.
- 7.12 When a Ministry official receives a Cabinet document from a Cabinet Member for advice or action, it is for that nominated ministry official to ensure the safe handling and safe custody of that document and record should be kept of its handling. The file record of the handling of this file may be deemed a sufficient record.
- 7.13 Cabinet business agendas are to be circulated to Members. Cabinet business agendas are not to be circulated publicly or discussed outside of Members.
- Cabinet documents are to be kept in separate files.
- 7.14 Cabinet documents are to be stored in secure containers or file cabinets accessible only to persons with the appropriate security clearances. Cabinet documents are not to be placed on ordinary departmental files. Draft Cabinet submissions are to be kept in separate filing and recording systems from the regular departmental/ministry files.

Recording access to Cabinet documents

- 7.15 A record of persons having access to Cabinet documents must be kept. This includes ministry/departmental staff having access to documents being developed. A movement sheet must be attached to the document that is sent to Cabinet and signed off by the Member of Cabinet submitting the document.
- 7.16 Access to Cabinet documents is limited to persons nominated by the Cabinet Member to handle Cabinet documents.

Copying of Cabinet documents

- 7.17 Cabinet documents are not to be copied except as outlined in paragraphs 7.18 and 7.19. Cabinet documents, particularly Minutes are not to be transcribed or made part of any other documents or part of ministry/department files. Electronic transmission to the Cabinet Secretary is the only accepted exception.
- 7.18 The Cabinet Secretariat and the ministry originating Cabinet documents are the only government units allowed to make copies of Cabinet documents. Other Units requiring copies of Cabinet documents may request copies from the originating ministry. In case the originating ministry is unable to furnish copies, the Cabinet Secretariat may be asked to provide the needed copies.
- 7.19 The production and circulation of Cabinet Minutes are for the Cabinet Secretariat only and, if extra copies are required, the Cabinet Secretariat must be requested to do so.

Quoting from Cabinet Minutes

- 7.20 It is for the sponsoring ministry to convey the issue of a Cabinet minute to departments, agencies and enterprises under its control. Cabinet liaison officers or Permanent Secretaries may summarize a Cabinet minute but it is unacceptable to copy and distribute the minute in its totality, unless the concerned recipient needs to know.

Responsibilities of Members regarding access

- 7.21 Members of Cabinet have the responsibility for:
- (a) identifying the relevant staff to be cleared for handling Cabinet documents; and
 - (b) identifying the person in his ministry to have custody and to be responsible to the Members for their safe keeping. The Cabinet Members are responsible for advising the Cabinet Secretary of the name and other particulars of that person.

Electronic storage and transmittal of Cabinet material

- 7.22 The electronic handling of Cabinet documents attracts the same rules and responsibilities as documents handled manually.
- 7.23 Access to databases and electronic systems used to produce Cabinet documents are to be limited to those officers that “need to know” and such access should be recorded and made available for inspection. The databases in question include document numbers, dates and titles.
- 7.24 Security of electronic systems used for recording or storing Cabinet documents is the responsibility of Cabinet Members. The Cabinet Secretariat may provide advice, but is not responsible for the handling of Cabinet documents in other ministries.

Access to Cabinet documents by courts and investigative agencies

- 7.25 Cabinet Members whose ministries or departments receiving requests for Cabinet documents or materials (defined in 7.1 and 7.2) from sources outside the Executive branch of Government must consult the Cabinet Secretary. The consultation must take place well in advance of considering whether to provide the requested information. Consultation with legal adviser is not a substitute for consultation with the Cabinet Secretary.

Destruction of Cabinet Documents

- 7.26 Highly sensitive national security documents are to be returned to the National Security Council following use of these in a Cabinet Meeting. Cabinet documents are to be held by Cabinet Secretariat if a Minister vacates his office or is deemed to have vacated his office. Documents returned to the Cabinet Office are to be destroyed by the Cabinet Secretary.

Access to Cabinet Documents by previous governments

- 7.27 By convention Members do not seek access to documents recording the deliberations of a previous Cabinet. In short, Cabinet documents are considered confidential to the government under which they were created.
- 7.28 Before each general election in the House of Assembly, Permanent Secretaries or nominated officers are required to store all Cabinet documents so they are not accessible to a new

incoming government. However, if the same government is returned, the stored Cabinet documents must be made available immediately. Cabinet documents of the previous government must be destroyed. A ministry requiring copies of destroyed documents must request same from the Cabinet Office.

- 7.29 In cases where it is necessary for continuity of implementations, to refer to the Cabinet of a previous government, the Cabinet Office may provide copies of Minutes to the Permanent Secretaries or nominated officers. These officers may provide a summary of Minutes, but under no circumstances must a copy of the Minutes be provided to Members of a different government.
- 7.30 Ministries needing to have access to memoranda submitted by a previous government must request same in writing from the Cabinet Office and not from the ministry that originated the document. All requests for copies of documents are to be forwarded to the Cabinet Office.

Archives

- 7.31 Cabinet documents are not to be sent to the National Archives or the Records Centre, instead they are to be destroyed in accordance with paragraph 7.26.
- 7.32 Cabinet documents are not open to the public until after thirty (30) years.
- 7.33 Access to Cabinet documents is to be allowed on a case-by-case basis. All requests from Archives officials are to be sent to the Cabinet Office explaining the requests and the potential use of the information.
- 7.34 Former office holders such as Ministers, Permanent Secretaries and other nominated officials may request sight of documents they worked with to refresh their memories to deal with certain matters.
- 7.35 When special requests are received, the Cabinet Secretary must contact the present political leader of the party that was in power at the time the documents were created and the Chairman of Cabinet.