

PART VII

OTHER DUTIES OF THE CABINET OFFICE

I Appointment of a Minister

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

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

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

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

(a) the publication in the Gazette of a copy of the Instrument and of a Gazette Notice and for the issue of a press release.

(b) allocating to the Minister a Cabinet number, Cabinet cases and keys.

(c) drawing the attention of the Prime Minister to the need to set out an order of precedence of Ministers, from which would follow the allocation of Cabinet numbers and the order of names on the front page of Cabinet Conclusions. (The customary method is for the Deputy Prime Minister to come after the Prime Minister and for other Ministers to follow in order of the first initial of titles of portfolios, with the modification that a Minister with longer service in Cabinet would come before a Minister more recently appointed and the Minister with portfolio would come before a Minister without portfolio. However, this subject is entirely a matter for discretion of the Prime Minister).

(d) ensuring that a Minister has a Seal which may be passed on from the previous Minister unless the portfolio title has changed in which case it may be necessary for a new Seal to be made.

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(e) arranging for any Minister who has not already done so to be sworn in as a Justice of the Peace. This would be done through the Registrar of the Supreme Court.

(f) informing the Treasurer, with a copy to the Ministry concerned, of the date on which the Minister assumes office so that appropriate entries can be made on pay vouchers.

(g) notifying the Minister of the first meeting which he will attend with the first Agenda and first Cabinet Papers and for supplying the Minister with a copy of the Manual of Cabinet and Ministry Procedure.

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II. Allocation of Portfolios

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

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

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

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

9. If a particular Minister is allocated a portfolio or if there are minor changes between Ministers, then an amending public notice would be issued from the Cabinet Office giving information of the modification of the omnibus Order.

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

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

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

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

14. Where files and papers are classified by well-defined main groups or categories of business (as directed in paragraph 4 of Appendix H to General Orders) or by subject, the identification of the files should not be difficult. Where, however,

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there is little or no system of classification of subject papers, the identification of the files to be transferred will present difficulties. Whatever the difficulties, every effort must be made to identify the papers, even if this means that every file must be examined. Files and papers constitute the official record and collective memory of public business and completeness and continuity are essential.

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

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

Resignation or Revocation of Appointment of a Minister

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

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

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

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

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

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

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

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

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

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

IV. General Election

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

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

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

(a) The Secretary to the Cabinet would arrange for the return to the Cabinet Office of all copies of Memoranda and Conclusions held by outgoing Ministers.

(b) The Secretary to the Cabinet would similarly arrange for the return of cases, keys and Ministers' Seals.

(c) When the Governor-General has appointed a person to be Prime Minister, the Prime Minister, by minute prepared in the Cabinet Office, would advise the Governor-General to appoint various persons to be Ministers.

(d) The Prime Minister, similarly by minute from the Cabinet Office, would advise the Governor-General to allocate portfolios to those Ministers.

(e) Action would then continue as in Action on Appointment of a Minister and Action on Allocation f Portfolios.

(f) The Secretary to the Cabinet would advise the Prime Minister on the Cabinet Paper numbers to be given to each Minister and on receipt of the Prime Minister's decision in the matter, would arrange for a Cabinet Memorandum to be issued setting out the numbers and for officials to be informed.

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Following on the Prime Minister's decision regarding Ministers and Portfolios the Secretary to the Cabinet would advise the Prime Minister on the posting of Permanent Secretaries to serve those Ministers, with consequent postings of administrative staff; the recommendations would then be put to the Public Service Commission.

(h) The Secretary to the Cabinet would prepare the draft of a memorandum for the Prime Minister to put to Cabinet to advise the Governor-General on the date of the opening of the new Parliament, if that was not done before dissolution.

(i) The date of the opening of the new Parliament must be fixed sufficiently far from the formation of the new Government to enable time to be given for the preparation of the Speech from the Throne.

Action on would then continue as in Action Towards Opening of Parliament.

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V. Opening of Parliament

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

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

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

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

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

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

35. On the day the new Parliament opens, it is normal for the Governor-General to arrive at the Senate Chamber at 1:00 a.m. There may be need for Parliament to do some business before the arrival of the Governor-General such as the election of a Speaker or the appointment of the President of the Senate. Therefore, if there is such business to be transacted, the Proclamation should summon Parliament for a time earlier than 1:00 a.m., possibly 9:30 or 10:00 a.m.

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

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

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

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

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

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

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

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

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

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

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