

PART 11

MINISTERS AND PARLIAMENTARY SECRETARIES

18. Ministerial Responsibility

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

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

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

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

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

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

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

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

II. Appointments Requiring Cabinet Approval

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

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

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

11. Additional procedures apply to appointments concerning close relatives of Ministers, Members of Parliament, Ministerial staff or heads of departments or agencies. Any such relationship should be noted in appointment proposals being put to Cabinet. To avoid the appearance of conflict of interest, those involved in the appointments process should have no immediate family relationships with the **person** under consideration and any Ministers concerned should absent themselves from all discussions on the matter.

III. Ministers with Portfolio

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

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

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

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

A. Ministers of State

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

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

18. Reference to Minister includes a Minister of State.

B. Parliamentary Secretaries

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

20. The primary duty of a Parliamentary Secretary is to assist his Minister in the Parliament and in dealing with parliamentary matters generally. Within the Ministry to which he has been assigned a Parliamentary Secretary may handle such matters as may be assigned to him by the Minister to deal with on his behalf. This may vary from a general range of subjects to specific matters referred to him, depending on the size and complexity of the Minister's portfolio. He can relieve the

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Minister by deputising for him in receiving visitors who may be more suitably interviewed by a politician than by a public officer. He can also be of assistance in meeting a wider section of the public than the Minister may have time for in explaining the details of Government policy.

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

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

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

IV. The Priority of Cabinet Meetings

24. Cabinet meetings, take precedence over all other business.

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

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

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

V. Absence from New Providence

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

VI. Absences from The Bahamas or from Duty

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40. A Minister must not:

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

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

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

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

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

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