



***Guidelines for  
Cabinet  
Submissions***

**OFFICE OF THE CABINET, JAMAICA**



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These Guidelines for Cabinet Submissions, along with information in the Appendices, are issued by the Office of the Cabinet to assist Ministries to prepare quality Submissions to facilitate the decision-making process of the Cabinet.

## Background

**Section 69** of the **Jamaican Constitution** states in part:

- (1) There shall be in and for Jamaica, a Cabinet which shall consist of the Prime Minister and such number of other Ministers (not being less than eleven) selected from among Ministers appointed in accordance with the provisions of Section 70 of this Constitution as the Prime Minister may from time to time consider appropriate.
- (2) The Cabinet shall be the ***principal instrument of policy*** and shall be charged with the ***general direction and control*** of the Government of Jamaica and shall be ***collectively responsible*** therefor to Parliament.

Apart from the collective responsibility which members of the Cabinet bear, Ministers, on their appointment, take an oath of office in which, among other things, they pledge:

1. to give their counsel and advice to the Governor-General (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of Jamaica;
2. not to, on any account at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary; and
3. not to, except with the authority of the Cabinet of Jamaica, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or context of any documents communicated to a Minister.

The Cabinet is supported by the Office of the Cabinet, headed by a Secretary to the Cabinet who, under the provisions of **Section 92** of the **Jamaican Constitution**, is responsible for arranging the business of Cabinet; keeping the minutes of the meetings of Cabinet; conveying the decisions of Cabinet to the appropriate person or authority; ***as well as other functions which the Prime Minister may from time to time direct.***

***Appendix 1 on page 11 provides information on the main functions of Office of the Cabinet.***

It is against this general background that the following guidelines for the preparation and treatment of Cabinet Submissions are presented for use by Government Ministries.

### 1. Criteria for Submissions

There are two types of documents which are presented to Cabinet: ***Cabinet Notes*** and ***Cabinet Submissions***. They are **confidential** documents prepared by public officials within Ministries

and signed by the portfolio Minister. Where it is not possible for Ministers to do so, the Minister without portfolio, Minister of State or Permanent Secretary may sign Submissions with their Minister's permission).

A Cabinet Note is a brief document which essentially provides a status update on issues/events and is not usually subject to debate. It does not require a decision by Cabinet but provides information to Cabinet Ministers.

A Cabinet Submission requires Cabinet's approval for policy directions the Minister wishes to pursue. The Cabinet Submission provides a comprehensive treatment of its subject matter to facilitate a thorough understanding by the reader to enable decision-making.

A Cabinet Submission is required where:

- 1.1 There is a change or modification in policy, in particular major and/or politically-sensitive ones;
- 1.2 There is a request for new or amending legislation, including subordinate legislation;
- 1.3 A decision is required to enter into fresh obligations in respect of new or existing international memberships, treaties, agreements or memoranda of understanding;
- 1.4 There are matters which have a significant impact on either public or private sector employment; fiscal, monetary, inflation and foreign exchange targets; welfare, public safety, industrial or agricultural activities; new programmes or projects or substantial modifications to existing projects;
- 1.5 There are issues likely to have a significant impact on various groups such as labour unions, employers, major NGOs, persons of a particular gender, persons with disabilities, the youth, the aged and other vulnerable groups
- 1.6 Budgetary provisions are being sought for the main and supplementary Estimates of Expenditure;
- 1.7 Appointments are being made to Boards of Statutory Bodies and Government Companies and to executive positions in these public bodies;
- 1.8 Public property (over and above certain valuation thresholds, as approved by Cabinet from time to time) is being acquired or divested;
- 1.9 Public sector procurement contracts (over and above certain thresholds, as approved by Cabinet from time to time) are being awarded; and
- 1.10 There are any other issues of public importance or concern in accordance with the

principles of collective responsibility, or matters of public interest, as the Prime Minister may direct.

**Appendix 2 on page 13 provides a glossary of Cabinet Documents.**

## **2. Presentation of Submissions**

In order to enhance the efficiency and effectiveness of Cabinet meetings, it is essential that Submissions:

- 2.1 be presented in a format that facilitates proper consideration and enables Ministers to focus on the relevant points;
- 2.2 put forward an agreed basis of facts upon which discussion can proceed;
- 2.3 show evidence that consultation was held with all relevant Ministries and Agencies;
- 2.4 succinctly and clearly identify the essential issues;
- 2.5 indicate realistic policy options and their implications;
- 2.6 are **edited** meticulously for accuracy in all details of fact, in particular, citation of legislation and previous Cabinet Decisions, and in respect of typing, **grammar** and spelling;
- 2.7 make clear and specific recommendations setting out the decisions being sought;
- 2.8 are clearly stamped **Confidential** on each and every page, including all related attachments; and
- 2.9 seek approval for the issue of drafting instructions, where necessary.

## **3. Length of Submissions**

- 3.1 The body of the Submission ideally should be limited to no more than five (5) legal size pages at one and a half line spacing for the paragraphs;
- 3.2 The body of the Submission should be self-contained and cover all major issues about which decisions are to be made;
- 3.3 Where essential, background material and detailed supporting information may be presented in appendices to the Submission. The contents of appendices should be summarised and referenced in the Submission. Appendices should not be used as a substitute for the presentation of material which is essential for Cabinet's consideration.

#### **4. Format for Submissions**

The body of a Submission should comprise the following headings, as appropriate:

- 4.1 Purpose/Objective
- 4.2 Background
- 4.3 Issues
- 4.4 Analysis
  - Human Resource Considerations
  - Infrastructure Considerations
  - Financial Considerations
  - Legal Implications
  - Other implications: International, Regional, National Local Government or Community, Environmental, Gender, Disadvantaged/Vulnerable Groups
- 4.5 Options and Supporting Information
- 4.6 Consultations
- 4.7 Recommendations

Each heading is discussed further.

##### **4.1 Purpose/Objective**

A brief statement about the purpose of the Submission should be provided and may include the decision being sought.

##### **4.2 Background**

The following information shall be provided:

- 4.2.1 A brief outline of the events leading up to the Submission with appropriate references made to any previous consideration of the subject or decisions made by Cabinet, Cabinet Committees, Parliamentary Committees or other relevant authority;
- 4.2.2 A synopsis of previous Cabinet Decision(s) citing the Decision number(s) and date(s). An indication should be given of conformity with or departure from, previous Cabinet Decisions;
- 4.2.3 Reference to relevant policy commitments given by Government (including date and reference);
- 4.2.4 In instances where detailed procedures exist for approvals which also require Cabinet's consideration such as contract awards, acquisition and divestment of public property, and legislation, a summary of the actions taken, with appropriate documentary evidence, should be included in the Submission.

### **4.3 Issues**

This part of the Submission should identify, examine and analyse issues for consideration and determination. The presentation should be logical, concise and contain sufficient information to enable Ministers to focus immediately upon the issues they are to consider.

### **4.4 Analysis**

There should be a discussion of the current situation, which would include the various factors impacting on the success or failure of the policy initiative. It is in this section that comparative experiences in dealing with similar subjects may be cited.

Considerations should include implications for the following, as applicable:

- Human Resources;
- Infrastructure;
- The Environment;
- Financing;
- Legislation
- International, regional, national or local community relations;
- Gender;
- Targeted vulnerable groups such as the youth, the aged, and persons with disabilities.

#### **4.4.1 Human Resource Considerations**

Given that there are often human resource limitations, the Submission should state whether:

1. there are available personnel of the appropriate qualifications; and
2. whether their availability is at the expense of some other activity in Government, in particular priority ones.

In the broader context the Submission should indicate whether there are employment implications such as additional jobs or redundancies.

#### **4.4.2 Infrastructure Considerations**

As projects are very often adversely affected by the absence of important infrastructure such as water, electricity or roads, there should be a statement on the availability of, or impact on, relevant infrastructure, as appropriate.

#### **4.4.3. Environmental Considerations**

Any significant impact on the environment should be clearly stated, in addition to any impact that the environment may have on the proposal. The consequences of climate change should be fully integrated. Where planning and/or building approvals are required, these should be indicated.

***Appendix 4 on page 16 provides a checklist for mainstreaming environmental considerations in policy making.***

#### **4.4.4 Financial Considerations**

All financial implications, be they expressed or implied, direct or indirect, must be stated, including whether the proposed expenditure:

- can be funded from existing appropriations;
- will be derived from offsetting savings or revenues;
- will require ***additional*** funding; or
- will require funding in ***future*** financial years.

All Submissions which have expenditure implications must have the comments of the Ministry responsible for Finance. A copy of the actual comments of that Ministry must be appended to the Submission.

#### **4.4.5 International, Regional, National, Local Government or Community Implications**

Where proposals have implications for international, national, local government or community relations, they should be so stated. (e.g. proposal to amend tariff regulations to assist some industry). Any international obligations which are in conflict with these proposals must be stated, and the written comments of the Ministry responsible for Foreign Affairs and Foreign Trade appended to the Submission.

#### **4.4.6 Legal Implications**

The comments of the Attorney General Chambers must be presented for matters that have legal implications for the Government. These matters include any agreements that the Government will be entering into and requests for approval for new or amending legislation.

#### **4.4.7 Gender Implications**

Gender should be explicitly considered to allow an assessment of its full effects on the proposal. This may reveal previously hidden impacts which should be fully weighed in the decision-making process.

***Appendix 5 on page 21 provides a checklist for mainstreaming gender considerations into policy making.***

#### **4.4.8 Implications for Targeted Vulnerable Groups**

Consideration should also be given to how the proposal will affect other groups of persons regarded as disadvantaged, such as the elderly, persons with disabilities and the youth.

#### **4.5 Options**

The principal options for Government should be stated briefly and the preferred course of action stated precisely. Ideally, at least two (2) viable options shall be presented for consideration.

#### **4.6 Consultations**

4.6.1 Consultations are an important part of the development of Submissions. Consultations enable Ministries, Departments, Parliamentarians and other relevant stakeholders to express their views on the matters and save Cabinet's time in making a determination.

4.6.2 Where two or more Ministers share substantial responsibility for a particular matter, it is appropriate for a joint Submission to be presented to Cabinet and signed by all the Ministers concerned. Any unresolved differences shall be clearly indicated.

4.6.3 The Attorney General's Department should be consulted where there are legal consequences and/or legal implications. The Department should be given adequate time to review the Submission and present a response.

4.6.4 The results from the consultation process, both the pros and cons, should be summarised in the Submission. Documentary evidence of the consultations should also be appended.

#### **4.7 Recommendations**

The recommendation(s) to Cabinet should flow naturally from the options presented and should reflect the best balance among the various competing or conflicting factors. The final recommendation(s) should be repeated in the final paragraphs of the Submission.

### **5. Cabinet Submissions Recommending Procurement Contracts**

5.1 For Submissions seeking Cabinet's approval for the award of contracts whose values are J\$30M and above (or whatever threshold is approved by the Cabinet), a copy of the letter of endorsement by the National Contracts Commission (NCC) **must be appended to the Submission.**

5.2 For contract awards, the names of the principals/and directors of the company and the track record/performance of the entity being recommended **must be stated in the Submission.**

***Appendix 6 on page 23 provides further information on the requirements for these Submissions.***

### **6 Cabinet Note for Transmittal of Annual Report**

For Cabinet Notes advising of the readiness of Annual Reports to be tabled in Parliament, information on the total emoluments received by each senior executive of the public body and each Board Director **must be** provided in the standardized template format approved by Cabinet and included in the Annual Report. ***Copies of the Annual Report must be submitted with the Note.***

***Appendix 7 on page 30 provides further details information on the requirements for these Notes.***

### **7. Cabinet Process**

7.1 Final Cabinet Submissions and Notes are to be prepared by **Ministries.** Agencies shall submit proposals and/or substantive content to their relevant portfolio Ministry

which shall form the basis of a Submission concerning the public entity. The portfolio Ministry shall then prepare and finalise the Cabinet Submission or Note.

- 7.2 Cabinet Submissions and Notes should be ***signed*** by the portfolio Minister or in the case of joint Submissions, Ministers. In circumstances where it is not possible for portfolio Ministers to do so, Ministers without portfolio, Ministers of State, or Permanent Secretaries may sign Submissions or Notes with their Ministers' permission.
- 7.3 All Cabinet Submissions and Notes shall be subject to review by the relevant portfolio Permanent Secretary prior to lodgement with the Office of the Cabinet.
- 7.4 All Cabinet Submissions and Notes, except those specifically authorised by the Prime Minister, should be forwarded to the Office of the Cabinet by 12.00 noon on Thursday, eleven (11) days prior to the Cabinet meeting at which they are proposed for consideration.
- 7.5 Ministries seeking late entry of Cabinet documents to the Cabinet agenda should submit a letter to the Cabinet Secretary signed by the Permanent Secretary clearly stating the reasons for the late submission as well as the reasons justifying Cabinet's consideration of the documents at short notice.
- 7.6 Submissions and Notes shall be lodged with the Director of the Recording Secretariat in the Office of the Cabinet.
- 7.7. Cabinet documents including Agenda and Minutes of the previous meeting as well as Submissions and Notes to be considered are circulated to members of Cabinet on the Thursday/Friday preceding the meeting of Cabinet.
- 7.8 Official Decisions of Cabinet will be communicated to the relevant Ministries by the Office of the Cabinet as quickly as possible after they have been taken, usually on the Thursday/Friday immediately following the Cabinet meeting. In the event of changes made to the Decisions, as originally recorded in the Minutes, prior to their confirmation in a subsequent meeting, these changes will be immediately transmitted to the affected Ministry.
- 7.9 Ministers themselves are responsible for follow-up of the Cabinet requirements of Cabinet Decisions and reports thereof.

## **8. Implementation of Cabinet Decisions**

- 8.1 Ministers and their Permanent Secretaries have the primary responsibility to ensure the implementation of Cabinet Decisions in their respective Ministries.
- 8.2 The Office of the Cabinet will monitor the implementation of Cabinet Decisions across Ministries on behalf of the Prime Minister/Cabinet.

## 9. Confidentiality of Cabinet Documents

- 9.1 All Permanent Secretaries are responsible for the dissemination and handling of Cabinet papers, even within Ministries, including agencies, thereof.
- 9.2 ***Under no circumstances*** should Cabinet Submissions, or the contents thereof, be circulated, copied or released without the specific approval of Cabinet.
- 9.3 ***Cabinet Decisions should not be copied for circulation***, even where a Permanent Secretary has determined that it is necessary and/or appropriate for a third party to be made aware of a pertinent Cabinet Decision. Instead, the relevant essentials of the Decision should be extracted (i.e., typed out) and conveyed by way of letter or other similar communication and under the appropriate strictures of confidentiality.
- 9.4 Requests from Ministries or any other third party seeking access to Cabinet Papers held by the Office of the Cabinet must be made in writing to the Cabinet Secretary. A copy may only be provided if it is ascertained that the subject Ministry is no longer in possession of its copy.

**APPENDICES**

**APPENDIX 1**  
**MAIN FUNCTIONS OF THE OFFICE OF THE CABINET**

1. Full responsibility for bringing together issues which bear on the Government's strategy and presenting them to the Ministers via the Prime Minister for collective decision:
  - Coordinate technical consultation and review of high profile cross-cutting government policy and service delivery issues;
  - Communicate the overall strategic framework and priorities for the short, medium and long terms and support the coherent and coordinated delivery of government objectives;
  - Ensure policy coherence through the coordination and alignment of major policies so that they collectively meet the needs of government.
  
2. Provide logistical support to Cabinet and Cabinet Committees to ensure that the business of Government is conducted in a timely and efficient manner:
  - Compose the agenda of Cabinet meetings and Cabinet's forward agenda;
  - Record abstracts of the Submissions and Notes presented to Cabinet and Cabinet Committee meetings, record the decisions made, and communicate decisions to the appropriate persons;
  - Ensure the secure custody, storage, authorised handling, and disposal of all Cabinet and Cabinet Committee classified documents and papers including: Submissions, Notes, agendas, corrigenda, minutes, highly classified reports and related materials.
  
3. Provide policy support to Cabinet and Cabinet Committees to ensure that proper collective consideration takes place before policy decisions are taken:
  - Control the quality and content of information reaching Cabinet and the Cabinet Committees for consideration by reviewing all materials in advance and providing an independent analytical perspective and policy advice on Ministerial and Departmental proposals;
  - Ensure an adequate degree of consultation on proposals for Cabinet consideration and decision; initiate, as required, and participate in key meetings leading up to the formulation of policy;
  - Prepare technical papers and brief the Prime Minister, as Chairman of Cabinet, and the Cabinet Committee Chairpersons on the handling of issues coming before Cabinet or a Cabinet Committee.
  
4. Manage the corporate planning process for the Government as a whole and monitor and evaluate the overall performance of the Government:
  - Set and communicate standards and policy priorities for government service-wide in specific key areas and provide policy guidance;
  - Monitor the implementation of key Cabinet Decisions by Ministries and public sector agencies, and, as necessary, direct the implementation of strategic policy;
  - Monitor the implementation of policy to ensure that policies actually result in the planned changes in the delivery of services.

5. Main responsibility for determining the size, structure and functioning of the Public Service:
  - Provide leadership to the Public Service through the development of a range of strategic human resource policies and interventions;
  - Improve Government's ability to deliver on its objectives by providing advice on, and taking strategic actions to develop, a service culture and civil service capacity at all levels;
  - Act as the focal point for resolving conflicts between Ministers and Permanent Secretaries and as a honest broker for solving impasses between Ministries.
  
6. Lead, develop and support the modernisation of Government, securing substantial and measurable improvements in performance and capacity:
  - Drive forward the modernisation implementation agenda by all Ministries, departments and agencies to improve the quality, coherence and responsiveness of public services;
  - Promote a strong, professional, well-managed public service that is capable of enabling and facilitating the achievement of the major national goals;
  - Enable Government Ministries, departments and agencies to develop and deliver high quality integrated public services, programmes and regulations that meet the needs of customers;
  - Research, develop and recommend the strategic and policy framework for the modernisation of the public sector;
  - Identify key reform issues to be prioritised;
  - Spearhead the transformation of Government entities into Performance-Based Institutions (PBIs) and Executive Agencies, as relevant;
  - Establish mechanisms for effective decision-making, human and financial resources management, coordination and performance management across Government;
  - Formulate, as necessary, frameworks which reflect and promote current best practice in areas of:
    - ◆ Customer or stakeholder consultation, participation and partnerships;
    - ◆ Delegation, devolution and divestment of public service activity;
    - ◆ Delivery of services to individual citizens and businesses;
    - ◆ Management and development of human resources;
    - ◆ Conditions of Service and Employee Benefits;
    - ◆ Application of appropriate information technology to Government operations.

## APPENDIX 2 GLOSSARY OF CABINET DOCUMENTS

There are several documents which may be submitted to Cabinet or Cabinet Committees. The following definitions/descriptions are presented as a guide to those who prepare and those who use those documents:

### **Cabinet Submission**

Prepared by officials within Ministries and signed by the Minister (or the Minister of State or the Permanent Secretary with the Minister's authority) to seek Cabinet approval for policy directions the Minister wishes to pursue. This document will provide a comprehensive treatment of the subject matter to facilitate a thorough understanding by anyone reading the document. Please refer to **Page 4** and **Appendix 3 (page 14)** for the outline of this document.

### **Cabinet Note**

This is a note from a Minister to Cabinet or a Cabinet Committee. It is essentially informational and usually not intended for debate. It provides information on the status of issues and/or events and may also be used to alert Cabinet about an impending matter or to serve notice about a matter which will be brought to Cabinet at a later date. Please refer to **Appendix 3 (page 15)** for the outline of this document.

### **Cabinet Agenda**

This document indicates the items to be deliberated by Cabinet at its meeting, but also contains a listing of matters that were deferred from consideration at previous meetings and items referred to Committees.

### **Cabinet Committee Submission**

Documents for consideration by a Cabinet Committee may either be standard Submissions/Notes circulated to all members which have subsequently been directed to the attention of a Committee or be specifically crafted solely for deliberation by such a body. Committee-specific Submissions are done for the purpose of the Ministry obtaining policy direction/input of the relevant Committee and may be open to receipt of feedback from a wider pool of stakeholders.

### **Legislation Committee Submission**

Matters relating to legislative changes come before Cabinet by way of a:

1. Cabinet Submission which seeks approval for the policy position and issue of drafting instructions to the Chief Parliamentary Counsel;
2. Legislation Committee Submission with the draft Bill attached; and
3. Cabinet Submission which seeks approval for the draft Bill to be tabled in Parliament.

The Legislation Committee Submission is circulated only to members of that Committee. Please refer to **Appendix 9 (page 33)** for further information on the legislative process and **pages 35 and 37** for an outline of a Legislation Committee Submission.

APPENDIX 3  
OUTLINE OF CABINET SUBMISSION/NOTE

**CABINET SUBMISSION**

\_\_\_/Ministry Acronym – Submission #/Year

[TITLE]

***Purpose***

Cabinet is being asked to approve...

***Background***

***Issues***

***Analysis***

***Options***

***Consultations***

***Recommendations***

Cabinet is being asked to approve...

[Name of Minister]

[Title of Minister]

[date]

## CABINET NOTE

[TITLE]

### ***Purpose***

Cabinet is being asked to note...

### ***Background***

### ***Issues***

### ***Recommendations***

Cabinet is being asked to note...

[Name of Minister]

[Title of Minister]

[date]

## APPENDIX 4

### GUIDELINES AND CHECKLIST FOR ENVIRONMENTALLY FRIENDLY POLICY

As part of the Government of Jamaica's (GOJ) commitment to sustainable development, the GOJ will ensure that all its policies adequately consider potential environmental effects and impacts, and where these are adverse, incorporate appropriate measures to reduce or eliminate these effects and impacts.

To this end, the government will be implementing a systematic, proactive process for evaluating the environmental consequences of policies in order to ensure that their environmental consequences are fully included and adequately addressed at the earliest appropriate stage of decision-making, on par with economic and social considerations. This process is referred to as the Strategic Environmental Assessment of policies, plans or programmes.

#### PROCESS/STEPS TO CONDUCTING A STRATEGIC ENVIRONMENTAL ASSESSMENT

1. **Conducting A Preliminary Scan** – considers:

- If the policy proposal has outcomes that will affect natural resources;
- If the proposal has a known direct or indirect outcome that is likely to affect the achievement of the country's environmental quality goals;
- If the proposal involves a new process, technology or delivery arrangement with important/significant environmental implications;
- If the scale and timing of the proposal could result in significant interactions with the environment.

If the Preliminary Scan does not identify the potential for important environmental considerations, no further analysis is required.

2. **Scoping** – identifies the main issues related to the appraised proposal and takes in-depth account of:

- The scope and nature of potential effects – including cumulative effects which could result from the use of, or changes in atmospheric, terrestrial, aquatic resources, physical features/conditions or human components of the environment;
- Scope and nature of residual effects – potential environmental effects that may remain after taking into account mitigation measures;
- A classification of each effect as positive or negative;
- An analysis of both positive and negative effects;
- An estimation of the likelihood and magnitude of each identified effect;
- If the scale and timing of the proposal could result in significant interactions with the environment.

***See Appendix 4a for key issues and questions relevant to the scoping process.***

3. **Mitigation Measures** – identifies:

- Measures that could reduce or eliminate potential adverse environmental consequences of the PPP proposal;
- Recommendations that could result in changes in the proposal; conditions that may need to be placed on policies; or activities arising from the proposal or compensation measures;
- Steps for identifying uncertainties and determining the means to acquire more information about unknowns.

**APPENDIX 4a**  
**KEY ISSUES AND QUESTIONS RELATED TO THE SCOPING PROCESS**

**AIR QUALITY**

Will the policy, plan or programme:

- lead to an increase in the emissions of air pollutants?
- result in improvements in air quality?
- result in greater or fewer numbers of people being affected by existing levels of air pollution?
- have a bearing on areas of existing poor air quality?
- result in new areas, previously unaffected by poor air quality to have air quality problems?
- result in changes in indoor air quality of buildings?

**LANDSCAPE**

Will the policy, plan or programme:

- involve visually intrusive construction work or architecture that might conflict with the natural and built surroundings?
- involve demolition or modification of cultural or archaeological sites or historic buildings?
- impact on location in such a way as to change its sense of place or identity in any other way?

**LAND USE**

Will the policy, plan or programme:

- result in loss of arable lands or lands suitable for agriculture?
- affect the amount of land available for recreation, including land within urban areas?
- change the economic and social resource base for specific areas within rural and urban areas?
- have a different impact in one region or locality from that elsewhere because of the particular ecological characteristics of those areas?
- lead to changes in traffic volume or traffic patterns?
- lead to changes in housing and settlement patterns?
- be impacted by squatting and unsustainable settlement patterns ?
- cause an unsustainable settlement or foster a squatter settlement?

**WASTE**

Will the policy, plan or programme:

- lead to a change in the volume of waste (solid or liquid municipal, industrial, agricultural or other category) produced or to the way it is processed?
- result in increased production of hazardous waste or medical waste?
- require specific processes or technologies for the treatment and/ or disposal of waste?
- introduce forms of waste management such as recycling?

## **RESOURCE CONSUMPTION**

Will the policy, plan or programme:

- affect consumption and production patterns of renewable and non-renewable resources?
- lead to an increase in the use of imported petroleum?
- lead to an increase in water consumption, particularly freshwater?
- be impacted by increases in utility costs?
- Be impacted by the scarcity of water ?
- increase or decrease abstraction of groundwater
- construction of wells etc.), surface water (rivers, streams, reservoirs, dams) or otherwise affect the flow, run-off or recharge of water?
- involve the use of forest resources (timber, wood, wildlife, rocks, minerals)?
- involve the abstraction of resources (such as fisheries) using new technologies?
- consume a substantial volume of natural, non-renewable resources, including land and minerals?

## **BIODIVERSITY**

Will the policy, plan or programme:

- involve disturbance or relief to habitat or species by change of land use, light or noise?
- lead to severance, fragmentation, isolation or change in size of habitats?
- result in loss of diversity and distribution of animal or plant species?
- result in the introduction of non-native species into an ecosystem?
- change the genetic variety within specific species or for ecosystems as a whole?
- result in conversion of one type of ecosystem or alter specific characteristics of an ecosystem?
- result in the elimination of any species?

## **ECOSYSTEMS**

Will the policy, plan or programme:

- involve clearing of forested areas?
- require infilling or draining of wetlands?
- place demands in coral reef resources (harvesting corals, fish, etc.)?
- lead to disruption of beaches or riverbeds?

## **CHEMICAL CONTAMINATION**

Will the policy, plan or programme:

- result in increased quantities and levels of pollutants, toxins and heavy metals being deposited in land and marine animals and plants?
- result in contamination of air, soil or water (fresh or coastal) by pollutants, heavy metals and other toxic substances?

## **WATER QUALITY/EUTROPHICATION**

Will the policy, plan or programme:

- lead to a change in the levels of nutrients (sewage, fertilizer, etc.) in water bodies?
- lead to an increase or decrease in the volume of surface and ground water affected by pollution?
- increase the amount and concentration of faecal coliform?
- jeopardize the safety of water systems for fish or shellfish harvest or for human consumption?

## **HUMAN HEALTH AND SAFETY**

Will the policy, plan or programme:

- lead to a deterioration of ambient air quality?
- enhance or harm safety at work, or affect the use of the work environment to maintain or improve health?
- affect access to national health care services, including the use of preventative services such as health screening, immunization, sexual health services?
- affect the ability of people to return to work from illnesses (whether the illness is work-related or not)?
- increase or reduce access to and availability of clean, potable water?
- increase or reduce access to sanitation services, including sewerage and solid waste disposal?

## **CLIMATE CHANGE**

Will the policy, plan or programme:

- lead to a change in the emissions of any of the six greenhouse gases?
- lead to an increase in the consumption of fossil fuels (e.g. imported petroleum such as natural gas or coal)?
- affect, or be affected by, vulnerability to the predicted effects of climate change e.g. flooding and shoreline erosion?

## **NOISE**

Will the policy, plan or programme:

- lead to increase or decrease in exposure to noise of sensitive buildings such as schools and hospitals?
- lead to an increase or decrease in the number of people affected by existing noise?
- lead to a change in standards or use that would increase or decrease the noise generated by products?

## APPENDIX 5 GENDER ANALYSIS CHECKLIST

Gender describes the social relations between men and women. Gender Analysis is part of the policy analysis process which helps to assess the differential impact of a policy or programme on men and women, which are sometimes masked or obscured. Government planners are then able to understand the social processes and their effect on relations between men and women, allowing them to respond with informed and equitable policy options.

When gender is explicitly considered, the full effects of the policy are revealed and previously hidden impact can be fully weighed in the decision-making process to ensure a positive development outcome.

Considerations of gender must be incorporated from the very beginning of the policy making process. The following checklist provides an example of the type of gender sensitive questions that should inform the policy process at each step.

### 1. **Define the Issue(s):**

- What is the policy proposal intended to address?
- Why has it become an issue?
- Who says it is an issue?
- Who needs to be involved in the solution?
- Will it affect men/women most?
- How does the issue impact on men/women?

### 2. **Determine the Desired Outcomes:**

- What are expected outcomes?
- Do outcomes differ for men and women?
- What outcome indicators are needed?
- Are they the same for men and women?
- How would the indicators differ for men and women?
- Are there gender specific factors that could modify the expected outcome?
- Do men and women have equal access to the resources to bring about the expected outcome?

### 3. **Research and Consultation**

- Are sex-disaggregated data available?
- What are the information sources?
- Who are the partners?
- What are the gaps in the data?
- Are men or women most disadvantaged by the data gaps?

### 4. **Design and Develop the Policy**

- What are the design options?

- Are there differential consequences for men and women?
- Is one sex disadvantaged by particular options?
- Do the options support gender equity?
- Do men and women have access to resources, time and assets to take full advantage of particular options? If not will the policy address this gap?
- Are the cultural factors that make particular options unattractive?

5. ***Implement the Policy***

- Is there a differential impact for men and women?
- Do existing gender relations affect the practicality of policy?
- Are there cultural factors that will affect the implementation of policy?
- How do existing power relations affect the implementation of the policy?
- Will special allowance have to be made for men/women?
- Who is most directly affected by this policy?

**APPENDIX 6**  
**CONTENT FOR CABINET SUBMISSIONS RECOMMENDING THE APPROVAL OF**  
**PROCUREMENT CONTRACTS**

Cabinet Submissions recommending the approval of contracts **MUST** include the following:

1. The **purpose** of the Submission, including the main deliverable of the contract and the contractor to whom it is being proposed that it be awarded;
2. **Background** information on the proposed contract, including an outline of the factors resulting in the need for goods, services and/or works to be provided under the contract;
3. The **scope of works or the nature of the goods or services** to be provided. This should include enough detail to allow a basic assessment of whether the contract amount is justified;
4. A **pre-tender estimate** or other appropriate **comparative estimate** and the **name of the individual or entity** that provided the estimate;
5. An outline of the **tender and evaluation processes** indicating the tender and evaluation methods used, the period allowed for tenders to be submitted, the tender amounts received, the names of all tenderers and an explanation of why a particular tenderer is being recommended;
6. A brief profile outlining the **performance** of the winning bidder on similar contracts and indicating the satisfaction of the contracting Government body with the performance;
7. The **names of the principals and/or directors** of the entity being proposed for the award of the contract;
8. The **delivery and/or contract period**;
9. A copy of the letter from the **National Contracts Commission (NCC)** endorsing the contract award and in the event of a sole source award, letters from the NCC granting permission for the utilisation of the sole source procurement method as well as the letter of endorsement for the contract award;
10. The **source of funding**;
11. All Submissions proposing expenditure require the comments of the **Ministry with responsibility for Finance**. In referring the Submissions to that Ministry, the Office of the Cabinet should be notified of such referrals so that the Office can monitor the process to the extent possible;

***The Submission of documents to the National Contracts Commission and the Ministry with responsibility for Finance., should be made simultaneously;***

12. Confirmation of the ***tender validity*** at the time that approval by the Cabinet is being sought;
13. Confirmation/explanation that the requisite approvals ***from the relevant Parish Council*** were received or ***have been requested***, if relevant;
14. The comments of the National Environment and Planning Agency where there are likely to be ***impacts on the natural environment***;
15. The ***comments of any other Government entity*** not previously mentioned, whose portfolio is likely to be significantly affected by the proposed contract;
16. Where contracts are to be awarded to a foreign entity, a statement should be made, explaining whether the ***'margin of preference' principle*** was applied and ***if it was not***, the reason;
17. An indication that in situations where the day-to-day ***lives of sections of the population are likely to be disrupted***, they were consulted with or will be consulted prior to commencement of the contract; and
18. A final ***recommendation*** outlining precisely what is being recommended for Cabinet approval.

***Appendix 6a provides a sample of a Cabinet Submission seeking approval for the award of a contract.***

**APPENDIX 6a**  
**SAMPLE SUBMISSION FOR AWARD OF CONTRACT**

\_\_\_\_\_ / MH-25/2018

**CABINET SUBMISSION**  
**Award of Contract**  
**Construction of a Type A Hospital at Baron's Park, St. Ann**

**PURPOSE**

1. Cabinet is being asked to approve the award of a contract to **Red Global Construction Limited** in the sum of **Seven Hundred Million Jamaican dollars (J\$700,000,000.00)**, to construct a Type A Hospital at Baron's Park in the parish of St. Ann.

**BACKGROUND**

- 2.1 Baron's Park is the largest residential area in St. Ann, home to approximately 10,300 low to middle income families. It is located approximately 4km north of Mammee Bay.
- 2.2 In keeping with the requirements of the National Health Policy, St. Ann is slated to receive another Type A Hospital, commensurate with the expected population size of 920,000 within the next two years. Adequate land space (approximately 10 hectares) has been earmarked at Baron's Park for the construction of the hospital.

**SCOPE OF WORKS**

- 3.1 The hospital will comprise seven floors, with a total floor space of 55,467m<sup>2</sup> and include an emergency department, eight operating theatres, 150 in-patient beds and 30 day care beds, a day care centre, a research laboratory, an education and training facility, a café and restaurant, a shop, and a 24-hour pharmacy. Externally, there will be a roof helipad, a 300 space underground car park and there will be approximately 7,500m<sup>2</sup> of gardens, courtyards and green areas.

**TENDER PROCESS**

- 4.1 In keeping with the Public Sector Procurement Governing Documentation and its Procurement Manual, the Ministry of Health placed advertisements in two daily newspapers from April 21, 2018 to April 23, 2018, and on its website and the other Government of Jamaica's official websites and notice boards. The advertisements invited qualified contractors to participate in the tender exercise by collecting tender documents at the NHP Secretariat at 16 Yellow Drive, St. Andrew, on the payment of the non-refundable fee of J\$10,000.00.
- 4.2 Tender documents were collected between April 22 and 25, 2018. The required date of return for completed tender documents was Friday, May 16, 2018 on or before 12:00 noon.

4.3 A public opening of tenders was conducted on May 16, 2018 at 12:00 p.m. in the canteen of the Ministry of Health in Kingston. Present at the opening were Ministry of Health Project Implementation Unit (MHPIU) representatives and representatives of three construction consortiums, Red Global Construction Limited, Indigo Construction Technologies and Blue Development Limited.

4.4 Of the seventeen (17) prospective tenderers that collected bid documents, only the three (3) contractors listed in Table 1 below returned completed tender documents within the stipulated time. Cabinet is reminded that because the tender opening is a public event, Indigo Construction Technologies were allowed to observe the proceedings even though they did not submit a bid.

**Table 1:**

	Name of Tenderers	Tender Amount (J\$)	% Above / Below Estimate
1	Red Global Construction Limited	700,000,000.00	26% below
2	Green Concretes Limited	947,000,000.00	0.31% above
3	Blue Development Limited	981,000,000.00	5.6% above
<b>Pre-tender Estimate prepared by Grey's Engineers Ltd. – J\$945M</b>			

4.5 All three (3) of the above-mentioned contractors were deemed responsive by the MHPIU.

## **EVALUATION OF TENDERS**

5.1 A comparison of the major items of the three (3) bids is as follows:

**Table 2:**

Major Cost Items	Estimate (J\$000)	Red Global (J\$000)	Green Concretes (J\$000)	Blue Development (J\$000)
Preliminaries	130,000	50,000	120,000	140,000
Wards/Emergency	360,500	290,000	370,000	380,000
Café/Restaurant	100,500	110,000	120,000	110,000
Laboratory	55,000	45,000	60,000	62,000
Training Facility	45,000	40,000	45,000	43,000
Day Care	32,000	25,000	31,000	30,000
Operating Theatres	100,000	70,000	110,000	100,000
Pharmacy/Shop	100,000	48,000	60,000	95,000
Car Park	22,000	22,000	31,000	21,000
<b>TOTAL</b>	<b>945,000</b>	<b>700,000</b>	<b>947,000</b>	<b>981,000</b>

### **5.2 Red Global Construction Limited**

5.2.1 Red Global Construction Limited submitted the lowest responsive tender in the sum of **J\$700M**. Checks revealed no arithmetical errors. Red's bid is approximately 26% less than the MHPIU estimate of J\$945M and J\$247M (approximately 26.1%) less than the bid from Green Concretes Limited.

5.2.2 The MHPIU conducted an enquiry into the reason why the bid of Red Global Construction Limited varied so greatly from the comparable estimate. The enquiry determined that a combination of factors resulted in the low bid, these included:

- a) Red Global Construction Limited is the main contractor for the Baron Park Housing Development Phase II, which is adjacent to the proposed site of the hospital and hence was already mobilized in the area, had a better understanding of what would be required and had surplus raw material from the housing construction readily available, which was purchased many months ago before the ethanol crisis resulted in the doubling of the price of raw materials; and
- b) the company recently acquired the sole right to produce and distribute Manna Cement, the most cost effective cement in the world.

### 5.3 Green Concretes Limited

5.3.1 Green Concretes Limited submitted the second lowest responsive tender in the sum of J\$947M. Checks revealed arithmetical errors in the total amount of J\$2.3M which would have increased the tender sum to J\$949.3M. When contacted, Green Concretes Limited decided to stand by the bid amount submitted.

5.3.2 Green Concretes Limited's bid is J\$2M (approximately 0.31%) less than the MHPIU's estimate and J\$34M (approximately 3.5%) less than Blue Development Limited's bid of J\$981M.

5.3.3 There were two points to note in connection with Green Concretes Limited's bid:

- a) Green Concrete Limited proposed to purchase Manna Concrete from Red Global Limited which came with a mark-up; and
- b) The tender information supplied to all contractors indicated that the client reserved the right to split the contract.

### 5.4. Blue Development Limited.

Blue Development Limited submitted the third highest bid in the sum of J\$981M. There were no arithmetical errors in the bid.

### 5.5 Proposal Evaluation Criteria

5.5.1 The tender documents indicated that the proposals would be evaluated using the following technical and price rating system:

<input type="checkbox"/> Qualification and experience	–	20 points
<input type="checkbox"/> References	–	20 points
<input type="checkbox"/> Work Schedule	–	10 points
<input type="checkbox"/> Price Proposal*	–	50 points

\*The price proposals were evaluated as follows:

Lowest tender X 50 points = Price Score  
Tender Submitted

### 5.6 Summary of Tender Evaluation

5.6.1 The summary of the total scores for all the criteria is as follows:

**Table 3:**

Criteria	Max. Points	Red Global	Green Concretes	Blue Development
Qualification & experience	20	20	18	17
References	20	20	18	18
Work Schedule	10	7	9	8
Price Proposal	50	50	36.9	34.3
<b>Total Points</b>	<b>100</b>	<b>97</b>	<b>81.9</b>	<b>81.13</b>

## **CONSULTATIONS**

### **6.1 National Contracts Commission**

The National Contracts Commission at its meeting held on May 20, 2018, endorsed the recommendation of the MHPIU to award the contract to Red Global Construction Limited. A copy of the letter of endorsement dated May 20, 2018 is attached at Appendix I.

### **6.2 Ministry of Finance and Planning Comments**

The Ministry of Finance and Planning by way of its letter dated June 05, 2018 (letter attached at Appendix II), offers no objection to the award of a contract to Red Global Construction, for the construction of a Type A Hospital at Baron's Park in St. Ann.

### **6.3 Parish Council**

Approval for the construction of the hospital was granted by the St. Ann Parish Council by letter dated June 10, 2018, a copy of which is attached at Appendix III.

## **CONTRACT PERIOD**

7 The contract duration for the proposed works is eighteen (18) months.

## **TENDER VALIDITY**

8 All tenderers indicated that their tenders were valid until June 30, 2018. A copy of the letter from Red Global Construction Limited indicating this is attached at Appendix IV.

## **FUNDING**

9 The project will be funded by the National Health Infrastructure Development Fund which now stands at J\$1.5 trillion dollars.

## **INFORMATION ON THE PROPOSED CONTRACTOR**

### **10.1 Company Profile**

Red Global Construction Limited is a wholly-owned Jamaican construction company that was incorporated in December 2005. It operates at the international level and has won a number of international construction awards, including the prestigious Caribbean Construction ACE Award which goes to the best construction company in the English and Spanish-speaking Caribbean, as determined by the International Construction Consortium.

### **10.2 Past Performance**

Red Global Construction Limited has a proven track record, having satisfactorily completed a number of related jobs, including Phase 1 of the Baron Park Housing Development which

is considered to be one of the largest of its kind in the Caribbean and was completed on time and within budget. A copy of a listing of the contracts completed by Red in the last two years is attached at Appendix V.

### 10.3 *Principals*

The Directors of Red Global Construction Limited are: Peter Red, (Managing Director), Matthew Red (Director), Mark Red (Director), John-Paul Red (Director) and Paul Red (Director and Company Secretary).

## **RECOMMENDATION**

- 11 Cabinet is being asked to approve the award of a contract to **Red Global Construction Limited** in the sum of **Seven Hundred Million Jamaican dollars (J\$700,000,000.00)**, to construct a Type A Hospital at Baron Park, in the parish of St. Ann.

**Colin White**  
**Minister of Health**  
**June 14, 2018**

## APPENDIX 7

### CONTENT FOR NOTES ADVISING OF TABLING OF ANNUAL REPORTS IN PARLIAMENT

A Cabinet Note advising of the tabling of an Annual Report in Parliament should have a copy of the Annual Report attached. The Public Bodies Management and Accountability (PBMA) Act, 2001 requires that:

*As soon as possible after the end of each financial year, **but not more than four months thereafter**, a copy of the annual report and audited financial statements of each public body shall be submitted to the responsible Minister who shall cause such report and statements to be laid on the Table of the House of Representatives and of the Senate.*

In addition to the requirements of the PBMA Act, it is the convention for Ministries to submit Annual Reports to Cabinet indicating the readiness of the Reports and the intention to have them tabled in Parliament.

Per the requirements of the **Second Schedule of the PBMA Act**, Annual Reports should contain:

1. Signed audited financial statements, including:
  - (i) explanatory notes; and
  - (ii) notes to the financial statements, including accounting policies.
  
2. A statement of the emoluments of every chairperson, director, chief executive officer and senior official, for that year.
  
3. A report of the board of directors which shall include:
  - (i) a review of all operations;
  - (ii) a statement on any proposed change in the nature and scope of the activities of the body;
  - (iii) any modification or proposed modifications to the corporate plan;
  - (iv) a summary of the achievement of the body measured against appropriate performance targets;
  - (v) forecasts and projections of key financial **and** operating measures for the next twelve months; and
  - (vi) where applicable, notification of payment of dividends.

It should also be noted that via **Decision No. 36/09, dated 7 September 2009**, Cabinet approved the use of standardized reporting templates for the compensation of directors and senior executives for use by all Government entities. These reporting templates are to be included in Annual Reports. Where this has not been done, copies of the same should also be attached to the Cabinet Note presenting an Annual Report. ***The reporting templates are available electronically from the Cabinet Office website — [www.cabinet.gov.jm](http://www.cabinet.gov.jm) — in the section titled Library.***

**APPENDIX 8**  
**CONTENT FOR CABINET SUBMISSIONS RECOMMENDING THE APPROVAL FOR**  
**PROPOSED LAND ACQUISITION**

**1. Formal Notification of Proposed Land Acquisition**

All entities intending to acquire property should inform the Cabinet Office, the Ministries with responsibility for the Finance and Land portfolios, the National Land Agency and the National Environment and Planning Agency.

Copies of the proposal should be sent to the following:

- i. Chief Technical Director, Cabinet Support & Policy Division – Office of the Cabinet
- ii. Senior Director, Corporate Affairs – Office of the Cabinet
- iii. Deputy Financial Secretary, Public Expenditure – the Ministry with responsibility for Finance;
- iv. Deputy Financial Secretary, Public Sector Enterprise – The Ministry with responsibility for Finance;
- v. Deputy Financial Secretary, Public Expenditure Policy Co-ordination – the Ministry with responsibility for Finance;
- vi. Senior Director Land Administration – the Ministry with responsibility for Lands;
- vii. Chief Executive Officer – National Land Agency; and
- viii. Chief Executive Officer – National Environment and Planning Agency.

To speed up the assessment process, acquiring entities are asked to ascertain the names of the individuals to whom the proposal should be sent as indicated above.

**2. Documentation to be Included in Proposal**

The following documents are to be a part of the proposal submitted:

**2.1 A Cover Submission**

This document should summarise the proposed acquisition including:

- the need for the acquisition;
- a brief description and dimensions of the property in question;
- the name of the owner(s);
- the proposed acquisition price; and
- an outline of the acquisition procedures followed to date. Refer to the Land Acquisition Act for acquisition procedures.

**2.2 Valuations**

A copy of each of two valuations that are not more than two years old, one of which should have been done by the Commissioner of Land Valuations or from a valuator on the list of valutors approved by the Commissioner of Land Valuations.

***Where the price agreed by the vendor is less than 15% above the valuation of the Commissioner of Land Valuations, a second valuation is not required.***

### **2.3 Letter from Owner indicating Agreement to Sell**

A copy of a letter from each owner or one letter signed by each owner, indicating a clear willingness to sell the particular property in question.

### **2.4 Regulatory Approval**

Where there is a proposed change of use of the property, a copy of all correspondence issued by the appropriate regulatory body (e.g. National Environment and Planning Agency, Parish Council, Environmental Health Unit Ministry of Health) in connection with the suitability of the property for the intended use.

### **2.5 Map of the Property**

A copy of any diagram/map that would provide a reasonable picture of the property, including its size and location.

## APPENDIX 9 CONTENT OF LEGISLATION COMMITTEE SUBMISSIONS

The Legislation Committee of the Cabinet is responsible for reviewing proposals and draft Bills put forward by Ministries for the enactment or amendment of legislation.

### **Approval of Policy by Cabinet**

Ministries prepare Cabinet Submissions seeking approval for the drafting of the relevant Bills. By constitutional convention ***no proposals for substantive legislation*** (Acts of Parliament) are formally dealt with until approved by the Cabinet. Each Submission should be preceded by an examination of the major issues involved, including the legal issues. The Attorney-General's Department should be consulted, and if other Ministries are affected, their views should be obtained.

Additionally, Submissions proposing substantive reforms to the law (i.e. significant changes in legal principle or procedure) should be sent to the Legal Reform Department for examination and comments. The Chief Parliamentary Counsel should normally be consulted ***before*** the Submission is put forward in order to ensure that the proposal adequately covers the main principles which will form the basis for more detailed drafting instructions.

When a Cabinet Decision for the preparation of legislation has been made, the Office of the Cabinet forwards a copy of the Decision and its Submission to the Attorney-General and to the Chief Parliamentary Counsel for information. The Legal Reform Department would also be furnished with a copy in matters having substantive law reform content.

### **Issue of Drafting Instructions**

The Ministry concerned is responsible for giving the Chief Parliamentary Counsel drafting instructions and, during the drafting stage, dealing directly with the Office of the Parliamentary Council. The relevant Ministry file or at the minimum, all relevant documents on the Ministry file should normally be sent to the Chief Parliamentary Counsel with the drafting instructions. Where drafting instructions do not accord with the guidelines, the Chief Parliamentary Counsel will notify the Ministry and, where appropriate, the Office of the Cabinet, that the matter will not be processed for drafting in the Office of the Parliamentary Council unless adequate instructions are supplied.

### **Preparation and Circulation of Bills**

The Office of the Chief Parliamentary Counsel is responsible for drafting legislation and for advising Ministries on legal questions which may arise during the preparation of legislation. It is the duty of the Office of the Chief Parliamentary Counsel to prepare a Bill which accords with the Cabinet Decision and which, subject thereto, is a Bill which ***the Minister is prepared to recommend*** to the Legislation Committee for introduction in Parliament.

Where a Bill amends existing legislation it will have 'left hand pages' appended; these are a reproduction of the provisions being amended.

As soon as the Bill is finally settled between the Office of the Chief Parliamentary Counsel and the Ministry concerned, the Permanent Secretary of the Ministry should arrange for copies of the Bill to be prepared for circulation to all other Ministries and Departments, the relevant Parliamentary Committees, the Attorney-General's Department, and the Legal Reform Department on law reform matters, inviting comments to be made within a specified period, which should not exceed two weeks. If, for any reason the Ministry intends to circulate copies in typescript, the Ministry will be responsible for supplying the requisite number of copies for this purpose.

The Attorney-General's Department would wish to have the relevant files of the Ministry concerned sent along with the Bill and, whenever this is convenient, and particularly when the Bill is of any complexity, such files should be sent. At minimum, all relevant background information (including copies of the Cabinet Submission, Cabinet Decision and the drafting instructions) should be sent along with the Bill. ***The Ministry should not proceed to submit the Bill to the Legislation Committee unless the Attorney-General's Department has indicated that it has no objection to the Bill being so submitted.***

The points raised in any comment, and any proposed amendments to the Bill, should be settled in consultation with Office of the Parliamentary Counsel before the Bill is submitted to the Legislation Committee. Once those matters are settled, the Office of the Parliamentary Counsel will release a copy of the Bill, together with the left hand pages, to the Ministry for submission to the Legislation Committee. If a Bill is submitted to the Legislation Committee in advance of settlement with and release by the Office of the Parliamentary Counsel, that Office will notify the Legislation Committee accordingly.

### **Consideration of Bill by Legislation Committee**

After the Office of the Parliamentary Counsel releases copies of a Bill for submission to the Legislation Committee, a Submission should be prepared in respect of the Bill by the Ministry concerned asking the Legislation Committee to recommend to the Cabinet that the Bill be approved for introduction to the Houses of Parliament.

The Legislation Committee Submission should set out, *inter alia* –

- (i) the purpose of the Bill;
- (ii) the date Cabinet approval was given in principle, the related Decision Number and the date drafting instructions were issued;
- (iii) whether the Bill was circulated to other Ministries for comments;
- (iv) reference to all unresolved points raised.

The Permanent Secretary or other responsible officer of the Ministry which is in charge of the Bill should, as a matter of routine, attend the meeting of the Legislation Committee at which the Bill is being considered and be prepared to explain and defend detailed provisions of the Bill. It is desirable that the Minister, if he is not a member of the Committee, attend if any issue of importance is likely to be raised.

The Chief Parliamentary Counsel and the draftsman who prepared the Bill would also be in attendance at the meeting, as should a representative of the Attorney General's Department.

The Legal Reform Department should also be represented in connection with law reform Bills.

The Legislation Committee gives detailed examination to the Bill and makes, or recommends the making of, further changes to the Bill. If further changes are recommended by the Legislation Committee, the Office of the Parliamentary Counsel will furnish to the relevant Ministry with a revised draft of the Bill, incorporating the changes recommended by the Legislation Committee.

The decision of the Legislation Committee is conveyed by the Secretary of the Legislation Committee to the Permanent Secretary of the relevant Ministry who will arrange for prints of the Bill, as passed by the Legislation Committee, to be furnished, for submission to the Cabinet.

If circumstances so warrant, the Ministry may proceed on the basis of such records as the Secretary of the Legislation Committee may make available in advance of formal Minutes of the relevant Committee meetings.

These prints should also be sent to the Office of the Parliamentary Counsel for checking before the Bills are so submitted.

### **Approval of Bill by Cabinet**

On receipt of the recommendation of the Legislation Committee the Ministry concerned will proceed to prepare a Cabinet Submission seeking approval for the Bill, as passed by the Legislation Committee, to be introduced in Parliament.

### **Introduction of Bill in Parliament**

When the Bill is approved by the Cabinet, the Cabinet Office will send the relevant Cabinet Decision to the portfolio Ministry, the Chief Parliamentary Counsel, the Attorney-General and to the Legal Reform Department with respect to law reform Bills. A copy of the Bill should be forwarded under cover of a memorandum by the Chief Parliamentary Counsel to the Government Printer for a copy to be printed and returned for proof-reading **before** the final copies are printed and laid on the Table of the House or the Senate, as the case may be.

The Government Printer is responsible for sending the final copies to the Clerk to the Houses who shall notify the relevant Ministry and the Office of the Parliamentary Counsel when this has been done.

The Clerk to the Houses submits to the Office of the Cabinet on a quarterly basis a status report on the progress of Bills.

The Chief Parliamentary Counsel will attend the House or the Senate whenever the presence of the Chief Parliamentary Counsel is requested by the responsible Ministry. It is also expected

that the instructing officials of the Ministry will also be in attendance.

The Ministry will be required to inform the Cabinet Secretary and the Clerk to the Houses when the Bill comes into operation.

## **GENERAL**

In cases where proposals for urgent legislation arise after the Legislation Programme has been settled, the Ministry concerned should prepare a Cabinet Submission seeking approval in principle for the proposed legislation and also for its inclusion in the Programme for the current legislative year. The Bill will then follow the usual procedure.

All Bills are **Confidential** documents; some are **Secret** documents. Until a Bill is introduced in Parliament its actual text may be disclosed only to Ministries and central Government Departments and to such agencies as are intimately concerned with the legislation.

As a general rule, the actual text of a Bill must not be disclosed to bodies such as local authorities (Kingston and St. Andrew Corporation and the Parish Councils), Municipal Councils, statutory boards, corporations and authorities and other quasi-government bodies, unless in a particular case, they are directly involved in the preparation of the legislation. group having specialized knowledge of the subject matter of the legislation.

However, the fact that the actual text of a Bill is reserved for disclosure in Parliament does not preclude, where appropriate, disclosure of broad proposals for public information or the discussion of particular details with bodies or persons especially interested in the subject matter of the Bill.

All correspondence regarding the preparation and presentation of Bills should also be treated as confidential documents.

Finally, it should be noted that, following upon any change of Government, Cabinet Decisions of the outgoing (or any other former) administration may need to be reviewed by the Cabinet of the new administration. Such a review may have an effect on Bills in preparation at the time of the changeover.

# LEGISLATION COMMITTEE SUBMISSION

[TITLE]

## **Purpose**

The Legislation Committee is being asked to consider and approve an amendment to [name of Act] to ....

## **Background**

By way of Decision No. [Cabinet Decision Number], dated [Cabinet Decision date], Cabinet approved the issue of drafting instructions to the Office of the Chief Parliamentary Counsel to amend the [name of Act].

## **Issues**

*[State what the Bill is to achieve;*

*How will it achieve it; and*

*State whether there is need for additional amendment or consequential legislative changes to other Acts]*

A copy of the draft Bill is attached.

## **Consultations**

Comments on the Bill were sought and obtained from....

*[Reference to all unresolved points raised in these consultations, if any]*

## **Recommendations**

The Legislation Committee is being asked to recommend to Cabinet that the Bill be approved for introduction into the House of Representatives and the Senate.

[Name of Minister]

[Title of Minister]

[Date]

**Revised July 2011**

**A Office of the Cabinet Publication**