



**GOVERNMENT OF SAMOA**

**CABINET HANDBOOK**

**CABINET OFFICE**

**MINISTRY OF THE PRIME MINISTER AND CABINET**

**2011**

## FOREWORD BY THE PRIME MINISTER

Our Constitution provides for a parliamentary system of government. Under it, the Cabinet, comprising the Prime Minister and other Ministers, is the central decision-making authority of the executive Government.

However, in exercising this power, the Cabinet does not act in a vacuum. The Cabinet is responsible to the Head of State, Parliament and the people. Indeed, as Ministers we are very conscious at all times that ultimately Cabinet is entrusted with this authority by the people through their mandate as expressed through general elections every five years. This mandate by the people is to govern in the best interests of Samoa, and in particular in the maintenance of law and order and peace and security and in the promotion of economic and social development to continually improve the quality of life of everyone.

I am, therefore, very pleased to present this new Cabinet Handbook which the Cabinet has approved both to provide general information to the people on how their Government works and to serve as a working guide to the Public Service in improving its support services to Cabinet.

Part one describes what Cabinet is, its role and responsibilities, the appointment of the Prime Minister and Ministers, their individual portfolio and collective responsibilities, the standard of conduct expected of Ministers, and the working relationship between the Ministers of the political Government and officials of a politically neutral and independent Public Service.

Parts two and three provide detailed guidelines to the various ministries and public bodies on matters that must be brought to Cabinet and on the preparation of submissions. This is crucial to the success and effectiveness of the Cabinet. Submissions are decided in Cabinet by collective consensus of the Ministers. It is, therefore, incumbent on all ministries that they must provide full relevant information in support of their Minister's submission. This includes identifying policy and action strategy options and an analysis of the cost/benefit and impact/risks of each. They must also consult widely and bring to Cabinet the consensus of all stakeholders, so that every point of view and every interest is taken into account.

This helps the Cabinet in ensuring that Government as a whole acts within the law, maintains fiscal and budgetary discipline, and concentrates its attention on achieving the targets for economic growth, employment and improvement in quality of life as set out in the Strategy for the Development of Samoa. The people's welfare is paramount and it is the duty of the Government to secure for everyone fair and equitable opportunities to share in the benefits of our country's progress. Soifua



[Hon. Tuilaepa Lupesoliai Sa'ilele Malielegaoi]

**CABINET HANDBOOK**

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## DEFINITIONS AND INTERPRETATION

This is provided to assist the reader in understanding the meaning of terms, titles or expressions used or referred to in the Cabinet Handbook.

Meanings explained here are drawn primarily from the interpretation provisions of the Constitution of the Independent State of Samoa 1960, the Ministerial and Departmental Arrangements Act 2003, the Public Service Act 2004, the Public Finance Management Act 2001, and the Public Bodies [Performance and Accountability] Act 2001. Others are drawn from their traditional, ordinary and conventional usage.

### LAWS OF SAMOA

**“Laws of Samoa”** include the Constitution, which is the supreme law of Samoa; Acts of Parliament; regulations which are approved by Cabinet and promulgated by the Head of State; English common law and equity as applied and interpreted by the courts of Samoa; and custom [ref. Articles 100-103, 111 and 114 of the Constitution. Examples of codification of custom into the statutes of Samoa: the Land and Titles Act 1981 and the Village Fono Act 1990].

**“Parliament”** under the Constitution comprises the Head of State and the Legislative Assembly [Article 42].

**“Legislative Assembly”** is the elected chamber of Parliament constituted under Article 44 of the Constitution. A member of the Legislative Assembly is known as a Member of Parliament. There are 49 seats in the Assembly and elections to these seats are held every five years.

**“Bills”** are the form in which proposed legislation are tabled in the Legislative Assembly. When passed by the Legislative Assembly and assented to by the Head of State on the advice of the Prime Minister [and published in the Samoa Gazette], Bills become Acts of Parliament.

**“Regulations”** are accompanying instruments to an Act. Their purpose is to enable and regulate the full implementation of the provisions of the principal or governing Act.

**“Effective date”** of an Act or set of regulations is the date nominated in the Act or Regulation, or by the responsible Minister, and published in the Samoa Gazette.

The **“Judiciary”** is the branch of government, as distinct from Parliament and the Executive, in which the judicial power of the Independent State of Samoa is vested. It is made up of the Supreme Court, the Court of Appeal and the subordinate courts. The courts apply and interpret the laws of Samoa. The Chief Justice is the judicial head of the Supreme Court and administrative head of the Judiciary as a whole.

## GOVERNMENT

“**Government**” carries three meanings depending on usage and context.

[a] “**National Government of Samoa**” or “**Government of the Independent State of Samoa**” normally embraces all three branches of government, meaning the Legislature or Parliament; the Executive comprising the Head of State and the executive Government of which the Prime Minister is head, and supported by a Cabinet of Ministers; and the Judiciary.

[b] “**Executive Government**” The Constitution of Samoa vests the executive power of the State in the Head of State [Art. 31]. However, in exercising this power, the Head of State “shall act on the advice of Cabinet, the Prime Minister or the appropriate Minister, as the case may be” [Art. 26]. It is in this context that “executive Government” is normally taken to mean the Government that is led by the Prime Minister as its Head, together with the Cabinet, the Ministers and Associate Ministers collectively, and the Public Service of Samoa established under the Public Service Act 2004.

[c] “**Political or elected Government**” specifically refers to the collective comprising the Prime Minister, the other Ministers, and Associate Ministers, who are all drawn from the Legislative Assembly as Members of Parliament. It does not include the Public Service, Public Bodies, or other government agencies as defined in the Public Finance Act 2001.

## MINISTERS

The specific meaning depends on the context.

“**Ministers**” with a small “m” is an all-inclusive reference to all, including the Prime Minister, the Ministers collectively in Cabinet and individually, and Associate Ministers.

“**Ministers**” with a capital “M” usually refers collectively to the Prime Minister and Ministers who are assigned portfolio responsibilities under Article 35 of the Constitution and are members of the Cabinet. This is unless the Prime Minister is identified separately in which case the others will be referred to as “other Ministers.” Associate Ministers are not included and are referred to separately.

“**Responsible Minister**” in relation to a Ministry means the Minister for the time being responsible for that Ministry in accordance with the Minister’s instrument of assignment under the Constitution. In relation to a Public Body, the responsible [or, sometimes, the shareholding] Minister means the Minister for the time being responsible for that Public Body under the Public Bodies [Performance and Accountability] Act 2001 and the Public Finance Management Act 2001.

**Associate Minister/Parliamentary Under-Secretary** Parliamentary Under-Secretaries who may also be referred to as Associate Ministers are appointed under the Parliamentary



Under-Secretaries Act 1988. Associate Minister is used in this Handbook as it is the title currently in use.

**“Portfolio”** in relation to a Minister means the specific areas of responsibility including the department/s and subjects placed under the Minister’s charge by the Prime Minister and as listed in the Minister’s instrument of assignment under Article 35 of the Constitution.

**“Ministry”** means a Ministry specified in the Schedule to the Ministerial and Departmental Arrangements Act 2003 [other than the Ministry of Police, Prison and Fire Service] and includes a Constitutional authority [i e, the Office of the Attorney-General, the Public Service Commission and the Office of the Controller and Chief Auditor]. As defined in the Act, each Ministry “shall be a department of the Government.”

**“Government agency”** means an office, entity or instrument of the Government other than a department, ministry, public body, or a Minister [Public Finance Management Act 2001].

**“Central agencies”** or **“key central agencies”** in ordinary usage normally refers to Ministries like the Ministry of the Prime Minister and Cabinet and the Ministry of Finance, and Constitutional authorities like the Public Service Commission and the Office of the Attorney-General, because of their overarching responsibilities and co-ordinating roles across the entire Public Service and the public sector as a whole.

## **CABINET**

**“Cabinet”** means the Cabinet of Ministers appointed in accordance with Article 32 of the Constitution. Currently, Cabinet has thirteen Ministers including the Prime Minister as Chairperson.

**“Cabinet Office”** is the new name of the Division in the Ministry of the Prime Minister and Cabinet responsible to the Chief Executive Officer & Secretary to Cabinet in providing policy advisory, administrative and secretariat support services to Cabinet. “Cabinet Office” is now used following the merger within the MPMC of the Policy Implementation and Monitoring Unit and the Cabinet Secretariat.

**“Cabinet documents”** in relation to Cabinet mean the business list [or agenda] for a Cabinet meeting, Cabinet papers conveying submissions or reports by individual Ministers, the minutes of Cabinet meetings, and Cabinet decisions on individual submissions.

**“Ministry Cabinet submission”** or **“Ministry submission to Cabinet”** means the memorandum to Cabinet by a Minister as delivered to the Cabinet Office and presented to Cabinet in a Cabinet paper. The memorandum may either be “for discussion,” meaning that it requires decision by Cabinet, or “for information,” meaning that it is essentially for the information of Ministers and for noting by Cabinet.

**“Cabinet paper”** is the actual form in which a Minister’s memorandum is presented to Cabinet. It is based on the Minister’s memorandum in all its text and contents except that it is reproduced by the Cabinet Office on Cabinet stationery, changing its proprietary status from being the property of the originating Ministry to a Cabinet paper which is the property of the Cabinet of Samoa and is security classified as “secret” to protect it from unauthorized disclosure. This also reflects the fact that once Cabinet has decided policy recommendations by a portfolio Minister, the decisions of Cabinet become the policies of the whole executive Government of Samoa.

**“Secret”** in relation to a Cabinet document is a security classification which denotes that the Cabinet document concerned is the exclusive property of the Cabinet of Samoa and is to be seen only by those it is specifically intended for. Restricting access to this document arises from the need to protect it for national security or interest considerations. Cabinet papers/memoranda, the Cabinet business list and Cabinet minutes are protected as secret for the national security consideration that the sanctity and integrity of decision-making in Cabinet must not be compromised.

**“Confidential”** is a lesser security classification than “secret.” With the exception of those which must be restricted and protected as “secret” for national security or interest considerations, Cabinet decisions are usually marked “confidential.” All Ministry submissions to Cabinet are to be marked “confidential.” However, notwithstanding this lower security grading, they must still be handled with special security precautions. This is to ensure that they are protected from anyone who may want to use them to lobby a Minister or to try to influence Cabinet’s decision to one’s personal or pecuniary favour. It should also be noted that once a Ministry submission is received and accepted by the Secretary to Cabinet, the Cabinet Office will raise its security classification to “secret” when it has been re-formatted into a Cabinet paper and is designated as the property of the Cabinet of Samoa. Cabinet decisions are given the lesser grading of “confidential” because of the practical necessity to make them available to officers in a Ministry and/or Public Body to enable and facilitate their full and speedy implementation.

## **PUBLIC SERVICE**

**“Public Service”** means the Public Service established under the Public Service Act 2004.

**“Chief Executive Officer”** means the Head of Department of a Ministry and includes the head of a Constitutional authority [such as the Office of the Attorney-General, the Public Service Commission and the Controller and Chief Auditor].

**“Public Service employee”** means a person employed in a Ministry but does not include a CEO.

**“Public Service officer”** means an employee who is not a contract employee, or a temporary employee.

**“Public servant”** is a general reference to anyone who is employed in the Public Service and is paid from government funds.

#### **PUBLIC BODY**

**“Public Body”** means an organization [whether called a State-owned enterprise or otherwise under any other Act] that is listed in, or is deemed to be a public body under, the Public Finance Management Act 2001.

**“Organization”** under the Public Bodies [Performance and Accountability] Act 2001 includes a company, a body corporate, a statutory corporation, a statutory body, a trust, a partnership and a joint venture.

**“General Manager”** means a Public Body’s executive head, who is responsible to the Public Body’s Board of Directors and through the Board to the responsible Minister and ultimately to Cabinet.

#### **GENERAL**

**“Soalaupule”** means the traditional Samoan inclusive decision-making process. Everyone who ought to be consulted is consulted and the decision is based on the consensus of all.

**“Whole-of-Government Perspective”** is as defined in paragraph 3.28 of the Cabinet Handbook

**ABBREVIATIONS USED**

ACEO	Assistant Chief Executive Officer
ACEO, Cabinet	Assistant Chief Executive Officer-Cabinet Office
A-G	Attorney-General
CDC	Cabinet Development Committee
CEO	Chief Executive Officer
CEO&SC	Chief Executive Officer and Secretary to Cabinet
CO	Cabinet Office
DMS	Electronic Document Management System
MFAT	Ministry of Foreign Affairs and Trade
MOF	Ministry of Finance
MPMC	Ministry of the Prime Minister and Cabinet
PASP	Public Administration Sector Plan 2007-2011
PCU	Policy Co-ordinating Unit
PMU	Policy Monitoring Unit
PSC	Public Service Commission
SDS	Strategy for the Development of Samoa 2008-2012
SPU	Strategic Policy Unit

## INTRODUCTION

### AUTHORITY AND MANDATE

0.1 This Cabinet Handbook was approved by Cabinet at its meeting on **14 July, 2011** [in **FK (11) S14 on PK (11) 754**]. It is, therefore, issued with the full authority and mandate of the Cabinet of the executive Government of Samoa.

### SYNOPSIS

0.2 The Handbook's broad purpose is to provide general information to the people on the machinery of government in Samoa, the role in this of Cabinet and how Cabinet operates to make policy decisions for the executive Government as a whole. However, for the Public Service and other State service organizations, the specific purpose of the Cabinet Handbook is to provide guidelines on procedures for them to follow and apply in order to considerably improve the quality of their policy support services to Cabinet. This is in terms of policy development and advice, policy co-ordination and policy implementation. All these, in turn, will enable Cabinet to more effectively and efficaciously carry out its constitutional responsibility as the central decision-making authority of the executive Government.

0.3 In pursuance of this specific objective and through its collective adoption and application by all Ministries, the Cabinet Handbook will deliver five outcomes all of which will greatly facilitate decision-making by Ministers in Cabinet. These are as follows:

[1] There will be greater order and stability in the Business List for the regular meetings of Cabinet every Wednesday.

[2] Ministers will henceforth be able to receive their papers for the Wednesday meetings of Cabinet on the preceding Tuesday morning, giving them at least 24-hours during which to prepare themselves.

[3] Ministers would be enabled to make policy decisions that are well-informed and consistent with Government's overall strategic objectives and priorities. This is because Ministers will be presented with Cabinet papers through which, as summarized in paragraph 0.4 below, individual Ministers and their Ministries are to provide full, accurate and necessary facts and detailed analysis of their proposals to support their recommendations on policy options and action strategies.

[4] Ministers will have before them, to assist in their consideration of individual Ministry submissions that require decision, a cover sheet summary of each submission, prepared by the Cabinet Office, and the purpose is to clearly state in a concise, lucid and complete manner, the Ministry's recommendations on policy and follow up action for decision by Cabinet.

[5] Cabinet will be provided on a regular basis with quarterly and annual reports on the implementation of Cabinet decisions. These reports will enable Ministers to keep track of progress in the realization of their policy and development objectives and priorities. They will also assist Cabinet in improving implementation strategies in light of knowledge gathered from experience.

0.4 The Cabinet Handbook provides guidelines to all Ministries to assist them in improving the quality of their policy submissions to Cabinet. This includes the clarity of the purpose; the accuracy and preciseness of supporting background information; a clear identification of the key issues involved; the comprehensiveness and thoroughness of objective analysis of all these issues; the completeness of the consultations which, of necessity, must be carried out beforehand with all the Ministries directly involved and with sectors in the wider community that may be impacted upon; the clear and precise statement of the recommendations in a lucid, practical and action-oriented manner to facilitate the implementation of Cabinet decisions by the Ministries concerned; and the on-time delivery of the submission to the Secretary to Cabinet before 12 noon on Friday before the Cabinet meeting on the following Wednesday. To ensure all these, Cabinet has placed special responsibility upon all Ministry Chief Executive Officers [CEOs] to oversee and co-ordinate both the preparation and on-time delivery of the Ministry's submissions to Cabinet, and also the speedy and effective implementation of the Cabinet decisions thereon.

0.5 Accordingly, all CEOs and other senior executives of Government Ministries and Public Bodies are requested to co-operate fully in the implementation of the various procedures outlined in the Handbook. The provision by them through their responsible Minister of timely, coherent and consistent high quality policy submissions and their assiduous attention to consulting widely with, and to securing the support of, key Ministries and other stakeholders are the critical factors in the success and efficacy of Cabinet in collectively deciding proposals and recommendations placed before it. Likewise, the full and speedy implementation of Cabinet decisions by all Ministries and Public Bodies greatly assists Cabinet in ensuring that its policy priorities and objectives are being delivered to achieve their intended public utility and service purposes.

0.6 The end result of increased co-operation between individual Ministers and their Ministry executives, and between and among all Ministries, is to firmly establish for the executive Government of Samoa a policy development, policy co-ordination and policy monitoring process that is orderly and disciplined, collective and collaborative, inclusive and consultative, and responsive and pragmatic. Undoubtedly, this will enable Samoa to maintain and indeed to further improve its current standing in the forefront of all other Pacific Island Countries in terms of its overall Government effectiveness as measured by World Bank governance indicators.

## **FIVE PARTS**

0.7 The Cabinet Handbook is divided into five parts.

0.8 Parts one, two and four are for those who have a general interest in information about the Government of Samoa and in particular the role of Cabinet and the Cabinet Office.

0.9 Parts one, two and five are intended to be helpful to the Ministers in exercising their responsibilities.

0.10 All parts are for the practical guidance of every Ministry and Public Body. Parts two and three in particular provide specific guidelines on matters to be referred to Cabinet and on how Ministries are to prepare their submissions in a way that will be most helpful to the Cabinet in making decisions.

0.11 Part five covers provisions in the Cabinet Handbook to ensure the successful implementation and application of the Handbook. This is not only in improving the quality of Ministry policy submissions to Cabinet and the efficiency and effectiveness of the Cabinet Office in its support services but also in achieving its ultimate objective of enabling Cabinet to make decisions that are well-informed, coherent and consistent with the Government's overall policy objectives and priorities.

0.12 This Handbook is being widely disseminated and is available on the website of the Ministry of the Prime Minister and Cabinet. Further enquiries about its contents may be made directly to the Cabinet Office.

## **PART ONE**

### **GENERAL INFORMATION ON GOVERNMENT AND CABINET**

#### **GOVERNMENT STRUCTURE**

1.1 Samoa's Constitution, under which the country attained its new international standing in 1962 as a sovereign Independent State and the first to do so among Pacific Island Countries, provides for a parliamentary system of government. This means that the Prime Minister, other Ministers and Associate Ministers in the executive Government, are all drawn from the membership of Parliament and are accountable to Parliament.

1.2 The national Government of the Independent State of Samoa is made up of three branches. These are the Legislature, the Executive and the Judiciary.

1.3 The legislative branch is Parliament which makes laws for the State. Parliament comprises the Head of State and the Legislative Assembly. Laws are enacted when Bills are passed by the Legislative Assembly, assented to by the Head of State and published in the Samoa Gazette. The Speaker of the Legislative Assembly is the chief presiding officer of Parliament.

1.4 The Executive comprises the Head of State and the executive Government of which the Prime Minister is head, supported by a Cabinet of Ministers. The executive Government is responsible for the day to day management of the State, including the enforcement of the laws of Samoa.

1.5 The Judiciary interprets the law, ensures that the rule of law prevails and is the guardian of the Constitution as the supreme law of Samoa. The Chief Justice is the judicial and administrative head of the Judiciary.

#### **CABINET**

1.6 The Cabinet is the central decision-making body of the executive Government of Samoa. Cabinet comprises the Prime Minister and twelve other Ministers. The Prime Minister is the Head of Government and is the Chairperson of Cabinet.

1.7 Associate Ministers are not members of Cabinet. However, on invitation by the Prime Minister, an Associate Minister may attend Cabinet during consideration of a particular item that directly relate to the area of portfolio responsibility under which the Associate Minister provides assistance to his or her Minister.

1.8 Cabinet decides Government's policy. But policy-making is a process. This process begins with individual Ministers and their Ministries in preparing and submitting to Cabinet proposals and recommendations for consideration by the Ministers collectively. It is also the originating Ministry which is primarily responsible for implementing Cabinet decisions and



for reporting back to Cabinet on this. What this essentially means is that the effectiveness and efficacy of decision-making by Cabinet directly depends on the quality of policy submissions to it by the individual Ministries and the commitment of each to ensuring the implementation of Cabinet decisions on-time, within budget and according to Cabinet's expectations. This process is illustrated in the charts attached as **Appendix 6**.

1.9 Cabinet meets at the direction of the Prime Minister who also decides the business list for each meeting. Currently, Cabinet meets once each week on Wednesday. The Prime Minister may, however, convene special meetings on urgent matters of national importance.

### **APPOINTMENT OF MINISTERS**

1.10 The Prime Minister, and individual Ministers and Associate Ministers, are appointed by the Head of State in accordance with the Constitution. The Prime Minister is the Member of Parliament who commands the confidence of the majority of the Members of Parliament. All Ministers and Associate Ministers are Members of Parliament and are appointed on the advice of the Prime Minister.

1.11 The Prime Minister assigns individual portfolio responsibilities to each of the Ministers.

1.12 In discharging his or her responsibilities, every Minister is responsible to the Prime Minister and through him or her to the Head of State, Parliament and the people. At the same time, every Minister is subject to the higher authority of Cabinet. It is Cabinet which is conferred overriding authority both in the Constitution and by Parliament to make decisions for the executive Government of Samoa.

1.13 Accordingly, Ministers are duty bound to give the highest priority to attending meetings of Cabinet and to making submissions to it for policy guidance and direction on matters within their individual portfolio responsibilities which require collective decision by all Ministers.

1.14 Associate Ministers are assigned by the Prime Minister to a particular Minister to assist in portfolio areas of responsibility specified by the Minister.

### **COLLECTIVE RESPONSIBILITY**

1.15 The Prime Minister and all Ministers, both individually and collectively, are bound by the principle of collective responsibility in Cabinet and to the Head of State, Parliament and the people of Samoa.

1.16 Individual Ministers, on their own initiative or after consultation with the Prime Minister, may make written submissions to Cabinet on any matter within his or her portfolio responsibility which requires collective policy direction.

1.17 In Cabinet, decisions are taken by collective consensus. This is in keeping with the traditional Samoan way of **soalaupule**. Discussions are informal. The ordinary rules of open debate and decision making by majority vote as applicable in Parliament do not apply in Cabinet. In Parliament the debate is between the Government and the Opposition. In Cabinet, all the Ministers, together, make up the Government. In order to continue in Government, it is essential that they must maintain unity in their ranks both in Cabinet and in Parliament. So achieving consensus in Cabinet is crucially important. The Ministers are responsible to one another and they listen to each other in a common cause to reach consensus on issues of policy placed before them for decision.

1.18 The Minister who makes a submission leads Cabinet's consideration by introducing the paper, highlighting its recommendations and potential impact on Government's policies and development strategies, priorities and resources. All Ministers are free to make candid and constructive contributions to the discussions. However, once a consensus has been reached, that becomes the decision of Cabinet.

1.19 As required under the Constitution, decisions of Cabinet are communicated to His Highness the Head of State.

1.20 The Constitution provides for an Executive Council composed of the Head of State, the Prime Minister and the other Ministers in Cabinet. Should the need arise the Council may be summoned by the Head of State or the Prime Minister to consider any decision of Cabinet.

1.21 All Ministers are bound to support decisions taken in Cabinet and in the Executive Council and to co-operate fully in their implementation.

1.22 The principle of collective responsibility thus means that all Ministers must stand together as a united front and in solidarity in presenting and defending their decisions, both in Parliament and to the general public.

1.23 If any Minister feels conscientiously unable to support a decision of Cabinet, he or she has one recourse and that is to tender his or her resignation to the Prime Minister.

1.24 All Associate Ministers are also bound by this principle of collective ministerial unity, solidarity and responsibility.

#### **SECRECY OF PROCEEDINGS**

1.25 On accepting appointment, every Minister and Associate Minister takes an oath of office. This is in addition to the oath of allegiance taken by every Member of Parliament at the first sitting following a general election.

1.26 The proceedings of Cabinet are privileged and are protected by the requirement of secrecy. In their oath of office as required under article 34 of the Constitution, all Ministers in Cabinet individually undertake, inter alia, “---not directly or indirectly [to] reveal such

matters as shall be debated in Cabinet and Committee and in Executive Council and thereby commit themselves to secrecy---." This undertaking of secrecy is binding not only when a Minister is serving in Cabinet. It also continues to bind the incumbent even when he or she is no longer a Minister.

1.27 The Cabinet business list or agenda; every Cabinet paper conveying a Ministry submission; the views and opinions expressed during discussions in Cabinet; and the minutes of Cabinet meetings are "secret" and are not to be disclosed to anyone outside the membership of Cabinet with the sole exception of His Highness the Head of State. Cabinet decisions, though normally classified as "confidential," are generally permitted to be treated as open information by the recipient Ministry officials. This is because the emphasis is on their implementation. However, decisions covering matters of national interest and sensitivity are safeguarded and protected as secret and may be released only with the express approval of the Prime Minister.

1.28 It is important to treat all matters that come before the Cabinet as secret because any prior outside knowledge of what subjects the Cabinet is to consider may hamper free discussions, or may give rise to undesirable speculation, or may result in attempts by interested parties to influence Ministers. The Ministers must have the confidence that they can express themselves freely in Cabinet without any fear that their opinions may become public knowledge and deliberately misused for politically-motivated mischief-making.

1.29 This rule of secrecy also applies to meetings of the Executive Council.

1.30 Once written submissions or memoranda from individual Ministers are accepted by the Secretary to Cabinet for inclusion in the Cabinet's business list, they are presented as Cabinet papers by the Minister concerned. In this form, they have become the property of the Cabinet of Samoa and are security classified as "Secret."

1.31 All members of Cabinet are under strict obligation to protect their meeting documents and not to reveal them to anyone else. Any unauthorised disclosure of secret Cabinet documents must be immediately reported to the Chief Executive Officer and Secretary to Cabinet [CEO&SC], Ministry of the Prime Minister and Cabinet [MPMC], who will inform the Prime Minister and request the Attorney-General to carry out necessary investigations.

#### **AVOIDING CONFLICT OF INTEREST**

1.32 In carrying out their duties and responsibilities, all Ministers are required to maintain the highest standard of probity and propriety. A Minister's loyalty to the Prime Minister means that he or she must uphold the high ethical standards that the Prime Minister expects from all Ministers. This includes acting within the law at all times. It also means exercising statutory powers with integrity and an abiding sense of fairness and equity.

1.33 A Minister must always make a clear distinction when he or she is acting in a ministerial capacity from his or her political and constituency interests as a Member of Parliament. A Minister must ensure that no conflict exists, or appears to exist, between one's public duty and one's private interests.

1.34 On assuming office, a Minister should so organize his or her private affairs as not to allow a situation to arise in which personal or business interests interfere with the proper performance of the duties of his or her office.

1.35 As Ministers are expected to devote the whole of their time to duties of their offices and receive remuneration from public funds, it is incumbent on them, from the outset of their appointment, to declare to the Prime Minister their private pecuniary interests. Further, before a meeting of Cabinet, a Minister should declare to the Prime Minister a potential conflict of interest and ask not to be present during consideration of a particular item, if he or she has a direct personal interest in the outcome of Cabinet's consideration of it.

#### **MINISTERS AND THE PUBLIC SERVICE**

1.36 The general rule is that Ministers, individually and collectively, and as the political Government elected by the people, decide policies. The Public Service, on the other hand, provides management, administrative and policy advisory support to the Ministers in a professional and impartial capacity. The central point of contact between the Minister and the Ministry is the Chief Executive Officer.

1.37 A Minister is entitled to receive from the Ministry the highest standard of professional competency and integrity in providing facts, general information, honest and impartial advice, and support in carrying out his or her portfolio responsibilities. This includes regular discussions with the Minister on portfolio concerns to be taken to Cabinet, the preparation of the Minister's submission to Cabinet and the implementation by the Ministry of decisions by Cabinet.

1.38 In return, overall responsibility for the Ministry rests with the Minister. Since the Minister has the last say in making decisions on issues of policy within the Ministry and on the Ministry's general direction, it also falls on him or her to explain and to defend the Ministry before Cabinet, Parliament and the public.

1.39 This includes, should the need arise, defending any official in his or her Ministry, who may be publicly or politically criticized. As a public servant, the official cannot defend himself or herself. It is the Minister who must do so; for it is the Minister who is responsible for the acts of his or her Ministry officials. This is the practical meaning of the principle of ministerial responsibility.

1.40 For their part, however, Ministry officials, starting with the Chief Executive Officer, must give their Minister their unstinting loyalty and support as professional public servants.

1.41 As private individuals, every person is protected in his or her human rights under the Constitution of Samoa. However, as CEOs in, and employees of, Samoa's Public Service, everyone is bound by the ethics of political neutrality, loyalty, integrity and professionalism in serving the Minister and the political Government of the day. Once a Minister or Cabinet has taken a decision all Public Service officials must accept and support that decision and co-operate fully in carrying it out.

#### **ROLE OF THE CHIEF EXECUTIVE OFFICER**

1.42 A Ministry's Chief Executive Officer has a very important role to play in ensuring a mutually supportive working relationship between the Minister and the Ministry.

1.43 The Minister ensures that the Ministry's resource needs are provided for in the Government's annual budgetary appropriations by Parliament. The Minister's accountability to the Cabinet and to Parliament is to keep expenditure by his or her Ministry within appropriations and for the purposes authorised by Parliament. This is expressly set out under section 7 of the Public Finance Management Act 2001.

1.44 The CEO has the management responsibility for the proper application of the funds, personnel and other resources to achieve the various outputs and outcomes set by the Minister and Cabinet. For this, the CEO is accountable to his or her Minister, to the Ministry of Finance and the Public Service Commission, and ultimately to the Prime Minister as the Head of Government. This accountability is explicitly spelt out under section 13 of the Public Finance Management Act 2001.

1.45 The Minister sets policy directions for the Ministry. The CEO is the principal adviser to the Minister on policy; that is, about issues or problems on which government decisions need to be taken, or about new development initiatives or new legislation, which need to be put to the Cabinet. The CEO and his or her senior staff must comprehensively analyse the problem or issue not only from the Ministry's perspective but also in terms of the potential wider impact of the proposed solutions or options within a broad sector or across sectors.

1.46 The Minister and Cabinet must have before them clear options for policy choice and action, a cost-benefit analysis of each option, the potential contribution to the Government's goals as set out in the Strategy for the Development of Samoa and the Public Administration Sector Plan and any anticipated risks that may arise along with the necessary safeguards to minimize these.

1.47 The CEO must personally take the lead in consulting central agencies like the Ministry of Finance, the Public Service Commission and the Office of the Attorney-General when the

Ministry's proposals to the Cabinet require their support for funding, staffing and legal clearance respectively.

1.48 The CEO must bring to the immediate attention of the Minister any developments relating to the Ministry that may attract public comment or criticism.

1.49 The CEO has primary responsibility for ensuring that policy decisions once taken by Cabinet and the Minister are fully carried out by all appropriate departments or sections in the Ministry and for securing the co-operation of the other Ministries and public agencies in this.

1.50 The CEO must provide the leadership to ensure the co-operation of everyone in the Ministry in its accountabilities to the Minister, the Cabinet, Parliament, the Ministry of Finance and the Public Service Commission. A Corporate Plan to centrally focus the Ministry's efforts and attention on its annual and longer term objectives and key output targets and result areas must be finalised and updated at the beginning of each financial year. Statutory powers that lie within the Ministry and the laws and regulations that cover the Ministry's operations must be exercised and applied with honesty and integrity and with justice and equity.

1.51 As the team leader in the Ministry, the CEO leads and motivates staff by his or her own example as the diligent and hardworking civil servant, loyal to the Government they serve, cares about the quality of services they render to the people, and creates in the Ministry a professional working environment which recognises and rewards meritorious and excellent job performance.

1.52 Most important of all, the CEO sets the example for all in the way he or she serves the Minister. The CEO must take direct personal charge of the preparation of submissions or presentations by the Minister to Cabinet, Parliament or at an official public engagement. The CEO must ensure that the Minister has all the relevant facts when exercising statutory powers. He or she must assist the Minister in responding to public enquiries or official correspondence addressed to the Minister. Every Ministry CEO must give top most priority to being on hand when a Minister is preparing for, and is attending, Cabinet, a sitting of the Legislative Assembly, or an official public engagement. This is to ensure that the CEO is readily available when urgently needed to provide additional information or advice. CEOs must make it a regular commitment to meet with the Minister immediately prior to a Cabinet meeting, or a sitting of the Assembly, or a public engagement to make sure that the Minister has all the information and other support arrangements that he or she needs. Finally, when the Legislative Assembly is sitting, no CEO is permitted to be away overseas, unless this has been expressly approved by Cabinet in exceptional cases.

1.53 The CEO must always be candid, open and honest in communicating with the Minister. Too often, officials hold themselves back by the cultural protocol of deep respect for those

in traditional chiefly and high government authority and they display this by being circumspect in their approach or by simply agreeing with everything that the Minister says or suggests. The CEO must approach this with professionalism. On matters of official business it is one's duty to communicate without equivocation and ambiguity, offering clear, frank and constructive advice with independence and impartiality, providing full facts and evidence, drawing on the Ministry's past experiences, and conveying the views and concerns of all stakeholders. One can be openly candid in communicating with the Minister whilst maintaining at the same time the utmost degree of courtesy, politeness and detached perspective and impartiality.

1.54 These rules of professional conduct in communicating with Ministers also apply to the General Manager of Public Bodies.

1.55 All CEOs of Government Ministries and Public Bodies are bound by the performance provisions of their individual employment contracts and the relevant provisions of the Constitution of Samoa, the Public Service Act 2004, the Public Finance Management Act 2001, the Public Bodies [Performance and Accountability] Act 2001, and statutes and Government regulations covering particular sectors. A further instrument of their accountability is the corporate plan of their Ministry or Public Body, as approved by their responsible Minister and by Cabinet.

#### **PUBLIC SERVICE CODE OF CONDUCT**

1.56 Under the Code of Conduct provisions of the Public Service Act 2004, all CEOs and employees are strictly required to use official information only for official purposes. This includes information contained in Ministry submissions to Cabinet and all Cabinet documents and records security protected as "secret" or "confidential." Any unauthorized disclosure of such protected information would be a breach of this code and subject to disciplinary action under the Act. Any alleged breach of this code should be immediately investigated by the Ministry CEO concerned and reported to the Chief Executive Officer and Secretary to Cabinet in the Ministry of the Prime Minister and Cabinet and also to the Chief Executive Officer of the Public Service Commission.

## PART TWO

### CABINET PROCEDURES

#### CABINET MEETINGS

2.1 As already stated, the Cabinet meets every Wednesday. However, Cabinet may also be convened in a special meeting if so directed by the Prime Minister.

#### TIMELY DELIVERY OF SUBMISSIONS

2.2 Ministers receive confirmation of a Cabinet meeting when they receive their set of papers, including the business list of items to be considered. These papers are sent to Ministers on Tuesday morning preceding the meeting of Cabinet on Wednesday. This means that **Ministers wanting to include an item in the business list must send in their submissions at the very latest by 12 noon on the preceding Friday.** This is to allow sufficient time to the Cabinet Office to prepare all Ministry submissions in the final format in which they are presented to Cabinet. So once a Minister has approved and signed his or her Ministry's submission, the Ministry CEO must immediately send it to the CEO&SC and the ACEO Cabinet, MPMC, by e-mail. The hard copy and any attachments are then to be sent in the Ministry's Cabinet submissions file to the CEO&SC.

**2.3 This point about the timely delivery of Ministry submissions to the Secretary to Cabinet is crucially important not only to give the Cabinet Office sufficient preparatory time. It is also important to the Cabinet as a whole. Ministers must be given adequate time to read submissions and to familiarise themselves fully with the facts on proposals to be considered at the meeting. It is most unfair to all Ministers and unhelpful to the Cabinet when a Ministry brings in a paper on the day of the Cabinet meeting and tries to get it included in the agenda. If a matter of national importance is urgent and cannot await the next regular meeting on the following Wednesday, the Minister concerned may approach the Prime Minister and request a special sitting of the Cabinet. The onus is really on every Ministry CEO to ensure that the preparation of the Ministry's submission is completed in good time to comply with the requirement of Cabinet for on-time delivery by 12 noon on Friday at the latest. The fundamental point remains that if Cabinet is to make well-informed decisions, it is essential that Ministers must have adequate opportunity to read a submission and if necessary to consult ministerial colleagues or to ask for more information and clarification from professional advisers.**

#### ATTENDANCE AT CABINET

2.4 Attendance in Cabinet meetings is strictly limited to Ministers. Ministers must attend meetings of the Cabinet. This takes priority over all other engagements. If a Minister is unable to attend for unavoidable reasons, the Minister must obtain prior approval from the Prime Minister.



2.5 The CEO/SC attends as the official Secretary to Cabinet. No other official may be present without the express approval of the Prime Minister. A Minister who wishes to bring in his or her Associate Minister or a Ministry official during discussion of a particular item must seek the prior approval of the Prime Minister either directly or through the Secretary to Cabinet. Any person who attends Cabinet under such an arrangement must sign the Cabinet oath of secrecy beforehand, administered by the Secretary to Cabinet.

### **CABINET BUSINESS**

2.6 Matters are normally brought to Cabinet in the form of a submission by a Minister prepared in accordance with the guidelines in part three below.

2.7 The business list of Cabinet generally contains three categories of submissions. These are:

- Policy papers for discussion and decision,
- Information papers for noting, and
- Reports such as annual reports which are to be laid before Cabinet before tabling in Parliament.

2.8 On papers for discussion and decision, the following are matters which Ministers and their Ministries must bring to the Cabinet:

1. Major policy issues to allow Cabinet to set clear direction on policies and strategies for individual Ministries and the Government as a whole.
2. Proposals requiring legislation in the form of a new enactment by Parliament, amendments to existing legislation, or enabling regulations.
3. Any developments relating to the maintenance of law and order and national security.
4. Any developments that impact on Samoa's society and its Christian religious and cultural and customary traditions.
5. Any land development proposal.
6. National disaster relief and rehabilitation programmes.
7. Proposals for economic, social and community/village development that require new funding and personnel not provided for in the Government's annual Budget approved by Parliament.
8. Proposals that relate to the implementation of the Government's Strategy for the Development of Samoa and its Public Administration Sector Plan.
9. Any proposal relating specifically to village and community development, including primary production, infrastructure, utilities, housing, health, education and cultural development.
10. Any overseas or local investment proposal that will generate new employment and export earnings.

11. Any industrial relations matters which would impact on particular groups such as employers, the manufacturing and commercial retail sector, workers and labour unions, and consumers.
12. Price control and social justice programmes to alleviate poverty and assist the most economically and socially vulnerable groups in society.
13. Papers which are to be presented to the Executive Council.
14. Ministerial statements or reports to be presented in Parliament, including replies to Parliamentary Questions.
15. Proposals affecting Samoa's external interests and foreign relations and its investment, tourism and export earnings prospects.
16. Samoa's international obligations arising from its membership of Pacific regional and international and multilateral organisations.
17. Proposals from Samoa's bilateral, regional and multilateral donor partners.
18. CEO and other senior Public Service appointments.
19. Statutory appointments to Public Bodies.
20. Overseas travel applications by Ministers and government officials.
21. Emergency medical evacuation cases requiring government funding.

2.9 The above is not an exhaustive list. In the ultimate, it is for individual Ministers to decide what specific matters within one's portfolio responsibilities to bring to Cabinet. If a Minister is not sure, it is advisable to consult the Prime Minister or for the Ministry CEO to consult the Secretary to Cabinet.

#### **OTHER BUSINESS**

2.10 In Cabinet, a Minister may verbally raise under "Other Business" current or emerging issues of public and political interest. Cabinet does not make decision on matters raised orally. The rule remains that on any significant issue that involves government policy a written submission must be made to the Cabinet. However, it is very helpful to keep colleagues informed on matters of concern to the people. A Minister who wishes to raise an issue under this item must notify the Prime Minister beforehand either directly or through the Secretary to Cabinet. If a Minister seeks a Cabinet decision on any such issue, the Minister concerned must submit a written submission or memorandum in the usual manner.

#### **CABINET SUB-COMMITTEE**

2.11 A mechanism which Cabinet may use to assist in the detailed scrutiny of proposals and to develop consensus is to refer specific matters to a sub-Committee. Cabinet decides the chair, members and terms of reference of each sub-Committee.

2.12 Membership of each sub-Committee is confined to Ministers. However, an added advantage is that Associate Ministers and relevant senior officials are allowed to attend to assist in the sub-Committee's work.

2.13 Agreed recommendations from the sub-Committee are then referred to the Cabinet by the originating Minister for Cabinet's approval.

2.14 The Cabinet Development Committee, chaired by the Prime Minister, is currently the only standing committee of Cabinet. The Committee's main focus is to consider proposals in relation to the Government's Strategy for the Development of Samoa before they are referred to Cabinet for final decision.

2.15 Other sub-committees are ad hoc in nature and are appointed when the need arises and for specific purposes.

### **WRITTEN OPINION**

2.16 A facility that is available for decision making by Cabinet on urgent matters that are generally routine and non-contentious in nature is the circulation to all Ministers of the submission for their written opinion. A written submission must still be made to the Cabinet and the paper is to be marked "for written opinion." If all Ministers agree, the consensus becomes a Cabinet decision and this is formally confirmed at the next regular meeting of the Cabinet.

2.17 It is stressed, however, that this is only for matters of a routine and administrative nature and where the key central agencies like the Public Service Commission and the Ministry of Finance have been consulted and have expressly given their support for the paper's recommendations. No issue that concerns Government policy can be dealt with this way. All policy matters can only be considered in a Cabinet meeting.

2.18 For "written opinion" submissions, Ministers are to return the opinion slip attached to the paper as soon as possible. If a Minister indicates that he or she wishes to discuss an aspect, the paper will be deferred to the next regular meeting of the Cabinet.

2.19 Ministers are advised to consult the Prime Minister and to inform the Secretary to Cabinet on the use of this facility.

### **CABINET PROCEEDINGS**

2.20 A meeting of the Cabinet always begins with a prayer. This is followed by the confirmation of the minutes of the last meeting and brief reports by the relevant Ministers on action taken on decisions reached at that meeting. The substantive items are then considered. These are submissions by individual Ministers for decision by Cabinet. Ministers may also present papers for information only along with the annual reports of Ministries and Public Bodies that come under their responsibility.

## **MINUTES AND DECISIONS**

2.21 The most important aspects of a Cabinet meeting are the discussions and the decisions reached. These are recorded in the minutes.

2.22 It is the duty of the Secretary to Cabinet to prepare the minutes and the decisions.

2.23 The minutes are not a verbatim record. The emphasis is on the decisions collectively taken. The views and opinions expressed by individual Ministers are not separately recorded. However, a summary is made of the general consensus of views leading to the collective decision. This is usually reflected in the summing up by the Prime Minister.

2.24 The decisions are to be written in very clear and precise terms, so that those who have to act on them know exactly what to do. Each decision is addressed directly to the implementing Minister and the CEOs of the Ministry and the Public Body concerned.

2.25 Following Cabinet and after clearing the draft decisions with the Prime Minister, the Secretary to Cabinet communicates a full set of the Cabinet decisions to the Office of the Head of State for His Highness's information.

2.26 Decisions are then sent to the individual Ministers responsible for follow up action and implementation.

2.27 The draft minutes are confirmed at the next meeting of Cabinet.

## **PROTECTION OF CABINET DOCUMENTS**

2.28 Cabinet decisions are normally classified as "confidential." However, they are open to be seen by officials in the Ministry and Public Body directly engaged in their implementation.

2.29 Cabinet papers, the business list and Cabinet minutes, on the other hand, are classified as "secret." Their circulation is restricted to the Head of State, the Prime Minister and the other Ministers in Cabinet. These documents are never, in their complete form, to be revealed or disclosed to any unauthorised persons. Ministers are, therefore, advised to take all necessary precautions in protecting their Cabinet documents. They should designate a particular official in their executive office such as the Personal Assistant to store and safeguard their Cabinet papers after each Cabinet meeting.

2.30 On relinquishing office as a Minister, every former Minister is required to return all their Cabinet documents to the Secretary to Cabinet. As already stated, all former Ministers remain bound by the oath of secrecy they took when accepting appointment as a Minister. This effectively means that they are prohibited by their own individual undertaking under the Constitution ever to reveal any views or opinions expressed by individual Ministers during discussions of any particular item in a Cabinet meeting. There is, however, nothing in

this rule to prevent a serving Minister or former Minister from talking in general of or about a particular Cabinet decision provided no disclosure is made of individual views expressed during the Cabinet deliberations.

### **ACTION ON CABINET DECISIONS**

2.31 As shown in **Appendix 4**, Cabinet decisions are addressed to the Minister/s directly responsible for implementation.

2.32 The Secretary to Cabinet communicates the Cabinet decision to the CEO of the implementing Ministry both by e-mail and in writing. There is also an acknowledgement slip for the CEO to sign and to promptly return to the Cabinet Office.

2.33 It is the duty of the Ministry's Chief Executive Officer to ensure that the full resources of the Ministry are applied to the speedy and efficient implementation of the Cabinet decision. It is for the CEO to issue necessary instructions to the relevant departments and sections of the Ministry with the frontline role in implementing the decision.

### **QUARTERLY REVIEW OF IMPLEMENTATION**

2.34 At the end of every quarter, the Secretary to Cabinet will send a circular, both electronically and in writing, to all Ministry CEOs setting out a summary of all Cabinet decisions for each Ministry in that quarter. This will request a status report on the implementation of all Cabinet decisions by each Ministry, including brief explanations of delays or difficulties impeding or hampering progress, the reasons for these, and corrective actions taken or need to be taken.

2.35 The Chief Executive Officer in each Ministry is to take personal responsibility in promptly returning to the Secretary to Cabinet a comprehensive feedback by the Ministry. The Ministry's information return is to be personally signed by the CEO and sent both by e-mail and in writing to the CEO&SC.

2.36 The Cabinet Office [through its Policy Monitoring Unit] will collate and analyse these progress reports and prepare a combined and consolidated report for the Prime Minister and Cabinet. Through this process, quarterly and annual progress reports would be submitted on a regular basis. Copies of these reports would also be circulated to Ministry CEOs for information and any necessary follow up action.

## PART THREE

### GUIDELINES FOR THE PREPARATION OF CABINET SUBMISSIONS

#### SUBMISSION IN WRITING+

3.1 Cabinet makes no decisions on any issue unless it has before it a Cabinet paper in the form of a memorandum by the responsible Minister as the basis for its deliberations. The memorandum must indicate whether it is “for discussion” or “for information.” In the former, Cabinet is to make a decision on the memorandum’s proposals and recommendations. In the latter, the Ministers are merely to take note, as the memorandum’s purpose is essentially to keep them informed [see **Appendix 5**:chart showing executive Government decision-making processes].

#### SPECIAL RESPONSIBILITY FOR MINISTRY CEO

3.2 Cabinet is conferring on every Ministry CEO direct responsibility to co-ordinate and oversee the preparation of the Ministry’s submissions to Cabinet and the implementation of Cabinet decisions for the Ministry. This is to ensure the high quality and on-time delivery of the submissions and the full and speedy implementation of Cabinet decisions. Checklists are provided in paragraphs 3.46-3.48 to assist the CEO in this crucially important task.

#### STANDARD FORMAT

3.3 All submissions, whether “for discussion” or “for information” are to be prepared by the originating Ministry on plain white A4 Paper and on Microsoft Office Word 2007; the **font size** should be **12 pts**; the line spacing should be **single**; and the paragraphs **fully justified**. The submission, excluding attachments, is to be no longer than **six** pages.

3.4 All Ministries are to adopt the standard format as shown in **Appendices 1 [a]** and **1 [b]** for their submissions. It will be noted that the distinguishing identification mark for the Ministry is that the submission to Cabinet is authored and presented by its Minister, and also that the Minister’s name and signature are placed at the bottom of the submission and with the Ministry’s full title and Cabinet submissions file number shown at the bottom left-hand corner. All Ministry submissions once approved and signed by the Minister are to be security protected as “confidential.” This, however, is on the understanding that when they are reproduced in the Cabinet Office into their formal Cabinet paper/memorandum format their security protection grading will be raised to “secret.”

**3.5 APPENDIX 2** shows the format used by the Cabinet Office when transcribing the Ministry’s submission onto Cabinet stationery to make it an official Cabinet paper conveying the memorandum by the Minister concerned.

3.6 It will be noted that once a Ministry submission has been accepted for inclusion in the Cabinet business list and is re-formatted into a Cabinet paper, it is no longer the Ministry’s.

It now becomes the property of the Cabinet of Samoa. With this status, it is given a “secret” security classification and a serial number based on its numerical position in the master list of Cabinet papers/memoranda of the Government-in-office received by the Cabinet Office during the year.

3.7 It is again reiterated that the originating Ministries are to ensure that their submission is signed by the Minister, and that it is to show on the bottom left hand side the file number of the Ministry and the date on which the Minister signed the submission.

3.8 For ease of reference, **all paragraphs and pages are to be numbered**. If the submission makes reference to an earlier decision of Cabinet, the text or a summary should be given together with its **FK** registration number, or, alternatively, the decision in its original signed text can be photocopied and appended as an attachment.

3.9 Discussion in Cabinet will be focussed on the Minister’s memorandum in the Cabinet paper and in particular its recommendations. Whilst it may often be necessary to attach to the Ministry’s submission/ Minister’s memorandum additional background material this should be kept to a minimum. Ministers in Cabinet simply do not have the time to read bulky documents such as reports. Accordingly, where this is unavoidable, Ministries would greatly assist their Minister and Cabinet if they prepared and submitted a précis or summary, highlighting the most significant points.

## **CONTENTS OF SUBMISSIONS**

3.10 It is most important to the Cabinet, when considering a Ministry’s submission/Minister’s memorandum, that it should have before it all the facts that can be reasonably ascertained to enable it to make decisions. The paper should set out in a concise and clear form all the pertinent points. A well drafted submission should explain at the outset what the problem is, or what the particular issues are, setting out the relevant considerations and ending with a precise statement of the particular decisions sought from the Cabinet.

3.11 Specifically, within the general format as shown in **Appendices 1[a]** and **1[b]** the coverage of the contents should be under the following headings:

### **[1] PURPOSE**

3.12 This states the purpose of bringing this submission; the problem, or the need, or the proposals for which a decision is required from the Cabinet.

### **[2] BACKGROUND**

3.13 This provides a brief explanation of the events or developments which have led to what is highlighted in [1] above. It sets the broad context in which the Cabinet is to consider the issues involved and the best possible approach to resolving them. Ministries are reminded

that the basic policy framework within which the Government operates are the Constitution and other laws of Samoa, the Government's annual Budget as approved by Parliament, any statements on Government policies by the Prime Minister and Ministers in Parliament, the political Government's General Election Manifesto, and the executive Government's Strategy for the Development of Samoa and specific sector plans such as, for example, the Public Administration Sector Plan or the sector plans for Health and Education, etc.

### **[3] ISSUES AND ANALYSIS**

3.14 This is the main analytical part of the paper. The specific issues to be considered are highlighted. An analysis is then undertaken of each, to identify the best option for policy and follow up action. The constitutionality and legality, the cost/benefit, the wider socio/economic and cultural and natural environment impact, and the inherent risks of each option, are each evaluated and assessed.

### **[4] RESOURCES FOR IMPLEMENTATION**

3.15 It is important for the Ministers to be informed not only of the budgetary resources needed for the full and speedy implementation of agreed solutions, but also whether these resources are available within the Ministry's annual Budget allocations as approved by Parliament, or whether new and additional provisions are necessary. The paper should also state whether legislative action is needed as part of the follow up; that is, an enactment by Parliament, or enabling regulations by Cabinet.

### **[5] CONSULTATIONS**

3.16 The Cabinet makes decisions for the Government as a whole. It is, therefore, imperative that the originating Ministry must consult the central agencies like the Ministry of the Prime Minister and Cabinet, the Ministry of Finance, the Public Service Commission, the Office of the Attorney-General and the Ministry of Foreign Affairs and Trade. The other Ministries are just as important to consult if the subject matter has direct implications for them; for example the Ministry for Women, Community and Social Development on any matters relating to women and village and community development, the key Ministries of Health and the Ministry of Education, Sports and Culture on social services, or the Ministry of Natural Resources and Environment on any proposal and development that relate to land, mineral exploration and marine areas. Ministries must also be prepared to undertake consultations beyond Government with relevant stakeholders in the wider community, including representative organisations or associations of particular interest groups or the professions, civil society bodies and community organisations. However, a very important point for every Ministry CEO and Public Body General Manager to take note of in this regard is that the Minister must first be consulted and his or her approval obtained beforehand. Further, where this wider public consultation has been mandated by the Minister, the Member of Parliament for the constituency and the Village Fono in the geographical areas



covered must also be informed and consulted for their endorsement in keeping with traditional courtesies. At all stages of the consultation, the Minister must be kept informed and his or her views sought. The final outcome of these consultations, with the Minister's approval, should then be included in the submission and recommendations to Cabinet. More comments on the importance of consultation are given below.

#### [6] **RECOMMENDATIONS.**

3.17 This is the most important part of a Ministry's submission/Minister's memorandum to Cabinet. It must be written in such a precise, lucid and unambiguous way, so that the Ministers are unequivocally clear on the decisions they are to make. Furthermore, the recommendations when converted and transcribed to be Cabinet decisions can be easily understood by those who are not privy to the paper and the discussions in Cabinet but who are required and entrusted to implement the Cabinet decisions. **Appendix 2** shows the format, and the following are useful guidelines for Ministries to follow:

- The recommendations must stand on their own as clear statements on the preferred option on policy and follow up action, for consideration by Cabinet.
- The recommendation section should not merely say that approval is sought for the proposals as outlined in the submission; the precise and specific decisions required by the Ministry must be listed and itemised individually and separately.
- Where funding and staffing are required, there must be separate recommendations for these to allow the Cabinet to address them specifically in its decisions.
- Where the decisions by Cabinet are to be the basis of a ministerial statement in Parliament or in public, the submission and the recommendations must include a draft statement by the Minister for approval by the Cabinet.
- Where the submission is for Cabinet to approve a Bill for introduction in Parliament, the submission and its recommendations should include for approval by Cabinet a draft second reading statement, highlighting the policy objectives to be pursued through this legislation. This is in addition to the clause by clause summary of the Bill normally prepared by the Office of the Attorney-General.
- The recommendations must be comprehensive and cover all the proposals advanced in the submission and for which the originating Ministry requires instructions from Cabinet.

#### **PROPOSALS REQUIRING LEGISLATION**

3.18 A Ministry which requires legislation either in the form of a new legislative enactment or an amendment Bill by Parliament, or new or amended Regulations by Cabinet, should discuss their proposal in the first instance with the Office of the Attorney-General. With the A-G's support, the Ministry concerned should then make a submission to the Cabinet for approval for the drafting of such legislation. The focus in this first submission is on the policies to be pursued or implemented through this proposed legislative action. The Ministry

must clearly explain to Cabinet the various possible options for achieving the objectives of the policy initiative and why legislative action is considered the most feasible and efficacious option. If approval is given, the Secretary to Cabinet will convey Cabinet's approval both to the responsible Minister and the CEO and also to the A-G for drafting to proceed.

3.19 The second stage of the process is when the drafting is completed and the Office of the Attorney-General convenes a meeting of the Chief Executive Officers of the originating and other interested Ministries and Agencies to scrutinise the draft and make final preparations for the presentation to Cabinet by the originating Minister.

3.20 The submission to the Cabinet must be accompanied by the draft Bill or Regulations and a certificate of confirmation by the Attorney-General that the proposed Bill or Regulations has been vetted and cleared by his Office. In addition, as already stated, the submission to Cabinet must also include a draft second reading explanation of the policy objectives of the Bill, to be used by the sponsoring Minister. For draft Regulations, a draft public explanation of the Regulations must be included in the submission to Cabinet for endorsement by Cabinet.

#### **IMPORTANCE OF CONSULTATION**

3.21 The importance of consulting all relevant Ministries and stakeholders is again reiterated here. The Secretary to Cabinet is under firm instruction from the Prime Minister not to accept a submission for a Cabinet meeting unless the Ministry concerned has undertaken all necessary consultations and the outcomes of these are clearly stated.

##### **[1] Attorney-General's Office**

**3.22 If constitutional questions or legal issues are involved, or if legal advice is required, in the course of the preparation of a submission to Cabinet the Office of the Attorney-General must be consulted and the advice or opinion tendered should be stated in the submission or attached to it.**

##### **[2] Ministry of Finance [MOF]**

**3.23 If a submission has significant financial implications and expenditure of public funds would be involved, it must be referred to the Ministry of Finance.** The submission to the Cabinet must clearly indicate whether funding of proposals can be met either in full or in part from the originating Ministry's Budget allocations, or whether supplementary Budget provisions are needed. **The submission must include an attached statement by the Minister of Finance or the Chief Executive Officer to the effect that the Ministry of Finance supports or endorses the submission's recommendations. If there are provisos or conditions attached, these must also be stated.**

**[3] Public Service Commission [PSC]**

**3.24 If a submission to Cabinet has staffing or organisational restructure and staff redeployment implications, the Public Service Commission must be consulted and its prior endorsement or support obtained. Similarly, for official travel overseas by Government officials, all Ministries must first consult the PSC [and the Ministry of Finance] before applications are submitted to Cabinet for approval. The PSC statement of support must be appended as an attachment.**

**[4] Ministry of Foreign Affairs and Trade [MFAT]**

**3.25 If a proposal has implications for Samoa's external interests, foreign relations or international treaty obligations the Ministry of Foreign Affairs and Trade must be consulted and its position stated in the submission.**

**[5] Ministry of the Prime Minister and Cabinet [MPMC]**

3.26 Ministries are advised to enlist the assistance of the Ministry of the Prime Minister and Cabinet through the CEO&SC and the ACEO Cabinet when preparing **policy submissions**. Cabinet has assigned special responsibility to the MPMC to ensure that all policy submissions to Cabinet are supported by precise and accurate statement of relevant facts, thorough analysis of the pertinent issues involved, clear identification of policy options and action strategies, and broad consensus backing for the recommendations from consultations with all stakeholders.

3.27 It is acknowledged that the Ministry of Finance is the primary co-ordinating agency for the formulation, review and implementation of the Government's Strategy for the Development of Samoa [SDS] and it does this through the Cabinet Development Committee [CDC], chaired by the Hon. Prime Minister. Likewise, the Public Service Commission co-ordinates the implementation of the Public Administration Sector Plan [PASP]. However, a crucially important point which the Prime Minister has specifically emphasized both as Head of Government and as Chairperson of Cabinet is that Ministers when collectively considering and deciding policy proposals in Cabinet do so for the whole of Government and not just for the individual Ministry most directly concerned. It is, therefore, essential that Cabinet must be presented with a holistic picture of all relevant facts and opinions. Whilst it is recognized that individual Ministries will naturally tend to place first priority on their own portfolio interests, Cabinet's perspective is much broader. Cabinet has to look at policy proposals from Government's overall strategic direction. Accordingly, if Ministers are to make well informed and coherent policy decisions consistent with Government's strategic policy priorities, it is imperative that Cabinet is presented with recommendations and advice from a whole-of-Government perspective.

3.28 "Whole-of-Government perspective" in relation to policy analysis and assessment means critically examining and appraising individual Ministry initiatives and proposals not

only from the Ministry's portfolio interests but also, beyond that, from the totality of objectives that apply to, and are shared by all, across Government. This means, for example, that in terms of "development" it is not enough, when submitting investment proposals, simply to highlight projected positive contributions to growth in Samoa's total economic worth or Gross National Product or in per capita income, and to employment creation and export earnings. As emphasized in both the SDS and PASP, it is development embracing its total aspects, including economic, social, cultural, ethical, environmental, and equity considerations. In other words, development that contributes to improving the quality of life of the people and policies to ensure that opportunities and benefits are equitably spread throughout the country and to all sections of the population. So the overall emphasis in this comprehensive and collective approach to policy-making is on thorough consideration of all the issues involved from a broad perspective, wide-ranging consultations with all relevant stakeholders, and central focus in the recommendations and advice on the national good and the most effective use of the nation's resources to achieve policy objectives.

3.29 On consultations, the interest of the MPMC is to ensure that individual Ministries consult widely when developing their policy proposals. Where desirable and necessary, Ministries must be prepared to move beyond the Public Service and with the prior endorsement of their Minister hold consultations with non-government experts in their particular fields of knowledge and experience, and with special interest groups like business, the professions, and community and civil society organizations. In designing policies and delivery mechanisms, useful practical insights can be obtained from public servants engaged at the frontline of service delivery and from recipients of these services or consumer groups.

3.30 To assist all Ministries in adopting this broad and consultative approach to policy formulation and development, Cabinet has strengthened the Cabinet Office by approving the addition to it of three policy units to work very closely with each Ministry in promoting greater co-operation and collaboration in whole-of-Government policy development, co-ordination and delivery. These are the Strategic Policy Unit [SPU], the Policy Co-ordinating Unit [PCU] and the Policy Monitoring Unit [PMU].

3.31 The SPU's main functions are as follows:

[1] Prepares cover sheet summaries of Cabinet papers.

[2] Carries out in-depth analysis of policy submissions and proposed legislation from a whole-of-Government and wider economic, social, environmental and regulatory impact perspectives, etc, and submits briefs on these for the Prime Minister.

[3] Undertakes legal and social acceptability vetting of all policy proposals to Cabinet in order to ensure consistency with the Constitution and other laws of Samoa, and also

accepted conventions and practices of government and the custom and tradition of the Samoan people.

[4] Initiates research and submit policy advisories to the Prime Minister on current and emerging issues that are considered to be of strategic importance to Samoa. In undertaking research on these, the SPU is required to consult closely and widely with all relevant Ministries and Public Bodies and with business, academic and community groups, as appropriate.

3.32 The PCU's main functions are as follows:

[1] Assists with preparation of cover sheet summaries of Cabinet papers.

[2] Plays the lead role in the dissemination of the Cabinet Handbook to all Ministries and Public Bodies.

[3] Closely co-operates with, and provide advisory assistance to, all Ministries in the preparation of their policy submissions to Cabinet. The focus is on assisting Ministries in complying with the requirements of Cabinet, as set out in this Cabinet Handbook. These include, as their immediate objectives, making improvements in the quality of Ministry submissions to Cabinet and the adoption by all Ministries of a collective and collaborative approach to policy development, co-ordination and implementation. The ultimate beneficiary is Cabinet in that with the provision of Cabinet submissions which are of consistent high quality in the accuracy, timeliness and completeness of information and advice they provide, decision-making by the Ministers is greatly facilitated.

3.33 The PMU performs the following functions:

[1] Assists with the preparation of cover sheet summaries of Cabinet papers.

[2] Co-ordinates with all Ministries and Public Bodies the monitoring of implementation of Cabinet decisions. From the quarterly feedback which Ministries will be asked by the MPMC to provide, this Unit will compile consolidated whole-of-Government quarterly and annual reports for submission to the Prime Minister and Cabinet.

[3] This Unit will also undertake tracer studies of the implementation of Cabinet decisions relating to commercial ventures in the private sector and community development projects undertaken through Government's annual Budget.

3.34 To assist the Ministry of the Prime Minister and Cabinet in promoting this mutual co-operative and collaborative approach with all Ministries, Ministry CEOs are requested to designate a particular Cabinet liaison desk or officer in their Ministry at principal officer level who is to serve as the initial contact point by the MPMC's policy units. This is strictly for the purpose of enabling and encouraging information exchange and consultations on an informal and without commitment/prejudice basis at this working level. Formal

consultations and communications will continue to be with the Ministry CEO and the ACEO/s, as appropriate.

**[6] Recording of dissenting views**

3.35 As already stated, a submission to Cabinet should record under the section on “Consultations” the various consultations undertaken and the consensus or understanding reached. However, in the unlikely and exceptional situation where two or more Ministries may not be able to come to an agreement, the originating Minister is advised to consult the Prime Minister. If the Prime Minister decides that the matter should be brought to Cabinet, the originating Ministry should record the differing opinions of the Ministries concerned in separate statements and these should be signed by the responsible Minister of each Ministry, and appended to the submission as attachments. These must be stated strictly in a detached, factual and impartial manner.

**DELIVERY OF SUBMISSION**

3.36 The Ministry finalizes its submission when the Minister signs the original. It is important to ensure the placement at the bottom left hand side of the signature page the Ministry’s Cabinet submissions file number and the date of the Minister’s signature. The Ministry submission is to be security protected as “confidential.” Ministry CEOs will find it very helpful to maintain a special file/folder [and a USB flash drive] in which to store all of the Ministry’s submissions to Cabinet in a given year. This is in addition to the individual subject files.

3.37 Immediately after the Minister’s approval and signature of the Ministry’s submission, the CEO is to e-mail the text to the CEO&SC, MPMC, and also to the ACEO Cabinet. The original signed copy [and the floppy disk or USB flash drive] is then to be placed at the back cover of the Ministry’s file and the Ministry’s CEO is to mark the front cover to the CEO&SC.

3.38 Where a submission includes attachments to provide additional information, the Ministry must provide the Cabinet Office with **17 sets** of such attachments. These are to be delivered with the file. Here again, it is reiterated that if an attachment is a substantive report, the originating Ministry must also provide a précis of the main points.

**3.39 It is reiterated that all Ministry submissions, together with their attachments, for the meeting of Cabinet on Wednesdays must be delivered to the Secretary to Cabinet at the very latest by 12 noon on the preceding Friday. No submission that arrives after this deadline without prior notice to, and exemption from, the Secretary to Cabinet, will be included in the business list for the next meeting of Cabinet. Instead, all late deliveries will be placed on hold for consideration by Cabinet at its meeting on the second Wednesday that follows.**

3.40 **The only exception that may be allowed to this directive by Cabinet is during emergency situations such as, for example, the immediate need for the medical evacuation of a patient for specialized treatment overseas, or when a natural disaster happens in Samoa and Cabinet needs to meet as soon as possible to consider the provision of urgent relief and welfare assistance.**

3.41 **What is crucially important for a Ministry CEO to ensure is that a submission is completed and approved and signed by the Minister well in time for its delivery within the deadline. If, in a particular situation, it is anticipated that due to unavoidable circumstances beyond the Ministry's control, a submission is likely to be delayed, the CEO should personally contact the Secretary to Cabinet in writing before the 12 noon Friday deadline to ask for approval for a late submission, fully explaining the reasons for the delay, the expected delivery time, and why it is important that the submission be included in the next meeting of Cabinet.**

3.42 As already explained, the Cabinet Office does have contingency arrangements for Cabinet's consideration of submissions that require its immediate attention. **With the prior approval of the Prime Minister, a submission may be dealt with either by written opinion if it is an administrative and non-controversial issue, or in a special meeting of Cabinet if it is an urgent policy matter of national importance as determined by the Prime Minister. Nevertheless, the basic requirement by Cabinet for all Ministries is that all submissions intended for the regular Wednesday Cabinet meeting must be delivered to the Secretary to Cabinet by the preceding Friday and before 12 noon on that day.**

#### **MINISTRY COMPLETION/DELIVERY MEMORANDUM**

3.43 All CEOs are requested to deliver the Ministry's signed submission to Cabinet under cover of a memorandum to the CEO&SC, MPMC, affirming that the submission has been prepared in accordance with the Cabinet requirements as set out in CHECKLIST 1 in the Cabinet Handbook [para. 3.46 below].

#### **MINISTRY SUBMISSION BECOMES CABINET PAPER**

3.44 On receipt of the Ministry's submission, the Cabinet Office will reformat the submission into an official Cabinet paper as shown in **APPENDIX 2**. The paper now becomes the property of the Cabinet of Samoa and is ready for presentation to the Cabinet.

3.45 Following the Cabinet meeting, the Cabinet Office will insert a copy of the Cabinet paper based on the Ministry's submission, together with the Cabinet decision on it, in the Ministry's file and return the file to the CEO.

### **CHECKLIST 1 FOR THE MINISTRY CEO: PREPARATION OF POLICY SUBMISSION TO CABINET**

3.46 This summary checklist is provided as a convenient guide to ensure that the policy submission by a Minister has all the necessary information to facilitate decision making by Cabinet.

[1] The CEO advises the Minister that submission to Cabinet is required on a particular issue. With the Minister's approval, the paper is prepared.

[2] The CEO ensures that the paper follows Cabinet's requirements as set out in the Cabinet Handbook: that is, on format, contents, length, paragraph and page numbering, "confidential" security protection, and attachments.

[3] The CEO checks to make clear whether the paper is "for discussion" or "for information," and also that the recommendations are lucidly stated. [NB It is only on submissions "for discussion" that the "Recommendation" section of the paper must be very specific on the policy and action strategy options, and the funding/staffing arrangements, to be considered and decided by Cabinet. On submissions "for information," the "Recommendation" section is only to say that Cabinet is invited "to note" the report. If a report contains recommendations/issues that require consideration and decision by Cabinet, such recommendations/issues should be brought to Cabinet under a separate submission specifically dealing with those recommendations/issues].

[4] The CEO checks that the necessary resources for the implementation of the Ministry's proposals are clearly set out.

[5] The CEO ensures that necessary consultations have been carried out and support for the Ministry's recommendations obtained: that is; for consistency with Government's overall policy direction, priorities and objectives, the Ministry of the Prime Minister and Cabinet; for funding, the Ministry of Finance; for staffing and office or field support requirements, the PSC; for clearance on constitutional, legal and legislative implications, the Office of the Attorney-General; for implications on Samoa's external interests and international obligations, the Ministry of Foreign Affairs and Trade; for natural environment impact, the Ministry of Natural Resources and Environment; for impact on traditional culture, and on women, village and community development, the Ministry of Women, Village, Community and Social Development; for impact on children and youth, the Ministry of Education, Sports and Culture, etc.

[6] When another Ministry is unable to give its endorsement and support, the CEO must inform his or her Minister and ask the Minister to take up the consultation with the Minister concerned. If the differences are still unresolved, the originating Minister is to seek advice from the Prime Minister. Where the Prime Minister agrees that the Ministry's submission should be brought to the Cabinet notwithstanding the unresolved differences, the dissenting opinion by the Minister concerned must be fully and clearly stated in a neutral



and impartial factual manner, signed by the Minister, and separately appended to the submission as an attachment.

[7] A submission for Cabinet's approval of a draft Bill to be tabled in the Legislative Assembly should include as an attachment, also for approval by Cabinet, a draft second reading statement for use by the sponsoring Minister in explaining the policies which Government seeks to implement through the proposed legislation. Similarly, a submission seeking Cabinet's approval for enabling Regulations should also include a draft explanation of the Regulations for use in publicly explaining them following their promulgation. In the same way, submissions on policy proposals that will need to be publicized following approval by Cabinet should include a draft explanatory statement for Cabinet's convenience and clearance.

[8] On completion of all preparatory requirements, the CEO refers the submission to the Minister for approval and signature. The date of signature and the Ministry's Cabinet submissions file number must be shown at the bottom left hand side of the paper.

[9] The CEO immediately e-mails the text to the CEO&SC and the ACEO, Cabinet, and sends the hard copy [and the floppy disk or USB flash drive] in the Ministry's Cabinet submissions file to the CEO&SC. The deadline for receipt of Cabinet submissions is 12 noon on Friday before the Cabinet meeting on the following Wednesday.

[10] The CEO prepares a draft introductory statement on the Ministry's submission, highlighting the recommendations for consideration by Cabinet and also the outcome of inter-Ministry consultations. This is to assist the Minister in introducing the submission in Cabinet.

[11] The CEO sends the Ministry's Cabinet submission to the Secretary to Cabinet under cover of a memorandum confirming that the submission has been prepared in accordance with guidelines in Part Three of the Handbook and this **Checklist 1**.

## **CHECKLIST 2 FOR THE MINISTRY CEO: IMPLEMENTATION OF CABINET DECISIONS AND MONITORING OF DELIVERY**

3.47 As in the preparation of a Ministry's submission to Cabinet, the CEO is also directly responsible to the Minister for overseeing and co-ordinating the implementation of Cabinet decisions by the Ministry. This checklist is a guide on what needs to be done.

[1] Following Cabinet, the Secretary to Cabinet conveys Cabinet's decision, written in the format shown in **Appendix 4** and addressed to the Minister.

[2] The CEO issues the necessary directives and instructions to the relevant departments or sections together with the authorisation of resources for the full and speedy implementation of the Cabinet decision.

[3] On receiving the quarterly reporting circular from the Secretary to Cabinet, the CEO immediately organises the preparation of a comprehensive progress report on the implementation of all Cabinet decisions for that Ministry in the preceding quarter. On completion, the report is given to the Minister for clearance and approval.

[4] The CEO sends the Ministry's feedback report to the Secretary to Cabinet for incorporation into the consolidated whole of Government report to be prepared by the MPMC. This is e-mailed to the CEO&SC and the ACEO Cabinet, with the hard copy, signed personally by the Ministry CEO, to be forwarded to the CEO&SC.

**CHECKLIST 3 FOR THE MINISTRY CEO: ASSISTING THE MINISTER [see also the flow charts in Appendix 6]**

3.48 The CEO is to assist the Minister in the following ways:

[1] Advises the Minister to designate a particular officer in the Minister's office to be directly responsible for the storage and safekeeping of the Minister's Cabinet documents and ministerial papers and communications.

[2] Opens and operates two special files for Cabinet-related purposes. The first is to be a Cabinet submissions file in which to keep all of the Ministry's submissions to Cabinet and the Cabinet decisions and related communications thereon from the Secretary to Cabinet. This would be in addition to individual subject files in the Ministry. The second file is to be specifically for the monitoring of the Ministry's implementation of Cabinet decisions. The Ministry's quarterly feedback reports and the consolidated quarterly and annual reports on the whole-of-Government performance to be prepared by the MPMC are to be kept in this file.

[3] Facilitates the Minister's presentation in Cabinet of the Ministry's submission in the ways highlighted under items [7] and [10] of Checklist 1 in paragraph 3.46 above. Further, if in a Cabinet meeting a Minister is expected to make a comment under the agenda item "matters-arising" on the implementation by his or her Ministry of a decision by Cabinet at its previous meeting, the CEO should anticipate this by providing the Minister with relevant information beforehand.

[4] Consults the Minister on particular areas of policy within the Minister's portfolio responsibilities in which the Minister plans or intends to make submissions to Cabinet with policy or legislative proposals in the calendar year ahead, and communicate this to the CEO&SC, MPMC, so that Prime Minister can be informed well in advance to facilitate consultations at ministerial level.

[4] Designates and communicates to the CEO&SC, MPMC, the particular desk, or unit, or officer at the principal officer level to be the point of contact by the three policy units in the Cabinet Office, for general liaison and informal information exchange on issues relating to

proposed ministry submissions to Cabinet and the monitoring of implementation of Cabinet decisions. It is stressed here that this is solely for the purpose of enabling the MPMC through the Cabinet Office to be as supportive and helpful as possible to all Ministries in the preparation of their Cabinet submissions. In the ultimate, this collaborative process will facilitate the inclusion of the submission in the Cabinet business list and Cabinet's consideration of it. Formal communications from the MPMC, including the Cabinet Office, will continue to be addressed to the Ministry CEO.

## PART FOUR

### CABINET SECRETARIAT

#### GENERAL

4.1 The Cabinet Office plays an important role in providing policy advisory, administrative and secretariat support services to the Prime Minister and Cabinet. It is a division within the Ministry of the Prime Minister and Cabinet.

4.2 The Chief Executive Officer of the Ministry is also concurrently the Secretary to Cabinet. In this latter capacity, the incumbent is the official Secretary to Cabinet, Clerk to the Executive Council and head of the Cabinet Office. The Secretary to Cabinet is assisted by the Assistant CEO Cabinet and support staff in the Cabinet Office.

#### SECRETARIAT FUNCTIONS

4.3 The Cabinet Office is responsible for all necessary arrangements for Cabinet meetings. This includes receiving, checking and preparing papers to be considered by Cabinet, drafting the business list for the Cabinet meeting, and then distributing the business list and papers to all Ministers.

4.4 The Secretary to Cabinet ensures that the Prime Minister is fully supported with briefs on the issues to be considered. The Secretary is directly responsible for recording the minutes and for preparing the decisions.

4.5 Cabinet minutes are immediately communicated to the Office of Head of State for His Highness's information. Cabinet decisions on individual submissions are sent to the responsible Ministers for implementation.

4.5 The Cabinet Office performs similar functions for the Executive Council in the event a meeting is convened to clarify a Cabinet decision.

#### [a] PREPARING PAPERS

4.6 The efficiency of decision-making by Cabinet and the efficacy of its decisions are directly dependent on the quality of submissions from the Ministries. Ministers collectively in Cabinet make well-informed decisions when they are provided with all relevant facts and supporting information. The Secretary to Cabinet is, therefore, under direct instruction from the Prime Minister, to scrutinize all incoming individual Ministry submissions in order to determine whether a submission is in order for inclusion in the Cabinet's business list.

4.7 If the Secretary is so satisfied, the Cabinet Office then reformats the Ministry submission into a formal Cabinet paper, as shown in **Appendix 2**.

4.8 As the property of Cabinet, the paper is given a **PK** serial number and is security classified as “SECRET.”

4.9 The Cabinet business list, the minutes and decisions are given an FK number to facilitate identification, storage and retrieval. As with Cabinet papers, the business list and the minutes are classified as “SECRET” whilst Cabinet decisions are assigned the lower security rating of “CONFIDENTIAL” to facilitate implementation.

4.10 The Cabinet Office is the repository and guardian of the records of all successive Cabinets.

#### **[b] BUSINESS LIST**

4.11 The Secretary to Cabinet prepares the draft business list for the Cabinet meeting on Wednesday each week. The Prime Minister is the ultimate authority who decides what items may be discussed at a Cabinet meeting. The business list is circulated to all Ministers with a full set of meeting papers on the morning of Tuesday, a day before Cabinet. **APPENDIX 3** shows the typical format of a Cabinet meeting business list.

#### **[c] CABINET DECISIONS**

4.12 Following Cabinet, the Secretary to Cabinet prepares the minutes and the decisions on individual submissions. For the implementing Ministry, the Cabinet decision takes effect from the date it receives the recorded decision under the hand of the Secretary to Cabinet.

4.13 Each Cabinet decision normally carries two identification numbers inserted by the Cabinet Office. This is illustrated below;

- **FK [O9] 38: 12<sup>th</sup> November, 2009** [Decision taken at the 38<sup>th</sup> meeting of Cabinet held on 12<sup>th</sup> November, 2009]
- **Item 4: PK [O9] 207** [This “discussion” paper was dealt with by Cabinet under agenda item 4. The paper was accepted by the Secretariat and entered into the Master List of papers as number 207 received in 2009]. A decision taken at a special sitting of Cabinet is recorded as follows: PK [O9] S208.

4.14 The file number of the originating/implementing Ministry is also stated on the decision.

4.15 Ministries are requested to state these identification numbers when making reference in their submissions to an earlier decision by Cabinet.

4.16 The format of the Cabinet decision and the way it is communicated to the implementing Ministry’s CEO are shown in **Appendix 4**.

**[d] FOLLOW UP ON CABINET DECISIONS [see format at Appendix 7]**

4.17 A special responsibility of the Cabinet Office is ensuring the full and speedy implementation of Cabinet decisions and monitoring progress in this.

4.18 At the end of every quarter, the Secretary to Cabinet will send out a circular to all Ministries, setting out decisions taken by Cabinet for each Ministry during the preceding three months period. The circular will request all Ministries for a report on the status of implementation of each decision.

4.19 The quarterly feedback by the Ministries will provide the basis for regular reporting to the Prime Minister and Cabinet on progress in the implementation of Cabinet decisions. The Cabinet Office, through its Policy Monitoring Unit, will prepare consolidated quarterly and annual reports drawing on information supplied by the Ministries. All Ministries are requested to fully co-operate in this reporting process. It is important not only to report progress but also to highlight implementation problems and impediments, to be drawn to the attention of Cabinet.

**POLICY ADVISORY SERVICES**

4.20 The preparation of regular quarterly and annual reports on the implementation and delivery of Cabinet decisions is only one of many new support services that the Cabinet Office is now able to provide to the Prime Minister and Cabinet following the computerization of the Cabinet Office's operation, and the amalgamation of the Policy Implementation and Monitoring Unit [PIMU] and the Cabinet Secretariat [CS] in the MPMC. With this computerized combined operation, policy development, co-ordination and monitoring support services both to Cabinet and to the Ministries will be undertaken by three dedicated units: the Strategic Policy Unit [SPU], the Policy Co-ordinating Unit [PCU] and the Policy Monitoring Unit [PMU].

4.21 Their specific roles are as already outlined in paragraphs 3.30-3.33 above. However, what is important to stress here is that they are required by Cabinet to initiate and to maintain the closest degree of co-operation with all Ministries and Public Bodies in promoting a collaborative approach to policy development and co-ordination, and in the monitoring of implementation of Cabinet decisions and Government's development programmes.

4.22 Cabinet sets the Government's strategic objectives and the legislative, policy and budget priorities to achieve these objectives. The role of the MPMC spearheaded by the Cabinet Office in working closely with all Ministries is to ensure that policy recommendations to Cabinet are consistent with these strategic objectives and that policies, once decided by Cabinet, are delivered on time, within budget and with the achievement of their objectives.

4.23 On policy submissions to Cabinet, recommendations on policy options and action strategies must be supported by thorough analysis and assessment and by agreement across all relevant Ministries. Ministers make well-informed decisions when they are given timely and accurate information and when they are presented with the views and consensus of the Ministries and the Public Bodies directly involved and an impact assessment on those in the wider community who would be affected. Community groups and interests that would be impacted upon ought to be consulted and their views carefully weighed in a fair, balanced and pragmatic manner and with the ultimate focus on the common good. This is what is meant by decision-making to serve the public interest. The Cabinet Office is, therefore, committed to working closely with all Ministries to ensure that Cabinet is effectively supported in this holistic and comprehensive way in its central decision-making role and in the delivery of its decisions.

#### **ADMINISTRATIVE SERVICES**

4.24 The Secretary to Cabinet assists His Highness the Head of State in the formal swearing-in of the Prime Minister, other Ministers and Associate Ministers under the Constitution of Samoa. This marks the commencement of their appointment.

4.25 Thereafter and on a continuing basis the Cabinet Office provides general information and procedural advice to all incumbents on their official entitlements, on their individual portfolio responsibilities and on their collective responsibilities in Cabinet and as the executive Government, on the code of conduct and public accountabilities that bind each of them, and on the storage and protection of their Cabinet and ministerial papers and records. A Manual on Ministerial Practice and Procedures provides policy and procedural guidance on all these.

4.26 The Secretary to Cabinet is responsible to Cabinet and the Head of State, under the Honours and Awards Act 1999, for the provision of administrative, executive and secretariat support services to the Honours Committee. The Committee, chaired by the CEO&SC, MPMC, makes recommendations to Cabinet on the grant of national awards and on guidelines for such awards.

#### **MANAGEMENT OF CABINET RECORDS**

4.27 The Cabinet Office is responsible for the safe custody and proper management of the records of all Cabinets of Samoa. Cabinet documents and records comprise Cabinet papers [based on a Ministry's submission or Minister's memorandum], the Cabinet business list, the Cabinet minutes and Cabinet decisions.

4.28 The performance of this management function will be greatly facilitated by the full computerization of Cabinet Office operations, including the establishment of a centralized database and the implementation of a Document Management System [DMS]. With the commencement of this DMS in 2011, the filing, storage and indexing of all Cabinet records

will be undertaken electronically. This will expedite the speedy filing and systematic organization and storage of all Cabinet documents and records. At the same time, the DMS will facilitate their retrieval for purposes such as policy research.

4.29 Following each Cabinet meeting, the **records of business lists and minutes** will continue to be protected as “secret” Cabinet documents with no public access allowed to them. This public access restriction would be lifted only if the Prime Minister expressly approved a particular request.

4.30 For **Cabinet papers**, however, the “secret” security classification would be reviewed by the Cabinet Office after each Cabinet meeting. This is to determine whether for particular papers this can be reduced or removed altogether. This review will considerably assist the Office in dealing with public applications for access to Cabinet papers and Cabinet decisions thereon. Whilst as a general policy these papers and decisions would remain restricted to public access, it would make it much easier for the Cabinet Office to recommend approval of a request if the Cabinet papers concerned were of a lower security classification. All requests for access to Cabinet records must be made to the Secretary to Cabinet.

4.31 All Cabinet records are kept in the Cabinet Office. Ministers are required to return all their Cabinet documents to the Cabinet Office immediately when their ministerial appointment ceases.

4.32 Once a National Archives is established to be the repository of all State and Government of Samoa public records, the Cabinet Office will transfer to it Cabinet records no longer in current use, in accordance with guidelines decided by Cabinet. Thereafter, public access to archived documents will be the responsibility of the National Archives.

#### **INFORMING THE PEOPLE**

4.33 The Cabinet Office is responsible for arranging the public announcement of policy decisions and other initiatives by Cabinet, as authorized by the Prime Minister. This is done through the Government’s Press Office in the Ministry of the Prime Minister and Cabinet.

4.34 To assist in this, Ministry CEOs are requested to ensure that policy submissions to Cabinet which includes a recommendation that the decisions by Cabinet ought to be widely publicized should also include a draft explanation for use either by the appropriate Minister or in a Government media release.

#### **DISSEMINATION OF CABINET HANDBOOK**

4.35 As directed by Cabinet when approving the Cabinet Handbook, the Cabinet Office is to promote its collective adoption by all Ministries. This is to be undertaken as a comprehensive and continuous programme, commencing in December, 2011. The promotion and dissemination programme will be through a combination of workshops for representative groups of senior executives and of direct interaction with individual



organizations and especially with the unit or officers within a Ministry, who are tasked with the responsibility of drafting the Ministry's policy submissions to Cabinet.

4.36 To ensure its success, the Policy Co-ordinating Unit [PCU] in the Cabinet Office has been specifically tasked to undertake this programme as an on-going high priority activity. Under the leadership of the ACEO Cabinet, the Unit will be interacting continually with individual Ministries to offer advisory support and to get from each feedback on the general utility of the Handbook and any practical suggestions for improvement. The PCU will be actively supported in this by the other two policy units, the SPU and PMU, in a simultaneous and parallel programme of promoting Government-wide collaboration and co-operation in policy development and in the monitoring of policy implementation, as already described in greater detail in paragraphs 3.30-3.33 above.

4.37 All Ministries and Public Bodies are requested to fully co-operate in assiduously complying with the Cabinet Handbook. In the ultimate, the most important beneficiary is the Cabinet. With improved quality of support from the Ministries and the Cabinet Office, Cabinet is enabled to more efficiently and effectively discharge its decision-making responsibility under the Constitution.

#### **COMMENCEMENT OF NEW PROCEDURES**

4.38 The new format for Ministry Cabinet submissions, as shown in **Appendices 1 [a] and 1 [b]**, and the new deadline for receipt of Ministry submissions in the Cabinet Office, as set out in **paragraphs 2.2 and 3.3.9 above, i e, 12 noon each Friday for the Cabinet meeting on the following Wednesday**, come into effect from the first meeting of the Cabinet in January, 2012.

## **PART FIVE**

### **ENSURING SUCCESS OF NEW CABINET HANDBOOK**

#### **NEED FOR APPROVAL BY CABINET**

5.1 The existing Cabinet Handbook which has been in use since 1999 has not really worked mainly for two reasons. Firstly, it was never referred to Cabinet for its approval. Under the Constitution of Samoa, the Cabinet determines its own rules of procedure. In light of this, the new Handbook needs to be approved and issued by Cabinet. Following this procedure is crucially important because all Ministers and public servants alike are bound to fully comply with the requirements of the new Cabinet Handbook's, in accordance with Cabinet's directive. These requirements cover the preparation and on-time delivery of Ministry submissions to Cabinet, quality standards in the provision of policy recommendations and advice, the facilitative role of the Cabinet Office in collaborating with all Ministries and Public Bodies in policy co-ordination and development and in the monitoring of achievement of Government policy and development objectives, and the provision of regular progress reports to Cabinet on the implementation of Cabinet decisions.

#### **CABINET OFFICE TO PROMOTE HANDBOOK**

5.2 The second reason for the failure of the 1999 Handbook was that it was inadequately drafted and its coverage was incomplete. Further, the Cabinet Secretariat at the time did not have the staff necessary to promote the Handbook in all Ministries in order to secure their compliance. As a direct consequence, preparations for the weekly meetings of Cabinet have been seriously hampered by the very high number of late delivery of Ministry submissions, with many being delivered on the day of the Cabinet meeting itself. This new Cabinet Handbook has been completely rewritten and revamped to reflect the needs of Cabinet. The Cabinet Office, too, has been considerably strengthened by the merger between PIMU and the Cabinet Secretariat within the Ministry of the Prime Minister and Cabinet. The Cabinet Office is now able to mount a continuous programme of communicating the new Cabinet Handbook to all Ministries and Public Bodies and to work very closely with all in ensuring collective compliance. In all this, the two foremost requirements are, firstly, the deadline for delivery of Ministry submissions to the Secretary to Cabinet not later than 12 noon on Friday each week, and, secondly, the provision of high quality policy advice and regular monitoring reports by the Ministries to Cabinet.

#### **POSITIVE OUTCOMES**

5.3 Most important of all, the many positive outcomes that will ensue from the application of the new Cabinet Handbook will themselves demonstrate to Ministers and Ministry officials alike the Handbook's practical value and utility. These outcomes include the following:

[1] There will be greater order and stability in the Business List or agenda of Cabinet meetings.

[2] Ministers will receive their meeting papers a day before the Cabinet meeting on Wednesdays, giving them at least 24 hours to prepare.

[3] Policy submissions from individual Ministries will improve in their quality. This enables Ministers to make well-informed decisions that are consistent with the laws of Samoa and which are aimed at furthering the executive Government's policies as set out in its Strategy for the Development of Samoa and in specific sector plans.

[4] Cover sheet summary of each submission to Cabinet, prepared by the Cabinet Office, will assist the Ministers in focussing their discussions on the decisions which the originating Ministry requires from Cabinet.

[5] The Prime Minister and all other Ministers in Cabinet would be kept regularly apprised of progress in the implementation of their decisions through quarterly and annual reports which the Ministries and the Cabinet Office are to jointly prepare.

5.4 In the ultimate, all these will contribute to further enhancing the overall effectiveness and efficacy of the decision-making processes of the executive Government of Samoa.

5.5 The various procedural requirements as set out in this Cabinet Handbook are directives of Cabinet. It is the responsibility of the Public Service and the public sector as a whole to assiduously implement them. For this, the CEO&SC in the Ministry of the Prime Minister and Cabinet and every other Ministry CEO and administrative head of Public Service organizations and General Managers of Public Bodies are being entrusted by Cabinet with the leadership responsibility to ensure full, consistent and continuous compliance.

## **APPENDICES**

### **APPENDIX 1 [a]**

#### **FORMAT OF MINISTRY SUBMISSION “FOR DISCUSSION/DECISION”**

CABINET PAPER

Improving Inter-island Shipping Services

[For Discussion]

[Memorandum by the Minister for Works, Transport and Infrastructure]

1.0 Purpose

2.0 Background

3.0 Issues and Analysis

4.0 Resources for Implementation

5.0 Consultations

6.0 Implementation and communication plans

7.0 Recommendations: Cabinet is invited to consider/ approve the following:

[1] That it is urgent to improve shipping services to the outer islands for the carriage of both passengers and produce and other goods;

[2] That this can be best achieved by the purchase of a new vessel;

[3] That consideration be given to the purchase of a ship which has been identified in ----- and which a technical team from the Samoa Shipping Corporation has inspected and recommends for purchase at a special discounted price of Tala-----million; and

[4] That the development grant of Tala-----which the Government of -----has offered to the Government of Samoa be used for this purpose.

[Hon. A B C]

Ministry of Works, Transport and Infrastructure

File: 32/1

9<sup>TH</sup> November, 2009

## **APPENDIX 1 [b]**

### **FORMAT OF MINISTRY SUBMISSION “FOR INFORMATION”**

#### CABINET PAPER

Purchase of new vessel for inter-island services

[For Information]

[Memorandum by the Minister for Works, Transport and Infrastructure]

- 1.0 Purpose
- 2.0 Background. Include in this reference to earlier Cabinet decision authorising the purchase of new vessel.
- 3.0 Progress in purchase
- 4.0 Arrival in Samoa
- 5.0 Proposed arrangements for reception and launching
- 6.0 Main points for Cabinet to note:

[Hon-----]

Ministry of Works, Transport and Infrastructure

File: 32/1

30<sup>TH</sup> November, 2009.

**APPENDIX 2**

**FORMATTING BY THE CABINET OFFICE FOR CABINET**

Paper “for discussion”

**SECRET**

THIS DOCUMENT IS THE PROPERTY OF THE CABINET OF SAMOA

PK [09]54

10<sup>th</sup> November, 2009

CABINET PAPER

Improving Inter-island Shipping Services

[For Discussion]

[Memorandum by the Minister for Works, Transport and Infrastructure]

## **APPENDIX 3**

### **ILLUSTRATION OF A CABINET BUSINESS LIST**

#### **SECRET**

THIS IS THE PROPERTY OF THE CABINET OF SAMOA

#### **BUSINESS LIST**

#### **MEETING OF THE CABINET**

Copy No---

FK [09]40 [i.e.40<sup>th</sup> regular meeting of Cabinet]  
Wednesday, 18<sup>th</sup> November, 2009

#### **ITEMS:**

- 1 Prayer
- 2 Confirmation of the minutes
- 3 Matters arising

#### **PAPERS FOR DISCUSSION:**

- 4 Paper PK [09]54 Improving Inter- island Shipping Services. [Memorandum by the Minister for Works, Transport and Infrastructure. F 32/1]
- 5 Paper PK [09]56-----.
- 6 Paper PK [09]58-----.

#### **PAPERS FOR INFORMATION:**

- 7 Paper PK [09]80 Purchase of new vessel for inter-island services. Memorandum by the Minister for Works, Transport and Utilities
- 8 Paper PK [09]81-----.

#### **9 Reports:**

- [1] Annual report of the Development Bank of Samoa 2008
- [2] Annual report of the National Provident Fund of Samoa 2008

#### **10 Other business**

Cabinet Office File: CM/O9/R

## **APPENDIX 4**

**FORMAT OF CABINET DECISION**

**CONFIDENTIAL**

THIS DOCUMENT IS THE PROPERTY OF THE CABINET OF SAMOA

19<sup>th</sup> November, 2009

**CABINET DECISION**

For Action:

For Information  
[and any necessary action]:

Improving Inter-island Shipping Services  
[FK [09] 40]

---

EXTRACT from the Minutes of the meeting FK [09] 40 held on 18<sup>th</sup> November, 2009 at 1.00 pm.

Item 4: Paper PK [09] 54; Improving inter-island shipping services; [Memorandum by the Minister for Works, Transport and Infrastructure File 32/1]

CABINET agreed:

- [1] That it is urgent to improve shipping services to the outer islands for the carriage both of passengers and of freight;
- [2] That the best solution is through the purchase of a new ship;
- [3] That the ship which has been identified in ---and recommended by the Samoa Shipping Corporation following a detailed examination and evaluation of the ship by its technical survey and engineering team be purchased at the special concessional price of T\$ 2.0 million; and
- [4] That the development grant of T\$ 2.0 million given to the Government of Samoa by the Government of --- be utilized for this purpose.

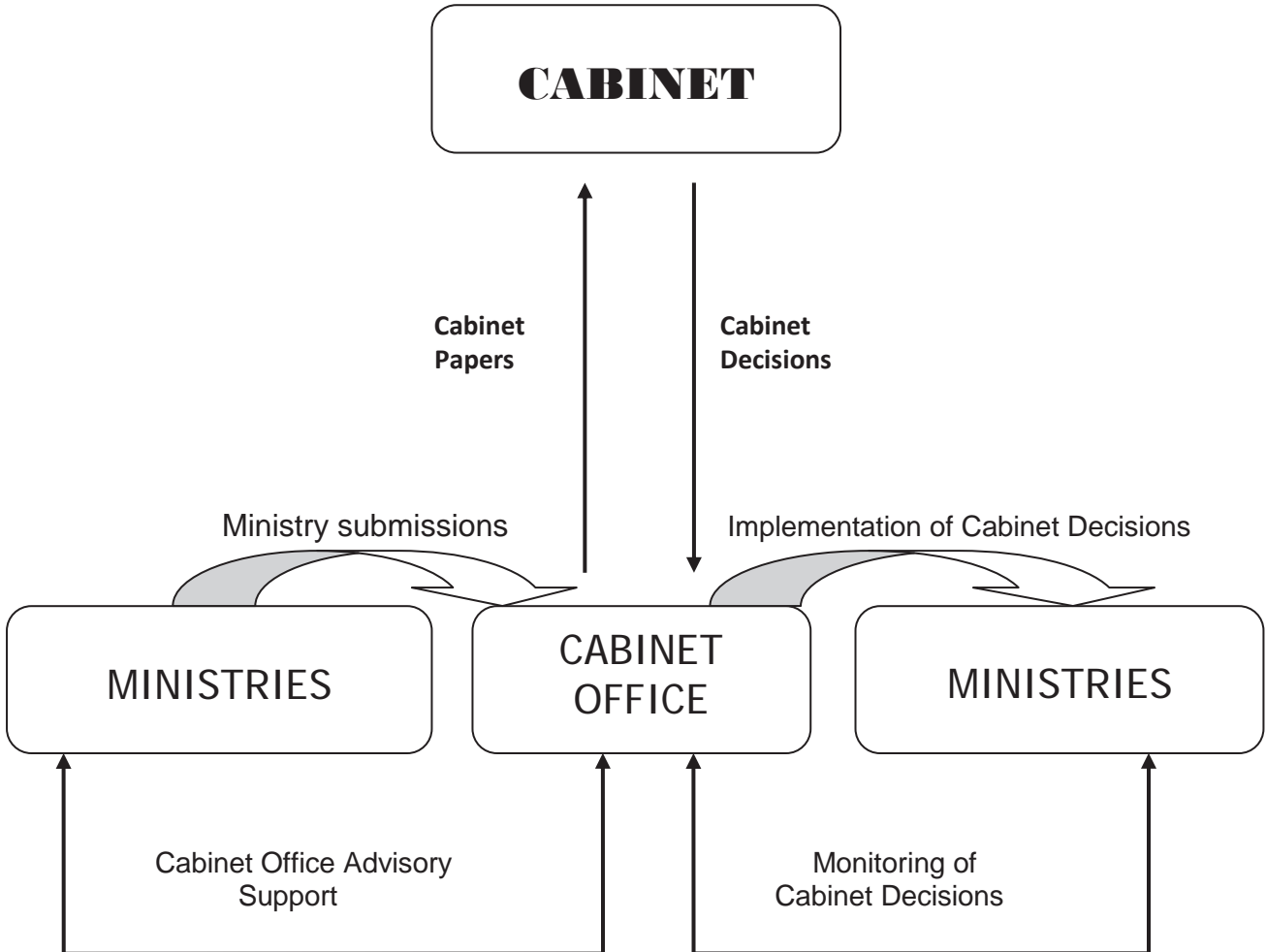
[-----]

Secretary to Cabinet



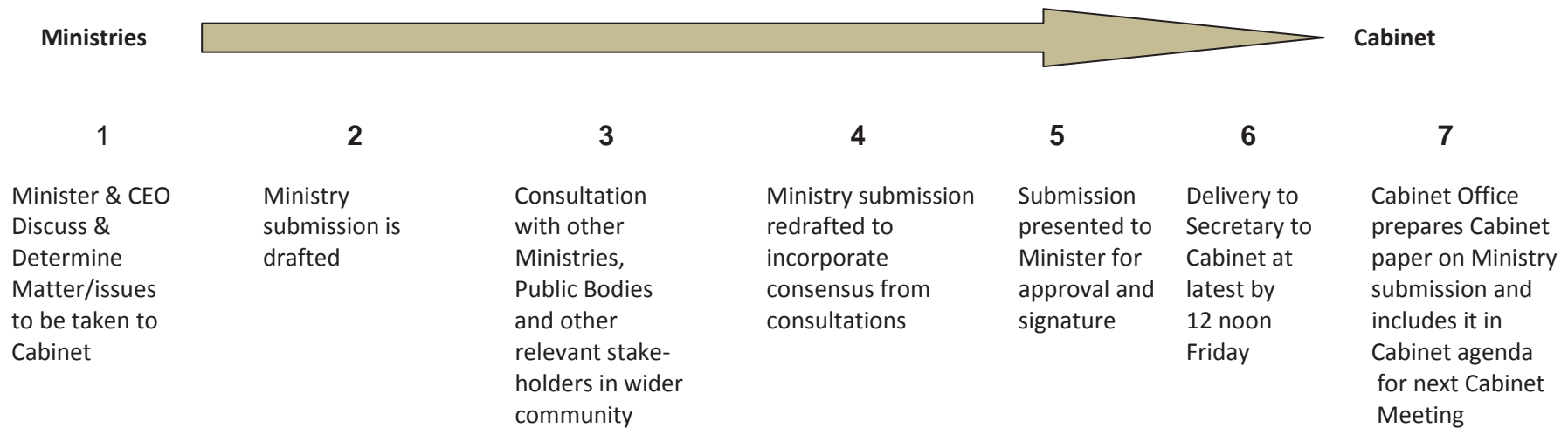
**APPENDIX 5**

**EXECUTIVE GOVERNMENT DECISION MAKING PROCESSES**



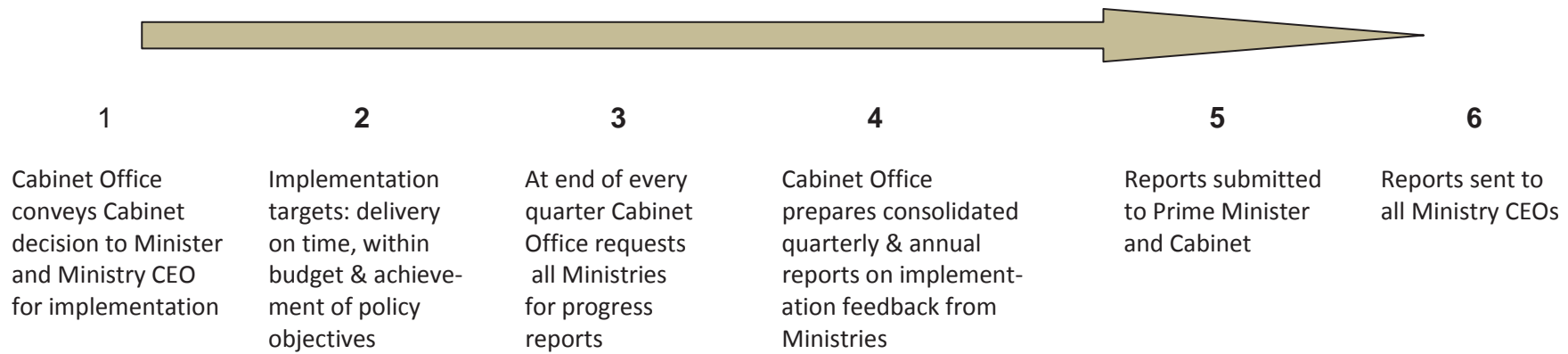
**APPENDIX 6(1)**  
**FLOW CHARTS OF CABINET PROCESSES**

**Flow Chart – Preparation of Ministry Submissions to Cabinet**



## APPENDIX 6(2)

### Flow Chart for Implementation of Cabinet Decisions



**APPENDIX 7**

**FORMAT FOR MONITORING CABINET DECISIONS**

**IMPLEMENTATION OF CABINET DECISIONS**

**QUARTERLY MONITORING REPORT**

QUARTER: ..... TO .....

Ministry Submission	Cabinet Decision <sup>1</sup>	Ministry Implementation Report	Cabinet Office Assessment		
			Complete	In Progress	Action Required
<u>Ministry of the Prime Minister &amp; Cabinet</u> (i) (ii) (iii)					
<u>Deputy Prime Minister and Ministry of Commerce Industry &amp; Labour</u> (i) (ii) (iii)					
<u>Ministry of Women, Community and Social Development</u> (i) (ii) (iii)					
<u>Ministry of</u>					

<sup>1</sup> Cabinet Decisions relating to Public Bodies, Community and other non-Government organizations are to be listed under the responsible Ministry and implementation reports should be submitted through that Ministry.

Ministry Submission	Cabinet Decision <sup>1</sup>	Ministry Implementation Report	Cabinet Office Assessment		
			Complete	In Progress	Action Required
<p><b><u>Police</u></b> (i) (ii) (iii)</p>					
<p><b><u>Ministry of Works, Transport &amp; Infrastructure</u></b> (i) PK (101) 54 (D), 9<sup>th</sup> October 2010: Improving Inter-Island Shipping Services, File 32/1 (ii) (iii)</p>	FK (10) 19, 13 <sup>th</sup> October 2010				
<p><b><u>Ministry of Natural Resources &amp; Environment</u></b> (i) (ii) (iii)</p>					
<p><b><u>Ministry of Finance</u></b> (i) (ii) (iii)</p>					
<p><b><u>Ministry of Revenue</u></b> (i) (ii) (iii)</p>					
<p><b><u>Ministry of Health</u></b> (i) (ii) (iii)</p>					

Ministry Submission	Cabinet Decision <sup>1</sup>	Ministry Implementation Report	Cabinet Office Assessment		
			Complete	In Progress	Action Required
<u>Ministry of Communication and Information Technology</u> (i) (ii) (iii)					
<u>Ministry of Education, Sports &amp; Culture</u> (i) (ii) (iii)					
<u>Ministry of Justice and Courts Administration</u> (i) (ii) (iii)					
<u>Ministry of Agriculture</u> (i) (ii) (iii)					