

Swearing in of the new Cabinet: Address by Governor Nigel Dakin CMG

This is my first public, if not private opportunity, to congratulate you Premier – and your party – for your remarkable victory at the polls on Friday. Congratulations. It allowed a transition of power to have occurred by 4pm the following day and it has been excellent watching you and your Deputy Premier getting to grips with the challenges and opportunities from that point onward. For example you and your Deputy go into this first Cabinet already well briefed by experts and officials, on the situation regarding the finances and health of this Territory.

And now to turn to and congratulate the members of the new Cabinet, who in the last few minutes have been appointed as Ministers, have had their portfolios formally assigned and, along with the Deputy Governor and Attorney General, have taken the oath of allegiance and the oath of due execution of office. We very much look forward to now working with this new elected government, to help enable your manifesto. I know the expectations that have been placed on you and I know you feel them keenly. So, after the Premier has spoken, we will move rapidly to the business of Cabinet.

The first item we will discuss is the way Cabinet works, differing roles in Cabinet, and the notion of collective responsibility. Given you have a manifesto promise around ‘freedom of information’ I think it is worth sharing with the public some of what we will say on this issue because there is much misinformation circulated on this, not least as part of the Constitutional conversation that was generated in 2019.

Cabinet members are provided with a manual entitled ‘Responsibilities and Procedures for Cabinet and Government Business’. On this point it says:

“The basic requirement for the successful operation of the Constitution is that all members of the Cabinet should work together in unity as a team. The first duty of all members is to play a full part in reaching the decisions on policy matters which only the Cabinet can take. All members of the Cabinet are jointly responsible for all decisions taken by the Cabinet. This principle of collective responsibility is vital to the success and effectiveness of the system of ministerial government. Matters will be fully discussed in the Cabinet, but will not be put to the vote. All members of the Cabinet have not only full liberty but a clear duty at meetings of the Cabinet to speak for or against any proposal before it. If agreement of all members cannot be reached initially it may be necessary for further discussions to take place until either full agreement is reached on the substance of the matter or else the dissentient(s) agree to accept and support the decision of the Cabinet as a whole, even though they may continue to be strongly opposed to it personally. A member who is not able to accept and support a decision taken by the Cabinet has only one course open to him (or her), which is to resign. Otherwise, each and every member of the Cabinet is bound to support the Cabinet’s decision, and to accept responsibility for

it, once the Cabinet has given its advice to the Governor and he has accepted that advice.

Away from the manual, in a very practical sense, this makes sense because most of the serious issues facing Government require more than one Ministry to work together to deliver a result. That has been particularly true in the past year and as the world and government gets ever more complex it will certainly be true in the future.

It is therefore no good if, as we walk out of the Cabinet room, different Ministries are hearing different things from different Ministers, or a member of Cabinet is saying publicly that they do not agree with a particular course of action. This includes myself not least because, in terms of providing steady national leadership, if the Premier and the Governor are divided, that route leads to national confusion. At time of pandemic that would be nothing short of disastrous.

I have noted misrepresentation of the role of the Deputy Governor and Attorney General in Cabinet. You will find they bring a wealth of experience into the Cabinet room but – and this is key to understanding how they contribute – they do not have a veto on matters of policy. They do have the option that if they felt strongly on an issue they could – as others in Cabinet can – resign.

The Attorney General's role, as the Government's lawyer, is to keep the Government – and by extension decisions being taken by you the Ministers – 'safe'. I often hear the refrain 'the AG is blocking something in Cabinet'. When you hear that phrase you need to translate what the person saying it really should have said, which is: 'the law is preventing something occurring in Cabinet'. Cabinet does not and will not break the law and as President of the Cabinet I of course cannot allow that. So it is the law that holds the veto. The elected Government of course controls the Legislature, where laws are made, and where the people have placed legislators to pass laws that protect them, not least from over-reach by Government.

The Deputy Governor's role in Cabinet is to help Cabinet understand the implications and consequences – in terms of delivery – regarding decisions Cabinet is taking. Unless the gearbox between a Cabinet decision and Public Service delivery is in good shape, decisions made in Cabinet are just 'talk', and little more. Again, the DG won't 'veto' a policy decision but she will have made Cabinet aware on the likelihood or not of the policy they are about to agree actually having the sort of real-world effect they wish and – like the AG – ensure her comments are recorded in the Cabinet minutes.

Finally, my role as the Chair, is to make sure matters are fully discussed in Cabinet and as I said members not only exercise their liberty, but also discharge their duty, to speak for or against proposals and also bring value into the conversation by exploring first and second order consequences that those preparing Cabinet papers may not have considered. My role is then to ensure the Cabinets discussion moves towards the consensus required. The Premier of the day will always have the first and last word on this, as they wish.

There are times I express my own views but on matters that are devolved, and Health is at present a good example, my view is just that, a view. It is the Premier and his elected Cabinet who decide, I have no 'veto' if it's a policy I disagree with.

However as Chair there are three moments when I must veto, I am given no choice. Those are: a) if the Attorney General has told Cabinet the course of action is unlawful but Cabinet presses on anyway; b) if the Ministerial Code or Principles of Good Governance are being broken and; c) if I have a UK Secretary of States Order placed on me. The Premier can of course appeal over my head to the Secretary of State if I do veto, which means any decision I make is not going to be cavalier.

It's worth saying that since I started to Chair Cabinet I have not had to use a veto and members of the new Cabinet, and the old, will recall that even when I had Emergency Powers – during the early part of the Pandemic – Cabinet remained a collegiate, consensual decision making body. I hope this new Cabinet will find my style is just that – seeking to enable you, not frustrate you – while keeping us – all – within the law and operating at the highest standards of Ministerial Government.

Two final points: the first is that I will announce the appointed representatives to the House, that I personally choose, tomorrow through a press statement and second; that I received news this morning that – as we had hoped and planned – a British Airways flight has now departed the UK, and will arrive with us shortly, via Antigua, carrying a further 23,400 doses of the Pfizer vaccine which should allow us to reach a point of 40% vaccination by May.

It seems real world evidence now strongly suggests that not only does the Pfizer vaccine seriously reduce hospital admissions and death, but also reduces transmission rates. I note in your 200 day plan your Government wishes to move to as complete a vaccination of the islands as is possible by August; a pledge I and many others very much look forward to supporting you in as it is not only our only way out of a health crisis, but also signals the start of our return to economic prosperity.

Premier may God bless these Turks and Caicos Islands and may also God Bless your new Government. I very much look forward to working with you.