

27 September 2012

Joshua Grainger

Email: fyi-request-530-9de11eee@requests.fyi.org.nz

Dear Joshua Grainger

Official Information Act Request Relating to Officials' Committees Supporting Current Cabinet Committees

I refer to your official information request of 30 August 2012 for:

- "The name and areas of responsibility of each Officials' committee that currently exist to support Cabinet Committees.
- A copy of the oldest available agenda for a meeting of each of the Officials' committees that are currently in existence."

Enclosed is a copy of the Cabinet Office Notice (CO Notice(12) 3) dated 26 March 2012 which sets out the operation of Officials' Committees to Support Cabinet Committees under the current government. Names and contact details of officials have been withheld under section 9(2)(a) of the Official Information Act as withholding the information is necessary "to protect the privacy of natural persons, including that of deceased natural persons".

Also enclosed is a copy of the Cabinet Office Circular (CO(12) 1) dated 27 January 2012 (updated 24 April 2012) which sets out the terms of reference and membership for each of the cabinet Committees convened under the current government. This document is also publicly available on the Department of the Prime Minister and Cabinet's website at: www.dpmc.govt.nz. These two documents between them answer the first part of your request.

In relation to your request for the oldest available agenda for a meeting of each of the Officials' Committees currently in existence, Cabinet Committees are established with each incoming government along with any Officials' Committees to support these. Accordingly, we have identified the earliest agendas for each of the current Officials' Committees supporting the current Cabinet Committees since the current government came into power in November 2011. The dates of the first meetings of each of the Officials Committees are listed below:

- Officials Committee for STR (OSTR): 17 February 2012
- Officials Committee for CER (OCER: 12 March 2012
- Officials Committee for EGI (OEGI): 20 February 2012
- Officials Committee for SEC (OSEC): 13 February 2012
- Officials Committee for SOC (OSOC): 14 February 2012
- Officials Committee for TOW (OTOW): 13 February 2012
- Officials Committee for DES (ODESC): 9 December 2011.

Also enclosed is a short paper prepared at the time the original ODESC Committee was established in 1987 entitled "A National Security Policy for New Zealand" which sets out the arrangements and objectives in more detail.

The agendas for the Officials' Committees reflect the Cabinet Committee agendas themselves and, as such, the release of these agendas would raise the same issues as the release of corresponding Cabinet Committee Agendas. Accordingly, the agendas themselves have been withheld under the current sections of the Official Information Act:

- Section 6(a) as the making available of that information would be likely "to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand" (this applies only to the ODESC agenda).
- Section 9(2)(f)(ii) as withholding the information is necessary to "maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility."
- Section 9(2)(f)(iv) as withholding the information is necessary to "maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials."
- Section 9(2)(g)(i) as withholding the information is necessary to "maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty."
- Section 9(2)(g)(ii) as withholding the information is necessary to "maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment."

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Where information has been withheld under section 9 of the Official Information Act, no public interest in this information has been identified, that would be sufficient to override the reasons for withholding it.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Official Information Act.

Yours sincerely

Andrew Kibblewhite

Chief Executive



Cabinet Office

CO (12) 1

Circular

27 January 2012 (updated as at 24 April 2012)

Intended for

All Ministers

All Chief Executives

Chief of Staff, Prime Minister's Office

All Senior Private Secretaries

All Private Secretaries

Chief Parliamentary Counsel

Cabinet Committees: Terms of Reference and Membership

- This circular sets out information on the revised structure and operation of Cabinet committees under the new National-led government.
- The first regular Cabinet committee meetings will start on **Wednesday**, **8 February 2012**. The full regular Cabinet committee meeting weekly timetable will commence from the week beginning **Monday**, **13 February 2012**. Further advice on the meeting timetable will be issued shortly.

Cabinet committees

- 3 The structure and membership of Cabinet committees have now been finalised. Their terms of reference and membership are attached.
- 4 There are 11 Cabinet committees:
 - 4.1 Cabinet Appointments and Honours Committee (APH);
 - 4.2 Cabinet Business Committee (CBC);
 - 4.3 Cabinet Committee on Canterbury Earthquake Recovery (CER);
 - 4.4 Cabinet Committee on Domestic and External Security (DES);
 - 4.5 Cabinet Economic Growth and Infrastructure Committee (EGI);
 - 4.6 Cabinet External Relations and Defence Committee (ERD);
 - 4.7 Cabinet Legislation Committee (LEG);
 - 4.8 Cabinet Social Policy Committee (SOC);

IN CONFIDENCE

- 4.9 Cabinet Committee on State Sector Reform and Expenditure Control (SEC);
- 4.10 Cabinet Strategy Committee (STR);
- 4.11 Cabinet Committee on Treaty of Waitangi Negotiations (TOW).
- A number of the former Cabinet committees (AGR, DOM and RWC) have been disestablished and, where necessary, their functions have been reallocated across the remaining committees.
- The terms of reference for each Cabinet committee include a list of relevant portfolios. These lists are *not* intended to be exclusive. Some portfolios will involve issues relevant to a number of committees. Papers should be submitted to the most relevant committee for the particular issue (the Cabinet Office can provide advice in such cases).
- The STR will continue to provide Ministers with an opportunity to discuss, at a high level, the overall strategic direction and policy priorities of the government. It is *not* intended that detailed policy proposals will be considered at STR.
- Once normal Cabinet committee meetings commence, CBC will only meet as required in weeks when the House is adjourned. Only papers with specific timing pressures that require decisions before the next scheduled applicable committee meeting should be submitted for CBC meetings.

Officials' committees to support Cabinet committees

Advice on the membership and operation of officials' committees to support Cabinet committees will be provided shortly.

Rebecca Kitteridge Secretary of the Cabinet

Enquiries:

Martin Bell, Deputy Secretary of the Cabinet Ph: (04) 817 9740 martin.bell@dpmc.govt.nz

Saphron Powell, Committee Secretary Ph: (04) 817 9336 saphron.powell@dpmc.govt.nz

Cabinet Appointments and Honours Committee (APH)

To consider appointments to statutory and other government agencies, chief executive appointments, nominations for New Zealand Royal Honours, and associated policy.

Membership (Chair in bold)

Rt Hon John Key

Hon Bill English

Hon Gerry Brownlee

Hon Judith Collins

Hon Tony Ryall

Hon Hekia Parata

Hon Paula Bennett

Hon Christopher Finlayson

Hon David Carter

Hon Murray McCully

Hon Anne Tolley

Hon Dr Jonathan Coleman

Hon Jo Goodhew

Hon Peter Dunne

Hon John Banks

Hon Tariana Turia

Relevant Portfolios

All portfolios

Timing

Cabinet Business Committee (CBC)

To consider policy issues, appointments, bills and regulations, and other matters that require decisions before the next scheduled applicable Cabinet committee meeting, when other committees are not meeting and the House is adjourned.

Membership (Chair in bold)

Rt Hon John Key

Hon Bill English

Hon Gerry Brownlee

Hon Steven Joyce

Hon Judith Collins

Hon Tony Ryall

Hon Hekia Parata

Hon Christopher Finlayson

Hon Paula Bennett

Hon David Carter

Relevant Portfolios

All portfolios

Timing

Meets during non-sitting weeks as required.

Cabinet Committee on Canterbury Earthquake Recovery (CER)

To oversee and co-ordinate the government's response to support the recovery and reconstruction of Canterbury following the earthquakes in 2010 and 2011.

Housing

Local Government

Membership (Chair in bold)

Rt Hon John Key
Hon David Carter
Hon Bill English
Hon Gerry Brownlee
Hon Steven Joyce
Hon Hekia Parata
Hon Paula Bennett
Hon David Carter
Hon Phil Heatley
Hon Kate Wilkinson
Hon Amy Adams
Hon Chris Tremain
Hon Maurice Williamson

Relevant Portfolios

Arts, Culture and Heritage
Building and Construction
Civil Defence

Civil Defence Primary Industries
Communications and IT Small Business
Economic Development Social Development

Education Tourism
Energy and Resources Transport

Environment Finance

Timing

Meets fortnightly during sitting weeks.

Cabinet Committee on Domestic and External Security (DES)

To co-ordinate and direct the national response to a major crisis or to circumstances affecting national security (such as a natural disaster, biosecurity problem, health emergency, or terrorist/military threat) within New Zealand or involving New Zealand's interests overseas.

To consider issues of oversight, organisation and priorities for the New Zealand intelligence community and any issues which, because of their security or intelligence implications, the Prime Minister directs be considered by the committee.

To consider policy and other matters relating to domestic and external security co-ordination.

This Cabinet committee will have Power to Act where the need for urgent action and/or operational or security considerations require. Decisions of the committee under power to act will be reported to the next Cabinet meeting as appropriate.

Membership (Chair in bold)

Rt Hon John Key

Hon Bill English

Hon Gerry Brownlee

Hon Steven Joyce

Hon Judith Collins

Hon Christopher Finlayson

Hon Murray McCully

Hon Anne Tolley

Hon Dr Jonathan Coleman

Hon Amy Adams

With the addition of the Minister of Civil Defence for civil defence matters and other portfolio Ministers as appropriate.

Relevant Portfolios

Civil Defence

Defence

Foreign Affairs

GCSB

Health

NZSIS

Police

Primary Industries

Prime Minister

Timing

Meets when required.

Cabinet Economic Growth and Infrastructure Committee (EGI)

To consider policy issues relating to economic growth, infrastructure, natural resources and local government, including Auckland issues.

Membership (Chair in bold)

Hon Nathan Guy Rt Hon John Key Hon Bill English Hon Craig Foss Hon Gerry Brownlee Hon Amy Adams Hon Steven Joyce Hon Chris Tremain Hon Tony Ryall Hon Maurice Williamson Hon David Carter Hon Simon Bridges Hon Tim Groser Hon Peter Dunne Hon Phil Heatley Hon John Banks Hon Kate Wilkinson Hon Dr Pita Sharples

Relevant Portfolios

Broadcasting Labour

Building and Construction

Climate Change Issues

Climate Change (International)

Commerce

Land Information

Local Government

Maori Affairs

Primary Industries

Communications and IT Racing

Conservation Regulatory Reform

Consumer Affairs Revenue

Customs Science and Innovation

Economic Development Small Business

Energy and Resources State Owned Enterprises

Environment Statistics

Finance Tertiary Education, Skills and Employment

Food Safety Tourism Immigration Trade Internal Affairs Transport

Timing

Cabinet External Relations and Defence Committee (ERD)

To consider policy issues and other matters relating to foreign affairs, international trade, development assistance, and defence.

Membership (Chair in bold)

Rt Hon John Key

Hon Bill English

Hon Steven Joyce

Hon David Carter

Hon Murray McCully

Hon Anne Tolley

Hon Dr Jonathan Coleman

Hon Tim Groser

Hon Nathan Guy

Relevant Portfolios

Defence

Foreign Affairs

Police

Trade

Timing

Meets fortnightly during sitting weeks (alternates with meetings of TOW).

Cabinet Legislation Committee (LEG)

To consider the legislation programme, draft Bills and regulations, government responses to petitions, select committee reports, and Law Commission reports.

Government responses to significant select committee reports and Law Commission reports should be dealt with at a policy committee if they involve new policy or amendments to existing policy.

Membership (Chair in bold)

Rt Hon John Key

Hon Bill English

Hon Gerry Brownlee

Hon Judith Collins

Hon Christopher Finlayson

Hon David Carter

Hon Anne Tolley

Hon Kate Wilkinson

Hon Simon Bridges

Hon Chester Borrows

Michael Woodhouse (Senior Government Whip)

Relevant Portfolios

All portfolios

Timing

Cabinet Social Policy Committee (SOC)

To consider social policy issues, including education, health, justice and law and order, and welfare reform.

Membership (Chair in bold)

Rt Hon John Key
Hon Bill English
Hon Phil Heatley
Hon Steven Joyce
Hon Judith Collins
Hon Tony Ryall
Hon Dr Pita Sharples
Hon Hekia Parata
Hon Tariana Turia

Hon Christopher Finlayson

Hon Paula Bennett

Relevant Portfolios

ACC Justice
Arts, Culture and Heritage Maori Affairs

Attorney-General Pacific Island Affairs

Community and Voluntary Sector Police

Corrections Senior Citizens

Courts Social Development
Disability Issues Sport and Recreation
Education Veterans' Affairs
Whangu Ora

Ethnic Affairs Whanau Ora
Health Women's Affairs
Housing Youth Affairs

Frequency

Cabinet Committee on State Sector Reform and Expenditure Control (SEC)

To control and review government expenditure to improve value for money in the State sector, and to consider State sector reform and other State sector issues.

Membership (Chair in bold)

Rt Hon John Key

Hon Bill English

Hon Gerry Brownlee

Hon Steven Joyce

Hon Judith Collins

Hon Tony Ryall

Hon David Carter

Hon Dr Jonathan Coleman

Hon Craig Foss

Hon Amy Adams Hon Chris Tremain

Hon John Banks

Hon Dr Pita Sharples

Relevant Portfolios

All portfolios

Frequency

Cabinet Strategy Committee (STR)

To set the overall strategic direction and policy priorities of the government.

This Cabinet committee will not be used for detailed policy development or implementation, which will be considered by the relevant policy committee once the strategic direction has been set.

Membership (Chair in bold)

Rt Hon John Key

Hon Bill English

Hon Gerry Brownlee

Hon Steven Joyce

Hon Judith Collins

Hon Tony Ryall

Hon Hekia Parata

Hon Christopher Finlayson

Hon Paula Bennett

Hon David Carter

Hon Anne Tolley

Hon Dr Jonathan Coleman

Relevant Portfolios

All portfolios

Frequency

Meets on the first Monday of each sitting period.

Cabinet Committee on Treaty of Waitangi Negotiations (TOW)

To consider Treaty of Waitangi settlement negotiations, and other policy issues relating to the Treaty of Waitangi.

Membership (Chair in bold)

Rt Hon John Key

Hon Bill English

Hon Steven Joyce

Hon Judith Collins

Hon Christopher Finlayson

Hon David Carter

Hon Kate Wilkinson

Hon Maurice Williamson

Hon Dr Pita Sharples

Hon Tariana Turia

Relevant Portfolios

Attorney-General

Conservation

Environment

Land Information

Local Government

Maori Affairs

Primary Industries

Treaty of Waitangi Negotiations

Frequency

Meets fortnightly during sitting weeks (alternates with meetings of ERD).



Cabinet Office

CO Notice (12) 3

Notice

26 March 2012

Intended for

Chief Executives

Chief of Staff, Prime Minister's Office

Senior Private Secretaries

Private Secretaries Policy Managers

Officials involved in the preparation of Cabinet papers

Operation of Officials' Committees to Support Cabinet Committees

Introduction

- This Notice updates and replaces Cabinet Office Notice (09) 2 on the operation of officials' committees.
- Officials' committees have been established to support Cabinet committee chairs. The purpose of the officials' committees is to help progress the government's agenda through:
 - 2.1 improved management of the government's policy work programme; and
 - 2.2 improved quality of Cabinet papers.
- The current membership of each officials' committee is set out in Appendix 1 to this Notice. Contact details are also listed on the Public Service Intranet

Purpose of officials' committees

- The purpose of officials committees is to help co-ordinate the provision of papers to Cabinet committees. This includes:
 - 4.1 ensuring that:
 - critical papers are on track for consideration;
 - papers are commissioned if there are policy gaps;
 - papers on related issues are connected, and considered together, if necessary and appropriate;
 - papers on minor issues that can be dealt with between Ministers and departments, and do not require consideration by a Cabinet committee, are filtered out;

¹ Appendix 1 to this Notice, and the contact details listed on the PSI, will be amended from time to time if and as membership changes occur.

- 4.2 assuring quality by providing constructive feedback to departments on the quality of papers, including making suggestions on how the papers might be made more useful for Ministers' consideration.
- Members of the officials' committees are expected to take a whole-of-government perspective, rather than just the position of their own agency.

Operation of the officials' committees

- Agencies planning to submit Cabinet papers to a Cabinet committee should, from time to time, provide the convenor of the officials' committee with an overview of the parts of their policy work programme that are likely to result in Cabinet papers. This will help ensure that the officials' committee can assist the Chair to manage the Cabinet committee's work programme.
- Officials' committees will need to receive early advice of draft papers intended for submission to Cabinet committees. The officials' committees are not a substitute for normal officials' processes, so it is important that copies of draft papers are submitted to the officials' committee:
 - 7.1 after departments have completed the normal process of inter-department discussion and policy development, and all relevant departmental views have been reflected in the paper; but
 - 7.2 before the Minister has approved the paper for Cabinet consideration.
- Accordingly, as a general principle, draft papers should be provided to officials' committees at least one week before the Cabinet Office deadline for the submission of papers to Cabinet committees.
- In some cases, timing pressures may make it necessary for a Minister to submit a paper directly to the Cabinet Office without early consideration by the officials' committee.

 Departments should advise the convenor of the relevant officials' committee about any such papers as soon as possible and forward a copy of the paper to the secretary of the officials' committee.
- 10 Other operational matters include:
 - 10.1 subject to the security classification of the paper, the draft papers should be emailed to the secretary of the officials' committee using SEEMail;
 - \$\text{10.2} straightforward papers may proceed without further discussion with the department. However, for papers that need further explanation or discussion, the officials' committee may invite officials from the department leading the preparation of the paper to an officials' committee meeting;
 - 10.3 copies of draft papers for the Cabinet Business Committee should be submitted to the relevant officials' committee that would have normally considered the paper;
 - 10.4 the convenors (or officials' committee secretaries) will advise departments of the particular process and timing requirements.
- Appendix 1 sets out further information about the operation and membership of each officials' committee.

Further information

- Please contact the relevant officials' committee convenor in the first instance for further information about the operation of the officials' committee.
- The relevant Cabinet committee secretary in the Cabinet Office should be contacted for advice about Cabinet committee meetings and Cabinet processes. Contact details are available on the Cabinet and Cabinet Committees workspace on the Public Sector Intranet.
- The terms of reference for each of the Cabinet committees are provided in Cabinet Office Circular CO (12) 1 Cabinet Committees: Terms of Reference and Membership.
- The indicative timetable for Cabinet committee meetings in 2012, and the confirmed timetable for meetings in the upcoming week, is available on the Cabinet and Cabinet Committees workspace on the Public Sector Intranet.

Rebecca Kitteridge Secretary of the Cabinet

Appendix 1: Membership of each officials' committee

The details of the officials' committees are set out below.

Subject to the security classification of the paper, draft papers should be sent to the secretary of the officials' committee using SEEMail. Information about upcoming papers (to inform the work programme of the Cabinet committee) should also be sent to the secretary.

Departments are encouraged to discuss the timing and progress of strategic policy issues with the convenor or other members of the relevant officials' committee.

Please also note:

- There are no officials' committees for the Cabinet Appointments and Honours Committee (APH), the Cabinet External Relations and Defence Committee (ERD) or the Cabinet Legislation Committee (LEG).
- The Cabinet Committee on Domestic and External Security (DES) continues to be supported by the Officials Committee on Domestic and External Security Co-ordination (ODESC).
- When regular committees are not meeting, the Cabinet Business Committee (CBC) meets to consider any papers that require decisions before the next scheduled applicable committee meeting. Copies of draft papers that are proposed to go to CBC should be submitted to the relevant officials' committee that would normally consider the paper.

Officials' committee for STR (OSTR

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Officials committee for CER (OCER)

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Officials' committee for EGI (OEGI)

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(convenor)			
Secretary:			
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Secretary:

A NATIONAL SECURITY POLICY FOR NEW ZEALAND

Cabinet has established a structure to review and coordinate domestic and external security policy. Its objective is to develop the machinery and procedures required to assist the orderly government of New Zealand in the face of any threat to the well-being of the nation. It will promote an effective national response to such threats through the provision of intelligence, planning, and command and control structures appropriate to each category of threat. countries have adopted systems to coordinate their security policies (see examples New Zealand, however, must establish machinery to meet its particular circumstances of geography, strategic environment, form of government and resources.

Objectives

- The principal objectives will be:
- to produce estimates of the relative seriousness and likelihood of the various categories of threat to the nation's security.
 - to develop and coordinate the intelligence effort required to give the maximum degree of forewarning;
- to advise on the resources required to provide a reasonable level of protection against the various threats, and to formulate proposals for the allocation of the available resources;
- to prepare mobilisation plans to meet the contingencies of war, civil D disaster or other emergency;
- to recommend any legislative measures that may be required to be in E place to permit plans to be put into effect;
- to ensure coordinated action by the Government on national security issues. F

Principles

- The following general principles will apply in meeting these objectives:
- Policy to be Comprehensive. In formulating policies to safeguard New Zealand's security, consideration must be given to all matters which could affect the welfare and orderly government of New Zealand, including natural disaster, military or terrorist action and economic crisis.
- Essential Powers to be in Place. B The Government should be empowered to act quickly and effectively in a crisis, not excluding remote contingencies. The essential legislative authority should be in place.
- Criteria for Allocation of Resources. Within the overall national allocation of resources, account must be taken of predictability; probability; the seriousness and urgency of the danger should it materialise; the degree to which it can be averted or influenced by government action; and the response time required to develop adequate counter-measures.

- Responsibilities of Coordinating Structure. It will be the responsibility of a small central structure to coordinate planning to cope with threats to New Zealand security; to consider the allocation of resources to meet such threats; to examine the adequacy of existing powers and organisational measures to deal with them; to oversee the gathering and evaluation of intelligence on the emergence and development of such threats; and where planning. This coordinating function will be subject to direction from the Prime Minister and the Cabinet Committee on Domestic and External
- Existing Lines of Authority to be Preserved. Existing statutory and administrative responsibilities are not altered by the establishment of these coordination arrangements.

Organisational Structure

4 Cabinet Committee for Domestic and External Security. This should desirably include the Ministers responsible for the Departments or other agencies with principles. Thus the Committee might comprise:

Prime Minister (Chairman)
Deputy Prime Minister (Deputy Chairman)
Ministers responsible for: Foreign Affairs
Overseas Trade
Defence
Civil Defence
Police

and a Preasury Minister.

Other Ministers will be coopted when appropriate.

5 Officials Committee for Domestic and External Security. This Committee will be chaired by the Coordinator of Domestic and External Security. It will comprise:

Secretary of Foreign Affairs
Chief of Defence Staff
Cretary of Defence
Secretary of the Treasury
Secretary of Trade and Industry
Chairman of the State Services Commission
Director Prime Minister's Office
Director of Security Intelligence Service
Secretary or Director of Civil Defence
Commissioner of Police

- 6 Other senior officials may be coopted when appropriate.
- 7 Sub-committees will be established as required to deal with particular subjects, such as external intelligence, terrorism and post-disaster relief and recovery.

8 The Coordinator for Domestic and External Security will be responsible to the Prime Minister. He will have a small Secretariat to assist him in his responsibilities, funded from a Vote: DESC in the Department of Internal Affairs. The Secretariat will service the work of the Cabinet and Officials DESC committees. It will act as a clearing-house to ensure the coordination of Cabinet submissions where appropriate and the coordination of action by departments on the decisions of the Cabinet Committee or Cabinet.

9 Secretariat staff will be provided by regular secondments from the departments most directly concerned and by contract. Departments may also be asked to nominate staff members who will be available to augment the normal establishment during a situation of crisis or urgency.