



## EXECUTIVE COUNCIL CHAMBERS

Reference: OIA-2017/18-0685

10 July 2018

K Eagen  
fyi-request-8043-5363a57f@requests.fyi.org.nz

Dear K Eagen

### **Official Information Act request: Executive Council notes**

Thank you for your Official Information Act 1982 (the OIA) request, which was transferred to us by the Ministry of Social Development on 25 June 2018. Your request was as follows:

*Regulations are made within the Executive Council which consists of Ministers of the Crown and presided over by the Governor-General.*

*I request all records/notes of any such meetings pertaining to the formation of Temporary Additional Support Regulations that you may hold.*

The Executive Council usually meets with the Governor-General after Cabinet on Monday afternoons in the parliamentary complex. The Clerk of the Executive Council sends a notice of meeting to the members of the Executive Council. The agenda is distributed at the meeting.

The submission of almost all matters for consideration by the Executive Council must first be approved by Cabinet. Once Cabinet authorises the submission of a proposed item, the item will be submitted to the Governor-General in Executive Council (in most cases on the same day).

In general, no notes are taken in Executive Council and any discussions during the meeting are confidential. When members of the Executive Council are appointed, they swear or affirm an oath under the Oaths and Declarations Act 1957 that they "will not directly nor indirectly reveal such matters as shall be debated in Council and committed to [their] secrecy".

The formal record of the decisions taken at Executive Council meetings are the Minutes, which are recorded by the Clerk of the Executive Council and are kept in the Cabinet Office. I note that the Clerk of the Executive Council is not subject to the OIA. Because of the nature of the matters considered by the Executive Council, almost all items listed in the Minutes are subsequently published in the New Zealand Gazette, which is a publicly available record. The Social Security (Temporary Additional Support) Regulations 2005, for example, were

made in Executive Council on 12 December 2005, and notice was given in the Gazette of their making on 15 December 2005.

The only information held by this Office in relation to your request is a copy of the Minutes of the Executive Council meeting at which the Social Security (Temporary Additional Support) Regulations 2005 were made. Notwithstanding the fact that the Clerk is not subject the OIA, on this occasion I am enclosing a copy of the relevant Minute.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely



Michael Webster  
**Clerk of the Executive Council**

# EXECUTIVE COUNCIL

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12 December 2005

The Minutes of the meeting of the Council held on 5 December 2005 to be confirmed.

- 1 At the instance of the Minister for Arts, Culture and Heritage Her Excellency the Governor-General directs the issue of an Order in Council making the Flags, Emblems, and Names Protection (Olympic and Commonwealth Games Emblems and Words) Order 2005 [PCO 6774/8].
- 2 At the instance of the Minister for Biosecurity of an Order in Council making the Biosecurity (Resource Management Act Exemption) Regulations 2005 [PCO 6818/2].
- 3 At the instance of the Minister of Education of an Order in Council making the Education (Hostels) Regulations 2005 [PCO 6654/13].
- 4 At the instance of the Minister of Local Government of an Order in Council making the Dog Control (Microchip Transponder) Regulations 2005 [PCO 6418/8].
- 5 At the instance of the Minister for Social Development and Employment of an Order in Council making the Social Security (Temporary Additional Support) Regulations 2005 [PCO 6731/13].
- 6 At the instance of the Minister of Transport of an Order in Council making the Land Transport (Offences and Penalties) Amendment Regulations (No 3) 2005 [PCO 6801/2].
- 7 Also of an Order in Council making the Land Transport Amendment Act Commencement Order 2005 [PCO 6800/2].
- 8 At the instance of the Minister of Energy of an Order in Council making the Electricity Governance Amendment Regulations 2005 [PCO 6717/7].
- 9 At the instance of the Minister for Building Issues of an Order in Council making the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2005 [PCO 6727/6].
- 10 At the instance of the Minister of Foreign Affairs of an Order in Council making the United Nations Sanctions (Cote d'Ivoire) Regulations 2005 [PCO 6367/3].



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12 December 2005

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The foregoing items were approved in Council held in the Cabinet Room, 10th floor, Executive Wing, Parliament Buildings, on 12 December 2005 with the following members present:

Rt Hon Helen Clark presiding:

Hon Dr Michael Cullen  
Hon Steve Maharey  
Hon Trevor Mallard  
Hon Parekura Horomia  
Hon Ruth Dyson  
Hon David Benson-Pope  
Hon Damien O'Connor  
Hon David Parker  
Hon Clayton Cosgrove

Hon Jim Anderton  
Hon Annette King  
Hon Pete Hodgson  
Hon Mark Burton  
Hon Rick Barker  
Hon Lianne Dalziel  
Hon David Cunliffe  
Hon Nanaia Mahuta

and confirmed today as the minutes of that meeting.



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19 December 2005



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Clerk of the Executive Council