



CABINET OFFICE

2 April 2012

Mr Joshua Grainger
requests@fyi.org.nz

Dear Mr Grainger

Information request – agendas for last five Cabinet and Cabinet committee meetings

Our reference: CAB-07-12

- 1 On 6 March 2012 this office received a request from you under the Official Information Act 1982 (“OIA”). You requested:

...agendas for the last five meetings of Cabinet, and the last five meetings of each Cabinet Committee. I would also like to request the agendas of any future meetings of Cabinet or the Cabinet Committees [that] have agendas already existent.

As for the date used in determining what the “last five meetings” were, may I ask that they be the last five meetings from the date that this request is processed, rather than the date that the DPMC receives this email?

- 2 You also indicated in your request that:

The purpose of my request is to gain a general understanding of what the usual business for Cabinet and Cabinet Committees is, and what subjects an average meeting will deal with.

- 3 I hold the information that you requested. I am, however, withholding the information under:

- 3.1 section 9(2)(f)(ii) of the OIA, because doing so is necessary to maintain the constitutional convention protecting collective and individual ministerial responsibility;
- 3.2 section 9(2)(f)(iv) of the OIA, because doing so is necessary to maintain the constitutional convention protecting the confidentiality of advice tendered by Ministers of the Crown and officials; and
- 3.3 section 9(2)(g)(i) of the OIA, because doing so is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between Ministers of the Crown and officials.

- 4 I do not think that there are any public interest considerations that outweigh the reasons for withholding the information.
- 5 Cabinet agendas have been requested under the OIA in the past, but the Cabinet Office has never released them publicly because my predecessors and I have maintained a consistent position that it would not be in the public interest to do so. I can, however, suggest some ways in which you can gain a general understanding of the usual business of Cabinet and Cabinet Committees:
 - 5.1 Ministers are guided by the *Cabinet Manual* when considering what matters to bring to Cabinet or a Cabinet committee. Paragraphs 5.11, 5.12 and 5.13 of the Manual provide specific guidance on the matter. The text of these three paragraphs is enclosed with this letter.
 - 5.2 You may wish to review some public service department websites, as many departments upload Cabinet material onto their websites once the documents have been approved for release. You can connect to the websites of all public service departments through <http://newzealand.govt.nz/directory>.
- 6 Please note that you are entitled to ask the Ombudsmen to review this response under section 28(3) of the OIA.

Yours sincerely



Rebecca Kitteridge
Secretary of the Cabinet

Cabinet Manual (2008 edition), paragraphs 5.11, 5.12 and 5.13

Items for consideration by Cabinet

5.11 *As a general rule, Ministers should put before their colleagues the sorts of issues on which they themselves would wish to be consulted. Ministers should keep their colleagues informed about matters of public interest, importance, or controversy. Where there is uncertainty about the level and type of consideration needed, Ministers should seek advice from the Prime Minister or the Secretary of the Cabinet. Similarly, departments should seek advice from the office of the portfolio Minister, or from the Cabinet Office.*

5.12 *The following matters must be submitted to Cabinet (through the appropriate committee):*

- a. significant policy issues;*
- b. controversial matters;*
- c. proposals that affect the government's financial position, or important financial commitments;*
- d. proposals that affect New Zealand's constitutional arrangements (see paragraph 5.72);*
- e. matters concerning the machinery of government;*
- f. discussion and public consultation documents (before release);*
- g. reports of a substantive nature relating to government policy or government agencies;*
- h. proposals involving new legislation or regulations (see chapter 7 and the CabGuide);*
- i. government responses to select committee recommendations and Law Commission reports (see paragraphs 7.108 - 7.111, and the CabGuide);*
- j. matters concerning the portfolio interests of a number of Ministers (particularly where agreement cannot be reached);*
- k. significant statutory decisions (see paragraphs 5.31 - 5.35);*
- l. all but the most minor public appointments (see the CabGuide);*
- m. international treaties and agreements (see paragraphs 5.73 - 5.74);*
- n. any proposals to amend the provisions of the Cabinet Manual.*

5.13 *Matters that should not, as a general rule, be brought to Cabinet include:*

- a. matters concerning the day-to-day management of a portfolio that have been delegated to a department;*
- b. operational (non-policy) statutory functions;*
- c. the exercise of statutory decision-making powers (within existing policy) concerning individuals.*

It may, nonetheless, be appropriate to bring an item in this list to Cabinet's attention if it is significant or likely to be controversial.