



Interim quarterly data on proactive release of Cabinet papers

Date: 16 November 2022 **Security Level:** IN CONFIDENCE

Minister: Hon Chris Hipkins, Minister for the Public Service

Report No: 2022/0285

Purpose

To provide you with interim quarterly data on the proactive release of Cabinet papers, 1 July to 30 September 2022 (in advance of the first six-monthly collection) and summarise the findings from and limitations of the data.

Key findings

What the data shows:

- agencies have publishing processes in place to meet the release expectations of their Ministers
- agencies report that between 1 July and 30 September 2022, the number of papers proactively released was 84, with a further 157 being prepared for release as at 30 September
- of the papers released, the majority (60 papers or 71%) were released within 30 working days
- given the lag of up to 30 working days (i.e. six weeks), a significant proportion of papers were still within the policy's 30 working day recommended timeframe at the time of reporting
- the effect of the six-week lag is amplified in this first three-month reporting period, as it covers half of the period
- data utility will improve with future six-monthly data collections as the effect of the lag, and the release of papers published outside the 30-working day period, are caught up and captured
- other papers are delayed for reasons permitted under the policy
- some agencies did report release of papers outside the 30 days due to operational or capacity issues, rather than reasons allowed for in the policy
- numbers approved for release, released, and being prepared for release may not add up due to papers approved for release but at a yet to be determined time, and papers currently being prepared for release from earlier Cabinet meetings.

Caveats regarding the data that should be considered before release

Due to the lag covering up to half of the reporting period, any conclusions that can be drawn from the data are limited and should be viewed with caution. Should you wish to release information from the collection, you may wish to release aggregated data only, or release the data with caveats about what can be determined or assumed at this stage due to a lag that covers up to half the reporting period, as well as the small sample size for most portfolios.

Descriptions of how the data was collected and caveats about its utility across such a short period of time are included in the spreadsheet.

A more complete picture will be available once we have data from a full six-month reporting period (1 January to 30 June 2023). Where agencies have reported capacity or operational challenges, we expect those to be addressed.

Commentary on the findings

Agencies report that between 1 July and 30 September 2022, the number of papers proactively released was 84, with a further 157 being prepared for release.

The papers being prepared for release will include those still within policy's 30 working day timeframe (noting that as at 30 September papers considered after 15 August were still within 30 working days), and those which had a delayed release date for reasons allowed for under the policy. It is also likely to include papers where Cabinet made final decisions prior to 1 July, and which were subject to a delayed release.

Agencies reported that 228 papers were approved for proactive release during the three months (i.e. that was their Minister's stated intention in papers where Cabinet made final decisions). Only papers considered on or before 15 August had passed 30 working days as at 30 September.

Of the papers released, agencies reported 60 of the 84 (71%) of papers were proactively released on behalf of Ministers within 30 working days of the final decision by Cabinet.

Most common reason for delay reported by agencies was ministers' intentions to align with future planned announcements or subject to final decisions or negotiations, including Budget decisions. Note some agencies have reported release outside the 30 days due to operational or capacity issues, rather than reasons allowed for in the policy. Future reporting could look to report on this aspect.

More detail on understanding the data

Reporting for the policy on the proactive release of Cabinet papers was agreed by Cabinet on 9 May 2022 (CAB-22-MIN-0168.01 refers). Cabinet agreed data would be collected six-monthly by the Commission at the same time it collects OIA data from agencies. As a result of this decision, the Commission asked agencies to record data from 1 July 2022 on papers where Cabinet reached final decisions and ministers had stated their intention in the paper to proactively release it.

In August you requested the Commission gather interim data covering the first three months of the reporting period (1 July to 30 September 2022).

The proactive release policy states that papers should be released within 30 working days of Cabinet's final decision, unless there is a good reason not to. As noted above, only papers considered on or before 15 August had passed 30 working days as at 30 September. Papers considered by Cabinet on or before 15 August may also be subject to ministers' decisions to delay their release, as allowed for under the policy.

The first set of data where the effect of the six-week lag described above will be minimised will be 1 January-30 June 2023, as papers approved by Cabinet in the second half of 2022 and subject to delayed release are finalised and published in the first half of 2023.

Note that where papers were joint papers, agencies were asked to only include papers where their Minister's portfolio was the lead portfolio. This was to avoid double counting where papers are published by more than one agency.

This interim collection was designed to test the collection methodology, with any identified changes required to be addressed in future collections. Data interpretation will evolve over time as more data is available, given the lag described above and the degree of ministerial discretion built into the policy regarding whether to release and the timing of release.

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Interim Cabinet paper publication statistics

Papers subject to final Cabinet decisions from 1 July - 30 September 2022

What agencies were asked to report

For the period of 1 July to 30 September 2022:

- Number of papers approved for proactive release (i.e. that was the stated intention in the paper's proactive release section)
- Number of papers proactively released
- Number of papers proactively released within 30 working days of the final decision by Cabinet
- Number being prepared for release
- Where papers were joint papers, agencies were asked to only include papers where their Minister's portfolio was the lead portfolio.

Understanding the data

Reporting for the policy on the proactive release of Cabinet papers was agreed by Cabinet on 9 May 2022 (CAB-22-MIN-0168.01 refers). Cabinet agreed data would be collected six-monthly by the Commission at the same time it collects OIA data from agencies. As a result of this decision, the Commission asked agencies to record data from 1 July 2022 on papers where Cabinet reached final decisions and ministers had stated their intention in the paper to proactively release it.

The proactive release policy states that papers should be released within 30 working days of Cabinet's final decision, unless there is a good reason not to. **At the time of the reporting (30 September 2022) papers considered by Cabinet after 15 August were still within the policy's 30 working day recommended timeframe.** Papers considered by Cabinet on or before 15 August may also be subject to ministers' decisions to delay their release, as allowed for under the policy.

There is a lag of up to 30-working days/six-weeks between a paper being approved for release and the actual release date. **The effect of the six-week lag is amplified in this first three-month reporting period, as it covers half of the reporting period.**

Conclusions that can be reached from this first three month set of data are limited, due to the amplification of the lag period, along with the relatively low numbers in most portfolios.

The first full set of data where the effect of the lag will be minimised will be 1 January-30 June 2023, as papers subject to final Cabinet decisions at the end of 2022 are finalised and published in the first half of 2023.

This interim collection was designed to test the collection methodology, with any identified changes required to be addressed in future collections. Data interpretation will evolve over time as more data is available.

Numbers approved for release, released, and being prepared for release may not add up due to papers approved for release but at a yet to be determined time, and papers currently being prepared for release from earlier Cabinet meetings.

There are a number of reasons why papers approved for release may be released after 30 working days, including on dates yet to be confirmed. These include:

- to align with a planned public announcement
- subject to introduction of Bill, or other actions required prior to publication, eg gazetting of regulations
- the availability of a minister (eg the minister is overseas)
- ongoing consideration by Cabinet and/or subsequent Cabinet decisions, including Budget decisions
- awaiting select committee proceedings
- cross agency consultations.

Primary portfolio	Number of papers approved for proactive release (i.e. that was the stated intention in the paper's proactive release section)	Number of papers proactively released	Number of papers proactively released within 30 working days of the final decision by Cabinet	(If known) number being prepared for release
ACC	6	2	2	4
Agriculture	2	1	1	1
Agriculture (Animal Welfare)	0	0	0	0
Arts, Culture and Heritage	3	3	2	0
Biosecurity	1	0	0	1
Broadcasting and Media	1	1	0	0
Building and Construction	3	2	2	1
Climate Change	7	2	0	5
Commerce and Consumer Affairs	8	5	5	3
Community and Voluntary Sector	1	0	0	1
Corrections	1	1	1	2
COVID-19 Response	1	0	0	1
Customs	3	3	2	3
Defence	7	0	0	9
Deputy Prime Minister	3	1	0	2
Digital Economy and Communications	5	1	0	5
Disability Issues	4	1	1	3
Disarmament and Arms Control	3	2	0	1
Diversity, Inclusion and Ethnic Communities	1	1	1	0
Economic and Regional Development	6	0	0	3
Education	15	9	5	6
Emergency Management	1	0	0	1
Energy and Resources	6	1	1	5
Environment	5	1	0	4
Finance	11	0	0	10
Fisheries	5	0	0	5
Food Safety	3	0	0	3
Foreign Affairs	12	9	7	13
Forestry	5	0	0	5
Health	3	2	1	2

Housing	5	0	0	5
Immigration	4	0	0	4
Infrastructure	1	0	0	1
Internal Affairs	4	0	0	3
Justice	7	7	5	3
Land Information	1	1	1	0
Local Government	6	1	1	3
Māori Development	2	2	1	0
Ministerial Services	0	0	0	0
National Security and Intelligence	2	0	0	2
Pacific Peoples	1	0	0	1
Police	3	0	0	3
Prime Minister	10	5	3	5
Public Service/State Services	3	2	1	1
Racing	1	0	0	1
Revenue	10	5	5	5
Small Business	2	0	0	2
Social Development	4	0	0	4
Statistics	3	3	3	
Tourism	5	4	4	0
Trade and Export Growth	3	2	1	4
Transport	7	0	0	3
Veterans	2	2	2	0
Workplace Relations and Safety	10	2	2	8