Te Kawa Mataaho Report

Te Kawa Mataaho
Public Service Commission

Proactive release of Cabinet papers: January – June 2023 data

Date:	29 August 2023		
To:	Hon Andrew Little, Minister for the Public Service		
Action Sought:	Agree to the proactive release of this briefing	Due Date	6 September 2023
Report No:	2023-0243		
Contact:	Dean Rosson, Manager, Integrity, Ethics and Standards, 9(2)(a) privacy		
Encl:	Yes	Priority:	Medium
Security Level:	IN CONFIDENCE		

Executive Summary

1. This report provides you with data from the second six-monthly data collection of the number of Cabinet papers that have been proactively released. The data covers the period from 1 January – 30 June 2023.

2. In total 484 papers were approved for release (i.e that was the stated intention in the paper's proactive release section). 202 papers were proactively released during the reporting period.

3. There are a number of reasons why a paper may have been approved for release but at the point of data collection had not yet been released. For example, papers that were considered at Cabinet after 15 May 2023 would not be overdue for release until after 30 June 2023. Therefore, these papers may fall outside the reporting timeframe and create a lag.

4. Of the 202 papers that have been released, 152 papers (75.2%) were released within Cabinet's stated policy intention – that papers would be proactively released within 30 working days or published following a delay envisioned by the policy. 123 papers (60.9%) were released within 30 working days.

5. Good reasons for delay envisioned by the policy include national security, commercial, trade or travel sensitivities, public announcements or waiting for the introduction of a Bill.

6. Given the lag between approval and release, we have focused our analysis on the papers that have been both approved *and* released over the January – June period.

7. A breakdown of the statistics by portfolio is provided in appendix one. There are a number of caveats regarding the data, including the reasons why a paper may not have been released and the lag between approval and release. These caveats are discussed in further detail below.

Recommended Action

We recommend that you:

a   **note** the proactive release of Cabinet papers data and caveats on the data provided in appendix one

b   **agree** that Te Kawa Mataaho release this briefing in full, including the data provided in appendix one, once it has been considered by you

Agree/disagree

Hon Andrew Little
Minister for the Public Service

Proactive release of Cabinet papers: January – June 2023 data

Purpose of Report

8. This report provides you with data on the proactive release of Cabinet papers by portfolio for the period 1 January – 30 June 2023. The report includes a summary of the findings and limitations of the data.

9. You are being provided with the information following Cabinet's agreement in May 2022 that departments report to Te Kawa Mataaho Public Service Commission every six months on the number of Cabinet papers released, and that Te Kawa Mataaho Public Service Commission reports this information, by portfolio, to the Minister for the Public Service [CAB-22-MIN-0168.01 refers].

Key findings:

10. The January – June 2023 data collection is the second time data has been reported to you. The first reporting period covered July – December 2022. Collections will continue at six-monthly intervals alongside the existing Official Information Act 1982 data collections.

11. The data shows:

    •   484 papers were approved for release (i.e that was the stated intention in the paper's proactive release section). This compares with 526 papers in the previous reporting period.

    •   Of those 484 papers, 202 were proactively released (41.7%). A further 274 papers were being prepared for release. Note that papers being prepared for release may include papers from previous reporting rounds.

    •   As discussed below there are several limitations and caveats on the number of papers that have been released. Given these limitations we have focused our analysis on the papers that have been both approved *and* released over the reporting period.

    •   In total 152 of the 202 papers (75.2%) were released within policy – that is papers that were proactively released within 30 working days or published following a delay envisioned by the policy. There is no significant change from the previous reporting period when 75.1% of papers were released within policy. 123 papers (60.9%) were released within 30 working days. This is an improvement from 55.4% in the previous reporting period.

    •   51 papers were delayed without a reason being provided to Te Kawa Mataaho through the data collection process or for reasons not covered by the policy such as administrative delays or internal, departmental or Ministerial consultation. This is a reduction from 78 papers in the previous reporting period. Please note the numbers of papers released and delayed do not total exactly to 202. We believe this is because on one occasion two reasons were provided for the delay of a paper being released.

    •   Not all departments provided a breakdown of the reasons for delay, there may be more papers that were released within policy that are not counted in the above numbers. We are continuing to encourage agencies to include the reasons for delay when providing us with data.

    •   A further 274 papers were being prepared for release.

12. An additional question was added to the data collection for this period. The question asked agencies to record the number of papers that have been released within the January – June reporting period, that had been approved for release in an earlier period (for example July – December 2022). The inclusion of this information should in future, increase the consistency of reporting, as papers being prepared for release can be tracked into future reporting periods (at a generalised level). This question was optional for agencies to answer, but agencies have been informed that the information should be reported in future rounds.

13. In this regard, a further 164 papers were released during the reporting period that had been approved for release prior to 1 January 2023.

Caveats

14. The number of papers approved for release, released and being prepared for release may not add up due to some papers being approved for release for a future date, and papers currently being prepared for release that may have been approved during a previous reporting period.

15. There are a range of legitimate reasons under the policy for why a paper may not have been released within the 30-day window, as set out above. Agencies are not asked to provide a specific number of papers released outside 30 working days for a reason envisioned by the policy. This information is gathered from the additional comments provided by agencies, and therefore is not included in appendix one. This information can be provided if required.

16. There can be a lag of up to 30 days, due to some papers still being within the policy's timeframe for release at the end of the reporting period. A paper that was considered by Cabinet after 15 May 2023 would be recorded as a paper that has been approved for proactive release but may not have been released by 30 June.

17. The number of papers being prepared for release may also include papers that had been approved for release in the previous six-month period.

18. The lag means that a comparison between the number of papers approved for release and the number of papers actually released is not a meaningful exercise and would not be an accurate representation of timeliness.

19. Information is recorded by portfolio. This means that more than one agency may have been responsible for papers within a portfolio. For example, the Defence portfolio includes papers prepared for the Minister by the Ministry of Defence and the New Zealand Defence Force.

20. Due to the caveats set out above, any conclusions that can be drawn from the data are limited and should be viewed with caution. We anticipate these issues will be ironed out over time, as the data collection process matures, and we continue to encourage agencies to provide as much information as possible.