

Hon Chris Hipkins
Minister of State Services

Strengthening Proactive Release Requirements
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Title: Cabinet Minute Strengthening Proactive Release Requirements:
CAB-18-MIN-0418

Author: Cabinet Office

This is one of a suite of documents released by the Hon Chris Hipkins, Minister of State Services that has informed the Government's proactive release of information policy.



Cabinet

Minute of Decision

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Strengthening Proactive Release Requirements

Portfolio **State Services**

On 3 September 2018, following reference from the Cabinet Business Committee, Cabinet:

- 1 **agreed** that Cabinet papers, associated minutes and any attachments or appendices to the Cabinet material must be released proactively and published online, with the approval of the relevant portfolio Minister, within 30 business days of final decisions being made by Cabinet, unless there is good reason not to publish all or part of the material, or to delay the release beyond 30 business days;
- 2 **agreed** that the policy excludes Cabinet Appointments and Honours Committee material;
- 3 **agreed** that the “business day” is a day of the week other than:
 - 3.1 Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day;
 - 3.2 if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
 - 3.3 a day in the period commencing 25 December in any year and ending 20 January in the following year;
- 4 **agreed** that the counting of the 30 business days commences from the date of the Cabinet meeting at which final decisions are made;
- 5 **noted** that the relevant portfolio Minister can also decide to release related key advice papers at the same time;
- 6 **agreed** that the definition of key advice papers is only those papers that are:
 - 6.1 addressed to the Minister taking the item to Cabinet; and
 - 6.2 seeking agreement from the Minister to recommendations that have subsequently been decided by Cabinet;
- 7 **noted** that the policy does not propose that:
 - 7.1 information should be released that would not be released if requested under the Official Information Act 1982; or

7.2 exploratory advice, 'blue skies' thinking or advice generated in the early and formative stages of a policy development process and intended to ensure the free and uninhibited exchange of ideas that is necessary for the development of robust policy advice should be released;

- 8 **agreed** that the proactive release policy apply to Cabinet Committee papers, and Cabinet papers sent direct to Cabinet, that are lodged from 1 January 2019;
- 9 **noted** that Ministers' offices, departments, and agencies will support Ministers to prepare the information release, including performing due diligence on the material;
- 10 **noted** that this proactive release policy is a first step that could be extended to other material at a later date;
- 11 **noted** that the Minister of Justice intends to carry out targeted engagement later in 2018 to inform a decision on whether to progress a formal review of the Official Information Act 1982, and that any formal review could consider whether protections from liability should be applied to proactive releases;
- 12 **agreed** that the information that is proactively released be released on departmental or agency websites;
- 13 **invited** the Speaker of the House of Representatives to consider for release any submissions the Leader of the House takes to Cabinet on the Speaker's behalf that fit within this policy;
- 14 **noted** that the State Services Commission is undertaking work on a possible centralised platform for the release of the information;
- 15 **agreed** that any increased costs as a result of this policy be absorbed in departmental or agency baselines;
- 16 **agreed** to the content of the draft of a new Cabinet Office Circular for publication attached to the submission under CAB-18-SUB-0418, subject to final editing;
- 17 **noted** that the Cabinet Office will make any changes required to the Cabinet paper template and Cabinet Office summaries as a result of the new proactive release requirements;
- 18 **directed** the State Services Commission to undertake a review of the proactive release policy and to report the findings to the Cabinet Government Administration and Expenditure Review Committee by 1 December 2019;
- 19 **noted** that the Cabinet paper under CAB-18-SUB-0418, the Cabinet minute, and associated papers will be released on the State Services Commission website.

Michael Webster
Secretary of the Cabinet

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