14 August 2025

John Allen
Chief Ombudsman
Ombudsman
PO Box 10152
Wellington 6143

Dear John,

System for recording Cabinet and Cabinet Committee papers

Thank you for taking the time to meet me at the McGuinness Institute's office last week.
I thoroughly enjoyed our conversation and the opportunity to share our library and latest
insights with you. This letter follows up on a number of issues we discussed that have arisen
from the Institute's *Working Paper 2025/03 – List of Climate-related Cabinet Papers Dated Between
2001 and 2024*.

Background

The McGuinness Institute undertook *Working Paper 2025/03* with the original goal of creating a
publicly accessible list of climate-related Cabinet papers/minutes and Cabinet Committee
papers/minutes. It was a lengthy and difficult process that would not have been possible without
the considerable help of OIA staff at MFE, MBIE, MFAT and MPI. Our initial OIA requests
were sent on 21 February 2025. Our OIAs and subsequent responses by departments can be
seen on the Institute website (under Publications/McGuinness Institute/OIAs).

The Institute believes there is a need for urgent reform of the existing document system that
manages Cabinet Committee papers/minutes and Cabinet papers/minutes. Improving
accessibility of these documents will reduce costs and improve the quality and timeliness of
information. In *Working Paper 2025/03*, seven of the nine recommendations made by the
Institute relate to the proactive release of Cabinet and Cabinet Committee papers. We believe it
is important for Cabinet and Cabinet Committee papers to be publicly accessible in order to
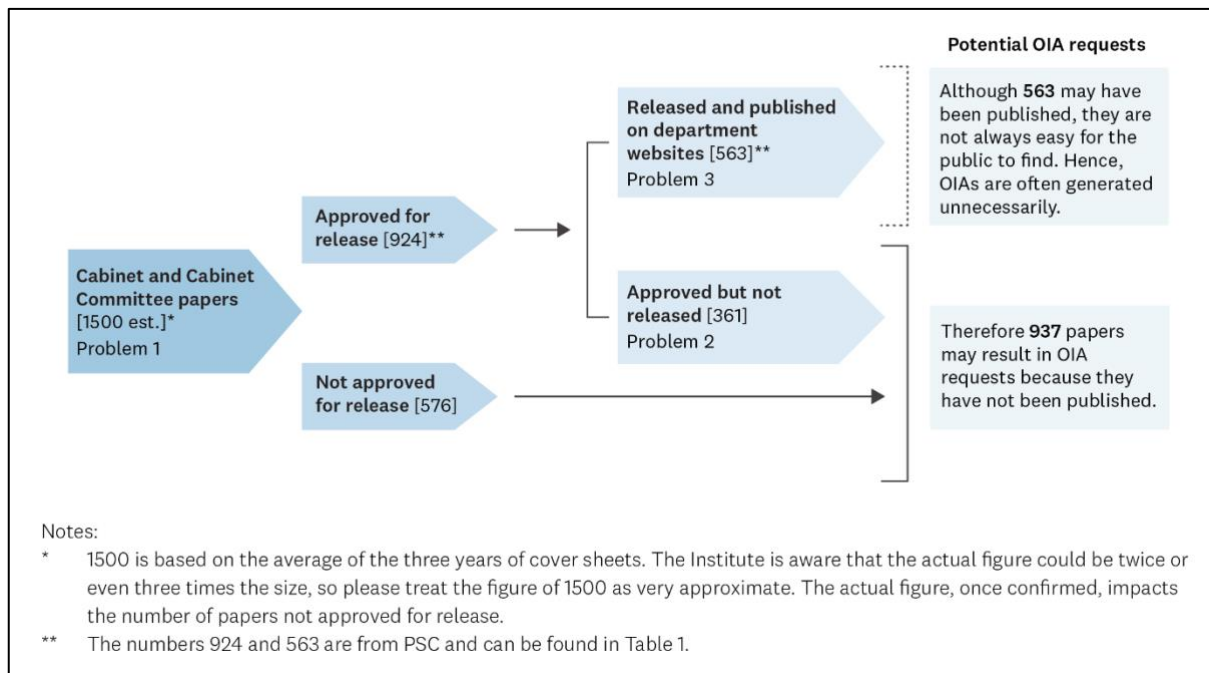have an open and transparent government.

In undertaking this work, we found multiple issues in the accessibility of Cabinet and Cabinet
Committee papers. Figure 1 below aims to illustrate our understanding of how the system
currently works and where the problems lie. For simplicity, we have grouped all key issues under
one of three problems:

<u>**Problem 1:**</u> **There is no reconciliation between the Cabinet Office statistics (managed by
DPMC) and the Public Service Commission statistics.**

The public records do not align. The DPMC records 'Summary cover sheets to Cabinet and
Cabinet Committee minutes' (see Figure 2), which cannot be reconciled with the Public Service
Commission's figure of 'Cabinet papers approved for release' (see Figure 3, paras 1 and 5). The
problem is compounded because a summary cover sheet can contain several Cabinet papers and
minutes, making the number of summary cover sheets less useful.

MCGUINNESS INSTITUTE
TE HONONGA WAKA

Level 1A, 15 Allen Street | PO Box 24222 | Wellington 6142, New Zealand
+64 4 499 8888 | enquiries@mcguinnessinstitute.org | www.mcguinnessinstitute.org

It is also uncertain whether the term 'papers' includes 'minutes' or whether they are treated separately. For example, DPMC's annual reports suggest Cabinet papers do not include minutes, as they have a separate record for minutes in their statistics, whereas the PSC report suggests minutes are treated as a type of paper. We do not consider that all Cabinet Committee minutes and Cabinet minutes should be combined (see Figure 2). A better solution is to report the number of papers by committee, enabling the Chair of each committee to be accountable for its own statistics.

Figure 1: How the Cabinet Committee paper, Cabinet paper and Cabinet minute system operated in practice for the year ended 30 June 2024

Notes:
* 1500 is based on the average of the three years of cover sheets. The Institute is aware that the actual figure could be twice or even three times the size, so please treat the figure of 1500 as very approximate. The actual figure, once confirmed, impacts the number of papers not approved for release.
** The numbers 924 and 563 are from PSC and can be found in Table 1.

Problem 2: The gap between papers approved for release by Cabinet and those actually released in the public domain is unnecessarily large.

This is represented by 361 papers in the 2023/24 year (as shown in Figure 1 above). We appreciate that each paper and minute needs to be reviewed by a responsible staff member of the specific department and redacted as needed. However, the redacting of private data is easy, and the redacting of confidential data is likely to be relevant to the department involved (e.g. confidential information will generally relate to departments focused on our defence and security) and therefore relatively easy to manage.

We suggest that departments should be required to prepare a proactive release policy and an OIA release policy and make it public on their websites at the end of each financial year. Our recommendation is that these should be contained in one policy document and updated in accord with the 29 June 2023 Circular: *CO (23) 4: Proactive Release of Cabinet Material: Updated Requirements* and any other specific guidance as appropriate. An alternative is for the PSC to determine the national policy and require departments to follow the stated decision-making process when publishing Cabinet and Cabinet Committee papers. We note that the *Ombudsman's Proactive Release* (2020) states: 'Proactive release is not just publishing responses to OIA requests. However, publishing OIA responses should be part of any proactive release policy.' We agree with this approach.

Problem 3: The papers that are released and published on a department's website are difficult to find.

563 papers were published on departments' websites in 2023/24 (as shown in Figure 1 above). However, from our experience, we know that papers and minutes are not easy to find. It is not always clear which department holds each paper, and in most cases the official title of a paper is not easy to find or can be very similar to previous papers.

Also there is often no date on papers that have been released. All of the above results in the Institute (and likely other parties) making broad OIA requests, which is problematic and time-consuming for everyone.

A related issue is that the lineage of a paper is not always easy to discover. As you are aware, it commonly starts with a department providing a paper to a committee (often based on a request), which then might be returned to a department for further input in the form of additional research or a change in policy direction. Once the committee signs off on a paper or minute, it may be sent to Cabinet and become a final Cabinet paper or minute. The minute is the resulting decision. From a public transparency perspective, the lineage of a minute is extremely important. We consider more work could be undertaken by DPMC to ensure the lineage is explicitly mentioned on each paper or minute (e.g. 'this minute relates to the discussion found in Cabinet Committee paper [dated xxx, title, code] and Cabinet paper [dated xxx, title, code]').

Summary

Our intention in writing this letter is to ask whether the Ombudsman might request DPMC and PSC to undertake further work to make the current system more transparent, timely and cost-effective.

We recommend that the Cabinet Office report statistics by committee, and that they require each paper and minute to include the date prepared, a code to identify each paper and the lineage of each paper (i.e. minutes should refer to Cabinet Committee and Cabinet papers by date, code and title). There also needs to be clarity over the terminology; for example, is a Cabinet Committee minute a Cabinet Committee paper?

We recommend that the PSC reconcile its statistics against the statistics held by the Cabinet Office. These should show the number of each type of paper prepared in that time period by each Cabinet Committee or Cabinet, the number released within 30 days that were prepared that year, the number released overall that were prepared that year, and the number published on a department's website. Importantly, a timing issue also exists. For example, currently a paper dated 30 June 2024 would appear in DPMC's statistics for the year ended 30 June 2024 but would not show in the PSC figures until it was released in 2025. This timing issue could easily be managed by the PSC creating a category for such eventualities, something like 'approved for release but currently sitting within the 30 working day window'. For this reason, we recommend the date of the paper becomes the primary date in all cases (which is why we suggest the date and author must appear on all papers). Importantly, the statistics should be reconcilable by committee or by Cabinet (and then reported by paper or by minute).

Most importantly, we suggest the PSC establish a central 'Cabinet material register' where departments upload papers and minutes once they have been approved for release (and redacted as required for confidentiality and privacy reasons). Departments can then simply link to the central register rather than uploading the file onto their website.

Lastly, improving the system for recording Cabinet and Cabinet Committee papers today is likely to help ensure that Cabinet material can be upgraded to become AI-ready (i.e. documents are designed to be used by artificial intelligence [AI] applications, and users can have confidence that the data is up-to-date, accurate, authoritative and free of data-quality issues). We need to design our systems to prevent malign actors from undermining democracy. Cabinet and Cabinet Committee papers are critical documents that deserve our attention and our protection.

We suggest the existing system should be redesigned and a new system could be put in place, retrospectively, from 1 July 2025. This would solve many of the problems mentioned above, reducing costs, increasing timeliness and building public trust.

I would welcome the opportunity to discuss this proposal in more detail.

Yours sincerely,

Wendy McGuinness
Chief Executive

Copied to: Sir Brian Roche, Public Service Commissioner and Head of Service; Ben King, Chief Executive, DPMC; Iain Rennie, Secretary and Chief Executive to the Treasury; Carolyn Tremain, Chief Executive, MBIE; Bede Corry, Chief Executive and Secretary of Foreign Affairs and Trade; James Palmer, Chief Executive and Secretary for the Environment; Ray Smith, Director-General, MPI; Paul James, Secretary for Internal Affairs; Grant Taylor, Controller and Auditor-General; Simon Upton, Parliamentary Commissioner for the Environment; and Rachel Hayward, Secretary of the Cabinet and Clerk of the Executive Council.

Figure 2: Department of Prime Minister and Cabinet Annual Report for the year ended 30 June 2024 (p.96)

Cabinet Office statistics

for the year ended 30 June 2024

	2023/24 Actual	2022/23 Actual	2021/22 Actual
MEETINGS			
Executive Council	30[17]	45	45
Cabinet	40[19]	45	50
Cabinet committees	122[19]	185	176
Summary cover sheets to Cabinet and Cabinet committee papers	1,229[19]	1,735	1,556
Submissions lodged by Ministers' offices by the Cabinet Office deadline	81%	81%	73%
Papers published by the close of business, two days before the meeting	90%[18]	93%	96%
Cabinet and Cabinet committee minutes	1,542[19]	2,096	1,964
Cabinet and Cabinet committee minutes requiring an amendment by the Cabinet Office[19]	5	3	10
Cabinet minutes published by the close of business, three days after the Cabinet meeting	98%	98%	96%
Cabinet Office circulars	14	7	2
Briefing seminars to departments, Ministers' offices and other interested parties on the Cabinet decision-making process	26	33	20
Enquiries and requests from Ministers' offices and departments about Cabinet papers and related information	129	119	86

17 Fewer meetings take place during an election period.

18 At the request of Ministers, publication of papers for some policy committees is prioritised over other meetings, thereby impacting the timeliness of publication of papers overall.

19 Excludes amendments to Cabinet and Cabinet committee minutes made as a result of a Cabinet decision.

Figure 3: Public Service Commission Proactive Release of Cabinet papers, July–December 2024 (pp.1–2)

Executive Summary

1. Since 2018, all Cabinet papers and minutes must be proactively released and published online within 30 business days of final decisions being taken by Cabinet, unless there is good reason not to publish all or part of the material, or to delay the release beyond 30 days [CAB-18-MIN-0418 refers].

2. Proactive release is different from release under the Official Information Act 1982 (OIA). Cabinet material is published in the interests of transparency.

3. In May 2022, Cabinet agreed [CAB-22-MIN-0168.01 refers] that:

   a. departments be required to provide information to the Public Service Commission (the Commission) every six months on the number of Cabinet papers approved for release by the relevant portfolio Minister and the number of Cabinet papers released; and

   b. the Commission report this information to the Minister for the Public Service.[1]

4. This report provides you with data on the proactive release of Cabinet papers for the period July to December 2024. Overall proactive release performance for this period remained consistent with previous reporting despite volume increases.

5. Key results for the proactive release of Cabinet papers, with comparison to the previous reporting period are:

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[1] The reporting requirements are outlined in Cabinet Office Circular CO (23) 04 and section 8.19 of the Cabinet manual.

IN CONFIDENCE

	Measure	Jul-Dec 2024	Jan – Jun 2024
A	Papers approved for release within the reporting period	522	402
B	Papers released	330 (63%)	233 (58%)
C	Papers released within 30 working days (as a % of B)	219 (66%)	160 (69%)
D	Papers released within policy - 30 working days or delay envisaged by the policy (as a % of B)	251 (76%)	191 (82%)

5. A breakdown of the proactive release data by portfolio is attached as **appendix one**. This data is limited to papers released within 30 days (row C).