

Request for discussions between Ministers on business before Cabinet

Legislation	Official Information Act 1982, s 9(2)(g)(i)
Agency	Minister of Justice
Ombudsman	Beverley Wakem
Case number(s)	175624
Date	May 2008

Discussions between Ministers on business before Cabinet imbued with a presumption of confidentiality—s 9(2)(g)(i) provides good reason to withhold undocumented discussions

The requester sought information about discussions between the Deputy Prime Minister and the Minister of Justice regarding potential changes to electoral law. He complained to the Ombudsman when his request was refused under section 9(2)(f)(iv) of the OIA. Part of the information at issue comprised undocumented discussions between Ministers on business that was before Cabinet. The Chief Ombudsman formed the opinion that section 9(2)(g)(i) provided good reason to withhold details of the undocumented discussions. She stated:

I regard discussions between ministers on business that is before Cabinet as imbued with a presumption of confidentiality.

Moreover, I regard the public interest in the protection of such discussions to be a core constitutional requirement and therefore very strong. This means that in order to outweigh that interest, the public interest in disclosure must be correspondingly stronger.

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