

Request for Pre-Cabinet précis briefings

Legislation	Official Information Act 1982, s 9(2)(g)(i)
Agency	Minister for Primary Industries
Ombudsman	Professor Ron Paterson
Case number(s)	368244
Date	February 2015

Disclosure of short and incisive pre-Cabinet briefings and risk assessments would inhibit future expression of free and frank opinions

A requester sought information about the Tukituki catchment and Ruataniwha Dam, and complained about the Minister for Primary Industries' decision to withhold four pre-Cabinet précis briefings. These were short briefings prepared for the Minister in advance of Cabinet meetings on agenda items relevant to the Minister's portfolio. The requester complained to the Ombudsman.

The Ombudsman characterised the information as '*short and incisive documents conveying a full range of advice, including risk assessments*', in a direct and unvarnished manner. The advice conveyed a clear message, without the careful wording officials would generally adopt if aware of the possibility that the advice would be disclosed. The need to withhold the précis arose not so much from the content, but from the purpose and the context in which they were generated.

In the Ombudsman's opinion, if documents of this nature were disclosed, advisors or officials in a similar position in the future would feel constrained in their advice and would either opt to convey their advice in an informal and undocumented way or would couch it in a much less frank and incisive manner. The Ombudsman was persuaded that disclosure of the information would inhibit officials from communicating with the Minister in a free and frank manner in the future, and that such a result would prejudice the effective conduct of public affairs by affecting both the quality of decisions made and also the quality of the public record.

The Ombudsman acknowledged that the Tukituki catchment proposal had generated a significant amount of public and political interest. However, having reviewed the information at issue, he did not consider that the public interest in disclosure outweighed the need to withhold.

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