



15 October 2024

P Robins
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Ref: OIA-2024/25-0308

Dear P Robins

Official Information Act request for titles of advice from the Policy Advisory Group

Thank you for your Official Information Act 1982 (the Act) request received on 2 October 2024. You requested:

"I request the titles of advice provided to the Prime Minister by the Policy Advisory Group in June 2024."

We have identified briefings provided by the Department of the Prime Minister and Cabinet's Policy Advisory Group (PAG) to the Prime Minister throughout June 2024. These briefings are provided to the Prime Minister in confidence to support him in his role as leader of the Government and chair of Cabinet. The titles of these briefings reflect their subject matter and content and are withheld in their entirety under the following sections of the Act:

- section 6(a), to protect the security or defence of New Zealand or the international relations of New Zealand.
- section 9(2)(f)(ii), to maintain collective and individual ministerial responsibility.
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials.
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.
- section 9(2)(h), to maintain legal professional privilege.

The Ombudsman's ruling on PAG briefings

Successive Ombudsmen have noted that the relationship between PAG and the Prime Minister, in his or her constitutional role as leader of the Government, is unique. Please see relevant Ombudsman case notes on the Ombudsman website at:

www.ombudsman.parliament.nz/resources/request-policy-advisory-group-briefings-prime-minister-about-infant-formula-threat). This relationship is characterised by the following factors:

- it is personal and relies on trust.
- it involves communication of information gathered from many sources, some of them confidential.
- it often requires the free and frank expression of opinions in assessing the views of other departments; and
- it often requires memoranda or briefings to be written under time pressure so that, while the advice gives a clear message, there is no time for the more careful drafting advisors would prefer if the advice were to be disclosed out of context.

The need for confidentiality arises out of the context in which the advice is generated and the nature of the relationship between PAG advisors and the Prime Minister. The title and content of individual PAG briefing notes may not be particularly contentious but that is not an essential requirement for the need for confidentiality. The fundamental rationale for the application of this provision to PAG advice to the Prime Minister is an acceptance that

complete confidentiality in interactions with his or her closest advisors is required to support the Prime Minister in carrying out that role.

For PAG advice to a Prime Minister, the release of particular titles on a case-by-case basis would be likely to have the cumulative effect of undermining the trust which underlies the relationship between the PAG and the Prime Minister. Ultimately the release of titles of PAG briefing notes would compromise the confidentiality which is required to support a Prime Minister.

The public interest

Where section 9 applies, the decision to withhold all details about PAG briefings is nonetheless subject to the public interest test. In making my decision, I have considered the public interest considerations. No public interest has been identified that would be sufficient to outweigh the reasons for withholding the titles of the PAG advice provided to the Prime Minister over June 2024.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

We do not intend to publish this response on the Department of the Prime Minister and Cabinet's website.

Yours sincerely



Janine Smith
Deputy Chief Executive, Policy