



Intended for	All Ministers All Chief Executives Chief of Staff, Prime Minister's Office Chief of Staff, Office of the Co-Leaders of the Green Party All Senior Private Secretaries All Private Secretaries Chief Parliamentary Counsel
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Labour Government, with Support from the Green Party: Consultation and Operating Arrangements

Introduction

- 1 This circular provides practical guidance for Ministers¹ and departments on implementing the cooperation agreement between the Labour Party and the Green Party entered into when the government was formed following the 2020 general election, and on consultation with the government caucus.
- 2 Ministers and chief executives will be familiar with the [New Zealand Labour Party and Green Party of Aotearoa New Zealand Cooperation Agreement](#) (the Agreement). The agreement and the Cabinet Manual were endorsed by Cabinet on 6 November 2020 as the basis on which the government will operate.

Summary of key points

- 3 The key points are:
 - 3.1 the agreement is based on good faith, mutual respect, and a constructive working relationship, with any matters of differentiation in regards to the areas of cooperation dealt with on a “no surprises” basis;
 - 3.2 all Ministers, Ministers’ offices, and chief executives need to be familiar with the agreement, and ensure that they have processes in place to implement it where applicable;
 - 3.3 Ministers are responsible for ensuring that the appropriate party spokesperson is consulted on the areas of cooperation set out in the agreement, or other matters as agreed;
 - 3.4 Ministers are also expected to consult the government caucus on appropriate policy issues.

¹ References to Ministers also include Parliamentary Under-Secretaries.

Collective responsibility

- 4 Ministers from the Green Party are bound by collective responsibility in relation to their portfolios (including any specific delegated responsibilities). This means that when Green Party Ministers speak about the issues within their portfolios, they speak for the government and as part of the government.
- 5 Ministers from the Green Party must support and implement Cabinet decisions in their portfolio areas. However, Ministers from the Green Party will not be restricted from noting where that policy may deviate from Green Party policy on an issue. If required, this position may be noted in the relevant Cabinet minute. These instances will be determined by the Labour and Green Party leaders.
- 6 When Green Party Ministers speak about matters outside their portfolios, they may speak as political party leaders or Members of Parliament (MPs) rather than as Ministers, and do not necessarily represent the government position.
- 7 In public, or in any written communications, Green Party Ministers should be clear about the capacity in which they are speaking (as Minister, or as a member of a political party), particularly if disagreeing with government decisions outside their portfolios.
- 8 When Green Party Ministers represent the government internationally, they speak for the government on all issues that foreign governments may raise with them in their capacity as Ministers.
- 9 The parties may apply “agree to disagree” provisions as necessary. Any issues or policies subject to “agree to disagree” arrangements will be determined on a case by case basis between the Labour and Green Party leaders. In such circumstances, the parties may express alternative views publicly and in Parliament.

Confidentiality principle

- 10 The principle of confidentiality applies to all Ministers for the discussion that takes place at Cabinet and Cabinet committee meetings, and for the information contained in Cabinet material they receive.
- 11 Confidentiality applies to all Cabinet material or other briefings provided to or by the Green Party, or where either the Labour or Green Party is involved in consultation on legislation, policy, or budgetary matters, unless otherwise agreed. Information for which confidential access is given should not be used for the purposes of public disagreement on issues where the parties have “agreed to disagree”, or where Ministers speak about matters outside their portfolio responsibilities.

Cabinet and Cabinet committees

- 12 Green Party Ministers will attend Cabinet committees for items relevant to their portfolios, and receive Cabinet papers relevant to their portfolios. This information is confidential to those Ministers in their capacity as a Minister.
- 13 As noted above, Green Party Ministers are bound by collective responsibility only in respect of their own portfolios, but are bound by confidentiality in respect of everything else (the content of papers and the discussion at Cabinet and Cabinet committee meetings).

- 14 Ministers outside Cabinet, including Green Party Ministers, may seek agreement from the Prime Minister to attend Cabinet when significant matters specifically relating to their portfolios are being considered.

Consultation

General

- 15 Timely consultation between portfolio Ministers and parties is essential to the successful operation of the Cabinet decision-making system and the cooperation agreement.
- 16 Labour and the Green Party have committed to work constructively together in good faith and with no surprises on matters of differentiation, reflecting appropriate notice and consultation on important matters, including the ongoing development of policy.
- 17 The Green Party will be consulted on issues relating to the areas of cooperation, and will be briefed on the outline of the legislative programme and broad Budget parameters and process. Consultation on legislation outside of the scope of the agreement will be conducted on a case-by-case basis.
- 18 All Ministers must be consulted as appropriate in line with their portfolio responsibilities, no matter which party they represent. This should occur as part of normal government business and Cabinet processes.

Ministerial consultation

- 19 As a general rule of Cabinet, Ministers should put before their colleagues the sorts of issues on which they themselves would wish to be consulted. Ministers should keep their colleagues informed about matters of public interest, importance, or controversy.
- 20 Ministers are expected to consult relevant Ministerial colleagues before submitting papers that deal with significant or potentially controversial matters, or that affect other Ministers' portfolio interests. It is the responsibility of the lead portfolio Minister when submitting Cabinet papers to ensure that timely consultation occurs with Ministers who have portfolio responsibilities potentially affected by the matters in the Cabinet papers that they are submitting.
- 21 When a Minister from another party is being consulted, it is important to identify the capacity in which that consultation is taking place. It should be clear to all involved whether the Minister's views are being sought as a portfolio Minister, or as a representative of his or her party.

Political consultation on areas of cooperation

- 22 As provided in the agreement, political consultation must take place between the responsible Minister and the appropriate spokesperson on the areas of cooperation, or other matters as agreed. This will occur during the initial policy development phase, including access to relevant papers and drafts of legislation, the development of Cabinet papers, and the public communication of the policy to acknowledge the role of the Green Party.

- 23 The responsible Minister's office should arrange meetings or briefings with the relevant party spokesperson and the provision of draft papers for consultation purposes throughout the policy development process, including when final decisions are taken, and advise the Prime Minister's office of all such consultation.
- 24 The areas of cooperation are:
- 24.1 achieving the purpose and goals of the Zero Carbon Act 2019 through decarbonising public transport and the public sector, increasing the uptake of zero-emission vehicles, introducing clean car standards, and supporting the use of renewable energy for industrial heat;
 - 24.2 protecting New Zealand's environment and biodiversity by working to achieve the outcomes of *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020*, protecting Kauri, building on pest management programmes, and taking action to minimise waste and problem plastics; and
 - 24.3 improving child wellbeing and marginalised communities through action on homelessness, warmer homes, and child and youth mental health.
- 25 There is no specific requirement for consultation outside of these areas, but additional areas of cooperation may be agreed between Party leaders.

Overall coordination

- 26 In the interests of maintaining an overview of the consultation being undertaken, the overall management of consultation between the Labour Government and the Green Party is the responsibility of the Prime Minister, supported by her Chief of Staff, working with the Chief of Staff of the Co-Leaders of the Green Party.
- 27 In some circumstances, depending on the issue under consideration, the process for consultation between the parties may supersede the usual Ministerial consultation processes when it becomes clear that the issue would be better dealt with through consultation between the Prime Minister's office and the office of the Co-Leaders of the Green Party.
- 28 Ministers and staff in Ministers' offices are expected to inform the Prime Minister's office of any sensitive or potentially complex issues that will require party consultation at an early stage in the process. If there is any uncertainty about consultation matters, Ministers should liaise with the Prime Minister's office.

Consultation with the government caucus

- 29 It is expected that Labour Party and Green Party Ministers will discuss with and consult the government caucus on appropriate policy issues. Ministers should use the formal weekly caucus meetings, relevant caucus committees, or informal caucus channels.
- 30 When lodging papers in CabNet for Cabinet and committees, Ministers' offices should indicate on behalf of the Minister whether consultation with the government caucus has taken place, will take place, or is not required.

Coordination of government announcements

- 31 All significant government announcements will be coordinated by the Prime Minister's office.
- 32 Ministers' offices should keep the Prime Minister's office informed of all significant proposed announcements and speeches.

Role of departments

- 33 Departments are not expected to play any direct part in the consultation between the parties, as that is a matter to be determined by Ministers, parties, and the Prime Minister's office. Contact between departmental officials, and other Ministers, the government caucus, or other parliamentary parties should take place only with the prior approval of the relevant Minister.
- 34 Departments may be called on to support Ministers in their consultation with other parties and the government caucus. Officials should obtain clear instructions from their Minister on the nature of the contact (i.e. whether they will be supporting a briefing, or a process of consultation or negotiation by Ministers).
- 35 Departments may, on occasion, be asked by their Minister to meet representatives of other parliamentary parties without the Minister present. On such occasions, all those at the meeting should clearly understand that officials are able to provide only a briefing on the issues. As a matter of practice, departments are advised to keep a record of the substance of any such meeting and consider providing that record to all those who attended the meeting as well as to the Minister. It is also expected that a representative of the relevant portfolio Minister's office or the Prime Minister's office will attend these meetings.
- 36 Cabinet decisions that are still subject to the outcome of consultation with the government caucus or the Green Party should be implemented only when the consultation process is complete. In planning the implementation of proposals, departments need to allow sufficient time for this consultation to take place.
- 37 Arrangements should be in place between Ministers' offices and the departments (or agencies) for which they are responsible, to ensure that departments are informed when the consultation process has been completed and action can be taken to implement the decisions.

Further advice

- 38 Ministers' offices concerned about the application of the guidance in this circular to particular papers or issues arising from the cooperation agreement should discuss them with the Prime Minister's Chief of Staff or the Chief of Staff of the Co-Leaders of the Green Party in the first instance, or with the Cabinet Office.

- 39 Departments and other agencies that have questions about the application of the guidance should discuss them with their Minister's office in the first instance, or with the Cabinet Office.

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