



CABINET OFFICE

1 December 2020

[REDACTED]

Ref: OIA-2020/21-0203

Dear [REDACTED]

Official Information Act request: Ministers and Cabinet

Thank you for your Official Information Act request received on 3 November 2020. You requested:

*"I would like to know how many minister in a cabinet a government can appoint is there a limit
How many ministerial role can be created in a government and how does government know what role can be created for ministerial positions
How many minister of state has been appointed in NZ if none then why
Which government had highest and lowest number of cabinet ministers
Which government had highest minister outside cabinet
How many ministries had been dissolved or merged with other ministries since 2017
Does CEO of a government department reports to board of directors or minister
Who is responsible for key policy decision in government department CEO or minister or board of directors"*

Please find a response to your request **below**. I note that the information you have requested is publicly available in a number of resources including the Cabinet Manual and the Public Service Act 2020.

Structure of Cabinet

The structure of Cabinet is set out in the Cabinet Manual. The Cabinet Manual can be found on our website - <https://dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual> We recommend reading chapters 2 and 5 in particular.

Cabinet is established by convention, not law, and it determines and regulates its own procedures. Final decisions on Cabinet procedures rest with the Prime Minister, as the chair of Cabinet. The Prime Minister determines the size and membership of Cabinet. As the head of executive government, the Prime Minister determines portfolio allocations

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and ministerial rankings, taking into account practical and political considerations. The Prime Minister also determines the title and scope of each portfolio – that is, the portfolio's area of operation; the legislation administered within the portfolio; the department(s), Crown entities, and other organisations reporting within the portfolio; and (where necessary) the relevant Vote(s) or appropriations within Votes.

There have been Ministers of State in New Zealand. In the past, the position was held by senior politicians, in recognition of their 'elder statesmanship'. For example, the first Minister of State was Sir Keith Holyoake, a former Prime Minister, who was appointed by then Prime Minister Sir Robert Muldoon in 1977. In recent governments, Ministers of State have tended to be assigned Associate Minister positions. The most recent Minister of State was Hon Damien O'Connor whose title changed from Associate Minister for Trade and Export Growth to Minister of State for Trade and Export Growth in 2018. This change was intended to signal to international counterparts that he had full authority to undertake his responsibilities.

The practice over many years has been to have a Cabinet of approximately 20 Ministers inside Cabinet, a number of other Ministers outside Cabinet and sometimes Parliamentary Under-Secretaries. The government with the highest number of Cabinet ministers was the Clark government of 2005-08 with 21, and the government with the lowest was the Shipley government of 1997-99 with 18. The highest number of Ministers outside Cabinet is eight under the Clark 2005-2008, Key 2008-11, Key 2011-14 and Ardern 2017 administrations.

CEOs of government departments

The responsibilities of chief executives of government departments are set out in Part 3 of the Public Service Act 2020. Section 52 sets out the responsibilities of chief executives of a department or departmental agency to their appropriate Minister. The Act can be found on the New Zealand Legislation website:

<http://www.legislation.govt.nz/act/public/2020/0040/latest/LMS106159.html>

We also recommend consulting the Public Service Commission's website for further resources on the role of public service chief executives and their relationships with government Ministers: <https://www.publicservice.govt.nz/>

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

Yours sincerely



Michael Webster
Secretary of the Cabinet