



CABINET OFFICE

13 July 2023

Ref: OIA-2022/23-1022

Tēnā koe

Official Information Act request: Correspondence between Hon Stuart Nash and the Cabinet Office and documents referenced in RNZ interview

Thank you for your Official Information Act request received on 16 June 2023. You requested:

"(...) copies of all correspondence between Hon Nash and the Cabinet office between 6 and 13 June as laid out in paragraph 30 of the 16 June 2023 review."

On 21 June 2023, you requested further information, in addition to your initial request received on 16 June 2023 which was for:

"a copy of the document cited by Chris Hipkins during an interview on RNZ (Lisa Owen) of Wednesday evening, which provides a list of Ministers dismissed and resigned with reasons, over a period of time."

This response addresses your requests received by the Cabinet Office on 16 and 21 June 2023 respectively.

In response to your request for correspondence between the Cabinet Office and Hon Stuart Nash, the Cabinet Office has identified communications in scope which I am withholding in full under section 9(2)(ba)(i) of the Act, to protect information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source and it is in the public interest that such information should continue to be supplied.

To further explain, the Cabinet Office communicated with Hon Nash between 6 and 13 June 2023 to share with him two drafts of the Secretary of Cabinet's report and to receive Hon Nash's comments on those drafts. As the final report explains at paragraph 28, the principles of natural justice generally require that, if a proposed finding is adverse to any person, that person is made aware of that proposed finding and the matters on which the proposed finding is based, and has an opportunity during the

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course of the inquiry to respond on those matters. This ensures that the person who is the subject of a review has an opportunity to consider and respond to the draft report, provide any additional information and correct any errors, before the report is finalised and published.

I am satisfied that it is consistent with the principles of natural justice, and in the public interest, that people who are subject to reviews should be given the opportunity to comment on a confidential basis on any draft findings and that it would prejudice the supply of similar information in the future if the draft report and their comments on that draft were made public.

In your additional request received on 21 June 2023, you asked for a document compiled by the Cabinet Office for the Prime Minister which contains precedents of Ministers who have resigned or been dismissed in successive governments. I am withholding this document in full under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

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

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Rachel Hayward
Secretary of the Cabinet