

## Paper 61

### Briefings with a Cabinet paper: a checklist

A short briefing paper with a draft, or final, Cabinet paper is a very common type of paper. These are often called 'covering notes' or transmittal papers. We see some great examples, but also ones done without much effort or thought.

#### These papers often come after a series of advice provided to your Minister

Very often, there will have been a series of briefings to your Minister on the topic. These will be classic policy advice pieces – assessing the issue or opportunity, looking at options, and seeking decisions about the best way to go. They may well have been through other Ministers or Ministerial working groups.

So, at the end of the stream of advice, your Minister will have made a series of decisions. The next step is taking them through Cabinet.

#### Providing policy advice is only the first part of the job

It can be a big deal for a Minister to take a paper through Cabinet – especially new Ministers and more junior ones.

They have to 'sell' the proposal to their colleagues and get them all to agree – even harder in a three-way coalition.

There are standard consultation requirements, but there may be considerable negotiation involved. We've seen examples where this can go wrong – the three strikes changes during the Labour NZ First government from 2017–2020, a case in point.

Part of a policy advisor's job is to support their Minister in this process – as well as technical policy advice. But this needs to be done carefully – it's not political advice, but it should be informed by political savvy.<sup>1</sup>

#### These sorts of briefings have dual goals

Firstly, they need to explain the rationale behind the Cabinet paper. This includes a reminder about the analysis already done – with an emphasis on the most important and most contentious issues; explaining what's included in the Cabinet paper and what isn't – after all, it needs to be a consolidation of the thinking; dealing with any subsequent policy issues that have arisen.

Secondly, they must also deal with the practical logistics and next steps, including timeframes, Ministerial consultation processes, decision processes, providing intelligence on the views of others, and support for your Minister during Ministerial consultation and decision-making processes. This is about giving your Minister an armchair ride.<sup>2</sup>

The relative emphasis on these two things depends upon the issue and where it's up to in the process.

#### There are different briefing papers at different stages in the process

The diagram below shows the different stages of the process.

<sup>1</sup> See our Masterclass on tactical advice [https://www.nzier.org.nz/hubfs/Masterclasses/Central%20Government/brief\\_22\\_tactical\\_advice\\_2.pdf](https://www.nzier.org.nz/hubfs/Masterclasses/Central%20Government/brief_22_tactical_advice_2.pdf)

<sup>2</sup> Masterclass No.43 Giving Ministers an armchair ride <https://www.nzier.org.nz/hubfs/Masterclasses/Central%20Government/Brief%2043%20Giving%20Ministers%20an%20armchair%20ride.pdf>

[Government/Brief%2043%20Giving%20Ministers%20an%20armchair%20ride.pdf](https://www.nzier.org.nz/hubfs/Masterclasses/Central%20Government/Brief%2043%20Giving%20Ministers%20an%20armchair%20ride.pdf)

Of course, there may be 'repeats' at various stages in the process – this happens typically when more work is required to respond to the issues raised.

**Figure 1 Briefings for Cabinet: different papers at different stages**



Source: NZIER

### Draft Cabinet paper for your Minister to review

**Purpose** – this version of a draft Cabinet paper usually follows the series of decisions on early advice papers. It draws all those decisions together and makes the arguments for the proposal in a way suitable for Cabinet.

The key to this paper is getting Ministerial feedback on the draft Cabinet paper and agreement to the process from here (and even starting on the early next steps if needed).

**Policy matters** – Of course, your Minister will be aware of their decisions. But a reminder is always helpful – they are busy and may not remember all the details, especially if some of the decisions were made a while ago. Good practice is to reference those earlier briefings and provide a short summary of decisions and their rationale.

More importantly, this is the place to explain what you put into the Cabinet paper, what was left out, and/or what was emphasised and what played down in drafting. Cabinet papers must be succinct and clear – so explaining all parts of the analysis won't be possible.

But a Cabinet paper still needs to make a good argument. Don't forget Cabinet's rules of collective responsibility<sup>3</sup> mean all members have to 'buy' the proposal as it is set out (and agreed), and they need to be comfortable defending it. Explain your thinking about structure and content.

Sometimes, a range of minor policy decisions will come up while drafting the Cabinet paper. These could be covered here – or left for a separate paper (if there are too many).

**Process matters** – Process and timing advice is important. Cover the next steps in the process. Suggest a timeline.

There could be different options and choices here. This is most likely to occur if there are contentious issues that may require more discussions before proceeding or timing issues, e.g. implementation deadlines, other important matters being considered in the same timeframe, etc. Provide advice on the benefits and risks of possible different approaches.

This is also the time to provide some intelligence on what other agencies think – and, therefore, how they might be briefing their Minister(s).

<sup>3</sup> Para 5.24 - <https://www.dPMC.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual/5-cabinet-decision-3>

This could be informal advice based on discussions or more formal based on interagency comment on the draft paper.

It also is the time to provide information on stakeholder views – particularly if consultation has been part of the process so far, or those views are apparent, e.g. from letters to the Minister, earlier meetings, lobbying, etc.

The extent of interest in the issues has an impact on both the content of the paper and the process from here.

### Draft paper for Ministerial consultation

**Purpose** – this occurs once your Minister is happy with the draft paper and before it heads out on formal pre-Cabinet consultation. The main purpose is to give process advice and support.

**Policy matters** – it should explain the changes made since the last version – particularly those in response to your Minister's comments. It's helpful to reference these, e.g. by paragraph numbers or tracked changes, etc. – this depends on your Minister's preferences.

**Process matters** – but the critical purpose of this briefing paper is to provide support to the Minister through the consultation process. Advice on who should be consulted, their key interests, the views of their agencies, and the timing of the process is the focus.

It may be helpful to get some of the most interested Ministers involved first. Identifying which agencies/Ministers see the proposal as important or with whose work there are cross-overs is essential.

There are both informal and formal ways of doing Ministerial engagement. The informal is best left to the Minister and their office staff (sometimes this might be a quick call or text). But more formally, there might be a meeting called, or a series of one-on-ones, or the paper taken to a relevant Ministerial working group.

Sometimes, we've seen agencies prepare personalised draft letters for the Minister to send to each of the Ministers being consulted, giving a little more information on the history of the issue, the process being followed, and the connections to that Minister's portfolio. It's not always needed and takes extra work based on sound information, but it certainly adds value.

It's your role to provide supporting material for your Minister, e.g. talking points that explain the key elements of the proposals and Q&As to help your Minister respond to any tricky issues that might come up.

If some matters are particularly controversial, a negotiating strategy might be needed, e.g. what's Plan B? or even Plan C?

### Final Cabinet paper for signing off

**Purpose** – the purpose of this paper is to get the paper formally signed up to the Cabinet Committee for consideration and to prepare the Minister for the Cabinet meeting.

While this is the last step in the process, it still needs thought and focus. This is a key step in the process for your Minister, and there can be a lot at stake. It's your Minister who has to take the lead with the proposals in the paper. For longer serving Ministers, they are likely to be well practised in doing this and quite comfortable. But in our experience, they still want to be well prepared. For newer Ministers, this can be a big test – they are going to be performing in front of their colleagues.

**Policy matters** – this is the time to explain how issues raised during the formal consultation process have been dealt with and whether there have been other changes to the content. Again, remember to reference so the Minister (and their office staff can quickly identify the changes made).

It's worth re-iterating the most controversial issues and the risks in the proposals – and then explaining how these will be managed or offset by the benefits.

Also, it is worth discussing any issues or risks arising from the RIS (or other supporting documents). With a substantial pack of papers these can be easily overlooked by Cabinet Ministers. However, they are looked for by stakeholders and the media when decisions are made public, and papers are released.

**Process matters** – explaining the timing and deadlines involved is just the basic step. The important piece is ensuring your Minister is ready for the Cabinet Committee meeting.

Typically, your Minister needs to introduce the paper – so some concise talking points are needed. These need to be tailored to recognise the audience's level of understanding of the issues. Some Ministers will have been deeply involved; some are more interested in specific aspects as they cross their portfolios, and others aren't all that interested!

Some Ministers will have had briefings from their agencies on the papers (Treasury and DPMC typically do this for most, if not all, significant papers; other agencies tend to do this for papers they have a particular interest in or have been involved in developing).

They'll also have to respond to issues raised by colleagues. So, a set of back-pocket Q&As is needed.

If there are split recommendations, your Minister will need to be briefed on the rationale behind the difference in views and have some arguments ready to combat the alternative points.

However, if there are still contentious matters to resolve, then having a Plan B is a good idea. This could involve some alternative recommendations – the text needs to be readily available to include in the Cabinet minute.

There may also be material included to help with the next stages of the process, e.g. communications plan, draft media statements, etc.

Talking points and Q&As, along with release material, could be the subject of separate briefings – if that's the case, say so in the covering note and don't leave the Minister's Office staff wondering.

### A checklist is attached

We've summarised this in an attached checklist for each type of briefing. It indicates where things are required and when they might be useful depending on the circumstances.

### In summary, put careful thought and effort into these papers

These briefings are important – Cabinet decisions are how the government makes significant policy. They aren't just something to quickly dash out.

It's likely to be more critical with a new government, complex relationships within government and new Ministers – as they are just learning the process.

Papers need to show a deep understanding of the issues, an excellent knowledge of the Parliamentary and Cabinet processes, and a good deal of political savvy.

Don't leave them till the last minute. They can be hard to do well – especially if there are areas of contention. They take a bit of deep thought. It's all too easy to focus on the draft Cabinet paper (and all the associated artefacts, e.g. a RIS) and not put effort into the briefing.

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Table 1 Checklist: Content of a covering note

Item	Rationale	Including in covering notes			
		Draft Cabinet paper	Ministerial Consultation	Sign up to Cabinet	Extras
A short summary of the paper (including referencing to key parts of the substantive paper to make them easy to find)	A reminder – especially if it's something the Minister hasn't seen for a while	✓	✓	✓	
A summary of the rationale, the options considered and their strengths and weaknesses	This helps to explain why this is the best approach to take	✓	✓		
An explanation of the content of the draft Cabinet paper	This helps to explain what was left out, and what arguments were given prominence and why	✓			
Highlight the most important/contentious issues (with references to the substantive paper)	Helps to focus attention on the most important issues and highlights any risks	✓			
Any changes since the last version	Use tracked changes, highlighting and references Explain what's changed and why		✓	✓	
Talking points	In case the Minister is asked about the matter informally  For presentation at the meeting	?	✓	✓	
Intelligence on the views of other agencies/Ministers/stakeholders	Helpful for the Minister in preparing to take a paper through Cabinet or other meeting, respond to and resolve any issues as they arise	✓	✓	✓	
Q&As	Points to help the Minister deal with the tricky issues that will be raised	?	✓	✓	
Negotiating strategy	Plan B or C to deal with contentious issues		✓	✓	
Covering letters for other Ministers	So other Ministers know what is expected of them and that the implications for their portfolio are brought to their attention		?		
Draft media statements	As early preparation for post-Cabinet briefings, announcements, etc.				?

Source: NZIER