

Road Safety Strategy: final edits to consultation document and proactive release of Cabinet paper

Reason for this briefing	Seeks your agreement to final edits to the <i>Road to Zero</i> consultation document and proactive release of the associated Cabinet paper, and provides advice on other materials recommended for proactive release
Action required	Agree for final edits to the consultation document to be made, to proactively release a version of the associated Cabinet paper (Appendix 1) and Cabinet committee minute (Appendix 2), and our proposed approach to the proactive release of other background materials
Deadline	12 July 2019
Reason for deadline	To enable final edits to be made to the consultation document ahead of public consultation commencing on 17 July 2019 and to confirm our approach to the processing of OIA requests received on the road safety strategy

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Brent Johnston	Manager, Mobility and Safety	██████████	✓
██████████	Programme manager	██████████	
██████████	Senior adviser	██████████	

Privacy

MINISTER'S COMMENTS:

Date:	8 July 2019	Briefing number:	OC190615
Attention:	Hon Julie Anne Genter	Security level:	In confidence

Minister of Transport's office actions

- Noted*
 Seen
 Approved
- Needs change*
 Referred to
- Withdrawn*
 Not seen by Minister
 Overtaken by events

Purpose of report

1. This briefing seeks your agreement to:
 - 1.1. proposed final edits to the *Road to Zero* consultation document
 - 1.2. proactively release the associated Cabinet paper (**Appendix 1**) and Cabinet Committee minute (**Appendix 2**) once public consultation opens
 - 1.3. our proposed approach to the proactive release of other relevant materials relating to the development of the road safety strategy.

Advice

Cabinet has agreed to publicly consult on the new road safety strategy and initial actions

2. On 1 July 2019, Cabinet agreed to consult publicly on the new road safety strategy and initial actions [CAB-19-MIN-0317 refers]. Your office has informed us that public consultation will commence on 17 July 2019.

Some final edits to the consultation document are proposed

3. Cabinet also agreed that any minor, editorial or design changes to the consultation document may be authorised by you before its release.
4. We are now seeking your agreement to some final minor edits to the consultation document ahead of public consultation. These include:
 - 4.1. proofing/editorial changes made as a result of a professional proof-reading process
 - 4.2. date changes to reflect the revised timeline and dates for public consultation
 - 4.3. shifting the Te Reo translation of your Foreword so it precedes the English version
 - 4.4. slight amendments to text in the *Case for Change* and *Principles* sections to acknowledge the impact of road safety on disabled people and the importance of the United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD). These changes are proposed as a result of targeted consultation with the Disabled People's Organisations (DPO) Coalition, and are set out in the table below.

Section	Original text	Revised text
<i>Case for change</i>	Improving road safety makes our towns and cities more accessible, connected and liveable. It ensures people are safe, and feel safe to walk or cycle, and let their children walk to school.	Improving road safety makes our towns and cities more accessible, connected and liveable, ensuring people feel safe to walk or cycle. A safer road network would encourage parents to let their children walk to school and improve accessibility for older and disabled people.
<i>Principles</i>	Where a road plays a key role as a place for a community, our road safety focus should be broader – seeking to leverage safety to improve urban access and liveability.	Where a road plays a key role as a place for a community, our road safety focus should be broader – seeking to leverage safety to improve urban access and liveability. Our roads and streets should also promote accessibility for all road users. This is particularly important for disabled people, with personal mobility recognised as a right under the United Nations Convention on the Rights of Persons with Disabilities (ratified by NZ in 2008).

We have prepared the associated Cabinet paper and committee minute for proactive release

5. The Cabinet paper noted your intention to proactively release Cabinet paper ‘*Road Safety Strategy: Release of Consultation Document*’ (and associated Cabinet committee minute) in due course.
6. This is in line with the ongoing principle of transparency around government decision-making. It also ensures submitters have access to the advice the Government received when they are making a submission through the consultation process.

Cabinet committee minute – recommendation to release in full

7. We propose to release the Cabinet committee minute [DEV-19-MIN-0175 refers] in full. This is attached as **Appendix 2**.

Cabinet paper – recommendation to release with some redactions

8. We propose to release the Cabinet paper with some content withheld. We have attached a marked up version as **Appendix 1**, with suggested redactions.¹
9. The table below provides a summary of:
 - 9.1. the proposed redactions
 - 9.2. the equivalent sections of the Official Information Act 1982 (OIA) that would apply (had the document been requested under the OIA)
 - 9.3. our rationale for withholding this information.

¹ The Ministry of Transport’s Legal team has advised that documents proposed for proactive release are not technically released under the Official Information Act 1982. For this reason, we have not included the standard OIA watermark or specified a relevant OIA withholding provision on the document where redactions have been proposed.

Proposed redactions	Equivalent OIA section	Rationale for withholding
<i>Para 51: Estimated future funding increases required to meet the proposed target</i>	s 9(2)(f)(iv)	<p>Ministers have not yet made decisions on the level of investment required, noting that this is likely to be drawn chiefly from the National Land Transport Fund (NLTF). Ministers will be making decisions on competing NLTF funding pressures in the context of the next Government Policy Statement on land transport (and will be receiving advice on this later in the year).</p> <p>While the Cabinet paper frames anticipated costs of the road safety strategy as being indicative only, there is a small risk that release of this information at this time could undermine the ability of Ministers and/or Cabinet to consider expenditure options across the transport system as a whole. This may prejudice the effective preparation of the next Government Policy Statement on land transport.</p>
<i>Appendix 2: Content on the specific policy details of the Tackling Unsafe Speeds package</i>	s 9(2)(f)(iv)	<p>The details of the <i>Tackling Unsafe Speeds</i> proposal have not yet been considered by Ministers or agreed to by Cabinet. Cabinet has only agreed in principle to issue drafting instructions ahead of final Cabinet decisions being made.</p> <p>Officials have undertaken targeted consultation on the details of the speed package in confidence. As such, we consider the information to be confidential until Cabinet has agreed to the final proposals.</p> <p>Release of this information at this time would impact on the ability of Ministers and Cabinet to make final decisions on the <i>Tackling Unsafe Speeds</i> package. Policy decisions are anticipated in October 2019.</p>

Risks of proactive release

10. We consider that the risks of proactively releasing these documents are low.
11. However, there is likely to be a high degree of public and media interest in the anticipated costs of the road safety strategy, as well as the details of the *Tackling Unsafe Speeds* package. We will support your office to prepare any Q&As or communications materials as required.

Consultation

12. The Ministry's Legal team was consulted on this approach. We have also consulted with NZ Transport Agency and ACC regarding the release of the information they provided for the Cabinet paper.

Next steps for proactive release

13. If you are happy with the suggested redactions, we will apply the redactions and release these documents alongside the consultation document and the reference group summary reports (which you advised Cabinet would be released). The document will then be made available on the Ministry of Transport's website.

You may also wish to proactively release other relevant background materials

14. The Ministry of Transport has recently received five OIAs requesting advice provided by officials on the development of the road safety strategy. The volume of requests is likely to increase over the course of the consultation period.
15. In the interests of public transparency, and to facilitate the efficient administrative processing of information, we recommend that officials work with your office to proactively release relevant background materials. We propose to limit the scope to '*substantive advice to Ministers (including briefing notes and aide memoires) relating primarily to the policy development of the road safety strategy, or which capture key decision points*'. Materials such as speech notes, meeting briefings, Weekly Report items and emails would fall outside the scope of documents intended for proactive release.
16. Under this approach, the specific details of any action items which have not yet been considered by Cabinet could still be withheld on the basis that final decisions have not yet been made.
17. Once the relevant background materials have been assessed through the lens of the OIA and approved by you or your office for proactive release, they could then be made available on the Ministry of Transport's website after consultation opens.
18. This approach would also have an impact on the way in which we handle OIA requests currently under consideration, or those received in the interim. If you agree to our proposed approach, we will refuse existing OIA requests relating to the materials noted above on the basis that these materials will be made publicly available.

Recommendations

19. The recommendations are that you:

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|-----|--|--------|
| (a) | agree for officials to make the edits to the consultation document outlined in this briefing | Yes/No |
| (b) | agree for officials to make any further minor editorial text changes if required (after a discussion with your office) | Yes/No |
| (c) | agree to proactively release the associated Cabinet paper with suggested redactions (Appendix 1) and the associated Cabinet committee minute in full (Appendix 2) alongside the public consultation material | Yes/No |
| (d) | agree that further substantive advice to Ministers (including briefing notes and aide memoires) relating primarily to the policy development of the road safety strategy, or which capture key decision points, be prepared for proactive release | Yes/No |
- and
- note** that officials will work with your office to assess relevant materials on that basis, and to make them publicly available after consultation opens.

Note: Appendix 1 and 2 are considered to be out-of-scope for proactive release on the basis that clean copies of these documents are publicly available on the Ministry of Transport's website at www.transport.govt.nz/zero.

Brent Johnston
Manager, Mobility and Safety

MINISTER'S SIGNATURE:

DATE:

Appendix 1: Cabinet paper – *Road Safety Strategy: Release of Consultation Document* (with proposed redactions for proactive release)
