



PRESS NOTICE

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Ministers likely to veto Information Tribunal ruling to release Cabinet minutes on Iraq

Commenting on the Information Tribunal ruling yesterday ordering the release of the Cabinet minutes on Iraq, the director of the Constitution Unit Professor Robert Hazell said:

"I would not be surprised if Ministers decide to veto this decision. It follows a series of decisions by the Information Commissioner and Tribunal to order disclosure of policy documents which has sent shock waves round Whitehall. Ministers are anxious to preserve a private space for policy discussions, and being ordered to disclose Cabinet minutes may be the last straw".

Putting the decision in context Prof Hazell added:

"Ministers have three choices: to comply with the ruling; to appeal to the High Court; or to use the veto. Appeal to the High Court is only on a point of law. Use of the veto is the only effective way of preventing release of the minutes. It would be regrettable, because it amounts to a vote of no confidence in the Commissioner and Tribunal. But it is allowed under the Act. In other countries it has been part of the process of Ministers coming to terms with the realities of FOI, and used mainly in the early years".

The UK is not the only country where Ministers can exercise a veto over FOI disclosures. Australia, Ireland and New Zealand also have a veto. In Ireland it has been used only twice. In New Zealand it was used a dozen times in the early years, but not at all in the last 20 years. In Australia the veto was used heavily in the early years, and more recently by John Howard's government.

Notes for Editors

- Ministers have 20 working days in which to decide whether to use the veto. The government has decided that the power should only be used collectively by the Cabinet. The veto must be made on reasonable grounds, and a copy laid before Parliament. The grounds are subject to challenge by judicial review before the courts.
- The veto has been used most heavily in Australia. 55 vetoes were issued in Australia between 1983 and 1987, and 14 by the Howard government between 1996 and 2007. In New Zealand the veto was used 14 times in the first four years. In Ireland the veto has been used twice, in 2000. Australia and New Zealand enacted FOI laws in 1982, and Ireland in 1997.
- The Constitution Unit is an independent and non-partisan research centre based at University College London
- Prof Robert Hazell is available for comment on 0207 679 4971 or r.hazell@ucl.ac.uk
- Brian Walker is the Constitution Unit's Press Officer and can be contacted on 07802 176347 and Victoria Spence is the Constitution Unit Administrator on 0207 679 4977, v.spence@ucl.ac.uk.