



Ref: OIA009

William James

By email: fyi-request-25078-75797888@requests.fyi.org.nz

Dear William,

Thank you for your request received on 11 December 2023 to my office requesting under the Official Information Act 1982 (the Act), the following information:

- *Any official advice and communications received by your office from government agencies about Fair Pay Agreements. This request encompasses communications such as text messages, emails, phone calls, or any other forms of correspondence, from government entities, including but not limited to the Ministry for Business, Innovation, and Employment (MBIE), Treasury, or external consultancy firms (e.g., EY, PwC, if applicable).*
- *A full and unredacted copy of the advice referenced in multiple New Zealand media outlets this week, as reported at the following link:*
<https://www.newshub.co.nz/home/politics/2023/12/fair-pay-agreements-leaked-cabinet-paper-reveals-workplace-relations-minister-brooke-van-velden-at-odds-with-official-advice.html>.

31 documents have been identified as in scope of your request. I am releasing 29 of these documents to you. The documents, and the decisions as to their release, are outlined in the table below. The documents being released are enclosed with this letter.

#	Date	Description/Title	Withholding grounds
1	27 Nov 2023	Excerpts from: 2324-0920 Fiscal Sustainability Options for the Workplace Relations and Safety Portfolio	s 9(2)(f)(iv)
2	28 Nov 2023	Email: 2324-0918 Repeal of the Fair Pay Agreements legislation	s 9(2)(a)
3	28 Nov 2023	Briefing: 2324-0918 Repeal of the Fair Pay Agreements legislation Annex three is withheld full under s 18(d) (see note below).	s 9(2)(a) s 9(2)(f)(iv) s 9(2)(g)(i) s 9(2)(h)
4	29 Nov 2023	Email: Question on FPAs CAB paper	s 9(2)(a) s 9(2)(h)

5	29 Nov 2023	Email: 2324-1084 - FPA Repeal Cabinet paper Cover Briefing and Cabinet paper	Released in full
6	29 Nov 2023	Briefing: 2324-1084 Final Cabinet Paper – Repeal of the Fair Pay Agreements legislation Annexes Two, Three, Four and Five are withheld full under s 18(d) (see note below).	s 9(2)(a) s 9(2)(h)
7	7 Dec 2023	Briefing: 2324-1140 Final Cabinet Paper – Fair Pay Agreement Repeal Bill - Approval for Introduction Annexes Two, Three, Four and Five are withheld full under s 18(d) (see note below).	s 9(2)(a) s 9(2)(f)(iv) s 9(2)(h)
8	7 Dec 2023	Email: Briefing 2324-1140 Final Cabinet Paper – Fair Pay Agreement Repeal Bill - Approval for Introduction	Some information withheld out of scope
9	28 Nov 2023	Email: Talking points for Cabinet tomorrow	S 9(2)(a)
10	28 Nov 2023	Suggested talking points for 29 November Cabinet meeting on 100-day commitments	Some information withheld as out of scope
11	29 Nov 2023	Email: Availability	S 9(2)(a)
12	29 Nov 2023	Email: RE: Question on FPAs CAB paper	S 9(2)(h) Attachment withheld under section 18(d) as final Cabinet paper is available online
13	29 Nov 2023	Email: RE: Questions from LOH on immediate legislation	S 9(2)(a) S 9(2)(g)(i)
14	29 Nov 2023	Email: RE: New Cabinet Office Notice: Cabinet and Cabinet committee meetings for December 2023	S 9(2)(a)
15	30 Nov 2023	Email: RE Final version for lodgement FPA Cabinet paper	Release in full Attachment withheld under section 18(d) as final Cabinet paper is available online
16	30 Nov 2023	Email: RE: Attachment for the repeal of the Fair Pay Agreements Legislation paper	Release in full
17	4 Dec 2023	Email: RE: Procedural decisions needed on FPA repeal bill	S 9(2)(a)

18	4 Dec 2023	Email: Re:FOR REVIEW/APPROVAL: FPAs reactive media statement	s 9(2)(a)
19	4 Dec 2023	Email: Re: TVNZ Breakfast request- Fair pay	S 9(2)(a)
20	5 Dec 2023	Email: Potential date: 90 -days announcement	S 9(2)(a)
21	5 Dec 2023	Email: RE Draft Cabinet paper- Fair Pay Agreements Repeal Bill Approval for introduction	Release in full Attachment withheld under section 18(d) as final Cabinet paper is available online
22	27 Nov-5 Dec 2024	Text messages from Zachary Boyle, Private Secretary to Hon Brooke van Velden to MBIE officials	S 9(2)(a) Some information withheld as out of scope
23	6 Dec 2023	Email: RE: Submissions from FPAs policy work	S 9(2)(a)
24	6 Dec 2023	Quotes from Select Committee submissions opposing the FPA bill	Release in full
25	11 Dec 2023	Email: RE Talking points for Parliament-repeal of FPA legislation.docx	Release in full
26	11 Dec 2023	Talking points for House Speeches: Repeal of Fair Pay Agreements	Release in full
27	11 Dec 2023	Suggested speech notes for Minister FPA house speeches	S 9(2)(a)
28	11 Dec 2023	Fair Pay Agreements Repeal legislation-themes for speeches	Release in full
29	11-12 Dec 2023	Text messages between Zachary Boyle (Private Secretary to Hon Brooke van Velden) and Beth Goodwin (Manager, Employment Relations Policy, MBIE)	Release in full

Two of the documents in scope are publicly available and are therefore withheld under section 18(d) of the Act. They can be accessed via the following links:

[Coversheet to Fair Pay Agreements Regulatory Impact Statement 2023 \(mbie.govt.nz\)](https://www.mbie.govt.nz/cover-sheet-to-fair-pay-agreements-regulatory-impact-statement-2023)

[Cabinet Paper-Repeal of Fair Pay Agreements legislation](#)

Please note that some information has been withheld from these documents under the following section of the Act:

- 9(2)(a), to protect the privacy of natural persons, including that of deceased natural persons;

- 9(2)(f)(iv), to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty;
- 9(2)(h), to maintain legal professional privilege.

Some information has also been redacted as it is out of scope of your request.

I do not consider that the withholding of this information is outweighed by public interest considerations in making this information available.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind regards,

A handwritten signature in blue ink, appearing to read 'BW', is positioned below the text 'Kind regards,'.

Hon Brooke van Velden
Minister for Workplace Relations and Safety