



27 March 2026

Erika Whittome

By email: fyi-request-33998-78c9ef5c@requests.fyi.org.nz

Tēnā koe Erika

**Official information request regarding Yardley v Minister for Workplace Relations and Safety
Our Ref: OIA-2526168**

I refer to your official information request dated 8 March 2026 which was transferred to us from the Attorney-General's Office. You requested:

... from early 2022 pursuant to the Yardley case in the High Court:

YARDLEY v MINISTER FOR WORKPLACE RELATIONS AND SAFETY [2022] NZHC 975

[[https://urldefense.com/v3/__https://www.justice.govt.nz/jdo_documents/workspace___SpacesStore_5574d389_1f74_46c7_99de_60729375adeb.pdf__;!!Asq5-8xVch3Reg!sH_fTpcL1V0jQ2Oo9xs_GYoMOuI9fKe0tAaU9wYuDQjWFy3qa_DmOqp_oBnyRBhfRFM2pBdDXsjtUaJha1a1L3I9OLJMbGhFVDs1W5HkxMgLA\\$](https://urldefense.com/v3/__https://www.justice.govt.nz/jdo_documents/workspace___SpacesStore_5574d389_1f74_46c7_99de_60729375adeb.pdf__;!!Asq5-8xVch3Reg!sH_fTpcL1V0jQ2Oo9xs_GYoMOuI9fKe0tAaU9wYuDQjWFy3qa_DmOqp_oBnyRBhfRFM2pBdDXsjtUaJha1a1L3I9OLJMbGhFVDs1W5HkxMgLA$)]

Please share any reviews, memos, comments, text messages, whatsapp (etc) and correspondence to the Attorney General and its office from 15 February 2022 until 25 March 2022 about this case Yardley v Minister of Workplace Relations and Safety

We hold information within the scope of your request, but it relates to the performance of the Attorney-General's constitutional role as senior Law Officer of the Crown. The Ombudsman has previously determined that information relating to Law Officer functions of the Attorney-General falls outside the scope of the Official Information Act (the Act)¹. The work that the Crown Law Office does to assist the Attorney-General with her law officer role is also not subject to the Act.²

I add that if this information did fall within the scope of the Act, we would have refused your request under s 9(2)(h), on the basis that the information is subject to legal professional privilege, and the necessity to maintain that privilege outweighs any public interest in its release.

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.

¹ See Sir Brian Elwood *Request for legal advice provided to the Attorney-General by Ministry of Justice* Justice—Attorney-General not subject to Act (February 2019, Case No W41067). This can be accessed by visiting: <www.ombudsman.parliament.nz/resources/request-crown-law-office-legal-advice-given-minister>.

² Ombudsman Cases W41067 and W44062; and *Berryman v Solicitor-General* [2005] NZAR 512 (HC) at [44].

If you wish to discuss this decision with us, please feel free to contact OIA@crownlaw.govt.nz.

Nāku noa, nā
Crown Law



Matt McMenamin
Crown Counsel