

15 April 2020

Michael Neilson
Journalist
The NZ Herald
michael.neilson@nzme.co.nz

REF: OIA-6525

Dear Michael

Request made under the Official Information Act 1982

Thank you for your email of 11 March 2020 requesting the following information under the Official Information Act 1982 (the Act):

1) Copies of all correspondence - including but not limited to emails - sent from CPB Contractors management to staff working on the Transmission Gully roading project in regard to working on Waitangi Day this year. If a name needs to be left out for privacy reasons can their position please be indicated for clarity.

2) Copies of all correspondence, including but not limited to any reports, documents, memoranda, briefings, correspondence, legal advice or emails, both internal and external held by NZTA regarding the email sent by a CPB Contractors manager to staff telling them they were expected to work Waitangi Day 2020 if they were not from New Zealand. If a name needs to be left out for privacy reasons can their position please be indicated for clarity.

In response to the first part of your request, Waka Kotahi NZ Transport Agency do not hold copies of correspondence between CPB HEB Joint Venture (the Joint Venture) and its staff with respect to their work arrangements for Waitangi Day 2020. This part of your request has therefore been refused under section 18(g)(i) of the Act. This section allows for the refusal of information if it is not held by a department and there are no grounds for believing that the information is held by another department or Minister of the Crown.

Waka Kotahi acknowledges that information held by a contractor is also deemed to be held by an agency. However, with respect to the Joint Venture, this only applies to the physical aspects of the Transmission Gully project to which they have been contracted to build. As your request is in relation to the company's private employment/labour practices, there is no basis under the Act for Waka Kotahi to request this information from the Joint Venture.

All information falling within scope of question 2 of your request is attached.

Please note, certain information has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons. Information has also been

withheld under section 9(2)(g)(i) of the Act in order to maintain the effective conduct of public affairs through the free and frank expression of opinion.

Further information in the attached document has been provided to Waka Kotahi under an obligation of confidence. As the release of this information is likely to prejudice the supply of similar information in future, and it is in the public interest that such information continue to be supplied, it has been withheld under section 9(2)(ba)(i) of the Act.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse part of your request and withhold information. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with Waka Kotahi, please contact Andrew Knackstedt, Senior Manager media, by email to Andrew.Knackstedt@nzta.govt.nz or by phone on 021 276 3222.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony Fisher', with a stylized flourish at the end.

Tony Fisher
Acting Senior Manager Project Delivery