DEPARTMENT OF THE PRIME MINISTER AND CABINET
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

10 June 2026

Ref: OIA-2025/26-0722

[redacted]

Tēnā koe [redacted],

Official Information Act request relating to the Government's decision to introduce and pass the Equal Pay Amendment Bill under urgency

Thank you for your Official Information Act 1982 (the Act) request, which was received by the Department of the Prime Minister and Cabinet (DPMC) on 12 May 2026. You requested:

> *"1. Advice justifying the use of urgency*
> *Please provide all documents, briefings, aide-mémoires, memoranda, Cabinet papers, Cabinet committee papers, emails, talking points, legal advice, policy advice, or other records that explain, recommend, approve, or justify the use of urgency for the Equal Pay Amendment Bill.*
>
> *This includes any advice addressing:*
> *a. why urgency was considered necessary;*
> *b. whether the matter was considered an emergency or genuine urgent legislative need;*
> *c. whether alternative legislative pathways were considered;*
> *d. whether a select committee process was considered;*
> *e. whether a shortened select committee process was considered;*
> *f. whether public consultation was considered;*
> *g. why the Bill was required to pass through all stages without the ordinary scrutiny process.*
>
> *2. Absence of select committee process*
> *Please provide all information held concerning the decision not to refer the Bill to a select committee.*
>
> *This includes any assessment of:*
> *a. the constitutional implications of avoiding select committee scrutiny;*
> *b. the effect on affected workers, unions, employers, claimants, or other interested parties;*
> *c. whether affected parties should have been given an opportunity to be heard;*
> *d. whether natural justice, procedural fairness, or public participation concerns were identified;*
> *e. whether the absence of public submissions created legal, constitutional, reputational, or policy risk.*
>
> *3. Regulatory Impact Statement / impact analysis*
> *Please provide:*
> *a. any Regulatory Impact Statement prepared for the Bill;*
> *b. any Supplementary Analysis Report;*
> *c. any Regulatory Impact Analysis panel assessment;*
> *d. any advice explaining why a Regulatory Impact Statement was not prepared, if none was prepared before introduction;*
> *e. any advice from Treasury, MBIE, DPMC, Cabinet Office, or any other agency*

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concerning regulatory impact requirements for this Bill.

If no Regulatory Impact Statement was prepared before introduction, please identify:
a. who made that decision;
b. the date of that decision;
c. the reasons for that decision;
d. what exemption, waiver, or exception was relied upon;
e. what documents record that decision.

4. Existing pay equity claims
Please provide all advice, analysis, briefings, summaries, tables, or internal records identifying or assessing existing pay equity claims affected by the Bill.

This includes information on:
a. the number of existing claims affected;
b. the sectors affected;
c. the number or estimated number of workers affected;
d. whether any claims would be discontinued, delayed, reset, extinguished, or materially altered;
e. the financial implications for the Crown, public sector employers, funded providers, private employers, or affected workers;
f. any assessment of whether urgency was used to prevent or limit the filing of claims before the law changed.

5. Ministerial statements about drawing a "line in the sand"
Please provide all records, talking points, advice, drafts, communications, or briefing material relating to the Minister's public explanation that urgency was used to draw a "clear line in the sand" and to avoid multiple systems or a rush of claims before the law changed.

This includes any material considering:
a. whether claimants might file claims before the Bill passed;
b. whether urgency was used to prevent additional claims being filed;
c. whether that was considered a proper basis for urgency;
d. whether legal, constitutional, or procedural fairness risks were identified.

6. Cabinet and ministerial decision-making
Please provide all Cabinet, Cabinet committee, ministerial, or inter-agency records concerning the development, approval, and passage of the Equal Pay Amendment Bill.

This includes:
a. Cabinet papers;
b. Cabinet minutes;
c. Cabinet committee papers;
d. Cabinet committee minutes;
e. Ministerial briefings;
f. aide-mémoires;
g. departmental reports;
h. Ministerial consultation documents;
i. inter-agency consultation records;
j. records of decisions authorising introduction and passage under urgency.

7. Legal advice and rights analysis
Please provide all advice, assessments, memoranda, or briefings considering whether the Bill was consistent with:

a. the New Zealand Bill of Rights Act 1990;
b. the Human Rights Act 1993;
c. the Equal Pay Act 1972;
d. natural justice and procedural fairness principles;
e. New Zealand's international obligations concerning equality, non-discrimination, and equal pay;
f. ILO Convention 100;
g. CEDAW;
h. any other relevant domestic or international legal obligations.

If any legal advice is withheld, please provide the title, date, author, recipient, and general subject matter of each withheld document, together with the specific withholding ground relied upon.

8. Consultation or absence of consultation
Please provide all records identifying what consultation, if any, occurred before the Bill was introduced.

This includes consultation or communications with:

a. unions;
b. employer groups;
c. public sector employers;
d. funded service providers;
e. women's organisations;
f. pay equity claimants;
g. Human Rights Commission;
h. Public Service Commission;
i. Treasury;
j. MBIE;
k. Crown Law;
l. DPMC;
m. Cabinet Office.

If no consultation occurred with any of the above groups, please provide any records explaining why consultation was not undertaken.

9. Fiscal and liability implications
Please provide all information assessing the fiscal, liability, budgetary, or financial implications of the Bill.

This includes any advice estimating:
a. Crown savings;
b. avoided liabilities;
c. reduced future pay equity settlements;
d. impact on Budget allowances;
e. impact on existing settlements or negotiations;
f. impact on funded sectors such as health, care, education, community, disability, social services, or public sector workforces.

10. Communications strategy
Please provide all communications plans, media lines, Q&A documents, press release drafts, stakeholder messaging, ministerial talking points, and risk assessments concerning the announcement and passage of the Bill.

This includes any material addressing:
a. expected public criticism;
b. criticism about urgency;
c. criticism about lack of select committee process;
d. criticism from unions or affected workers;
e. constitutional or democratic process concerns;
f. reputational risk to the Government.

11. Scope of search
For the avoidance of doubt, this request includes information held by Ministers, ministerial offices, MBIE, Treasury, DPMC, Cabinet Office, Crown Law, and any other agency involved in the development, approval, introduction, or passage of the Bill.

If any part of this request is more closely connected to another agency or Minister, please transfer that part under section 14 of the Official Information Act 1982.

If the request is considered broad, please contact me before refusing any part of it under section 18(f). I am willing to refine scope if necessary, but I ask that any proposed refinement preserve the core request for documents concerning urgency, absence of select committee scrutiny, regulatory impact analysis, affected claims, legal advice, and fiscal implications.

12. Format
Please provide the information electronically.
If any information is withheld, please identify:
a. the document or category of document withheld;
b. the date of the document;
c. the author or originating agency;
d. the specific OIA withholding ground relied upon;
e. the reasons why that ground applies;
f. whether partial release has been considered.

Please also confirm the searches undertaken, including which Ministers' offices, agencies, teams, and document systems were searched."

Transfers considered but not required

Parts of your request seek Cabinet material. While the Cabinet Office (a business unit of the Department of the Prime Minister and Cabinet (DPMC)) holds Cabinet papers and minutes, portfolio Ministers and lead agencies are better placed to make release decisions under the Act. Accordingly, requests for Cabinet papers from the current administration are typically transferred to the relevant portfolio Minister, and those relating to previous administrations to the relevant agency.

For the Equal Pay Amendment Bill, the appropriate Minister is the Minister for Workplace Relations and Safety, Hon Brooke van Velden. The remaining elements of your request – seeking a broad range of information relating to the Bill – are also more closely connected to that Minister's functions. Ordinarily, we would transfer your request in full to that Minister under section 14 of the Act.

As you have already made your request directly to the lead agency, the Ministry of Business, Innovation and Employment (MBIE), we instead refer you to MBIE's forthcoming response. MBIE has confirmed it will work with the Minister's office to consider all relevant material.

Our interpretation of and response to your request

Consistent with the approach highlighted above, the present reply addresses only additional information held by DPMC that would not be covered by MBIE's response. We have interpreted your request as seeking all written information relating to the Equal Pay Amendment Bill. You have not specified a timeframe, so we have understood the timeframe to be from 27 November 2023 (the date the current administration began its term) – 12 May 2025 (the date the Bill was passed into law).

Information to be withheld

Identified as relevant to your request are some briefings provided by the DPMC Policy Advisory Group to the Prime Minister. These briefings are provided to the Prime Minister in confidence to support him in his role as leader of the Government and chair of Cabinet. These briefings are withheld in their entirety under the following sections of the Act:

- 9(2)(f)(ii), to maintain collective and individual ministerial responsibility
- 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
- 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion
- 9(2)(h), to maintain legal professional privilege.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to outweigh the reasons for withholding that information.

Information to be refused

You asked that we consult with you before refusing any part of your request under section 18(f) of the Act. We have therefore carefully considered whether the remaining parts of your request could be reasonably refined to make them manageable, noting that you indicated any refinement should continue to include all documents relating to urgency, the absence of select committee scrutiny, regulatory impact analysis, affected claims, legal advice, and fiscal implications.

In our view, following searches of our information management systems for keywords related to these topics, a request of this breadth would still require the review of all DPMC-held material relating to the Equal Pay Amendment Bill in order to identify any additional material not covered by MBIE's response. This would encompass not only formal briefings and Cabinet material, but also emails, draft documents, talking points, inter-agency communications, and other less structured records. This is partly because DPMC receives information from a wide range of agencies during policy development and consultation processes. As an example, initial searches of emails returned significant numbers of results, only some of which are likely to be relevant to your request, but all of which would need to be reviewed and assessed for relevance.

As per our interpretation of your request, even when limited to additional information held by DPMC, locating and assessing all relevant material would require substantial collation and research. In addition, your request is not limited by timeframe, meaning it could cover the full period of policy development and legislative progression, further increasing the volume of information to be considered.

Having assessed the extent of work required to collate the information you have requested, I have decided to refuse the remainder of your request under section 18(f) of the Act on the

grounds that the information requested cannot be made available without substantial collation and research. Prior to reaching this decision, I have also considered whether extending or charging would alleviate the reason for the refusal. However, I have determined the manual work required to collate the information would impair efficient administration, such that neither extending nor charging would alleviate the reason for refusal.

Notwithstanding this decision, we remain willing to assist should you wish to make a new request with due particularity – for example, by focusing on a specific topic (such as urgency), a defined timeframe (such as a three-month period), or a particular category of documents (such as formal advice to Ministers).

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the DPMC website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Janine Smith
Deputy Chief Executive
Policy Advisory Group and Delivery Unit