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17 October 2019

Katherine Raue

By email: [fyi-request-11025-f253acf6@requests.fyi.org.nz](mailto:fyi-request-11025-f253acf6@requests.fyi.org.nz)

Dear Katherine

**Information Request – Disputes requiring the resolution of rank and command issues**

Further to my letter of 18 September 2019, we have now gathered and considered the broader range of information relevant to your request for:

*... all information held by FENZ regarding communication or notification of a dispute requiring the resolution of rank and command issues before any move to consult on a restructure. This includes all communication from the Professional Firefighters Union and any other agency or individual.*

Fire and Emergency has previously provided you with copies of the four substantive documents relevant to your request. I now *attach* some further correspondence that is either related to, or referred to in, the information previously provided to you.

Fire and Emergency holds other information relevant to your request. This comprises its internal communications about the notified dispute and communications with external legal providers. A decision has been made to withhold this information under the Official Information Act 1982 (OIA) for the following reasons:

- (a) for information contained in draft responses to the notified dispute or that involves individuals' comments on the dispute documents, withholding is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions between Fire and Emergency personnel, in accordance with section 9(2)(g)(i) of the OIA;
- (b) for information associated with the giving or receiving of legal advice, withholding is necessary to maintain legal professional privilege in accordance with section 9(2)(h) of the OIA;
- (c) for internal communications about the notified dispute and Fire and Emergency's response to it, withholding is necessary to enable Fire and Emergency to carry on, without prejudice or disadvantage, negotiations (including industrial negotiations), in accordance with s9(2)(j) of the OIA.

In the context of paragraph (c) above, it is important to recognise that the information you have requested relates to a live consultation exercise that Fire and Emergency is carrying out with its personnel and their representative organisations.

To the extent there is a public interest in the information you have requested, we consider it is satisfied by the information released to you on 18 September 2019 and the information *attached* to this letter. As previously indicated, that includes the substantive communications between Fire and Emergency and the New Zealand Professional Firefighters Union on the notified dispute. Fire and Emergency does not consider that the need to withhold for the reasons set out above is outweighed by the residual public interest in the information being withheld.

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Raewyn Bleakley', with a long, sweeping flourish extending to the right.

Raewyn Bleakley  
Deputy Chief Executive, Office of the Chief Executive

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