

21 MAR 2014

Mike Russell  
[fyi-request-1490-ff0bdbfb@requests.fyi.org.nz](mailto:fyi-request-1490-ff0bdbfb@requests.fyi.org.nz)

File No: 14/00079

Dear Mike Russell

I refer to your official information request, transferred from the Ministry of Business, Innovation and Employment and received by WorkSafe New Zealand on 21 February 2014, requesting:

- *I would like to find information (name and address of complainant) on the complaint lodged against Russell Properties Ltd on Thursday 20 February 2014, about a health and safety issue on a building site in Mauldeth Terrace, Churton Park, Wellington. This complaint was handed to Stephen Bray, Health and Safety [sic] Inspector, HSNO Enforcement Officer, Health and Safety [sic] Group – MBIE.*

There was no complaint handed to Steve Bray, Health and Safety Inspector, at this site. A complaint was made to WorkSafe NZ's Contact Centre about the general area, but lacked specificity about location and duty holders involved. Following referral of this complaint, Mr Bray did undertake a drive-by assessment of the area, and noticed some areas of concern to WorkSafe NZ.

The information you request is being withheld in reliance on section 6(c) of the Official Information Act 1982 (the OIA), which relates to the maintenance of the law. It is also being withheld in reliance on section 9(2)(a) of the OIA, which relates to privacy. Under section 9(1) of the OIA I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

To the extent that your request is for personal information about Russell Properties Ltd, this request is being refused in reliance on section 27(1)(a) of the OIA, on the grounds that the disclosure would be likely to prejudice the maintenance of the law. It is also being refused in reliance on 27(1)(b) of the OIA, on the grounds that disclosure would involve the unwarranted disclosure of the affairs of another person.

WorkSafe NZ is responsible for administering the Health and Safety in Employment Act 1992 (the HSE Act), New Zealand's key legislation governing health and safety in the workplace. Under the HSE Act, WorkSafe NZ must take such prevention, investigation and enforcement action as it considers appropriate. WorkSafe NZ frequently receives complaints from employees about workplace practices, which it is obliged to investigate. WorkSafe NZ will generally keep the name of the complainant confidential, in reliance on the relevant withholding grounds under the OIA and the non-disclosure grounds under the OIA in such cases.

WorkSafe NZ's key concern in withholding this information is to protect the identity of the complainant. This protection also includes the consideration of information which could lead to the complainant being identified, such as their address and telephone number.

You have the right to contest the decision to withhold information by seeking an investigation and review of that decision by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsman  
PO Box 10-152  
WELLINGTON 6143

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact [oiia@worksafe.govt.nz](mailto:oiia@worksafe.govt.nz).

Yours sincerely



RR.

Ona de Rooy  
*General Manager – Health and Safety Operations*