



7 December 2022

Ref: DOIA 2223-0750

Sarah Reid

[fyi-request-20817-c8682e12@requests.fyi.org.nz](mailto:fyi-request-20817-c8682e12@requests.fyi.org.nz)

Dear Sarah,

Thank you for your request made under the Official Information Act 1982 (the Act), which was transferred under section 14 of the Act from the Office of the Minister of Immigration and the Office of the Minister of Tourism to the Ministry of Business, Innovation and Employment (MBIE) on 12 October 2022 for the following information:

*Please provide the following information as at Monday 10 October:*

*1. All information relating to the granting of exemptions to the border rules for ski industry workers (including ski and snowboard instructors, ski patrol and safety specialists, snow grooming and snowmaking machinery operators, and ski lift and snow sport technician) for the winter 2022 season.*

*Please ensure this includes but is not limited to communication and documentation regarding:*  
*a. any conditions agreed to regarding rates of pay for those granted an exemption b. any conditions agreed to surrounding guaranteed hours of work for those granted an exemption c. any other conditions agreed to in order for the exemptions to be granted*

*All information relating to the granting of critical purpose visas and subsequent granting of work rights for ski industry workers (including ski and snowboard instructors, ski patrol and safety specialists, snow grooming and snowmaking machinery operators, and ski lift and snow sport technician) for the winter 2022 season.*

*Please ensure this includes but is not limited to communication and documentation regarding:*  
*a. any conditions agreed to regarding rates of pay for those granted an exemption b. any conditions agreed to surrounding guaranteed hours of work for those granted an exemption c. any other conditions agreed to in order for the exemptions to be granted*

Our Ministerial Services team emailed you on 26 October 2022 asking you to clarify your request and on 31 October 2022 you replied and agreed to refine the scope of your request as outlined to

*1. All Briefings to the Minister's Office(s) relating to the granting of exemptions to the border rules for ski industry workers (including ski and snowboard instructors, ski patrol and safety specialists, snow grooming and snowmaking machinery operators, and ski lift and snow sport technician) for the winter 2022 season that contain information regarding:*

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*a. any conditions agreed to regarding rates of pay for those granted an exemption b. any conditions agreed to surrounding guaranteed hours of work for those granted an exemption c. any other conditions agreed to in order for the exemptions to be granted.*

*2. All Briefings to the Minister’s Office(s) relating to the granting of critical purpose visas and subsequent granting of work rights for ski industry workers (including ski and snowboard instructors, ski patrol and safety specialists, snow grooming and snowmaking machinery operators, and ski lift and snow sport technician) for the winter 2022 season that contain information regarding:*

*a. any conditions agreed to regarding rates of pay for those granted an exemption b. any conditions agreed to surrounding guaranteed hours of work for those granted an exemption c. any other conditions agreed to in order for the exemptions to be granted.*

We contacted you on 27 October 2022 to inform you that the due date for a response was extended under section 15A(1)(a) and section 15A(1)(b) of the Act until 8 December 2022.

Although the scope of your request was narrowed to the Briefings to the Minister’s Office(s), we have identified a few readily retrievable emails that we are also releasing to you as this may help to explain the development of the policy. MBIE has identified twelve documents in scope of your request, which are listed in the following document table:

#	Document Type	Date	Description/Title	Decisions as to release
1	Briefing	28 April 2022	2122-4165 Weekly Report to the Minister of Immigration and Associate Minister of Immigration for the period from 14 to 27 April 2022	Some information withheld under s9(2)(a) and pages 2-20 removed with information out of scope
2	Briefing	6 May 2022	2122-4252 MBIE Tourism Weekly Report	Some information withheld under s9(2)(a) and pages 2-6 removed with information out of scope
3	Briefing	12 May 2022	2122-4347 Border Exception Ministers – Amendments to Class Exceptions	Some information withheld under s9(2)(a) and some information is out of scope
4	Attachment to the email of 25 March 2022	25 March 2022	Critical Workers for winter 2022 ski season (Critical Workforce Border Exception Request)	Some information withheld under s9(2)(a)
5	Briefing	8 April 2022	2122-3291 Immigration New Zealand Operational Manual amendments requiring certification: Step 3 Reconnecting New Zealand border exceptions	Some information withheld under s9(2)(a) and pages 6-14, 16-24 and 26-32 removed with information out of scope
6	Briefing	13 June 2022	2122-4599 Immigration New Zealand Operational Manual amendments requiring certification: Expansion of ski	Some information withheld under s9(2)(a) and pages 6-13 removed with information out of scope

			and Out of scope border exceptions	
7	Email	25 March 2022	FW: Border exception request - skilled workers for next ski season SAANZ	Some information withheld under s9(2)(a)
8	Email	22 April 2022	RE: Border exception request - skilled workers for next ski season SAANZ	Some information withheld under s9(2)(a)
9	Email	13 June 2022	RE: Update on boarder exception for Out of scope and ski workers	Some information withheld under s9(2)(a) and s9(2)(g)(i)
10	Email	10 May 2022	Expanded Border Exceptions for ski and Out of scope workers	Some information withheld as being out of scope
11	Briefing	4 April 2022	2122-3185 Border Exception Proposals – transition to the Accredited Employer Work Visa	Refused under section 18(d)
12	Minute of decisions	6 April 2022	Minute of decisions – meeting of Border Exception Ministers related to the Briefing above	Refused under section 18(d)

Please note some information has been withheld as out of scope and under the following sections of the Act:

- 9(2)(a), to protect the privacy of natural persons, including that of deceased natural persons;
- 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

In terms of section 9(1) of the Act, I am satisfied that, in this circumstance, the withholding of any information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

I am refusing the part of your request for 2122-3185 Border Exception Proposals – transition to the Accredited Employer Work Visa under section 18(d) of the Act because the Briefing you have requested is publicly available. The briefing is available at: <https://www.mbie.govt.nz/dmsdocument/25090-border-exception-proposals-transition-to-the-accredited-employer-work-visa-pdf>

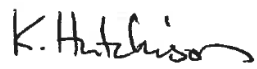
I am also refusing under section 18(d) of the Act the part of your request for Minute of decisions – meeting of Border Exception Ministers of 6 April 2022 related to the Briefing above and publicly available here: <https://www.mbie.govt.nz/dmsdocument/25093-minute-of-decisions-meeting-of-border-exception-ministers-6-april-2022-pdf>

I trust you will find this information useful.

You have the right to seek an investigation and review by the Ombudsman of this decision, in accordance with section 28(3) of the Act. 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 that reads "K. Hutchison". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

Kirsty Hutchison  
**Manager Immigration (Border and Funding) Policy**  
Labour, Science and Enterprise, MBIE