



Te Kawa Mataaho

Public Service Commission

29 January 2024

Ben

fyi-request-25129-c68eec21@requests.fyi.org.nz

Dear Ben

Official Information Request

Our Ref: OIA 2023-0314

I refer to your official information request received on 11 December 2024 for:

"In media articles various Ministers have been described as issuing "stop work Notices" or "Stop work orders". One example in relation to transport would be here:

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.rnz.co.nz%2Fnational%2Fprogrammes%2Fmorningreport%2Faudio%2F2018917497%2Faukland-light-rail-on-hold-after-stop-work-notice-issued&data=05%7C02%7Ccommission%40publicservice.govt.nz%7C814d0b588e9a4f84c8bd08dbf9e7a7f2%7C41e14a91587d4fbf8dead6aea7148019%7C0%7C0%7C638378545591867554%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=2yMVLJfBgJJlhq0xmaei58yed9TKq%2FSQi1yl6wBQZlk%3D&reserved=0>

1. *Is there such a power?*
2. *If not, is there an alternative power (but called something else)?*
3. *Can such a power be used to halt work by local government?*
4. *Can such a power be used to halt work required by legislation?*
5. *If the answer to any of these questions is yes, in what circumstances can it be used or what legal test must be met?*
6. *How many "stop work" orders, notices or however else described have been issued, by whom, and on what date?"*

Our Response

The [Cabinet Manual](#) is publicly available on the Department of the Prime Minister and the Cabinet website. Ministers of the Crown have different powers to direct, require or influence agencies in their activities depending on the nature of the organisation and the activity. Ministers of the Crown are appointed by the Governor-General under the authority of Letters Patent. Once Ministers are appointed, collectively they direct the executive branch of government. The powers and functions that Ministers exercise are set out in the Cabinet Manual (see paragraph 2.22 for a list of roles and powers of Ministers, and paragraph 3.9 in relation to responsibility for policy matters).

Ministers responsible for certain types of Crown entities can issue directions to those entities under the [Crown Entities Act 2004](#), depending on the entity type. For example, under section 103 Ministers

can direct Crown Agents to give effect to government policy that relates to the entity's functions and objectives.

Ministers can also, usually through Cabinet decisions, act to remove funding from programmes which would impact agencies' activities. This can include removing funding from government agencies which may impact local government. Work that is required by legislation can only be halted once that legislation is repealed.

With regards to your question about how many stop work notices have been issued, by whom and on what date, this would be a question for individual Ministers to answer. You would need to direct your question to the responsible Minister. Therefore, I am refusing this part of your request under section 18(g) that the information is not held by Te Kawa Mataaho Public Service Commission.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@publicservice.govt.nz.

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 or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks

**Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission**