



16 May 2024

Percy Whalen

fyi-request-26217-ef2333ca@requests.fyi.org.nz

Tēnā koe Percy Whalen,

Official Information Act request

Thank you for your email of 26 March 2024, requesting information about guidance for staff who make changes to the legislative section of Manuals and Procedures (Map) and copies of correspondence about changes to Flexi-wage since 5 February 2024.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision set out below.

- 1. In the Gazette the commencement date for this programme was 15 February 2021. I have not been able to find any authority which changed the date to 5 February 2024. Confirmation of this authority is the information I request. <https://gazette.govt.nz/notice/id/2021-go475>*

Since you wrote, we have corrected the commencement date on our Map website to reflect commencement of the Flexi-Wage programme (the Programme) from 15 February 2021. Thank you for bringing it to our attention.

As you are aware, the Programme was established and approved under section 101 of the Social Security Act 2018 on 15 February 2021.

Within the Programme, clause 12 requires the Ministry of Social Development (the Ministry) to review the Programme two years after the date comes into force. In April 2023, after the review of the programme, the Minister for Social Development and Employment (the Minister) made minor and technical improvements to the policy settings for Flexi-wage.

Amendments were made to the Programme through the Flexi-wage Employment Assistance Amendment 2023, and came into force on 5 February 2024.

- 2. a copy of all correspondence re the change in 1. above and any other changes made to this program at the same time and since then.*

Your request for all correspondence outlined above is very broad, and substantial manual collation would be required to locate and prepare all documents within scope of your request. As such, I refuse your request under section 18(f) of the

Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

However, in keeping with the spirit of the Act, we have provided the following information we believe is most relevant to your request.

- REP/23/4/341 – Findings from the Flexi-Wage Policy Review (a copy is attached with this response).
- <https://gazette.govt.nz/notice/id/2023-sl4176?stageDraft>
- <https://www.treasury.govt.nz/sites/default/files/2023-08/b23-frs-socdev-sig-4779876.pdf>
- <https://www.treasury.govt.nz/sites/default/files/2023-08/b23-frs-socdev-tech-4775124.pdf>

3. *confirmation that this is not a 'consolidated version' despite the changes that have been made:*<https://www.workandincome.govt.nz/map/legislation/welfare-programmes/flexi-wage-employment-assistance-programme/list-of-amendments.html>

The "Note" column on Map, in respect of "Flexi-Wage Employment Assistance Amendment 2023" takes its content from the "Explanatory Note" that accompanies the Amendment Instrument here <https://www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/notice-of-change/2023/flexi-wage-employment-assistance-amendment-2023.html>

However, please note that neither the Note nor Explanatory Note are a formal part of the Instrument and are intended only to provide an indication of the general effect of the amendments. Similarly, the Gazette Notice provides a general explanation of the effect of the changes – rather than a comprehensive summary of all changes. The specific amendments can be found within the Amendment Instrument itself.

4. *A copy of any guidance or instructions provided or available for Ministry staff who make changes to the legislation section of your 'manuals and procedures' system.*

Please refer to the attached 'Legislative instruments in Map' guidance document for staff who are updating the legislation section. Please note some links included in this document are not accessible as they are internal Ministry links.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request about the Flexi-Wage programme, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services