



Te Pūkenga

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26 February 2025

[REDACTED]
By email: [REDACTED]

Tēnā koe [REDACTED]

Request under the Official Information Act 1982

Thank you for your emailed letter of 7 February 2025, requesting the following information from Te Pūkenga – New Zealand Institute of Skills and Technology (Te Pūkenga):

1. *A copy of all payments Te Pūkenga – New Zealand Institute of Skills and Technology has made to date in relation to the accepted Enforceable Undertaking.*
 - a. *This should include, a copy of the invoice/receipt, date of payment, and clarity to whom the payment was made to.*
2. *A copy of all intended payments Te Pūkenga – New Zealand Institute of Skills and Technology will make in relation to the accepted Enforceable Undertaking.*
 - b. *This should include, to whom the payment will be made to, and the proposed date of payment (month/year).*
3. *A copy of any proposed versions of the Enforceable Undertaking sent to WorkSafe NZ.*

This letter provides a formal decision on your request under the Official Information Act 1982 (OIA).

Background

Details about Accepted Enforceable Undertakings can be found on the WorkSafe Mahi Haumarua Aotearoa (WorkSafe) website. The accepted *Application for an enforceable undertaking* agreement between Toi Ohomai | Te Pūkenga and WorkSafe is publicly available and can be accessed via: www.worksafe.govt.nz/laws-and-regulations/enforceable-undertakings/accepted-enforceable-undertakings/te-pukenga-new-zealand-institute-of-skills-and-technology/.

The decision

Details of the minimum spend and to whom are summarised at point 3.7.3 on page 20 of the *Application for an enforceable undertaking* document that can be found through the link above. You will see there are four parts to the costs: benefits to workers/others, industry, community, and financial amends to victim/s.

We are withholding all payment details for your questions one and two regarding financial amends to the victim and benefits to the community under section 9(2)(a) of the OIA (quoted below) to protect the privacy of the individual involved.

Question One

Toi Ohomai | Te Pūkenga has made the following payments in relation to the Accepted Enforceable Undertaking, a copy of the remittance advice for both is attached as **Appendix One**:

- Sutton Holdings Ltd (Safety Assoc & Learning Teams Inc) – 1 November 2024 - \$100,000 + GST
- New Zealand Institute of Safety Management (NZISM) – 14 February 2025 - \$25,000 + GST

Question Two

Toi Ohomai | Te Pūkenga intends to make the following payments in relation to the Accepted Enforceable Undertaking:

- Sutton Holdings:
 - \$30,000 + GST in July 2025
 - \$30,000 + GST in November 2025
 - \$20,000 + GST in March 2026
 - \$20,000 + GST in August 2026
- NZISM:
 - \$25,000 + GST in July 2025
 - \$25,000 + GST in October 2025
 - \$25,000 + GST in January 2026

Question Three

As above, noting the final *Application for an enforceable undertaking* is publicly available, we can advise that there was only one previous version of the application submitted to WorkSafe.

The difference between the first version and revised second/final version relate to two main reasons. The reparation details for the victim were revised and Te Pūkenga signatory changed from our former Chief Executive, Peter Winder, to me. The rest of the information within the documents is virtually identical.

Consistent with the version found online, we are withholding all personal and reparation information relating to the victim from within both versions of the documents under section 9(2)(a) of the OIA. Noting sections 16(1)(e) and 18(d) of the OIA (quoted below) and the points above, as the final version is publicly available, we are not providing a complete copy of the previous version.

The following sections of the OIA have been relied on in relation to our decision on your request, as outlined above:

- 9(2)(a) *to protect the privacy of natural persons*
- 16(1)(e) *Where the information requested by any person is comprised in a document, that information may be made available ... by giving an excerpt or summary of the contents*
- 18(d) *that the information requested is or will soon be publicly available.*

In relation to the information noted above, withheld with reliance on section 9 of the OIA, we do not consider the need to withhold this information is outweighed by the public interest in its release.

You have the right to make a complaint to the Ombudsman under section 28(3) of the OIA if you are not happy with this response. Information about how to do this is available at www.ombudsman.parliament.nz or by calling 0800 802 602.

We may publish our OIA responses and the information contained in our reply to you on our website. Before publishing we will remove any personal or identifiable information.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Gus Gilmore', with a large circular flourish above the name.

Gus Gilmore
Tumuaki | Chief Executive

REMITTANCE ADVICE

GST No: 136-093-693

Sutton Holdings Ltd (Safety Assoc & Learning Teams Inc)
PO Box 444-37
Auckland 1246**Cheque No.:** EF114872**Date:** 01/11/2024**Creditor Id:** 55347**Page:** 1 of 1

<i>Date</i>	<i>Reference</i>	<i>Description</i>	<i>Amount</i>
11/10/2024	RET-00067	33000529	57,500.00
11/10/2024	RET-00068	33000529	57,500.00

Payment Amount NZD: RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982**The Total Amount has been transferred direct to your bank account****BSB Code:** 123022**Bank Account:** 044336755**Amount:** \$115,000.00**Payment No.:** EF114872**Date:** 01/11/2024

REMITTANCE ADVICE

GST No: 136-093-693

New Zealand Institute of Safety Management NZISM
PO Box 128532
Remuera
Auckland 1541**Cheque No.:** EF116888**Date:** 14/02/2025**Creditor Id:** 54400**Page:** 1 of 1

<i>Date</i>	<i>Reference</i>	<i>Description</i>	<i>Amount</i>
31/01/2025	INV-35831	Detailed project plan, milestones/resrcs Garth's approval attached New Zealand Institute of Safety Manageme	28,750.00

Payment Amount NZD: RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982**The Total Amount has been transferred direct to your bank account****BSB Code:** 030531
Bank Account: 026860400
Amount: \$28,750.00
Payment No.: EF116888
Date: 14/02/2025