



19 February 2026

HUD2026-009198

s 9(2)(a)

Tēnā koe s 9(2)(a)

On 13 February 2026 Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (the Ministry) received your request for the following information under the Official Information Act 1982 (the Act):

Information relating to the clause negotiated between the Public Service Association and government agencies that provides Māori members with access to paid discretionary leave for cultural obligations.

Specifically, I request:

1. A copy of the relevant collective agreement clause(s), including any explanatory notes or guidance issued to managers.
2. Since the clause came into effect, broken down by year:
 - the total number of staff who have accessed this paid discretionary leave
 - the total number of days of leave taken under this provision
 - the total salary cost associated with this leave
3. The date this clause came into effect, the next date of contract renegotiations with the PSA and whether any minister was involved or informed when this clause was negotiated.

The answers to your request are outlined below.

With respect to Part 1 of your request, paid discretionary leave for cultural obligations falls under leave provisions within the Ministry's Collective Agreement with the Public Service Association - *Clause 7.5 Discretionary leave with or without pay for cultural obligations*. This clause is detailed in Annex A of this response.

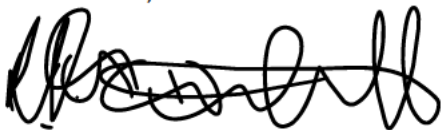
The Ministry records discretionary leave in its payroll system however it does not record the category or reason for that leave, which means we cannot report how many staff took discretionary leave specifically for cultural obligations or the associated salary costs. We are, therefore, refusing this part of your request under section 18(e) of the Act on the grounds that the information requested does not exist.

Clause 7.5 was effective from 1 April 2024 when the Ministry's current Collective Agreement took effect. This agreement expires on 1 March 2027. Ministers were not involved or informed when this clause was negotiated.

You have the right to seek an investigation and review of my response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website at: www.ombudsman.parliament.nz.

As part of our ongoing commitment to openness and transparency, the Ministry proactively releases information and documents that may be of interest to the public. As such, this response, with your personal details removed, may be published on our website.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Emily Scarlett', written over a horizontal line.

Emily Scarlett
General Manager, People and Community
Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

Annex A:

7.5 Discretionary leave with or without pay

Additional leave either with or without pay, may be allowed at the discretion of the Ministry.

An employee may apply for discretionary leave and the employer will make reasonable efforts to accommodate such requests. Each application will be considered according to its merits with a decision made taking account of the circumstances of the individual as made known to the employer and the operational needs of the employer. All annual leave will be expected to be taken prior to the commencement of leave without pay for a period of over one month. Using up annual leave is not a prerequisite in situations where domestic violence is involved. Flexible working can also be used by agreement to manage such requests.

Approved discretionary leave without pay for periods more than one month will be regarded as discretionary leave and the following will apply:

- For discretionary leave without pay of more than one month and up to three months, the position will be held open and service will be interrupted but not broken.
- For leave without pay of more than three months and up to 15 months, the employee is not guaranteed placement in either the same job or a new job at the end of the period of leave. If a suitable position is found, their service will then be treated as interrupted but not broken. The employee will be given preference for a period of three months for appointment to that vacancy. If no job is found before the end of the preference period, the employment will terminate. The last day of service will be recognised as the original date that the leave commenced.

Examples of the type of leave that could be taken as special leave with or without pay, are set out below. Approval prior to commencing any special leave is required in all cases. This list is not exhaustive. Any remuneration earned from activities during paid time off is to be repaid to the Ministry.

Special Leave With Pay	Special Leave Without Pay
<p>Civil Defence, Search and Rescue Operations and Fire fighting conferences or courses sponsored or supported by Civil Defence.</p> <p>Volunteer during or following an emergency (max 3 days or max 10 days if part of a commitment).</p> <p>Members of recognised fire fighting forces attending emergency call-outs during normal working hours.</p>	<p>Accompanying Partner Overseas on an overseas government posting</p>
<p>Legal Witness in a private capacity for a criminal or traffic case (max 3 days - any fees and expenses to be paid to HUD)</p>	<p>Legal Witness in a private capacity for any other case that is not a criminal or traffic case</p>
<p>Formally declared civil emergencies where the employee is directly and significantly affected in their ability to reasonably attend the workplace or work remote from the workplace (follow Public Service Commission guidance)</p>	
<p>In the event of extreme weather or emergency situations the Ministry will, as appropriate, grant paid or unpaid discretionary leave. Guidance on the application will be available on the Ministry's intranet.</p>	
<p>Representing New Zealand in an official capacity, including sporting</p>	
<p>Suffering a major personal crisis (including mental health) or loss that they need to address and leave without pay would cause financial hardship to the employee and/or their family/dependents</p>	
<p>Study Leave as per the Ministry study leave guidelines</p>	
<p>Military training in accordance with the Volunteers Employment Protection Act 1973</p>	
<p>Conferences and Conventions if attendance will benefit both HUD and the employee</p>	
<p>First Aid Training if required to attend by HUD</p>	
<p>Parental special leave (see 8.3.7)</p>	
<p>Cultural responsibilities where the employee is required as a witness, or in a specific role, to attend to cultural responsibilities, for example Māori land court or Waitangi Tribunal hearings, or claimant negotiations concerning land issues.</p>	<p>Cultural responsibilities may include significant marae, whānau, hapū or iwi events, hospitality responsibilities at significant cultural or religious gatherings, temple or mosque responsibilities, or providing assistance to kaumātua or elders at community gatherings.</p>