

12 March 2026

Official information request regarding Crown Law Collective Agreement and access to paid discretionary leave for cultural obligations

Our Ref: OIA-2526127

I refer to your official information request dated 13 February 2026:

“I am requesting 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 affect, the next date of contract renegotiations with the PSA and whether any minister was involved or informed when this clause was negotiated.”*

Crown Law has not agreed to a specific clause that provides Māori members with access to paid discretionary leave for cultural obligations in its collective agreement with the PSA. Therefore, your request is refused under section 18(e) of the Official Information Act 1982 as the document alleged to contain the information requested does not exist.

Crown Law does have a special leave provision available for all employees as a type of paid or unpaid discretionary leave to provide managers and employees with additional flexibility to manage unexpected or discrete events where other types of leave are inappropriate or insufficient. Events required to meet cultural obligations is cited as only one example of where special leave may be considered. This provision was introduced in the 2023/24 Collective Agreement effective from 3 March 2023.

Crown Law also has a bereavement or tangihanga leave provision for all employees that includes leave being considered for meeting cultural responsibilities surrounding a bereavement, such as arranging or attending a tangihanga or hura kōhatu. A similar provision has been in place since at least 1994.

When special leave or bereavement leave is approved, the specific reason is not recorded.

For your information, please find enclosed the relevant extracts from sections 10.5 Bereavement/Tangihanga Leave and 10.10 Special Leave of the 2025-27 Collective Agreement between Crown Law Office and the PSA.

Regarding Question 3 and the date of the next negotiations with the PSA, these are expected to commence within two months of the current collective expiring (31 May 2027). Specific dates are dependent on when either party initiates bargaining.

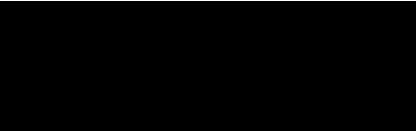
Please note that we may publish this response (with your personal details redacted), and any related documents, on Crown Law's website if we decide proactive release of this information is or may be in the public interest. If you have any concerns about this, please let us know within 10 working days of the date of this letter.

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.

If you wish to discuss this decision with us, please feel free to contact ويا@crownlaw.govt.nz.

Nāku noa, nā

Crown Law



Kirsty Donbavand
Chief People Officer

Encl Excerpt from 2025-27 Collective Agreement between Crown Law Office and the PSA



**Te Tari Ture
o te Karauna**
Crown Law



Collective Agreement 2025-27

This is a collective agreement pursuant to the Employment Relations Act 2000

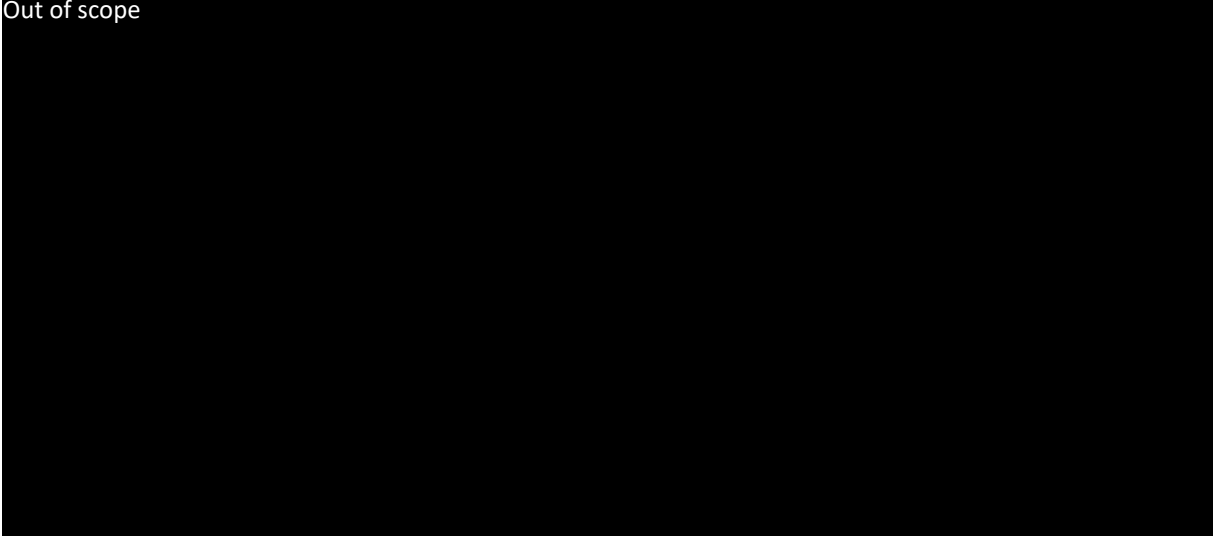
Between

Te Tari Ture o te Karauna | Crown Law Office

And

Te Pūkenga Here Tikanga Mahi - The Public Service Association

Out of scope

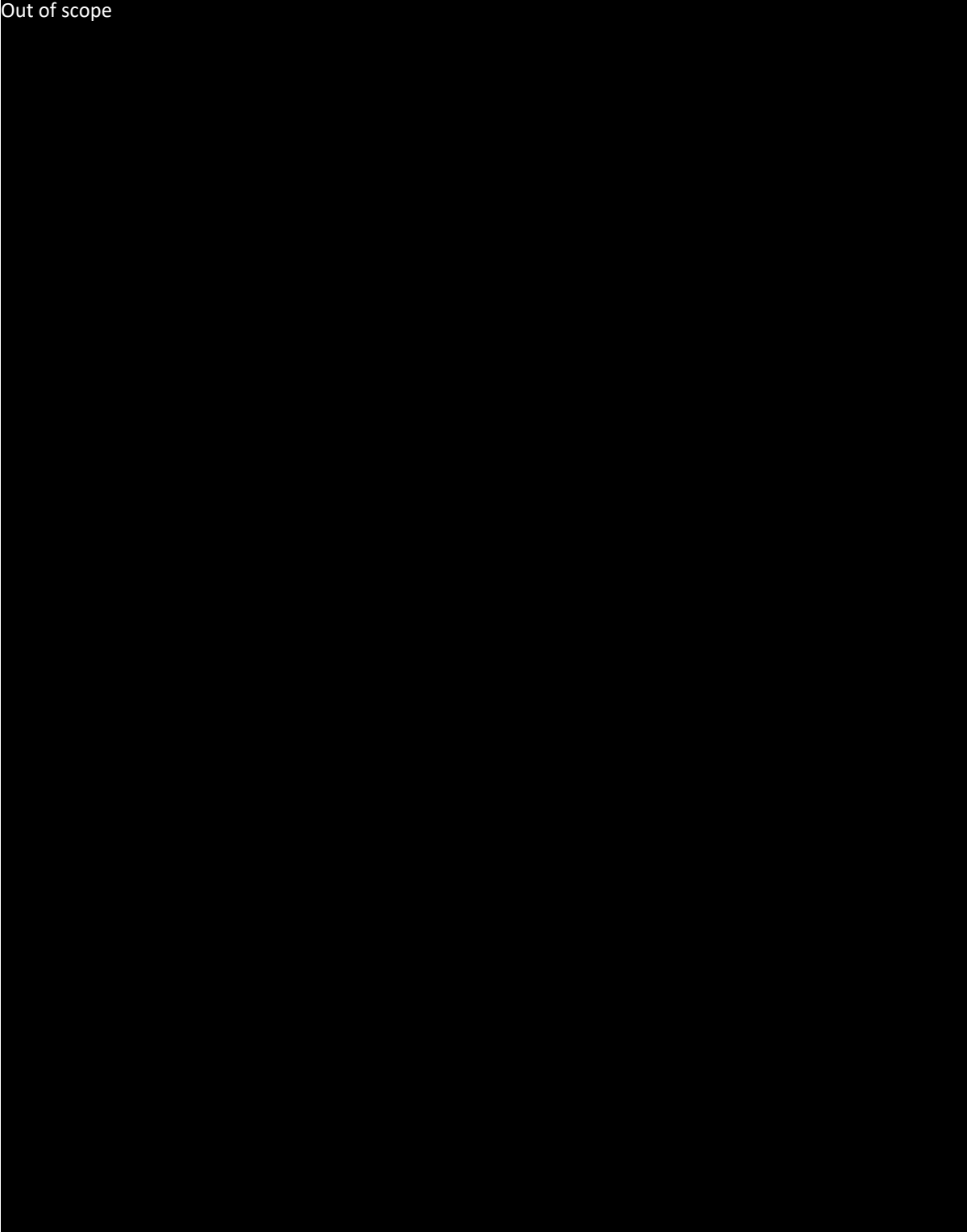


10.5. Bereavement/Tangihanga Leave

- 10.5.1. Crown Law recognises that grief affects people differently and that cultural responsibilities vary between different communities. It is a stressful time so manaakitanga and care for wellbeing is a primary concern before, during and after the tangihanga/bereavement. Crown Law will treat employees with respect, dignity, and empathy, acknowledging that each bereavement and each employee's circumstances are different.
- 10.5.2. Employees may need leave at different times during a grieving process, including:
- a. **leading up to a bereavement:** such as during palliative care
 - b. **during a bereavement:** such as during the loss of a pregnancy, termination, miscarriage or still birth
 - c. **after a bereavement:** such as travelling to and or arranging or attending a tangihanga, hura kōhatu, funeral or equivalent event; or settling an estate.
- 10.5.3. Managers will consider options to enable the employee to meet their personal needs, obligations, and responsibilities to the tupāpaku/deceased and/or their loved ones. This may include extending paid leave, or where ongoing support is required, managers will explore options with the employee such as working flexibly or remotely, or special leave.
- 10.5.4. Bereavement is not exclusive to biological or family relationships. Crown Law recognises close associations exist across a range of relationships, including friends, ex-partners, whāngai, business or work associates, or mentors/mentees.
- 10.5.5. The minimum bereavement leave entitlements are:
- 3 days' paid leave on the death of family member or equivalent.
 - 1 day's paid leave on the death of any other person to which the employee has a close relationship.
 - 1 day's paid leave to attend an unveiling or equivalent.
 - These provisions apply to virtual attendance or participation as well as in person.

- 10.5.6. Crown Law acknowledges that in many cases, more than the minimum entitlements will be appropriate.
- 10.5.7. When discussing bereavement leave requirements with employees, managers must decide as quickly as possible and shall take into account reasonable travel needs in Aotearoa New Zealand and overseas.
- 10.5.8. Where an employee suffers a bereavement while on another form of leave, except for public holidays, that period of leave will be recorded as tangihanga/bereavement leave.

Out of scope



10.10. Special Leave

- 10.10.1. Special Leave provides Crown Law and employees additional flexibility to manage unexpected or discrete events that impact individuals or organisations, where other types of leave (e.g. annual or sick leave) are judged inappropriate or insufficient. Crown Law cares about the wellbeing of its people and recognises that at different times people require different levels of support. Crown Law recognises that by helping reduce short term stress involved in navigating unforeseen events, it supports employees' well-being and better enables them to perform their roles.
- 10.10.2. Accessing either paid or unpaid Special Leave should be done in consultation with an employee's manager. Crown Law will provide appropriate support which recognises the needs of the individual, impact on the business and organisational relativities. While it is not a requirement to exhaust leave balances prior to taking special leave, consideration should be given to the amount of time needed, employees' leave balances, alternatives such as flexible working, reduced hours, or alternative working locations. If there are no suitable alternatives, or if special leave is deemed more appropriate, special leave will be applied in line with Crown Law's leave policy. In most cases, paid special leave will apply initially.
- 10.10.3. The circumstances in which special leave may be appropriate may include but will not be confined to:
- a. Inability to work as a result of the office being closed and lack of access to remote working for reasons outside the employee's control.
 - b. Major disruptive events in the employee's personal life.
 - c. Unforeseen family or other personal obligations that require a particular commitment for a short term.
 - d. Events which are required to meet cultural obligations (e.g. land court hearings concerning land issues of the employee's iwi/hapu and related hui).
 - e. Other unforeseen events.
- 10.10.4. Reasonable requests for special leave will not be refused. If a request for special leave is declined the employee will be provided with an explanation.
- 10.10.5. Employees should understand their leave requirements and how to apply for each form of leave if the need arises. However, Managers and HR recognise employees may not always have a clear understanding of the most appropriate form of leave available in particular circumstances or may not know about or feel comfortable requesting special leave. They should ensure that employees are not disadvantaged by this:
- a. if an employee requests annual, sick or another category of leave in circumstances in which special leave may be more appropriate, Managers and HR should discuss and agree with the employee which leave category will be applied
 - b. if an employee requests special leave without pay but the manager and HR believes they may be entitled to pay, the Manager should raise it with the employee.

- c. if a request for special leave is declined and the employee is not satisfied with their manager's reasons, that employee may request HR review the decision.
- 10.10.6. If an employee feels uncomfortable or uncertain for any reason about approaching their manager to access special leave, they should approach a member of the HR team for support and advice.

Out of scope

