



COVERSHEET

Minister	Hon Carmel Sepuloni	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Fair Pay Agreements Regulations 2023 – Tranche two	Date to be published	28 June 2023

List of documents that have been proactively released

Date	Title	Author
27 April 2023	Fair Pay Agreements Regulations 2023 – Tranche two	Office of the Minister for Workplace Relations and Safety
4 May 2023	Fair Pay Agreements: Tranche Two Regulations LEG-23-MIN-0040 Minute	Cabinet Office
30 March 2023	Fair Pay Agreements: Tranche Two Regulations LEG-23-MIN-0023 Minute	Cabinet Office

Information redacted

YES / NO (please select)

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Fair Pay Agreements: Tranche Two Regulations

Portfolio **Workplace Relations and Safety**

On 4 May 2023, the Cabinet Legislation Committee:

- 1 **noted** that the *Fair Pay Agreements Act 2022* (the Act) received Royal assent on 1 November 2022, its regulation-making powers in section 283 commenced on 2 November 2022, and the remainder of the Act commenced on 1 December 2022;
- 2 **noted** that in August 2022, the Cabinet Economic Development Committee (DEV) authorised the Minister for Workplace Relations and Safety to make decisions consistent with the FPA Bill:
 - 2.1 to approve the design of the forms required for the FPA system, which fall within the purview of the regulations enabled under the *Employment Relations Act 2000*, including making changes to the substantive provisions of the regulations to give effect to the forms
 - 2.2 on specifying the prescribed form in regulations for the following mandatory FPA terms:
 - 2.2.1 the date on which the agreement comes into force and expires
 - 2.2.2 the coverage of the agreement
 - 2.2.3 the normal hours of work for each class of employees covered by the agreement
 - 2.2.4 minimum base wage rates, and when the rates apply
 - 2.2.5 rates of payment for any overtime worked, and when the rates apply
 - 2.2.6 penalty rates, and when the rates apply
 - 2.2.7 the specified amount, or calculation, that can be applied to adjust the minimum base wage rates, overtime rates, and penalty rates
 - 2.2.8 training and development requirements
 - 2.2.9 governance arrangements
 - 2.2.10 the process for each bargaining side to engage with the other bargaining side if a bargaining side requests agreement to bargain for a proposed variation or if bargaining to vary the agreement

2.2.11 leave entitlement provisions which are direct increases to the minimum entitlements provided under the *Holidays Act 2003* (including payment for any increases);

[DEV-22-MIN-0185];

3 **noted** that in August 2022, DEV authorised the Minister for Workplace Relations and Safety to make decisions, consistent with the proposals agreed by DEV, on any issues that arise during the drafting process [DEV-22-MIN-0185];

4 **noted** that the Minister for Workplace Relations and Safety approved a further minor and technical change to the *Employment Court Regulations 2000* to make the figures for Employment Court fees GST exclusive;

5 **agreed** that the *Employment Court (Fair Pay Agreements) Amendment Regulations 2023* include the minor and technical change to fees outlined in paragraph 4;

6 **noted** that the Minister for Workplace Relations and Safety approved a further minor and technical change to the *Fair Pay Agreements Amendment Regulations 2023* to specify the information that must be included in a coverage amendment notice;

7 **agreed** that the *Fair Pay Agreements Amendment Regulations 2023* include the minor and technical change outlined in paragraph 6;

8 **noted** that the Employment Relations Authority (Fair Pay Agreements) Amendment Regulations 2023, Employment Court (Fair Pay Agreements) Amendment Regulations 2023, and Fair Pay Agreements Amendment Regulations 2023 will give effect to the decisions the Minister for Workplace Relations and Safety made under delegated decision-making authority (referred to in paragraph 2 and 3 above) and the minor and technical amendments in paragraph 4 – 7 above;

9 **authorised** the submission to the Executive Council of the:

9.1 Employment Relations Authority (Fair Pay Agreements) Amendment Regulations 2023 [PCO 25252/13.0];

9.2 Employment Court (Fair Pay Agreements) Amendment Regulations 2023 [PCO 25256/12.0];

9.3 Fair Pay Agreements Amendment Regulations 2023 [PCO 25257/10.0];

10 **noted** that the regulations listed in paragraph 9 will come into force on 8 June 2023.

Rebecca Davies
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Andrew Little
Hon David Parker
Hon Peeni Henare
Hon Kieran McAnulty
Hon Ginny Andersen
Hon Dr Duncan Webb
Hon Willow-Jean Prime
Tangi Utikere, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG



Cabinet Legislation Committee

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Fair Pay Agreements: Tranche Two Regulations

Portfolio **Workplace Relations and Safety**

On 30 March 2023, the Cabinet Legislation Committee deferred consideration of the submission *Fair Pay Agreements: Tranche Two Regulations* [LEG-23-SUB-0023].

Rebecca Davies
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Kieran McAnulty
Hon Barbara Edmonds
Hon Willow-Jean Prime
Tangi Utikere, MP (Chief Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG