Version
as at 30 July 2026

Public Service Act 2020

Public Act	2020 No 40
Date of assent	6 August 2020
Commencement	see section 2

Contents

		Page
1	Title	9
2	Commencement	9

Part 1
Preliminary provisions

Subpart 1—Provisions for operation of Act

3	Purposes of this Act	10
4	Guide to this Act	10
5	Interpretation	11
6	References to departments in enactments	15
7	Circumstances where section 6 does not apply	15
8	Transitional, savings, and related provisions	16
9	Act binds the Crown	16

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Public Service Commission.

Subpart 2—Public service defined, purpose of the public service, principal responsibilities of chief executives, and public service principles

Public service defined

[Repealed]

10 Public service defined 16

Purpose, public service principles, and spirit of service to the community

[Repealed]

11 Purpose of the public service 17
11A Principal responsibilities of chief executives of departments and departmental agencies 17
12 Public service principles 18
13 Spirit of service to community *[Repealed]* 19

Subpart 3—Crown's relationships with Māori

14 Crown's relationships with Māori 19
15 Who responsibilities are owed to, how these apply, and reporting to Commissioner 20

Subpart 4—Public service values, minimum standards of integrity and conduct, and New Zealand Bill of Rights Act 1990

Public service values and minimum standards of integrity and conduct

16 Public service values 20
17 Commissioner must set minimum standards of integrity and conduct 21
18 Agencies must comply with minimum standards unless exception granted 22
19 Guidance on integrity and conduct 22
20 Required content of guidance on political neutrality 23
21 Status of minimum standards and guidance *[Repealed]* 23

New Zealand Bill of Rights Act 1990

22 Rights and freedoms of public service employees 23

Part 2
Public service agencies and joint operational agreements

Subpart 1—Public service agencies

Departments and departmental agencies

23 Establishment and reorganisations of departments and departmental agencies 23
24 Functions, duties, and powers and working arrangements of departmental agencies 24

Interdepartmental executive boards

25 Purposes 25
26 Establishment and reorganisations of interdepartmental executive boards 25
27 Responsibilities, powers, and working arrangements of interdepartmental executive boards 26
28 Members of board responsible to appropriate Minister 27
29 Selection of board members and designation of chairperson 27
30 Limit on role of independent advisers 28
31 Operating procedures to be published 28

Interdepartmental ventures

32 Purposes 28
33 Establishment and reorganisations of interdepartmental ventures 28
34 Responsibilities and powers of boards of interdepartmental ventures 29
35 Members of board responsible to appropriate Minister 29
36 Members of board and designation of chairperson 29
37 Operating procedures to be published 30

Subpart 2—Joint operational agreements

38 Purpose and effect of joint operational agreements 30
39 Establishment of joint operational agreements 30
40 Implementation and limit on enforceability 30
41 Termination of joint operational agreements 30

Part 3
People working in public service

Subpart 1—Public Service Commission leaders and advisory committees

Public Service Commissioner and Deputy Public Service Commissioner

42 Public Service Commissioner 31
43 Commissioner's role 31
44 Commissioner's general functions 31
45 Duty to act independently when making decisions about public service chief executives 32
46 Other functions and powers of Commissioner in Schedule 3 32
47 Deputy Public Service Commissioner 32
48 Other terms and conditions of appointment in Schedule 4 33

Chief executive of Public Service Commission

49 Commissioner is chief executive of Commission 33

Advisory committees

50 Advisory committees 34

Subpart 2—Public service chief executives, system leaders, and public service leadership team

Public service chief executives

51 Public service chief executives 34
52 General responsibilities of chief executives of departments and departmental agencies *[Repealed]* 35
53 Functional chief executives 36
54 Duty to act independently in employment matters 36
55 Working arrangements between functional chief executives and host departments 37

Key positions

55A Key positions in the public service 37

System leaders

56 System leaders 37
57 Standards and guidance 38

Other provisions in schedules

58 Other provisions in Schedules 6 and 7 38

Public service leadership team

59 Public service leadership team 38
60 Purposes of public service leadership team 38

Subpart 3—Senior leadership and management capability

61 Commissioner must develop and implement leadership strategy 39
62 Guidance 39
63 Responsibilities of chief executives and boards 39
64 Secondments 39

Subpart 4—Public service workforce

Public service employees

65 Interpretation 40
66 Public service employees: departments 40
66A Public service employees: policy advisory group 41
67 Public service employees: interdepartmental ventures 41
68 Public service employees: departmental agencies 41
69 Public service employees: interdepartmental executive boards 43
70 Ministerial staff 43
71 Appointments subject to review 43
72 Appointments on merit 43

Good employer requirements

73 Chief executive of department and board of an interdepartmental venture to be good employer 43

74 Commissioner's functions include promoting, developing, and monitoring equal employment opportunities 45

Promoting diversity and inclusiveness

[Repealed]

75 Chief executives and boards to promote diversity and inclusiveness *[Repealed]* 45

Application of Employment Relations Act 2000 to public service

76 Application of Employment Relations Act 2000 to public service 45
77 Personal grievances and disputes 45

Negotiation of collective agreements

78 Negotiation of collective agreements 46
79 Collective agreements 46
80 Delegation of Commissioner's functions and powers to negotiate collective agreements 47

Pay equity claims

81 Interpretation 47
82 Pay equity claims 47
83 Application of section 13K of Equal Pay Act 1972 where more than 1 department or interdepartmental venture involved in pay equity claim 48
83A Commissioner to enter negotiations in consultation with affected department or interdepartmental venture 49
83B Pay equity settlement binding on chief executive or board affected 49
84 Delegation of Commissioner's functions and powers to negotiate pay equity claim 50

Other employment provisions

85 Other employment provisions in Schedule 8 50

Transfer of employees between public service agencies and restrictions on redundancy payments

86 Power to transfer employees between public service agencies 50
87 No redundancy payment for employee transferred under section 86 51
88 Other restrictions on redundancy payments 51
89 Certain provisions not to apply in relation to transfer or offer of alternative position 52

Application of collective agreements to employees following reorganisations

89A Application of collective agreements to employees following reorganisations 52

Application of employee and reorganisation provisions to transfer of functions between public service agencies and Crown entities

89B Application of employee and reorganisation provisions to transfers of functions between public service agencies and Crown entities 53
89C Restriction of redundancy payments 53
89D Application of reorganisation provisions to collective agreements 53
89E Application of collective agreements to employees following reorganisations 54

Employment in public service continuous for purpose of certain enactments

90 Application of section 91 54
91 Employment in public service continuous for purpose of certain enactments 55
92 Liability of public service agencies for remediation in relation to application of section 91 56
93 Further provision in relation to application of section 91 to annual holidays 57
94 Regulations relating to treatment of employment as continuous under section 91 57

Notifying and reporting on misconduct or serious misconduct investigations

94A Notification of misconduct or serious misconduct investigations 58
94B Reporting on misconduct or serious misconduct investigations 58

Part 4
Government workforce policy

95 Commissioner's functions in relation to this Part 59
96 Commissioner may draft and submit Government workforce policy to Minister 59
97 Government workforce policy: content 59
98 Rights, obligations, etc, not affected by Government Workforce Policy Statement 60
99 Government workforce policy: approval by Minister 60
100 Government Workforce Policy Statement: process 60
101 Government Workforce Policy Statement: implementation 61
102 Request for information does not limit other enactments 61

Part 5
Offence, immunity, and public service reorganisations

Offence to solicit or attempt to improperly influence public service leaders

103 Offence to solicit or attempt to influence public service leaders 61

Immunity from liability

104 Immunity for chief executives and employees 62

Reorganisations within public service

105 Reorganisations within public service 62

Part 6
Amendments to enactments, repeals, and revocations

[Repealed]

Amendments to Clerk of the House of Representatives Act 1988

[Repealed]

106 Amendments to Clerk of the House of Representatives Act 1988 *[Repealed]* 63
107 Section 17 amended (Functions of State Services Commissioner in relation to Office) *[Repealed]* 63
108 Section 22 amended (Review of appointments) *[Repealed]* 63
109 Section 26 amended (Negotiation of conditions of employment) *[Repealed]* 63

Amendments to Crown Organisations (Criminal Liability) Act 2002

[Repealed]

110 Amendments to Crown Organisations (Criminal Liability) Act 2002 *[Repealed]* 63

Amendments to Official Information Act 1982

[Repealed]

111 Amendments to Official Information Act 1982 *[Repealed]* 64

Amendments to Ombudsmen Act 1975

[Repealed]

112 Amendments to Ombudsmen Act 1975 *[Repealed]* 64
113 Section 2 amended (Interpretation) *[Repealed]* 64
114 Section 13 amended (Functions of Ombudsmen) *[Repealed]* 64
115 Section 32 amended (Power to amend Schedule 1 by Order in Council) *[Repealed]* 64
116 Schedule 1 amended *[Repealed]* 64

Amendments to Parliamentary Service Act 2000

[Repealed]

117 Amendments to Parliamentary Service Act 2000 *[Repealed]* 64

Amendments to Privacy Act 1993 and Privacy Act 2020

[Repealed]

118 Amendments to Privacy Act 1993 *[Repealed]* 65

119 Section 2 amended (Interpretation) *[Repealed]* 65
120 Section 3 amended (Information held by agency) *[Repealed]* 65
121 Section 23 amended (Privacy officers) *[Repealed]* 65
122 Section 96C amended (Interpretation) *[Repealed]* 65
123 New section 120A inserted (Responsibility under this Part for interdepartmental executive board) *[Repealed]* 65
124 Amendments to Privacy Act 2020 *[Repealed]* 65
125 Section 7 amended (Interpretation) *[Repealed]* 65
126 Section 10 amended (Personal information held by agency if held by officer, employee, or member of agency) *[Repealed]* 65
127 Section 138 amended (Interpretation) *[Repealed]* 66
128 Section 201 amended (Privacy officers) *[Repealed]* 66
129 New section 201A inserted (Responsibility under this Part for interdepartmental executive board) *[Repealed]* 66

Amendments to Orders in Council

[Repealed]

130 Amendment to State Sector (Ministry for Primary Industries) Order 2012 *[Repealed]* 66
131 Amendment to State Sector (New Zealand Food Safety Authority) Order 2010 *[Repealed]* 66

Repeals and revocations

[Repealed]

132 Repeals *[Repealed]* 66
133 Repeal of certain provisions of this Act 66
134 Legislative instruments revoked *[Repealed]* 67

Consequential amendments

[Repealed]

135 Consequential amendments to enactments *[Repealed]* 67

Schedule 1 68
Transitional, savings, and related provisions

Schedule 2 74
Public service agencies

Schedule 3 78
Other functions and powers of Commissioner

Schedule 4 94
Other terms and conditions of appointment of Commissioner and Deputy Commissioner

Schedule 5 98
Functional chief executives and host departments

Schedule 6 99
Other functions and powers of public service chief executives

Schedule 7 106
Appointment and performance review of public service chief executives

Schedule 8 112
Employment provisions

Schedule 9 118
Reorganisations in public service

Schedule 10 120
Legislative instruments revoked

[Repealed]

Schedule 11 121
Consequential amendments

[Repealed]

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Public Service Act 2020.

2 Commencement

(1) Section 90 comes into force on a date set by Order in Council.

(2) Section 133(1) comes into force immediately after the expiry of the 6-month period that starts on the date of Royal assent.

(3) The rest of this Act comes into force on the day after the date of Royal assent.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1
Preliminary provisions

Subpart 1—Provisions for operation of Act

3 Purposes of this Act

The purposes of this Act are—

(a) to continue the public service and modernise its operation, while recognising and enhancing the non-legislative conventions that it operates under:

(b) to set out the shared purpose, principles, and values of the public service and the people working in it:

(c) to establish organisational forms and ways of working, including across public service agencies, to achieve better outcomes for the public:

(d) to extend some provisions of this Act that apply to the public service to other State services and other areas of government:

(e) to affirm that the public service acts with a spirit of service to the community.

Compare: 1988 No 20 s 1A

Section 3(e): amended, on 3 June 2026, by section 4(a) of the Public Service Amendment Act 2026 (2026 No 23).

Section 3(e): amended, on 3 June 2026, by section 4(b) of the Public Service Amendment Act 2026 (2026 No 23).

4 Guide to this Act

(1) The provisions of this Act apply mainly to the public service, which includes public service agencies and Crown agents (for the latter, this is for the purposes of subparts 2 and 4 of Part 1). Some provisions of this Act also apply to other State services or specified agencies in other State services and some provisions apply to other areas of government. Some provisions apply to Crown agents as part of the public service (*see* section 10) and other provisions apply to Crown agents as part of the State services.

(2) Part 1 defines the public service and contains provisions relating to the purpose of the public service, the principal responsibilities of chief executives, the public service principles, the Crown's relationships with Māori, the public service values, minimum standards of integrity and conduct, and the New Zealand Bill of Rights Act 1990.

(3) Part 2 describes the 4 different types of public service agencies. These are departments, departmental agencies, interdepartmental executive boards, and interdepartmental ventures.

(4) Part 3 describes the people working in the public service and their roles and functions. These people are the Public Service Commissioner, Deputy Public

Service Commissioner, public service chief executives (who include functional chief executives), and employees who make up the public service workforce. Part 3 also includes provisions relating to key positions in the public service, system leaders, the public service leadership team, the public service leadership strategy, and secondments.

(5) Part 4 relates to the Government's workforce policy.

(6) Part 5 contains a miscellaneous group of provisions. These include a provision making it an offence to solicit or attempt to improperly influence public service leaders and a provision that provides immunity for good-faith actions or omissions by public service chief executives and employees.

(7) *[Repealed]*

(8) This guide is for explanation only and does not affect the provisions referred to in it.

Section 4(2): amended, on 3 June 2026, by section 5(1)(a) of the Public Service Amendment Act 2026 (2026 No 23).

Section 4(2): amended, on 3 June 2026, by section 5(1)(b) of the Public Service Amendment Act 2026 (2026 No 23).

Section 4(4): amended, on 3 June 2026, by section 5(2)(a) of the Public Service Amendment Act 2026 (2026 No 23).

Section 4(4): amended, on 3 June 2026, by section 5(2)(b) of the Public Service Amendment Act 2026 (2026 No 23).

Section 4(7): repealed, on 6 February 2021, by section 133(1).

5 Interpretation

In this Act, unless the context otherwise requires,—

appropriate Minister, in relation to a public service agency, functional chief executive, or system leader, means—

(a) the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for that agency, chief executive, or system leader; or

(b) if 2 or more Ministers of the Crown, under the authority of any warrant or with the authority of the Prime Minister,—

(i) are responsible for different functions of that agency, chief executive, or system leader, the Minister responsible for the relevant function of the agency, chief executive, or system leader; or

(ii) are jointly responsible for that agency, chief executive, or system leader, both or all of those Ministers

collective agreement means an agreement that is binding on—

(a) 1 or more unions; and

(b) 1 or more employers; and

(c) 2 or more employees

Commission means the Public Service Commission

Commissioner means the Public Service Commissioner appointed under section 42

conditions of employment—

(a) includes remuneration; but

(b) does not include—

(i) allowances payable to employees serving outside New Zealand; or

(ii) other conditions of service of employees serving outside New Zealand

Crown agent means a statutory entity named in Part 1 of Schedule 1 of the Crown Entities Act 2004

Crown entity has the meaning given in section 7 of the Crown Entities Act 2004

Crown Research Institute means a Crown Research Institute established under the Crown Research Institutes Act 1992, or a Crown entity subsidiary of a Crown Research Institute (within the meaning of the Crown Entities Act 2004)

department means any of the agencies listed in Part 1 of Schedule 2 (*see also* the extended definition of **departments** in sections 26(3) and 33(3) and *see also* sections 6 and 7 in relation to references in other enactments)

departmental agency means any of the agencies that are listed in the first column of the table in Part 2 of Schedule 2, and that are each part of the corresponding host department stated in the second column of that table

Deputy Commissioner means the Deputy Public Service Commissioner appointed under section 47

education service has the same meaning as in section 10(7) of the Education and Training Act 2020

employee, in relation to State services,—

(a) means an employee in any State services agency, whether paid by salary, wages, or otherwise; but

(b) does not include any chief executive

employee of a department or **employee of the department** has the meaning given in section 65

employee of an interdepartmental venture or **employee of the interdepartmental venture** has the meaning given in section 65

employment agreement—

(a) means a contract of service; and

(b) includes an employee's terms and conditions of employment in—

(i) a collective agreement; or

(ii) a collective agreement together with any additional terms and conditions of employment; or

(iii) an individual employment agreement

fees framework means the framework determined by the Government for the classification and remuneration of statutory and other bodies in which the Crown has an interest

functional chief executive means a chief executive appointed under section 51(5) to a particular functional chief executive role (*see* section 51(3) and Schedule 5)

host department means the host department of a departmental agency or a functional chief executive

individual employment agreement means an employment agreement that is binding on only 1 employer and 1 employee who is not bound by a collective agreement that binds the employer

interdepartmental executive board means any of the agencies that are listed in the first column of the table in Part 3 of Schedule 2, and that are serviced by the corresponding department stated in the third column of that table

interdepartmental venture means any of the agencies listed in the first column of the table in Part 4 of Schedule 2

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

ministerial staff means employees who are employed on events-based employment agreements or any other fixed-term employment agreement—

(a) by the department or interdepartmental venture that is responsible for the employment of ministerial staff across all Ministers' offices; and

(b) to work directly for a Minister in a Minister's office rather than in a public service agency

Example

Minister A's ministerial staff includes some staff on events-based agreements.

An event that could terminate the events-based agreements of those staff is if Minister A no longer held a ministerial portfolio.

Office of Parliament has the meaning given in section 2(1) of the Public Finance Act 1989

public service has the meaning given in section 10

public service agency means any of the agencies listed in section 10(a)

public service chief executive or **chief executive** means (subject to clause 11 of Schedule 7 relating to the Commissioner and the Solicitor-General) a chief executive of a department or departmental agency or a functional chief executive (*see also* the extended definition of **chief executives** in sections 29(7) and 36(5))

public service employee,—

(a) for the purposes of section 22, means employees who work in public service agencies and Crown agents:

(b) for all other purposes in this Act, has the meaning given in section 65

public service leader means the Commissioner, the Deputy Commissioner, or a public service chief executive, and **public service leaders** means all people holding those roles at the relevant point in time

public service leadership team means the leadership team established under section 59

public service principles means the principles set out in section 12

public service values means the values set out in section 16

remuneration includes—

(a) salary, wages, and other payments, whether in the form of bonuses or otherwise, in return for services; and

(b) benefits and other emoluments (whether in money or not) in return for services

State services—

(a) means all instruments of the Crown in respect of the Executive Government of New Zealand, whether public service agencies, bodies corporate, agencies, or other instruments; and

(b) includes Crown entities; and

(c) includes organisations named or described in Schedule 4, and companies named in Schedule 4A, of the Public Finance Act 1989; and

(d) includes the education service; but

(e) does not include—

(i) the Governor-General; or

(ii) members of the Executive Council; or

(iii) Ministers of the Crown; or

(iv) members of Parliament; or

(v) organisations listed in Schedule 1 of the State-Owned Enterprises Act 1986; or

(vi) tertiary education institutions; or

(vii) Offices of Parliament; or

(viii) the Office of the Clerk of the House of Representatives; or

(ix) the Parliamentary Service

tertiary education institution has the same meaning as **institution** in section 10(1) of the Education and Training Act 2020

union means a union registered under Part 4 of the Employment Relations Act 2000.

Compare: 1988 No 20 ss 2, 27A(1)

Section 5 **Deputy Commissioner**: amended, on 3 June 2026, by section 6(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 5 **public service employee** paragraph (a): amended, on 3 June 2026, by section 6(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 5 **public service leader**: amended, on 3 June 2026, by section 6(3) of the Public Service Amendment Act 2026 (2026 No 23).

6 References to departments in enactments

(1) A reference in any other enactment to a department (however worded) includes—

(a) an interdepartmental venture; and

(b) a departmental agency; and

(c) an interdepartmental executive board.

(2) A reference in any other enactment to a chief executive of a department (however worded) includes—

(a) the board of an interdepartmental venture; and

(b) the chief executive of a departmental agency; and

(c) an interdepartmental executive board.

(3) This section may apply even if the enactment expressly refers to the definition of department in this Act or in section 5.

7 Circumstances where section 6 does not apply

(1) Section 6 does not apply if—

(a) the enactment containing the reference provides otherwise; or

(b) the context of the enactment containing the reference requires a different interpretation; or

(c) the definition of department in the Legislation Act 2019 applies.

(2) The Governor-General may, by Order in Council, specify in relation to any particular enactment that all or any of the provisions of section 6(1) and (2) do not apply.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 7(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

8 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Compare: 1988 No 20 s 2B

9 Act binds the Crown

This Act binds the Crown.

Subpart 2—Public service defined, purpose of the public service, principal responsibilities of chief executives, and public service principles

Subpart 2 heading: replaced, on 3 June 2026, by section 7 of the Public Service Amendment Act 2026 (2026 No 23).

Public service defined

[Repealed]

Heading: repealed, on 3 June 2026, by section 8 of the Public Service Amendment Act 2026 (2026 No 23).

10 Public service defined

In this Act, the **public service**—

(a) means public service agencies, which are—

(i) departments:

(ii) departmental agencies:

(iii) interdepartmental executive boards:

(iv) interdepartmental ventures; and

(b) includes Crown agents for the purposes of this subpart and subpart 4 of this Part.

Compare: 1988 No 20 s 27

Purpose, public service principles, and spirit of service to the community [Repealed]

Heading: repealed, on 3 June 2026, by section 9 of the Public Service Amendment Act 2026 (2026 No 23).

11 Purpose of the public service

The public service—

(a) supports the Government to develop and implement its policies, deliver high-quality and efficient public services, and meet the needs of New Zealanders; and

(b) supports constitutional and democratic government and acts with a spirit of service to the community and in accordance with the law.

Section 11: replaced, on 3 June 2026, by section 10 of the Public Service Amendment Act 2026 (2026 No 23).

11A Principal responsibilities of chief executives of departments and departmental agencies

(1) A chief executive of a department or departmental agency is responsible to the appropriate Minister for—

(a) giving advice to Ministers; and

(b) implementing Ministers' lawful instructions; and

(c) the efficient and economical delivery of the goods or services provided by their agency, the performance of the regulatory functions for which their agency is responsible, and how effectively those goods, services, and regulatory functions contribute to intended outcomes; and

(d) the performance of the functions and duties and the exercise of the powers of the chief executive or of their agency (whether those functions, duties, or powers are imposed or conferred by an enactment or by the policies of the Government); and

(e) the operation of their agency, including in carrying out the purpose of the public service under section 11; and

(f) the financial stewardship of their agency, including building and maintaining a financially literate workforce; and

(g) working to improve inter-operability, co-ordination, and collaboration across public service agencies; and

(h) the integrity and conduct of the employees for whom the chief executive is responsible; and

(i) their agency's responsiveness on matters relating to the collective interests of government; and

(j) supporting that Minister to act as a good steward of the public interest, including by—

(i) maintaining public institutions, assets, and liabilities; and

(ii) maintaining the currency of any legislation administered by their agency; and

(iii) providing advice on the long-term implications of policies.

(2) The chief executive of a department is not responsible for the performance of functions or duties, or the exercise of powers, of or by that part of the department that is a departmental agency hosted by the department unless expressly provided in this Act or another enactment.

(3) The chief executive of a departmental agency is responsible for the performance of functions and duties, and the exercise of powers, by that part of the department that is the departmental agency only and not any functions, duties, or powers of the host department unless expressly provided in this Act or another enactment.

(4) The chief executive of a servicing department of an interdepartmental executive board is not responsible for the performance of functions or duties, or the exercise of powers, of or by the board unless provided in an enactment or delegated to the department under section 27.

(5) However, if the chief executive of a servicing department is also a member of the board, they also have full responsibilities as a member of the board.

Section 11A: inserted, on 3 June 2026, by section 11 of the Public Service Amendment Act 2026 (2026 No 23).

12 Public service principles

(1) In order to achieve the purpose in section 11, the **public service principles** are:

Politically neutral

(a) to act in a politically neutral manner; and

Free and frank advice

(b) when giving advice to Ministers, to do so in a free and frank manner; and

Merit-based appointments

(c) to make merit-based appointments (unless an exception applies under this Act); and

Open government

(d) to foster a culture of open government; and

Stewardship

(e) to proactively promote stewardship of the public service, including of—

(i) its long-term capability and its people; and

(ii) its institutional knowledge and information; and

(iii) its systems and processes; and

(iv) its assets; and

(v) the legislation administered by agencies.

(2) Public service chief executives, boards of interdepartmental ventures, and interdepartmental executive boards are responsible for—

(a) upholding the public service principles when carrying out their responsibilities and performing their functions; and

(b) ensuring that any agencies they lead or perform some functions within also uphold the public service principles when carrying out their responsibilities and performing their functions.

(3) *[Repealed]*

(4) *[Repealed]*

(5) A chief executive, an interdepartmental executive board, and a board of an interdepartmental venture are responsible only to the Commissioner for carrying out the responsibility to uphold the public service principles under subsection (2).

(6) Boards of Crown agents are responsible for ensuring that the entities they govern uphold the public service principles when carrying out their functions.

(7) The responsibility of a board of a Crown agent under subsection (6) is a collective duty of the board under the Crown Entities Act 2004 that is owed only to the responsible Minister in accordance with section 58 of that Act.

Section 12(2): replaced, on 3 June 2026, by section 12(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 12(3): repealed, on 3 June 2026, by section 12(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 12(4): repealed, on 3 June 2026, by section 12(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 12(5): amended, on 3 June 2026, by section 12(3) of the Public Service Amendment Act 2026 (2026 No 23).

13 Spirit of service to community

[Repealed]

Section 13: repealed, on 3 June 2026, by section 13 of the Public Service Amendment Act 2026 (2026 No 23).

Subpart 3—Crown's relationships with Māori

14 Crown's relationships with Māori

(1) The role of the public service includes supporting the Crown in its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi).

(2) The public service does so by the Commissioner, public service chief executives, interdepartmental executive boards, and boards of interdepartmental ventures having responsibility for—

(a) developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives:

(b) in the employment area,—

(i) in the case of the Commissioner, recognising the matters listed in section 73(3)(d) in the development and implementation of the leadership strategy under section 61:

(ii) in the cases of chief executives and boards, operating an employment policy that meets the requirements of section 73(3)(d).

15 Who responsibilities are owed to, how these apply, and reporting to Commissioner

(1) A person or board is responsible under section 14,—

(a) in the case of the Commissioner, only to the Minister:

(b) in the case of a chief executive who leads a department or departmental agency or a functional chief executive, only to the appropriate Minister for the agency or functional chief executive:

(c) in the case of an interdepartmental executive board or a board of an interdepartmental venture, only to the appropriate Minister for the board or venture.

(2) A person or board has the responsibilities in section 14,—

(a) in the case of the Commissioner, in relation to the Commissioner's functions and responsibilities:

(b) in the case of a chief executive who leads a department or departmental agency, in relation to the operation of that agency:

(c) in the case of a functional chief executive, in relation to their particular functions:

(d) in the case of an interdepartmental executive board or a board of an interdepartmental venture, in relation to the operation of that board or venture.

(3) Chief executives, interdepartmental executive boards, and boards of interdepartmental ventures must report to the Commissioner on progress made towards achieving the responsibilities listed in section 14(2) at intervals required by the Commissioner.

Subpart 4—Public service values, minimum standards of integrity and conduct, and New Zealand Bill of Rights Act 1990

Public service values and minimum standards of integrity and conduct

16 Public service values

(1) The **public service values** are to seek—

Impartial

(a) to treat all people fairly, without personal favour or bias:

Accountable

(b) to take responsibility and answer for its work, actions, and decisions:

Trustworthy

(c) to act with integrity and be open and transparent:

Respectful

(d) to treat all people with dignity and compassion and act with humility:

Responsive

(e) to understand and meet people's needs and aspirations.

(2) The public service values are given effect to only through minimum standards set by the Commissioner.

17 Commissioner must set minimum standards of integrity and conduct

(1) The Commissioner must set minimum standards of integrity and conduct relating to—

(a) the public service principles; and

(b) the public service values.

(1A) The Commissioner may set minimum standards of integrity and conduct relating to other matters consistent with section 11.

(2) Those minimum standards may apply in or to—

(a) the public service (including Crown agents):

(b) Crown entities (other than Crown agents and excluding tertiary education institutions, and Crown Research Institutes and their subsidiaries):

(c) companies named in Schedule 4A of the Public Finance Act 1989:

(d) the Parliamentary Counsel Office.

(3) The Commissioner may vary the application of minimum standards, as the Commissioner thinks fit, in light of the legal, commercial, or operational context, in or to any of the following:

(a) 1 or more of the agencies in the categories listed in subsection (2):

(b) particular individuals or groups in 1 or more of those agencies who—

(i) are carrying out particular functions:

(ii) are a board:

(iii) are board members:

(iv) are office holders:

(v) are chief executives:

(vi) are employees:

(vii) are individuals working as contractors or secondees.

(4) When applying or varying the application of a minimum standard, the Commissioner must consult on the proposed content of that standard with all agencies in or to which it will apply.

(5) Minimum standards and variations must be in writing but may be set out in any form that the Commissioner thinks fit.

(6) All minimum standards must be notified to the agencies in or to which they apply and, if the Commissioner varies the application of a standard in any case, the variation must also be notified to the agency concerned.

(7) The Commissioner may also provide advice to agencies in the State services (except Crown Research Institutes and their subsidiaries) on matters that affect the integrity and conduct of individuals (including, for example, the interpretation of minimum standards in particular cases).

Compare: 1988 No 20 s 57

Section 17 heading: amended, on 3 June 2026, by section 14(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 17(1): replaced, on 3 June 2026, by section 14(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 17(1A): inserted, on 3 June 2026, by section 14(2) of the Public Service Amendment Act 2026 (2026 No 23).

18 Agencies must comply with minimum standards unless exception granted

(1) Agencies, individuals, and groups must comply with the minimum standards set under section 17 that apply to them.

(2) However, an agency covered by section 17(2)(b) to (d) may be granted an exception from complying with a particular standard by—

(a) the Commissioner; or

(b) the appropriate Minister, however, the exception does not operate until a copy of it has been given to the Commissioner.

(3) An exception must be in writing.

(4) This section does not prevent an agency, an individual, or a group from applying to themselves additional or detailed standards that are consistent with the standards set by the Commissioner.

Compare: 1988 No 20 s 57A

19 Guidance on integrity and conduct

(1) The Commissioner may issue guidance on integrity and conduct for the agencies in the State services (except Crown Research Institutes and their subsidiaries) and the people who work in them.

(2) The guidance may relate to minimum standards set under section 17 but is not limited to the subject matter of those standards.

(3) Guidance must be in writing and notified to the agencies in or to which it applies.

Section 19(1): amended, on 3 June 2026, by section 15 of the Public Service Amendment Act 2026 (2026 No 23).

20 Required content of guidance on political neutrality

(1) If guidance issued under section 19 includes guidance on the public service principle of political neutrality, the guidance must address—

(a) the right to freedom of expression; and

(b) the responsibilities of individuals who have obligations as a member of a profession.

(2) In this section, **profession** means an occupational group with a registration requirement under an Act for the individuals who work or practise in the occupational group.

21 Status of minimum standards and guidance

[Repealed]

Section 21: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

New Zealand Bill of Rights Act 1990

22 Rights and freedoms of public service employees

(1) This section acknowledges that public service employees have all the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 in accordance with the provisions of that Act.

(2) Accordingly, that Act (along with any other enactment that provides for the exercise or enforcement of those rights and freedoms, including the Human Rights Act 1993) applies to a public service employee exercising or seeking to enforce those rights and freedoms.

Part 2
Public service agencies and joint operational agreements

Subpart 1—Public service agencies

Departments and departmental agencies

23 Establishment and reorganisations of departments and departmental agencies

(1) The Governor-General may, by Order in Council,—

(a) if a department or a departmental agency is established or disestablished or if its name is changed, insert an item into, or repeal or amend an item in, Part 1 or 2 of Schedule 2:

(b) if the host department, or the name of the host department, of a departmental agency is changed, amend an item in Part 2 of Schedule 2:

(c) if a working arrangement referred to in section 24(2) will apply to a departmental agency (whether new or existing) or no longer applies, amend columns 3 or 4 of the table in Part 2 of Schedule 2, as appropriate.

(2) An order relating to the establishment of a departmental agency must—

(a) identify the department that will be the host department of the departmental agency; and

(b) if either or both of the working arrangements referred to in section 24(2) apply to the departmental agency, state which apply.

(3) The making of an order under this section does not remove the need for a department or departmental agency established by an Act to be disestablished or have its name changed by an Act.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1988 No 20 s 30A

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 23(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

24 Functions, duties, and powers and working arrangements of departmental agencies

(1) The functions, duties, and powers of a new or an existing departmental agency may be determined or altered by the appropriate Minister for the agency and the appropriate Minister for its host department, except as provided in this Act or another enactment.

(2) Those Ministers may also decide that 1 or both of the following working arrangements will apply to a new or an existing departmental agency or will no longer apply:

(a) the chief executive of the departmental agency may operate outside the strategic and policy framework of the host department:

(b) the chief executive of the departmental agency may manage assets and liabilities.

(3) The Ministers may decide that a working arrangement will apply only if they are reasonably satisfied that this is necessary or desirable for the agency to perform its functions or will no longer apply only if they are reasonably satisfied that this is no longer the case.

(4) Other working arrangements between a departmental agency and its host department must be agreed between the respective chief executives and agreed by the Commissioner.

(5) A host department must provide corporate services to a departmental agency, except to the extent that any variation is agreed between the chief executives of both agencies.

(6) *See* section 11A(2) and (3), which relates to the responsibilities of the 2 chief executives for the functions, duties, and powers of their respective agencies.

Compare: 1988 No 20 s 27B

Section 24(6): amended, on 3 June 2026, by section 16 of the Public Service Amendment Act 2026 (2026 No 23).

Interdepartmental executive boards

25 Purposes

The purposes of interdepartmental executive boards are—

(a) to align and co-ordinate strategic policy, planning, and budgeting activities for 2 or more departments with responsibilities in a subject matter area:

(b) to support those departments to undertake priority work in the subject matter area:

(c) to support cross-department initiatives in the subject matter area.

26 Establishment and reorganisations of interdepartmental executive boards

(1) The Governor-General may, by Order in Council,—

(a) if an interdepartmental executive board is established or disestablished or if its name is changed, insert an item into, or repeal or amend an item in, Part 3 of Schedule 2:

(b) if the servicing department, or the name of the servicing department, of a board is changed, amend an item in Part 3 of Schedule 2:

(c) if the departments in a board's remit change or the name of a department in the remit is changed, remove or insert the name of a department from or into, or amend an item in, Part 3 of Schedule 2:

(d) if the date on which the board is to be disestablished is changed, amend the date on which the board is to be disestablished and the item in Part 3 of Schedule 2 relating to that board is consequentially repealed.

(2) An order relating to the establishment of a board must—

(a) state the name of the board; and

(b) list the departments with responsibilities in the subject matter area in which the board will work (the **board's remit**); and

(c) identify the department that will be the servicing department of the board; and

(d) specify the date on which the board is to be disestablished and the item in Part 3 of Schedule 2 relating to that board is consequentially repealed.

(3) In section 25 and subsections (1)(c) and (2)(b), **departments** means departments, departmental agencies, the New Zealand Police, and the New Zealand Defence Force.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1988 No 20 s 30A

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 26(1)(d): inserted, on 3 June 2026, by section 17(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 26(2)(d): replaced, on 3 June 2026, by section 17(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 26(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

27 Responsibilities, powers, and working arrangements of interdepartmental executive boards

(1) The following sections apply to an interdepartmental executive board as if it were a chief executive (with any necessary modifications, for example, any reference to a host department must be read as a reference to a servicing department):

(a) section 11A(1) (relating to principal responsibilities of chief executives):

(b) section 54(1)(b) and (2) (relating to the duty to act independently in employment matters):

(c) clause 1 of Schedule 6 (relating to general powers of chief executives):

(d) clauses 2 to 4 of Schedule 6 (relating to delegation of functions and powers):

(e) clauses 5 and 6 of Schedule 6 (relating to delegation of functions and powers of appropriate Minister):

(f) clause 7 of Schedule 6 (relating to functions, responsibilities, duties, and powers under other Acts):

(g) other provisions in this Act that expressly apply.

(2) A board may delegate administrative tasks to its servicing department.

(3) *See* section 11A(4) and (5), which relates to the responsibilities of the chief executive of the servicing department of an interdepartmental executive board for the performance of functions and duties, and the exercise of powers, of the board.

Compare: 1988 No 20 ss 28, 29, 32, 33, 34(2), 41, 42

Section 27(1)(a): amended, on 3 June 2026, by section 18(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 27(2): amended, on 27 November 2025, by section 129 of the Statutes Amendment Act 2025 (2025 No 74).

Section 27(3): amended, on 3 June 2026, by section 18(2) of the Public Service Amendment Act 2026 (2026 No 23).

28 Members of board responsible to appropriate Minister

The members of an interdepartmental executive board are jointly responsible to the appropriate Minister for the operation of the board.

29 Selection of board members and designation of chairperson

(1) The Commissioner must select the members of an interdepartmental executive board from the chief executives of the departments that are included in the board's remit. The board need not include all of those chief executives.

(2) The Commissioner must designate 1 of the members as the chairperson of the board.

(3) The Commissioner may also appoint 1 or more independent advisers (who are not chief executives of departments) to the board.

(4) The power to select, designate, or appoint persons under this section includes the power to remove them and the power to select, designate, or appoint a replacement.

(5) Before taking any action under this section, the Commissioner—

(a) must invite the Minister and the appropriate Minister to identify any matters that the Commissioner must take into account when doing so:

(b) may seek advice from other sources that the Commissioner thinks are relevant.

(6) Clause 12 of Schedule 3 relates to the remuneration of independent advisers, which is to be set by the Commissioner.

(7) In this section, **chief executives** means the chief executives of departments and departmental agencies, the Commissioner of Police, and the Chief of Defence Force.

Compare: 1988 No 20 s 35

30 Limit on role of independent advisers

Independent advisers do not have any decision-making authority on an interdepartmental executive board.

31 Operating procedures to be published

An interdepartmental executive board must publish its operating procedures on an Internet site maintained by, or on behalf of, the board.

Interdepartmental ventures

32 Purposes

The purposes of interdepartmental ventures are—

(a) to deliver services or carry out regulatory functions that relate to the responsibilities of 2 or more departments:

(b) to assist to develop and implement operational policy relating to those services or regulatory functions.

33 Establishment and reorganisations of interdepartmental ventures

(1) The Governor-General may, by Order in Council,—

(a) if an interdepartmental venture is established or disestablished or if its name is changed, insert an item into, or repeal or amend an item in, Part 4 of Schedule 2:

(b) if the relevant departments of an interdepartmental venture are changed, or the name of a relevant department is changed, remove or insert the name of a department from or into, or amend an item in, Part 4 of Schedule 2.

(2) An order relating to the establishment of a venture must—

(a) state the name of the venture; and

(b) list the departments with responsibilities that relate to the services or regulatory functions that will be delivered or carried out by the venture (the **relevant departments**); and

(c) when establishing a venture for the first time, delete the words immediately below the table in Part 4 of Schedule 2.

(3) In section 32 and this section, **departments** means departments, departmental agencies, the New Zealand Police, and the New Zealand Defence Force.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1988 No 20 s 30A

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 33(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

34 Responsibilities and powers of boards of interdepartmental ventures

The following sections apply to a board of an interdepartmental venture as if it were a chief executive (with any necessary modifications):

(a) section 11A(1) (relating to principal responsibilities of chief executives):

(b) section 54(1)(a) and (2) (relating to the duty to act independently in employment matters):

(c) clause 1 of Schedule 6 (relating to general powers of chief executives):

(d) clauses 2 to 4 of Schedule 6 (relating to delegation of functions and powers):

(e) clauses 5 and 6 of Schedule 6 (relating to delegation of functions and powers of appropriate Minister):

(f) clause 7 of Schedule 6 (relating to functions, responsibilities, duties, and powers under other Acts):

(g) other provisions in this Act that expressly apply.

Compare: 1988 No 20 ss 28, 29, 32, 33, 34(2), 41, 42

Section 34(a): amended, on 3 June 2026, by section 19 of the Public Service Amendment Act 2026 (2026 No 23).

35 Members of board responsible to appropriate Minister

The members of the board of an interdepartmental venture are jointly responsible to the appropriate Minister for the operation of the board.

36 Members of board and designation of chairperson

(1) The members of the board of an interdepartmental venture are the chief executives of all the relevant departments.

(2) The Commissioner must designate 1 of the members as the chairperson of the board.

(3) The power to designate a chairperson under this section includes the power to remove them and the power to designate a replacement.

(4) Before taking any action under this section, the Commissioner—

(a) must invite the Minister and the appropriate Minister to identify any matters that the Commissioner must take into account when doing so:

(b) may seek advice from other sources that the Commissioner thinks are relevant.

(5) In this section, **chief executives** means the chief executives of departments and departmental agencies, the Commissioner of Police, and the Chief of Defence Force.

Compare: 1988 No 20 s 35

37 Operating procedures to be published

The board of an interdepartmental venture must publish its operating procedures on an Internet site maintained by, or on behalf of, the venture.

Subpart 2—Joint operational agreements

38 Purpose and effect of joint operational agreements

(1) The purpose of joint operational agreements is to provide a formal structure for co-operative and collaborative working arrangements between public service agencies.

(2) Sections 39 to 41 do not limit the ability of agencies to enter into informal working arrangements.

39 Establishment of joint operational agreements

(1) Two or more chief executives or boards of public service agencies may enter into a joint operational agreement for their agencies to work together to achieve stated goals.

(2) Before executing an agreement under this section, the chief executives or boards must obtain the agreement of the Commissioner.

(3) The agreement must not purport to—

(a) alter the responsibilities that exist between the chief executives or boards and the appropriate Ministers; or

(b) alter the responsibilities of those chief executives or boards for employees, funding, assets, or liabilities.

40 Implementation and limit on enforceability

(1) The chief executives or boards who are parties to a joint operational agreement must take reasonable steps to provide sufficient resources to achieve the stated goals of the agreement.

(2) The agreement is enforceable only as a matter for which a chief executive or board is accountable for their actions to the Commissioner or the appropriate Minister.

41 Termination of joint operational agreements

A joint operational agreement may be terminated—

(a) by provision in the agreement itself; or

(b) by agreement of the chief executives or boards who are parties to it; or

(c) at the direction of the Commissioner.

Part 3
People working in public service

Subpart 1—Public Service Commission leaders and advisory committees

Public Service Commissioner and Deputy Public Service Commissioner

Heading: amended, on 3 June 2026, by section 20 of the Public Service Amendment Act 2026 (2026 No 23).

42 Public Service Commissioner

(1) A Public Service Commissioner must be appointed by the Governor-General on the recommendation of the Prime Minister.

(2) Before making a recommendation, the Prime Minister must consult with the leader of each political party represented in the House of Representatives.

Compare: 1988 No 20 s 3

43 Commissioner's role

(1) The Commissioner acts as the Head of Service by providing leadership of the public service, including of its agencies and workforce and by oversight of the performance and integrity of the system.

(2) The Commissioner also provides leadership, as described in subsection (1), for other State services, and other agencies, in the ways provided in this Act.

Compare: 1988 No 20 s 4A

44 Commissioner's general functions

The Commissioner's general functions are to—

(a) establish and lead a public service leadership team so that public service agencies work as a system to deliver better services to, and achieve better outcomes for, the public; and

(b) promote integrity, accountability, and transparency throughout agencies in the State services, including by setting standards and issuing guidance; and

(c) work with public service leaders to develop a highly capable workforce and to promote the good employer requirements in this Act; and

(d) act as the employer of public service chief executives, including by—

(i) appointing chief executives and reviewing their performance, including how they carry out their responsibilities and functions under this Act or another enactment; and

(ii) to the extent relevant in each case, reviewing the performance of the public service agency that the chief executive leads or carries out some functions within; and

(e) review the design and operation of the system of government agencies in order to advise the Minister or the appropriate Minister on the following matters:

(i) possible improvements to delivery of services and inter-agency cohesion:

(ii) agency establishments, disestablishments, and amalgamations:

(iii) the governance and allocation of functions, and the transfer of functions to and between agencies; and

(f) carry out any other administrative and management functions in relation to the public service that the Prime Minister from time to time directs (not being functions conferred by this Act or another enactment on a chief executive appointed by the Commissioner).

Compare: 1988 No 20 s 6

Section 44(c): amended, on 3 June 2026, by section 21 of the Public Service Amendment Act 2026 (2026 No 23).

45 Duty to act independently when making decisions about public service chief executives

When making decisions about individual chief executives, the Commissioner is not responsible to the Minister and must act independently, except as provided for in clauses 3, 6, 7, and 8 of Schedule 7 (relating to appointment, transfer, conditions of employment, and removal from office of chief executives).

(2) *[Repealed]*

Compare: 1988 No 20 s 5

Section 45(1): replaced, on 3 June 2026, by section 22 of the Public Service Amendment Act 2026 (2026 No 23).

Section 45(2): repealed, on 3 June 2026, by section 22 of the Public Service Amendment Act 2026 (2026 No 23).

46 Other functions and powers of Commissioner in Schedule 3

Schedule 3 sets out other functions and powers of the Commissioner.

47 Deputy Public Service Commissioner

(1) A Deputy Public Service Commissioner must be appointed by the Governor-General on the recommendation of the Prime Minister.

(2) Before making a recommendation, the Prime Minister must consult with the leader of each political party represented in the House of Representatives.

(3) Subject to the control of the Commissioner, the Deputy Commissioner has and may perform or exercise all the functions, duties, and powers of the Commissioner.

(4) The Commissioner may assign to the Deputy Commissioner responsibilities to achieve objectives in 1 or more subject matter areas.

(5) If the office of Commissioner is vacant or the Commissioner is absent from duty for any reason and no acting Commissioner has been appointed under clause 2 of Schedule 4, the Deputy Commissioner must act as Commissioner.

(6) The fact that the Deputy Commissioner performs or exercises any function, duty, or power of the Commissioner is, in the absence of proof to the contrary, conclusive evidence of their authority to do so.

Compare: 1988 No 20 s 12

Section 47 heading: replaced, on 3 June 2026, by section 23(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 47(1): amended, on 3 June 2026, by section 23(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 47(3): amended, on 3 June 2026, by section 23(3) of the Public Service Amendment Act 2026 (2026 No 23).

Section 47(4): amended, on 3 June 2026, by section 23(4) of the Public Service Amendment Act 2026 (2026 No 23).

Section 47(5): amended, on 3 June 2026, by section 23(5) of the Public Service Amendment Act 2026 (2026 No 23).

Section 47(6): amended, on 3 June 2026, by section 23(3) of the Public Service Amendment Act 2026 (2026 No 23).

48 Other terms and conditions of appointment in Schedule 4

Schedule 4 sets out other terms and conditions of appointment of the Commissioner and Deputy Commissioner.

Section 48: amended, on 3 June 2026, by section 24 of the Public Service Amendment Act 2026 (2026 No 23).

Chief executive of Public Service Commission

49 Commissioner is chief executive of Commission

(1) The Commissioner is the chief executive of the Commission.

(2) The Commissioner may delegate all or part of the chief executive role to the Deputy Commissioner or other person.

(3) The Deputy Commissioner retains their office as Deputy Commissioner despite any delegation of all or part of the chief executive's role.

(4) Clauses 2 to 4 of Schedule 6 apply to a delegation under this section.

Compare: 1988 No 20 s 4

Section 49(2): amended, on 3 June 2026, by section 25(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 49(3): replaced, on 3 June 2026, by section 25(2) of the Public Service Amendment Act 2026 (2026 No 23).

Advisory committees

50 Advisory committees

(1) The Commissioner may appoint 1 or more advisory committees to assist with carrying out any of the Commissioner's functions.

(2) The Commissioner may authorise an advisory committee to make inquiries, conduct research, or make reports to assist with the efficient carrying out of the Commissioner's functions.

(3) When deciding on the membership of an advisory committee, the Commissioner must have due regard to the nature of the community interest in the particular matter or matters to be addressed by that advisory committee.

(4) Clause 13 of Schedule 3 relates to the remuneration of advisory committee members, which is to be set by the Commissioner.

Compare: 1988 No 20 s 21

Subpart 2—Public service chief executives, system leaders, and public service leadership team

Public service chief executives

51 Public service chief executives

(1) Each department and departmental agency must have a chief executive to lead it.

(2) Each chief executive is to be known—

(a) by the designation fixed by an Act of Parliament for that chief executive; or

(b) if paragraph (a) does not apply, by the designation given to that chief executive by the Commissioner.

(3) The Governor-General may, by Order in Council,—

(a) if a functional chief executive role is established or disestablished or if the designation of the role is changed, insert, repeal, or amend an item in Schedule 5:

(aa) if the date on which the functional chief executive role is to be disestablished is changed, amend the date on which the role is to be disestablished and the item in Schedule 5 relating to that role is consequentially repealed:

(b) if the host department, or the name of the host department, of a functional chief executive is changed, amend an item in Schedule 5.

(4) An order relating to the establishment of a functional chief executive role must—

(a) state the designation of the functional chief executive role; and

(b) identify the department that will be the host department for the role; and

(c) set out the particular functions of the role to be carried out within the host department; and

(d) specify the date on which the functional chief executive role is to be disestablished and the item in Schedule 5 relating to that role is consequentially repealed.

(5) If a functional chief executive role is established, the Commissioner must appoint a person to that role.

(6) *See* the provisions of Schedule 7, which apply to the appointment and performance review of chief executives, but *see also* clause 11 of that schedule, which makes special provision for the Commissioner as chief executive of the Commission and the Solicitor-General as chief executive of the Crown Law Office.

(7) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1988 No 20 ss 30A, 31

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 51(3)(aa): inserted, on 3 June 2026, by section 26(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 51(4)(d): replaced, on 3 June 2026, by section 26(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 51(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

52 General responsibilities of chief executives of departments and departmental agencies

[Repealed]

Section 52: repealed, on 3 June 2026, by section 27 of the Public Service Amendment Act 2026 (2026 No 23).

53 Functional chief executives

(1) Section 11A(1) applies to a functional chief executive (with any necessary modifications).

(2) However, they are responsible to the appropriate Minister for the responsibilities listed to the extent only that those responsibilities are relevant to their particular functions.

(3) A functional chief executive—

(a) is responsible for carrying out their particular functions within the host department only, and not any other functions of the host department unless expressly provided in this Act:

(b) has other responsibilities, functions, and powers of chief executives under this Act to the extent only that any of these are relevant to their particular functions.

(4) The chief executive of a department is not responsible for the performance of functions or duties, or the exercise of powers, of or by a functional chief executive hosted by the department unless expressly provided in this Act.

Compare: 1988 No 20 s 32(2)

Section 53(1): amended, on 3 June 2026, by section 28 of the Public Service Amendment Act 2026 (2026 No 23).

54 Duty to act independently in employment matters

(1) Despite section 11A(1), when making decisions about individual employees (including relating to the appointment, promotion, demotion, transfer, disciplining, or the cessation of the employment of an employee),—

(a) the chief executive of a department is not responsible to the appropriate Minister and must act independently; and

(b) the chief executive of a departmental agency is not responsible to the appropriate Minister or to the chief executive of the host department and must act independently.

(2) The independence required by subsection (1) is subject to—

(a) the requirements in section 55A(3) to (5) relating to key positions; and

(b) the requirement in section 70(1) that a chief executive have regard to the wishes of the relevant Minister when making decisions about ministerial staff.

Compare: 1988 No 20 s 33

Section 54(1): amended, on 3 June 2026, by section 29(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 54(2): replaced, on 3 June 2026, by section 29(2) of the Public Service Amendment Act 2026 (2026 No 23).

55 Working arrangements between functional chief executives and host departments

Working arrangements between a functional chief executive and their host department must be agreed between the 2 chief executives and agreed by the Commissioner.

Compare: 1988 No 20 s 27B

Key positions

Heading: inserted, on 3 June 2026, by section 30 of the Public Service Amendment Act 2026 (2026 No 23).

55A Key positions in the public service

(1) The Commissioner may, after consulting the chief executive of a department or the board of an interdepartmental venture, designate as a key position a position in the department or interdepartmental venture that meets the criteria in subsection (2).

(2) For the purposes of this section and section 54(2)(a), **key position** means a position in a department or an interdepartmental venture that, in the opinion of the Commissioner, is key—

(a) because it is critical to the performance of the public service; or

(b) because of its potential to develop senior leaders.

(3) The chief executive or the board may appoint an employee to a key position only with the Commissioner's agreement.

(4) The chief executive or the board must consult the Commissioner on the performance review of any employee appointed to a key position.

(5) The chief executive or the board must notify the Commissioner of any intention to redesign, restructure, or otherwise change a key position.

(6) The Commissioner must publish a list of key positions on an Internet site maintained by or on behalf of the Commission.

Section 55A: inserted, on 3 June 2026, by section 30 of the Public Service Amendment Act 2026 (2026 No 23).

System leaders

56 System leaders

(1) The Commissioner may designate a public service chief executive as a system leader to lead and co-ordinate best practice in a particular subject matter area across the whole or part of the State services.

(2) System leaders are responsible to the appropriate Minister for achieving agreed outcomes.

57 Standards and guidance

(1) If the appropriate Minister agrees, a system leader may set standards relating to the particular subject matter area that they lead and co-ordinate.

(2) A system leader may also issue guidance relating to that particular subject matter area.

(3) The standards and guidance must be in writing.

(4) Those standards apply only in or to public service agencies.

(5) Chief executives must ensure that the agencies that they lead or carry out some functions within implement the standards that apply in or to them.

(6) Guidance issued by a system leader applies in or to all State services.

Other provisions in schedules

58 Other provisions in Schedules 6 and 7

(1) Schedule 6 sets out other functions and powers of public service chief executives.

(2) Schedule 7 contains provisions relating to the appointment and performance review of public service chief executives.

Public service leadership team

59 Public service leadership team

The Commissioner must establish a public service leadership team with the following members:

(a) all chief executives of departments; and

(b) the Deputy Commissioner; and

(c) 1 or more persons from 1 or more of the following categories, as the Commissioner thinks fit:

(i) chief executives of departmental agencies:

(ii) functional chief executives:

(iii) chief executives of Crown agents:

(iv) the Commissioner of Police:

(v) the Chief of Defence Force.

Section 59(b): amended, on 3 June 2026, by section 31 of the Public Service Amendment Act 2026 (2026 No 23).

60 Purposes of public service leadership team

The public service leadership team—

(a) provides strategic leadership that contributes to an effective and cohesive public service; and

(b) works together co-operatively and models leadership behaviours; and

(c) assists its members to fulfil their responsibilities under this Act.

Subpart 3—Senior leadership and management capability

61 Commissioner must develop and implement leadership strategy

(1) The Commissioner must develop and implement a strategy for the development of senior leadership and management capability in the public service (the **leadership strategy**) and do so in consultation with public service leaders.

(2) The Commissioner must ensure that the leadership strategy meets the needs both of agencies and the public service, including allowing for flexible deployment of senior leaders.

(3) The Commissioner may promote the leadership strategy to other State services, and may invite them to assist to develop and implement the leadership strategy.

Compare: 1988 No 20 ss 46, 47

62 Guidance

The Commissioner may issue guidance to assist public service chief executives, interdepartmental executive boards, boards of interdepartmental ventures, and (if applicable) chief executives and boards that lead other State services, to implement the leadership strategy.

63 Responsibilities of chief executives and boards

(1) A chief executive or board of a public service agency must—

(a) develop the senior leadership and management capability of the employees in their agency; and

(b) flexibly deploy senior leaders in their agency to contribute to meeting the needs of the public service.

(2) All chief executives must assist the Commissioner to develop a leadership strategy under section 61.

(3) A chief executive or board that is the employer of staff in a public service agency (including under delegation) must appoint and deploy senior leaders having regard to the leadership strategy.

Compare: 1988 No 20 s 48

64 Secondments

(1) The Commissioner may arrange for a public service employee to be seconded elsewhere in the public service (with the agreement of the employee and the relevant chief executives or boards) for the purposes of 1 or more of the following:

(a) developing senior leadership and management capability in the public service:

(b) meeting a need of a particular agency:

(c) meeting a need of the public service.

(2) Section 72 (relating to merit appointments)—

(a) does not apply to a secondment under subsection (1)(a):

(b) applies to secondments under subsection (1)(b) and (c).

(3) Clauses 1 and 5 of Schedule 8 (relating to notifying vacancies and reviewing appointments) do not apply to secondments under subsection (1)(a) to (c).

(4) This section does not limit the ability of chief executives to arrange secondments of employees within the public service for the reasons listed in subsection (1) or for other reasons and to do so without reference to the Commissioner.

Compare: 1988 No 20 s 49

Subpart 4—Public service workforce

Public service employees

65 Interpretation

For the purposes of this Act,—

employee of a department or **employee of the department** means a person appointed to a position as an employee in a department

employee of an interdepartmental venture or **employee of the interdepartmental venture** means a person appointed to a position as an employee in an interdepartmental venture

public service employee means an employee of a department or an employee of an interdepartmental venture.

66 Public service employees: departments

In relation to the functions, duties, and powers of a department, the chief executive of the department—

(a) may appoint to the public service the employees (including employees on fixed-term employment agreements) that the chief executive thinks necessary; and

(b) may, subject to any conditions of employment included in the employment agreement applying to an employee, at any time remove that employee from their office or employment; and

(c) has, except as expressly provided to the contrary in this Act, the rights, duties, and powers of the employer of the employees.

Compare: 1988 No 20 s 59(1)

66A Public service employees: policy advisory group

(1) In this section, **policy advisory group** means the group of advisers established within the Department of the Prime Minister and Cabinet who provide advice directly to the Prime Minister about specific portfolios across the Government.

(2) The chief executive of the Department of the Prime Minister and Cabinet may appoint employees to the policy advisory group on fixed-term employment agreements.

(3) The following are each deemed to be a genuine reason for appointing employees to the policy advisory group on fixed-term employment agreements for the purposes of section 66(2)(a) of the Employment Relations Act 2000:

(a) to enable periodic change in the composition of the policy advisory group for the purposes of developing leadership and advice capability in the public service:

(b) to ensure that the policy advisory group comprises a complementary mix of advisory skills.

Section 66A: inserted, on 3 June 2026, by section 32 of the Public Service Amendment Act 2026 (2026 No 23).

67 Public service employees: interdepartmental ventures

In relation to the functions, duties, and powers of an interdepartmental venture, the board of the interdepartmental venture—

(a) may appoint to the public service the employees (including employees on fixed-term employment agreements) that the board thinks necessary; and

(b) may, subject to any conditions of employment included in the employment agreement applying to an employee, at any time remove that employee from their office or employment; and

(c) has, except as expressly provided to the contrary in this Act, the rights, duties, and powers of the employer of the employees.

Compare: 1988 No 20 s 59(1)

68 Public service employees: departmental agencies

(1) In relation to employees of a host department who perform the functions or duties or exercise the powers of a departmental agency, the chief executive of the host department is treated as—

(a) having delegated to the chief executive of the departmental agency the rights, duties, and powers described in the following provisions:

(iaaa) section 55A(3) to (5) (relating to key positions); and

(i) section 66(a) and (b) (power to appoint and remove employees); and

(ii) section 77(a) and (c) (personal grievances and certain other employment relationship problems); and

(iii) section 72 (appointments on merit); and

(iv) section 86 (power to transfer employees); and

(v) section 88 (other restrictions of redundancy payments); and

(vi) section 89 (certain provisions not to apply in relation to transfer or offer of alternative position); and

(via) section 89A (application of collective agreements to employees following reorganisations); and

(vib) sections 89B to 89E (application of employee and reorganisation provisions to transfers of functions between public service agencies and Crown entities); and

(vic) section 94A (notification of misconduct or serious misconduct investigations); and

(vii) clause 1 of Schedule 8 (obligation to notify vacancies); and

(viii) clause 2 of Schedule 8 (acting appointments); and

(ix) clause 3 of Schedule 8 (evidence of appointments); and

(x) clause 4 of Schedule 8 (obligation to notify appointments); and

(xi) clause 6 of Schedule 8 (medical examinations); and

(xii) *[Repealed]*

(xiii) *[Repealed]*

(b) not having those rights, duties, and powers in relation to those employees.

(2) The chief executive of a departmental agency has the rights and duties and may exercise the powers referred to in subsection (1) in the same manner, subject to the same restrictions, and with the same effect as if they had been conferred on that chief executive directly by this Act.

Compare: 1988 No 20 s 59(2), (3)

Section 68(1)(a)(iaaa): inserted, on 3 June 2026, by section 33(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 68(1)(a)(via): inserted, on 3 June 2026, by section 33(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 68(1)(a)(vib): inserted, on 3 June 2026, by section 33(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 68(1)(a)(vic): inserted, on 3 June 2026, by section 33(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 68(1)(a)(xii): repealed, on 3 June 2026, by section 33(3) of the Public Service Amendment Act 2026 (2026 No 23).

Section 68(1)(a)(xiii): repealed, on 3 June 2026, by section 33(3) of the Public Service Amendment Act 2026 (2026 No 23).

69 Public service employees: interdepartmental executive boards

Section 68 applies in relation to employees of a servicing department who perform the functions or duties or exercise the powers of an interdepartmental executive board—

(a) as if—

(i) references to the chief executive of a host department were references to the chief executive of the servicing department; and

(ii) references to the chief executive of a departmental agency were references to the interdepartmental executive board; and

(b) with any other necessary modifications.

Compare: 1988 No 20 s 59(2), (3)

70 Ministerial staff

(1) The chief executive of a department or an interdepartmental venture that is responsible for the employment of ministerial staff across all Ministers' offices must have regard to the wishes of the relevant Minister when engaging ministerial staff.

(2) Section 72 does not apply to ministerial staff.

Compare: 1988 No 20 ss 59(5), 66

71 Appointments subject to review

Appointments under any of sections 66 to 69 (except appointments of ministerial staff) are provisional pending the outcome of a review under clause 5 of Schedule 8.

Compare: 1988 No 20 s 59(4)

72 Appointments on merit

When making an appointment under this Act, a chief executive or board must give preference to the person who is best suited to the position.

Compare: 1988 No 20 s 60

Good employer requirements

73 Chief executive of department and board of an interdepartmental venture to be good employer

(1) A chief executive of a department and a board of an interdepartmental venture must—

(a) operate an employment policy that complies with the principle of being a good employer; and

(b) make that policy (including the equal employment opportunities programme) available to its employees; and

(c) ensure its compliance with that policy (including its equal employment opportunities programme) and report in its annual report on the extent of its compliance.

(2) *[Repealed]*

(3) In this section, a **good employer** is an employer who operates an employment policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including for—

(a) the impartial selection of suitably qualified people for appointment (except in the case of ministerial staff); and

(b) good and safe working conditions; and

(c) an equal employment opportunities programme; and

(d) recognition of—

(i) the aims and aspirations of Māori; and

(ii) the employment requirements of Māori; and

(iii) the need for greater involvement of Māori in the public service; and

(e) opportunities for the enhancement of the abilities of individual employees; and

(f) recognition of the aims and aspirations, employment requirements, and the cultural differences of ethnic and minority groups; and

(g) recognition of the employment requirements of women; and

(h) recognition of the employment requirements of people with disabilities.

(i) *[Repealed]*

(j) *[Repealed]*

(4) The chief executive of a departmental agency, or an interdepartmental executive board,—

(a) is entitled to use a policy developed by their host or servicing department (and need not develop their own); but

(b) in relation to employees carrying out the functions of the departmental agency or interdepartmental board, has the same duty under this section as the chief executive of a department.

Compare: 1988 No 20 s 56(1), (2)

Section 73(2): repealed, on 3 June 2026, by section 34(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 73(3)(i): repealed, on 3 June 2026, by section 34(2) of the Public Service Amendment Act 2026 (2026 No 23).

Section 73(3)(j): repealed, on 3 June 2026, by section 34(2) of the Public Service Amendment Act 2026 (2026 No 23).

74 Commissioner's functions include promoting, developing, and monitoring equal employment opportunities

(1) The Commissioner's functions include promoting, developing, and monitoring equal employment opportunities programmes and policies for the public service.

(2) In this section and section 73, **equal employment opportunities programme** means a programme that is aimed at identifying and eliminating all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality with respect to the employment of a person or group of persons.

Compare: 1988 No 20 s 58

Promoting diversity and inclusiveness

[Repealed]

Heading: repealed, on 3 June 2026, by section 35 of the Public Service Amendment Act 2026 (2026 No 23).

75 Chief executives and boards to promote diversity and inclusiveness

[Repealed]

Section 75: repealed, on 3 June 2026, by section 35 of the Public Service Amendment Act 2026 (2026 No 23).

Application of Employment Relations Act 2000 to public service

76 Application of Employment Relations Act 2000 to public service

(1) The Employment Relations Act 2000 applies to the public service.

(2) Subsection (1) is subject to any exceptions provided in this Act.

Compare: 1988 No 20 s 67

77 Personal grievances and disputes

Despite sections 78, 79, and 81 to 83B,—

(a) in relation to a personal grievance, the employer is the chief executive of the department or the board of the interdepartmental venture; and

(b) in relation to a dispute about the interpretation, application, or operation of a collective agreement, the employer is the chief executive of the department or the board of the interdepartmental venture acting, if the Commissioner so requires, together with or in consultation with the Commissioner; and

(c) in relation to any other employment relationship problem (within the meaning of the Employment Relations Act 2000), the employer is the chief executive of the department or the board of the interdepartmental venture.

Compare: 1988 No 20 s 69

Section 77: amended, on 6 November 2020, by section 32 of the Equal Pay Amendment Act 2020 (2020 No 45).

Negotiation of collective agreements

78 Negotiation of collective agreements

(1) The Commissioner is responsible for negotiating under the Employment Relations Act 2000 all collective agreements that apply to any department or interdepartmental venture as if the Commissioner were the employer.

(2) For the purposes of initiating bargaining for a collective agreement, good-faith bargaining for a collective agreement, and entering into collective agreements,—

(a) the Commissioner has the same rights, duties, and obligations under the Employment Relations Act 2000 as the Commissioner would have if the Commissioner were the employer; and

(b) employees of each affected department or interdepartmental venture are to be treated as if they were all employees of the Commissioner.

(3) The Commissioner must conduct the negotiations—

(a) with a union of which the employees are members; and

(b) in consultation with the chief executive or board of each affected department or interdepartmental venture.

Compare: 1988 No 20 s 68(1)–(3)

79 Collective agreements

(1) Every collective agreement negotiated in accordance with section 78 must be entered into between—

(a) the Commissioner; and

(b) a union of which the employees to whom the collective agreement applies are members.

(2) Every collective agreement entered into between the Commissioner and a union and relating to a department or an interdepartmental venture is binding on—

(a) the chief executive of the department or the board of the interdepartmental venture; and

(b) the employees of the department or interdepartmental venture who are or become members of the union and whose work comes within the coverage clause in the collective agreement.

(3) An employer who is bound by a collective agreement under subsection (2) has the same rights, duties, and obligations that that employer would have, in respect of that collective agreement, under the Employment Relations Act 2000 as if that employer were a party to that agreement.

(4) Subsection (3) applies except as provided in this section or section 78.

Compare: 1988 No 20 s 68(4)–(6)

80 Delegation of Commissioner's functions and powers to negotiate collective agreements

(1) The Commissioner may, under clause 6 of Schedule 3, delegate to a chief executive of a department or the board of an interdepartmental venture the Commissioner's functions and powers under section 78.

(2) The delegation may be subject to—

(a) a direction or condition requiring the chief executive or board to negotiate in consultation with any other chief executive of a department or board of an interdepartmental venture with the aim of achieving consistent terms and conditions of employment for a specified group of employees; or

(b) any other directions or conditions that the Commissioner thinks fit in order to foster consistent terms and conditions of employment across public service agencies.

(3) Subsection (2) does not limit the directions or conditions the Commissioner may specify in relation to the delegation.

Compare: 1988 No 20 s 70

Pay equity claims

81 Interpretation

In sections 82 to 83B,—

facilitation of bargaining means facilitation of bargaining under sections 13ZP to 13ZX of the Equal Pay Act 1972

pay equity claim means a pay equity claim within the meaning of section 2(1) of the Equal Pay Act 1972 that is raised with the chief executive of a department or, as the case may be, the board of an interdepartmental venture as employer

pay equity claim settlement has the same meaning as in section 2(1) of the Equal Pay Act 1972.

Section 81: replaced, on 6 November 2020, by section 30 of the Equal Pay Amendment Act 2020 (2020 No 45).

82 Pay equity claims

(1) The Commissioner is responsible for dealing with a pay equity claim as if the Commissioner were the employer.

(2) When a pay equity claim is raised with the chief executive of a department or the board of an interdepartmental venture, the chief executive or board must,

as soon as practicable, give notice in writing of the pay equity claim to the Commissioner.

(3) The Commissioner's responsibility under subsection (1)—

(a) includes, without limiting that subsection, responsibility for acknowledging receipt of and giving notice of the claim, forming views on whether the claim meets all requirements set out in section 13E of the Equal Pay Act 1972 and on whether the claim has merit, conducting the pay equity bargaining process, and settling a pay equity claim; but

(b) does not include responsibility for the following, unless the Commissioner thinks it appropriate to continue the Commissioner's responsibility during that time:

(i) attendance in mediation under the Employment Relations Act 2000 in relation to the claim or any aspect of the claim; or

(ii) participation in any facilitation of bargaining or participation in relation to any application lodged in the Employment Relations Authority or filed in a tribunal or a court in relation to the claim or any aspect of the claim.

(4) The Commissioner's responsibility under this section arises in relation to a pay equity claim—

(a) on the date on which the Commissioner receives notice under subsection (2); or

(b) on any later date that the Commissioner notifies to the chief executive or board.

(5) Subsection (3) is subject to subsection (4).

Section 82: replaced, on 6 November 2020, by section 30 of the Equal Pay Amendment Act 2020 (2020 No 45).

Section 82(3)(a): amended, on 14 May 2025, by section 54 of the Equal Pay Amendment Act 2025 (2025 No 21).

83 Application of section 13K of Equal Pay Act 1972 where more than 1 department or interdepartmental venture involved in pay equity claim

(1) In relation to the requirements under section 13K of the Equal Pay Act 1972,—

(a) if a pay equity claim involves more than 1 department or interdepartmental venture but there are no other employers involved in the claim, the Commissioner is not required (and the departments or interdepartmental ventures involved in the claim are not required) to enter into a multi-employer pay equity process agreement:

(b) if a pay equity claim involves more than 1 department or interdepartmental venture and there are also other employers involved in the claim, the Commissioner must enter into a multi-employer pay equity process agreement in the Commissioner's name (and the departments

and interdepartmental ventures involved are not required to enter into the agreement).

(2) If the Commissioner has delegated the powers to negotiate a pay equity claim to any chief executive of a department or board of an interdepartmental venture involved in the claim,—

(a) subsection (1) does not apply; and

(b) the requirements in section 13K of the Equal Pay Act 1972 apply to the department or interdepartmental venture.

Section 83: replaced, on 6 November 2020, by section 30 of the Equal Pay Amendment Act 2020 (2020 No 45).

83A Commissioner to enter negotiations in consultation with affected department or interdepartmental venture

When the Commissioner enters into the pay equity bargaining process under sections 13ZC to 13ZZC of the Equal Pay Act 1972, the Commissioner must do so in consultation with the chief executive or board of each affected department or interdepartmental venture.

Section 83A: inserted, on 6 November 2020, by section 30 of the Equal Pay Amendment Act 2020 (2020 No 45).

Section 83A: amended, on 14 May 2025, by section 55 of the Equal Pay Amendment Act 2025 (2025 No 21).

83B Pay equity settlement binding on chief executive or board affected

(1) Every pay equity claim settlement agreement entered into between the Commissioner and 1 or more unions or between the Commissioner and 1 or more employees of the public service is binding on the chief executive of each department and the board of each interdepartmental venture in which any of the employees are employed.

(2) A chief executive of a department who, or board of an interdepartmental venture that, is bound by a pay equity claim settlement agreement under subsection (1) has the rights, functions, and obligations that the chief executive or board would have, in respect of that pay equity claim settlement, if that chief executive or board were a party to that settlement.

(3) Responsibility for giving effect to any pay equity claim settlement between the Commissioner and 1 or more public service employees lies with the chief executive of each department and the board of each interdepartmental venture in which any of the employees are employed.

Section 83B: inserted, on 6 November 2020, by section 30 of the Equal Pay Amendment Act 2020 (2020 No 45).

84 Delegation of Commissioner's functions and powers to negotiate pay equity claim

(1) The Commissioner may, under clause 6 of Schedule 3, delegate to a chief executive of a department or to a board of an interdepartmental venture the Commissioner's functions and powers under section 81 and 83.

(2) The delegation may be subject to a direction or condition requiring the chief executive or board to conduct negotiations in relation to a pay equity claim in consultation with any other chief executive of a department or board of an interdepartmental venture.

(3) Subsection (2) does not limit the directions or conditions the Commissioner may specify in relation to the delegation.

Compare: 1988 No 20 s 70

Section 84(1): amended, on 6 November 2020, by section 31 of the Equal Pay Amendment Act 2020 (2020 No 45).

Other employment provisions

85 Other employment provisions in Schedule 8

The provisions in Schedule 8 have effect according to their terms.

Transfer of employees between public service agencies and restrictions on redundancy payments

Heading: inserted, on 3 June 2026, by section 36 of the Public Service Amendment Act 2026 (2026 No 23).

86 Power to transfer employees between public service agencies

(1) This section applies if there is a transfer of functions from one public service agency (**agency A**) to another public service agency (**agency B**).

(2) The chief executive or board of agency A may in consultation with the chief executive or board of agency B, and subject to the relevant employment agreements, transfer any public service employee who was carrying out the relevant functions in agency A to a position in agency B, if the position in agency B—

(a) consists of the same duties and responsibilities as those of the employee's position in agency A immediately before the transfer; and

(b) is in substantially the same general locality or a locality within reasonable commuting distance; and

(c) is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and

(d) is on terms that treat service within the State services as if it were continuous service.

(3) Before transferring an employee under this section, the chief executive or board must consult with the employee about the proposed transfer.

(4) Section 91 applies to an employee who is transferred under this section if the employee is moving from a position as an employee in a department or an interdepartmental venture to a position as an employee in another department or interdepartmental venture.

(5) This section overrides Part 6A of the Employment Relations Act 2000.

87 No redundancy payment for employee transferred under section 86

(1) An employee who is to be transferred under section 86 is not entitled to a redundancy payment.

(2) In this section and in section 88, **redundancy payment** includes any payment or other benefit provided on the ground of a person's position being disestablished.

88 Other restrictions on redundancy payments

(1) A public service employee who has received a notice of termination by reason of redundancy is not entitled to a redundancy payment if, before the employee's employment has ended, the employee—

(a) is offered and accepts another position as an employee in the State services (either in the employee's current department or interdepartmental venture or elsewhere in the State services) that—

(i) begins before, on, or immediately after the date on which the employee's current position ends; and

(ii) is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and

(iii) is on terms that treat service within the State services as if it were continuous service; or

(b) is offered an alternative position as an employee in the State services (either in the employee's current department or interdepartmental venture or elsewhere in the State services) that—

(i) begins before, on, or immediately after the date on which the employee's current position ends; and

(ii) is a position with comparable duties and responsibilities to those of the employee's current position; and

(iii) is in substantially the same general locality or a locality within reasonable commuting distance; and

(iv) is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and

(v) is on terms that treat service within the State services as if it were continuous service.

(2) Section 91 applies to an employee who (being an employee to whom subsection (1)(a) applies) is moving from a position as an employee in a department

or an interdepartmental venture to a position as an employee in another department or interdepartmental venture.

(3) This section overrides Part 6A of the Employment Relations Act 2000.

Compare: 1988 No 20 s 61A

89 Certain provisions not to apply in relation to transfer or offer of alternative position

Section 72 and clauses 1 and 5 of Schedule 8 do not apply in relation to the transfer of an employee under section 86 or to either position described in section 88(1).

Application of collective agreements to employees following reorganisations

Heading: inserted, on 3 June 2026, by section 37 of the Public Service Amendment Act 2026 (2026 No 23).

89A Application of collective agreements to employees following reorganisations

(1) This section limits which employees may be bound by a collective agreement that—

(a) binds the chief executive or board of a department or an interdepartmental venture (**A**) before a transfer of functions from A to another department or interdepartmental venture (**B**) and that, as a consequence of clauses 2 and 3 of Schedule 9, binds the chief executive or board of B after that transfer of functions (**collective agreement A**); or

(b) binds the chief executive or board of B before that transfer of functions (**collective agreement B**).

(2) After that transfer of functions,—

(a) the only employees of B who are entitled to be bound by or enforce collective agreement A are those employees who are appointed to a position as an employee in B that has been established (whether or not previously existing in A) to enable B to carry out the transferred functions; and

(b) the only employees of B who are entitled to be bound by or enforce collective agreement B are those employees who hold, or are appointed to, a position as an employee other than a position referred to in paragraph (a).

(3) Subsection (2) does not bind an employee to a collective agreement, or entitle an employee to be bound by or enforce a collective agreement, if the employee would not otherwise be bound by, or be entitled to be bound by or enforce, that agreement.

(4) This section limits which employees may be bound by collective agreements, and the coverage of those agreements, under sections 76 to 80 of this Act and sections 56(1), 57, 62(3), and 243 of the Employment Relations Act 2000.

(5) This section does not apply to a collective agreement to the extent that the parties to the agreement agree otherwise.

Section 89A: inserted, on 3 June 2026, by section 37 of the Public Service Amendment Act 2026 (2026 No 23).

Application of employee and reorganisation provisions to transfer of functions between public service agencies and Crown entities

Heading: inserted, on 3 June 2026, by section 37 of the Public Service Amendment Act 2026 (2026 No 23).

89B Application of employee and reorganisation provisions to transfers of functions between public service agencies and Crown entities

This section and sections 89C to 89E apply to a transfer of functions from a Crown entity to a public service agency and to a transfer of functions from a public service agency to a Crown entity.

Section 89B: inserted, on 3 June 2026, by section 37 of the Public Service Amendment Act 2026 (2026 No 23).

89C Restriction of redundancy payments

Sections 88(1) and (3) and 89 apply—

(a) as if—

(i) a reference to a public service employee were a reference to an employee of a Crown entity, department, or interdepartmental venture; and

(ii) a reference to the employee's current department or interdepartmental venture were a reference to the employee's current Crown entity, department, or interdepartmental venture; and

(b) with all other necessary modifications.

Section 89C: inserted, on 3 June 2026, by section 37 of the Public Service Amendment Act 2026 (2026 No 23).

89D Application of reorganisation provisions to collective agreements

(1) The provisions specified in subsections (2) and (3) (relating to reorganisations) apply to the extent that—

(a) those provisions relate to a collective agreement that binds the chief executive of a Crown entity or department or the board of an interdepartmental venture before the transfer of the functions; and

(b) that collective agreement applies to an employee whose position in the Crown entity or department or interdepartmental venture ceases to exist as a result of the transfer of functions.

(2) Clause 2(3) and (6) of Schedule 9 applies—

(a) as if a reference to the public service agency whose functions have been transferred were a reference to the Crown entity or public service agency whose functions are being transferred; and

(b) with all other necessary modifications.

(3) Clause 3(3) of Schedule 9 applies—

(a) as if a reference to the chief executive of the public service agency whose functions have been transferred were a reference to the board of the Crown entity, or the chief executive or board of the public service agency, whose functions have been transferred; and

(b) with all other necessary modifications.

Section 89D: inserted, on 3 June 2026, by section 37 of the Public Service Amendment Act 2026 (2026 No 23).

89E Application of collective agreements to employees following reorganisations

(1) Section 89A applies to the extent that—

(a) any collective agreement binds the chief executive of a Crown entity or department or the board of an interdepartmental venture before the transfer of the functions; and

(b) that collective agreement applies to an employee whose position in the Crown entity or department or interdepartmental venture ceases to exist as a result of the transfer of functions.

(2) Section 89A applies in respect of the Crown entity, department, or interdepartmental venture that functions are transferred from—

(a) as if any reference to department or interdepartmental venture A in that section were a reference to that Crown entity or department or interdepartmental venture; and

(b) with all other necessary modifications.

Section 89E: inserted, on 3 June 2026, by section 37 of the Public Service Amendment Act 2026 (2026 No 23).

Employment in public service continuous for purpose of certain enactments

90 Application of section 91

(1) Section 91 applies to a public service employee if—

(a) the employee moves from a position as an employee in a department or an interdepartmental venture (**agency A**) to a position as an employee in another department or interdepartmental venture (**agency B**); and

(b) the position as an employee in agency B begins before, on, or immediately after the date on which the employee's position as an employee with agency A ends.

(2) Without limiting subsection (1), section 91 applies to a public service employee who—

(a) is transferred under section 86 from a position as an employee in a department or an interdepartmental venture to a position as an employee in another department or interdepartmental venture; or

(b) moves from one department or interdepartmental venture to another in the circumstances to which section 88(1)(a) applies.

91 Employment in public service continuous for purpose of certain enactments

(1) The employment of a public service employee to whom this section applies is to be treated as continuous for the purposes of—

(a) entitlements under the following provisions in Part 2 of the Holidays Act 2003:

(i) subpart 1 (annual holidays); and

(ii) subpart 3 (public holidays and alternative holidays); and

(iii) subpart 4 (sick leave and bereavement leave); and

(iv) subpart 5 (family violence leave); and

(b) entitlements to leave under the Parental Leave and Employment Protection Act 1987; and

(c) the KiwiSaver Act 2006.

(2) For the purpose of subsection (1)(a),—

(a) the period of employment of the employee in agency A that ends with the date on which the employee moved to agency B must be treated as a period of employment with agency B for the purpose of determining the employee's entitlement to annual holidays, sick leave, bereavement leave, and family violence leave; and

(b) the chief executive of agency A must not pay the employee for annual holidays, or alternative holidays, not taken before the date on which the employee moved to the position in agency B; and

(c) the chief executive of agency B must recognise the employee's entitlement to—

(i) any sick leave, including any sick leave carried over under section 66 of the Holidays Act 2003, not taken before the date on which the employee moved to the position in agency B; and

(ii) any annual holidays not taken before the date on which the employee moved to the position in agency B; and

(iii) any alternative holidays not taken or exchanged for payment under section 61 of that Act before the date on which the employee moved to the position in agency B; and

(iv) any holidays not taken before the date on which the employee moved to the position in agency B in relation to which there was an agreement between the employee and agency A under section 44A or 44B of that Act.

(3) For the purpose of subsection (1)(b),—

(a) the period of employment of the employee in agency A that ends with the date on which the employee moved to agency B must be treated as a period of employment with agency B; and

(b) the chief executive of agency B must treat any notice given to or by the chief executive of agency A under the Parental Leave and Employment Protection Act 1987 as if it had been given to or by the chief executive of agency B.

(4) If the employee's position with agency B begins before the date on which the employee's position with agency A ends, subsections (2) and (3) must be applied as if the position with agency A ends on the date that the employee's position with agency B begins.

(5) For the purpose of subsection (1)(c), the employment of the employee in the position with agency B is not new employment within the meaning of that term in the KiwiSaver Act 2006.

(6) This section applies subject to any regulations made under section 94.

(7) In this section,—

agency A means a department or an interdepartmental venture that an employee moves from

agency B means the department or an interdepartmental venture that an employee moves to from agency A.

92 Liability of public service agencies for remediation in relation to application of section 91

(1) Agency B is not liable to an employee to whom section 91 applies for a failure by agency A to comply with an Act referred to in section 91(1)(a) or (b) in relation to—

(a) the entitlements to leave referred to in section 91(1)(a) or (b); or

(b) the recovery of holiday pay or leave pay.

(2) Section 91(2) does not limit any right of the employee to take action in relation to a failure by agency A of a kind described in subsection (1).

(3) In this section, **Agency A** and **Agency B** have the same meanings as in section 91.

93 Further provision in relation to application of section 91 to annual holidays

(1) This section applies if regulations are made under section 94(1)(b).

(2) To avoid doubt, the Holidays Act 2003 applies in respect of any payment to the employee for any annual holiday to which section 91 does not apply when the employee's employment with Agency A ends.

(3) In this section,—

Agency A has the same meaning as in section 91

annual holiday means an annual holiday provided under subpart 1 of Part 2 of the Holidays Act 2003.

94 Regulations relating to treatment of employment as continuous under section 91

(1) The Governor-General may, by Order in Council, make regulations for the following purposes:

(a) prescribing requirements applicable to public service agencies to ensure that, in respect of public service employees, the entitlements to leave specified in section 91(1)(a) and (b) can be separately identified, including—

(i) prescribing requirements or any other matters concerning the manner of recording leave entitlements and the taking of leave; and

(ii) without limiting subparagraph (i), prescribing requirements about the order in which entitlements to leave referred to in section 91(1)(a) or (b) and other leave entitlements are to be treated as having been taken:

(b) specifying an amount of annual holidays not taken at or above which section 91 does not apply:

(c) prescribing time frames within which the transfer of accumulated leave balances for the purpose of section 91 must occur.

(2) Regulations made under this section may apply differently to different classes of employees or circumstances or on any other differential basis.

(3) Regulations may be made under subsection (1)(b) only on the recommendation of the Minister, made after consulting with—

(a) public service agencies; and

(b) other parties that the Commissioner thinks fit.

(4) In this section, **annual holiday** means an annual holiday provided under subpart 1 of Part 2 of the Holidays Act 2003.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 94(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Notifying and reporting on misconduct or serious misconduct investigations

Heading: inserted, on 3 June 2026, by section 38 of the Public Service Amendment Act 2026 (2026 No 23).

94A Notification of misconduct or serious misconduct investigations

(1) A chief executive of a department or the board of an interdepartmental venture must notify the Commissioner before commencing an investigation into allegations of misconduct or serious misconduct by a senior public service employee.

(2) The Commissioner may provide oversight and advice to the chief executive or the board on the interpretation and application of standards and guidance relating to integrity and conduct.

(3) In this section, **senior public service employee** means a public service employee who reports directly to the chief executive or the board.

Section 94A: inserted, on 3 June 2026, by section 38 of the Public Service Amendment Act 2026 (2026 No 23).

94B Reporting on misconduct or serious misconduct investigations

(1) This section applies to the agencies referred to in section 17(2) (excluding school boards).

(2) Each agency must give a report to the Commissioner on the outcome of all investigations into alleged misconduct or serious misconduct by employees of the agency that have ceased or are concluded before the end of a financial year, as soon as practicable after the end of that financial year.

(3) The Commissioner may issue guidance on this reporting, including the format.

(4) The Commissioner must use this information to prepare and publish a report annually on an Internet site maintained by, or on behalf of, the Commission.

(5) In this section, **school board** has the meaning given in section 7(1)(d) of the Crown Entities Act 2004.

Section 94B: inserted, on 3 June 2026, by section 38 of the Public Service Amendment Act 2026 (2026 No 23).

Part 4
Government workforce policy

95 Commissioner's functions in relation to this Part

The Commissioner may—

(a) provide advice and guidance on workforce matters to agencies described in section 97(4); and

(b) consider whether to draft and submit under section 96 a government workforce policy for ministerial approval as a Government Workforce Policy Statement; and

(c) advise affected agencies on the operation of a Government Workforce Policy Statement; and

(d) facilitate the operation of a Government Workforce Policy Statement in conjunction with affected agencies.

Compare: 1988 No 20 s 55A

96 Commissioner may draft and submit Government workforce policy to Minister

The Commissioner may draft a government workforce policy and, after consulting the affected agencies and other parties that the Commissioner thinks fit, submit it to the Minister for consideration.

Compare: 1988 No 20 s 55B(1)

97 Government workforce policy: content

(1) Government workforce policy must relate to workforce matters (including employment and workplace) for the purpose of fostering a consistent, efficient, and effective approach to those matters across the affected agency or agencies specified in accordance with subsection (4).

(2) Workforce matters may, without limitation, include—

(a) the Government's expectations about the negotiation of collective agreements and individual employment agreements in the State services (being expectations that do not determine pay or conditions); and

(b) the development and implementation of workforce strategy; and

(c) the promotion of more effective management of employment relations generally in the agencies specified in subsection (4); and

(d) workforce capacity and composition; and

(e) *[Repealed]*

(f) data and information held in the public service about agencies contracted to deliver services.

(3) Government workforce policy may provide for the Commissioner to—

(a) request from any affected agency information relating to the matters in subsection (2)(a) to (f); and

(b) specify requirements about how that information must be collected, classified, and reported to the Commissioner.

(4) Government workforce policy must specify the agency or agencies to which it applies, which may be any or all of the following:

(a) public service agencies:

(b) the New Zealand Police, the New Zealand Defence Force, and the Parliamentary Counsel Office:

(c) Crown agents or other Crown entities:

(d) organisations listed in Schedule 4, and companies listed in Schedule 4A, of the Public Finance Act 1989:

(e) the Reserve Bank of New Zealand.

Compare: 1988 No 20 s 55B(2)–(4)

Section 97(2)(e): repealed, on 3 June 2026, by section 39 of the Public Service Amendment Act 2026 (2026 No 23).

98 Rights, obligations, etc, not affected by Government Workforce Policy Statement

Despite anything in this Part, a Government Workforce Policy Statement must not—

(a) create, alter, or remove employment or other legal rights or obligations; or

(b) determine or alter the content of the law applying to employees or chief executives or the Commissioner.

Compare: 1988 No 20 s 55D(4)

99 Government workforce policy: approval by Minister

(1) The Minister may approve government workforce policy as a Government Workforce Policy Statement.

(2) *[Repealed]*

Compare: 1988 No 20 s 55B(5), (6)

Section 99(2): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

100 Government Workforce Policy Statement: process

(1) As soon as practicable after the Minister's approval under section 99, the Commissioner must by 1 or more means make the Government Workforce Policy Statement known to affected agencies and available to the public.

(2) A Government Workforce Policy Statement may be amended, revoked, or replaced in the same way as it may be made.

Compare: 1988 No 20 s 55C

101 Government Workforce Policy Statement: implementation

(1) A public service agency and a Crown agent must give effect to a Government Workforce Policy Statement and any request for information made under it.

(2) An autonomous Crown entity must have regard to a Government Workforce Policy Statement and consider any request for information made under it.

(3) The following must have regard to a Government Workforce Policy Statement, and consider any request for information made under it, if the statement says so:

(a) a Crown entity other than a Crown agent or an autonomous Crown entity:

(b) the New Zealand Police, the New Zealand Defence Force, and the Parliamentary Counsel Office:

(c) a body specified in section 97(4)(d) or (e).

Compare: 1988 No 20 s 55D(1)–(3)

102 Request for information does not limit other enactments

Nothing in a request for information by the Commissioner made under a Government Workforce Policy Statement limits any Act (including, without limitation, the Privacy Act 1993) that imposes a prohibition or restriction on the availability of any information.

Part 5
Offence, immunity, and public service reorganisations

Offence to solicit or attempt to improperly influence public service leaders

103 Offence to solicit or attempt to influence public service leaders

(1) A person commits an offence if—

(a) they directly or indirectly solicit or attempt to improperly influence a public service leader or a delegate of a public service leader; and

(b) they do so when the leader or delegate is making a decision on any of the matters described in section 45 or 54 (which relate to duties to act independently when making decisions about individual chief executives and individual employees, respectively).

(2) A person who commits an offence against this section is liable on conviction to a fine not exceeding $2,000.

(3) In this section, **public service leader** has the meaning given in section 5, but—

(a) includes the Deputy Commissioner only if they are carrying out functions of the Commissioner; and

(b) includes interdepartmental executive boards and the boards of interdepartmental ventures.

Compare: 1988 No 20 s 85

Section 103(3)(a): amended, on 3 June 2026, by section 40 of the Public Service Amendment Act 2026 (2026 No 23).

Immunity from liability

104 Immunity for chief executives and employees

(1) The Commissioner, the Deputy Commissioner, public service chief executives, and public service employees are immune from liability in civil proceedings for good-faith actions or omissions when carrying out or intending to carry out their responsibilities or when performing or exercising or intending to perform or exercise their functions, duties, or powers.

(1A) The immunity in subsection (1) applies to public service chief executives acting in any capacity under this Act or any other Act or otherwise.

(2) *See also* section 6 of the Crown Proceedings Act 1950.

Compare: 1988 No 20 s 86

Section 104(1): amended, on 3 June 2026, by section 41(1) of the Public Service Amendment Act 2026 (2026 No 23).

Section 104(1A): inserted, on 3 June 2026, by section 41(2) of the Public Service Amendment Act 2026 (2026 No 23).

Reorganisations within public service

105 Reorganisations within public service

(1) The Governor-General may, by Order in Council, provide for savings and transitional matters connected with the disestablishment or change of name of a public service agency, the transfer of functions between agencies, and the establishment of a new agency.

(2) Schedule 9 sets out other provisions relating to reorganisations of public service agencies.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1988 No 20 s 30K

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 105(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 6
Amendments to enactments, repeals, and revocations

[Repealed]

Part 6: repealed, on 6 February 2021, by section 133(1).

Amendments to Clerk of the House of Representatives Act 1988

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

106 Amendments to Clerk of the House of Representatives Act 1988

[Repealed]

Section 106: repealed, on 6 February 2021, by section 133(1).

107 Section 17 amended (Functions of State Services Commissioner in relation to Office)

[Repealed]

Section 107: repealed, on 6 February 2021, by section 133(1).

108 Section 22 amended (Review of appointments)

[Repealed]

Section 108: repealed, on 6 February 2021, by section 133(1).

109 Section 26 amended (Negotiation of conditions of employment)

[Repealed]

Section 109: repealed, on 6 February 2021, by section 133(1).

Amendments to Crown Organisations (Criminal Liability) Act 2002

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

110 Amendments to Crown Organisations (Criminal Liability) Act 2002

[Repealed]

Section 110: repealed, on 6 February 2021, by section 133(1).

Amendments to Official Information Act 1982

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

111 Amendments to Official Information Act 1982

[Repealed]

Section 111: repealed, on 6 February 2021, by section 133(1).

Amendments to Ombudsmen Act 1975

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

112 Amendments to Ombudsmen Act 1975

[Repealed]

Section 112: repealed, on 6 February 2021, by section 133(1).

113 Section 2 amended (Interpretation)

[Repealed]

Section 113: repealed, on 6 February 2021, by section 133(1).

114 Section 13 amended (Functions of Ombudsmen)

[Repealed]

Section 114: repealed, on 6 February 2021, by section 133(1).

115 Section 32 amended (Power to amend Schedule 1 by Order in Council)

[Repealed]

Section 115: repealed, on 6 February 2021, by section 133(1).

116 Schedule 1 amended

[Repealed]

Section 116: repealed, on 6 February 2021, by section 133(1).

Amendments to Parliamentary Service Act 2000

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

117 Amendments to Parliamentary Service Act 2000

[Repealed]

Section 117: repealed, on 6 February 2021, by section 133(1).

Amendments to Privacy Act 1993 and Privacy Act 2020

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

118 Amendments to Privacy Act 1993

[Repealed]

Section 118: repealed, on 6 February 2021, by section 133(1).

119 Section 2 amended (Interpretation)

[Repealed]

Section 119: repealed, on 6 February 2021, by section 133(1).

120 Section 3 amended (Information held by agency)

[Repealed]

Section 120: repealed, on 6 February 2021, by section 133(1).

121 Section 23 amended (Privacy officers)

[Repealed]

Section 121: repealed, on 6 February 2021, by section 133(1).

122 Section 96C amended (Interpretation)

[Repealed]

Section 122: repealed, on 6 February 2021, by section 133(1).

123 New section 120A inserted (Responsibility under this Part for interdepartmental executive board)

[Repealed]

Section 123: repealed, on 6 February 2021, by section 133(1).

124 Amendments to Privacy Act 2020

[Repealed]

Section 124: repealed, on 6 February 2021, by section 133(1).

125 Section 7 amended (Interpretation)

[Repealed]

Section 125: repealed, on 6 February 2021, by section 133(1).

126 Section 10 amended (Personal information held by agency if held by officer, employee, or member of agency)

[Repealed]

Section 126: repealed, on 6 February 2021, by section 133(1).

127 Section 138 amended (Interpretation)

[Repealed]

Section 127: repealed, on 6 February 2021, by section 133(1).

128 Section 201 amended (Privacy officers)

[Repealed]

Section 128: repealed, on 6 February 2021, by section 133(1).

129 New section 201A inserted (Responsibility under this Part for interdepartmental executive board)

[Repealed]

Section 129: repealed, on 6 February 2021, by section 133(1).

Amendments to Orders in Council

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

130 Amendment to State Sector (Ministry for Primary Industries) Order 2012

[Repealed]

Section 130: repealed, on 6 February 2021, by section 133(1).

131 Amendment to State Sector (New Zealand Food Safety Authority) Order 2010

[Repealed]

Section 131: repealed, on 6 February 2021, by section 133(1).

Repeals and revocations

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

132 Repeals

[Repealed]

Section 132: repealed, on 6 February 2021, by section 133(1).

133 Repeal of certain provisions of this Act

(1) *[Repealed]*

(2) Sections 86(4) and 88(2) and this subsection are repealed on the date on which section 90 comes into force.

(3) *[Repealed]*

Section 133(1): repealed, on 6 February 2021, by section 133(1).

Section 133(3): repealed, on 6 February 2021, by section 133(1).

134 Legislative instruments revoked

[Repealed]

Section 134: repealed, on 6 February 2021, by section 133(1).

Consequential amendments

[Repealed]

Heading: repealed, on 6 February 2021, by section 133(1).

135 Consequential amendments to enactments

[Repealed]

Section 135: repealed, on 6 February 2021, by section 133(1).

Schedule 1
Transitional, savings, and related provisions

s 8

Part 1
Provisions relating to this Act as enacted

1 State Services Commission becomes Public Service Commission

(1) In this clause, **commencement date** means the date on which section 42 comes into force.

(2) The department that was the State Services Commission immediately before the commencement date is to be treated as the Public Service Commission under this Act on and after the commencement date.

2 State Services Commissioner becomes Public Service Commissioner

(1) In this clause, **commencement date** means the date on which section 42 comes into force.

(2) The person who was the State Services Commissioner immediately before the commencement date is to be treated as the Public Service Commissioner under this Act on and after the commencement date.

(3) The terms and conditions of appointment of that person that applied immediately before the commencement date continue to apply on and after the commencement date unless modified in accordance with the applicable rules and procedures.

(4) That person is eligible for reappointment in accordance with the provisions of this Act.

3 Deputy State Services Commissioner becomes Deputy Public Service Commissioner

(1) In this clause, **commencement date** means the date on which section 47 comes into force.

(2) The person who was the Deputy State Services Commissioner immediately before the commencement date is to be treated as a Deputy Public Service Commissioner under this Act on and after the commencement date.

(3) The terms and conditions of appointment of that person that applied immediately before the commencement date continue to apply on and after the commencement date unless modified in accordance with the applicable rules and procedures.

(4) That person is eligible for reappointment in accordance with the provisions of this Act.

4 Chief executives

(1) In this clause, **commencement date** means the date on which section 51 comes into force.

(2) The reference to administrative head in section 31(1) of the State Sector Act 1988 is not continued in this Act. This change does not create any distinction between public service chief executives based on whether they were or are appointed or reappointed before, on, or after the commencement date.

(3) Nothing in this Act affects a designation conferred on a chief executive by an enactment before the commencement date and that was current immediately before the commencement date.

(4) If a chief executive was given a designation by the Prime Minister under section 31(2)(b) of the State Sector Act 1988 and the designation was current immediately before the commencement date, it is to be treated as a designation given by the Commissioner under section 51(2)(b) on and after the commencement date.

5 Functional leads

(1) In this clause, **commencement date** means the date on which section 56 comes into force.

(2) A person who was a chief executive of a department and held a functional lead role immediately before the commencement date—

(a) remains the chief executive of the department, and the terms and conditions of appointment of that person, relating to that role, that applied immediately before the commencement date continue to apply on and after the commencement date unless modified in accordance with the applicable rules and procedures; and

(b) continues in that functional lead role on and after the commencement date until it is disestablished in accordance with the applicable process that operated before the commencement date and any terms and conditions of appointment relating to that role cease to apply on the date the role is disestablished.

6 Working arrangements of departmental agencies

(1) In this clause, **commencement date** means the date on which section 24 comes into force.

(2) A working arrangement agreed and approved under section 27B(b) of the State Sector Act 1988 that was operating immediately before the commencement date is to be treated as a working arrangement under section 24 on and after the commencement date.

7 Delegations

(1) In this clause, **commencement date** means the date on which section 46 comes into force.

(2) This clause applies to a delegation that was made under any of the following provisions of the State Sector Act 1988 and that is in force immediately before the commencement date:

(a) section 23:

(b) section 28:

(c) section 41:

(d) section 70.

(3) A delegation—

(a) continues in force on and after the commencement date until it is revoked or modified in accordance with this Act; and

(b) is to be treated as having been made under this Act and the relevant provisions of this Act apply to it.

8 Code of conduct

(1) In this clause, **commencement date** means the date on which section 17 comes into force.

(2) A code of conduct issued under section 57 of the State Sector Act 1988 that is current immediately before the commencement date is to be treated as containing minimum standards set by the Commissioner under section 17, on and after the commencement date, until any part or all of its contents are altered or replaced by minimum standards set after the commencement date.

(3) However, the code of conduct applies only in or to the agencies listed in section 17(2) on and after the commencement date.

9 Investigations and inquiries

(1) In this clause, **commencement date** means the date on which section 46 comes into force.

(2) This clause applies to any investigation or inquiry begun by the Commissioner under the State Sector Act 1988 or any other Act but not completed immediately before the commencement date.

(3) The investigation or inquiry must be completed or otherwise dealt with under the provisions of the State Sector Act 1988 as if this Act had not been enacted.

Compare: 1988 No 20 Schedule 1AA cl 1

10 Superannuation

(1) In this clause, **commencement date** means the date on which section 85 comes into force.

(2) An entitlement of an officer or employee in the State services under any superannuation scheme, or arrangement in respect of superannuation, that applied to that officer or employee immediately before the commencement date is not affected by the repeal of sections 84 to 84B of the State Sector Act 1988 by section 132(1) and their replacement by clauses 12 to 14 of Schedule 8.

11 Updated references

(1) In this clause, **commencement date** means the date on which section 42 comes into force.

(2) Unless the context otherwise requires,—

(a) a reference to the State Services Commission (even if this is as the Commission) in an enactment or a document is to be read as a reference to the Public Service Commission (or the Commission) on or after the commencement date:

(b) a reference to the State Services Commissioner (even if this is as the Commissioner) in an enactment or a document is to be read as a reference to the Public Service Commissioner (or the Commissioner) on or after the commencement date:

(c) a reference to the Deputy State Services Commissioner (even if this is as the Deputy Commissioner) in an enactment or a document is to be read as a reference to a Deputy Public Service Commissioner or a Deputy Commissioner or the Deputy Public Service Commissioners or the Deputy Commissioners (as relevant) on or after the commencement date.

12 Constitution of New Zealand Public Service Association

(1) In this clause, **commencement date** means the date on which section 8 comes into force.

(2) To the extent that section 26 of the State Sector Amendment Act (No 2) 1989 has effect immediately before the commencement date, it continues to have that effect on and after the commencement date as if that Act had not been repealed.

(3) This clause does not limit section 17 of the Interpretation Act 1999.

13 Employees of departments

(1) In this clause, **commencement date** means the date on which section 65 comes into force.

(2) This clause applies to a person who, immediately before the commencement date, was an employee of a department (including a person who was carrying out functions of a departmental agency and to whom section 59(2) and (3) of the State Sector Act 1988 applied).

(3) Immediately after the commencement date,—

(a) the person continues as an employee of the department as if that person had been appointed under this Act; and

(b) the terms and conditions of employment of the person are the same as the terms and conditions of their employment immediately before the commencement date; and

(c) the person is a public service employee for the purposes of this Act.

14 Terms and conditions of employment of certain other persons in State services

(1) In this clause, **commencement date** means the date on which section 65 comes into force.

(2) The repeal by this Act of the State Sector Act 1988 does not affect the terms and conditions of employment of any person that applied immediately before the commencement date under any Act in which provisions of the State Sector Act 1988 were applied or referred to.

15 Application to existing pay equity claims

(1) In this clause, **commencement date** means the date on which section 81 comes into force.

(2) Sections 81 to 84 apply to a pay equity claim (within the meaning of that term in section 81) if—

(a) the claim was notified to a chief executive of a department before the commencement date; and

(b) immediately before the commencement date,—

(i) no claim has been lodged with the Employment Relations Authority or filed in a tribunal or a court in relation to the pay equity claim; and

(ii) the pay equity claim has not been settled or otherwise been completed.

(3) In relation to a pay equity claim referred to in subsection (2), the requirement in section 81(2) in relation to giving notice of the claim to the Commissioner is satisfied if the chief executive of the department or the board of the interdepartmental venture gives the notice as soon as practicable after the commencement date.

Legislative instruments saved

16 Legislative instruments saved

(1) In this clause, **commencement date** means the date on which section 8 comes into force.

(2) The following legislative instruments, if, in each case, they remain in force immediately before the commencement date, continue in force, in accordance with their respective terms, as if they had been made under this Act:

(a) State Sector (Incorporated Societies) Order 1990:

(b) State Sector (Ministry for Primary Industries) Order 2012:

(c) State Sector (National Emergency Management Agency) Order 2019:

(d) State Sector (New Zealand Food Safety Authority) Order 2010:

(e) State Sector (Social Wellbeing Agency) Order 2020.

17 Retrospective application of amended orders

The amendments to the State Sector (Ministry for Primary Industries) Order 2012 and the State Sector (New Zealand Food Safety Authority) Order 2010 made in sections 130 and 131 apply between 1 July 2020 and the commencement of those sections as if they were in force during that time.

Part 2
Provisions relating to Public Service Amendment Act 2026

Schedule 1 Part 2: inserted, on 3 June 2026, by section 42(a) of the Public Service Amendment Act 2026 (2026 No 23).

18 Transition to single Deputy Commissioner

(1) In this clause,—

Act means the Public Service Amendment Act 2026

commencement date means the date on which section 23 of the Act comes into force.

(2) The person who is the longest-serving Deputy Commissioner immediately before the commencement date is to be treated as the Deputy Commissioner under this Act on and after the commencement date.

(3) The terms and conditions of appointment of that person that applied immediately before the commencement date continue to apply on and after the commencement date unless modified in accordance with the applicable rules and procedures.

(4) The role of the Deputy Commissioner who is not the longest-serving immediately before the commencement date comes to an end at the close of the day before the commencement date.

Schedule 1 clause 18: inserted, on 3 June 2026, by section 42(a) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 2
Public service agencies

ss 23, 26, 33

Part 1
Departments

Crown Law Office
Department of Conservation
Department of Corrections
Department of Internal Affairs
Department of the Prime Minister and Cabinet
Education Review Office
Government Communications Security Bureau
Inland Revenue Department
Land Information New Zealand
Ministry for Cities, Environment, Regions, and Transport
Ministry for Culture and Heritage
Ministry for Pacific Peoples
Ministry for Primary Industries
Ministry for Regulation
Ministry for Women
Ministry of Business, Innovation, and Employment
Ministry of Defence
Ministry of Disabled People
Ministry of Education
Ministry of Foreign Affairs and Trade
Ministry of Health
Ministry of Justice
Ministry of Māori Development—Te Puni Kōkiri
Ministry of Social Development
New Zealand Customs Service
New Zealand Security Intelligence Service
Oranga Tamariki—Ministry for Children
Public Service Commission
Serious Fraud Office

Social Investment Agency

Statistics New Zealand

The Treasury

Schedule 2 Part 1 Ministry for Cities, Environment, Regions, and Transport: inserted, on 1 April 2026, by clause 4(1) of the Public Service (Ministry for Cities, Environment, Regions, and Transport) Order 2026 (SL 2026/6).

Schedule 2 Part 1 Ministry for Regulation: inserted, on 1 March 2024, by clause 4 of the Public Service (Ministry for Regulation) Order 2024 (SL 2024/5).

Schedule 2 Part 1 Ministry for the Environment: repealed, on 1 July 2026, by section 18 of the Environment (Disestablishment of Ministry for the Environment) Amendment Act 2026 (2026 No 22).

Schedule 2 Part 1 Ministry of Disabled People: inserted, on 1 December 2024, by clause 4(1) of the Public Service (Ministry of Disabled People) Order 2024 (SL 2024/209).

Schedule 2 Part 1 Ministry of Housing and Urban Development: repealed, on 1 July 2026, by clause 4(2) of the Public Service (Ministry for Cities, Environment, Regions, and Transport) Order 2026 (SL 2026/6).

Schedule 2 Part 1 Ministry of Transport: repealed, on 1 July 2026, by clause 4(3) of the Public Service (Ministry for Cities, Environment, Regions, and Transport) Order 2026 (SL 2026/6).

Schedule 2 Part 1 Social Investment Agency: inserted, on 1 July 2024, by clause 4(1) of the Public Service (Social Investment Agency) Order 2024 (SL 2024/73).

Schedule 2 Part 1 Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency: repealed, on 1 July 2022, by clause 4 of the Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency Disestablishment) Order 2022 (SL 2022/147).

Part 2
Departmental agencies and host departments

Note: A tick in the third or fourth column alongside the name of a departmental agency means that the working arrangement referred to above the tick applies to the departmental agency.

Departmental agency	Host department	Chief executive may operate outside strategic and policy framework of host department (*see* section 24(2)(a))	Chief executive may manage assets and liabilities (*see* section 24(2)(b))
Cancer Control Agency	Ministry of Health		
Charter School Agency	Ministry of Education		✓
Ministry for Ethnic Communities	Department of Internal Affairs		
National Emergency Management Agency	Department of Internal Affairs		
Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau	Ministry of Justice		

Schedule 2 Part 2 Aroturuki Tamariki—Independent Children's Monitor: repealed, on 1 August 2025, by section 14 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Schedule 2 Part 2 Charter School Agency: inserted, on 1 July 2024, by clause 4 of the Public Service (Charter School Agency) Order 2024 (SL 2024/71).

Schedule 2 Part 2 Health New Zealand: repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Schedule 2 Part 2 Māori Health Authority: repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Schedule 2 Part 2 Ministry for Disabled People: repealed, on 1 December 2024, by clause 4(2) of the Public Service (Ministry of Disabled People) Order 2024 (SL 2024/209).

Schedule 2 Part 2 Ministry for Ethnic Communities: inserted, on 1 July 2021, by clause 3 of the Public Service (Ministry for Ethnic Communities) Order 2021 (LI 2021/75).

Schedule 2 Part 2 National Emergency Management Agency: amended, on 25 September 2025, by clause 4 of the Public Service (National Emergency Management Agency) Order 2025 (SL 2025/159).

Schedule 2 Part 2 Office for Māori Crown Relations—Te Arawhiti: repealed, on 12 June 2025, by clause 4 of the Public Service (Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau) Order 2025 (SL 2025/81).

Schedule 2 Part 2 Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau: inserted, on 12 June 2025, by clause 4 of the Public Service (Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau) Order 2025 (SL 2025/81).

Schedule 2 Part 2 Social Wellbeing Agency: repealed, on 1 July 2024, by clause 4(2) of the Public Service (Social Investment Agency) Order 2024 (SL 2024/73).

Part 3
Interdepartmental executive boards and servicing departments

Interdepartmental executive board	Departments in board's remit (*see* section 26(2)(b))	Servicing department
Climate Change Chief Executives Board	Department of Conservation Department of Internal Affairs Ministry of Business, Innovation, and Employment Ministry for Cities, Environment, Regions, and Transport Ministry of Foreign Affairs and Trade Ministry for Primary Industries Ministry of Social Development National Emergency Management Agency The Treasury	Ministry for Cities, Environment, Regions, and Transport
Executive Board for the Elimination of Family Violence and Sexual Violence	Department of Corrections Ministry of Education Ministry of Health Ministry of Justice Ministry of Māori Development—Te Puni Kōkiri	Ministry of Justice

Interdepartmental executive board	Departments in board's remit (*see* section 26(2)(b))	Servicing department
	Ministry of Social Development	
	New Zealand Police	
	Oranga Tamariki—Ministry for Children	
	Public Service Commission	

Schedule 2 Part 3 Border Executive Board: repealed, on 1 January 2026, by clause 4 of the Public Service (Border Executive Board) Order 2025 (SL 2025/268).

Schedule 2 Part 3 Climate Change Chief Executives Board: inserted, on 29 July 2022, by clause 4 of the Public Service (Climate Change Chief Executives Board) Order 2022 (SL 2022/197).

Schedule 2 Part 3 Climate Change Chief Executives Board: amended, on 1 July 2026, by section 18 of the Environment (Disestablishment of Ministry for the Environment) Amendment Act 2026 (2026 No 22).

Schedule 2 Part 3 Climate Change Chief Executives Board: amended, on 1 July 2026, by clause 5(1) of the Public Service (Ministry for Cities, Environment, Regions, and Transport) Order 2026 (SL 2026/6).

Schedule 2 Part 3 Climate Change Chief Executives Board: amended, on 1 July 2026, by clause 5(2) of the Public Service (Ministry for Cities, Environment, Regions, and Transport) Order 2026 (SL 2026/6).

Schedule 2 Part 3 Climate Change Chief Executives Board: amended, on 1 July 2026, by clause 5(3) of the Public Service (Ministry for Cities, Environment, Regions, and Transport) Order 2026 (SL 2026/6).

Schedule 2 Part 3 Climate Change Chief Executives Board: amended, on 1 July 2026, by clause 5(4) of the Public Service (Ministry for Cities, Environment, Regions, and Transport) Order 2026 (SL 2026/6).

Schedule 2 Part 3 Climate Change Chief Executives Board: amended, on 12 May 2023, by clause 4 of the Public Service (Climate Change Chief Executives Board) Order 2023 (SL 2023/51).

Schedule 2 Part 3 Digital Executive Board: repealed, on 30 July 2026, by clause 4 of the Public Service (Digital Executive Board Disestablishment) Order 2026 (SL 2026/201).

Schedule 2 Part 3 Executive Board for the Elimination of Family Violence and Sexual Violence: inserted, on 24 March 2022, by clause 4 of the Public Service (Executive Board for the Elimination of Family Violence and Sexual Violence) Order 2022 (SL 2022/25).

Schedule 2 Part 3 Spatial Planning Board: repealed, on 30 June 2024, by clause 4 of the Public Service (Spatial Planning Board Disestablishment) Order 2024 (SL 2024/62).

Schedule 2 Part 3 Strategic Planning Reform Board: repealed, on 1 July 2023, by clause 4 of the Public Service (Spatial Planning Board) Order 2023 (SL 2023/72).

Part 4
Interdepartmental ventures

Interdepartmental venture	Relevant departments (*see* section 33(2)(b))

No interdepartmental ventures have been established as at the date of enactment.

Schedule 3
Other functions and powers of Commissioner

s 46

Contents

Page

Powers

1 General powers 79
2 Power to conduct investigations and inquiries 79
3 Power to obtain information 79
4 Power to require information, question employees, and enter premises 80
5 Functions and powers may be carried out for other State services 81

Performance improvement reviews

5A Power to conduct performance improvement review 82

Directions to manage risks to national interest and national security

5B Meaning of classified security information 83
5C Power to issue direction to manage risks to national security and national interest 84
5D Commissioner may issue guidance to State services 85
5E Affected person must be notified of direction 85
5F Proceedings involving classified security information 86

Delegation of functions or powers

6 Delegation of functions or powers 86
7 Revocation and continuation of delegations and subdelegations 88

Investigations and inquiries

8 Application of Inquiries Act 2013 88
9 Commissioner's certificate 89
10 Information privacy principles 6 and 7 do not apply during inquiry or investigation 90
11 Immunities and privileges of participants in inquiry or investigation 90

Remuneration set by Commissioner

12 Remuneration and status of independent advisers 90
13 Remuneration and status of advisory committee members 91

Reports

14 Commissioner's report 91
15 Power to incorporate Commissioner's report with Commission's annual report 91

16 Three-yearly briefings on state of public service 91

Access by political parties to public service agencies and functional chief executives for negotiations to form government after general election

17 Access to public service agencies and functional chief executives for negotiations to form government 92
18 Information to be included in request 92
19 Approval of access to public service agency 93
20 Commissioner to set standards for access to public service agencies 93

Powers

1 General powers

The Commissioner has all the powers that are reasonably necessary or desirable to enable the Commissioner to carry out the functions and duties imposed under this Act or another enactment.

Compare: 1988 No 20 s 7

2 Power to conduct investigations and inquiries

(1) This clause applies if the Commissioner is carrying out functions in relation to a public service agency or a functional chief executive.

(2) The Commissioner may conduct investigations and inquiries, and make and receive reports, that the Commissioner thinks necessary or desirable or that the Minister directs.

(3) The Commissioner may recover from the public service agency or host department the actual and reasonable costs incurred by the Commission in conducting an investigation or inquiry.

Compare: 1988 No 20 s 8

Schedule 3 clause 2(3): inserted, on 3 June 2026, by section 43(1) of the Public Service Amendment Act 2026 (2026 No 23).

3 Power to obtain information

(1) This clause applies if the Commissioner is carrying out functions in relation to any agency or a functional chief executive.

(2) The Commissioner may require the agency or functional chief executive to supply information about their activities.

(3) The agency or functional chief executive must supply the information and must keep all records that are necessary to enable it or them to do so.

(4) This clause does not limit an enactment that imposes a prohibition or restriction on the availability of any information.

Compare: 1988 No 20 s 9

4 Power to require information, question employees, and enter premises

(1) For the purposes of carrying out the Commissioner's functions, the Commissioner, or a person specifically or generally authorised by the Commissioner, may—

(a) *[Repealed]*

(b) require the production of information, documents, or files in the custody of a public service agency or a functional chief executive hosted by a department, and examine that information, those documents, or those files; or

(c) require an employee of a public service agency to answer questions to enable the Commissioner to carry out those functions; or

(d) enter the premises of a public service agency.

(2) An authorisation must be in writing and must contain—

(a) a reference to this clause; and

(b) the full name of the authorised person; and

(c) a statement of the powers conferred on the authorised person.

(2A) A person has the same privileges as witnesses in courts of law when—

(a) producing information, documents, and files; and

(b) giving information or particulars; and

(c) answering questions.

(3) The power to enter premises is subject to the following conditions:

(a) entry may be made by the Commissioner or by an authorised person only:

(b) entry may be made only if the Commissioner has first obtained the agreement of the Minister:

(c) reasonable notice of the intention to enter must be given:

(d) entry must be made at reasonable times:

(e) the person entering must carry—

(i) evidence of their identity; and

(ii) if they are not the Commissioner, evidence that they are authorised by the Commissioner; and

(iii) evidence of the Minister's agreement to the entry:

(f) the person entering must, on first entering the premises, and, if requested, at a later time, produce to a representative of the public service agency the evidence referred to in paragraph (e).

(4) *[Repealed]*

(5) A person may exercise 1 or more of the powers in subclause (1)(a) to (c) only if they have first given the chief executive or board responsible for the agency, or the functional chief executive, the opportunity of consulting the person about the exercise of those powers.

(6) This clause does not limit an enactment that imposes a prohibition or restriction on—

(a) the availability of any information; or

(b) the production or examination of any information, documents, or files.

Compare: 1989 No 20 s 10

Schedule 3 clause 4 heading: amended, on 3 June 2026, by section 43(2) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 3 clause 4(1)(a): repealed, on 3 June 2026, by section 43(3) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 3 clause 4(1)(d): inserted, on 3 June 2026, by section 43(4) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 3 clause 4(2A): inserted, on 3 June 2026, by section 43(5) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 3 clause 4(4): repealed, on 3 June 2026, by section 43(6) of the Public Service Amendment Act 2026 (2026 No 23).

5 Functions and powers may be carried out for other State services

(1) This clause applies to State services that are not part of the public service.

(2) The Commissioner,—

(a) if directed to do so by the Prime Minister, must perform functions or exercise powers under section 44 and clauses 1 to 4 and 8 to 11 in relation to an agency:

(b) if requested by the head of an agency, may, and, if requested by the Minister responsible for an agency, must, perform functions or exercise powers under section 44 and clauses 1 to 4 and 8 to 11 in relation to an agency:

(c) if requested by the head of an agency, or of any organisation listed in Schedule 1 of the State-Owned Enterprises Act 1986, may provide assistance for the setting or application of conditions of employment of its employees.

(3) A direction by the Prime Minister must be in writing and must specify which functions or powers are to be performed or exercised by the Commissioner.

(4) When performing a function or exercising a power in relation to an agency under section 44(b) (relating to promoting integrity, accountability, and transparency), or section 17, 18, or 19 (relating to integrity and conduct), the Commissioner may also perform functions or exercise powers under clauses 1 to 4 and 8 to 11.

(5) In this clause, section 44 and clauses 1 to 4 and 8 to 11 apply as if the relevant agency were a department, with any necessary modifications.

(6) This clause does not—

(a) limit or affect any provision of this Act or another Act; or

(b) affect or prevent the performance or exercise of any function or power by an agency or an officer or employee of that agency.

Compare: 1988 No 20 s 11

Schedule 3 clause 5(4): amended, on 27 November 2025, by section 130(1) of the Statutes Amendment Act 2025 (2025 No 74).

Performance improvement reviews

Heading: inserted, on 3 June 2026, by section 43(7) of the Public Service Amendment Act 2026 (2026 No 23).

5A Power to conduct performance improvement review

(1) This clause applies to—

(a) the public service; and

(b) Crown entities named in Schedule 1 of the Crown Entities Act 2004; and

(c) the New Zealand Police, the New Zealand Defence Force, and the Parliamentary Counsel Office.

(2) The Commissioner may conduct—

(a) an agency performance improvement review with the agreement of the appropriate or responsible Minister; or

(b) a system performance improvement review with the agreement of the Minister.

(3) The Commissioner may recover from the agency or agencies, as applicable, the actual and reasonable costs incurred by the Commissioner in conducting the performance improvement review.

(4) In this clause,—

agency performance improvement review means an independent review of the performance of an agency, including the agency's delivery of government priorities, core functions, and organisational management

system performance improvement review means an independent review of the performance of a group of agencies, including how the agencies work together to deliver shared outcomes.

Schedule 3 clause 5A: inserted, on 3 June 2026, by section 43(7) of the Public Service Amendment Act 2026 (2026 No 23).

Directions to manage risks to national interest and national security

Schedule 3 heading: inserted, on 3 June 2026, by section 43(7) of the Public Service Amendment Act 2026 (2026 No 23).

5B Meaning of classified security information

(1) In this schedule, unless the context otherwise requires, **classified security information** means information held by a specified agency that the head of the specified agency certifies in writing cannot be disclosed under this Act (except as expressly authorised by or under an Act or other rule of law) because—

(a) the information is information of a kind specified in subclause (2); and

(b) disclosure of the information would be disclosure of a kind specified in subclause (3).

(2) Information falls within subclause (1)(a) if it—

(a) might lead to the identification, or provide details, of the source of the information, the nature, content, or scope of the information, or the nature or type of the assistance or operational methods available to the specified agency; or

(b) is about particular operations that have been undertaken, or are being or are proposed to be undertaken, in pursuance of any of the functions of the specified agency; or

(c) has been provided to the specified agency by the Government of another country, an agency of the Government of another country, or an international organisation, and is information that the specified agency cannot disclose because the Government, agency, or organisation that has provided the information will not consent to the disclosure.

(3) Disclosure of information falls within subclause (1)(b) if the disclosure would be likely—

(a) to prejudice the security or defence of New Zealand or the international relations of New Zealand; or

(b) to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of another country, an agency of the Government of another country, or an international organisation; or

(c) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or

(d) to endanger the safety of any person.

(4) In this schedule, in relation to classified security information,—

head of the specified agency means, as applicable, the Director-General of Security, the Director-General of the Government Communications Security Bureau, the Secretary of the Department of the Prime Minister and Cabinet, or the Secretary of Foreign Affairs and Trade

specified agency means, as applicable, the New Zealand Security Intelligence Service, the Government Communications Security Bureau, the Department of the Prime Minister and Cabinet, or the Ministry of Foreign Affairs and Trade.

Schedule 3 clause 5B: inserted, on 3 June 2026, by section 43(7) of the Public Service Amendment Act 2026 (2026 No 23).

5C Power to issue direction to manage risks to national security and national interest

(1) The Commissioner may, if the Commissioner considers it necessary to manage risk to national security or the national interest, issue to 1 or more relevant agencies a direction to restrict (including prohibit) the use of a specified vendor, service, or product, or specified class of vendors, services, or products, by or within those agencies.

(2) Classified security information may be relied on in making a decision to issue a direction under subclause (1).

(3) The Commissioner must, before issuing a direction under this clause,—

(a) seek advice from public service chief executives, including—

(i) the Director-General of Security, the Director-General of the Government Communications Security Bureau, and the Secretary of the Department of the Prime Minister and Cabinet, regarding risk to national security; and

(ii) the Secretary of Foreign Affairs and Trade, regarding New Zealand's international obligations and relationships; and

(b) consult the Minister.

(4) In issuing a direction, the Commissioner must have regard to—

(a) the nature and extent of the risk to national security and the nature and extent of the risk to the national interest; and

(b) the principle that the direction should be proportional to the nature of the risk; and

(c) the anticipated benefits to New Zealand from preventing, sufficiently mitigating, or removing the risk; and

(d) New Zealand's international obligations and relationships; and

(e) the effect of the direction on the relevant agencies, or on the individuals working within those agencies, as users of the vendor, service, or product, or the class of vendors, services, or products; and

(f) the effect that the direction may have on markets and trade; and

(g) any other matters the Commissioner considers relevant.

(5) An agency to which a direction issued under this clause applies must comply with the direction.

(6) In this clause,—

protective security requirements has the meaning given in section 4(1) of the Inspector-General of Defence Act 2023

relevant agency means—

(a) a public service agency:

(b) an agency directed to implement the protective security requirements.

Schedule 3 clause 5C: inserted, on 3 June 2026, by section 43(7) of the Public Service Amendment Act 2026 (2026 No 23).

5D Commissioner may issue guidance to State services

The Commissioner may, if they issue a direction under clause 5C(1), issue to 1 or more agencies in the State services guidance concerning the use, by or within those agencies, of the relevant specified vendor, service, or product, or specified class of vendors, services, or products.

Schedule 3 clause 5D: inserted, on 3 June 2026, by section 43(7) of the Public Service Amendment Act 2026 (2026 No 23).

5E Affected person must be notified of direction

(1) In this clause, **affected person** means, in relation to a direction issued under clause 5C(1), any of the following persons:

(a) a vendor who is specified in the direction:

(b) a provider of a service that is specified in the direction:

(c) a manufacturer or a developer of a product that is specified in the direction.

(2) This clause applies if a direction has been issued under clause 5C(1) and an affected person or a representative of an affected person is in New Zealand.

(3) The Commissioner must, if practicable, give notice (in the prescribed form (if any)) to the affected person or their representative that the direction has been issued.

(4) A notice under subclause (3) must be given as soon as practicable after the direction has been issued.

(5) If the Commissioner relies on classified security information in making a decision to issue the direction, the notice given under subclause (3) must state that—

(a) the Commissioner relied on that kind of information; and

(b) the affected person may request a summary (a **CSI summary**) of the classified security information.

(6) The purpose of the CSI summary is to enable the affected person to have a sufficient understanding of—

(a) the classified security information the Commissioner relied on in making the decision (without that information being disclosed to the affected person); and

(b) the reasons for the decision based on that information.

(7) If the affected person requests a CSI summary,—

(a) the Commissioner and the head of the specified agency that holds the classified security information must agree on the contents of the summary; and

(b) the Commissioner must provide the agreed summary to the affected person within a reasonable time.

(8) However, the Commissioner may refuse to provide a CSI summary if the Commissioner and the head of the specified agency are satisfied that a summary that is sufficient to meet its purpose cannot be provided without disclosing classified security information.

Schedule 3 clause 5E: inserted, on 3 June 2026, by section 43(7) of the Public Service Amendment Act 2026 (2026 No 23).

5F Proceedings involving classified security information

(1) This section applies to any civil proceedings (including public law and judicial review proceedings) in a court relating to a direction issued under clause 5C(1).

(2) If the Crown proposes to present classified security information in proceedings, the Attorney-General must—

(a) make an application to an authorised court under section 32 of the 2022 Act for a security information order to protect the confidentiality of the information to be given as evidence in the proceedings; and

(b) submit to the court the certification described in clause 5B(1).

(3) If the classified security information is also national security information, the Crown may submit with the application and certification referred to in subclause (2) an NSI certificate under section 41 of the 2022 Act and seek a security information order as set out in section 36(3) of that Act (under which the types of orders available to the court are limited).

(4) In this section,—

2022 Act means the Security Information in Proceedings Act 2022

authorised court, national security information, NSI certificate, and **security information order** have the meanings set out in section 4 of the 2022 Act.

Schedule 3 clause 5F: inserted, on 3 June 2026, by section 43(7) of the Public Service Amendment Act 2026 (2026 No 23).

Delegation of functions or powers

6 Delegation of functions or powers

(1) The Commissioner may, either generally or particularly, delegate functions or powers to a person or group, including a function or power delegated to the Commissioner under this Act or another enactment.

(2) The delegation power includes power to delegate—

(a) the conduct of an investigation or inquiry that the Commissioner is required or empowered to conduct under this Act or another enactment:

(b) all or any of the functions and powers that the Commissioner has under this Act or that other enactment for the investigation or inquiry.

(3) The Commissioner must not delegate—

(a) the power to delegate under this clause; or

(b) the power to select board members or designating the chairperson of an interdepartmental executive board under section 29; or

(c) the power to designate the chairperson of the board of an interdepartmental venture under section 36; or

(d) the powers under clause 5C (relating to issuing a direction to manage risk to national security and the national interest); or

(da) the powers under clause 3 of Schedule 7 (relating to the appointment of public service chief executives); or

(e) the powers under clause 8 of Schedule 7 (relating to the removal of a chief executive from office).

(4) A person to whom a function or power has been delegated may, with the prior approval of the Commissioner, in writing, subdelegate the function or power to another person working in or holding a specified office in the State services.

(5) A delegation or subdelegation under this clause must be in writing.

(6) Subject to any general or special directions given or conditions imposed by the Commissioner, the person to whom a function or power is delegated or subdelegated may perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if it had been conferred or imposed on them directly by this Act.

(7) A person acting under a delegation or subdelegation must, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation or subdelegation.

(8) A delegation or subdelegation may be made to a specified person or persons of a specified class, or to the holder or holders of a specified office or specified classes of offices.

(9) A delegation or subdelegation does not affect or prevent the performance of a function or the exercise of a power by the Commissioner or affect the Commissioner's responsibility for the actions of a person acting under the delegation or subdelegation.

Compare: 1988 No 20 s 23

Schedule 3 clause 6(3)(d): replaced, on 3 June 2026, by section 43(8) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 3 clause 6(3)(da): inserted, on 3 June 2026, by section 43(8) of the Public Service Amendment Act 2026 (2026 No 23).

7 Revocation and continuation of delegations and subdelegations

(1) A delegation or subdelegation may be revoked in writing at will.

(2) A delegation or subdelegation continues in force until it is revoked.

(3) If the Commissioner who made a delegation, or the person who subdelegated a function or power under clause 6(4), ceases to hold office, or is absent from duty,—

(a) the delegation continues to have effect as if made by the Commissioner's successor or the person acting for the Commissioner:

(b) the subdelegation continues to have effect as if made by the person's successor or the person acting for them.

Compare: 1988 No 20 s 24

Investigations and inquiries

8 Application of Inquiries Act 2013

(1) This clause applies if the Commissioner—

(a) investigates or inquires into any matter while carrying out functions under this Act or another Act (whether acting under a requirement imposed under an Act or on the Commissioner's own initiative); and

(b) has certified that, in order to carry out those functions, it is reasonably necessary that the provisions listed in subclause (2) apply to the investigation or inquiry.

(2) The following provisions of the Inquiries Act 2013 apply to an investigation or inquiry under this clause:

Provision	Subject matter
Section 10	Duty of an inquiry to act independently, impartially, and fairly
Section 14	Regulation of inquiry procedure
Section 15	Power to impose restrictions on access to inquiry
Section 16	Power to postpone or temporarily suspend inquiry
Section 17	Designation of core participants of inquiry
Sections 19–22	Evidential matters
Sections 23–26	Witnesses and immunities
Section 29	Offences
Section 30	Penalties for offences
Section 31	Contempt proceedings
Section 32	Application of Official Information Act 1982
Section 34	Questions of law to be referred to High Court

(3) Those provisions of the Inquiries Act 2013 must be read—

(a) as if the Commissioner were an inquiry established under that Act and (if applicable) the Prime Minister or Minister who directed or requested the intervention by the Commissioner were the appointing Minister; and

(b) as if the terms document, information, and officer of an inquiry had the same meanings as in section 4 of that Act; and

(c) with other necessary modifications.

(4) A delegation under section 21 of the Inquiries Act 2013 must be made in accordance with clause 6.

(5) In exercising powers under the Inquiries Act 2013, the Commissioner—

(a) has no power to determine the civil, criminal, or disciplinary liability of a person:

(b) may make 1 or more of the following:

(i) findings of fault:

(ii) recommendations that further steps be taken to determine the civil, criminal, or disciplinary liability of a person:

(iii) findings or recommendations for the improvement and benefits of the State services relevant to the findings of the investigation:

(c) may receive a report from any person, make a report to any person, or make any public report regarding the matters investigated.

Compare: 1988 No 20 s 9A

9 Commissioner's certificate

(1) A certificate made under clause 8(1)(b) must—

(a) be in writing; and

(b) specify the person or persons who will be conducting the investigation or the inquiry; and

(c) summarise the subject matter of the investigation or the inquiry; and

(d) set out the reason or reasons why the Commissioner is satisfied that, in order to carry out functions, it is reasonably necessary that the provisions specified in clause 8(2) apply to the investigation or inquiry.

(2) The Commissioner must not delegate the power to make a certificate.

(3) The Commission's annual report, required by section 43 of the Public Finance Act 1989, must include—

(a) a statement of the number of certificates made by the Commissioner under clause 8(1)(b) during the financial year to which the report relates; and

(b) for each certificate, a summary description of the matter that was the subject of the investigation or inquiry.

Compare: 1988 No 20 s 9B

10 Information privacy principles 6 and 7 do not apply during inquiry or investigation

(1) This clause applies to an inquiry or an investigation for which a certificate has been issued under clause 8(1)(b).

(2) Information privacy principles 6 and 7 do not apply to personal information contained in evidence given or submissions made to an inquiry or investigation conducted under clause 2, until the Commissioner publishes a final report or otherwise concludes the inquiry or investigation.

(3) In subclause (2), **information privacy principle** and **personal information** have the meanings given to them in section 2(1) of the Privacy Act 1993.

Compare: 1988 No 20 s 9C

11 Immunities and privileges of participants in inquiry or investigation

(1) Witnesses and other persons (other than counsel) participating in an inquiry or investigation under clause 2 have the same immunities and privileges as if they were appearing in civil proceedings, and subpart 8 of Part 2 of the Evidence Act 2006 applies to the inquiry or investigation, to the extent that it is relevant, as if the inquiry or investigation were a civil proceeding.

(2) The Commissioner may make any order or direction that a Judge may make under section 52, 53, 69, or 70 of that Act with the same effect as if it were an order or a direction of a Judge.

(3) Counsel appearing before an inquiry or investigation have the same immunities and privileges as they would have if appearing before a court.

Compare: 1989 No 20 s 9D

Remuneration set by Commissioner

12 Remuneration and status of independent advisers

(1) The Commissioner must pay a person appointed as an independent adviser to an interdepartmental executive board under section 29(3) fees for their services, and expenses reasonably incurred in providing those services, in accordance with the fees framework.

(2) An independent adviser is not a public service employee by reason of their appointment to that role.

(3) A public service chief executive, a public service employee, or a chief executive or an employee in the wider State services who is appointed as an independent adviser as a representative of their department or organisation is not entitled to any payment under this clause.

Compare: 1988 No 20 s 22

13 Remuneration and status of advisory committee members

(1) The Commissioner must pay persons appointed to an advisory committee under section 50 fees for their services, and expenses reasonably incurred in providing those services, in accordance with the fees framework.

(2) A member of an advisory committee is not a public service employee by reason of their appointment to an advisory committee.

(3) A public service chief executive, a public service employee, or a chief executive or an employee in the wider State services who is appointed to an advisory committee as a representative of their department or organisation is not entitled to any payment under this clause.

Compare: 1988 No 20 s 22

Reports

14 Commissioner's report

(1) The Commissioner must give a report to the Minister on the operations of the Commissioner for each financial year as soon as practicable after the end of that year.

(2) The report must be presented and published in accordance with section 44 of the Public Finance Act 1989 as if it were a department's annual report.

Compare: 1988 No 20 s 19

15 Power to incorporate Commissioner's report with Commission's annual report

The Commissioner may incorporate the report required under clause 14 with the report required by section 43 of the Public Finance Act 1989 on the operations of the Commission for the relevant financial year.

Compare: 1988 No 20 s 20

16 Three-yearly briefings on state of public service

(1) The Commissioner must give a briefing to the Minister on the state of the public service at least once in every 3-year period after 7 August 2020.

(2) The purpose of a briefing is to promote stewardship of the public service.

(3) The subject matter must be selected by the Commissioner and take into account the issues that the Commissioner considers are of significant public interest.

(4) The briefing may include an assessment of—

(a) whether and the extent to which—

(i) the public service is achieving its purpose:

(ii) public service chief executives, public service agencies, and Crown agents are upholding the public service principles:

(iii) public service chief executives, public service agencies, and Crown agents are promoting stewardship of the public service, in particular its long-term capability:

(iv) people working in the public service are meeting the required standards of integrity and conduct:

(v) *[Repealed]*

(b) the risks and opportunities that are affecting the context in which the public service operates:

(c) any other matter that the Commissioner thinks is relevant.

(5) The Minister must present a copy of a briefing to the House of Representatives as soon as reasonably practicable after receiving it.

Schedule 3 clause 16(1): amended, on 27 November 2025, by section 130(2) of the Statutes Amendment Act 2025 (2025 No 74).

Schedule 3 clause 16(4)(a)(v): repealed, on 3 June 2026, by section 43(9) of the Public Service Amendment Act 2026 (2026 No 23).

Access by political parties to public service agencies and functional chief executives for negotiations to form government after general election

17 Access to public service agencies and functional chief executives for negotiations to form government

(1) This clause applies if a political party wishes to have access to a public service agency or functional chief executive for the purpose of negotiations to form a government.

(2) Access to an agency includes access to information held by the agency or having an analysis completed by the agency.

(3) The political party must make a request to the Commissioner.

(4) A request may be made only during the period that begins on the day after the day of an election and ends when the Commissioner is satisfied that negotiations to form a government involving that party have concluded.

(5) In this clause, **political party** includes an individual who was a constituency candidate referred to in section 143 of the Electoral Act 1993.

(6) This clause does not limit the Official Information Act 1982.

18 Information to be included in request

A request to the Commissioner under clause 17 must contain sufficient information to satisfy the Commissioner of the following:

(a) that the political party making the request is or will be a party to negotiations to form a government; and

(b) that the information or analysis sought is relevant to those negotiations.

19 Approval of access to public service agency

(1) The Commissioner must approve a request under clause 17 if reasonably satisfied of the matters in clause 18(a) and (b).

(2) This clause is subject to clause 20.

20 Commissioner to set standards for access to public service agencies

(1) The Commissioner must set standards for public service agencies and functional chief executives to follow when complying with a request under clause 17.

(2) The standards may specify categories of information that cannot be made available under the process in clause 17.

(3) Chief executives, interdepartmental executive boards, and boards of interdepartmental ventures must comply, and chief executives that lead agencies and boards of interdepartmental ventures must ensure that the agencies they lead comply, with those standards, unless otherwise agreed by the Commissioner.

Schedule 4
Other terms and conditions of appointment of Commissioner and Deputy Commissioner

s 48

Schedule 4 heading: amended, on 3 June 2026, by section 44(1) of the Public Service Amendment Act 2026 (2026 No 23).

Contents

		Page
1	Term of appointment	94
2	Acting Commissioner or acting Deputy Commissioner	94
3	Remuneration and expenses	95
4	Removal from office	95
5	Vacation of office	96
6	Superannuation	96

1 Term of appointment

(1) The Commissioner and Deputy Commissioner must each be appointed for a term of up to 5 years.

(2) The Commissioner and Deputy Commissioner may be reappointed for further terms.

(3) If a person who is employed in the State services is appointed as Commissioner or Deputy Commissioner, their term of office must be treated as continuous service in the part of the State services in which they were previously employed for the purposes of—

(a) the Government Superannuation Fund Act 1956; and

(b) appointment to a position in the State services on the termination of that person's service as Commissioner or Deputy Commissioner; and

(c) entitlement to leave of absence.

Compare: 1988 No 20 s 13

Schedule 4 clause 1(1): amended, on 3 June 2026, by section 44(2) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 4 clause 1(2): amended, on 3 June 2026, by section 44(3) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 4 clause 1(3): amended, on 3 June 2026, by section 44(3) of the Public Service Amendment Act 2026 (2026 No 23).

2 Acting Commissioner or acting Deputy Commissioner

(1) The Governor-General, on the recommendation of the Prime Minister, may appoint an acting Commissioner or acting Deputy Commissioner to act for the Commissioner or Deputy Commissioner, respectively, in the event of—

(a) their incapacity by reason of illness or absence; or

(b) any reasonable cause that requires them to stand down (whether temporarily or for a particular matter).

(2) Subclause (1) also applies when the Deputy Commissioner is performing the functions or duties or exercising the powers of the Commissioner under section 47(5).

(3) An appointment of an acting Commissioner or acting Deputy Commissioner and acts done by them cannot be questioned in proceedings on the ground that there was no, or there no longer is a, reason for the appointment.

Compare: 1988 No 20 s 14

Schedule 4 clause 2(1): amended, on 3 June 2026, by section 44(3) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 4 clause 2(2): amended, on 3 June 2026, by section 44(4) of the Public Service Amendment Act 2026 (2026 No 23).

3 Remuneration and expenses

(1) The Commissioner and Deputy Commissioner must be paid remuneration that is determined in each case by the Remuneration Authority.

(2) Subject to the Remuneration Authority Act 1977, a determination may be made to come into force on a date specified in the determination, being the date of the making of the determination, or another date, whether before, on, or after the date of the making of the determination.

(3) A determination that does not specify a date comes into force on the date on which it is made.

Compare: 1988 No 20 s 15

Schedule 4 clause 3(1): amended, on 3 June 2026, by section 44(5) of the Public Service Amendment Act 2026 (2026 No 23).

4 Removal from office

(1) The Commissioner or Deputy Commissioner may be suspended or removed from office only as provided in this clause.

(2) The Governor-General may suspend the Commissioner or Deputy Commissioner from office for misbehaviour or incompetence.

(3) The Governor-General must present a full statement of the grounds of a suspension to the House of Representatives within 7 sitting days after the date of the suspension.

(4) The Commissioner or Deputy Commissioner must be treated as being restored to office, unless—

(a) the House of Representatives, within 21 days from the date on which the statement is presented to it, declares by resolution that the Commissioner or Deputy Commissioner must be removed from office; and

(b) the Governor-General removes that Commissioner or Deputy Commissioner.

(5) The date on which the Commissioner or Deputy Commissioner is to be treated as being restored or removed from office is the date on which they were suspended by the Governor-General.

(6) Unless the Governor-General otherwise directs, the Commissioner or Deputy Commissioner who has been removed from office may not be reappointed to the State services and may not be paid a retiring allowance under the Government Superannuation Fund Act 1956.

Compare: 1988 No 20 s 16

Schedule 4 clause 4(1): amended, on 3 June 2026, by section 44(3) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 4 clause 4(2): amended, on 3 June 2026, by section 44(3) of the Public Service Amendment Act 2026 (2026 No 23).

5 Vacation of office

(1) A person who holds office as the Commissioner or Deputy Commissioner must be treated as having vacated office if,—

(a) without the approval of the Governor-General, they—

(i) engage in paid employment or business other than the functions of their office; or

(ii) are appointed to and accept another office or position in the State services:

(b) they become bankrupt or have sought an alternative to bankruptcy described in section 8 of the Insolvency Act 2006:

(c) they absent themselves from duty except with the authority of the Governor-General:

(d) they resign to the Governor-General.

(2) Despite this clause, the Commissioner or Deputy Commissioner may act temporarily in a position in the State services that is vacant (including the position of chief executive).

Compare: 1988 No 20 s 17

Schedule 4 clause 5(1): amended, on 3 June 2026, by section 44(3) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 4 clause 5(2): amended, on 3 June 2026, by section 44(3) of the Public Service Amendment Act 2026 (2026 No 23).

6 Superannuation

(1) If a person who is a contributor to the Government Superannuation Fund is appointed as Commissioner or the Deputy Commissioner, they are entitled to receive from the fund an annual retiring allowance for the rest of their life computed in the manner prescribed by Part 2 or 2A of the Government

Superannuation Fund Act 1956, even if they have not attained the age or had the length of service that would entitle them to a retiring allowance under that Act, unless they—

(a) are reappointed as Commissioner or the Deputy Commissioner; or

(b) are appointed to another office in the Government service (within the meaning of the Government Superannuation Fund Act 1956); or

(c) have ceased to be a contributor to the Government Superannuation Fund; or

(d) are not entitled to a retiring allowance under clause 4(6).

(2) In subclause (1)(a), **reappointed** includes a person who is the Deputy Commissioner becoming the successor to the Commissioner.

Compare: 1988 No 20 s 18

Schedule 4 clause 6(1): amended, on 3 June 2026, by section 44(6) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 4 clause 6(1)(a): amended, on 3 June 2026, by section 44(6) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 4 clause 6(2): amended, on 3 June 2026, by section 44(7) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 5
Functional chief executives and host departments

s 51(3)

Functional chief executive	Host department
Chief Executive for Digital Government	Public Service Commission
Chief Executive for the Government's Response to the Royal Commission's Report into Historical Abuse in Care	Public Service Commission
Chief Executive for School Property	Ministry of Education

Schedule 5 Chief Executive, Cyclone Recovery: repealed, on 1 July 2025, by clause 4 of the Public Service (Disestablishment of Chief Executive, Cyclone Recovery) Order 2025 (SL 2025/80).

Schedule 5 Chief Executive for Digital Government: inserted, on 30 July 2026, by clause 5(1) of the Public Service (Chief Executive for Digital Government) Order 2026 (SL 2026/200).

Schedule 5 Chief Executive for the Government's Response to the Royal Commission's Report into Historical Abuse in Care: inserted, on 14 October 2024, by clause 5 of the Public Service (Chief Executive for the Government's Response to the Royal Commission's Report into Historical Abuse in Care) Order 2024 (SL 2024/194).

Schedule 5 Chief Executive for School Property: inserted, on 16 December 2024, by clause 5 of the Public Service (Chief Executive for School Property) Order 2024 (SL 2024/226).

Schedule 5 No functional chief executive roles have been established as at the date of enactment: repealed, on 16 March 2023, by clause 5(1) of the Public Service (Chief Executive, Cyclone Recovery) Order 2023 (SL 2023/25).

Schedule 6
Other functions and powers of public service chief executives

s 58(1)

Contents

Page

General powers

1 General powers of public service chief executives 99

Delegation by public service chief executives

2 Delegation of functions or powers 100
3 Application of Ombudsmen Act 1975 and Official Information Act 1982 to certain delegates 102
4 Revocation and continuation of delegations and subdelegations 102

Delegations by Ministers to chief executives

5 Delegation of functions or powers of appropriate Minister 102
6 Revocation and continuation of delegations 103

Functions, responsibilities, duties, and powers under other Acts

7 Functions, responsibilities, duties, and powers under other Acts 103

Long-term insights briefings

8 Long-term insights briefings 104
9 Public consultation 104

Long-term thinking in policy development

10 Long-term thinking in policy development 105

Business continuity management

11 Public service agencies must have business continuity management in place 105

General powers

1 General powers of public service chief executives

Chief executives have all the powers that are reasonably necessary to carry out—

(a) the responsibilities, functions, and duties imposed on them by this Act or another enactment; and

(b) the responsibilities, functions, and duties imposed on the department they lead or carry out some functions within, or on the departmental agency they lead, by another Act.

Compare: 1988 No 20 s 34(2)

Delegation by public service chief executives

2 Delegation of functions or powers

(1) A chief executive may, either generally or particularly, delegate functions or powers under this Act or another enactment (including functions or powers delegated to the chief executive under this Act or another enactment).

(2) However,—

(a) the delegation of functions or powers delegated to the chief executive by a Minister requires the prior approval of that Minister; and

(b) the delegation of functions or powers delegated to the chief executive by the Commissioner requires the prior approval of the Commissioner.

(3) A person to whom a function or power has been delegated under subclause (1) may, with the prior approval of the chief executive in writing, subdelegate the function or power.

(4) The following persons only may be a delegate under subclause (1) or a subdelegate under subclause (3):

(a) another public service chief executive:

(b) a public service employee:

(c) an individual working in the public service as one of the following in relation to a function of the public service:

(i) a secondee from elsewhere in the State services; or

(ii) a contractor; or

(iii) an employee of an employer who has a contract or other arrangement with the chief executive under which the employee performs work for the benefit of the chief executive and the chief executive is the controlling third party within the meaning given to that term in section 5 of the Employment Relations Act 2000:

(d) the holder of a specified office in the public service.

(5) A chief executive may also delegate a clearly identified function or power to a person outside the public service, but only after—

(a) obtaining the appropriate Minister's prior approval; and

(b) being satisfied that any potential conflicts of interest will be avoided or managed.

(6) A delegation or subdelegation under this clause must be in writing.

(7) A delegate under subclause (5) must not subdelegate a delegated function or power.

(8) A delegation described in subclause (5) must be noted, with a description of an assessment of how effectively the delegated function or power was performed or exercised,—

(a) if it was made by the chief executive of a department, in the annual report of that department; or

(b) if it was made by the chief executive of a departmental agency, in the annual report of that departmental agency; or

(c) if it was made by a functional chief executive, in the annual report of the host department.

(9) A delegate described in subclause (5) must comply (in the same way as a delegate or subdelegate described in subclause (4) must comply) with the following obligations:

(a) all relevant statutory obligations; and

(b) all relevant obligations in minimum standards of conduct and integrity set by the Commissioner.

(10) Subject to any general or special directions given or conditions imposed by the chief executive, the person to whom any functions or powers are delegated or subdelegated may perform those functions or exercise those powers in the same manner, subject to the same restrictions, and with the same effect as if it had been conferred on them directly by this Act.

(11) The power to delegate or subdelegate—

(a) is subject to any prohibitions, restrictions, or conditions contained in an enactment relating to delegation of the chief executive's functions or powers; but

(b) does not limit a power of delegation conferred on the chief executive by an enactment.

(12) If a document is used to inform a person of an action taken by a delegate described in subclause (5), the document must—

(a) state that the action was taken by a delegate outside the public service and, if relevant, the State services; and

(b) state the delegate's name and office; and

(c) state that a copy of the instrument of delegation may be inspected at the chief executive's office.

(13) A person acting under a delegation or subdelegation must, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation or subdelegation.

(14) A delegation or subdelegation may be made to a specified person or persons of a specified class, or to the holder or holders of a specified office or specified class of offices.

(15) A delegation or subdelegation does not affect or prevent the performance of a function or the exercise of a power by a chief executive or affect their responsibility for the actions of the person acting under the delegation or subdelegation.

Compare: 1988 No 20 s 41

Schedule 6 clause 2(4)(c): replaced, on 3 June 2026, by section 45(1) of the Public Service Amendment Act 2026 (2026 No 23).

3 Application of Ombudsmen Act 1975 and Official Information Act 1982 to certain delegates

(1) Information held by a delegate described in clause 2(5) as a result of performing any delegated function or exercising any delegated power is, for the purposes of the Official Information Act 1982 (*see* section 2(5) of that Act), to be treated as being held by,—

(a) in the case of a delegation made by the chief executive of a department, that department; or

(b) in the case of a delegation made by the chief executive of a departmental agency or a functional chief executive, the host department of that departmental agency or functional chief executive.

(2) The Ombudsmen Act 1975 and the Official Information Act 1982 apply to a delegate performing any delegated function or exercising any delegated power under clause 2 as if the delegate were an organisation named in Schedule 1 of the Ombudsmen Act 1975.

Compare: 1988 No 20 s 41

4 Revocation and continuation of delegations and subdelegations

(1) A delegation or subdelegation may be revoked in writing at will.

(2) A delegation or subdelegation continues in force until it is revoked.

(3) If the chief executive who made a delegation, or the person who subdelegated a function or power under clause 2(3), ceases to hold office, or is absent from duty,—

(a) the delegation continues to have effect as if made by that chief executive's successor or the person acting for the chief executive:

(b) the subdelegation continues to have effect as if made by that person's successor or the person acting for them.

Compare: 1988 No 20 s 42

Delegations by Ministers to chief executives

5 Delegation of functions or powers of appropriate Minister

(1) The appropriate Minister for a department, a departmental agency, or a functional chief executive may, either generally or particularly, delegate to the relevant chief executive all or any of the Minister's functions or powers under this Act or another enactment, including functions or powers delegated to the Minister under this Act or another enactment.

(2) The delegation must be in writing.

(3) The Minister must not delegate the power to delegate under this clause.

(4) The power to delegate—

(a) is subject to any prohibitions, restrictions, or conditions contained in an enactment relating to delegation of the Minister's functions or powers; but

(b) does not limit a power of delegation conferred on the Minister by an enactment.

(5) Subject to any general or special directions given or conditions imposed by the Minister, a chief executive may perform a delegated function or exercise a delegated power in the same manner, subject to the same restrictions, and with the same effect as if it had been conferred on them directly by this clause.

(6) A chief executive acting under a delegation must, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation.

(7) A delegation does not affect or prevent the performance of a function or the exercise of a power by the Minister or affect the Minister's responsibility for the actions of a person acting under the delegation.

Compare: 1988 No 20 s 28

6 Revocation and continuation of delegations

(1) A delegation may be revoked in writing at will.

(2) A delegation continues in force until it is revoked.

(3) If the Minister who made it ceases to hold office, or is absent from duty, it continues to have effect as if made by the Minister's successor or the person acting for the Minister.

(4) The relevant chief executive must advise a Minister's successor of the terms of a delegation as soon as practicable after that Minister takes up office.

(5) If the chief executive to whom a delegation has been made ceases to hold office, the delegation continues to have effect as if made to—

(a) a person acting in the place of the chief executive:

(b) the chief executive's successor.

Compare: 1988 No 20 s 29

Functions, responsibilities, duties, and powers under other Acts

7 Functions, responsibilities, duties, and powers under other Acts

The functions, responsibilities, duties, and powers imposed on or given to a chief executive by this Act are in addition to those imposed on or given to them by another Act.

Compare: 1988 No 20 s 34(1)

Long-term insights briefings

8 Long-term insights briefings

(1) The chief executive of the Department of the Prime Minister and Cabinet must give a long-term insights briefing to the Prime Minister and the Minister at least once in every 3-year period beginning on 1 June 2026 and must do so independently of all Ministers.

(2) The purpose of a briefing is to make available into the public domain—

(a) information about medium- and long-term trends, risks, and opportunities that affect or may affect New Zealand and New Zealand society:

(b) information and impartial analysis, including policy options for responding to matters in the categories referred to in paragraph (a).

(3) A briefing may set out the strengths and weaknesses of policy options but without indicating a preference for a particular policy option.

(4) *[Repealed]*

(5) *[Repealed]*

(6) Any agency in the State services may contribute to a briefing on subject matter relevant to the operation of their agency.

(7) The Prime appropriate Minister must present a copy of a briefing to the House of Representatives as soon as is reasonably practicable after receiving it.

Schedule 6 clause 8(1): replaced, on 3 June 2026, by section 45(2) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 6 clause 8(4): repealed, on 3 June 2026, by section 45(3) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 6 clause 8(5): repealed, on 3 June 2026, by section 45(4) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 6 clause 8(6): amended, on 3 June 2026, by section 45(5) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 6 clause 8(7): amended, on 3 June 2026, by section 45(6) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 6 clause 8(7): amended, on 27 November 2025, by section 131(2) of the Statutes Amendment Act 2025 (2025 No 74).

9 Public consultation

(1) The chief executive of the Department of the Prime Minister and Cabinet must undertake public consultation on a draft of the long-term insights briefing.

(2) The chief executive must take into account any feedback received from public consultation when finalising the briefing.

Schedule 6 clause 9(1): replaced, on 3 June 2026, by section 45(7) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 6 clause 9(2): amended, on 3 June 2026, by section 45(8) of the Public Service Amendment Act 2026 (2026 No 23).

Long-term thinking in policy development

Heading: inserted, on 3 June 2026, by section 45(9) of the Public Service Amendment Act 2026 (2026 No 23).

10 Long-term thinking in policy development

The chief executive of the Department of the Prime Minister and Cabinet must issue guidance to other chief executives to—

(a) support long-term thinking in policy development; and

(b) increase the capability of the public service to undertake long-term thinking in policy development.

Schedule 6 clause 10: inserted, on 3 June 2026, by section 45(9) of the Public Service Amendment Act 2026 (2026 No 23).

Business continuity management

Heading: inserted, on 3 June 2026, by section 45(9) of the Public Service Amendment Act 2026 (2026 No 23).

11 Public service agencies must have business continuity management in place

(1) A chief executive of a department or departmental agency, an interdepartmental executive board, or a board of an interdepartmental venture must—

(a) ensure their agency has business continuity management in place that will enable it to deliver its critical functions and services during and after any disruption (including but not limited to an emergency); and

(b) make available to the Commissioner in writing, on request, its plan for functioning during and after a disruption.

(2) For the purposes of this section, **emergency** has the meaning given in section 4 of the Civil Defence Emergency Management Act 2002.

Schedule 6 clause 11: inserted, on 3 June 2026, by section 45(9) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 7
Appointment and performance review of public service chief executives

s 58(2)

Contents

		Page
1	Commissioner has rights, powers, and duties of employer	106
2	Term of appointment	106
3	Appointment	106
4	Reappointment *[Repealed]*	108
5	Appointment and reappointment of Government Statistician *[Repealed]*	108
6	Transfer of chief executives	108
7	Conditions of employment	109
8	Removal from office	109
9	Acting chief executive	109
9A	Performance review framework	110
10	Performance review	110
11	Special provisions for certain chief executives	111

1 Commissioner has rights, powers, and duties of employer

The Commissioner has all the rights, powers, and duties of an employer in relation to chief executives, except as expressly provided in this Act.

Compare: 1988 No 20 s 38(1AA)

2 Term of appointment

(1) A chief executive must be appointed for a term of not more than 5 years.

(2) A chief executive is eligible for reappointment for further terms.

Compare: 1988 No 20 s 38

3 Appointment

(1) Subject to clause 11, a chief executive can be appointed by the Commissioner only in accordance with this clause.

(2) If there is a vacancy or an impending vacancy for a chief executive position, the Commissioner must—

(a) inform the Minister and the appropriate Minister; and

(b) invite those Ministers to identify any matters that the chairperson of the panel under this clause must take into account when deciding upon the person to be recommended for appointment to the position.

(3) The Commissioner must notify the vacancy using the means that the Commissioner is satisfied will enable suitably qualified persons to apply for the position.

(4) For each vacancy, a panel must be established with the following members:

(a) the Commissioner or Deputy Commissioner as chairperson; and

(b) the Commissioner or Deputy Commissioner (whoever is not also the chairperson), or a public service chief executive, or an employee of the Commission; and

(c) 1 or more persons appointed by the Commissioner after consultation with the appropriate Minister.

(5) If a vacancy is for the position of chief executive of a departmental agency or a functional chief executive, the panel must also include the chief executive of the host department.

(6) The panel must—

(a) examine applicants for the position; and

(b) seek advice from other sources that the panel thinks relevant; and

(c) deliberate on which applicant is to be recommended for appointment.

(7) The panel must undertake those functions having regard to the requirements in this Act relating to merit-based appointments.

(8) After the deliberations of the panel, the chairperson must decide which applicant is to be recommended to the Minister for appointment.

(9) The chairperson may invite other persons to assist the panel and to take part in the examination of applicants or the panel's deliberations, or both.

(10) The chairperson must forward to the Minister the name of the applicant to be recommended for appointment, together with full details of that person's qualifications.

(11) The Minister must refer the chairperson's recommendations to the Governor-General in Council.

(12) The Governor-General in Council must decide whether the chairperson's recommendation is to be accepted or declined.

(13) The Minister must inform the chairperson whether the chairperson's recommendation has been accepted or declined.

(14) If the chairperson's recommendation is accepted, the chairperson must—

(a) appoint the person recommended; and

(b) publish notice of the appointment in the *Gazette* without delay.

(15) If the chairperson's recommendation is declined,—

(a) the Governor-General may direct the chairperson to appoint a particular person to the position; and

(b) the Governor-General is not required to comply with subclauses (1) to (14) when doing so; and

(c) the chairperson must appoint the person and publish in the *Gazette* without delay—

(i) notice of the Governor-General's direction under paragraph (a) to appoint the person; and

(ii) notice of the appointment.

Compare: 1988 No 20 s 35

Schedule 7 clause 3(1): amended, on 3 June 2026, by section 46(1) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 7 clause 3(4)(a): amended, on 3 June 2026, by section 46(2) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 7 clause 3(4)(b): replaced, on 3 June 2026, by section 46(3) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 7 clause 3(7): amended, on 3 June 2026, by section 46(4) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 7 clause 3(15)(c): replaced, on 3 June 2026, by section 46(5) of the Public Service Amendment Act 2026 (2026 No 23).

4 Reappointment

[Repealed]

Schedule 7 clause 4: repealed, on 3 June 2026, by section 46(6) of the Public Service Amendment Act 2026 (2026 No 23).

5 Appointment and reappointment of Government Statistician

[Repealed]

Schedule 7 clause 5: repealed, on 3 June 2026, by section 46(6) of the Public Service Amendment Act 2026 (2026 No 23).

6 Transfer of chief executives

(1) The Commissioner may recommend to the Minister that a chief executive or the Deputy Commissioner be transferred to fill a vacancy or an impending vacancy in a chief executive position.

(2) Clause 3(11) to (14) applies to the recommendation (with any necessary modifications) as if it were a recommendation under clause 3(10).

(3) Clause 3(10) to (15) does not apply to the recommendation if it relates to a transfer of a person into a vacancy or an impending vacancy in the position of Government Statistician.

(4) Before making the recommendation, the Commissioner must—

(a) believe on reasonable grounds that the transfer would be in the public interest; and

(b) obtain the chief executive or Deputy Commissioner's agreement to the transfer; and

(c) consult the appropriate Ministers.

(5) The Commissioner must have regard to the requirement in this Act for merit-based appointments as if a transfer under this section were an appointment.

(6) The Commissioner may make the recommendation without notifying the vacancy or impending vacancy or examining other applicants or establishing a panel.

Compare: 1988 No 20 s 37A

Schedule 7 clause 6(1): amended, on 3 June 2026, by section 46(7) of the Public Service Amendment Act 2026 (2026 No 23).

7 Conditions of employment

(1) The conditions of employment of chief executives comprise—

(a) specific conditions of employment for chief executives provided in this Act; and

(b) other conditions of employment (that are not inconsistent with the conditions referred to in paragraph (a)) determined in each case by agreement between the Commissioner and the chief executive, but the Commissioner must consult the Prime Minister and the Minister about those conditions of employment before finalising them with the chief executive.

(2) The consultation requirement in subclause (1)(b) does not apply to the conditions of employment of the Government Statistician.

Compare: 1988 No 20 s 38

8 Removal from office

(1) The Commissioner may remove a chief executive from office—

(a) for just cause or excuse; and

(b) with the agreement of the Governor-General in Council.

(2) The Commissioner must consult the chief executive of the host department before removing a chief executive of a departmental agency or a functional chief executive.

Compare: 1988 No 20 s 39

9 Acting chief executive

(1) Subclause (2) applies if—

(a) there is a vacancy in the position of a chief executive; or

(b) a chief executive is absent from duty (for whatever reason) and—

(i) is unable to delegate their functions, duties, and powers under this Act to another person under clause 2 of Schedule 6; or

(ii) agrees that the Commissioner make the appointment.

(2) All or any of the functions, duties, and powers of the chief executive may be performed or exercised by another public service chief executive, or any person, appointed by the Commissioner to perform or exercise them.

(3) The appointment may be made before the absence or vacancy occurs or while it continues.

(4) If a new department or departmental agency or a functional chief executive role is to be established on a certain date, the Commissioner may appoint a person to act in the role whom the Commissioner thinks suitable to perform the functions and duties and exercise the powers of the chief executive of that new department or departmental agency or the functional chief executive role.

(5) The appointment of an acting chief executive ceases on the date on which a chief executive of a department or departmental agency, or a functional chief executive, takes office or returns to duty.

(6) An appointment of an acting chief executive and acts done by them cannot be questioned in proceedings on either of the following grounds:

(a) there was no reason, or is no longer a reason, for the appointment:

(b) the acting chief executive was not appointed to the position of chief executive.

(7) The Commissioner must determine the conditions of employment that are to apply to an acting chief executive.

Compare: 1988 No 20 s 40

Schedule 7 clause 9(1)(b): replaced, on 3 June 2026, by section 46(8) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 7 clause 9(5): replaced, on 3 June 2026, by section 46(9) of the Public Service Amendment Act 2026 (2026 No 23).

9A Performance review framework

The Commissioner must—

(a) develop a framework, including the criteria and process, for conducting performance reviews of chief executives; and

(b) consult the Minister on the framework; and

(c) publish the framework on an Internet site maintained by, or on behalf of, the Commission.

Schedule 7 clause 9A: inserted, on 3 June 2026, by section 46(10) of the Public Service Amendment Act 2026 (2026 No 23).

10 Performance review

(1) The Commissioner is responsible to the appropriate Minister for reviewing, either generally or for a particular matter, the performance of each chief executive.

(1A) The Commissioner must consult, and have regard to any recommendations of, the appropriate Minister when—

(a) setting the performance expectations of a chief executive, including the key performance indicators that the chief executive is expected to meet; and

(b) reviewing the performance of the chief executive under this clause.

(2) The Commissioner may conduct a performance review of an individual chief executive or of a group of chief executives relating to how they act together collectively (for example, of their performance as an interdepartmental executive board or the board of an interdepartmental venture).

(3) When reviewing the performance of an individual chief executive of a departmental agency or functional chief executive, the Commissioner must consult the chief executive of the host department.

(4) The Commissioner must determine the frequency and timing of reviews for each chief executive.

(5) The Commissioner may report—

(a) to the appropriate Minister or Ministers individually or as a group; and

(b) in the manner the Commissioner thinks fit.

Compare: 1988 No 20 s 43

Schedule 7 clause 10(1A): inserted, on 3 June 2026, by section 46(11) of the Public Service Amendment Act 2026 (2026 No 23).

11 Special provisions for certain chief executives

(1) Nothing in clauses 1, 2, 3, 6, 7, 8, and 10 applies to the Commissioner when operating as the chief executive of the Commission.

(2) Nothing in clauses 1, 2, 3, 6, 7, and 8 applies to the Solicitor-General, and a review of the Solicitor-General's performance under clause 10—

(a) must only relate to the Solicitor-General's responsibilities as the chief executive of the Crown Law Office; and

(b) must not relate to the carrying out of the independent and constitutional functions of the Solicitor-General or the performance of persons assisting the Solicitor-General in carrying out those functions.

(3) For the purposes of this Act, the Solicitor-General is the chief executive of the Crown Law Office.

Compare: 1988 No 20 s 44

Schedule 7 clause 11(1): amended, on 3 June 2026, by section 46(12) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 7 clause 11(2): amended, on 3 June 2026, by section 46(12) of the Public Service Amendment Act 2026 (2026 No 23).

Schedule 8
Employment provisions

s 85

Contents

Page

Employment of public service employees

1 Obligation to notify vacancies 112
2 Acting appointments 113
3 Evidence of appointments 113
4 Obligation to notify appointments 113
5 Review of appointments 114
6 Medical examinations 114

Application of collective agreements to employees following reorganisations

[Repealed]

7 Application of collective agreements to employees following reorganisations *[Repealed]* 115

Application of employee and reorganisation provisions to transfers of functions between public service agencies and Crown entities

[Repealed]

8 Application of employee and reorganisation provisions to transfers of functions between public service agencies and Crown entities *[Repealed]* 115
9 Restriction of redundancy payments *[Repealed]* 115
10 Application of reorganisation provisions to collective agreements *[Repealed]* 115
11 Application of collective agreements to employees following reorganisations *[Repealed]* 115

Superannuation schemes for employees of State services agencies

12 Interpretation 115
13 Power to establish superannuation schemes for officers and employees 116
14 Contributions to superannuation schemes 117

Employment of public service employees

1 Obligation to notify vacancies

(1) If a chief executive of a department or the board of an interdepartmental venture intends to fill a position that is vacant or is to become vacant, the

chief executive or board must, if practicable, notify the vacancy or prospective vacancy using 1 or more means that will enable suitably qualified people to apply for the position.

(2) This clause does not apply to ministerial staff.

Compare: 1988 No 20 ss 61, 66

2 Acting appointments

(1) If an employee is absent from duty (for whatever reason) or there is a vacancy in a position in a department or an interdepartmental venture (for whatever reason), the chief executive of the department or board of the interdepartmental venture may direct another employee to carry out the duties and exercise the powers of the relevant position.

(2) A direction or acts of an employee acting under the direction cannot be questioned in proceedings on the grounds that—

(a) there was no absence or vacancy or there is no longer an absence or a vacancy:

(b) the employee acting under the direction was not appointed to the relevant position.

Compare: 1988 No 20 s 62

3 Evidence of appointments

(1) An appointment to an office or a position in a department or an interdepartmental venture must be made, confirmed, or approved by the chief executive of that department or the board of that interdepartmental venture.

(2) Despite anything to the contrary in any Act, it is not necessary for the chief executive or board to execute a formal warrant or other instrument in special form.

(3) An instrument issued by a chief executive or board stating that a person named in the instrument was appointed to an office or a position in a department or an interdepartmental venture from and including a particular date is sufficient evidence of the appointment unless the contrary is proved.

Compare: 1988 No 20 s 63

Schedule 8 clause 3(1): replaced, on 27 November 2025, by section 132 of the Statutes Amendment Act 2025 (2025 No 74).

4 Obligation to notify appointments

(1) The chief executive of a department or the board of an interdepartmental venture must notify the employees within the agency of appointments made by the chief executive or board.

(2) This clause does not apply to appointments of acting employees or to ministerial staff.

Compare: 1988 No 20 ss 64, 66

Schedule 8 clause 4(2): amended, on 3 June 2026, by section 47(1) of the Public Service Amendment Act 2026 (2026 No 23).

5 Review of appointments

(1) The chief executive of each department and the board of each interdepartmental venture must put into place a procedure for reviewing appointments made to the public service within that agency that are the subject of a complaint by an employee in that agency.

(2) The procedure must comply with the guidelines prescribed by the Commissioner.

(3) This clause does not apply to acting appointments or to appointments of ministerial staff.

Compare: 1988 No 20 ss 65, 66

Schedule 8 clause 5(2): amended, on 3 June 2026, by section 47(2) of the Public Service Amendment Act 2026 (2026 No 23).

6 Medical examinations

(1) A chief executive of a department or the board of an interdepartmental venture may request an applicant for appointment as an employee to undergo a medical examination for either or both of the following purposes:

(a) to determine the applicant's ability to perform the duties of the position applied for:

(b) to assist the chief executive or board to fulfil the requirements of section 73 in relation to the applicant if the applicant becomes an employee.

(2) A chief executive of a department or the board of an interdepartmental venture may request an employee to undergo a medical examination for either or both of the following purposes:

(a) to determine the employee's ability to perform the duties of the position in which the employee is employed:

(b) to assist the chief executive or board to fulfil the requirements of section 73 in relation to the employee.

(3) The request must be in writing and state the relevant purpose or purposes described in subclause (1) or (2) for which the request is made.

(4) The chief executive or board may nominate a medical practitioner to undertake the examination.

(5) The department or interdepartmental venture must pay for the examination.

(6) The medical practitioner who examines the person must, if the person examined consents, as soon as is reasonably practicable after the examination provide a written report of the examination to the chief executive or board.

Compare: 1988 No 20 s 82

Application of collective agreements to employees following reorganisations

[Repealed]

Heading: repealed, on 3 June 2026, by section 47(3) of the Public Service Amendment Act 2026 (2026 No 23).

7 Application of collective agreements to employees following reorganisations

[Repealed]

Schedule 8 clause 7: repealed, on 3 June 2026, by section 47(3) of the Public Service Amendment Act 2026 (2026 No 23).

Application of employee and reorganisation provisions to transfers of functions between public service agencies and Crown entities

[Repealed]

Heading: repealed, on 3 June 2026, by section 47(3) of the Public Service Amendment Act 2026 (2026 No 23).

8 Application of employee and reorganisation provisions to transfers of functions between public service agencies and Crown entities

[Repealed]

Schedule 8 clause 8: repealed, on 3 June 2026, by section 47(3) of the Public Service Amendment Act 2026 (2026 No 23).

9 Restriction of redundancy payments

[Repealed]

Schedule 8 clause 9: repealed, on 3 June 2026, by section 47(3) of the Public Service Amendment Act 2026 (2026 No 23).

10 Application of reorganisation provisions to collective agreements

[Repealed]

Schedule 8 clause 10: repealed, on 3 June 2026, by section 47(3) of the Public Service Amendment Act 2026 (2026 No 23).

11 Application of collective agreements to employees following reorganisations

[Repealed]

Schedule 8 clause 11: repealed, on 3 June 2026, by section 47(3) of the Public Service Amendment Act 2026 (2026 No 23).

Superannuation schemes for employees of State services agencies

12 Interpretation

In clauses 13 and 14,—

contribute, in relation to a superannuation scheme, means to make superannuation contributions to the scheme to provide to a significant extent the benefits

payable by the scheme, not being merely nominal contributions or contributions only to meet the costs of administration and management of investments of the scheme

employee includes a chief executive

employer—

(a) means a person who pays, or is liable to pay, earnings to an employee as an employer; but

(b) means the chief executive of the Ministry (as defined in section 10(1) of the Education and Training Act 2020), for the duration of the application period in that section, in relation to—

(i) a State school (as defined in section 10(1) and (9)(b) of that Act); or

(ii) a special institution (as defined in section 10(1) of that Act); or

(iii) a free kindergarten (as defined in section 10(1) of that Act); and

(c) includes a person or an organisation whose officers or employees were, immediately before 1 July 1992, entitled to elect or required to become contributors to the Government Superannuation Fund established under the Government Superannuation Fund Act 1956

State services includes—

(a) a tertiary institution:

(b) an employer as defined in this clause

superannuation scheme or **scheme** means a retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).

Compare: 1988 No 20 s 84

13 Power to establish superannuation schemes for officers and employees

An employer in the State services may—

(a) arrange for a superannuation scheme or schemes to be established for its officers or employees (or both):

(b) join with another employer (whether or not in the State services) in arranging for a superannuation scheme, or a trust arrangement that is part of a superannuation scheme, to be established for the purpose of providing, or facilitating the provision of, superannuation for its officers or employees (or both):

(c) arrange for its officers or employees to become members of an established superannuation scheme:

(d) arrange for superannuation for an individual officer or employee.

Compare: 1988 No 20 s 84A

14 Contributions to superannuation schemes

An employer in the State services may contribute to a superannuation scheme for the purpose of providing retirement benefits to its officers or employees (or both) only if—

(a) the scheme provides that the sum of all benefits (including lump sum payments, annuities, and other benefits) payable from the scheme to a member of the scheme will not exceed the sum of—

(i) contributions paid by or on behalf of a member and investment earnings on the contributions; and

(ii) any allocations to the member from surplus funds held within the scheme; and

(iii) the amount paid to that member from any insurance policy effected for the benefit of members of the scheme; and

(b) the trust deed of the scheme defines the rates or amounts (if any) of contributions of the employer or officers or employees; and

(c) the trust deed of the scheme entitles the employer to cease contributing to the scheme on behalf of a person if they cease to be an officer or employee of the employer; and

(d) the benefits provided by the scheme are fully funded as they accrue; and

(e) the scheme, if it enables members to withdraw from the scheme, enables withdrawing members to transfer to other superannuation schemes the value (as determined in accordance with the terms of the scheme) of the benefits attributable to their membership of the scheme up to the date of withdrawal; and

(f) the scheme enables a person who becomes an officer or employee of that employer, if the employer agrees to contribute to the scheme on their behalf, to become a member of the scheme and to transfer to the scheme the value of the benefits attributable to their membership of other superannuation schemes; and

(g) the trust deed of the scheme does not permit amendments to be made to the scheme that would result in a provision of paragraphs (a) to (f) ceasing to apply to the scheme.

Compare: 1988 No 20 s 84B

Schedule 9
Reorganisations in public service

s 105

Contents

		Page
1	Effect of reorganisations within public service on employees	118
2	Consequential changes to references to public service agencies or employees of departments after reorganisations	118
3	Consequential changes to references to chief executives after reorganisations	119
4	Application of consequential changes to references	119
5	Effect of reorganisations within public service	120

1 Effect of reorganisations within public service on employees

A transfer of functions from one public service agency (**Agency A**) to another public service agency (**Agency B**) does not transfer a chief executive or an employee, despite clauses 2(2) and (3) and 3(2) and (3).

Compare: 1988 No 20 s 30B

2 Consequential changes to references to public service agencies or employees of departments after reorganisations

(1) If an enactment or other thing refers to a particular public service agency and that reference is no longer appropriate because the agency's name has changed, the reference must be read as a reference to the agency under its new name.

(2) If an enactment or other thing refers to a particular public service agency and that reference is no longer appropriate because the agency has been disestablished, the reference must be read as a reference to the new responsible agency.

(3) If an enactment or other thing refers to a particular public service agency and that reference is no longer appropriate because functions have been transferred elsewhere in the public service, the reference must be read as a reference to the new responsible agency.

(4) If an enactment or other thing refers to employees of a particular public service agency and that reference is no longer appropriate because the agency's name has changed, the reference must be read as a reference to the employees of the agency under its new name.

(5) If an enactment or other thing refers to employees of a particular public service agency and that reference is no longer appropriate because the agency has been disestablished, the reference must be read as a reference to the employees of the new responsible agency.

(6) If an enactment or other thing refers to employees of a particular public service agency and that reference is no longer appropriate because functions have been transferred elsewhere in the public service, the reference must be read as a reference to the employees who carry out the relevant functions.

(7) In this clause, **new responsible agency** means the public service agency to which responsibility for the matter to which the reference relates has been transferred.

Compare: 1988 No 20 s 30H

3 Consequential changes to references to chief executives after reorganisations

(1) If an enactment or other thing refers to a particular designation of a chief executive or a chief executive of a particular public service agency and that reference is no longer appropriate because the designation or name of the agency has changed, the reference must be read as a reference to the chief executive under the new designation or the agency's new name (as applicable).

(2) If an enactment or other thing refers to a chief executive of a particular public service agency and that reference is no longer appropriate because the agency has been disestablished, the reference must be read as a reference to the new responsible chief executive.

(3) If an enactment or other thing refers to a chief executive of a particular public service agency and that reference is no longer appropriate because functions have been transferred elsewhere in the public service or between chief executives, the reference must be read as a reference to the new responsible chief executive.

(4) In this clause, **new responsible chief executive** means the chief executive to whom, or to whose agency, responsibility for the matter to which the reference relates has been transferred.

Compare: 1988 No 20 s 30I

4 Application of consequential changes to references

(1) Clauses 2 and 3—

(a) apply to things that are in force or exist at the time of the name change, disestablishment, or transfer of functions (whether coming into force, entered into, or created before or after the commencement of this clause); and

(b) apply to references in anything, including (without limitation) deeds, agreements, proceedings, instruments, documents, and notices.

(2) Regulations made under section 105(1) may apply clauses 2 and 3 to things also coming into force, entered into, or created during a transitional period after the relevant name change, disestablishment, or transfer of functions that is specified in those regulations.

(3) Clauses 2 and 3 do not remove the need for a public service agency that has been established by an enactment to have its name changed, be disestablished, or have statutory functions transferred by an enactment, and clauses 2 and 5 apply to that name change, disestablishment, or transfer only on and after that enactment has given effect to it.

(4) Clauses 2(1) and (2) and 3(1) and (2) apply only on and after Schedule 2 is amended to reflect the relevant name change or disestablishment.

(5) Clauses 2 and 3—

(a) apply to collective agreements subject to clause 1; but

(b) do not apply to individual employment agreements.

Compare: 1988 No 20 s 30J

5 Effect of reorganisations within public service

(1) The disestablishment or change of name of a public service agency, the transfer of functions between agencies, or the establishment of a new agency does not affect—

(a) the property, rights, or obligations of the Crown (whether or not in the name of the Crown or of a particular agency, chief executive, or other person in an agency); or

(b) the commencement or continuation of proceedings by or against the Crown (whether or not in the name of the Crown or of a particular agency, chief executive, or other person in an agency).

(2) In this clause, **property** means property of every kind, whether tangible or intangible, real or personal, corporeal or incorporeal; and includes rights, interests, and claims of every kind over property, however they arise.

(3) This clause does not limit section 23(1), 26(1), 33(1), 51(3), or 105(1) or clauses 1 to 4.

Compare: 1988 No 20 s 30L

Schedule 10
Legislative instruments revoked

[Repealed]

s 134

Schedule 10: repealed, on 6 February 2021, by section 133(1).

Schedule 11
Consequential amendments

[Repealed]

s 135

Schedule 11: repealed, on 6 February 2021, by section 133(1).

Notes

1 General

This is a consolidation of the Public Service Act 2020 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Public Service (Digital Executive Board Disestablishment) Order 2026 (SL 2026/201)

Public Service (Chief Executive for Digital Government) Order 2026 (SL 2026/200): clause 5(1)

Public Service Amendment Act 2026 (2026 No 23): Part 1

Environment (Disestablishment of Ministry for the Environment) Amendment Act 2026 (2026 No 22): section 18

Public Service (Ministry for Cities, Environment, Regions, and Transport) Order 2026 (SL 2026/6)

Statutes Amendment Act 2025 (2025 No 74): Part 32

Public Service (Border Executive Board) Order 2025 (SL 2025/268)

Public Service (National Emergency Management Agency) Order 2025 (SL 2025/159)

Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34): section 14

Equal Pay Amendment Act 2025 (2025 No 21): sections 54, 55

Public Service (Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau) Order 2025 (SL 2025/81)

Public Service (Disestablishment of Chief Executive, Cyclone Recovery) Order 2025 (SL 2025/80)

Public Service (Chief Executive for School Property) Order 2024 (SL 2024/226): clause 5

Public Service (Ministry of Disabled People) Order 2024 (SL 2024/209)

Public Service (Chief Executive for the Government's Response to the Royal Commission's Report into Historical Abuse in Care) Order 2024 (SL 2024/194): clause 5

Public Service (Social Investment Agency) Order 2024 (SL 2024/73)

Public Service (Charter School Agency) Order 2024 (SL 2024/71)

Public Service (Spatial Planning Board Disestablishment) Order 2024 (SL 2024/62)

Public Service (Ministry for Regulation) Order 2024 (SL 2024/5)

Public Service (Spatial Planning Board) Order 2023 (SL 2023/72)

Public Service (Climate Change Chief Executives Board) Order 2023 (SL 2023/51)

Public Service (Chief Executive, Cyclone Recovery) Order 2023 (SL 2023/25)

Public Service (Climate Change Chief Executives Board) Order 2022 (SL 2022/197)

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency Disestablishment) Order 2022 (SL 2022/147)

Public Service (Executive Board for the Elimination of Family Violence and Sexual Violence) Order 2022 (SL 2022/25)

Public Service (Ministry for Ethnic Communities) Order 2021 (LI 2021/75)

Secondary Legislation Act 2021 (2021 No 7): section 3

Equal Pay Amendment Act 2020 (2020 No 45): sections 30–32

Public Service Act 2020 (2020 No 40): section 133(1)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026