

Public Service Legislation Bill

Government Bill

Explanatory note

This Bill is an omnibus Bill that amends more than 1 Act and is introduced under Standing Order 263(a) because the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. That single broad policy is to provide a modern legislative framework for achieving a more adaptive and collaborative public service, by expanding the types of agencies that comprise the public service, unified by a common purpose, ethos, and strengthened leadership arrangements.

Following the committee of the whole House stage it is intended that this Bill will be divided into 2 Bills. The Bill (except *Part 7*) will become the Public Service Bill and *Part 7* will become the Public Finance Amendment Bill.

General policy statement

This omnibus Bill repeals the State Sector Act 1988 (the **1988 Act**), replaces it with a new Public Service Act, and makes a small number of related amendments to the Public Finance Act 1989 (the **PFA**). These are the main statutes governing the management of the State sector and public finances in New Zealand. *Parts 1 to 6* of the Bill include provisions for a new Public Service Act, and the repeal of the 1988 Act, while provisions in *Part 7* amend the PFA. The Bill is informed by a review of the 1988 Act that built on various reviews and public commentary on the public management system from the past 30 years and involved an extensive consultation process. Public consultation was based on the aims of—

- enabling the public service to deliver better outcomes and better services:
- creating a modern, agile, and adaptive public service:
- affirming the constitutional role of the public service in supporting New Zealand’s democratic form of government.

The review found that the current system narrows each department’s focus to its own particular outputs, incentivising officials to focus on their own agency rather than encouraging a wider, collaborative public service identity. A collaborative and cohe-

sive public service is necessary in order to address complex issues that span agency boundaries, and to provide wraparound services based on New Zealanders' needs, rather than agency convenience.

In order to address this problem, and to achieve the objectives above, the Bill does the following things:

- clearly establishes the purpose, principles, and values of an apolitical public service, as well as its role in government formation:
- recognises the role of the public service to support the Crown in its commitment to its relationships with Māori:
- provides a more flexible set of options for organisational arrangements to support the public service in better responding to priorities and joining up more effectively:
- increases interoperability across the public service workforce and preserves the future public service as an attractive and inclusive place to work:
- strengthens leadership across the public service, and provides for system- and future-focused leadership.

The Bill also amends the PFA to provide the necessary financial powers and reporting obligations for the various organisational arrangements that will be established through the Public Service Act.

Clearly establishes the purpose, principles, and values of an apolitical public service, as well as its role in government formation

While the 1988 Act sets out the framework for the State sector, it focuses on the actors within the public management system, and does not articulate the purpose or role of the public service. Public servants do not always clearly understand their constitutional role in supporting New Zealand's system of government, nor are there incentives to act as a unified system. This Bill—

- states the purpose, principles, and values of the public service, and acknowledges the spirit of service as a fundamental characteristic of the public service:
- puts responsibilities on public service chief executives and boards of Crown agents to ensure that the principles of the public service are upheld:
- provides for the Public Service Commissioner (currently the State Services Commissioner) to set standards of and issue guidance on integrity and conduct:
- acknowledges that public servants have all the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 in accordance with the provisions of that Act:
- provides that Crown agents are part of the public service for some purposes:
- provides that the Commissioner will manage involvement by officials in the government formation process, including granting access to public service agencies and functional chief executives.

Supports the Crown in its commitment to its relationships with Māori

The 1988 Act is silent on the Treaty of Waitangi (te Tiriti o Waitangi) and the Māori-Crown relationships aside from good employer requirements on public service employers in relation to Māori. This Bill continues the good employer requirements established under the 1988 Act, and further—

- explicitly recognises the role of the public service in supporting the Crown in its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi):
- provides that, in order to carry out that role—
 - public service leaders are responsible for developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives; and
 - the Commissioner, in the development and implementation of the leadership strategy, must recognise the good employer requirements in relation to Māori.

Flexible set of options for organisational arrangements

The 1988 Act provides for departments as the basic building block of the public service. While this model works well for most public service work, it is not always flexible enough to carry out certain roles. The departmental agency model was developed as a new model of entity, sitting within a host department and operating within the host department's policy and funding framework, but with its own chief executive directly responsible to a Minister, avoiding the need for a fully separate department. However, the model has not proved flexible enough to provide for its application in a range of different contexts. This Bill makes changes to the departmental agency model to increase its flexibility and enable the model to be tailored to specific functions in each case.

The Bill also provides for 2 new organisational forms within the public service that build on current collaborative models as follows:

- interdepartmental executive boards will consist of a group of chief executives, working together towards common outcomes, who are individually and jointly responsible for a board's work. A board will have the ability to employ staff, enter into contracts, and administer appropriations. This model will enable joined-up strategic policy, planning, and budgeting around shared outcomes:
- interdepartmental ventures that will allow resources to be brought together into a single distinct entity that will be able to hold assets, employ staff, enter into contracts, and administer appropriations just as a public service department does.

The Bill also provides a formal structure for co-operative and collaborative working arrangements between public service agencies in the form of—

- joint operational arrangements that will consist of a commitment to joint work through a formal agreement between chief executives or boards of public ser-

vice agencies but with relevant funding, assets, and staff remaining under the formal control of participating agencies.

Increases interoperability across the public service workforce and preserves the future public service as an attractive and inclusive place to work

The 1988 Act treats each individual department as a distinct employer, which makes it difficult for the public service to act as a single unified service, capable of cross-agency collaboration. It also means that agencies have varying terms and conditions, and approaches to fostering inclusion. This Bill—

- provides for public servants (in public service departments and joint ventures) to be appointed to the public service, while preserving the role of departmental chief executives as the employer of employees in their agencies:
- provides for the Commissioner to place conditions on their powers of delegation regarding negotiation of collective agreements, to enable fostering of consistent employment terms and conditions across departments of the public service:
- provides the Commissioner with the same powers of delegation for pay equity negotiations as for collective agreement negotiations:
- expands the potential scope of Government Workforce Policy Statements to enable their use in the wider State sector, and clarifies the range of subjects that these statements may cover:
- provides explicit recognition of the value of diversity and fostering inclusiveness, puts a responsibility on chief executives to promote inclusiveness in employment and workforce practices, and requires the Commissioner to lead on diversity and inclusion:
- provides for public servants to transfer accumulated annual leave and other statutory leave when moving between public service departments.

Strengthens leadership across the public service, and provides for system- and future-focused leadership

Although steps have been taken in the right direction to join up leadership in the public service, and put more emphasis on system- and future-focused leadership, the current model for the public service emphasises leadership of discrete entities, with a focus on short- to mid-term planning. In order to strengthen system leadership, the Bill—

- requires the Commissioner to establish a public service leadership team. The purpose of this team is to provide strategic leadership spanning the whole of the public service that contributes to an effective and cohesive public service. The team will work collaboratively and model leadership behaviours for the public service, while also assisting the members to fulfil their responsibilities under the new Act. This essentially formalises the current non-statutory State sector leadership team:

- provides for the designation of chief executives as system leaders, responsible for leading and co-ordinating work in a particular subject-matter area across the State services system. This essentially formalises the current model of functional leads and heads of profession:
- establishes a new type of chief executive called a functional chief executive, who will not lead a separate agency but will be responsible for specific functions within a department:
- requires the Commissioner to work with public service leaders to develop a strategy for senior leadership and management capability, for the purposes both of leadership development and to meet system needs:
- provides for the appointment of a second statutory Deputy Public Service Commissioner, who could have responsibilities to achieve objectives in a designated area:
- requires the Commissioner to produce a briefing on the state of the public service at least once every 3 years, to be tabled in Parliament by the appropriate Minister:
- requires chief executives (either individually or as a collective representing a sector) to produce long-term insights briefings.

Departmental disclosure statement

The State Services Commission is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2019&no=189>

Regulatory impact assessment

The State Services Commission produced a regulatory impact assessment on 18 April 2019 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact assessment can be found at—

- <https://ssc.govt.nz/assets/Legacy/resources/Impact-Statement-State-Sector-Act-Reform.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Clause by clause analysis

Clause 1 is the Title clause. This Bill is the Public Service Legislation Bill. The Bill replaces the State Sector Act 1988 (the **Act**) and amends the Public Finance Act 1989 (the **PFA**).

Clause 2 is the commencement clause. *Clause 89* will come into force on a date set by Order in Council. *Clause 2* also refers to *clause 110(1)*, which repeals a section, Parts, and schedules in this Bill relating to repeals, revocations, and amendments that implement changes made by the Bill across the statute book. Commencement of *clause 110(1)* is delayed to 1 January 2021 to allow those repeals, revocations, and amendments to happen or be made before the operative provisions for them are then removed from the Bill. The rest of the Bill will come into force on the day after the date of Royal assent.

Part 1

Preliminary provisions

Subpart 1—Provisions for operation of Act

Clause 3 sets out the purposes of the Bill. This clause differs from section 1A of the Act; however, some elements of section 1A that are not in this clause are found elsewhere in the Bill, for example, in the public service principles clause in *clause 10*. The purposes of the Bill are—

- to continue the public service and modernise its operation, while recognising and enhancing the non-legislative conventions that it operates under:
- to set out the shared purpose, principles, and values of the public service and the people working in it:
- to establish organisational forms and ways of working, including across public service agencies, to achieve better outcomes for the public:
- to extend some clauses in the Bill that apply to the public service to other State services and other areas of government:
- to affirm that the fundamental characteristic of the public service is acting with a spirit of service to the community.

Clause 4 contains a guide to the Bill that describes its scope and the main features of each Part. The Bill will apply mainly to the public service, which includes public service agencies and Crown agents (but, in the latter case, for the purposes of *subparts 2 and 4 of Part 1* only). Some clauses of the Bill will also apply to the wider State services and other areas of government.

Clause 5 contains definitions of words and terms used in the Bill. These are largely based on those in section 2 of the Act. Some have been changed to reflect changes in names of some public service roles, to reflect the new types of public service agencies, or to include the role of functional chief executive (which is a new role established by the Bill). Some definitions remain the same as in the Act, although in some cases the language has been updated.

Clause 6 is the operative clause for transitional, savings, and related provisions that are set out in *Schedule 1*.

Clause 7 says that the Bill binds the Crown.

Subpart 2—Public service defined, purpose, public service principles, and spirit of service to community

Public service defined

Clause 8 contains a definition of the public service. The public service will comprise 4 types of public service agencies, which are departments, departmental agencies, interdepartmental executive boards, and interdepartmental ventures. Some changes have been made to the departmental agency model that has existed since 2013. These are set out in *Part 2*. The latter 2 types of agencies are new and further detail about their operation is set out in *Part 2*. The public service also includes Crown agents for the purposes of *subparts 2 and 4 of Part 1* only. Crown agents are also covered by other clauses in the Bill outside of *subparts 2 and 4 of Part 1*. However, this is because they are Crown entities that are part of the wider State services.

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

Clause 9 sets out the purpose of the public service, which has 5 elements:

- to support constitutional and democratic government:
- to enable both the current Government and successive governments to develop and implement their policies:
- to deliver high-quality and efficient public services:
- to support the Government to pursue the long-term public interest:
- to facilitate active citizenship.

Clause 10 sets out the public service principles and describes corresponding behaviours to achieve the purpose of the public service set out in *clause 9*. Those behaviours are—

- to act in a politically neutral manner:
- when giving advice to Ministers, to do so in a free and frank manner:
- to make merit-based appointments (unless an exception applies under the Bill):
- to foster a culture of open government:
- to proactively promote stewardship of the public service, including of its long-term capability and its people, its institutional knowledge and information, its systems and processes, its assets, and the legislation administered by agencies.

Clause 10 also says that public service chief executives and boards of Crown agents have particular responsibilities in relation to the public service principles. Chief executives are responsible for upholding the principles when carrying out their responsibilities and functions under *clause 50*, and for ensuring that the agencies they lead, or (in the case of functional chief executives) carry out some functions for, do so. Chief executives are responsible for these things only to the Commissioner. Boards of Crown agents are responsible for ensuring that the entities they govern uphold the principles when carrying out their functions. The responsibility on boards

of Crown agents is a collective duty of each board and is owed only to the responsible Minister under section 58 of the Crown Entities Act 2004.

Clause 11 says that the fundamental characteristic of the public service is acting with a spirit of service to the community. *Clause 11* also says that chief executives and boards of Crown agents must preserve, protect, and nurture the spirit of service to the community that public service employees bring to their work.

Subpart 3—Crown’s relationships with Māori

Clause 12 says that the role of the public service includes supporting the Crown in its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi). In the Act currently, express provision for Māori is limited to references in 2 sections setting out good employer requirements. *Clause 12* says that the Commissioner, chief executives, interdepartmental executive boards, and boards of interdepartmental ventures are responsible for:

- developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives:
- in the employment area,—
 - in the case of the Commissioner, recognising the matters listed in *clause 71(2)(d)* in the development and implementation of the leadership strategy under *clause 59*:
 - in the case of chief executives and public service boards that employ staff, operate an employment policy that meets the requirements of *clause 71(2)(d)*.

Clause 71(2)(d) of the Bill is based on section 56(2)(d) of the Act.

Clause 13 describes whom the responsibilities under *clause 12* are owed to by the people and boards listed in *clause 12* and how these apply. *Clause 13* also imposes a requirement on those people and boards to report to the Commissioner on progress made towards achieving those responsibilities.

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

Clause 14 sets out the public service values along with corresponding behaviours. The public service values are to seek—

- to treat all people fairly, without favour or bias:
- to take responsibility for its work, actions, and decisions:
- to act with integrity and be open and transparent:
- to treat all people with dignity and compassion and act with humility:
- to understand and meet people’s needs and aspirations.

Clause 14 also says that the public service values are given effect to only through minimum standards of conduct set by the Commissioner.

Clause 15 gives the Commissioner a power to set minimum standards of integrity and conduct that apply in the public service and other specified agencies in the State services. This clause is largely based on section 57 of the Act. One change made in the Bill is that the Parliamentary Service is no longer subject to standards set by the Commissioner. Another change is that the standards may be set out in any form the Commissioner thinks fit rather than being limited to the form of a code of conduct as is required by the Act currently.

A transitional provision in *clause 8 of Schedule 1* has the effect that the contents of the code of conduct that are current immediately before the commencement of the Bill are to be treated as minimum standards set by the Commissioner under *clause 15* of the Bill until the contents are altered or replaced.

The Commissioner may vary the application of standards in particular cases. The standards must be notified to the agencies in or to which they apply and any variation in application must be notified to the agency concerned. *Clause 15* also allows the Commissioner to provide advice to other State services on matters that affect the integrity and conduct of individuals.

Clause 16 says that agencies, individuals, and groups must comply with minimum standards set by the Commissioner. However, an exception can be granted by the Commissioner or the appropriate Minister. Exceptions cannot be granted for public service agencies or Crown agents. This is new for Crown agents which, at present, can derogate from standards under section 57A of the Act.

Clause 17 gives the Commissioner a power to issue guidance on integrity and conduct. The guidance is not limited to the subject matter of minimum standards set under *clause 15*. Guidance must be notified to agencies in or to which it applies.

Clause 18 says that if guidance on rights and responsibilities is issued it must address rights and responsibilities relating to freedom of expression and the rights and responsibilities of individuals who have obligations as a member of a profession.

Clause 19 says that minimum standards and guidance are neither legislative instruments nor disallowable instruments and do not have to be presented to the House of Representatives.

New Zealand Bill of Rights Act 1990

Clause 20 acknowledges that employees of the public service have all the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 in accordance with the provisions of that Act. *Clause 20* also says that the Act applies to the exercise and enforcement of those rights and freedoms, along with any other enactment that does so, including the Human Rights Act 1993. This clause is intended to have no legal effect beyond that in the Acts referred to or in other enactments that apply to the exercise or enforcement of those rights and freedoms.

Part 2

Public service agencies and joint operational agreements

Subpart 1—Public service agencies

Departments and departmental agencies

Clause 21 applies when departments and departmental agencies are established, dis-established, or reorganised by the executive government. The decision to do so will be recorded in an Order in Council that adds, removes, or amends items in *Part 1 or 2 of Schedule 2* so that the lists of departments and departmental agencies in the schedule remain current. An order establishing a departmental agency must also identify its host department, and the name of the host department will also be added to *Schedule 2*.

Clause 22 says that the functions of a departmental agency may be determined by the appropriate Minister for the agency and the appropriate Minister for its host department, except as provided in an enactment.

Clause 22(2) describes 2 types of working arrangements. These are that the chief executive of the departmental agency may operate outside the strategic and policy framework of the host department and that the chief executive of the departmental agency may manage assets and liabilities. These working arrangements, if they apply in any case, will have consequences for the departmental agency under the PFA. The Ministers may decide that 1 or both of the working arrangements will apply only if they are reasonably satisfied, in each case, that this is necessary or desirable for the agency to carry out its functions. *Clause 21(2)(b)* requires that if either or both working arrangements apply, this must be recorded in the Order in Council relating to the departmental agency.

Clause 22 also says that a host department must provide corporate services to a departmental agency unless the 2 chief executives agree a variation. Other working arrangements must be agreed by the 2 chief executives and approved by the appropriate Ministers.

Interdepartmental executive boards

Clause 23 sets out the purposes of interdepartmental executive boards. These are—

- to align and co-ordinate strategic policy, planning, and budgeting activities for 2 or more departments with responsibilities in a subject-matter area:
- to support those departments to undertake priority work in the subject-matter area:
- to support cross-department initiatives in the subject-matter area.

Clause 24 applies when an interdepartmental executive board is established, disestablished, or reorganised by the executive government. The decision to do so will be recorded in an Order in Council that adds, removes, or amends an item in *Part 3 of Schedule 2* so that the list of interdepartmental executive boards in the schedule

remains current. An order must state the name of the board, list the departments with responsibilities in the subject-matter area in which the board will work (the **board's remit**), and identify the servicing department. The name of the servicing department will also be added to *Schedule 2*.

In *clause 24*, the word departments means departments, departmental agencies, the New Zealand Police, and the New Zealand Defence Force.

Clause 25 lists clauses of the Bill that will apply to these new boards. The boards will have certain responsibilities and powers as if they were public service chief executives. Other clauses in the Bill also apply to these boards, but by express reference in those clauses. For example, because a board is a public service agency, it may be the subject of an access request under *clause 16 of Schedule 3*. These access requests may be made by political parties during negotiations to form a government after a general election.

Boards also have a power to delegate administrative tasks to their servicing department.

Clause 26 says that the members of a board are jointly responsible to the appropriate Minister for the operation of the board.

Clause 27 gives the Commissioner the function of selecting members of a board from the chief executives of the departments that are included in the board's remit. The Commissioner must designate 1 of those members as the chairperson and may appoint 1 or more independent advisers to the board. The Commissioner must seek input from the Minister of State Services and the appropriate Minister before selecting board members or designating a chairperson, and may seek advice from other sources.

In *clause 27*, the term chief executives means the chief executives of departments, departmental agencies, the New Zealand Police, and the New Zealand Defence Force.

Clause 28 says that independent advisers do not have any decision-making authority on a board.

Clause 29 requires a board to publish its operating procedures on the Internet.

Interdepartmental ventures

Clause 30 sets out the purposes of interdepartmental ventures. These are—

- to deliver services or carry out regulatory functions that relate to the responsibilities of 2 or more departments:
- to assist to develop and implement operational policy relating to those services or regulatory functions.

Clause 31 applies when an interdepartmental venture is established, disestablished, or reorganised by the executive government. The decision to do so will be recorded in an Order in Council that adds, removes, or amends an item in *Part 4 of Schedule 2* so that the list of interdepartmental ventures in the schedule remains current. An order must state the name of the venture and 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**).

In *clause 31*, the word departments means departments, departmental agencies, the New Zealand Police, and the New Zealand Defence Force.

Clause 32 lists clauses of the Bill that will apply to the boards of these new ventures. The boards will have certain responsibilities and powers as if they were public service chief executives. Other clauses in the Bill also apply to these boards, but by express reference in those clauses. For example, a board of a venture is required to be a good employer under *clause 71*.

Clause 33 says that the members of a board are jointly responsible to the appropriate Minister for the operation of the board.

Clause 34 says that the members of the board of a venture are the chief executives of all the relevant departments. *Clause 34* also gives the Commissioner the function of designating 1 of those members as the chairperson. The Commissioner must seek input from the Minister of State Services and the appropriate Minister before designating a chairperson, and may seek advice from other sources.

In *clause 34*, the term chief executives means the chief executives of departments, departmental agencies, the New Zealand Police, and the New Zealand Defence Force.

Clause 35 requires a venture to publish its operating procedures on the Internet.

Subpart 2—Joint operational agreements

Clause 36 sets out the purpose of joint operational agreements, which is to provide a formal structure for co-operative and collaborative working arrangements between public service agencies.

Clause 37 says that 2 or more chief executives or boards may enter into a joint operational agreement for their agencies to work together to achieve stated goals. The agreement of the Commissioner is required before an agreement can be executed and it may not do certain specified things.

Clause 38 requires the chief executives who are parties to a joint operational agreement to take reasonable steps to provide sufficient resources to achieve the stated goals of the agreement. *Clause 38* also places a limit on enforceability of these agreements. They are enforceable only as a matter for which a chief executive or board is accountable for their actions to the Commissioner or to the appropriate Minister.

Clause 39 lists the 3 ways in which an agreement may be terminated.

Part 3

People working in public service

Subpart 1—Public Service Commission leaders and advisory committees

Public Service Commissioner and Deputy Public Service Commissioners

This subpart deals with the appointment of leaders of the Public Service Commission. Transitional provisions in *Schedule 1* provide that on and after the commencement of the Bill—

- the State Services Commission becomes the Public Service Commission (the **Commission**):
- the State Services Commissioner becomes the Public Service Commissioner (the **Commissioner**):
- the Deputy State Services Commissioner becomes a Deputy Public Service Commissioner (a **Deputy Commissioner**).

Clause 40 provides for a Commissioner to be appointed by the Governor-General. An appointment will be made on the recommendation of the Prime Minister after consultation with the leader of each political party represented in the House of Representatives. The consultation requirement is new.

Clause 41 describes the role of the Commissioner, who will act 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. The Commissioner also will provide leadership to the wider State services in the ways provided in the Bill.

Clause 42 lists the general functions of the Commissioner. This clause updates section 6 of the Act. *Clause 42* does not provide a complete list of the Commissioner's functions. Other functions are expressly provided for in other clauses in the Bill.

Clause 43 requires the Commissioner to act independently when making decisions about individual chief executives. However, this does not apply when the Commissioner is appointing, reappointing, transferring, or removing a chief executive to or from office, or when setting the conditions of employment for a chief executive.

Clause 44 is the operative provision for other functions and powers of the Commissioner that are set out in *Schedule 3*.

Clause 45 provides for the appointment of at least 1 but not more than 2 Deputy Commissioners. The Act allows for the appointment of 1 Deputy Commissioner currently. Under the Bill, a Deputy Commissioner may be appointed by the Governor-General. An appointment will be made on the recommendation of the Prime Minister after consultation with the leader of each political party represented in the House of Representatives. The consultation requirement is new.

A Deputy Commissioner may carry out all the functions of the Commissioner subject to control of the Commissioner. If 2 Deputy Commissioners are appointed, the Com-

missioner may assign to either or both of them responsibilities to achieve objectives in particular subject-matter areas. A Deputy Commissioner may act as the Commissioner in specified circumstances. A Deputy Commissioner may also be appointed an acting Commissioner under *clause 2(1) of Schedule 4*.

Clause 46 is the operative provision for other terms and conditions of employment for the Commissioner and Deputy Commissioners that are set out in *Schedule 4*.

Chief executive of Public Service Commission

Clause 47 says that the Commissioner is the chief executive of the Commission. The Commissioner may delegate all or part of the chief executive role to a Deputy Commissioner or other person. The ability to delegate the role is now expressly provided for in this clause, although it is available currently under the general delegation power in the Act. The general rules for delegation in *clauses 2 to 4 of Schedule 6* (based on sections 41 and 42 of the Act) apply to a delegation under this clause.

Advisory committees

Clause 48 gives the Commissioner a power to appoint 1 or more advisory committees to assist with carrying out any of the Commissioner's functions. An advisory committee will be able to make inquiries, conduct research, or make reports. The Commissioner will decide who the members of an advisory committee will be after having due regard to the nature of the community interest in the particular matter or matters to be addressed by that advisory committee.

Subpart 2—Public service chief executives and public service leadership team

Public service chief executives

Clause 49 gives the Commissioner the power to appoint chief executives to lead departments and departmental agencies as well as to appoint individuals to the new functional chief executive roles. Both chief executives who lead departments or departmental agencies and functional chief executives who will carry out some functions within departments are public service chief executives under the definition in *clause 5*.

The term administrative head applying to chief executives who lead departments and departmental agencies in section 31 of the Act is not carried over into the Bill. A transitional provision in *clause 4(2) of Schedule 1* says that this change does not create any distinction between public service chief executives whether they were appointed or reappointed before, on, or after the commencement of the Bill.

When a functional chief executive role is established, disestablished, or reorganised by the executive government, the decision to do so will be recorded in an Order in Council. The order will add, remove, or amend an item in *Schedule 5* so that the list of functional chief executives in the schedule remains current. An order must state the designation of the role, identify the host department, and set out the particular func-

tions that the role will have within the host department (*see* the definition of particular functions in *clause 5*). The name of the host department will also be added to *Schedule 2*.

Clause 49 also refers to *Schedule 7*, which contains provisions relating to the appointment and performance review of chief executives. *Clause 11 of Schedule 7* makes special provision for the Commissioner as chief executive of the Commission and for the Solicitor-General as chief executive of the Crown Law Office. Some provisions in that schedule do not apply to those two roles. This special provision is currently provided for in section 44 of the Act.

Clause 50 sets out the general responsibilities of chief executives who lead agencies. This clause is largely based on section 32 of the Act. One change made by the Bill relates to the responsibility for stewardship. The responsibility for stewardship currently in section 32(1)(d) of the Act has been moved to *clause 10* (public service principles) and has been extended. A new stewardship responsibility is now in *clause 50(1)(d)*. This is to support the Minister to act as a good steward of the public interest in specified ways. The responsibilities listed in this clause are additional to responsibilities and functions expressly provided for in other clauses in the Bill.

Clause 50 also says that—

- the chief executive of a department is not responsible for carrying out functions of a departmental agency hosted by the department unless expressly provided in an enactment:
- the chief executive of a departmental agency is responsible for carrying out its functions only, and not any functions of the host department unless expressly provided in an enactment:
- the chief executive of a servicing department of an interdepartmental executive board is not responsible for carrying out functions of the board, except for tasks delegated to the department under *clause 25(2)*; however, if that chief executive is also a member of that board they have full responsibilities as a member of the board.

Clause 51 says that the responsibilities listed in *clause 50* apply to functional chief executives but that they are responsible to the appropriate Minister for the responsibilities listed only to the extent that those responsibilities are relevant to their particular functions (*see* the definition of particular functions in *clause 5*). A functional chief executive is responsible for carrying out their particular functions only, and not any other functions of the host department unless expressly provided for in the Bill, and has other responsibilities under the Bill to the extent only that is relevant to those particular functions. The chief executive of a department is not responsible for carrying out the functions of a functional chief executive hosted by the department unless expressly provided in the Bill.

Clause 52 requires chief executives to act independently when making decisions about individual employees. However, this does not apply when a chief executive is making decisions about ministerial staff under *clause 68*.

Clause 53 says that working arrangements between a functional chief executive and a host department must be agreed by the 2 chief executives and approved by the appropriate Ministers.

Clause 54 gives the Commissioner the power to 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. System leaders are responsible to the appropriate Minister.

Clause 55 allows a system leader to set standards and issue guidance relating to the particular subject-matter area that they lead and co-ordinate. This can be done only if agreed by the appropriate Minister. The standards will apply only in or to public service agencies. Guidance issued by a system leader applies more widely in or to all State services.

Clause 56 is the operative provision for other functions and powers of chief executives set out in *Schedule 6* and clauses relating to the appointment and performance review of chief executives in *Schedule 7*.

Public service leadership team

Clause 57 requires the Commissioner to establish a public service leadership team made up of all chief executives of departments, the 1 or 2 Deputy Commissioners, and 1 or more persons from 1 or more of the following (as the Commissioner thinks fit):

- chief executives of departmental agencies:
- functional chief executives:
- chief executives of Crown agents:
- the chief executive of the New Zealand Police:
- the chief executive of the New Zealand Defence Force.

Clause 58 sets out the purposes of the public service leadership team, which are—

- to provide strategic leadership that contributes to an effective and cohesive public service:
- to work together co-operatively and model leadership behaviours:
- to assist its members to fulfil their responsibilities.

Subpart 3—Senior leadership and management capability

Clause 59 requires the Commissioner to develop and implement a strategy for the development of senior leadership and management capability in the public service (the **leadership strategy**). In doing so, the Commissioner must ensure that the strategy meets both the needs of agencies themselves and the needs of the public service as a whole. This must include allowing for the flexible deployment of senior leaders. The Commissioner may promote the leadership strategy to other State services and invite them to assist to develop and implement the strategy. This clause is largely based on section 47 of the Act.

Under *clause 12(2)(b)(i)* of the Bill, the Commissioner is responsible for recognising the matters listed in *clause 71(2)(d)* when developing the leadership strategy. *Clause 71(2)(d)* relates to good employer requirements for Māori and is based on section 56(2)(d) of the Act.

Clause 60 gives the Commissioner a new power to issue guidance to chief executives to assist them to implement the leadership strategy.

Clause 61 requires chief executives and boards of public service agencies to—

- develop senior leadership and management capability of their employees:
- flexibly deploy senior leaders in their agency to contribute to meeting the needs of the public service.

All chief executives must assist the Commissioner to develop a leadership strategy under *clause 59*. 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.

Clause 62 allows the Commissioner to arrange for a public service employee to be seconded elsewhere in the public service for specified purposes. Certain requirements that would usually apply to appointments do not apply to secondments under this clause.

Subpart 4—Public service workforce

Public service employees

Clause 63 defines certain terms relating to public service employees.

Clauses 64 to 67 set out the rights, duties, and powers of an employer that the chief executive or board of a public service agency has in relation to public service employees who carry out the functions of the agency. These provisions are based on section 59 of the Act and are expanded to include the new types of public service agencies provided for in the Bill.

Clause 64 relates to departments. The chief executive of a department may appoint the public service employees that the chief executive thinks necessary to carry out the functions of the department. The chief executive has the power to remove employees. The chief executive also generally has the other rights, duties, and powers of an employer in relation to the employees. There are some exceptions to this (for example, *see clauses 76(b), 77, and 80*) where the Commissioner has a role. This clause is based on section 59(1) of the Act.

As provided in *clause 63*, a person employed in a position in a department may be referred to as a public service employee or, more specifically, an employee of the department.

Clause 65 relates to interdepartmental ventures. It confers equivalent employer rights, duties, and powers on the board of an interdepartmental venture, in relation to carrying out the functions of the interdepartmental venture, to those the chief executive of a department has under *clause 64* in respect of a department's functions.

As provided in *clause 63*, a person employed in a position in an interdepartmental venture may be referred to as a public service employee or, more specifically, an employee of the interdepartmental venture.

Clause 66 applies to a departmental agency. In relation to the employees of the departmental agency's host department who carry out the functions of the departmental agency, the chief executive of the departmental agency is treated as having certain powers as an employer. These are the ability to appoint and remove employees and the other rights, duties, and powers specifically set out in this clause.

These rights, duties, and powers are treated as delegated by the chief executive of the agency's host department (and that chief executive is not able to exercise those powers in respect of those employees). That is, although the employees are referred to as employees of the host department, in many respects in relation to individual employees the chief executive of the departmental agency carries out the role of employer. This clause is based on section 59(2) and (3) of the Act.

Clause 67 applies to interdepartmental executive boards. It confers equivalent employer rights, duties, and powers on an interdepartmental executive board, in relation to carrying out the functions of the board, to those the chief executive of a departmental agency has under *clause 66* in respect of a departmental agency's functions.

These rights, duties, and powers are treated as delegated by the chief executive of the interdepartmental executive board's servicing department (and that chief executive is not able to exercise those powers in respect of those employees). That is, although the employees are referred to as employees of the servicing department, in many respects in relation to individual employees, the interdepartmental executive board carries out the role of employer.

Clause 68 provides that the chief executive of a public service agency 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. It also provides that *clause 70*, which relates to appointment on merit, does not apply to the appointment of ministerial staff. This clause replaces section 59(5) and part of section 66 of the Act. See also other existing exceptions regarding ministerial staff that are carried over in *clauses 1, 4, and 5 of Schedule 8*.

Clause 69 continues the existing process for review of appointments of public service employees. It replaces section 59(4) of the Act.

Clause 70 provides that 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. This clause replaces section 60 of the Act.

Good employer requirements

Clause 71 sets out good employer requirements for departments and interdepartmental ventures. It is largely based on section 56(1) and (2) of the Act. *Subclause (3)* is

new and sets out the responsibilities of departmental agencies and interdepartmental executive boards regarding the good employer requirements.

Clause 72 sets out functions of the Commissioner in relation to equal employment opportunities. This clause is largely based on section 58 of the Act.

Promoting diversity and inclusiveness

Clause 73 is new, and sets out requirements on departments and interdepartmental ventures in relation to promoting diversity and inclusiveness. *Subclause (2)* sets out the responsibilities of departmental agencies and interdepartmental executive boards regarding the diversity and inclusiveness requirements.

Clause 74 sets out functions of the Commissioner in relation to promoting diversity and inclusiveness.

Application of Employment Relations Act 2000 to public service

Clause 75 provides that the Employment Relations Act 2000 applies to the public service (subject to any exceptions in the Act). This clause replaces section 67 of the Act.

Clause 76 specifies who exercises the responsibilities of an employer in relation to personal grievances and disputes concerning public service employees. This clause replaces section 69 of the Act.

Negotiation of collective agreements

Clause 77 provides that the Commissioner is responsible for negotiating collective agreements that apply to departments and interdepartmental ventures. The collective agreements applicable to a department also apply to a departmental agency or an interdepartmental executive board for which the department is the host or servicing department. This clause replaces section 68(1) to (3) of the Act.

Clause 78 sets out further provisions in relation to collective agreements, including the required parties to the agreement and how it binds public service employers and employees. This clause replaces section 68(4) to (6) of the Act.

Clause 79 provides that the Commissioner may delegate the Commissioner's functions to negotiate collective agreements. This delegation would be to a chief executive of a department or the board of an interdepartmental venture. This clause replaces section 70 of the Act.

Pay equity claims

Clause 80 is new and applies to a pay equity claim (as defined in *subclause (6)*) made by an employee or employees of a department or an interdepartmental venture. This clause would also apply to employees of a department who are carrying out the functions of a departmental agency or an interdepartmental executive board for which the department is the host or servicing department. The clause provides that the Commissioner may choose to be responsible for negotiations in relation to the claim. This applies until any time that the claim goes into mediation under the Employment Relations Act 2000 or proceedings in the Employment Relations Authority, a tribunal, or a

court. After that point, the employer is, or employers are, the chief executive of each department and the board of each inter-departmental venture in which any of the employees are employed acting, if the Commissioner so requires, together with or in consultation with the Commissioner.

Clause 81 sets out further provisions relating to dealing with pay equity claims. *Subclause (1)* provides that if the Commissioner enters into negotiations in relation to a pay equity claim, the Commissioner must do so in consultation with the chief executive or board of each affected department or interdepartmental venture. *Subclause (2)* provides that the Commissioner may require any two or more chief executives or boards to negotiate a pay equity claim or pay equity claims in consultation with each other.

Clause 82 sets out who is bound by an agreement in relation to a pay equity claim that is entered into between the Commissioner and 1 or more public service employees, and who is responsible for implementing the agreement.

Clause 83 provides that the Commissioner may delegate the Commissioner's functions regarding pay equity claims. This delegation would be to a chief executive of a department or to a board of an interdepartmental venture.

Other employment provisions

Clause 84 gives effect to the employment provisions set out in *Schedule 8*. These relate to—

- obligations to notify vacancies and appointments (*clauses 1 and 4*);
- review of appointments (*clause 5*);
- making acting appointments where an employee is absent or there is a vacancy in a position (*clause 2*);
- the manner of providing evidence of appointments (*clause 3*);
- the ability to request that an employee undergo a medical examination (*clause 6*);
- provisions relating to transfers of functions between Crown entities and public service agencies (*clauses 7 to 10*);
- superannuation schemes for employees of State services agencies (*clauses 11 to 13*).

Clause 85 is new and provides a power to transfer employees where there is a transfer of functions from one public service agency to another. It applies only in the specific circumstances set out in *subclause (2)*. This clause is intended to avoid the need for employees to go through an offer and acceptance process in the cases to which the clause applies. *Subclause (4)* provides that the employment of an employee to whom this clause applies will be treated as continuous for the purpose of the statutory leave entitlements described in *clause 90(1)(a) and (b)* and the KiwiSaver scheme (*see clause 90(1)(c)*).

Clause 86 provides that an employee transferred under *clause 85* is not entitled to a redundancy payment.

Clause 87 provides for other restrictions on redundancy payments where a public service employee has received a notice of termination by reason of redundancy and—

- is offered and accepts a position in a State services agency as described in *subclause (1)(a)*; or
- is offered an alternative position in a State services agency as described in *subclause (1)(b)*

This clause is largely based on section 61A of the Act except for *subclause (2)*. *Subclause (2)* provides that if an employee moves from a position in a department or an interdepartmental venture to a position in another department or interdepartmental venture the person's employment will be treated as continuous for the purpose of the statutory leave entitlements described in *clause 90(1)(a) and (b)* and the KiwiSaver scheme (see *clause 90(1)(c)*).

Clause 88 provides that certain provisions of the Bill (relating to appointments on merit, obligation to notify vacancies, and review of appointments) do not apply where a person is transferred under *clause 85* or moves position as described in *clause 87(1)*.

Employment in public service continuous for purpose of certain enactments

Clause 89 is new. It provides that *clause 90* applies if an employee moves from a position in one public service agency into a position in another public service agency. This clause applies to a person who chooses to move from one position in the public service to another. It also applies in the circumstances provided for by *clauses 85 and 87*. It is intended that this clause will come into force by Order in Council at a later date than the rest of the Bill's provisions. This is to enable systems and processes to be aligned so that the relevant leave entitlements referred to in *clause 90(1)(a) and (b)* can effectively be transferred between public service agencies.

When this clause comes into force it will replace *clauses 85(4) and 87(2)*, which will be repealed (see *clause 110(2)*).

Clause 90 is new and applies to employees as set out in *clause 89*. It provides that the employee's employment (in the agency the employee moves from and in the agency the employee moves to) is treated as continuous in relation to the statutory entitlements to leave described in *clause 90(1)(a) and (b)* and the KiwiSaver scheme (see *clause 90(1)(c)*). *Subclauses (2) to (5)* set out details of how this works. This clause is also subject to any regulations made under *clause 93*.

Clause 91(1) provides that where *clause 90* applies the agency an employee moves to is not liable for any failures by the agency that the employee has moved from (agency A) to comply with requirements about statutory entitlements to leave and the recovery of holiday pay or leave pay. *Subclause (2)* provides that the requirements of *clause 90(2)* about the transfer of leave entitlements do not affect the right of an employee to take action in respect of a failure by agency A to comply with the requirements

described in *subclause (1)*. The intention is that the obligation to remedy any failure by an agency to comply with the requirements specified in *subclause (1)* is intended to lie with that agency.

Clause 92 provides that the provisions of the Holidays Act 2003 restricting payment of annual holiday pay do not prevent payments of annual holiday pay if that payment is required by regulations made under *clause 93(1)(b)*.

Clause 93 is a regulation-making power. *Subclause (1)(a) and (c)* authorise regulations to be made to effectively provide for the administration of the continuous employment requirement as set out in *clause 90(1)*. *Subclause (1)(b)* provides for regulations to specify amounts of the annual leave entitlement in *clause 90(1)(a)(i)* (that is, annual leave under section 16 of the Holidays Act 2003) at or above which leave cannot be transferred under *clause 90*.

Responsibility of departmental agency for health and safety

Clause 94 provides that a departmental agency (and not its host department) is responsible under the Health and Safety at Work Act 2015 in relation to workers who carry out the functions of the departmental agency.

Part 4

Government workforce policy

Part 4 is based on sections 55A to 55D of the Act and continues the Commissioner's ability to address workforce matters in the State services.

Clause 95 sets out the functions of the Commissioner in relation to workforce policy. These are—

- providing advice and guidance on workforce matters to the agencies described in *clause 97(4)*;
- drafting and submitting a government workforce policy for approval by the Minister as a Government Workforce Policy Statement;
- advising affected agencies on the operation of a Government Workforce Policy Statement;
- facilitating the operation of a Government Workforce Policy Statement in conjunction with affected agencies.

Clause 96 provides that the Commissioner may draft government workforce policy and, after consulting affected agencies, submit it for ministerial approval as a Government Workforce Policy Statement.

Clause 97 relates to the content of government workforce policy. *Subclauses (1) and (2)* specify the matters government workforce policy may relate to. *Subclause (3)* has no counterpart in the Act. It allows government workforce policy to provide for the Commissioner to request information on the workforce matters specified in *subclause (2)(a) to (e)* from the agencies specified in *subclause (4)*. *Subclause (4)* specifies the agencies to which a government workforce policy may apply.

Clause 98 provides that a Government Workforce Policy Statement must not affect other legal rights or obligations or determine or alter the content of the law applying to employees or chief executives or the Commissioner.

Clause 99 provides for the approval by the Minister of a government workforce policy. If approved, it becomes a Government Workforce Policy Statement. The statement is neither a legislative or disallowable instrument for the purposes of the Legislation Act 2012.

Clause 100 requires the Commissioner to make the Government Workforce Policy Statement known to affected agencies and available to the public.

Clause 101 sets out the obligations of the various agencies to which a Government Workforce Policy Statement may apply to implement the statement and to respond to any request for information made under it. The degree to which an agency is required to give effect to the Statement and to comply with information requests depends on the nature of the agency.

Clause 102 provides that nothing in a request for information by the Commissioner made under a Government Workforce Policy Statement limits any Act that imposes a prohibition or restriction on the availability of any information.

Part 5

Offence, immunity, responsibility of departmental agencies under Privacy Act 1993, and public service reorganisations

Offence to solicit or attempt to influence public service leaders

Clause 103 says that a person commits an offence if they directly or indirectly solicit or attempt to influence a public service leader or a delegate of a public service leader. The offence is committed only if the leader or delegate is making a decision relating to duties to act independently in employment matters and when making decisions about individual chief executives. The offence is punishable by a fine not exceeding \$2,000. In certain specified circumstances actions that would otherwise be an offence will not be an offence. This offence is currently contained in section 85 of the Act. A new aspect of the offence in the Bill is that it extends to public service leaders (instead of applying only to the Commissioner or a chief executive). Public service leader is defined as including a Deputy Commissioner (but only if they are carrying out functions of the Commissioner), interdepartmental executive boards, and the boards of interdepartmental ventures.

Immunity from liability

Clause 104 says that public service chief executives and employees are immune from liability in civil proceedings for good-faith actions or omissions when carrying out or intending to carry out their functions or responsibilities.

Responsibility of departmental agencies under Privacy Act 1993

Clause 105 provides that in relation to its functions a departmental agency has the responsibility under section 23 of the Privacy Act 1993 (which relates to the responsibility of an agency to ensure that the agency has 1 or more privacy officers).

Reorganisations within public service

Clause 106 allows savings and transitional matters connected with reorganisations of public service agencies to be dealt with by an Order in Council. *Clause 106* is also the operative provision for other provisions relating to reorganisations in the public service that are set out in *Schedule 9*.

Part 6

Amendments to enactments, repeals, and revocations

Clauses 107 to 112 amend, repeal, and revoke enactments.

Amendment to Crown Organisations (Criminal Liability) Act 2002

Clause 107 amends the definition of Crown organisation in section 4 of the Crown Organisations (Criminal Liability) Act 2002. The effect of the amendment is that interdepartmental ventures and departmental agencies are Crown organisations for the purposes of that Act.

Amendments to Privacy Act 1993

Clause 108(2) amends the definition of agency in section 2(1) of the Privacy Act 1993. The effect of the amendment is that interdepartmental ventures and departmental agencies are agencies for the purposes of that Act. *Subclause (4)* amends section 3 of the Privacy Act 1993 to provide that information that is held by an employee of a department carrying out the functions of a departmental agency must be treated for the purposes of that Act as held by the departmental agency.

Repeals and revocations

Clause 109 repeals the State Sector Act 1988 and the Civil Service Act 1908.

Clause 110(1) repeals a section, Parts, and schedules in this Bill relating to repeals, revocations, and amendments that implement changes made by the Bill across the statute book. Commencement of *clause 110(1)* is delayed to 1 January 2021 to allow those repeals, revocations, and amendments to happen or be made before the operative provisions for them are then removed from the Bill.

Clause 110(2) provides that *clauses 85(4) and 87(2)* are repealed on the date on which *clause 89* comes into force. *Clause 89* will replace the effect of *clauses 85(4) and 87(2)* (see *clause 89(2)*).

Clause 111 is the operative clause for *Schedule 10*, which lists legislative instruments to be revoked.

Consequential amendments

Clause 112 is the operative clause for *Schedule 11*, which sets out consequential amendments to enactments.

Part 7

Amendments to Public Finance Act 1989

Part 7 sets out amendments to the PFA.

The PFA sets out Parliament's requirements for the Government's budgeting and reporting cycle. Among other things, the PFA—

- sets out the process by which the use of public money by or on behalf of the Crown and Offices of Parliament is authorised;
- requires departments, departmental agencies, and Offices of Parliament to periodically provide information on their strategic intentions;
- imposes annual reporting requirements on departments, departmental agencies, and Offices of Parliament (both in relation to the use of public money and more generally).

Amendments to the PFA are required to reflect—

- the increased flexibility in the working arrangements of departmental agencies; and
- the 2 new organisational forms in the public service (interdepartmental executive boards and interdepartmental ventures).

The amendments in *Part 7* add departmental agencies, interdepartmental executive boards, and interdepartmental ventures to the definition of department in section 2(1) of the PFA. As a result, the provisions of the PFA that apply to departments will also apply to those other agencies. The amendments in *Part 7* make further modifications throughout the rest of the PFA to reflect the particular circumstances of those other agencies (including, in relation to departmental agencies, the working arrangements that apply in accordance with *clause 22*). For example,—

- where a departmental agency operates within the strategic and policy framework of its host department, it is not required to provide information on its own strategic intentions under Part 4 of the PFA; and
- the content required in an annual report under Part 4 of the PFA changes according to whether the departmental agency, interdepartmental executive board, or interdepartmental venture manages assets and liabilities or administers an appropriation; and
- the provisions that apply to intelligence and security departments also apply in certain circumstances to departmental agencies, interdepartmental executive boards, or interdepartmental ventures that are connected to intelligence and security departments.

Hon Chris Hipkins

Public Service Legislation Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Public Service Legislation Act **2019**.

2 Commencement

- (1) **Section 89** comes into force on a date set by Order in Council. 5
- (2) **Section 110(1)** comes into force on **1 January 2021**.
- (3) The rest of this Act comes into force on the day after the date of Royal assent.

Part 1

Preliminary provisions

Subpart 1—Provisions for operation of Act 10

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: 15

- (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: 5
- (e) to affirm that the fundamental characteristic of the public service is acting with a spirit of service to the community.

Compare: 1988 No 20 s 1A

- 4 Guide to this Act** 10
- (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** only). 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. 15
 - (2) **Part 1** defines the public service and contains provisions relating to the purpose of the public service, the public service principles, acting with a spirit of service to the community, the Crown's relationships with Māori, the public service values, standards of integrity and conduct, and the New Zealand Bill of Rights Act 1990. 20
 - (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, Public Service Deputy Commissioners, public service chief executives (including functional chief executives), and employees who make up the public service workforce. **Part 3** also includes provisions relating to the public service leadership team, the public service leadership strategy, and secondments. 25
 - (5) **Part 4** relates to the Government's workforce policy. 30
 - (6) **Part 5** contains a miscellaneous group of provisions. These include a provision making it an offence to solicit or attempt to influence public service leaders and a provision that provides immunity for good-faith actions or omissions by public service chief executives and employees.
 - (7) **Parts 6 and 7** contain provisions that repeal, revoke, and amend enactments to give effect to changes made by this Act across the statute book. 35
 - (8) This guide is for explanation only and does not affect the provisions referred to in it.

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 responsible for that agency, chief executive, or system leader; or 5
- (b) if 2 or more Ministers—
 - (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 10
 - (ii) are jointly responsible for that agency, chief executive, or system leader, both or all of those Ministers

carry out, in relation to a function, includes to perform or exercise the function

collective agreement has the meaning given in section 5 of the Employment Relations Act 2000 15

Commission means the Public Service Commission

Commissioner means the Public Service Commissioner appointed under **section 40**

conditions of employment—

- (a) includes remuneration; but 20
- (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 25

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) 30

department means any of the agencies listed in **Part 1 of Schedule 2**

departmental agency means any of the agencies that are listed in the first column of **Part 2 of Schedule 2**, and that are each part of the corresponding host department stated in the second column of **Part 2 of Schedule 2** 35

Deputy Commissioner means a Deputy Public Service Commissioner appointed under **section 45**

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 63** 5

employee of an interdepartmental venture or **employee of the interdepartmental venture** has the meaning given in **section 63**

function means a function, power, or duty

functional chief executive means a chief executive appointed under **section 49** 10 with particular functions assigned to the role as set out in the Order in Council relating to the role (*see* definition of particular functions below)

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

individual employment agreement has the meaning given in section 5 of the Employment Relations Act 2000 15

interdepartmental executive board means any of the agencies listed in **Part 3 of Schedule 2**

interdepartmental venture means any of the agencies listed in **Part 4 of Schedule 2** 20

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, acting under the authority of the Prime Minister, responsible for the administration of this Act 25

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 30
- (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 1 senior private secretary, 1 ministerial secretary, 1 ministerial adviser, 1 press secretary, and 1 private secretary. 35

An event that could terminate the staff's events-based agreement is Minister A no longer holding a ministerial portfolio.

- particular functions**, for a functional chief executive role, means the particular functions that the role has within a department as set out in the Order in Council relating to the role
- public service** has the meaning given in **section 8**
- public service agency** means any of the agencies listed in **section 8(a)** 5
- 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
- public service employee**,— 10
- (a) for the purposes of **sections 11 and 20**, 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 63**
- public service leader** means the Commissioner, any Deputy Commissioner, and all public service chief executives 15
- public service leadership team** means the leadership team established under **section 57**
- public service principles** has the meaning given in **section 10**
- public service values** has the meaning given in **section 14**
- remuneration** includes— 20
- (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**— 25
- (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 30
- (d) includes the education service; but
- (e) does not include—
- (i) the Governor-General; or
- (ii) members of the Executive Council; or 35
- (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	
	tertiary education institution means an institution within the meaning of section 159(1) of the Education Act 1989	5
	union means a union registered under Part 4 of the Employment Relations Act 2000.	
	Compare: 1988 No 20 s 2	
6	Transitional, savings, and related provisions	
	The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.	10
	Compare: 1988 No 20 s 2B	
7	Act binds the Crown	
	This Act binds the Crown.	
	Subpart 2—Public service defined, purpose, public service principles, and spirit of service to community	15
	<i>Public service defined</i>	
8	Public service defined	
	In this Act, the public service —	
	(a) means public service agencies, which are—	20
	(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 .	25
	Compare: 1988 No 20 ss 27–27A	
	<i>Purpose, public service principles, and spirit of service to the community</i>	
9	Purpose	
	The public service supports constitutional and democratic government, enables both the current Government and successive governments to develop and implement their policies, delivers high-quality and efficient public services, supports the Government to pursue the long-term public interest, and facilitates active citizenship.	30
	Compare: 1988 No 20 s 1A	35

10 Public service principles

- (1) In order to achieve the purpose in **section 9**, the **public service principles** are:
- Politically neutral*
- (a) to act in a politically neutral manner; and 5
- 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 10
- Open government*
- (d) to foster a culture of open government; and
- Stewardship*
- (e) to proactively promote stewardship of the public service, including of— 15
- (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. 20
- (2) Public service chief executives are responsible for—
- (a) upholding the public service principles when carrying out their responsibilities and functions under **section 50**; and
- (b) ensuring that the agencies they lead or carry out some functions for also do so. 25
- (3) A chief executive is responsible only to the Commissioner for carrying out the responsibilities under **subsection (2)**.
- (4) Boards of Crown agents are responsible for ensuring that the entities they govern uphold the public service principles when carrying out their functions.
- (5) The responsibility of a board of a Crown agent under **subsection (4)** 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. 30

11 Spirit of service to community

- (1) The fundamental characteristic of the public service is acting with a spirit of service to the community. 35

- (2) Public service leaders and boards of Crown agents must preserve, protect, and nurture the spirit of service to the community that public service employees bring to their work.

Subpart 3—Crown’s relationships with Māori

- 12 Crown’s relationships with Māori** 5
- (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) To that end, the Commissioner, public service chief executives, interdepartmental executive boards, and boards of interdepartmental ventures are responsible for— 10
- (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 71(2)(d)** in the development and implementation of the leadership strategy under **section 59**: 15
- (ii) in the case of chief executives and public service boards that employ staff, operate an employment policy that meets the requirements of **section 71(2)(d)**.
- 13 Who responsibilities are owed to, how these apply, and reporting to Commissioner** 20
- (1) A person or board is responsible under **section 12**,—
- (a) in the case of the Commissioner, only to the Minister:
- (b) in the case of a chief executive who leads a public service agency or a functional chief executive, only to the appropriate Minister for the agency or functional chief executive: 25
- (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 12**,— 30
- (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 public service agency, in relation to the operation of that agency:
- (c) in the case of a functional chief executive, in relation to their particular functions: 35

- (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 12(2)** at intervals required by the Commissioner. 5

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 10

14 Public service values

- (1) The **public service values** are to seek—
- Impartial*
- (a) to treat all people fairly, without favour or bias: 15
- Accountable*
- (b) to take responsibility for its work, actions, and decisions:
- Ethical*
- (c) to act with integrity and be open and transparent:
- Respectful*
- (d) to treat all people with dignity and compassion and act with humility: 20
- 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.

15 Commissioner may set minimum standards of integrity and conduct 25

- (1) The Commissioner may set minimum standards of integrity and conduct, including standards relating to—
- (a) the public service values:
- (b) the public service principles:
- (c) rights and responsibilities. 30
- (2) Minimum standards of integrity and conduct 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: 35

- (d) the Parliamentary Counsel Office.
- (3) The Commissioner may apply minimum standards, or 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)**: 5
- (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: 10
- (v) are chief executives:
- (vi) are employees:
- (vii) are individuals working as contractors or secondees.
- (4) Minimum standards and variations must be in writing but may be set out in any form that the Commissioner thinks fit. 15
- (5) 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.
- (6) The Commissioner may also provide advice to other 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). 20
- Compare: 1988 No 20 s 57
- 16 Agencies must comply with minimum standards unless exception granted**
- (1) Agencies, individuals, and groups must comply with the minimum standards set under **section 15** that apply to them. 25
- (2) However, an agency covered by **section 15(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. 30
- (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. 35
- Compare: 1988 No 20 s 57A

17 Guidance on integrity and conduct

- (1) The Commissioner may issue guidance on integrity and conduct for the agencies referred to in **section 15(2)** and the people who work in them.
- (2) The guidance may relate to minimum standards set under **section 15** but is not limited to the subject matter of those standards. 5
- (3) Guidance must be in writing and notified to the agencies in or to which it applies.

18 Required content of guidance on rights and responsibilities

- (1) If guidance issued under **section 17** includes guidance on rights and responsibilities, the guidance must address— 10
 - (a) rights and responsibilities relating to freedom of expression:
 - (b) the rights and 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. 15

19 Status of minimum standards and guidance

Minimum standards and guidance issued under this subpart are neither legislative instruments nor disallowable instruments for the purposes of the Legislation Act 2012 and do not have to be presented to the House of Representatives under section 41 of that Act. 20

*New Zealand Bill of Rights Act 1990***20 Rights and freedoms of 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. 25
- (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 any action taken by a public service employee to exercise or enforce those rights and freedoms. 30

Part 2

Public service agencies and joint operational agreements

Subpart 1—Public service agencies

Departments and departmental agencies

- | | | |
|-----------|---|----|
| 21 | Establishment and reorganisations of departments and departmental agencies | 5 |
| (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, repeal, or amend an item in Part 1 or 2 of Schedule 2 : | 10 |
| | (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 22(2) will apply to an existing departmental agency or no longer applies, amend columns 3 or 4 in the table in Part 2 of Schedule 2 , as appropriate. | 15 |
| (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 22(2) apply to it, state which apply. | 20 |
| (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. | |
| | Compare: 1988 No 20 s 30A | |
| 22 | Functions and working arrangements of departmental agencies | 25 |
| (1) | The functions of a departmental agency may be determined by the appropriate Minister for the agency and the appropriate Minister for its host department, except as provided in this or another enactment. | |
| (2) | Those Ministers may also decide that 1 or both of the following working arrangements will apply: | 30 |
| | (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 carry out its functions. | 35 |

- (4) Other working arrangements between a departmental agency and its host department must be agreed between the respective chief executives and approved by the appropriate Ministers.
- (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. 5
- (6) *See section 50(2) and (3)*, which relates to the responsibilities of the 2 chief executives for the functions of their respective agencies.
- Compare: 1988 No 20 s 27B

Interdepartmental executive boards 10

23 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: 15
- (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.

24 Establishment and reorganisations of interdepartmental executive boards

- (1) The Governor-General may, by Order in Council,— 20
- (a) if an interdepartmental executive board is established or disestablished or if its name is changed, insert, repeal, or amend an item in **Part 3 of Schedule 2**;
- (b) if the servicing department, or the name of the servicing department, of an interdepartmental executive board is changed, amend an item in **Part 3 of Schedule 2**. 25
- (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 30
- (c) identify the department that will be the servicing department of the board.
- (3) In this section, **departments** means departments, departmental agencies, the New Zealand Police, and the New Zealand Defence Force. 35
- Compare: 1988 No 20 s 30A

- 25 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): 5
- (a) **section 50(1)** (relating to general responsibilities of chief executives):
 - (b) **sections 52(1)(b) and 52(2)** (relating to the duty to act independently in employment matters):
 - (c) **clause 1 of Schedule 6** (relating to general powers of chief executives): 10
 - (d) **clauses 2 to 4 of Schedule 6** (relating to delegation of functions):
 - (e) **clauses 5 and 6 of Schedule 6** (relating to delegation of functions of appropriate Minister):
 - (f) **clause 7 of Schedule 6** (relating to functions and responsibilities under other Acts): 15
 - (g) other provisions in this Act that expressly apply.
- (2) A board may delegate administrative tasks to its servicing department, and **clauses 2 to 4 of Schedule 6** apply to a delegation. 20
Compare: 1988 No 20 ss 28, 29, 32, 33, 34(2), 41, 42
- 26 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.
- 27 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. 25
- (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. 30
- (4) Before selecting board members or designating a chairperson, 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: 35
 - (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, departmental agencies, the New Zealand Police, and the New Zealand Defence Force.

Compare: 1988 No 20 s 35

28 Limit on role of independent advisers 5

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

29 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. 10

Interdepartmental ventures

30 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: 15
- (b) to assist to develop and implement operational policy relating to those services or regulatory functions.

31 Establishment and reorganisations of interdepartmental ventures

- (1) The Governor-General may, by Order in Council, if an interdepartmental venture is established or disestablished or if its name is changed, insert, repeal, or amend an item in **Part 4 of Schedule 2**. 20

- (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**). 25

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

Compare: 1988 No 20 s 30A

32 Responsibilities and powers of boards of interdepartmental ventures 30

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

- (a) **section 50(1)** (relating to general responsibilities of chief executives):
- (b) **sections 52(1)(a) and 52(2)** (relating to the duty to act independently in employment matters): 35

- (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):
- (e) **clauses 5 and 6 of Schedule 6** (relating to delegation of functions of appropriate Minister): 5
- (f) **clause 7 of Schedule 6** (relating to functions and responsibilities 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
- 33 Members of board responsible to appropriate Minister** 10
- The members of the board of an interdepartmental venture are jointly responsible to the appropriate Minister for the operation of the board.
- 34 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. 15
- (2) The Commissioner must designate 1 of the members as the chairperson of the board.
- (3) Before designating a chairperson, 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: 20
- (b) may seek advice from other sources that the Commissioner thinks is relevant.
- (4) In this section, **chief executives** means the chief executives of departments, departmental agencies, the New Zealand Police, and the New Zealand Defence Force. 25
- Compare: 1988 No 20 s 35
- 35 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** 30
- 36 Purpose**
- The purpose of joint operational agreements is to provide a formal structure for co-operative and collaborative working arrangements between public service agencies.

- 37 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. 5
- (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. 10
- 38 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. 15
- (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.
- 39 Termination of joint operational agreements**
- A joint operational agreement may be terminated— 20
- (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 25

Subpart 1—Public Service Commission leaders and advisory committees

Public Service Commissioner and Deputy Public Service Commissioners

- 40 Public Service Commissioner**
- (1) A Public Service Commissioner must be appointed by the Governor-General on the recommendation of the Prime Minister. 30
- (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

41 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. 5
- Compare: 1988 No 20 s 4A

42 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 10
- (b) promote integrity, accountability, and transparency throughout agencies in the State services, including by setting standards and issuing guidance; and 15
- (c) work with public service leaders to develop a highly capable workforce that reflects the diversity of the society it serves, and to ensure fair and equitable employment; 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 20
- (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 for; and 25
- (e) review the design and operation of all areas of government in order to advise on the following matters:
- (i) possible improvements to inter-agency cohesion, service delivery, and performance;
- (ii) agency establishments, disestablishments, and amalgamations: 30
- (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). 35

Compare: 1988 No 20 s 6

- 43 Duty to act independently when making decisions about public service chief executives**
- (1) When making decisions about individual chief executives, the Commissioner is not responsible to the Minister and must act independently.
- (2) The independence required by **subsection (1)** does not apply to **clauses 3, 4, 6, 7, and 8 of Schedule 7** (relating to appointment, reappointment, transfer, conditions of employment, and removal from office of chief executives). 5
Compare: 1988 No 20 s 5
- 44 Other functions and powers of Commissioner**
- Schedule 3** sets out other functions and powers of the Commissioner. 10
- 45 Deputy Public Service Commissioners**
- (1) At least 1 but not more than 2 Deputy Public Service Commissioners 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. 15
- (3) Subject to the control of the Commissioner, a Deputy Commissioner has and may carry out all the functions of the Commissioner.
- (4) If 2 Deputy Commissioners are appointed, the Commissioner may assign to either or both of them responsibilities to achieve objectives in 1 or more subject-matter areas. 20
- (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**,—
- (a) if only 1 Deputy Commissioner has been appointed, that person must act as Commissioner. 25
- (b) if 2 Deputy Commissioners have been appointed, the person who has held the role longer must act as Commissioner.
- (6) The fact that a Deputy Commissioner carries out a function of the Commissioner is, in the absence of proof to the contrary, conclusive evidence of their authority to do so. 30
Compare: 1988 No 20 s 12
- 46 Other terms and conditions of appointment**
- Schedule 4** sets out other terms and conditions of appointment of the Commissioner and Deputy Commissioners. 35

*Chief executive of Public Service Commission***47 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 a Deputy Commissioner or other person. 5
- (3) A Deputy Commissioner who has been delegated all or part of the chief executive role retains their office as a Deputy Commissioner.
- (4) **Clauses 2 to 4 of Schedule 6** apply to a delegation under this section.
Compare: 1988 No 20 s 4

Advisory committees 10**48 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. 15
- (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 12 of Schedule 3** sets out the remuneration of advisory committee members. 20
Compare: 1988 No 20 s 21

Subpart 2—Public service chief executives and public service leadership team

Public service chief executives 25**49 Public service chief executives**

- (1) The Commissioner must appoint a chief executive to lead each department and departmental agency.
- (2) Each chief executive is to be known—
 - (a) by the designation fixed by an Act of Parliament for that chief executive; 30
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**;
- (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**. 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 of the functional chief executive; and 10
- (c) set out the particular functions of the functional chief executive role within the host department (*see* the definition of particular functions in **section 5**).
- (5) If a functional chief executive role is established, the Commissioner must appoint a person to that role. 15
- (6) The provisions of **Schedule 7** apply to the appointment and performance review of chief executives, but *see* **clause 11 of Schedule 7** that makes special provision for the Commissioner as chief executive of the Commission and the Solicitor-General as chief executive of the Crown Law Office. 20
- Compare: 1988 No 20 s 31 20
- 50 General 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) improving ways of working across public service agencies; and 25
- (b) their agency’s responsiveness on matters relating to the collective interests of government; and
- (c) the operation of their agency, including in carrying out the purpose of the public service under **section 9**; and
- (d) supporting that Minister to act as a good steward of the public interest, including by— 30
- (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; and 35
- (e) carrying out their functions as a chief executive and the carrying out of functions by their agency (whether those functions are imposed by an enactment or by the policies of the Government); and
- (f) giving advice to Ministers; and

- (g) the integrity and conduct of the employees for whom the chief executive is responsible; and
- (h) the efficient and economical delivery of the goods or services provided by the agency and how effectively those goods or services contribute to the intended outcomes. 5
- (2) The chief executive of a department is not responsible for carrying out functions of a departmental agency hosted by the department unless expressly provided in this or another enactment.
- (3) The chief executive of a departmental agency is responsible for carrying out its functions only, and not any functions of the host department unless expressly provided in this or another enactment. 10
- (4) The chief executive of a servicing department of an interdepartmental executive board is not responsible for carrying out functions of the board, except for tasks delegated to the department under **section 25(2)**.
- (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. 15

Compare: 1988 No 20 s 32

51 Functional chief executives

- (1) **Section 50(1)** applies to a functional chief executive (with any necessary modifications). 20
- (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 (*see* the definition of particular functions in **section 5**).
- (3) A functional chief executive—
- (a) is responsible for carrying out their particular functions only, and not any other functions of the host department unless expressly provided in this Act: 25
- (b) has other responsibilities under this Act to the extent only that is relevant to their particular functions.
- (4) The chief executive of a department is not responsible for carrying out functions of a functional chief executive hosted by the department unless expressly provided in this Act. 30

Compare: 1988 No 20 s 32(2)

52 Duty to act independently in employment matters

- (1) Despite **section 50(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),— 35
- (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 the requirement in **section 68** that a chief executive have regard to the wishes of the relevant Minister when making decisions about ministerial staff. 5
- Compare: 1988 No 20 s 33
- 53 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 approved by the appropriate Ministers. 10
- Compare: 1988 No 20 s 27B
- 54 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. 15
- (2) System leaders are responsible to the appropriate Minister for achieving agreed outcomes.
- 55 Standards and guidance** 20
- (1) If agreed by the appropriate Minister, a system leader may set standards and issue guidance relating to the particular subject-matter area that they lead and co-ordinate.
- (2) The standards and guidance must be in writing.
- (3) Those standards apply only in or to public service agencies. 25
- (4) Chief executives must ensure that the agencies that they lead or carry out some functions for implement the standards that apply in or to them.
- (5) Guidance issued by a system leader applies in or to all State services.
- 56 Other provisions in schedules**
- (1) **Schedule 6** sets out other functions and powers of public service chief executives. 30
- (2) **Schedule 7** contains provisions relating to the appointment and performance review of public service chief executives.

Public service leadership team

- 57 Public service leadership team**
- The Commissioner must establish a public service leadership team with the following members:
- (a) all chief executives of departments; and 5
 - (b) the 1 or 2 Deputy Commissioners; 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: 10
 - (iii) chief executives of Crown agents:
 - (iv) the chief executive of the New Zealand Police:
 - (v) the chief executive of the New Zealand Defence Force.
- 58 Purposes of public service leadership team**
- The public service leadership team— 15
- (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.
- Subpart 3—Senior leadership and management capability 20
- 59 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. 25
 - (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. 30
- Compare: 1988 No 20 ss 46, 47
- 60 Guidance**
- The Commissioner may issue guidance to assist chief executives to implement the leadership strategy.
- 61 Responsibilities of chief executives and boards**
- (1) A chief executive or board of a public service agency must— 35

- (a) develop the senior leadership and management capability of the employees in that 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 59**. 5
- (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. 10
- Compare: 1988 No 20 s 48
- 62 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: 15
- (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 70** (relating to merit appointments)— 20
- (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)**. 25
- Compare: 1988 No 20 s 49

Subpart 4—Public service workforce

Public service employees

- 63 Interpretation** 30
- 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 35
- public service employee** means an employee of a department or an employee of an interdepartmental venture

64 Public service employees: departments

In relation to the functions 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 5
- (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. 10

Compare: 1988 No 20 s 59(1)

65 Public service employees: interdepartmental ventures

In relation to the functions of an interdepartmental venture, the board of the interdepartmental venture— 15

- (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 20
- (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)

66 Public service employees: departmental agencies 25

(1) In relation to employees of a host department who carry out the functions 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:
 - (i) **section 64(1)(a) and (b)** (power to appoint and remove employees); and 30
 - (ii) **section 76(a) and (c)** (personal grievances and certain other employment relationship problems); and
 - (iii) **section 70** (appointments on merit); and
 - (iv) **sections 85** (power to transfer employees); and 35
 - (v) **section 87** (other restrictions of redundancy payments); and
 - (vi) **section 88** (certain provisions not to apply in relation to transfer or offer of alternative position); 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 5
- (xi) **clause 6 of Schedule 8** (medical examinations); and
- (xii) **clause 7 of Schedule 8** (application of employee provisions to transfers of functions between Crown entities and public service agencies); and
- (xiii) **clause 10 of Schedule 8** (application of collective agreements to employees following reorganisations); and 10
- (b) not having those rights, duties, and powers in relation to those employees.
- (2) The chief executive of a departmental agency may carry out the functions 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. 15
- Compare: 1988 No 20 s 59(2), (3)
- 67 Public service employees: interdepartmental executive boards**
- Section 66** applies in relation to employees of a servicing department who carry out the functions of an interdepartmental executive board— 20
- (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 25
- (b) with any other necessary modifications.
- Compare: 1988 No 20 s 59(2), (3)
- 68 Ministerial staff**
- (1) The chief executive of a department or 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. 30
- (2) **Section 70** does not apply to ministerial staff.
- Compare: 1988 No 20 s 59(5), 66 35

- 69 Appointments subject to review**
 Appointments under any of **sections 64 to 67** (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) 5
- 70 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 ss 60
- Good employer requirements* 10
- 71 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 15
 - (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. 20
- (2) 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— 25
- (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— 30
 - (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 35

- (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.
- (3) The chief executive of a departmental agency, or an interdepartmental executive board,— 5
- (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 10 as the chief executive of a department.

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

72 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. 15
- (2) In this section and **section 71, 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. 20

Compare: 1988 No 20 s 58

Promoting diversity and inclusiveness

73 Chief executives and boards to promote diversity and inclusiveness 25

- (1) A chief executive of a department and a board of an interdepartmental venture must—
- (a) have regard to the principle that, in order to achieve fairness in employment and a more effective public service, it is desirable for the group comprising all public service employees to, as far as practicable, reflect the makeup of society; and 30
 - (b) in employment policies and practices, endeavour to foster a workplace that is inclusive of all groups; and
 - (c) comply with any guidelines and standards provided by the Commissioner under **section 74**. 35
- (2) A chief executive of a departmental agency, or an interdepartmental executive board,—

- (a) is entitled to use policies and practices 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. 5

74 **Commissioner's functions in relation to diversity and inclusiveness**

The Commissioner's functions include—

- (a) developing and maintaining guidance and standards for diversity and inclusiveness in respect of the employment of persons in the public service; and 10
- (b) reporting on diversity and inclusion in the 3-yearly briefing required under **clause 15 of Schedule 3**.

Application of Employment Relations Act 2000 to public service

75 **Application of Employment Relations Act 2000 to public service**

- (1) The Employment Relations Act 2000 applies to the public service. 15
- (2) **Subsection (1)** is subject to any exceptions provided in this Act.

Compare: 1988 No 20 s 67

76 **Personal grievances and disputes**

Despite **sections 77, 78, and 80 to 82**,—

- (a) in relation to a personal grievance, the employer is the chief executive of the department or the board of the interdepartmental venture; and 20
- (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 25
- (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. 30

Compare: 1988 No 20 s 69

Negotiation of collective agreements

77 **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. 35

- (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 5
- (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 10
- (b) in consultation with the chief executive or board of each affected department or interdepartmental venture.

Compare: 1988 No 20 s 68(1)–(3)

78 Collective agreements

- (1) Every collective agreement negotiated in accordance with **section 77** must be entered into between— 15
- (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— 20
- (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. 25
- (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. 30
- (4) **Subsection (3)** applies except as provided in this section or **section 77**.

Compare: 1988 No 20 s 68(4)–(6)

79 Delegation of Commissioner's powers to negotiate collective agreements

- (1) The Commissioner may, under **clause 5 of Schedule 3**, delegate to a chief executive of a department or the board of an interdepartmental venture any of the Commissioner's powers under **section 77**. 35
- (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 5
- (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. 10
- Compare: 1988 No 20 s 70

Pay equity claims

80 Pay equity claims

- (1) This section applies to any pay equity claim made by an employee or employees of a department or an interdepartmental venture. 15
- (2) The Commissioner may choose to be responsible for negotiations in relation to the pay equity claim as if the Commissioner were the employer.
- (3) If the Commissioner chooses to assume responsibility under **subsection (2)**, the responsibility arises on the date on which the Commissioner receives notice in writing of the pay equity claim from the chief executive of a department or the board of an interdepartmental venture, or any later date that the Commissioner notifies to the chief executive or board. 20
- (4) The Commissioner's ability to choose, and any responsibility of the Commissioner assumed, under **subsection (2)** ceases on the earliest of the following to occur: 25
- (a) mediation under the Employment Relations Act 2000 in relation to the pay equity claim:
- (b) proceedings in the Employment Relations Authority, a tribunal, or a court in relation to the pay equity claim.
- (5) In relation to any of the processes described in **subsection (4)(a) and (b)**, the employer is, or employers are, the chief executive of each department and the board of each interdepartmental venture in which any of the employees are employed acting, if the Commissioner so requires, together with or in consultation with the Commissioner. 30
- (6) In this section and **sections 81 to 83**,— 35
- pay equity claim** means a claim, whether under the Equal Pay Act 1972 or the Government Service Equal Pay Act 1960, to the effect that an employer has failed to ensure that there is no differentiation between the rates of remuneration offered and afforded by the employer for work that is exclusively or pre-

dominantly performed by female employees and the rate of remuneration that would be paid to male employees who—

- (a) have the same, or substantially similar, skills, responsibility, and service; and
- (b) work under the same, or substantially similar, conditions, and with the same, or substantially similar, degrees of effort. 5

81 Provisions relating to negotiation of pay equity claim

- (1) If the Commissioner enters into negotiations in relation to a pay equity claim, the Commissioner must do so in consultation with the chief executive or board of each affected department or interdepartmental venture. 10
- (2) The Commissioner may require any 2 or more chief executives or boards to negotiate a pay equity claim or pay equity claims in consultation with each other.

82 Agreement in relation to pay equity claim binding on chief executive or board affected

- (1) Every agreement in relation to a pay equity claim entered into between the Commissioner and 1 or more public service employees is binding on the chief executive of each department and the board of each interdepartmental venture in which any of the employees are employed. 15
- (2) A chief executive of a department who, or board of an interdepartmental venture that, is bound by an agreement referred to in **subsection (1)** has the rights, functions, and obligations that the chief executive or board would have, in respect of that agreement, if that chief executive or board were a party to it. 20
- (3) Responsibility for giving effect to any agreement in relation to a pay equity claim entered into 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. 25

83 Delegation of Commissioner's powers to negotiate pay equity claim

- (1) The Commissioner may, under **clause 5 of Schedule 3**, delegate to a chief executive of a department or to a board of an interdepartmental venture any of the Commissioner's powers under **section 80(2) or 81**. 30
- (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. 35
- (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

*Other employment provisions***84 Other employment provisions**

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

85 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**). 5
- (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 employee who was carrying out the relevant functions in agency A to a position in agency B, if the position in agency B— 10
- (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 15
 - (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. 20
- (4) The employment of the employee in agency A and agency B is to be treated as continuous employment and **section 90** applies to the employee.
- (5) This section overrides Part 6A of the Employment Relations Act 2000.

86 No redundancy payment for employee transferred under section 85

- (1) An employee who is to be transferred under **section 85** is not entitled to a redundancy payment. 25
- (2) In this section and in **section 87**, **redundancy payment** includes any payment or other benefit provided on the ground of a person's position being disestablished.

87 Other restrictions on redundancy payments 30

- (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 in a State services agency (either in the employee's current department or interdepartmental venture or elsewhere in a State services agency) that— 35

- (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 5
- (b) is offered an alternative position in a State services agency (either in the employee's current department or interdepartmental venture or elsewhere in a State services agency) that—
- (i) begins before, on, or immediately after the date on which the employee's current position ends; and 10
 - (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 15
 - (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) If an employee to whom **subsection (1)(a)** applies is moving from a position in a department or an interdepartmental venture to a position in another department or interdepartmental venture the employment of the person is to be treated as continuous employment and **section 90** applies to the employee. 20
- (3) This section overrides Part 6A of the Employment Relations Act 2000. 25
Compare: 1988 No 20 s 61A

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

Section 70 and **clauses 1** and **5** of **Schedule 8** do not apply in relation to the transfer of an employee under **section 85** or to either position described in **section 87(1)**. 30

Employment in public service continuous for purpose of certain enactments

89 Application of section 90

- (1) **Section 90** applies to a public service employee if—
- (a) the employee moves from a position in a public service agency (**agency A**) to a position in another public service agency (**agency B**); and 35
 - (b) the position in agency B begins before, on, or immediately after the date on which the employee's position with agency A ends.

- (2) Without limiting **subsection (1)**, **section 90** applies to a public service employee who is transferred under **section 85** or who moves from one public service agency to another in the circumstances to which **section 87** applies.

90 Employment in public service continuous for purpose of certain enactments 5

- (1) The employment of a public service employee to whom this section applies is to be treated as continuous employment for the purposes of—
- (a) entitlements under the following provisions of the Holidays Act 2003:
 - (i) section 16 (annual holidays); and
 - (ii) section 46 (public holidays) and section 56 (alternative holidays); 10
and
 - (iii) section 63(1) (sick leave and bereavement leave); and
 - (iv) section 72C (family violence leave); and
 - (b) entitlements to leave under the Parental Leave and Employment Protection Act 1987; and 15
 - (c) the KiwiSaver Act 2006.
- (2) For the purpose of **subsection (1)(a)**,—
- (a) the period of employment of the employee in the position in agency A 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 20
 - (b) the chief executive of agency A must not pay the employee for annual 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— 25
 - (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 30
 - (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.
- (3) For the purpose of **subsection (1)(b)**,— 35
- (a) the period of employment of the employee in the position 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 Act 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
- (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. 10
- (6) This section applies subject to any regulations made under **section 93**.
- (7) In this section,—
- agency A** means an agency that an employee moves from
- agency B** means the agency that an employee moves to from agency A.
- 91 Liability of public service agencies for remediation in relation to continuous employment** 15
- (1) Agency B is not liable to an employee to whom **section 90** applies for a failure by agency A to comply with an Act referred to in **section 90(1)(a) or (b)** in relation to—
- (a) the entitlements to leave referred to in **section 90(1)(a) or (b)**; or 20
- (b) the recovery of holiday pay or leave pay.
- (2) **Section 90(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 90**. 25
- 92 Further provision in relation to continuous employment**
- Nothing in sections 28A to 28F of the Holidays Act 2003 prevents payment of annual holiday pay to an employee to whom **section 90** applies if that payment is required by regulations made under **section 93(1)(b)**.
- 93 Regulations relating to continuous employment under section 90** 30
- (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 90(1)(a) and (b)** and other entitlements to leave 35 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 90(1)(a) or (b)** and other leave entitlements are to be treated as having been taken: 5
- (b) specifying an amount of any entitlement to leave under the provision specified in **section 90(1)(a)(i)** at or above which **section 90** does not apply: 10
- (c) prescribing time frames within which the transfer of accumulated leave balances for the purpose of **section 90** must occur.
- (2) Regulations made under this section may apply differently to different classes of employees or circumstances or on any other differential basis.

Responsibility of departmental agency for health and safety of workers 15

94 Responsibility of departmental agency for health and safety of workers

- (1) For the purposes of the Health and Safety at Work Act 2015, a departmental agency (and not its host department) is the PCBU in relation to workers who carry out the functions of the departmental agency.
- (2) In this section,— 20
 - PCBU has the meaning given in section 17(1) of the Health and Safety at Work Act 2015
 - worker has the meaning given in section 19 of the Health and Safety at Work Act 2015

Part 4 25

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 30
- (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 35

- (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** 5
- 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** 10
- (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— 15
- (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 20
- (d) workforce capacity and composition; and
- (e) data and information held in the public service about agencies contracted to deliver services.
- (3) Government workforce policy may provide for the Commissioner to— 25
- (a) request from any affected agency information relating to the matters in **subsection (2)(a) to (e)**; 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: 30
- (a) public service agencies:
- (b) the Police, the New Zealand Defence Force, the Parliamentary Counsel Office, the Office of the Clerk of the House of Representatives, and the Parliamentary Service: 35
- (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;
- (f) the Office of the Ombudsman, the Office of the Auditor-General, and the Office of the Parliamentary Commissioner for the Environment.

Compare: 1988 No 20 s 55B(2)–(4)

98 Rights, obligations, etc, not affected by Government Workforce Policy Statement 5

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 10
- (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. 15
- (2) A Government Workforce Policy Statement is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012 and does not have to be presented to the House of Representatives under section 41 of that Act. 20

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

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. 25
- (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. 30
- (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: 35
 - (a) a Crown entity other than a Crown agent or an autonomous Crown entity:

- (b) the Police, the New Zealand Defence Force, and the Parliamentary Counsel Office:
 - (c) a body specified in **section 97(4)(d) or (e)**.
 - (4) The following must have regard to a Government Workforce Policy Statement, and consider any request for information made under it, if the Speaker of the House, entirely at the Speaker's discretion, invites it to do so:
 - (a) the Office of the Clerk of the House of Representatives:
 - (b) the Parliamentary Service:
 - (c) a body specified in **section 97(4)(f)**.
- 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, responsibility of departmental agencies under Privacy Act 1993, and public service reorganisations

Offence to solicit or attempt to 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 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 43 or 52** (which relate to duties to act independently when making decisions about individual chief executives and in employment matters, respectively).
 - (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$2,000.
 - (3) It is not an offence under this section—
 - (a) to give information or advice or make representations to a leader or a delegate at their request; or
 - (b) for an organisation representing employees to make representations to a leader or a delegate about the salaries, wages, or conditions of employment of an employee or group of employees; or

- (c) for a leader or a delegate to make representations to each other on any matter (including about an individual employee).
- (4) In this section, **public service leader** has the meaning given in **section 5**, but—
- (a) includes a Deputy Commissioner only if they are carrying out functions of the Commissioner; and 5
- (b) includes interdepartmental executive boards and the boards of interdepartmental ventures.

Compare: 1988 No 20 s 85

Immunity from liability 10

104 Immunity for chief executives and employees

- (1) 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 functions or responsibilities.
- (2) *See also* section 6 of the Crown Proceedings Act 1950. 15

Compare: 1988 No 20 s 86

Responsibility of departmental agencies under Privacy Act 1993

105 Departmental agency to comply with section 23 of Privacy Act 1993

In relation to the functions of a departmental agency, the responsibility under section 23 of the Privacy Act 1993 lies with the departmental agency. 20

Reorganisations within public service

106 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. 25
- (2) **Schedule 9** sets out other provisions relating to reorganisations of public service agencies.

Compare: 1988 No 20 s 30K

Part 6 30

Amendments to enactments, repeals, and revocations

Amendment to Crown Organisations (Criminal Liability) Act 2002

107 Amendment to Crown Organisations (Criminal Liability) Act 2002

- (1) This section amends the Crown Organisations (Criminal Liability) Act 2002.

- (2) In section 4, definition of **Crown organisation**, after “government department,”, insert “interdepartmental venture, departmental agency.”

Amendments to Privacy Act 1993

108 Amendments to Privacy Act 1993

- (1) This section amends the Privacy Act 1993. 5
- (2) In section 2(1), definition of **agency**, paragraph (a), after “department”, insert “, an interdepartmental venture, or a departmental agency”.
- (3) In section 2(1), insert in their appropriate alphabetical order:
departmental agency has the meaning given in **section 5** of the **Public Service Legislation Act 2019** 10
interdepartmental venture has the meaning given in **section 5** of the **Public Service Legislation Act 2019**.
- (4) After section 3(4), insert:
- (5) Despite subsection (1), information that is held by an employee of a department carrying out the functions of a departmental agency must be treated for the purposes of this Act as held by the departmental agency. 15

Repeals and revocations

109 Repeals

- (1) The State Sector Act 1988 (1988 No 20) is repealed.
- (2) The Civil Service Act 1908 (1908 No 23) is repealed. 20

110 Repeal of certain provisions of this Act

- (1) Repeal **section 4(7)**, this Part, **Part 7**, and **Schedules 10 and 11**.
- (2) **Sections 85(4) and 87(2)** are repealed on the date on which **section 89** comes into force.

111 Legislative instruments revoked 25

The legislative instruments specified in **Schedule 10** are revoked.

Consequential amendments

112 Consequential amendments to enactments

Amend the enactments specified in **Schedule 11** as set out in that schedule.

Part 7

Amendments to Public Finance Act 1989

113 Principal Act

This **Part** amends the Public Finance Act 1989 (the **principal Act**).

114 Section 1A amended (Purpose) 5

In section 1A(2)(d), replace “, departmental agencies,” with “(including departmental agencies, interdepartmental executive boards, and interdepartmental ventures),”.

115 Section 2 amended (Interpretation)

- (1) In section 2(1), definition of **chief executive**, replace paragraphs (a) and (aa) with: 10

(a) in the case of a department (other than a department referred to in **paragraphs (aa) to (ac)**), the chief executive of the department appointed under **section 49 of the Public Service Legislation Act 2019**:

(aa) in the case of a departmental agency, the chief executive of the departmental agency appointed under **section 49 of the Public Service Legislation Act 2019**: 15

(ab) in the case of an interdepartmental executive board, the board selected under **section 27 of the Public Service Legislation Act 2019**:

(ac) in the case of an interdepartmental venture, the board constituted in accordance with **section 34(1) of the Public Service Legislation Act 2019**: 20

- (2) In section 2(1), definition of **department**, replace paragraph (a)(i) with:

(i) a department (as defined in **section 5 of the Public Service Legislation Act 2019**); or 25

(ia) a departmental agency; or

(ib) an interdepartmental executive board; or

(ic) an interdepartmental venture; or

- (3) In section 2(1), definition of **departmental agency**, replace “section 27A of the State Sector Act 1988 (*see also* section 27B of that Act)” with “**section 5 of the Public Service Legislation Act 2019**”. 30

- (4) In section 2(1), insert in their appropriate alphabetical order:

functional chief executive has the meaning given in **section 5 of the Public Service Legislation Act 2019**

interdepartmental executive board has the meaning given in **section 5 of the Public Service Legislation Act 2019** 35

interdepartmental venture has the meaning given in **section 5 of the Public Service Legislation Act 2019**

relevant department means,—

(a) in relation to an interdepartmental venture, a relevant department specified for the venture in **Part 4 of Schedule 2 of the Public Service Legislation Act 2019**:

(b) in relation to an interdepartmental executive board, each department listed in the Order in Council made under **section 24 of the Public Service Legislation Act 2019** for the board for the purposes of **subsection (2)(b)** of that section

specified agency means any of the following:

(a) a departmental agency:

(b) an interdepartmental executive board:

(c) an interdepartmental venture

specified date, in Part 4, has the meaning given in section 44(6)

(5) In section 2(1), definition of **host department**, replace “has the meaning given in section 27A(1) and (2) of the State Sector Act 1988” with “means the host department specified for the departmental agency in **Part 2 of Schedule 2 of the Public Service Legislation Act 2019**”.

(6) In section 2(1), definition of **Vote**, after “1 department”, insert “(but see **subsection (2)**)”.

(7) After section 2(1), insert:

(2) The reference to department in paragraph (a) of the definition of **Vote** in subsection (1) includes a specified agency only if the Minister has approved the specified agency’s administration of a **Vote**.

116 Section 7C amended (Responsibility for, and administration and use of, appropriations)

After section 7C(4), insert:

(5) The reference to department in subsection (2)(b) does not include a departmental agency that, under **Part 2 of Schedule 2 of the Public Service Legislation Act 2019**, is not empowered to manage assets or liabilities.

117 Section 15C amended (End-of-year performance information requirements)

(1) In section 15C(2)(c), replace “a departmental agency,” with “a functional chief executive,”.

(2) In section 15C(3), replace “a departmental agency,” with “a functional chief executive,”.

- 118 Section 15D amended (Exemptions from end-of-year performance information requirements for certain categories of expenses and capital expenditure)**
- In section 15D(2)(a), replace “a departmental agency,” with “a functional chief executive,”. 5
- 119 Section 19 amended (Power of Secretary to obtain information)**
- (1) In section 19(1), replace “a departmental agency,” with “a functional chief executive,”.
- (2) In section 19(4), replace “departmental agency, or” with “a functional chief executive, or an”. 10
- 120 Section 19A amended (Provision of end-of-year performance information other than by Ministers)**
- In section 19A(1), replace “departmental agency,” with “functional chief executive,”.
- 121 Section 26Z amended (Power of Secretary to obtain information)** 15
- (1) In section 26Z(1), replace “departmental agency,” with “functional chief executive,”.
- (2) In section 26Z(4), replace “departmental agency, or” with “a functional chief executive, or an”.
- 122 Section 29A amended (Power of Secretary to obtain information)** 20
- (1) In section 29A(1), replace “departmental agency,” with “functional chief executive,”.
- (2) In section 29A(4), replace “departmental agency, or” with “a functional chief executive, or an”.
- 123 Part 4 heading amended** 25
- In the Part 4 heading, delete “and departmental agencies”.
- 124 Section 34 amended (Responsibilities of chief executives: financial management of departmental matters)**
- (1) In section 34(3), replace “any departmental agency,” with “any functional chief executive,”. 30
- (2) In section 34(3), replace “or departmental agency,” with “or that functional chief executive,”.
- (3) After section 34(3), insert:
- (4) Subsection (1)(a) applies to a specified agency only to the extent that the specified agency manages assets or liabilities. 35

- 125 Section 36 amended (Responsibilities of chief executives: reporting)**
Repeal section 36(2).
- 126 Section 37 amended (Power of chief executives to obtain information)**
- (1) In section 37(1), replace “or departmental agency may” with “may”.
 - (2) In section 37(1), delete “or departmental agency (as applicable)”. 5
 - (3) In section 37(3), delete “or departmental agency”.
- 127 Section 38 amended (Departments must provide information on strategic intentions)**
After section 38(5), insert:
- (6) This section and sections 38A to 40 do not apply to a departmental agency that, under **Part 2 of Schedule 2 of the Public Service Legislation Act 2019**, must operate within the strategic and policy framework of its host department (but *see* **section 40(3)**). 10
- 128 Section 40 amended (Requirements for information on strategic intentions)** 15
- (1) In section 40(2)(b), replace “departmental agencies hosted by the departments” with “specified agencies for which the department is a host or relevant department (or, if the department is a specified agency, the department’s host or relevant departments)”.
 - (2) After section 40(2), insert: 20
 - (3) If, for the period to which the information relates, a specified agency identified under subsection (2)(b) is not required to provide information on its own strategic intentions (*see* **sections 38(6) and 41(3A)**), the information described in subsections (1) and (2) must also cover that specified agency.
- 129 Section 41 amended (Minister may grant extension of time for, or waive, requirement to provide information on strategic intentions)** 25
After section 41(3), insert:
- (3A) The Minister may grant a specified agency a waiver of the requirements of section 38 if the Minister is satisfied that, having regard to the functions and operations of the specified agency, it is appropriate for the information required under that section in relation to the specified agency to be provided by the specified agency’s host or relevant departments. 30
 - (3B) A waiver granted under **subsection (3A)** may apply for a period of up to 3 years.
- 130 Section 43 amended (Departments must prepare annual reports)** 35
- (1) In section 43(1), delete “, excluding operations on which any departmental agency hosted by the department is required to report under section 43A”.

- (2) After section 43(1), insert:
- (1A) The annual report is not required to cover operations—
- (a) of any specified agency for which the department is a host or relevant department; and
 - (b) on which the specified agency is required to report under this Part. 5
- (3) Replace section 43(2) with:
- (2) Not later than 15 working days after the specified date, the department must provide the annual report and the audit report (if any)—
- (a) to its responsible Minister; and
 - (b) if the department is a departmental agency, to the responsible Minister for the departmental agency’s host department. 10
- 131 Section 43A repealed (Departmental agencies must prepare annual reports)**
- Repeal section 43A.
- 132 Section 44 amended (Obligation to present and publish annual reports)** 15
- (1) Replace section 44(1) with:
- (1) The responsible Minister of a department must present the annual report of the department, and any applicable audit report, to the House of Representatives.
- (2) In section 44(2)(a), replace “audit date” with “specified date”.
- (3) In section 44(4), delete “or departmental agency”. 20
- (4) In section 44(4)(a), replace “audit date” with “specified date”.
- (5) In section 44(5), delete “or departmental agency” in each place.
- (6) In section 44(6), repeal the definition of **audit date**.
- (7) In section 44(6), after the definition of **audit report**, insert:
- specified date** means,— 25
- (a) in the case of a department that receives an audit report under section 45D, the date on which the department receives the audit report;
 - (b) in the case of any other department, the date that is 2 months after the end of the financial year.
- 133 Section 45 amended (Contents of annual report of department)** 30
- (1) In section 45(2)(a), replace “departmental agency hosted by the department is required to report under section 43A” with “specified agency for which the department is a host or relevant department is required to report under this Part”.

- (2) In section 45(4), replace “departmental agencies hosted by the department” with “specified agency for which the department is a host or relevant department”.
- (3) Replace section 45(5) with:
- (5) This section does not apply to a specified agency. (*See section 45AA.*) 5

134 Section 45AA replaced (Contents of departmental agency annual report)

Replace section 45AA with:

45AA Contents of annual report of specified agency

- (1) The annual report of a specified agency must provide the information that is necessary to enable an informed assessment to be made of the specified agency’s performance during the financial year, including how well the specified agency is managing the resources it controls. 10
- (2) The annual report of a specified agency must contain the following information in respect of the financial year to which it relates:
- (a) an assessment of the specified agency’s operations; and 15
- (b) an assessment of the specified agency’s progress in relation to its strategic intentions or, if the specified agency is not required to provide information on its own strategic intentions under section 38, in relation to,—
- (i) in the case of a departmental agency, any of the host department’s strategic intentions that are relevant to the departmental agency: 20
- (ii) in the case of an interdepartmental executive board or an interdepartmental venture, any of its relevant departments’ strategic intentions that are relevant to the specified agency; and
- (c) information about the specified agency’s management of its organisational health and capability; and 25
- (d) if the specified agency administered an appropriation in that financial year, statements of expenses and capital expenditure for the specified agency that comply with section 45A; and
- (e) if the specified agency managed assets or liabilities in that financial year and subject to **section 45AB**, annual financial statements for the specified agency that comply with section 45B; and 30
- (f) a statement of responsibility that complies with **section 45CA**; and
- (g) any other matters that relate to or affect the operations of the specified agency that the specified agency is required, has undertaken, or wishes to report on in its annual report. 35
- (3) If the annual report must contain annual financial statements under **subsection (2)(e)**, the annual report must also contain, in respect of the financial year after the financial year to which the annual report relates, forecast financial statements for the specified agency that comply with section 45BA.

- (4) The annual report must identify the specified agency's host or relevant departments.

45AB Waiver from requirement to include financial statements in specified agency's annual report

- (1) The Minister may grant a waiver from the requirements to include the financial statements described in **section 45AA(2)(e) and (3)** if,— 5
- (a) having regard to the functions and operations of the specified agency, the Minister considers the waiver is appropriate; and
 - (b) the Minister is satisfied that other reporting required under this Act or any other enactment will provide adequate accountability for the specified agency. 10
- (2) Before granting a waiver to a specified agency under this section, the Minister must consult—
- (a) the specified agency's responsible Minister; and
 - (b) if the specified agency is a departmental agency, the host department's responsible Minister. 15
- (3) A waiver granted under this section may apply for a period of up to 3 years.
- (4) As soon as practicable after granting a waiver under this section, the Minister must present to the House of Representatives notice of the waiver and the Minister's reasons for granting it. 20

135 Section 45C amended (Statement of responsibility)

- (1) Before section 45C(1)(a), insert:
- (aaa) a statement that, in the opinion of the department's chief executive, the annual report fairly reflects the operations, progress, and organisational health and capability of the department; and 25
- (2) Repeal section 45C(2).
- (3) Replace section 45C(3) with:
- (3) The statement of responsibility must be signed and dated by the chief executive of the department.
- (4) After section 45C(3), insert: 30
- (4) This section does not apply to a specified agency. (*See section 45CA.*)

136 New section 45CA inserted (Statement of responsibility for specified agencies)

After section 45C, insert:

45CA Statement of responsibility for specified agencies 35

- (1) A statement of responsibility relating to the annual report of a specified agency must include—

- (a) a statement that, in the opinion of the specified agency’s chief executive, the annual report fairly reflects the operations, progress, and organisational health and capability of the specified agency; and
- (b) if the annual report contains statements of expenses and capital expenditure,— 5
- (i) a statement of the responsibility of the specified agency’s chief executive for the preparation of the statements of expenses and capital expenditure and for the judgements expressed in them; and
- (ii) a statement of the responsibility of the specified agency’s chief executive for ensuring that end-of-year performance information on each appropriation administered by the specified department is provided in accordance with sections 19A to 19C, whether or not that information is included in the annual report; and 10
- (c) if the annual report contains financial statements,— 15
- (i) a statement of the responsibility of the specified agency’s chief executive for the preparation of the financial statements and for the judgements expressed in them; and
- (ii) a statement that, in the opinion of the specified agency’s chief executive, the financial statements fairly reflect the financial position and operations of the specified agency for the reporting period; and 20
- (iii) a statement that, in the opinion of the specified agency’s chief executive, the forecast financial statements fairly reflect the forecast financial position and operations of the specified agency for the financial year to which the forecast financial statements relate; and 25
- (d) if the annual report contains statements of expenses and capital expenditure or financial statements (or both), a statement of the responsibility of the specified agency’s chief executive for having in place a system of internal control designed to provide reasonable assurance as to the integrity and reliability of financial reporting; and 30
- (e) a statement of the responsibility of the specified agency’s chief executive for the accuracy of any end-of-year performance information prepared by the specified agency (*see* section 19A), whether or not that information is included in the annual report. 35
- (2) The statement of responsibility must be signed and dated by the chief executive of the specified agency.

137 Section 45D amended (Audit report)

- (1) In section 45D(1)(b), before “its annual report”, insert “if required to forward statements or any other information under paragraph (a),”. 40

- (2) In section 45D(1A), replace “departmental agency” with “functional chief executive”.
- (3) In section 45D(2)(b), replace “departmental agency (as the case may be)” with “functional chief executive”.
- 138 Section 45E amended (Application of this Part to intelligence and security departments)** 5
After section 45E(4), insert:
(5) *See also section 82A.*
- 139 Section 45H amended (Application of subpart)**
Repeal section 45H(1)(b). 10
- 140 Section 65S amended (Departmental Bank Accounts)**
After section 65S(3), insert:
(4) This section does not apply to a departmental agency that, under **Part 2 of Schedule 2 of the Public Service Legislation Act 2019**, is not empowered to manage assets or liabilities. 15
- 141 Section 65ZE amended (Departments may give guarantee or indemnity specified in regulations if in public interest)**
After section 65ZE(5), insert:
(6) This section does not apply to a departmental agency that, under **Part 2 of Schedule 2 of the Public Service Legislation Act 2019**, is not empowered to manage assets or liabilities. 20
- 142 Section 75 amended (Minister may exercise powers relating to *bona vacantia*)**
(1) In section 75(2), replace “or departmental agency, on” with “, on”.
(2) In section 75(2), replace “, department, or departmental agency” with “or department” 25
(3) In section 75(4) and (5), replace “, department, or departmental agency” with “or department”.
- 143 Section 80 amended (Treasury instructions)**
(1) Replace section 80(1) with: 30
(1) The Treasury may issue instructions to departments for all or any of the purposes specified in section 81(1)(a), (ab), (b), (bc), (bd), and (c) to (e).
(1A) **Subsection (1)** is subject to the provisions of this Act and of any regulations made under this Act.
(2) In section 80(2), delete “or departmental agency” in each place. 35

144	Section 80A amended (Minister of Finance instructions)	
(1)	Repeal section 80A(3)(a)(ia).	
(2)	In section 80A(4), delete “a departmental agency,”.	
(3)	In section 80A(4), delete “departmental agency,”.	
145	Section 81 amended (Regulations, Orders in Council, and notices)	5
(1)	In section 81(1)(a), delete “, departmental agencies,”.	
(2)	In section 81(1)(ac) and (ba), delete “departmental agencies,”.	
146	Section 82 amended (Consultation and approval requirements for regulations or instructions relating to reporting standards)	
	In section 82(1)(a), delete “departmental agencies,”.	10
147	New section 82A inserted (Certain specified agencies with intelligence and security aspect treated as intelligence and security departments)	
	After section 82, insert:	
82A	Certain specified agencies with intelligence and security aspect treated as intelligence and security departments	15
(1)	This section applies to a specified agency if,—	
(a)	in the case of a departmental agency, the specified agency’s host department is an intelligence and security department:	
(b)	in the case of an interdepartmental executive board or an interdepartmental venture,—	20
(i)	all of the specified agency’s relevant departments are intelligence and security departments; or	
(ii)	1 or more, but not all, of the specified agency’s relevant departments are intelligence and security departments and the Minister has granted the specified agency a waiver under subsection (4) .	25
(2)	Part 4 applies, with any necessary modifications, to the specified agency as otherwise provided for in that Part,—	
(a)	as if the specified agency were an intelligence and security department; and	
(b)	as modified by section 45E(1)(a), and (2) to (4); and	30
(c)	as if section 221(1), (2)(i), and (4) to (7) of the Intelligence and Security Act 2017 were substituted for sections 43 and 44.	
(3)	This rest of this Act applies, with any necessary modifications, in relation to the specified agency as if the specified agency were an intelligence and security department.	35

-
- (4) The Minister may grant a waiver from the requirements that would otherwise apply under this Act to a specified agency described in **subsection (1)(b)(ii)** if the Minister considers that, having regard to the functions and operations of the specified agency, the waiver is necessary to protect New Zealand's national security.
- (5) As soon as practicable after granting a waiver under this section, the Minister must present to the House of Representatives notice of the waiver and the Minister's reasons for granting it.

5

Schedule 1
Transitional, savings, and related provisions

s 6

Part 1
Provisions relating to this Act as enacted 5

- 1 State Services Commission becomes Public Service Commission**
- (1) In this clause, **commencement date** means the date on which this Act 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. 10
- 2 State Services Commissioner becomes Public Service Commissioner**
- (1) In this clause, **commencement date** means the date on which this Act 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. 15
- (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. 20
- (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** 25
- (1) In this clause, **commencement date** means the date on which this Act 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. 30
- (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. 35

4 Chief executives

- (1) In this clause, **commencement date** means the date on which this Act 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. 5
- (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. 10
- (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 49(2)(b)** on and after the commencement date. 15

5 Functional leads

- (1) In this clause, **commencement date** means the date on which this Act 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— 20
- (a) remains the chief executive of the department, and 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; and 25
- (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.

6 Working arrangements of departmental agencies

- (1) In this clause, **commencement date** means the date on which this Act comes into force. 30
- (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 22** on and after the commencement date. 35

7 Delegations

- (1) In this clause, **commencement date** means the date on which this Act 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: 5
 - (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 10
 - (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 this Act comes into force. 15
- (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 15**, 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. 20
- (3) However, the code of conduct applies only in or to the agencies listed in **section 15(1)** on and after the commencement date.

9 Investigations and inquiries

- (1) In this clause, **commencement date** means the date on which this Act comes into force. 25
- (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. 30

Compare: 1988 No 20 Schedule 1AA cl 1

10 Superannuation

- (1) In this clause, **commencement date** means the date on which this Act comes into force.
- (2) This clause applies to officers or employees in the State services who had an entitlement under a superannuation arrangement— 35
- (a) on 25 January 2005; or

- (b) immediately before the commencement date.
- (3) That entitlement of an officer or employee is not affected by the matters referred to in section 88(3)(a) and (b) of the State Sector Act 1988 or the repeal of any other relevant provisions in that Act.
Compare: 1988 No 20 s 88(3) 5
- 11 Education service**
- (1) In this clause, **commencement date** means the date on which this Act comes into force.
- (2) Parts 7, 7A, and 7B and the definitions relevant to those Parts in section 2 of the State Sector Act 1988 (as they all were immediately before the commencement date) continue to apply as if this Act had not been enacted. 10
- 12 Updated references**
- (1) In this clause, **commencement date** means the date on which this Act comes into force.
- (2) Unless the context otherwise requires,— 15
- (a) a reference to the State Services Commission in an enactment or document is to be read as a reference to the Public Service Commission on or after the commencement date:
- (b) a reference to the State Services Commissioner in an enactment or document is to be read as a reference to the Public Service Commissioner on or after the commencement date: 20
- (c) a reference to the Deputy State Services Commissioner in an enactment or a document is to be read as a reference to a Deputy Public Service Commissioner or the Deputy Public Service Commissioners (as relevant) on or after the commencement date. 25
- 13 Employees appointed to positions in departments**
- (1) In this clause, **commencement date** means the date on which this Act comes into force.
- (2) This clause applies to a person who, immediately before the commencement date, held a position as an employee in 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). 30
- (3) Immediately after the commencement date,—
- (a) the person continues to hold that position as if that person had been appointed under this Act; and 35
- (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 this Act comes into force. 5

(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 Existing pay equity claims not affected 10

(1) In this clause, **commencement date** means the date on which this Act comes into force.

(2) Nothing in **sections 80 to 83** applies to any pay equity claim (within the meaning of that term in **section 80**) that was made by an employee or employees of a department and— 15

(a) that was the subject of an application to the Authority or a court before the date on which this Act came into force (whether or not determined by the Authority or court before that date); or

(b) that was notified to a chief executive of a department before the date on which this Act came into force, but was not the subject of an application 20 to the Authority or a court before that date.

Schedule 2

Public service agencies

ss 21, 24, 31

Part 1

Departments

	5
Crown Law Office	
Department of Conservation	
Department of Corrections	
Department of Internal Affairs	
Department of the Prime Minister and Cabinet	10
Education Review Office	
Government Communications Security Bureau	
Inland Revenue Department	
Land Information New Zealand	
Ministry for Culture and Heritage	15
Ministry for Pacific Peoples	
Ministry for Primary Industries	
Ministry for Women	
Ministry for the Environment	
Ministry of Business, Innovation, and Employment	20
Ministry of Defence	
Ministry of Education	
Ministry of Foreign Affairs and Trade	
Ministry of Health	
Ministry of Housing and Urban Development	25
Ministry of Justice	
Ministry of Māori Development—Te Puni Kōkiri	
Ministry of Social Development	
Ministry of Transport	
New Zealand Customs Service	30
New Zealand Security Intelligence Service	
Oranga Tamariki—Ministry for Children	
Public Service Commission	
Serious Fraud Office	

Statistics New Zealand

Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency

The Treasury

Part 2

Departmental agencies and host departments

5

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 22(2)(a))	Chief executive may manage assets and liabilities (see section 22(2)(b))
Office for Māori Crown Relations—Te Arawhiti	Ministry of Justice		
Social Investment Agency	Public Service Commission		

Part 3

Interdepartmental executive boards and servicing departments

10

Interdepartmental executive board **Servicing department**

No interdepartmental executive boards have been established as at the date of enactment.

Part 4

Interdepartmental ventures

No interdepartmental ventures have been established as at the date of enactment.

15

Schedule 3

Other functions and powers of Commissioner

s 44

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17	Information to be included in request	77
18	Approval of access to public service agency	77
19	Commissioner to set standards for access to public service agencies	78

*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 imposed under this or another enactment. 5

Compare: 1988 No 20 s 7

2 Power to obtain information

- (1) This clause applies if the Commissioner is carrying out functions in relation to a public service agency or a functional chief executive. 10
- (2) The Commissioner may require the agency or functional chief executive to supply information about their activities. 10
- (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. 15

Compare: 1988 No 20 s 9

3 Power to 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— 20
 - (a) enter the premises of a public service agency; or
 - (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 25
 - (c) require an employee of a public service agency to answer questions to enable the Commissioner to carry out those functions.
- (2) An authorisation must be in writing and must contain— 30
 - (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.
- (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: 35
 - (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 5
- (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) A person has the same privileges as witnesses in courts of law when— 10
- (a) producing information, documents, and files; and
- (b) giving information or particulars; and
- (c) answering questions.
- (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. 15
- (6) This clause does not limit an enactment that imposes a prohibition or restriction on—
- (a) the availability of any information; or 20
- (b) the production or examination of any information, documents, or files.
- Compare: 1989 No 20 s 10
- 4 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,— 25
- (a) if directed to do so by the Prime Minister, must carry out functions under **section 42** and **clauses 1 to 3 and 7 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, carry out functions under **section 42** and **clauses 1 to 3 and 7 to 11** in relation to an agency: 30
- (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 are to be carried out by the Commissioner. 35
- (4) When carrying out a function in relation to an agency under **section 42(b)** (relating to promoting integrity, accountability, and transparency), or **sections**

15(3) or (6) or 17 (relating to integrity and conduct), the Commissioner may also carry out functions under **clauses 1 to 3 and 7 to 11**.

(5) In this clause, **section 42** and **clauses 1 to 3 and 7 to 11** apply as if the relevant agency were a department, with any necessary modifications.

(6) This clause does not— 5

(a) limit or affect any provision of this or another enactment; or

(b) affect or prevent the carrying out of a function by an agency or an officer or employee of that agency.

Compare: 1988 No 20 s 11

Delegation of functions 10

5 Delegation of functions

(1) The Commissioner may, either generally or particularly, delegate functions to a person or group, including a function delegated to the Commissioner under this or another enactment.

(2) The delegation power includes power to delegate— 15

(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— 20

(a) the power to delegate under this clause; or

(b) the responsibilities in **section 10(2), 11(2), or 12**; or

(c) the function of selecting board members or designating the chairperson of an interdepartmental executive board under **section 27**; or

(d) the function of designating the chairperson of the board of an interdepartmental venture under **section 34**; or 25

(e) the functions under **clauses 3 and 4 of Schedule 7** (relating to the appointment and reappointment of chief executives, respectively); or

(f) the functions under **clause 8 of Schedule 7** (relating to the removal of a chief executive from office). 30

(4) A person to whom a function has been delegated may, with the prior approval of the Commissioner, in writing, subdelegate the function 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 is delegated or subdelegated may carry out the function in the same manner, subject to the same restrictions, 35

and with the same effect as if it had been conferred 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. 5
- (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 carrying out of a function by the Commissioner or affect the Commissioner's responsibility for the actions of a person acting under the delegation or subdelegation. 10

Compare: 1988 No 20 s 23

6 Revocation 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. 15
- (3) If the Commissioner who made it ceases to hold office, or is absent from duty, it continues to have effect as if made by the Commissioner's successor or the person acting for the Commissioner.

Compare: 1988 No 20 s 24

Inspections and investigations 20

7 Power to conduct inspections and investigations

- (1) This clause applies if the Commissioner is carrying out functions in relation to the public service.
- (2) The Commissioner may conduct inspections and investigations, and make and receive reports, that the Commissioner thinks necessary or desirable or that the Minister directs. 25

Compare: 1988 No 20 s 8

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 or another Act (whether acting under a requirement imposed under an Act or on the Commissioner's own initiative); and 30
- (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. 35
- (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	
Sections 32 and 33	Application of Official Information Act 1982 and Public Records Act 2005	
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 the responsible Minister referred to in clause 4(2)(b) 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	5
	(c) with other necessary modifications.	
(4)	A delegation under section 21 of the Inquiries Act 2013 must be made in accordance with clause 5 .	
(5)	In exercising powers under the Inquiries Act 2013, the Commissioner—	10
	(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:	15
	(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.	20

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
- 25

- (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 may not delegate the power to make a certificate. 5
- (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 10
- (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** 15
- (1) 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 7**, until the Commissioner publishes a final report or otherwise concludes the inquiry or investigation.
- (2) In **subclause (1), information privacy principle and personal information** 20
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 7** 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. 25
- (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. 30
- (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 of members of advisory committee* 35
- 12 Remuneration and status of advisory committee members**
- (1) The Commissioner must pay persons appointed to an advisory committee under **section 48** fees for their services, at rates that the Commissioner thinks

fit, and may separately reimburse them for expenses reasonably incurred in providing those services.

- (2) A member of an advisory committee is not a public service employee by reason of their appointment to an advisory committee.

Compare: 1988 No 20 s 22

5

Reports

13 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.

10

- (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

14 Power to incorporate Commissioner's report with Commission's annual report

15

The Commissioner may incorporate the report required under **clause 13** 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

15 Three-yearly briefings on state of public service

20

- (1) The Commissioner must give a briefing to the Minister on the state of the public service at least once every 3 years.

- (2) The purpose of a briefing is to promote stewardship of the public service.

- (3) The subject matter must be selected by the Commissioner, taking the following into account:

25

- (a) the purpose of the briefing; and
- (b) the issues relating to stewardship of the public service that the Commissioner considers were of significant public interest in the period covered by the briefing.

- (4) The briefing may include an assessment of—

30

- (a) whether and the extent to which—
 - (i) the public service is achieving its purpose:
 - (ii) public service chief executives, public service agencies, boards of Crown agents, and Crown agents are upholding the public service principles:

35

- (iii) public service chief executives, public service agencies, and boards of Crown agents and their agencies 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: 5
- (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. 10

Access by political parties to public service agencies and functional chief executives for negotiations to form government after general election

16 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. 15
- (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. 20
- (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. 25
- (6) This clause does not limit the Official Information Act 1982.

17 Information to be included in request

A request to the Commissioner under **clause 16** 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 30
- (b) that the information or analysis sought is relevant to those negotiations.

18 Approval of access to public service agency

- (1) The Commissioner must approve a request under **clause 16** if reasonably satisfied of the matters in **clause 17(a) and (b)**. 35
- (2) This clause is subject to **clause 19**.

19 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 16**.
- (2) The standards may specify categories of information that cannot be made available under the process in **clause 16**. 5
- (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. 10

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

s 46

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1	Term of appointment	5
(1)	The Commissioner and the 1 or 2 Deputy Commissioners must be appointed for a term of up to 5 years.	
(2)	The Commissioner and a Deputy Commissioner may be reappointed for further terms.	
(3)	If a person who is employed in the State services is appointed as Commissioner or a 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—	10
	(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	15
	(c) entitlement to leave of absence.	
	Compare: 1988 No 20 s 13	
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 a Deputy Commissioner, respectively, in the event of—	20
	(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).	25
(2)	Subclause (1) also applies when a Deputy Commissioner is carrying out the functions of the Commissioner under section 45(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
- 3 Remuneration and expenses** 5
- (1) The Commissioner and Deputy Commissioners 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. 10
- (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
- 4 Removal from office** 15
- (1) The Commissioner or a Deputy Commissioner may be suspended or removed from office only as provided in this clause.
- (2) The Governor-General may suspend the Commissioner or a 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. 20
- (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 25
- (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. 30
- (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. 35
Compare: 1988 No 20 s 16

5 Vacation of office

- (1) A person who holds office as the Commissioner or a 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 5
 - (ii) are appointed to and accept another office or position in the State services: 10
 - (b) they become bankrupt or have sought an alternative to bankruptcy described in section 8 of the Insolvency Act 2006: 10
 - (c) they absent themselves from duty except with the authority of the Governor-General: 10
 - (d) they resign to the Governor-General. 10
- (2) Despite this clause, the Commissioner or a Deputy Commissioner may act temporarily in a position in the State services that is vacant (including the position of chief executive). 15

Compare: 1988 No 20 s 17

6 Superannuation

- (1) If a person who is a contributor to the Government Superannuation Fund is appointed as Commissioner or a 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— 20
- (a) are reappointed as Commissioner or a Deputy Commissioner; or 25
 - (b) are appointed to another office in the Government service (within the meaning of the Government Superannuation Fund Act 1956); or 25
 - (c) have ceased to be a contributor to the Government Superannuation Fund; or 30
 - (d) are not entitled to a retiring allowance under **clause 4(6)**. 30
- (2) In **subclause (1)(a)**, **reappointed** includes a person who is a Deputy Commissioner becoming the successor to the Commissioner. 30

Compare: 1988 No 20 s 18

Schedule 5
Functional chief executives and host departments

s 49

Functional chief executive

Host department

No functional chief executive roles have been established as at the date of enactment.

Schedule 6

Other functions and powers of public service chief executives

s 56

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	<i>General powers</i>	
1	General powers of public service chief executives	5
	Chief executives have all the powers that are reasonably necessary to carry out—	
	(a) the responsibilities and functions imposed on them by this or another enactment; and	
	(b) the responsibilities and functions imposed on the department they lead or carry out some functions for, or on the departmental agency they lead, by another Act.	10
	Compare: 1988 No 20 s 34(2)	
	<i>Delegation by public service chief executives</i>	
2	Delegation of functions	15
(1)	A chief executive may, either generally or particularly, delegate functions under this or another enactment (including functions delegated to the chief executive under this or another enactment).	

- (2) However,—
- (a) the delegation of functions delegated to the chief executive by a Minister requires the prior approval of that Minister; and
 - (b) the delegation of functions delegated to the chief executive by the Commissioner requires the prior approval of the Commissioner. 5
- (3) A chief executive must not delegate the responsibilities in **section 10(2), 11(2), or 12**.
- (4) A person to whom a function has been delegated under **subclause (1)** may, with the prior approval of the chief executive in writing, subdelegate the function. 10
- (5) The following persons only may be a delegate under **subclause (1)** or a subdelegate under **subclause (4)**:
- (a) another public service chief executive;
 - (b) a public service employee;
 - (c) an individual working in the public service as a contractor or as a seconded from elsewhere in the State services in relation to a function of the public service; 15
 - (d) the holder of a specified office in the public service.
- (6) A chief executive may also delegate a clearly identified function to a person outside the public service, but only after— 20
- (a) obtaining the appropriate Minister’s prior approval; and
 - (b) being satisfied that any potential conflicts of interest will be avoided or managed.
- (7) A delegation or subdelegation under this clause must be in writing.
- (8) A delegate under **subclause (6)** must not subdelegate a delegated function. 25
- (9) A delegation described in **subclause (6)** must be noted, with a description of an assessment of how effectively the delegated function was carried out,—
- (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 30
 - (c) if it was made by a functional chief executive, in the annual report of the host department.
- (10) A delegate described in **subclause (6)** must comply (in the same way as a delegate or subdelegate described in **subclause (5)** must comply) with the following obligations: 35
- (a) all relevant statutory obligations; and

- (b) all relevant obligations in minimum standards of conduct and integrity set by the Commissioner.
- (11) Subject to any general or special directions given or conditions imposed by the chief executive, the person to whom a function is delegated or subdelegated may carry out that function 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. 5
- (12) The power to delegate or subdelegate—
- (a) is subject to any prohibitions, restrictions, or conditions contained in another enactment relating to delegation of the chief executive's functions; but 10
- (b) does not limit a power of delegation conferred on the chief executive by another enactment.
- (13) If a document is used to inform a person of an action taken by a delegate described in **subclause (6)**, the document must— 15
- (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. 20
- (14) 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.
- (15) 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. 25
- (16) A delegation or subdelegation does not affect or prevent the carrying out of a function 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 30

3 Application of Ombudsmen Act 1975 and the Official Information Act 1982 to certain delegates

- (1) Information held by a delegate described in **clause 2(6)** as a result of carrying out a delegated function is, for the purposes of the Official Information Act 1982 (*see* section 2(5) of that Act), to be treated as being held by,— 35
- (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. 40

- (2) The Ombudsmen Act 1975 and the Official Information Act 1982 apply to a delegate carrying out a delegated function 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 of delegations and subdelegations 5

- (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 it ceases to hold office, or is absent from duty, it continues to have effect as if made by that chief executive's successor or the person acting for the chief executive. 10

Compare: 1988 No 20 s 42

Delegations by Ministers to chief executives

5 Delegation of functions 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 under this or another enactment, including functions or powers delegated to the Minister under this or another enactment. 15
- (2) The delegation must be in writing.
- (3) The Minister must not delegate the power to delegate under this clause. 20
- (4) The power to delegate—
- (a) is subject to any prohibitions, restrictions, or conditions contained in another enactment relating to delegation of the Minister's functions; but
 - (b) does not limit a power of delegation conferred on the Minister by another enactment. 25
- (5) Subject to any general or special directions given or conditions imposed by the Minister, a chief executive may carry out a delegated function 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. 30
- (7) A delegation does not affect or prevent the carrying out of a function 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

35

6 Revocation 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
- (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. 10
- Compare: 1988 No 20 s 29

Functions and responsibilities under other Acts

7 Functions and responsibilities under other Acts

- The functions and responsibilities 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. 15
- Compare: 1988 No 20 s 34(1)

Long-term insights briefings

8 Long-term insights briefings

- (1) A chief executive of a department must give a long-term insights briefing to the appropriate Minister at least once every 3 years and must do so independently of Ministers. 20
- (2) The purpose of a briefing—
- (a) is to provide information in the public domain about medium and long-term trends, risks, and opportunities that affect or may affect New Zealand and New Zealand society: 25
- (b) is not to express either agreement or disagreement with any particular policy or policy option.
- (3) The subject matter must be selected by a chief executive taking into account—
- (a) the purpose of the briefing; and
- (b) the matters in the categories in **subclause (2)(a)** that the chief executive considers are particularly relevant to the functions of their department. 30
- (4) Two or more chief executives may give a joint briefing that meets the requirements of this clause for each of the departments covered by the briefing.
- (5) Any agency in the State services may contribute to a briefing by a department or departments on subject matter relevant to the operation of their agency. 35

- (6) The Minister must present a copy of a briefing to the House of Representatives as soon as is reasonably practicable after receiving it.

9 Public consultation

- (1) A chief executive must undertake public consultation on—
- (a) the subject matter to be included in a long-term insights briefing; and 5
 - (b) a draft of the briefing.
- (2) A chief executive must take into account any feedback received from public consultation when finalising the briefing.

Schedule 7

Appointment and performance review of public service chief executives

s 56

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1	Commissioner has rights and functions as employer	5
	The Commissioner has all the rights and functions 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.	10
(2)	A chief executive is eligible for reappointment for further terms.	
	Compare: 1988 No 20 s 38	
3	Appointment	
(1)	Subject to clauses 4, 5, and 11 , a chief executive can be appointed by the Commissioner only in accordance with this clause.	15
(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.	20
(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 a Deputy Commissioner as chairperson; and
 - (b) a Deputy Commissioner or an employee of the Commission; and
 - (c) 1 or more persons appointed by the Commissioner after consultation with the appropriate Minister. 5
- (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 10
 - (b) seek advice from other sources that the panel thinks relevant; and
 - (c) deliberate on which applicant is to be recommended for appointment.
- (7) After the deliberations of the panel, the chairperson must decide which applicant is to be recommended to the Minister for appointment.
- (8) 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. 15
- (9) 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.
- (10) The Minister must refer the chairperson’s recommendations to the Governor-General in Council. 20
- (11) The Governor-General in Council must decide whether the chairperson’s recommendation is to be accepted or declined.
- (12) The Minister must inform the chairperson whether the chairperson’s recommendation has been accepted or declined. 25
- (13) 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.
- (14) If the chairperson’s recommendation is declined,—
- (a) the Governor-General may direct the chairperson to appoint a particular person to the position; and 30
 - (b) the Governor-General is not required to comply with **subclauses (1) to (13)** when doing so; and
 - (c) the chairperson must publish notice of the appointment in the *Gazette* without delay. 35

Compare: 1988 No 20 s 35

4 Reappointment

- (1) The Commissioner may—
 - (a) recommend to the Minister that an existing chief executive be reappointed for further terms:
 - (b) make the recommendation without first notifying the impending vacancy or examining other applicants or establishing a panel. 5
- (2) **Clause 3(10) to (13)** applies to the recommendation (with any necessary modifications) as if it were a recommendation under **clause 3(9)**.

Compare: 1988 No 20 s 36

5 Appointment and reappointment of Government Statistician 10

- (1) The Government Statistician must be appointed by the Commissioner in accordance with this clause.
- (2) Subject to **subclause (4)**, the Commissioner must appoint the Government Statistician using the process in **clause 3(2) to (8)** and must publicly announce the appointment. 15
- (3) **Clauses 3(9) to (14) and 4** do not apply to the appointment or reappointment of the Government Statistician.
- (4) The Commissioner—
 - (a) may reappoint the Government Statistician for further terms:
 - (b) may reappoint the Government Statistician without first notifying the impending vacancy or examining other applicants. 20

Compare: 1988 No 20 s 37

6 Transfer of chief executives

- (1) The Commissioner may recommend to the Minister that a chief executive or a Deputy Commissioner be transferred to fill a vacancy or an impending vacancy in a chief executive position. 25
- (2) **Clause 3(10) to (13)** applies to the recommendation (with any necessary modifications) as if it were a recommendation under **clause 3(9)**.
- (3) **Clause 3(9) to (14)** 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. 30
- (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 35
 - (c) consult the appropriate Ministers.

- (5) 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
- 7 Conditions of employment** 5
- (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 of State Services about those conditions of employment before finalising them with the chief executive. 10
- (2) The consultation requirement in **subclause (1)(b)** does not apply to the conditions of employment of the Government Statistician. 15
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 20
- (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. 25
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 that chief executive is unable to delegate their functions under this Act to another person under **clause 2 of Schedule 6**. 30
- (2) All or any of the functions of the chief executive may be carried out by another public service chief executive, or any person, appointed by the Commissioner to carry them out.
- (3) The appointment may be made before the absence or vacancy occurs or while it continues. 35
- (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 carry out the functions 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 the new department or departmental agency or functional chief executive takes office. 5
- (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. 10
- (7) The Commissioner must determine the conditions of employment that are to apply to an acting chief executive.
- Compare: 1988 No 20 s 40

10 Performance review 15

- (1) The Commissioner is responsible to the appropriate Minister for reviewing, either generally or for a particular matter, the performance of each chief executive.
- (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). 20
- (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. 25
- (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. 30
- Compare: 1988 No 20 s 43

11 Special provisions for certain chief executives

- (1) Nothing in **clauses 1, 2, 3, 4, 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, 4, 6, 7, and 8** applies to the Solicitor-General, and a review of the Solicitor-General's performance under **clause 10**— 35
- (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.

5

Compare: 1988 No 20 s 44

Schedule 8 Employment provisions

s 82

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Employment of public service employees

- | | | |
|----------|--|----------|
| 1 | Obligation to notify vacancies | 5 |
| (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. | 10 |
| (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. 5
- (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: 10
- (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 or board that made the appointment. 15
- (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. 20
- (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. 25

Compare: 1988 No 20 s 63

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 employees on fixed-term employment agreements or to ministerial staff. 30

Compare: 1988 No 20 ss 64, 66

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. 35
- (2) The procedure must be approved by the Commissioner and must comply with the guidelines prescribed by the Commissioner.

- (3) This clause does not apply to appointments of employees on fixed-term employment agreements or to ministerial staff.

Compare: 1988 No 20 ss 65, 66

6 Medical examinations

- (1) A chief executive of a department or the board of an interdepartmental venture may request an applicant for appointment or an employee to undergo a medical examination. 5
- (2) The chief executive or board may nominate a medical practitioner to undertake the examination.
- (3) The department or interdepartmental venture must pay for the examination. 10

Compare: 1988 No 20 s 82

Transfer of employees between public service agencies and Crown entities

7 Application of employee provisions to transfers of functions between Crown entities and public service agencies

- (1) This clause and **clauses 8 and 9** apply to a transfer of functions from a Crown entity to a public service agency or to a transfer of functions from a public service agency to a Crown entity. 15
- (2) The provisions apply subject to the modifications specified **clauses 8 and 9** and all other necessary modifications.

Compare: 1988 No 20 s 61B

20

8 Restriction of redundancy payments and application of collective agreements

Section 87(1) (which relates to restrictions on redundancy payments) applies—

- (a) as if a reference to a public service employee were a reference to an employee of a Crown entity, department, or interdepartmental venture; and 25
- (b) 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. 30

Compare: 1988 No 20 s 61B(1)(a)

9 Provisions relating to reorganisations

- (1) The provisions specified in **subclauses (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 department or the board of an interdepartmental venture before the transfer of the functions; and 35

- (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), (6), and (7) of Schedule 9** applies 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. 5
- (3) **Clause 3(3) and (4) of Schedule 9** applies as if a reference to the chief executive or board 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 are being transferred. 10
- Compare: 1988 No 20 s 61B(1)(b)
- 10 Application of collective agreements to employees following reorganisations** 15
- (1) This clause limits which employees may be bound by a collective agreement that—
- (a) binds the chief executive of department or interdepartmental venture A before a transfer of functions from department or interdepartmental venture A to department or interdepartmental venture B and that, as a consequence of **clauses 2 and 5 of Schedule 9**, binds the chief executive of department or interdepartmental venture B after that transfer of functions (**collective agreement A**); or 20
- (b) binds the chief executive of department or interdepartmental venture B before that transfer of functions (**collective agreement B**). 25
- (2) After that transfer of functions,—
- (a) the only employees of department or interdepartmental venture B who are entitled to be bound by or enforce collective agreement A are those employees who are appointed to a position in department or interdepartmental venture B that has been established (whether or not previously existing in department or interdepartmental venture A) to enable department or interdepartmental venture B to carry out the transferred functions; and 30
- (b) the only employees of department or interdepartmental venture B who are entitled to be bound by or enforce collective agreement B are those employees who hold, or are appointed to, a position other than a position referred to in **paragraph (a)**. 35
- (3) **Subclause (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. 40

- (4) This clause limits which employees may be bound by collective agreements, and the coverage of those agreements, under **sections 75 to 79** of this Act and sections 56(1), 57, 62(3), and 243 of the Employment Relations Act 2000.
- (5) This clause does not apply to a collective agreement to the extent that the parties to the agreement agree otherwise. 5

Compare: 1988 No 20 s 61D

Superannuation schemes for employees of State services agencies

11 Interpretation

In **clauses 12 and 13**,—

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 10

employee includes a chief executive 15

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 within the meaning of section 91A(1) of the Education Act 1989, for the duration of the application period in that section, for— 20
- (i) an institution that is subject to Part 9 of that Act; or
- (ii) a free kindergarten within the meaning of section 348 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 25

State services includes—

- (a) a tertiary institution: 30
- (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

12 Power to establish superannuation schemes for officers and employees 35

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): 5
- (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. 10

Compare: 1988 No 20 s 84A

13 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— 15

- (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 20
 - (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 25
- (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 30
- (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 35
- (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 40

- (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 106

Contents

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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 of Agency A to Agency B, despite clauses 2(2) and (3) and 3(2) and (3) .	5
	Compare: 1988 No 20 s 30B	
2	Consequential changes to references to public service agencies or employees of departments after reorganisations	10
(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.	15
(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.	20
(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.	25
(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. 5
Compare: 1988 No 20 s 30H
- 3 Consequential changes to references to chief executives after reorganisations** 10
- (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). 15
- (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. 20
- (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. 25
Compare: 1988 No 20 s 30I
- 4 Application of consequential changes to references**
- (1) **Clauses 2 and 3—** 30
- (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. 35
- (2) Regulations made under **section 106(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. 40

- (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. 5
- (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. 10
- 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— 15
- (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). 20
- (2) In this clause, **property** means property of any kind, whether tangible or intangible, real or personal, corporeal or incorporeal; and includes rights, interests, and claims of kind over property, however they arise.
- (3) This clause does not limit **section 21(1), 24(1), 31(1), 49(3), or 106(1)** or **clauses 1 to 4**. 25
- Compare: 1988 No 20 s 30L

Schedule 10

Legislative instruments revoked

s 111

State Sector (Application of Certain Provisions to Transfer of Functions from Canterbury Earthquake Recovery Authority to Ministry of Business, Innovation, and Employment and Land Information New Zealand) Order 2015 (LI 2015/238)	5
State Sector (Application of Certain Provisions to Transfer of Functions from Department of Internal Affairs to Department of the Prime Minister and Cabinet) Order 2014 (LI 2014/15)	10
State Sector (Application of Certain Provisions to Transfer of Functions from Ministry of Economic Development to Department of Building and Housing) Order 2006 (SR 2006/178)	
State Sector (Application of Certain Provisions to Transfer of Functions from Ministry of Social Development to Ministry of Business, Innovation, and Employment) Order 2016 (LI 2016/4)	15
State Sector (Employee Provisions Applied to Transfer of Functions from Department of Internal Affairs to Department of Building and Housing) Order 2005 (SR 2005/151)	
State Sector (Employee Provisions Applied to Transfer of Functions from Early Childhood Development Board to Ministry of Education) Order 2003 (SR 2003/208)	20
State Sector (Employee Provisions Applied to Transfer of Functions from Land Transport Safety Authority and Transfund to Ministry of Transport) Order 2004 (SR 2004/307)	25
State Sector (Employee Provisions Applied to Transfer of Functions from Ministry of Education to Ministry of Social Development) Order 2008 (SR 2008/135)	
State Sector (Employee Provisions Applied to Transfer of Functions from Ministry of Fisheries to Ministry of Agriculture and Forestry) Order 2004 (SR 2004/360)	30
State Sector (Employee Provisions Applied to Transfer of Government Technology Services Functions from State Services Commission to Department of Internal Affairs) Order 2009 (SR 2009/72)	
State Sector (Employees of Boards of Waihopai School and Ruru Special School) Order 2006 (SR 2006/307)	35
State Sector (Incorporated Societies) Order 1990 (SR 1990/325)	
State Sector (Ministry of Business, Innovation, and Employment) Order 2012 (SR 2012/91)	
State Sector (Ministry of Housing and Urban Development) Order 2018 (LI 2018/105)	40

State Sector (Ministry for Pacific Peoples) Order 2015 (LI 2015/244)

State Sector (Ministry for Primary Industries) Order 2012 (SR 2012/54)

State Sector (Ministry for Women) Order 2015 (LI 2015/245)

State Sector (Ministry of Youth Affairs) Order 2003 (SR 2003/240)

State Sector (New Zealand Food Safety Authority) Order 2010 (SR 2010/93) 5

Schedule 11

Consequential amendments

s 112

Part 1

Amendments to Acts

5

Adoption Act 1955 (1955 No 93)

In section 2, definition of **social worker**, paragraphs (a) and (b), replace “Part 5 of the State Sector Act 1988” with “**Part 3 of the Public Service Legislation Act 2019**”.

Adult Adoption Information Act 1985 (1985 No 127)

10

In section 2, definition of **social worker**, delete “as such under Part 5 of the State Sector Act 1988”.

Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)

In section 13(1)(c), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

15

In section 44D(1)(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 44F(1)(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 44ZC(1)(g), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

20

In section 60(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Animal Products Act 1999 (1999 No 93)

In section 41(9), replace “section 28 of the State Sector Act 1988” with “clause 5 of Schedule 6 of the Public Service Legislation Act 2019”.

25

In section 46(9), replace “section 28 of the State Sector Act 1988” with “clause 5 of Schedule 6 of the Public Service Legislation Act 2019”.

In section 78(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

30

In section 79(1) and (4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 86, replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 98, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

35

Animal Products Act 1999 (1999 No 93)—continued

In section 104(1)(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 112N(1)(g), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 140(1)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 5

Animal Welfare Act 1999 (1999 No 142)

In section 123A(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 124(8), replace “Public Service for the purposes of the State Sector Act 1988” with “public service for the purposes of the **Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

In section 125(2), replace “Public Service for the purposes of the State Sector Act 1988” with “public service for the purposes of the **Parts 1 to 6 of the Public Service Legislation Act 2019**”. 15

Antarctica (Environmental Protection) Act 1994 (1994 No 119)

In section 40(6), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (2009 No 35) 20

In section 5(1), definition of **designated business group**, paragraph (d)(iii), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 5(1), definition of **government agency**, paragraph (a), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 25

In section 18(2)(b) and (m)(i), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

Auckland Regional Amenities Funding Act 2008 (2008 No 3 (P))

In section 21(1)(d)(ii), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 30

In section 42(2)(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

Auctioneers Act 2013 (2013 No 148)

In section 19(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

Bank of New Zealand Act 1988 (1988 No 172)

In section 12, replace “Public Service for the purposes of the State Sector Act 1988” with “public service for the purposes of the **Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Biosecurity Act 1993 (1993 No 95)

5

In section 2(1), definition of **chief executive**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 2(1), definition of **department**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 101(2A), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

10

In section 102(1A), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 103(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

15

In section 105B(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 161(2)(g), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

20

In section 79(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 80(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 81(2)(a), replace “Public Service, be in accordance with the State Sector Act 1988” with “public service, be in accordance with the **Parts 1 to 6 of the Public Service Legislation Act 2019**”.

25

Building Act 2004 (2004 No 72)

In section 275B(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

30

In section 310, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 422, replace “Sections 60 to 61B and 65 of the State Sector Act 1988” with “**Sections 71 and 86 and clauses 5 and 8 of Schedule 8 of the Public Service Legislation Act 2019**”.

35

Building Societies Act 1965 (1965 No 22)

In section 3, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 4(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

5

Burial and Cremation Act 1964 (1964 No 75)

In section 52(1), replace “Public Service” with “public service”.

Cadastral Survey Act 2002 (2002 No 12)

In section 5(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

10

In section 5(2), replace “section 62(1) of the State Sector Act 1988” with “**clause 2(1) of Schedule 8 of the Public Service Legislation Act 2019**”.

In section 5(4), replace “section 35(11)(a) of the State Sector Act 1988” with “**clause 3(14)(a) of Schedule 7 of the Public Service Legislation Act 2019**”.

In section 6(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

15

Canterbury Earthquakes Insurance Tribunal Act 2019 (2019 No 21)

In Schedule 2, clause 27(2), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

Care and Support Workers (Pay Equity) Settlement Act 2017 (2017 No 24)

20

In section 5, definition of **Ministry of Health**, replace “Public Service” with “public service”.

In section 9(3), definition of **Ministry for Vulnerable Children, Oranga Tamariki**, replace “Public Service” with “public service”.

In section 9(3), definition of **Ministry of Social Development**, replace “Public Service” with “public service”.

25

Care of Children Act 2004 (2004 No 90)

In section 8, definition of **social worker**, replace “Part 5 of the State Sector Act 1988” with “**Part 3 of the Public Service Legislation Act 2019**”.

Charities Act 2005 (2005 No 39)

30

In section 9(2)(b), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17)

In Schedule 1, clause 39, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

35

Child Poverty Reduction Act 2018 (2018 No 57)

In section 33(3)(a), replace “section 32 of the State Sector Act 1988” with “**section 51 of the Public Service Legislation Act 2019**”.

Children’s Act 2014 (2014 No 40)

In section 23(1), definition of **State services**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 5

Citizenship Act 1977 (1977 No 61)

In section 2(1), definition of **Crown service under the New Zealand Government**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 10

In section 2(1), definition of **employee**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

Civil Aviation Act 1990 (1990 No 98)

In section 28(9), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”. 15

Civil Defence Emergency Management Act 2002 (2002 No 33)

In section 4, definition of **department**, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 4, definition of **State services**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 20

In section 8(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 11(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 25

In section 11B(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 106(4), replace “State Sector Act 1988, nothing in section 62” with “**Public Service Legislation Act 2019, nothing in clause 2 of Schedule 8**”.

In section 106(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 30

Clerk of the House of Representatives Act 1988 (1988 No 126)

In the heading to section 17, replace “**State Services Commissioner**” with “**Public Service Commissioner**”.

In section 17(1) and (2), replace “section 6 of the State Sector Act 1988” with “**section 42 of the Public Service Legislation Act 2019**”. 35

Clerk of the House of Representatives Act 1988 (1988 No 126)—continued

In section 17(1), (1A), (3), and (4), replace “State Services Commissioner” with “Public Service Commissioner” in each place.

In section 22(1) and (3), replace “State Services Commission” with “Public Service Commission”.

In section 24, replace “sections 56 and 58 of the State Sector Act 1988” with “**sections 76 to 78 of the Public Service Legislation Act 2019**”. 5

In section 26(2)(b), replace “State Services Commissioner” with “Public Service Commissioner”.

In section 28(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

Climate Change Response Act 2002 (2002 No 40)

In section 9B(2), replace “Section 41 of the State Sector Act 1988” with “**Clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 17A(7), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 15

Replace section 50(1)(b)(i) with:

- (i) a department of the public service listed in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**; or

In section 87A(2), replace “Public Service” with “public service”.

In section 93(2), replace “Public Service” with “public service”. 20

In section 93(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 161(1)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 270(1)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 25

Commerce Act 1986 (1986 No 5)

In section 48, definition of **department**, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 30

Commodity Levies Act 1990 (1990 No 127)

In section 19(3), replace “Public Service” with “public service”.

Companies Act 1993 (1993 No 105)

In section 357(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

Companies Act 1993 (1993 No 105)—continued

In section 358(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Conservation Act 1987 (1987 No 65)

In section 6P(9), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

5

In section 26G, replace “sections 56 and 58 of the State Sector Act 1988” with “**sections 76 to 78 of the Public Service Legislation Act 2019**”.

In section 26T(2), replace “sections 56 and 58 of the State Sector Act 1988” with “**sections 76 to 78 of the Public Service Legislation Act 2019**”.

In section 52, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

10

In section 54(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 54(3)(b), replace “State Services Commission” with “Public Service Commission”.

15

In section 55, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 57(3)(c) and (4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Replace section 58(3)(c) with:

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- (c) without the written consent of the Public Service Commission, delegate any power delegated to the Director-General under the **Parts 1 to 6 of the Public Service Legislation Act 2019**.

In section 58(6)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In section 59(1) and (7), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Copyright Act 1994 (1994 No 143)

In section 206(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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Corrections Act 2004 (2004 No 50)

In section 3(1), definition of **enforcement officer**, paragraph (a)(i), replace “Public Service (as defined in section 2 of the State Sector Act 1988)” with “public service (as defined in **section 8 of the Public Service Legislation Act 2019**)”.

In section 10, replace “sections 41 and 42 of the State Sector Act 1988” with “**clauses 2 and 4 of Schedule 6 of the Public Service Legislation Act 2019**”.

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Corrections Act 2004 (2004 No 50)—continued

In section 11(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 17(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 19A(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 5

In section 24(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 27(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

In section 120(3), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 167(3)(c), replace “sections 56(1) and (2) and 58(1) and (3) of the State Sector Act 1988” with “**sections 72 and 73 of the Public Service Legislation Act 2019**”. 15

In section 172(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 179, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 179E(6)(b), replace “section 86 of the State Sector Act 1988” with “**section 104 of the Public Service Legislation Act 2019**”. 20

In section 199(2)(e), replace “sections 56(1) and (2) and 58(3) of the State Sector Act 1988” with “**sections 72 and 73 of the Public Service Legislation Act 2019**”.

In section 199AA(1), replace “sections 41 and 42 of the State Sector Act 1988” with “**clauses 2 and 4 of Schedule 6 of the Public Service Legislation Act 2019**”. 25

In section 199AB(1), replace “sections 41 and 42 of the State Sector Act 1988” with “**clauses 2 and 4 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 199A, replace “sections 41 and 42 of the State Sector Act 1988” with “**clauses 2 and 4 of Schedule 6 of the Public Service Legislation Act 2019**”. 30

In section 199E(1)(a) and (b) and (2), replace “State Sector Act 1988” with “**Public Service Legislation Act 2019**”.

Court Martial Appeals Act 1953 (1953 No 100) 35

In section 5(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 5(1), replace “Public Service” with “public service”.

Courts Security Act 1999 (1999 No 115)

In section 4(1)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 5(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In section 6(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 7(1)(e), replace “sections 56(1), 56(2), 58(1), and 58(3) of the State Sector Act 1988” with “**sections 76 to 78 of the Public Service Legislation Act 2019**”.

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Crimes Act 1961 (1961 No 43)

In section 8A(1)(c)(iii), replace “section 2(1) of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 99, definition of **official**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

15

Criminal Proceeds (Recovery) Act 2009 (2009 No 8)

In section 5(1), definition of **department**, replace “section 2(1) of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 88(1)(a)(ii), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

20

Criminal Records (Expungement of Convictions for Historical Homosexual Offences) Act 2018 (2018 No 7)

In section 4, definition of **government department**, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

25

Crown Entities Act 2004 (2004 No 115)

In section 4(1)(d), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 27(3), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

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In section 88(4), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 116(1)(a), replace “State Services Commissioner” with “Public Service Commissioner”.

In section 117(2A), (2B), (2C), and (2D), replace “State Services Commissioner” with “Public Service Commissioner”.

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Crown Entities Act 2004 (2004 No 115)—*continued*

In the heading to section 119, replace “sections 84 to 84B of the State Sector Act 1988” with “**clauses 11 to 13 of Schedule 8 of the Public Service Legislation Act 2019**”.

In section 119(1), replace “sections 84 to 84B of the State Sector Act 1988” with “**clauses 11 to 13 of Schedule 8 of the Public Service Legislation Act 2019**”. 5

In section 119(2), replace “Sections 84 to 84B of the State Sector Act 1988” with “**clauses 11 to 13 of Schedule 8 of the Public Service Legislation Act 2019**”.

In section 132(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

In section 181(1), replace “State Services Commission” with “Public Service Commission”.

In section 184(3), replace “Public Service” with “public service”.

In Schedule 3, item relating to section 119, replace “State Sector Act 1988, ss 84–84B” with “**Public Service Legislation Act 2019, clauses 11 to 13 of Schedule 8**”. 15

In Schedule 4, item relating to section 119, replace “State Sector Act 1988, ss 84–84B” with “**Public Service Legislation Act 2019, clauses 11 to 13 of Schedule 8**”. 20

Crown Minerals Act 1991 (1991 No 70)

In section 6(1), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 6(2), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”. 25

In section 6(3), replace “section 29 or section 42 of the State Sector Act 1988” with “**clause 4 or 6 of Schedule 6 of the Public Service Legislation Act 2019**”.

Crown Organisations (Criminal Liability) Act 2002 (2002 No 37)

In section 4, definition of **government department**, replace “government department named in Schedule 1 of the State Sector Act 1988” with “department of the public service named in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 30

In section 10(1)(b)(vi), replace “section 9 or section 10 of the State Sector Act 1988” with “**clauses 2 and 3 of Schedule 3 of the Public Service Legislation Act 2019**”. 35

Crown Pastoral Land Act 1998 (1998 No 65)

In section 23M, replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

Crown Proceedings Act 1950 (1950 No 54)

In section 6(4A), replace “section 86 of the State Sector Act 1988” with “**section 104 of the Public Service Legislation Act 2019**”. 5

In section 6(4A)(b), replace “section 86” with “**section 104 of the Public Service Legislation Act 2019**”.

Crown Research Institutes Act 1992 (1992 No 47)

In section 39(1), replace “section 61A of the State Sector Act 1988” with “**section 87 of the Public Service Legislation Act 2019**”. 10

Customs and Excise Act 2018 (2018 No 4)

In section 5(1), replace the definition of **Public Service** with:

public service has the meaning given to that term in **section 8 of the Public Service Legislation Act 2019**

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In section 304, definition of **government agency**, paragraph (a), replace “Schedule 1 of the State Sector Act 1988” with “Part 1 of Schedule 2 of the Public Service Legislation Act 2019”.

In section 350(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 20

In Schedule 8, clause 8(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 8, clause 8(2), replace “Public Service” with “public service”.

Defence Act 1990 (1990 No 28)

In section 24(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 25

In section 45(3), replace “State Services Commission” with “Public Service Commission” in each place.

In section 67(2), replace “State Services Commission” with “Public Service Commission”. 30

In section 70(2) and (3), replace “State Services Commissioner” with “Public Service Commissioner” in each place.

In section 71(b), replace “State Services Commissioner” with “Public Service Commissioner” in each place.

In section 78(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

Designs Act 1953 (1953 No 65)

In section 3(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

District Court Act 2016 (2016 No 49)

In section 4, definition of **officer of the court**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 5

In section 62(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 66(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

Education Act 1989 (1989 No 80)

In section 91O(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 180(1)(a) and (d), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 15

In section 194(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 198(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 204(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 20

In section 325(a)(ii), replace “section 32 of the State Sector Act 1988” with “**section 51 of the Public Service Legislation Act 2019**”.

In section 387(2)(a)(ii), replace “State Services Commissioner” with “Public Service Commissioner”. 25

In section 387(2)(b), replace “State Services Commissioner sets or issues under section 57 of the State Sector Act 1988” with “Public Service Commissioner sets or issues under **section 16 of the Public Service Legislation Act 2019**”.

In section 417(1)(c), replace “State Sector Act 1988” with “**Public Service Legislation Act 2019**”. 30

In section 423(4), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 463(1), replace “State Sector Act 1988” with “**Public Service Legislation Act 2019**”.

In section 471(1)(c) and (3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

In section 475(1) and (2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Education Act 1989 (1989 No 80)—continued

In Schedule 1, replace clause 13(4)(c) with:

- (c) **section 51 and clause 1 of Schedule 8 of the Public Service Legislation Act 2019.**

In Schedule 1, clause 13(5), definition of **equivalent position**, paragraph (d), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 5

In Schedule 5A, item relation to section 119, replace “State Sector Act 1988, sections 84 to 84B” with “**Public Service Legislation Act 2019, clauses 11 to 13 of Schedule 8**”.

In Schedule 6, clause 6, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

In Schedule 13A, item relating to section 119, replace “State Sector Act 1988, sections 84 to 84B” with “**Public Service Legislation Act 2019, clauses 11 to 13 of Schedule 8**”.

Electoral Act 1993 (1993 No 87) 15

In section 3(1), definition of **public servant**, paragraph (b)(i), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 20D(4), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 33(5), replace “section 40(1) of the State Sector Act 1988” with “**clause 9(1) and (2) of Schedule 7 of the Public Service Legislation Act 2019**”. 20

In section 33(8), replace “section 41(1) of the State Sector Act 1988” with “**clause 2(2) of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 52(1)(a)(ii), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 25

In section 158(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Electricity Act 1992 (1992 No 122)

In section 40(8), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”. 30

In section 151(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 2, clause 14, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Electronic Identity Verification Act 2012 (2012 No 123) 35

In section 7, definition of **State services**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

Electronic Identity Verification Act 2012 (2012 No 123)—continued

In section 50(7), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

Employment Relations Act 2000 (2000 No 24)

In section 69L(2), replace “section 77HA of the State Sector Act 1988” with “**section 85 of the Public Service Legislation Act 2019**”.

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Replace section 137(1)(a)(v) and (vi) with:

(v) **section 76 and section 77 of the Public Service Legislation Act 2019**; or

(vi) **sections 78 to 81 of the Public Service Legislation Act 2019**; or

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In section 194(1), replace “Parts 5, 6, 7, or 7A of the State Sector Act 1988” with “**sections 79 to 83 of the Public Service Legislation Act 2019**”.

In section 194(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Replace section 236(4)(i) with:

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(i) **the Public Service Legislation Act 2019**:

In Schedule 1A, paragraph (d), replace “Schedule 1 of the State Sector Act 1988” with “**section 8 of the Public Service Legislation Act 2019**”.

Energy Companies Act 1992 (1992 No 56)

In section 13, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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Energy (Fuels, Levies, and References) Act 1989 (1989 No 140)

In section 9, replace “section 28 or section 41 of the State Sector Act 1988” with “**clause 2 or 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

Environment Act 1986 (1986 No 127)

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In section 9(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 11(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 19(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In section 29, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 30, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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Environment Act 1986 (1986 No 127)—continued

In section 33(6), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Environmental Protection Authority Act 2011 (2011 No 14)

In section 22, definition of **collective agreement**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 5

In section 22, definition of **employment agreement**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

Environmental Reporting Act 2015 (2015 No 87)

In section 4, definition of **Government Statistician**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

Equal Pay Act 1972 (1972 No 118)

In section 2(1), definition of **employee**, paragraph (a) replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Estate and Gift Duties Act 1968 (1968 No 35)

In section 73(2)(jd)(i), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 15

Family Court Act 1980 (1980 No 161)

In section 8(1) and (2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 11B(4)(a)(i), replace “Public Service” with “public service”. 20

Family Proceedings Act 1980 (1980 No 94)

In section 2, definition of **social worker**, paragraph (a), replace “Part 5 of the State Sector Act 1988” with “**Part 3 of the Public Service Legislation Act 2019**”.

Family Violence Act 2018 (2018 No 46)

In section 8, definition of **government organisation**, paragraph (a), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 25

In section 65(3)(b), replace “Part 5 of the State Sector Act 1988” with “**Part 3 of the Public Service Legislation Act 2019**”.

In section 66(4), replace “Part 5 of the State Sector Act 1988” with “**Part 3 of the Public Service Legislation Act 2019**”. 30

Films, Videos, and Publications Classification Act 1993 (1993 No 94)

In section 98, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Films, Videos, and Publications Classification Act 1993 (1993 No 94)—*continued*

In section 103(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 104(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Financial Advisers Act 2008 (2008 No 91) 5

In section 5, definition of **State services**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

Financial Markets Conduct Act 2013 (2013 No 69)

In section 128(2)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

In Schedule 1, clause 40(a), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In Schedule 3, clause 3(2)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Financial Service Providers (Registration and Dispute Resolution) Act 2008 (2008 No 97) 15

In section 7(2)(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 35(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 20

Fire and Emergency New Zealand Act 2017 (2017 No 17)

In section 24(7), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 29(2), replace “State Services Commission” with “Public Service Commission”. 25

In section 166(1)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Replace section 166(1)(c) with:

- (c) a person employed in the public service (within the meaning of the **Public Service Legislation Act 2019**): 30

Fisheries Act 1996 (1996 No 88)

In section 196(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 222(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

Fisheries Act 1996 (1996 No 88)—*continued*

In section 331(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**” in each place.

Food Act 2014 (2014 No 32)

In section 136(1)(b), replace “Public Service listed in Schedule 1 of the State Sector Act 1988” with “public service listed in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 5

In section 140(1)(b), replace “Public Service listed in Schedule 1 of the State Sector Act 1988” with “public service listed in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 162(1)(g), replace “Public Service listed in Schedule 1 of the State Sector Act 1988” with “public service listed in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 10

In section 172(2)(c), replace “Public Service listed in Schedule 1 of the State Sector Act 1988” with “public service listed in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 15

In section 276(6), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 353(1), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 401, replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”. 20

Foreign Affairs Act 1988 (1988 No 159)

In section 2, definition of **State services**, replace “section 2(1) of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 4(2), replace “section 65 of the State Sector Act 1988” with “**clause 5 of Schedule 8 of the Public Service Legislation Act 2019**”. 25

In section 6(3), replace “section 65 of the State Sector Act 1988” with “**clause 5 of Schedule 8 of the Public Service Legislation Act 2019**”.

Forests Act 1949 (1949 No 19)

In section 10(1), replace “Public Service” with “public service” 30

In section 11(1) and (3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Friendly Societies and Credit Unions Act 1982 (1982 No 118)

In section 3(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

Friendly Societies and Credit Unions Act 1982 (1982 No 118)—*continued*

In section 4(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 6, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Gambling Act 2003 (2003 No 51)

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In section 221(8), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 292(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 347(3)(b), replace “section 57 of the State Sector Act 1988” with “**section 15 of the Public Service Legislation Act 2019**”.

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Game Animal Council Act 2013 (2013 No 98)

In section 4(1), definition of **government department**, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

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In Schedule 1, clause 2(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Gas Act 1992 (1992 No 124)

In section 41(8), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

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Geographical Indications (Wine and Spirits) Registration Act 2006 (2006 No 60)

In section 34(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Government Service Equal Pay Act 1960 (1960 No 117)

In section 2(1), definition of **wage-fixing authority**, paragraph (c), replace “State Services Commission” with “Public Service Commission”.

25

Government Superannuation Fund Act 1956 (1956 No 47)

In section 2(1), definition of **controlling authority**, paragraph (a), replace “Public Service” with “public service”.

In section 2(1), definition of **controlling authority**, paragraph (b), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

30

In section 23A(1), replace “in the Public Service within the meaning of the State Sector Act 1988” with “of the public service within the meaning of the **Parts 1 to 6 of the Public Service Legislation Act 2019**”.

35

Government Superannuation Fund Act 1956 (1956 No 47)—*continued*

In section 23A(4), replace “Public Service” with “public service” in each place.

In section 88NA(1)(a), replace “section 68 of the State Sector Act 1988 (as amended by section 16 of the State Sector Amendment Act (No 2) 1989)” with “**sections 77 and 78 of the Public Service Legislation Act 2019**”.

In section 88S(4)(d), replace “State Services Commissioner” with “Public Service Commissioner” 5

In section 88X(3), replace “State Services Commissioner” with “Public Service Commissioner”.

Greater Christchurch Regeneration Act 2016 (2016 No 14)

In section 138(4)(d), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**” 10

In Schedule 5, clause 36(1), replace “State Services Commissioner” with “Public Service Commissioner”.

Harmful Digital Communications Act 2015 (2015 No 63)

In section 7(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**” 15

Hazardous Substances and New Organisms Act 1996 (1996 No 30)

In section 2(1), definition of **department**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 26(5)(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**” 20

In section 49A, definition of **government agency**, paragraph (a), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 53(4)(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**” 25

In section 99(3)(b)(i), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

Health Act 1956 (1956 No 65)

In section 2(1), definition of **Director-General**, replace “State Sector Act 1988” with “**Public Service Legislation Act 2019**” 30

In section 2(1), definition of **Ministry of Health**, replace “Public Service” with “public service”.

In section 3B(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**” 35

Health Act 1956 (1956 No 65)—continued

In section 69O(4), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 69ZK(4), replace “Public Service for the purposes of the State Sector Act 1988” with “public service for the purposes of the **Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In section 69ZZA(5), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 112C(1), (2), (3), and (4), replace “section 59 of the State Sector Act 1988” with “**section 67 of the Public Service Legislation Act 2019**”.

In section 112K(8), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

10

Health and Disability Commissioner Act 1994 (1994 No 88)

In section 2(1), definition of **Ministry**, replace “Public Service” with “public service”.

In section 63(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

15

Health and Disability Services (Safety) Act 2001 (2001 No 93)

In section 15(2), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

Health and Safety at Work Act 2015 (2015 No 70)

20

In section 163(1)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Replace section 163(1)(b) with:

- (b) a person employed in the public service (within the meaning of the **Parts 1 to 6 of the Public Service Legislation Act 2019**)

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In section 191(3)(a), replace “section 27A of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In Schedule 4, clause 2, definition of **specified agency**, paragraph (d), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

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Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)

In section 97(2)(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

Home Ownership Savings Act 1974 (1974 No 51)

In section 2(1), definition of **Commissioner**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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Housing Accords and Special Housing Areas Act 2013 (2013 No 72)

In section 86(1), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)

In section 137(2), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”. 5

In section 148, replace “State Sector Act 1988” with “**Public Service Legislation Act 2019**”.

In section 189(2), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”. 10

Human Rights Act 1993 (1993 No 82)

In section 15(d), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Human Tissue Act 2008 (2008 No 28)

In section 6, definition of **Director-General**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 15

Immigration Act 2009 (2009 No 51)

In section 4, definition of **government agency**, paragraph (a)(i), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 20

In section 7(6), replace “section 40 of the State Sector Act 1988” with “**clause 9 of Schedule 7 of the Public Service Legislation Act 2019**”.

Immigration Advisers Licensing Act 2007 (2017 No 15)

In section 34(2)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 25

In section 87, replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In the Schedule, clause 5, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Income Tax Act 2007 (2007 No 97) 30

In section MK 2(1)(d)(i), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section YA 1, definition of **chief executive of the administering department**, paragraph (a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

Industrial and Provident Societies Act 1908 (1908 No 81)

In section 3A, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 3B(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In section 3C(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Insolvency Act 2006 (2006 No 55)

In section 399(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In section 404(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 404(3), replace “Public Service” with “public service”.

Intelligence and Security Act 2017 (2017 No 10)

In section 4, definition of **department**, paragraph (a), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

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In section 4, definition of **department**, paragraph (b), replace “section 27A of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

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In section 4, insert in its appropriate alphabetical order:

Public Service Commissioner means the Public Service Commissioner appointed under **section 40 of the Public Service Legislation Act 2019**

In section 4, repeal the definition of **State Services Commissioner**.

In section 51(4), replace “section 86 of the State Sector Act 1988” with “**section 104 of the Public Service Legislation Act 2019**”.

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In section 161(3)(f), replace “State Services Commissioner” with “Public Service Commissioner”.

In section 161(4), replace “State Services Commissioner” with “Public Service Commissioner”.

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In section 221(7), definition of **equal employment opportunities programme**, replace “section 58(3) of the State Sector Act 1988” with “**section 72(2) of the Public Service Legislation Act 2019**”.

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38)

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In section 7(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38)—*continued*

In section 8A(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Juries Act 1981 (1981 No 23)

In section 8(h), replace “Public Service” with “public service”.

Kāinga Ora—Homes and Communities Act 2019 (2019 No 50) 5

In Schedule 1, clause 1, definition of **property**, replace “section 30L of the State Sector Act 1988” with “**clause 5 of Schedule 9 of the Public Service Legislation Act 2019**”.

In Schedule 1, clause 11(2), replace “Section 61B of the State Sector Act 1988” with “**Clauses 7 to 10 of Schedule 8 of the Public Service Legislation Act 2019**”. 10

In Schedule 1, clause 11(3), replace “section 61A(1)(a) or (b) of the State Sector Act 1988” with “**section 85(2)(a) or (b) of the Public Service Legislation Act 2019**”.

In Schedule 1, clause 15(1), replace “section 61B of the State Sector Act 1988” with “**clauses 7 to 9 of Schedule 8 of the Public Service Legislation Act 2019**”. 15

KiwiSaver Act 2006 (2006 No 40)

In section 6(1)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Land Act 1948 (1948 No 64) 20

In section 24AA(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 24AB, replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

Land Transfer Act 2017 (2017 No 30) 25

In section 231(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 231(2)(b), replace “section 62(1) of the State Sector Act 1988” with “**clause 2(1) of Schedule 8 of the Public Service Legislation Act 2019**”.

In section 233(4), replace “Public Service” with “public service”. 30

Land Transport Act 1998 (1998 No 110)

In section 160(8), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

Land Transport Act 1998 (1998 No 110)—*continued*

In section 223(1)(b)(i), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 269(4)(c), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 272(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Land Valuation Proceedings Act 1948 (1948 No 50)

In section 39, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Law Commission Act 1985 (1985 No 151)

In Schedule 1, clause 5(1), replace “section 84B of the State Sector Act 1988” with “**clause 13 of Schedule 8 of the Public Service Legislation Act 2019**”.

In Schedule 1, clause 5(2), replace “sections 84 to 84B of the State Sector Act 1988” with “**clauses 11 to 13 of Schedule 8 of the Public Service Legislation Act 2019**”.

Lawyers and Conveyancers Act 2006 (2006 No 1)

In section 6, definition of **chief executive**, paragraph (b)(i), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 190(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 222(1) and (2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 4, clause 5, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 5, clause 6(4), replace “State Services Commission” with “Public Service Commission”.

In Schedule 5, clause 10, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Legal Services Act 2011 (2011 No 4)

In section 41C, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 70(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 3, clause 14, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Legislation Act 2012 (2012 No 119)

In section 36C(2), definition of **central government entity**, replace paragraph (a) with:

- (a) a government department named in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**, including any departmental agency that, under **section 22 and Part 2 of Schedule 2** of that Act, is part of that department: 5

In section 72(1)(b), replace “State Services Commissioner” with “Public Service Commissioner”.

In section 73, replace “sections 56 and 58 of the State Sector Act 1988” with “**sections 71 and 72 of the Public Service Legislation Act 2019**”. 10

Local Government Act 2002 (2002 No 84)

In section 33(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 34(2), replace “Public Service” with “public service”. 15

In Schedule 4, clause 16(1), replace “Public Service” with “public service”.

In Schedule 4, clause 29(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 4, clause 29(2), replace “Public Service” with “public service”.

Maori Affairs Restructuring Act 1989 (1989 No 68) 20

In section 2(1), definition of **Ministry**, replace “Public Service” with “public service”.

In section 67(2), replace “Public Service” with “public service”.

In section 73(2), replace “Public Service” with “public service”.

Maori Community Development Act 1962 (1962 No 133) 25

Replace section 4 with:

4 Community officers

- (1) For the purposes of this Act, the chief executive may appoint community officers under the **Parts 1 to 6 of the Public Service Legislation Act 2019** as— 30
- (a) permanent or temporary public service employees; and
 - (b) officers of the Ministry of Maori Development.
- (2) The chief executive may appoint the number of community officers under **subsection (1)** that the chief executive considers is necessary.

Maori Housing Amendment Act 1938 (1938 No 17)

In section 4A(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Maori Purposes Act 1931 (1931 No 32)

In section 27(3), replace “Public Service” with “public service”. 5

Maori Reserved Land Act 1955 (1955 No 38)

In section 71(3)(a), replace “Public Service” with “public service”.

Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003 (2003 No 21)

In Schedule 2, clause 35(4)(a), (b), and (c), replace “State Services Commissioner” with “Public Service Commissioner”. 10

Maori Trust Boards Act 1955 (1955 No 37)

In section 33(8), replace “Public Service” with “public service”.

In section 52, replace “Public Service” with “public service”.

Māori Trustee Act 1953 (1953 No 95) 15

In section 6D(2)(a) and (b), replace “State Services Commissioner” with “Public Service Commissioner”.

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In section 122(6), replace “sections 41 and 42 of the State Sector Act 1988” with “**clauses 2 and 4 of Schedule 6 of the Public Service Legislation Act 2019**”. 20

Marine Mammals Protection Act 1978 (1978 No 80)

In section 11(6), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Maritime Transport Act 1994 (1994 No 104) 25

In section 193(1), replace “Public Service” with “public service”.

In section 451(8), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

Meat Board Act 2004 (2004 No 58)

In section 44(3), replace “section 27 of the State Sector Act 1988” with “**section 8 of the Public Service Legislation Act 2019**”. 30

In section 65(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Medicines Act 1981 (1981 No 118)

In section 2(1), definition of **licensing authority**, paragraph (b), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 15(1) and (5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 5

In section 15(2), replace “Public Service” with “public service”.

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)

In section 91(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

Misuse of Drugs Act 1975 (1975 No 116)

In section 5AA(3)(b), replace “Public Service (as defined in section 27 of the State Sector Act 1988)” with “public service (as defined in **section 8 of the Public Service Legislation Act 2019**)”.

Motor Vehicle Sales Act 2003 (2003 No 12) 15

In section 60(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 83(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 1, clause 3(1)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 20

In Schedule 1, clause 3(3), replace “Public Service” with “public service”.

National Animal Identification and Tracing Act 2012 (2012 No 2)

In section 52(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 25

In section 52(6), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

National Parks Act 1980 (1980 No 66)

In section 40(1) and (7), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 30

New Zealand Antarctic Institute Act 1996 (1996 No 38)

In section 14(1), replace “section 61A of the State Sector Act 1988” with “**section 87 of the Public Service Legislation Act 2019**”.

New Zealand Business Number Act 2016 (2016 No 16)

In section 5, definition of **government agency**, paragraph (b), replace “section 27A(1) and (2) of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 30, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 5

New Zealand Council for Educational Research Act 1972 (1972 No 35)

In section 15(1) and (1A), replace “State Services Commission” with “Public Service Commission”.

New Zealand Maori Arts and Crafts Institute Act 1963 (1963 No 51) 10

In section 5(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

New Zealand Public Health and Disability Act 2000 (2000 No 91)

In section 6(1), definition of **Director-General**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 15

In section 6(1), definition of **Ministry of Health**, replace “Public Service” with “public service”.

In Schedule 3, clause 44(1), replace “State Services Commissioner” with “Public Service Commissioner”.

In Schedule 6, clause 29(2), replace “State Services Commissioner” with “Public Service Commissioner”. 20

New Zealand Railways Corporation Act 1981 (1981 No 119)

In section 4(9), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Nga Wai o Maniapoto (Waipa River) Act 2012 (2012 No 29) 25

In section 5(2), definition of **department**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Ngāruahine Claims Settlement Act 2016 (2016 No 93)

In section 76, definition of **relevant department**, replace “section 27A of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 30

Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (2010 No 119)

In section 7(2), definition of **department**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Niue Act 1966 (1966 No 38)

In section 659, definition of **New Zealand controlling authority**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Niue Constitution Act 1974 (1974 No 42)

In section 9(1), replace “State Sector Act 1988” with “**Public Service Legislation Act 2019**”. 5

In Schedule 2, clause 64(1)(a), (b), and (c), and (3)(a) and (b), replace “State Services Commission” with “Public Service Commission”.

In Schedule 2, clause 65(1), (2), and (3), replace “State Services Commission” with “Public Service Commission” in each place. 10

In Schedule 2, clause 80(3), replace “State Services Commission” with “Public Service Commission”.

Ohai Railway Board Act 1932 (1932 No 2 (L))

In section 4A(2), replace “Public Service” with “public service”.

Ombudsmen Act 1975 (1975 No 9) 15

In section 3(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 11(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 1, Part 1, repeal the item relating to the Office of the State Services Commission. 20

In Schedule 1, Part 1, insert in its appropriate alphabetical order:

Public Service Commission

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Public Service Commission

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In Schedule 1, Part 2, repeal the item relating to the State Services Commission.

Oranga Tamariki Act 1989 (1989 No 24)

In section 2(1), definition of **enforcement agency**, paragraph (b), replace “section 2(1) of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 30

In section 2(1), definition of **enforcement agency office**, paragraph (b)(i), replace “section 2(1) of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 2(1), definition of **enforcement officer**, paragraph (c)(i), replace “Public Service (as defined in section 2(1) of the State Sector Act 1988)” with “public service (as defined in **section 5 of the Public Service Legislation Act 2019**)”. 35

Oranga Tamariki Act 1989 (1989 No 24)—continued

In section 2(1), definition of **social worker**, replace “Part 5 of the State Sector Act 1988” with “**Part 3 of the Public Service Legislation Act 2019**”.

In section 7(2)(bad), replace “State Services Commissioner” with “Public Service Commissioner”.

In the heading to section 7A, replace “**section 41 of the State Sector Act 1988**” with “**clause 3 of Schedule 6 of the Public Service Legislation Act 2019**”. 5

In section 7A(1), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 7A(2), replace “section 41(2)” with “**clause 2(2)**”.

In the heading to section 7B, replace “**section 41 of State Services Sector Act 1988**” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”. 10

In section 7B, replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 7C(2)(a), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”. 15

In section 7D(2), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 7E(2), replace “section 41(2) of the State Sector Act 1988” with “**clause 2(2) of Schedule 6 of the Public Service Legislation Act 2019**”.

Replace section 7G with: 20

7G Immunity for delegations outside public service

Section 104 of the Public Service Legislation Act 2019 applies to a person outside the public service acting under a delegation referred to in section 7B or 7C as if the person were a public service employee.

In section 214(3)(c), replace “Public Service” with “public service”. 25

In section 296K(6), replace “Section 41(3), (5), and (7) of the State Sector Act 1988 apply” with “**clause 3 of Schedule 6 of the Public Service Legislation Act 2019** applies”.

In section 296K(6), replace “section 41” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”. 30

In section 423(1A)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 425(1A)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 438(2)(a)(ii), replace “Public Service” with “public service”. 35

Outer Space and High-altitude Activities Act 2017 (2017 No 29)

In section 57(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Pacific Education Foundation Act 1972 (1972 No 138)

In section 2, replace the definition of **Public Service** with: 5

public service has the same meaning as in **section 8 of the Public Service Legislation Act 2019**.

In section 8(3), replace “Public Service” with “public service”.

In section 15(1) and (2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

Parental Leave and Employment Protection Act 1987 (1987 No 129)

In section 71ZA(3), replace “Section 41 of the State Sector Act 1988” with “**Clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

Parliamentary Service Act 2000 (2000 No 17)

In section 3, definition of **department**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 15

In section 3, replace the definition of **Public Service** with:

public service has the same meaning as in **section 8 of the Public Service Legislation Act 2019**

In Schedule 1, clause 1(1)(d), replace “State Services Commissioner” with “Public Service Commissioner”. 20

In Schedule 1, clause 3(2), replace “State Services Commissioner” with “Public Service Commissioner”.

In Schedule 1, clause 5, replace “State Services Commissioner” with “Public Service Commissioner”. 25

In Schedule 1, in the heading to clause 7, replace “**State Sector Act 1988**” with “**Public Service Legislation Act 2019**”.

In Schedule 1, clause 7(1), replace “Parts 5, 6, and 8 of the State Sector Act 1988” with “**sections 72 and 73 and Part 4 of the Public Service Legislation Act 2019**”. 30

In Schedule 1, clause 7(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 1, clause 7(4), replace “section 68 of the State Sector Act 1988” with “**section 77 of the Public Service Legislation Act 2019**”.

In Schedule 1, clause 7(4), replace “State Services Commissioner” with “Public Service Commissioner”. 35

Parliamentary Service Act 2000 (2000 No 17)—*continued*

In Schedule 1, in the heading to clause 15, replace “State Services Commissioner” with “Public Service Commissioner”.

In Schedule 1, clause 15(1) and (1A), replace “State Services Commissioner” with “Public Service Commissioner” in each place.

In Schedule 1, clause 15(1) and (2), replace “section 6 of the State Sector Act 1988” with “**section 42 of the Public Service Legislation Act 2019**”. 5

Parole Act 2002 (2002 No 10)

In section 122(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Patents Act 2013 (2013 No 68)

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In section 217(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Personal Property Securities Act 1999 (1999 No 126)

In section 136(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 15

Plant Variety Rights Act 1987 (1987 No 5)

In section 30(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 32(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 20

Policing Act 2008 (2008 No 72)

In section 4, definition of **State services superannuation scheme**, paragraph (a), replace “section 84A(a) of the State Sector Act 1988” with “**clause 12(a) of Schedule 8 of the Public Service Legislation Act 2019**”.

In section 4, definition of **State services superannuation scheme**, paragraph (b), replace “section 84A(b) or (c) of the State Sector Act 1988” with “**clause 12(b) or (c) of Schedule 8 of the Public Service Legislation Act 2019**”. 25

In section 14, replace “State Services Commissioner” with “Public Service Commissioner”.

In section 58, replace “sections 56 and 58 of the State Sector Act 1988” with “**sections 71 and 72 of the Public Service Legislation Act 2019**”. 30

In section 62, replace “Section 65 of the State Sector Act 1988” with “**Clause 5 of Schedule 8 of the Public Service Legislation Act 2019**”.

In the heading to section 66, replace “State Services Commissioner” with “Public Service Commissioner”. 35

Policing Act 2008 (2008 No 72)—continued

In section 66(1), (2), and (3), replace “State Services Commissioner” with “Public Service Commissioner” in each place.

In section 68(1), replace “section 84A of the State Sector Act 1988” with “**clause 12 of Schedule 8 of the Public Service Legislation Act 2019**”.

In section 68(2), replace “Sections 84A and 84B of the State Sector Act 1988” with “**Clauses 12 and 13 of Schedule 8 of the Public Service Legislation Act 2019**”.

In the heading to section 100, replace “State Services Commissioner” with “**Public Service Commissioner**”.

In section 100, replace “State Services Commissioner is directed or requested under section 11 of the State Sector Act 1988 to carry out, under section 6(c)” with “Public Service Commissioner is directed or requested under **clause 4 of Schedule 3 of the Public Service Legislation Act 2019 to carry out, under section 42(d)**”.

Pork Industry Board Act 1997 (1997 No 106)

In section 48(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Primary Products Marketing Act 1953 (1953 No 10)

In section 7(2)(a), replace “State Sector Act 1988, with the consent of the State Services Commissioner” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**, with the consent of the Public Service Commissioner”.

Private Security Personnel and Private Investigators Act 2010 (2010 No 115)

In section 92(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Prohibition of Gang Insignia in Government Premises Act 2013 (2013 No 56)

In section 3, replace “Public Service” with “public service”.

In section 4, definition of **department**, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

Protected Disclosures Act 2000 (2000 No 7)

In section 3(1), definition of **appropriate authority**, paragraph (a)(ix), replace “State Services Commissioner” with “Public Service Commissioner”.

Protection of Personal and Property Rights Act 1988 (1988 No 4)

In section 2, definition of **social worker**, replace “Part 5 of the State Sector Act 1988” with “**Part 3 of the Public Service Legislation Act 2019**”.

Psychoactive Substances Act 2013 (2013 No 53)

In section 76(3)(a), replace “Public Service” with “public service”.

In section 76(3)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Public Audit Act 2001 (2001 No 10)

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In Schedule 1, item relating to departments of the public service, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In Schedule 3, in the heading to clause 6, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In Schedule 3, clause 6, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 3, clause 9(2)(d)(iii), replace “Public Service” with “public service”.

In Schedule 3, in the heading to clause 11, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In Schedule 3, clause 11(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Public Finance Act 1989 (1989 No 44)

In section 48, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In section 64(2)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 65C(1)(b), replace “section 28 or section 41 of the State Sector Act 1988” with “**clauses 2 and 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

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In section 71AA(1), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 71AA(4), replace “section 41(1) of the State Sector Act 1988” with “**clause 2(1) of Schedule 6 of the Public Service Legislation Act 2019**”.

Replace section 71AA(5) with:

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- (5) **Clause 2 of Schedule 6 of the Public Service Legislation Act 2019** applies in relation to a delegation under this section as if it were a delegation made under **clause 3(1) of Schedule 6** of that Act.

In section 81(1)(g), replace “Public Service” with “public service”.

Public Records Act 2005 (2005 No 40)

In section 4, definition of **public office**, paragraph (c)(i), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 10(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 5

Repeal section 32(2).

Public Safety (Public Protection Orders) Act 2014 (2014 No 68)

In section 59(3), replace “Schedule 1 of the of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 10

In section 115(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 125(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 131(2)(e), replace “sections 56(1) and (2) and 58(3) of the State Sector Act 1988” with “**sections 71 and 72 of the Public Service Legislation Act 2019**”. 15

In section 132, replace “sections 41 and 42 of the State Sector Act 1988” with “**clauses 2 and 4 of Schedule 6 of the Public Service Legislation Act 2019**”.

Queen Elizabeth the Second National Trust Act 1977 (1977 No 102) 20

In section 18(3), replace “Public Service” with “public service”.

In section 18(4), replace “State Services Commission” with “Public Service Commission”.

In section 18(5), replace “State Services Commission” with “Public Service Commission”. 25

In section 18(8), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 18A, replace “sections 56 and 58 of the State Sector Act 1988” with “**sections 71 and 72 of the Public Service Legislation Act 2019**”.

In section 19, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 30

Racing Act 2003 (2003 No 3)

In Schedule 3, clause 8(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Radiocommunications Act 1989 (1989 No 148) 35

In section 4(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Railways Act 2005 (2005 No 37)

In section 54(7), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

Rating Valuations Act 1998 (1998 No 69)

In section 3(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 5

In section 47, replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

Real Estate Agents Act 2008 (2008 66)

In Schedule 1, clause 5, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

Registered Architects Act 2005 (2005 No 38)

In the Schedule, clause 39, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Remuneration Authority Act 1977 (1977 No 110)

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In section 5(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 4, insert in its appropriate alphabetical order:

The Public Service Commissioner and Deputy Public Service Commissioners appointed under **section 45 of the Public Service Legislation Act 2019** 20

In Schedule 4, repeal the item relating to the State Services Commissioner and other Commissioners of the State Services Commission.

Research, Science, and Technology Act 2010 (2010 No 131)

In section 4, definition of **employee**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 25

In section 4, definition of **State services**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 11(2)(b), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

Reserve Bank of New Zealand Act 1989 (1989 No 157)

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In section 46(1)(d), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 2, clause 11(2)(c), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Reserves Act 1977 (1977 No 66)

In section 7, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 8(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

5

In section 8(8), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 11(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Reserves and Other Lands Disposal Act 1949 (1949 No 34)

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In section 24(6), replace “Public Service” with “public service”.

Reserves and other Lands Disposal and Public Bodies Empowering Act 1920 (1920 No 75)

In section 124, replace “Public Service” with “public service”.

Residential Care and Disability Support Services Act 2018 (2018 No 33)

15

In section 5, definition of **MSD**, paragraph (b)(i), replace “Public Service” with “public service”.

In section 5, definition of **responsible department**, paragraph (b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Residential Tenancies Act 1986 (1986 No 120)

20

In section 67(7), replace “Public Service” with “public service”.

In section 76(1A)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Resource Management Act 1991 (1991 No 69)

In section 29(1), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

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In section 29(2), replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 29(2), replace “section 28” with “**clause 5 of Schedule 6**”.

In section 29(3), replace “section 29 or section 42 of the State Sector Act 1988” with “**clause 4 or 6 of Schedule 6 of the Public Service Legislation Act 2019**”.

30

In section 260(2)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 260(3), replace “Public Service” with “public service”.

In section 352(2), replace “Public Service” with “public service”.

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Retirement Villages Act 2003 (2003 No 112)

In section 87(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Road User Charges Act 2012 (2012 No 1)

In section 5(1), definition of **State services**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”. 5

Sale and Supply of Alcohol Act 2012 (2012 No 120)

In section 179(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 184, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

Secondhand Dealers and Pawnbrokers Act 2004 (2004 No 70)

In section 72(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Senior Courts Act 2016 (2016 No 48)

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In section 33, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 35(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 63, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 20

In section 87(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Serious Fraud Office Act 1990 (1990 No 51)

In the cross-heading above section 29, replace “*State Sector Act 1988*” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 25

In section 29, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 33(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 30

In section 33(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Ship Registration Act 1992 (1992 No 89)

In section 61(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

Ship Registration Act 1992 (1992 No 89)—continued

In section 62(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Social Security Act 2018 (2018 No 32)

In section 437(6)(a), replace “State Services Commission” with “Public Service Commission”.

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In section 438(2)(f), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In Schedule 2, definition of **debtor’s payer**, paragraph (c), replace “Public Service) specified in Schedule 1 of the State Sector Act 1988” with “public service) specified in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

10

In Schedule 2, definition of **MSD**, paragraph (b)(ii), replace “Public Service” with “public service”.

In Schedule 2, definition of **responsible department**, paragraph (b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

15

In Schedule 7, clause 3(4)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 9, clause 2(3)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Sports Anti-Doping Act 2006 (2006 No 58)

20

In section 30(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

State-Owned Enterprises Act 1986 (1986 No 124)

In section 8(2), replace “State Services Commissioner” with “Public Service Commissioner”.

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State-Owned Enterprises (AgriQuality Limited andASURE New Zealand Limited) Act 2007 (2007 No 21)

In section 15(2)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Statistics Act 1975 (1975 No 1)

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In section 13, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 17(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 18, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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Statistics Act 1975 (1975 No 1)—continued

In section 19(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Student Loan Scheme Act 2011 (2011 No 62)

In Schedule 1, clause 1, definition of **government department**, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 5

Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (2017 No 4)

In section 4, definition of **Director-General of Health**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

In section 86(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Tariff Act 1988 (1988 No 155)

In section 2(1), definition of **Working Tariff Document**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 15

Tax Administration Act 1994 (1994 No 166)

In section 5B, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 6B(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 20

In section 7(1), replace “sections 41 and 42 of the State Sector Act 1988” with “**Schedule 6, clauses 2 and 4 of the Public Service Legislation Act 2019**”.

In section 7(1)(b), replace “State Services Commissioner” with “Public Service Commissioner” in each place.

In section 7(2), replace “Public Service (as described in section 41(2A) of the State Sector Act 1988)” with “public service (as described in **Schedule 6, clause 2(6) of the Public Service Legislation Act 2019**)”. 25

Replace section 7(3) with:

(3) **Schedule 6, clauses 2 and 4 of the Public Service Legislation Act 2019** apply to delegations under this section as if those delegations were made under **clause 2(1) of that schedule**. 30

In the heading to section 160, replace “**Public Service**” with “**public service**”.

In section 160, replace “Public Service” with “public service”.

Taxation Review Authorities Act 1994 (1994 No 165)

In section 5(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 35

Taxation Review Authorities Act 1994 (1994 No 165)—continued

In section 10, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 11(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 11(2), replace “Public Service” with “public service”. 5

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (2017 No 7)

In Schedule 3, clause 7(3), replace “section 27A of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

Te Ture mō Te Reo Māori 2016 Māori Language Act 2016 (2016 No 17)

In section 13, definition of **tari Kāwanatanga** (*department of State*), replace “Āpiti-hanga 1 o te State Sector Act 1988” with “**Te Wāhanga 1 o Āpiti-hanga 2 o te Public Service Legislation Act 2019**”. 10

In section 13, definition of **department of State** (*tari Kāwanatanga*), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”. 15

In section 22(3)(a), replace “State Services Commission” with “Public Service Commission”.

In Schedule 5, clause 33(2), replace “State Services Commissioner” with “Public Service Commissioner”.

Te Ture Whenua Māori Act 1993 (1993 No 4) 20

In section 242(1), replace “Public Service” with “public service”.

Te Urewera Act 2014 (2014 No 51)

In section 54(2)(b)(i), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Trade in Endangered Species Act 1989 (1989 No 18) 25

In section 35(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Trade Marks Act 2002 (2002 No 49)

In section 175(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 30

Treaty of Waitangi Act 1975 (1975 No 114)

In section 4(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Treaty of Waitangi Act 1975 (1975 No 114)—continued

In Schedule 2, clause 9(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 2, clause 9(2), replace “Public Service” with “public service”.

Valuers Act 1948 (1948 No 63)

In section 2, definition of **Valuer-General**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 8, replace “Public Service” with “public service” in each place.

Veterans’ Support Act 2014 (2014 No 56)

Replace section 160(3) with:

- (3) **Clauses 2 and 4 of Schedule 6 of the Public Service Legislation Act 2019** apply to a delegation under subsection (1) as if the delegation were made under **clause 3 of that Schedule**.

In section 203(1)(a), replace “section 41(1A) of the State Sector Act 1988” with “**clause 2(6) of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 203(1)(b), replace “section 41(2A) of the State Sector Act 1988” with “**clause 2(3) of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 203, replace subsection (2) with:

- (2) **Clauses 2 and 4 of Schedule 6 of the Public Service Legislation Act 2019** apply, with any necessary modifications, to a delegation under subsection (1) as if the general manager were a public service chief executive.

Volunteers Employment Protection Act 1973 (1973 No 25)

In section 2(1), definition of **State employee**, paragraph (a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 2(1), definition of **State services**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 12(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (2010 No 24)

In section 6(3), definition of **department**, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Walking Access Act 2008 (2008 No 101)

In section 4, definition of **department**, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

Walking Access Act 2008 (2008 No 101)—*continued*

In section 43(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 45(4), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Weathertight Homes Resolution Services Act 2006 (2006 No 84) 5

In section 108(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In Schedule 3, clause 1(2), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

Weights and Measures Act 1987 (1987 No 15) 10

In section 26(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 26(3), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 30J, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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Wild Animal Control Act 1977 (1977 No 111)

In section 19, replace “State Services Commission” with “Public Service Commission”.

Wildlife Act 1953 (1953 No 31) 20

In section 38(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 38(2)(a), replace “Public Service” with “public service”.

In section 38(8), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In section 43, replace “State Services Commission” with “Public Service Commission”.

Wine Act 2003 (2003 No 114)

In section 55(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

 30

In section 61, replace “section 41 of the State Sector Act 1988” with “**clause 2 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 74(1)(b), replace “Public Service listed in Schedule 1 of the State Sector Act 1988” with “public service listed in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

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Wine Act 2003 (2003 No 114)—*continued*

In section 82N(1)(g), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

In section 105(1)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Winston Churchill Memorial Trust Act 1965 (1965 No 39)

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In section 4(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

WorkSafe New Zealand Act 2013 (2013 No 94)

In section 3, definition of **collective agreement**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

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Part 2**Amendments to legislative instruments****Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Regulations 2011 (SR 2011/222)**

In regulation 23, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

15

Armed Forces Canteens (Fees and Travelling Expenses) Regulations 1974 (SR 1974/165)

In regulation 2(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

20

Biosecurity (Costs) Regulations 2010 (SR 2010/135)

In the Schedule, item 22, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011 (SR 2011/254)

25

Clause 4(1), definition of **applicant**, paragraph (e), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Child Support Rules 1992 (SR 1992/58)

In rule 32(1)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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Cremation Regulations 1973 (SR 1973/154)

In regulation 4(4), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

Education (School Risk Management Scheme) Regulations 2003 (SR 2003/39)

In regulation 4(6), replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375)

In regulation 29(5), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 5

Electricity Industry (Enforcement) Regulations 2010 (SR 2010/362)

In regulation 109(1)(a), replace “State Services Commissioner” with “Public Service Commissioner”.

In regulation 110, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 10

Family Court Rules 2002 (SR 2002/261)

In rule 106(1)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Family Proceedings Rules 1981 (SR 1981/261)

In rule 41(1)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”. 15

Government Superannuation Fund Contributions Order 1978 (SR 1978/159)

In Schedule 1, in the cross-heading “Occupational classes of the Public Service”, replace “Public Service” with “public service”. 20

Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (LI 2016/17)

In regulation 128(1)(b), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Housing Restructuring and Tenancy Matters (Prescribed Elements of Calculation Mechanism) Regulations 2018 (LI 2018/173) 25

In regulation 3(1), definition of **Crown**, paragraph (b), replace “Public Service specified in Schedule 1 of the State Sector Act 1988” with “public service specified in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations 2008 (SR 2008/189) 30

In regulation 21, definition of **conveyancing experience**, replace paragraph (c) with:

- (c) conveyancing work in the public service (as defined in **section 8 of the Public Service Legislation Act 2019**):

Lawyers and Conveyancers Act (Lawyers: Practice Rules) Regulations 2008 (SR 2008/188)

In regulation 3(1), definition of **legal experience**, paragraph (c), replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

5

Maori Purposes Fund Regulations 1937 (SR 1937/241)

In regulation 2(1) and (3), replace “officer of the Public Service” with “officer of the public service”.

In regulation 2(1) and (3), replace “Commissioners” with “Commissioner”.

Measurement Standards Regulations 2019 (LI 2019/91)

10

In regulation 3, definition of **government agency**, paragraph (a), replace “section 27A of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

Medicines (Database of Medical Devices) Regulations 2003 (SR 2003/325)

In regulation 3, definition of **Ministry of Health**, replace “Public Service” with “public service”.

15

New Zealand Public Service Medal Regulations 2018 (LI 2018/151)

In regulation 3, definition of **department**, replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

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In regulation 3, definition of **departmental agency**, replace “Schedule 1A of the State Sector Act 1988” with “**Part 2 of Schedule 2 of the Public Service Legislation Act 2019**”.

In regulation 3, replace the definition of **Public Service** with:

public service means departments (and any departmental agencies that are part of those departments)

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In regulation 3, replace the definition of **Public Service employee** with:

public service employee means an employee or a chief executive of a department or departmental agency

In regulation 3, insert in its appropriate alphabetical order:

Public Service Commissioner means the Public Service Commissioner appointed under **section 40 of the Public Service Legislation Act 2019**

30

In regulation 3, revoke the definition of **State Services Commissioner**.

In regulation 4(1) and (2), replace “Public Service” with “public service” in each place.

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In regulation 4(2), replace “State Services Commissioner” with “Public Service Commissioner”.

New Zealand Railways Corporation (Staff) Regulations 1982 (SR 1982/46)

In regulation 45(1)(d)(iv), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In regulation 139(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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In regulation 143(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In regulation 144(1), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In regulation 146, table, item 1, in column 1, replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

10

Oranga Tamariki (Residential Care) Regulations 1996 (SR 1996/354)

In regulation 2, definition of **social worker**, replace “Part 5 of the State Sector Act 1988” with “**Part 3 of the Public Service Legislation Act 2019**”.

In regulation 30(2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

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Oranga Tamariki Rules 1989 (SR 1989/295)

In rule 36(1)(a), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

Public Lending Right for New Zealand Authors Regulations 2008 (SR 2008/243)

20

In regulation 5(b), replace “Schedule 1 of the State Sector Act 1988” with “**Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

Residential Care and Disability Support Services Regulations 2018 (LI 2018/203)

In Schedule 3, clause 2, definition of **Crown**, paragraph (b), replace “Public Service specified in Schedule 1 of the State Sector Act 1988” with “public service specified in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

25

Social Security Regulations 2018 (LI 2018/202)

In regulation 171(3), definition of **State services**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In Schedule 8, clause 5, definition of **Crown**, paragraph (b), replace “Public Service specified in Schedule 1 of the State Sector Act 1988” with “public service specified in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

30

Student Allowances Regulations 1998 (SR 1998/277)

In regulation 2(1), definition of **Crown**, paragraph (b), replace “Public Service specified in Schedule 1 of the State Sector Act 1988” with “public service specified in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**”.

35

The New Zealand Public Service Medal (LI 2018/134)

In clause 8, replace “State Services Commissioner” with “Public Service Commissioner” in each place.

In clause 12, replace “State Services Commissioner” with “Public Service Commissioner” in each place.

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Travelling Allowance Regulations 1949 (SR 1949/94)

In regulation 18(a) and (b), replace “Public Service” with “public service” in each place.

Valuers Regulations 1949 (SR 1949/25)

In regulation 9, replace “Public Service” with “public service”.

10