

# **Public Service Amendment Bill**

Government Bill

As reported from the Governance and Administration Committee

## **Commentary**

### **Recommendation**

The Governance and Administration Committee has examined the Public Service Amendment Bill and recommends by majority that it be passed. We recommend all amendments by majority, except for clauses 62A and 62B, which we recommended unanimously.

### **Introduction**

This bill has three stated objectives; as outlined in the explanatory note, it seeks to:

- drive improvements in public service performance
- ensure that the public service can efficiently and effectively serve the government to deliver value for money for all New Zealanders
- create more stability by removing prescription and allowing individual governments more flexibility to express certain policy objectives using non-legislative levers.

Part 1 of the bill would amend the Public Service Act 2020. Part 2 of the bill would make consequential amendments to several other Acts, including the Civil Defence Emergency Management Act 2002, the Data and Statistics Act 2022, and the Security Information in Proceedings Act 2022.

The key changes proposed by the bill are to:

- clarify the role of the public service
- refine the responsibilities of public service chief executives
- reinforce the core principles of political neutrality, merit-based appointment, and professional competence
- strengthen performance management of agencies and chief executives

- ensure capability in key positions that oversee common operational functions
- provide for better management of risks to national security or the national interest.

### Submissions received on the bill

We received written submissions from 94 groups and individuals, and heard oral evidence from 17 of them. Of the 94 submitters, 68 were opposed to the bill, 5 supported it, 7 expressed partial support, and 14 did not state whether they supported or opposed the bill. The Public Service Commission provided advice and a full summary of the submissions received. We thank submitters for sharing their views on the bill.

The key themes that we heard from submitters were:

- **Maintaining a long-term focus**—Submitters questioned how the bill would help the public service to maintain a focus on the long-term public interest, or support the Government in pursuing this. They raised questions about the proposed changes to the purpose statement and to long-term insights briefings.
- **Political neutrality**—Submitters emphasised the importance of a politically neutral public service. Many were concerned that the bill could undermine neutrality or increase politicisation of the public service and its leaders. These concerns related to proposed changes to chief executive appointments and performance management (clause 46), chief executives' responsibilities (clause 11), allowing key positions to be designated by the Commissioner (clause 30), and allowing fixed-term appointments to the Policy Advisory Group (clause 32).
- **Pay equity and diversity**—Submitters commented on proposals associated with pay equity, and diversity and inclusion. A number of submitters suggested that these changes would reduce emphasis or have a negative signalling effect on the government's commitment to equal pay or pay equity claims. In relation to diversity and inclusion, some submitters told us that the changes would undermine the public service's commitment to diversity and inclusion and ongoing progress towards such objectives.
- **Active citizenship**—Many submitters opposed removing the phrase "facilitating active citizenship" from the purpose statement (clause 10). They felt that this change would send the wrong signal, reduce civic participation and transparency, and harm public service performance.

We thank all submitters for their time and for sharing their views. While we considered all submissions, we note that some concerns raised by submitters, including on controversial elements, are not reflected in our proposed amendments to the bill, which we discuss below.

We have carefully considered these matters. The majority of us are satisfied with the provisions in the bill as introduced.

## **Legislative scrutiny**

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

## **Proposed amendments**

The rest of this commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

## **Minimum standards of integrity and conduct**

Clause 14 would amend section 17 of the Act to make it mandatory for the Public Service Commissioner to set minimum standards of integrity and conduct, rather than leaving this optional. That is, the bill would change “may” to “must” in the heading and section 17(1). New section 17(1A) would provide, as in the Act at present, that those minimum standards “may” include standards relating to the public service principles or values.

We agree with submitters that it should be mandatory for the Commissioner to set minimum standards of integrity and conduct related to the public service principles and values. We therefore recommend changing section 17(1) to provide for this.

In addition, we note that to maintain public trust and confidence in the public service the Commissioner may still need to set standards for other integrity matters that are not specified in the principles or values. We therefore recommend amending clause 14, proposed section 17(1A) to maintain the existing ability of the Commissioner to set minimum standards of integrity and conduct related to other matters.

## **Performance improvement reviews**

Clause 43 would amend Schedule 3 of the Act to insert new clause 5A. New clause 5A would allow the Commissioner to carry out an agency performance improvement review or a system performance improvement review with the agreement of the appropriate or responsible Minister. In addition to core public service agencies, this clause would also apply to the New Zealand Police, the New Zealand Defence Force, the Parliamentary Counsel Office, and the Crown entities named in Schedule 1 of the Crown Entities Act 2004. Performance improvement reviews are broad reviews of overall agency performance, which do not affect the strategic separation of these entities from the public service.

However, we note that section 100 of the Policing Act 2008 specifically limits the scope of any review of the Police carried out under clause 5 of Schedule 3 and section 44(d)(ii) of the Public Service Act. Such a review may only cover the general and administrative functions of the Police Commissioner and must not examine the exercise of the “constabulary” functions of the Police under section 16(2) of the Policing Act. We recommend inserting clauses 62A and 62B to consequentially amend section 100 of the Policing Act to clarify that performance improvement reviews are limited in the same way.

## **Managing risks to national interest and security**

Clause 43 would insert new clauses 5C to 5F in Schedule 3. This clause would allow the Commissioner to restrict or prohibit the use of specific products, services, or vendors by public service agencies where there is a risk to national security or the national interest. Before issuing a direction of this kind, the Commissioner would be required to consider several factors, including the effect on users of the product, service, or vendor.

We are concerned that clause 5C(4)(e) as introduced could be interpreted as applying not only to users within the public service, but also to users more broadly, including those in the private or community sectors. In our view, the scope of the provision should be clarified to avoid unintended consequences.

Therefore, we recommend amending clause 5C(4) to make it clear that the requirement to consider the effect on users refers specifically to relevant agencies, as defined in the bill, and to individuals working within those organisations.

## **Long-term insights briefings**

The Public Service Act requires chief executives of government departments to develop and publish long-term insights briefings (LTIBs) at least once every 3 years. These briefings must be prepared independently of the relevant Minister, and chief executives must consult the public twice, on both the subject matter and the draft of the LTIB. The purpose of LTIBs is to inform the public about medium- and long-term trends, and future risks and opportunities facing New Zealand.

The bill proposes changes to the LTIB process (clause 45, amending Schedule 6). It would replace the requirement for each agency to prepare its own briefing with a single LTIB prepared by the chief executive of the Department of the Prime Minister and Cabinet (DPMC), on behalf of the public service. We propose two changes to the LTIB provisions.

DPMC reviewed the first round of LTIBs in 2023 and found that requiring two rounds of public consultation added time and cost. We therefore recommend removing the requirement for public consultation on the subject matter of an LTIB, while retaining the requirement to consult on the draft briefing. We acknowledge and agree that requiring two rounds of public engagement on even a single LTIB has limited value and adds significant cost to the LTIB development process.

The bill would require DPMC to provide the LTIB to the Prime Minister and the Minister for the Public Service at least once every 3 years, starting from the bill's commencement date. We note that the Standing Orders Committee, in its 2020 Review of Standing Orders, recommended that LTIBs be presented to the House no later than 30 June in the second calendar year after each general election. We recommend amending clause 45(2) of the bill to state that the 3-year period should begin on 1 June 2026. This change would amend Schedule 6, clause 8(1) of the Act.

We acknowledge that some LTIBs have overlapped with those of other agencies or provided limited value. However, this is not always the case. LTIBs give the public

and Parliament important insights into longer-term trends, opportunities, and challenges. Public service agencies assure us that they are constantly thinking about long-term issues. We consider it important that long-term thinking in the public service is shared with the public and Parliament.

We consider that DPMC should seek input from other government agencies that are currently required to produce their own LTIBs, to assist it in the planning and drafting process. We look forward to seeing the first version of the single LTIB and the value it offers.

We intend to discuss these issues with DPMC as part of its 2024/25 annual review. We consider that, as part of their annual reviews, government agencies should be expected to provide information about the key long-term issues they are focused on. Finally, we recommend that the Governance and Administration Committee of the 55th Parliament review the proposed amendments after the next round of the LTIB.

### **Appointment of public service chief executives**

As introduced, clause 46(3) of the bill would amend Schedule 7, clause 3(4)(b) of the Act to clarify that the Public Service Commissioner may be part of an interview panel for appointing chief executives, even if not acting as chair of the panel. We note that it has become frequent practice to include an existing public service chief executive on appointment panels, as they can have valuable insight into the suitability of candidates for such roles. We recommend providing for this option by including the phrase “or a public service chief executive” in clause 3(4)(b) of Schedule 7. We note that the Commissioner or Deputy Commissioner would still be required to chair the panel.

### **New Zealand Labour Party differing view**

The Labour Party opposes the Public Service Amendment Bill. It is in the interests of our democracy that the public service is trusted and maintains its political neutrality. It is therefore disappointing that there was not attempt to obtain broad cross-party consensus on the changes proposed in this bill that are wide ranging and significant.

The follow areas outlined a summary of our main objections to this bill:

#### **1. Changes to diversity, equity, and inclusion**

This bill removes the requirement that the public service chief executives and the Public Service Commissioner foster a public service that represents the community it serves. There was no justification provided for this change and no evidence provided during the select committee process of a single instance of a public servant not being appointed on merit. It is our view that a public service that represents the community they serve—and are appointed on merit—is the best way to ensure an effective and appropriate service to the public. This move challenges the progress New Zealand has made towards a diverse and representative public service and brings unhelpful and unfounded divisions into our country.

## **2. Pay equity changes**

Following the Government's sweeping changes removing pay equity rights from tens of thousands of New Zealand workers with active claims earlier this year, the Government has continued its attack on the work towards ensuring that men and women receive equal pay for work of equal value through the removal of the requirements for chief executives and the Public Service Commission to work towards pay equity. This is particularly disappointing as the public service has always been a leader in pay equity with legislation ensuring pay equity coming into force in 1960 some 12 years before the Equal Pay Act 1972. Once again, the changes in this bill take New Zealand women and their journey towards equality backwards.

## **3. Long-term insights briefings**

This bill significantly reduces the number of long-term insights briefings from 34 to one to be undertaken by DPMC. Additionally, changes have been made in the committee to take away the requirement for consultation on the subject matter of the single long-term insights briefing. We oppose both of these changes. Long-term insights briefings help to keep the executive and the public service accountable for their long-term planning and direction. The reports can provide invaluable, and likely irreplaceable, long-term analysis on the challenges facing New Zealand. We are not convinced that the fact that agencies could produce a long-term insights briefing is enough of an indication that they will produce one. The likely effect of this change is less attention given by the public service to the long-term issues facing New Zealand.

Additionally, we were convinced by the submission of the Clerk of the House of that noted Parliament saw significant value in separate briefings that allowed and encouraged Parliament and the public to engage with data and trends on important issues.

## **4. Risks to public service neutrality**

Two changes in this bill in our view risk the important principle of public service neutrality. The change to require chief executives to re-apply for their job at the end of their term and be reappointed by the Minister without the flexibility for this to be extended. We fear this may make CEs more likely to fashion their leadership and priorities and be beholden to the Minister of the day and is therefore a possible move away from the neutral public service we should be aiming for. No credible issues were provided with the existing CE appointment process to justify this change.

It is also concerning that Policy Advisory Group (PAG) employees would be engaged as fixed-term employees meaning they lose their employment security and, rather than the Prime Minister being able to count on independent public servants, it could be possible for the Prime Minister to ensure that PAG only provides the type of advice that the PM of that time wanted to hear, possibly undermining the independent voice PAG currently provides.

## **5. Bill is unlikely to achieve its stated aims**

This bill is unlikely to achieve its aims in relation to improvements to the public service, in fact it is likely to do damage to the reputation and effectiveness of the public

service through its removal of accountabilities and focuses on equity, and its changes that may undermine the neutrality and independence of the public service. The risk of the bill failing to achieve its objectives is even noted in the bill's Regulatory Impact Statement.

### **Green Party of Aotearoa New Zealand differing view**

“This Bill represents a retrograde step in the legislative protection of, and tools to advance fundamental human rights”

—New Zealand Human Rights Commission

The Green Party opposes the Public Service Amendment Bill. While there are many aspects of the legislation we find problematic, for the interest of brevity we will concentrate on three key issues: the politicisation and privatisation of the public service, deprioritisation of equity measures, the downgrading of the long-term insights briefing. We agree by many of the concerns raised by submitters—particularly the Public Service Association that described it in their submission as “a backwards step—one that will contribute to a public service that’s less connected to communities, less able to hold on to its capability to address big issues over the long term, more politicised, and less able to hold on to talented people who care about a spirit of service to their community.”

In addition—we echo the sentiments raised by submitters such as Jonathan Boston that “Changes to legislation of constitutional significance, such as the Public Service Act, should ideally be based on a careful, independent analysis of the issues and options, in depth public consultation, and broad cross-party agreement.” This has not occurred and it is outrageous that the Government is ramming through another bill with constitutional significance without cross-party engagement or support.

### **Politicisation and privatisation of public service**

The bill weakens the independence and non-political nature of the New Zealand public service and opens the way for an American-style politicised public service and the privatisation of the public service. We share the concerns of the New Zealand Nurses Organisation in their submission that “the bill extends the Governments direct control over its agencies and we are concerned that the Bill undermines the independence of the public sector.”

The deletion of references to current and successive governments, long-term public interest, and “improving ways of working across public sector agencies” and the insertion of a responsibility to adhere to the diktats of Ministers in clauses 10–11 are deeply concerning. The cumulative effect of those changes will increase the possibility of a public service that is siloed, and narrowly focused on complying to the political diktats of Governments—rather than serving the public good or the long-term interest of the public. We agree with the New Zealand Law Society submission that this “arguably undermines the principles of public sector neutrality” and in particular removing the references to successive governments “could signal an intention to

depart from political neutrality by encouraging greater alignment with the policies and decisions made by the Government of the day”.

We also share the concerns articulated by the Disabled Peoples’ Assembly that the overly narrow focus on value and efficiency in the public service could lead “compromise its ability to deliver specialist or tailored supports to disabled people and their families whānau” and their recommendation in clause 11 for agencies to develop continuity plans with disabled people in the event of emergencies.

Clause 29–30 are problematic in that they enable the Public Service Commissioner to designate any employee in the public service using a loose and ill-defined criteria to exempt them from public service requirements to “act independently” of the Minister.

We share concerns articulated by NZNO and other submitters in clause 37 potentially being able to be read in a way that restricts collective agreements.

Clause 38 is welcome—but we have misgivings that section 94B(c) may give overly broad powers to the commissioner, including the power to shut down investigations by issuing guidance to not report.

We are concerned that clause 45(1) could open the door to public sector privatisation. This clause weakens existing protections in the public sector around conflict of interest management and opens the door to more private actors being designated powers by public sector chief executives.

We are concerned that clause 46 will enable a greater politicisation of the public service by increasing ministerial control over the appointment process for chief executives and chairs and that the performance framework will enable the Government to incentivise alignment with their political goals through increases in pay to an already well remunerated group of people. We share concerns articulated by Dr Jonathan Boston that “there is no reliable evidence to support the proposition that performance-related remuneration of senior public servants improves their performance.”

### **Deprioritisation of equity measures—pay equity and inclusion clauses**

We are deeply concerned of the removal of requirements of the public service to take into account the need to ensure diversity, inclusion, and equity within the public service across numerous clauses of the bill including 21, 34, 39, 46, and other clauses. The removal of pay equity clauses in 21, 34, and 46 are further retrograde acts that will perpetuate pay gaps in the public sector that are based on discrimination.

We agree with the concerns articulated by submitters including:

“(that it will) make it harder for disabled job applicants to overcome discriminatory barriers when seeking employment within the public sector”

—Disabled Persons’ Assembly

“they are essential to delivering fair and effective public services that are sensitive to the needs of all New Zealanders. The public service does its job well and is legitimate because it represents our diverse country”

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“Achieving full pay parity across the health sector would enable more people to be recruited to nursing to meet the needs of the communities”

—New Zealand Nurses Organisation

“moves towards marginalising disabled communities in decision-making processes, reduces the commitment to co-design, and narrows opportunities for meaningful participation”

—Parents of Vision Impaired New Zealand

### **Downgrading of Long-Term Insights Briefing**

(This bill) “appears to reduce opportunities for parliamentary scrutiny of the executive”

—Office of the Clerk

We agree with the concerns articulated by many submitters that the downgrading of the requirement for Long-Term Insights Briefing represent a backwards step that will prioritise short-term decision making.

## **Appendix**

### **Committee process**

The Public Service Amendment Bill was referred to this committee on 31 July 2025. The House instructed us to report the bill back no later than 1 December 2025.

We called for submissions on the bill with a closing date of 31 August 2025. We received and considered submissions from 94 interested groups and individuals. We heard oral evidence from 17 submitters. We wish to acknowledge the efforts of all submitters and thank them for their engagement. We considered their views carefully when forming our recommendations for amendments.

Advice on the bill was provided by the Public Service Commission. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

### **Committee membership**

Camilla Belich (Chairperson)

Tim Costley

Andy Foster

Hon Melissa Lee

Tom Rutherford

Lemauga Lydia Sosene

Celia Wade-Brown

Francisco Hernandez participated in our consideration of this bill.

### **Related resources**

The documents we received as advice and evidence are available on the Parliament website.

**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted by a majority

text inserted unanimously

~~text deleted by a majority~~



*Hon Judith Collins*

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Government Bill

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**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Public Service Amendment Act **2025**.

**2 Commencement**

This Act comes into force on the day after Royal assent.

5

**Part 1**  
**Amendments to Public Service Act 2020**

*Amendments to Part 1*

**3 Principal Act**

This Part amends the Public Service Act 2020.

10

**4 Section 3 amended (Purposes of this Act)**

In section 3(e),—

- (a) delete “fundamental characteristic of the”; and
- (b) replace “is acting” with “acts”.

**5 Section 4 amended (Guide to this Act)**

15

(1) In section 4(2),—

- (a) after “purpose of the public service,”, insert “the principal responsibilities of chief executives,”; and
- (b) delete “acting with a spirit of service to the community,”.

(2) In section 4(4),—

- (a) replace “Deputy Public Service Commissioners” with “Deputy Public Service Commissioner”; and
- (b) after “provisions relating to”, insert “key positions in the public service,”.

20

**6 Section 5 amended (Interpretation)**

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- (1) In section 5, definition of **Deputy Commissioner**, replace “a Deputy Public Service Commissioner” with “the Deputy Public Service Commissioner”.
- (2) In section 5, definition of **public service employee**, paragraph (a), replace “sections 13 and” with “section”.

- (3) In section 5, definition of **public service leader**, replace “a Deputy Commissioner” with “the Deputy Commissioner”.

**7 Subpart 2 heading in Part 1 replaced**

In Part 1, replace the subpart 2 heading with:

Subpart 2—Public service defined, purpose of the public service,  
principal responsibilities of chief executives, and public service  
principles 5

**8 Cross-heading above section 10 repealed**

Repeal the cross-heading above section 10.

**9 Cross-heading above section 11 repealed** 10

Repeal the cross-heading above section 11.

**10 Section 11 replaced (Purpose)**

Replace section 11 with:

**11 Purpose of the public service**

The public service—

- (a) supports the Government to develop and implement its policies, deliver high-quality and efficient public services, and meet the needs of New Zealanders; and
- (b) supports constitutional and democratic government and acts with a spirit of service to the community and in accordance with the law. 20

**11 New section 11A inserted (Principal responsibilities of chief executives of departments and departmental agencies)**

After section 11, insert:

**11A Principal responsibilities of chief executives of departments and departmental agencies** 25

- (1) A chief executive of a department or departmental agency is responsible to the appropriate Minister for—
- (a) giving advice to Ministers; and
- (b) implementing Ministers’ lawful instructions; and
- (c) the efficient and economical delivery of the goods or services provided by their agency, the performance of the regulatory functions for which their agency is responsible, and how effectively those goods, services, and regulatory functions contribute to intended outcomes; and 30

- (d) the performance of the functions and duties and the exercise of the powers of the chief executive or of their agency (whether those functions, duties, or powers are imposed or conferred by an enactment or by the policies of the Government); and
- (e) the operation of their agency, including in carrying out the purpose of the public service under section 11; and 5
- (f) the financial stewardship of their agency, including building and maintaining a financially literate workforce; and
- (g) working to improve inter-operability, co-ordination, and collaboration across public service agencies; and 10
- (h) the integrity and conduct of the employees for whom the chief executive is responsible; and
- (i) their agency's responsiveness on matters relating to the collective interests of government; and
- (j) supporting that Minister to act as a good steward of the public interest, including by— 15
- (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. 20
- (2) The chief executive of a department is not responsible for the performance of functions or duties, or the exercise of powers, of or by that part of the department that is a departmental agency hosted by the department unless expressly provided in this Act or another enactment.
- (3) The chief executive of a departmental agency is responsible for the performance of functions and duties, and the exercise of powers, by that part of the department that is the departmental agency only and not any functions, duties, or powers of the host department unless expressly provided in this Act or another enactment. 25
- (4) The chief executive of a servicing department of an interdepartmental executive board is not responsible for the performance of functions or duties, or the exercise of powers, of or by the board unless provided in an enactment or delegated to the department under section 27. 30
- (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. 35

## **12 Section 12 amended (Public service principles)**

- (1) Replace section 12(2) with:
- (2) Public service chief executives, boards of interdepartmental ventures, and interdepartmental executive boards are responsible for—

- (a) upholding the public service principles when carrying out their responsibilities and performing their functions; and
- (b) ensuring that any agencies they lead or perform some functions within also uphold the public service principles when carrying out their responsibilities and performing their functions. 5
- (2) Repeal section 12(3) and (4).
- (3) In section 12(5), replace “subsections (2) to (4)” with “subsection (2)”.
- 13 Section 13 repealed (Spirit of service to community)**  
Repeal section 13.
- 14 Section 17 amended (Commissioner may set minimum standards of integrity and conduct)** 10
- (1) In the heading to section 17, replace “may” with “must”.
- (2) Replace section 17(1) with:
- (1) The Commissioner must set minimum standards of integrity and conduct, relating to— 15
- (a) the public service principles; and
- (b) the public service values.
- (1A) The Commissioner may set minimum standards of integrity and conduct— ~~may include standards~~ relating to other matters consistent with section 11.— 20
- (a) ~~the public service principles;~~
- (b) ~~the public service values.~~
- 15 Section 19 amended (Guidance on integrity and conduct)**  
In section 19(1), replace “agencies referred to in section 17(2)” with “agencies in the State services (except Crown Research Institutes and their subsidiaries)”.
- Amendments to Part 2* 25
- 16 Section 24 amended (Functions, duties, and powers and working arrangements of departmental agencies)**
- In section 24(6), replace “section 52(2) and (3), which relates to” with “**section 11A(2) and (3)**, which relates to”.
- 17 Section 26 amended (Establishment and reorganisations of interdepartmental executive boards)** 30
- (1) After section 26(1)(c), insert:
- (d) if the date on which the board is to be disestablished is changed, amend the date on which the board is to be disestablished and the item in Part 3 of Schedule 2 relating to that board is consequentially repealed. 35

- (2) Replace section 26(2)(d) with:
- (d) specify the date on which the board is to be disestablished and the item in Part 3 of Schedule 2 relating to that board is consequentially repealed.
- 18 Section 27 amended (Responsibilities, powers, and working arrangements of interdepartmental executive boards)** 5
- (1) In section 27(1)(a), replace “section 52(1) (relating to general responsibilities of chief executives)” with “**section 11A(1)** (relating to principal responsibilities of chief executives)”.
- (2) In section 27(3), replace “section 52(4) and (5), which relates to” with “**section 11A(4) and (5)**, which relate to”. 10
- 19 Section 34 amended (Responsibilities and powers of boards of interdepartmental ventures)**
- In section 34(a), replace “section 52(1) (relating to general responsibilities of chief executives)” with “**section 11A(1)** (relating to principal responsibilities of chief executives)”. 15
- Amendments to Part 3*
- 20 Cross-heading above section 42 amended**
- In the cross-heading above section 42, replace “*Deputy Public Service Commissioners*” with “*Deputy Public Service Commissioner*”.
- 21 Section 44 amended (Commissioner’s general functions)** 20
- In section 44(c), replace “that reflects the diversity of the society it serves and to ensure fair and equitable employment, including by promoting” with “and to promote”.
- 22 Section 45 amended (Duty to act independently when making decisions about public service chief executives)** 25
- Replace section 45(1) and (2) with:
- When making decisions about individual chief executives, the Commissioner is not responsible to the Minister and must act independently, except as provided for in clauses 3, 6, 7, and 8 of Schedule 7 (relating to appointment, transfer, conditions of employment, and removal from office of chief executives). 30
- 23 Section 47 amended (Deputy Public Service Commissioners)**
- (1) Replace the heading to section 47 with “**Deputy Public Service Commissioner**”.
- (2) In section 47(1), replace “Two Deputy Public Service Commissioners” with “A Deputy Public Service Commissioner”. 35

- (3) In section 47(3) and (6), replace “a Deputy Commissioner” with “the Deputy Commissioner”.
- (4) In section 47(4), replace “either or both of the Deputy Commissioners” with “the Deputy Commissioner”.
- (5) In section 47(5), delete “who has held the role longer”. 5
- 24 Section 48 amended (Other terms and conditions of appointment in Schedule 4)**
- In section 48, replace “Deputy Commissioners” with “Deputy Commissioner”.
- 25 Section 49 amended (Commissioner is chief executive of Commission)**
- (1) In section 49(2), replace “a Deputy Commissioner” with “the Deputy Commissioner”. 10
- (2) Replace section 49(3) with:
- (3) The Deputy Commissioner retains their office as Deputy Commissioner despite any delegation of all or part of the chief executive’s role.
- 26 Section 51 amended (Public service chief executives)** 15
- (1) After section 51(3)(a), insert:
- (aa) if the date on which the functional chief executive role is to be disestablished is changed, amend the date on which the role is to be disestablished and the item in Schedule 5 relating to that role is consequentially repealed: 20
- (2) Replace section 51(4)(d) with:
- (d) specify the date on which the functional chief executive role is to be disestablished and the item in Schedule 5 relating to that role is consequentially repealed.
- 27 Section 52 repealed (General responsibilities of chief executives of departments and departmental agencies)** 25
- Repeal section 52.
- 28 Section 53 amended (Functional chief executives)**
- In section 53(1), replace “Section 52(1)” with “**Section 11A(1)**”.
- 29 Section 54 amended (Duty to act independently in employment matters)** 30
- (1) In section 54(1), replace “section 52(1)” with “**section 11A(1)**”.
- (2) Replace section 54(2) with:
- (2) The independence required by subsection (1) is subject to—
- (a) the requirements in **section 55A(3) to (5)** relating to key positions; and 35

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

**30 New section 55A and cross-heading inserted**

After section 55, insert:

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*Key positions*

**55A Key positions in the public service**

- (1) The Commissioner may, after consulting the chief executive of a department or the board of an interdepartmental venture, designate as a key position a position in the department or interdepartmental venture that meets the criteria in **subsection (2)**.
- (2) For the purposes of this section and **section 54(2)(a)**, **key position** means a position in a department or an interdepartmental venture that, in the opinion of the Commissioner, is key—
- (a) because it is critical to the performance of the public service; or
- (b) because of its potential to develop senior leaders.
- (3) The chief executive or the board may appoint an employee to a key position only with the Commissioner’s agreement.
- (4) The chief executive or the board must consult the Commissioner on the performance review of any employee appointed to a key position.
- (5) The chief executive or the board must notify the Commissioner of any intention to redesign, restructure, or otherwise change a key position.
- (6) The Commissioner must publish a list of key positions on an Internet site maintained by or on behalf of the Commission.

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**31 Section 59 amended (Public service leadership team)**

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In section 59(b), replace “2 Deputy Commissioners” with “Deputy Commissioner”.

**32 New section 66A inserted (Public service employees: policy advisory group)**

After section 66, insert:

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**66A Public service employees: policy advisory group**

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

- (2) The chief executive of the Department of the Prime Minister and Cabinet may appoint employees to the policy advisory group on fixed-term employment agreements.
- (3) The following are each deemed to be a genuine reason for appointing employees to the policy advisory group on fixed-term employment agreements for the purposes of section 66(2)(a) of the Employment Relations Act 2000: 5
- (a) to enable periodic change in the composition of the policy advisory group for the purposes of developing leadership and advice capability in the public service:
- (b) to ensure that the policy advisory group comprises a complementary mix of advisory skills. 10

**33 Section 68 amended (Public service employees: departmental agencies)**

- (1) Before section 68(1)(a)(i), insert:
- (iaaa) **section 55A(3) to (5)** (relating to key positions); and
- (2) After section 68(1)(a)(vi), insert: 15
- (via) **section 89A** (application of collective agreements to employees following reorganisations); and
- (vib) **sections 89B to 89E** (application of employee and reorganisation provisions to transfers of functions between public service agencies and Crown entities); and 20
- (vic) **section 94A** (notification of misconduct or serious misconduct investigations); and
- (3) Repeal section 68(1)(xii) and (xiii).

**34 Section 73 amended (Chief executive of department and board of an interdepartmental venture to be good employer)** 25

- (1) Repeal section 73(2).
- (2) Repeal section 73(3)(i) and (j).

**35 Section 75 and cross-heading repealed**

Repeal section 75 and the cross-heading above section 75.

**36 New cross-heading above section 86 inserted** 30

After section 85, insert:

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

**37 New sections 89A to 89E and cross-headings inserted**

After section 89, insert: 35

*Application of collective agreements to employees following reorganisations***89A Application of collective agreements to employees following reorganisations**

- (1) This section limits which employees may be bound by a collective agreement that— 5
- (a) binds the chief executive or board of a department or an interdepartmental venture (**A**) before a transfer of functions from A to another department or interdepartmental venture (**B**) and that, as a consequence of clauses 2 and 3 of Schedule 9, binds the chief executive or board of B after that transfer of functions (**collective agreement A**); or 10
- (b) binds the chief executive or board of B before that transfer of functions (**collective agreement B**).
- (2) After that transfer of functions,—
- (a) the only employees of B who are entitled to be bound by or enforce collective agreement A are those employees who are appointed to a position as an employee in B that has been established (whether or not previously existing in A) to enable B to carry out the transferred functions; and 15
- (b) the only employees of B who are entitled to be bound by or enforce collective agreement B are those employees who hold, or are appointed to, a position as an employee other than a position referred to in **paragraph (a)**. 20
- (3) **Subsection (2)** does not bind an employee to a collective agreement, or entitle an employee to be bound by or enforce a collective agreement, if the employee would not otherwise be bound by, or be entitled to be bound by or enforce, that agreement. 25
- (4) This section limits which employees may be bound by collective agreements, and the coverage of those agreements, under sections 76 to 80 of this Act and sections 56(1), 57, 62(3), and 243 of the Employment Relations Act 2000.
- (5) This section does not apply to a collective agreement to the extent that the parties to the agreement agree otherwise. 30

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

This section and **sections 89C to 89E** apply to a transfer of functions from a Crown entity to a public service agency and to a transfer of functions from a public service agency to a Crown entity. 35

**89C Restriction of redundancy payments**

Sections 88(1) and (3) and 89 apply—

- (a) as if—
  - (i) a reference to a public service employee were a reference to an employee of a Crown entity, department, or interdepartmental venture; and 5
  - (ii) a reference to the employee's current department or interdepartmental venture were a reference to the employee's current Crown entity, department, or interdepartmental venture; and
- (b) with all other necessary modifications. 10

**89D Application of reorganisation provisions to collective agreements**

- (1) The provisions specified in **subsections (2) and (3)** (relating to reorganisations) apply to the extent that—
  - (a) those provisions relate to a collective agreement that binds the chief executive of a Crown entity or department or the board of an interdepartmental venture before the transfer of the functions; and 15
  - (b) that collective agreement applies to an employee whose position in the Crown entity or department or interdepartmental venture ceases to exist as a result of the transfer of functions.
- (2) Clause 2(3) and (6) of Schedule 9 applies— 20
  - (a) as if a reference to the public service agency whose functions have been transferred were a reference to the Crown entity or public service agency whose functions are being transferred; and
  - (b) with all other necessary modifications.
- (3) Clause 3(3) of Schedule 9 applies— 25
  - (a) as if a reference to the chief executive of the public service agency whose functions have been transferred were a reference to the board of the Crown entity, or the chief executive or board of the public service agency, whose functions have been transferred; and
  - (b) with all other necessary modifications. 30

**89E Application of collective agreements to employees following reorganisations**

- (1) **Section 89A** applies to the extent that—
  - (a) any collective agreement binds the chief executive of a Crown entity or department or the board of an interdepartmental venture before the transfer of the functions; and 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)	<b>Section 89A</b> applies in respect of the Crown entity, department, or interdepartmental venture that functions are transferred from—	5
(a)	as if any reference to department or interdepartmental venture A in that section were a reference to that Crown entity or department or interdepartmental venture; and	
(b)	with all other necessary modifications.	
<b>38</b>	<b>New sections 94A and 94B and cross-heading inserted</b>	10
	After section 94, insert:	
	<i>Notifying and reporting on misconduct or serious misconduct investigations</i>	
<b>94A</b>	<b>Notification of misconduct or serious misconduct investigations</b>	
(1)	A chief executive of a department or the board of an interdepartmental venture must notify the Commissioner before commencing an investigation into allegations of misconduct or serious misconduct by a senior public service employee.	15
(2)	The Commissioner may provide oversight and advice to the chief executive or the board on the interpretation and application of standards and guidance relating to integrity and conduct.	
(3)	In this section, <b>senior public service employee</b> means a public service employee who reports directly to the chief executive or the board.	20
<b>94B</b>	<b>Reporting on misconduct or serious misconduct investigations</b>	
(1)	This section applies to the agencies referred to in section 17(2) (excluding school boards).	
(2)	Each agency must give a report to the Commissioner on the outcome of all investigations into alleged misconduct or serious misconduct by employees of the agency that have ceased or are concluded before the end of a financial year, as soon as practicable after the end of that financial year.	25
(3)	The Commissioner may issue guidance on this reporting, including the format.	
(4)	The Commissioner must use this information to prepare and publish a report annually on an Internet site maintained by, or on behalf of, the Commission.	30
(5)	In this section, <b>school board</b> has the meaning given in section 7(1)(d) of the Crown Entities Act 2004.	

*Amendment to Part 4*

<b>39</b>	<b>Section 97 amended (Government workforce policy: content)</b>	35
	Repeal section 97(2)(e).	

*Amendments to Part 5*

- 40 Section 103 amended (Offence to solicit or attempt to influence public service leaders)**
- In section 103(3)(a), replace “a Deputy Commissioner” with “the Deputy Commissioner”. 5
- 41 Section 104 amended (Immunity for chief executives and employees)**
- (1) In section 104(1), replace “Public service chief executives, Deputy Commissioners,” with “The Commissioner, the Deputy Commissioner, public service chief executives,”.
- (2) After section 104(1), insert: 10
- (1A) The immunity in subsection (1) applies to public service chief executives acting in any capacity under this Act or any other Act or otherwise.

*Amendments to schedules*

- 42 Schedule 1 amended**
- In Schedule 1,— 15
- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
- (b) make all necessary consequential amendments.
- 43 Schedule 3 amended**
- (1) In Schedule 3, after clause 2(2), insert:
- (3) The Commissioner may recover from the public service agency or host department the actual and reasonable costs incurred by the Commission in conducting an investigation or inquiry. 20
- (2) In Schedule 3, in the heading to clause 4, after “**Power to**”, insert “**require information, question employees, and**”.
- (3) In Schedule 3, repeal clause 4(1)(a). 25
- (4) In Schedule 3, after clause 4(1)(c), insert:
- (d) enter the premises of a public service agency.
- (5) In Schedule 3, after clause 4(2), insert:
- (2A) A person has the same privileges as witnesses in courts of law when— 30
- (a) producing information, documents, and files; and
- (b) giving information or particulars; and
- (c) answering questions.
- (6) In Schedule 3, repeal clause 4(4).
- (7) In Schedule 3, after clause 5, insert:

*Performance improvement reviews***5A Power to conduct performance improvement review**

- (1) This clause applies to—
- (a) the public service; and
  - (b) Crown entities named in Schedule 1 of the Crown Entities Act 2004; and 5
  - (c) the New Zealand Police, the New Zealand Defence Force, and the Parliamentary Counsel Office.
- (2) The Commissioner may conduct—
- (a) an agency performance improvement review with the agreement of the appropriate or responsible Minister; or 10
  - (b) a system performance improvement review with the agreement of the Minister.
- (3) The Commissioner may recover from the agency or agencies, as applicable, the actual and reasonable costs incurred by the Commissioner in conducting the performance improvement review. 15
- (4) In this clause,—
- agency performance improvement review** means an independent review of the performance of an agency, including the agency’s delivery of government priorities, core functions, and organisational management
- system performance improvement review** means an independent review of the performance of a group of agencies, including how the agencies work together to deliver shared outcomes. 20

*Directions to manage risks to national interest and national security***5B Meaning of classified security information**

- (1) In this schedule, unless the context otherwise requires, **classified security information** means information held by a specified agency that the head of the specified agency certifies in writing cannot be disclosed under this Act (except as expressly authorised by or under an Act or other rule of law) because— 25
- (a) the information is information of a kind specified in **subclause (2)**; and
  - (b) disclosure of the information would be disclosure of a kind specified in **subclause (3)**. 30
- (2) Information falls within **subclause (1)(a)** if it—
- (a) might lead to the identification, or provide details, of the source of the information, the nature, content, or scope of the information, or the nature or type of the assistance or operational methods available to the specified agency; or 35

- (b) is about particular operations that have been undertaken, or are being or are proposed to be undertaken, in pursuance of any of the functions of the specified agency; or
- (c) has been provided to the specified agency by the Government of another country, an agency of the Government of another country, or an international organisation, and is information that the specified agency cannot disclose because the Government, agency, or organisation that has provided the information will not consent to the disclosure. 5
- (3) Disclosure of information falls within **subclause (1)(b)** if the disclosure would be likely— 10
- (a) to prejudice the security or defence of New Zealand or the international relations of New Zealand; or
- (b) to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of another country, an agency of the Government of another country, or an international organisation; or 15
- (c) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (d) to endanger the safety of any person.
- (4) In this schedule, in relation to classified security information,— 20
- head of the specified agency** means, as applicable, the Director-General of Security, the Director-General of the Government Communications Security Bureau, the Secretary of the Department of the Prime Minister and Cabinet, or the Secretary of Foreign Affairs and Trade
- specified agency** means, as applicable, the New Zealand Security Intelligence Service, the Government Communications Security Bureau, the Department of the Prime Minister and Cabinet, or the Ministry of Foreign Affairs and Trade. 25
- 5C Power to issue direction to manage risks to national security and national interest**
- (1) The Commissioner may, if the Commissioner considers it necessary to manage risk to national security or the national interest, issue to 1 or more relevant agencies a direction to restrict (including prohibit) the use of a specified vendor, service, or product, or specified class of vendors, services, or products, by or within those agencies. 30
- (2) Classified security information may be relied on in making a decision to issue a direction under **subclause (1)**. 35
- (3) The Commissioner must, before issuing a direction under this clause,—
- (a) seek advice from public service chief executives, including—
- (i) the Director-General of Security, the Director-General of the Government Communications Security Bureau, and the Secretary of 40

- the Department of the Prime Minister and Cabinet, regarding risk to national security; and
- (ii) the Secretary of Foreign Affairs and Trade, regarding New Zealand's international obligations and relationships; and
- (b) consult the Minister. 5
- (4) In issuing a direction, the Commissioner must have regard to—
- (a) the nature and extent of the risk to national security and the nature and extent of the risk to the national interest; and
- (b) the principle that the direction should be proportional to the nature of the risk; and 10
- (c) the anticipated benefits to New Zealand from preventing, sufficiently mitigating, or removing the risk; and
- (d) New Zealand's international obligations and relationships; and
- (e) the effect of the direction on the relevant agencies, or on the individuals working within those agencies, as users of the vendor, service, or product, or the class of vendors, services, or products; and 15
- (f) the effect that the direction may have on markets and trade; and
- (g) any other matters the Commissioner considers relevant.
- (5) An agency to which a direction issued under this clause applies must comply with the direction. 20
- (6) In this clause,—
- protective security requirements** has the meaning given in section 4(1) of the Inspector-General of Defence Act 2023
- relevant agency** means—
- (a) a public service agency: 25
- (b) an agency directed to implement the protective security requirements.
- 5D Commissioner may issue guidance to State services**
- The Commissioner may, if they issue a direction under **clause 5C(1)**, issue to 1 or more agencies in the State services guidance concerning the use, by or within those agencies, of the relevant specified vendor, service, or product, or specified class of vendors, services, or products. 30
- 5E Affected person must be notified of direction**
- (1) In this clause, **affected person** means, in relation to a direction issued under **clause 5C(1)**, any of the following persons:
- (a) a vendor who is specified in the direction: 35
- (b) a provider of a service that is specified in the direction:

- (c) a manufacturer or a developer of a product that is specified in the direction.
- (2) This clause applies if a direction has been issued under **clause 5C(1)** and an affected person or a representative of an affected person is in New Zealand.
- (3) The Commissioner must, if practicable, give notice (in the prescribed form (if any)) to the affected person or their representative that the direction has been issued. 5
- (4) A notice under **subclause (3)** must be given as soon as practicable after the direction has been issued.
- (5) If the Commissioner relies on classified security information in making a decision to issue the direction, the notice given under **subclause (3)** must state that— 10
- (a) the Commissioner relied on that kind of information; and
- (b) the affected person may request a summary (a **CSI summary**) of the classified security information. 15
- (6) The purpose of the CSI summary is to enable the affected person to have a sufficient understanding of—
- (a) the classified security information the Commissioner relied on in making the decision (without that information being disclosed to the affected person); and 20
- (b) the reasons for the decision based on that information.
- (7) If the affected person requests a CSI summary,—
- (a) the Commissioner and the head of the specified agency that holds the classified security information must agree on the contents of the summary; and 25
- (b) the Commissioner must provide the agreed summary to the affected person within a reasonable time.
- (8) However, the Commissioner may refuse to provide a CSI summary if the Commissioner and the head of the specified agency are satisfied that a summary that is sufficient to meet its purpose cannot be provided without disclosing classified security information. 30
- 5F Proceedings involving classified security information**
- (1) This section applies to any civil proceedings (including public law and judicial review proceedings) in a court relating to a direction issued under **clause 5C(1)**. 35
- (2) If the Crown proposes to present classified security information in proceedings, the Attorney-General must—

- (a) make an application to an authorised court under section 32 of the 2022 Act for a security information order to protect the confidentiality of the information to be given as evidence in the proceedings; and
- (b) submit to the court the certification described in **clause 5B(1)**.
- (3) If the classified security information is also national security information, the Crown may submit with the application and certification referred to in **sub-clause (2)** an NSI certificate under section 41 of the 2022 Act and seek a security information order as set out in section 36(3) of that Act (under which the types of orders available to the court are limited). 5
- (4) In this section,— 10  
**2022 Act** means the Security Information in Proceedings Act 2022  
**authorised court, national security information, NSI certificate, and security information order** have the meanings set out in section 4 of the 2022 Act.
- (8) In Schedule 3, replace clause 6(3)(d) with: 15  
 (d) the powers under **clause 5C** (relating to issuing a direction to manage risk to national security and the national interest); or  
 (da) the powers under clause 3 of Schedule 7 (relating to the appointment of public service chief executives); or
- (9) In Schedule 3, repeal clause 16(4)(a)(v).
- 44 Schedule 4 amended** 20
- (1) In the Schedule 4 heading, replace “**Deputy Commissioners**” with “**Deputy Commissioner**”.
- (2) In Schedule 4, clause 1(1), replace “the 2 Deputy Commissioners” with “Deputy Commissioner”.
- (3) In Schedule 4, clauses 1(2) and (3), 2(1), 4(1) and (2), and 5(1) and (2), replace “a Deputy Commissioner” with “Deputy Commissioner”. 25
- (4) In Schedule 4, clause 2(2), replace “a Deputy Commissioner” with “the Deputy Commissioner”.
- (5) In Schedule 4, clause 3(1), replace “Deputy Commissioners” with “Deputy Commissioner”. 30
- (6) In Schedule 4, clause 6(1), replace “a Deputy Commissioner” with “the Deputy Commissioner” in each place.
- (7) In Schedule 4, clause 6(2), replace “a Deputy Commissioner” with “the Deputy Commissioner”.
- 45 Schedule 6 amended** 35
- (1) In Schedule 6, replace clause 2(4)(c) with: 35  
 (c) an individual working in the public service as one of the following in relation to a function of the public service:

- (i) a secondee from elsewhere in the State services; or
- (ii) a contractor; or
- (iii) an employee of an employer who has a contract or other arrangement with the chief executive under which the employee performs work for the benefit of the chief executive and the chief executive is the controlling third party within the meaning given to that term in section 5 of the Employment Relations Act 2000. 5
- (2) In Schedule 6, replace clause 8(1) with:
- (1) The chief executive of the Department of the Prime Minister and Cabinet must give a long-term insights briefing to the Prime Minister and the Minister at least once in every 3-year period beginning on ~~the commencement date~~ 1 June 2026 and must do so independently of all Ministers. 10
- (3) In Schedule 6, repeal clause 8(4).
- (4) In Schedule 6, repeal clause 8(5).
- (5) In Schedule 6, clause 8(6), delete “by a department or departments”. 15
- (6) In Schedule 6, clause 8(7), after “The”, insert “Prime”.
- ~~(7) In Schedule 6, after clause 8(7), insert:~~
- ~~(8) In subclause (1), commencement date means the date on which subclause (1) comes into force.~~
- ~~(8) In Schedule 6, clause 9(1), replace “A chief executive” with “The chief executive of the Department of the Prime Minister and Cabinet”.~~ 20
- (8) In Schedule 6, replace clause 9(1) with:
- (1) The chief executive of the Department of the Prime Minister and Cabinet must undertake public consultation on a draft of the long-term insights briefing.
- (9) In Schedule 6, clause 9(2), replace “A chief executive” with “The chief executive”. 25
- (10) In Schedule 6, after clause 9, insert:
- Long-term thinking in policy development*
- 10 Long-term thinking in policy development**
- The chief executive of the Department of the Prime Minister and Cabinet must issue guidance to other chief executives to— 30
- (a) support long-term thinking in policy development; and
- (b) increase the capability of the public service to undertake long-term thinking in policy development.

*Business continuity management*

- 11 Public service agencies must have business continuity management in place**
- (1) A chief executive of a department or departmental agency, an interdepartmental executive board, or a board of an interdepartmental venture must— 5
- (a) ensure their agency has business continuity management in place that will enable it to deliver its critical functions and services during and after any disruption (including but not limited to an emergency); and
- (b) make available to the Commissioner in writing, on request, its plan for functioning during and after a disruption. 10
- (2) For the purposes of this section, **emergency** has the meaning given in section 4 of the Civil Defence Emergency Management Act 2002.
- 46 Schedule 7 amended**
- (1) In Schedule 7, clause 3(1), replace “clauses 4, 5, and 11” with “clause 11”.
- (2) In Schedule 7, clause 3(4)(a), replace “a Deputy Commissioner” with “Deputy Commissioner”. 15
- (3) In Schedule 7, replace clause 3(4)(b) with:
- (b) the Commissioner or Deputy Commissioner (whoever is not also the chairperson), or a public service chief executive, or an employee of the Commission; and 20
- (4) In Schedule 7, clause 3(7), delete “and diversity and inclusiveness”.
- (5) In Schedule 7, replace clause 3(15)(c) with:
- (c) the chairperson must appoint the person and publish in the *Gazette* without delay—
- (i) notice of the Governor-General’s direction under paragraph (a) to appoint the person; and 25
- (ii) notice of the appointment.
- (6) In Schedule 7, repeal clauses 4 and 5.
- (7) In Schedule 7, clause 6(1), replace “a Deputy Commissioner” with “the Deputy Commissioner”. 30
- (8) In Schedule 7, replace clause 9(1)(b) with:
- (b) a chief executive is absent from duty (for whatever reason) and—
- (i) is unable to delegate their functions, duties, and powers under this Act to another person under clause 2 of Schedule 6; or
- (ii) agrees that the Commissioner make the appointment. 35
- (9) In Schedule 7, replace clause 9(5) with:

- (5) The appointment of an acting chief executive ceases on the date on which a chief executive of a department or departmental agency, or a functional chief executive, takes office or returns to duty.
- (10) In Schedule 7, after clause 9, insert:
- 9A Performance review framework** 5
- The Commissioner must—
- (a) develop a framework, including the criteria and process, for conducting performance reviews of chief executives; and
  - (b) consult the Minister on the framework; and
  - (c) publish the framework on an Internet site maintained by, or on behalf of, the Commission. 10
- (11) In Schedule 7, after clause 10(1), insert:
- (1A) The Commissioner must consult, and have regard to any recommendations of, the appropriate Minister when—
- (a) setting the performance expectations of a chief executive, including the key performance indicators that the chief executive is expected to meet; and 15
  - (b) reviewing the performance of the chief executive under this clause.
- (12) In Schedule 7, clause 11(1) and (2), delete “4.”.
- 47 Schedule 8 amended** 20
- (1) In Schedule 8, clause 4(2), delete “, temporary, or casual”.
  - (2) In Schedule 8, clause 5(2), delete “be approved by the Commissioner and must”.
  - (3) In Schedule 8, repeal clauses 7 to 11 and the cross-headings above clauses 7 and 8. 25

## Part 2

### Consequential amendments to other Acts

#### *Amendment to Child Poverty Reduction Act 2018*

- 48 Principal Act**
- Section 49** amends the Child Poverty Reduction Act 2018. 30
- 49 Section 33 amended (Reports: consultation and acting independently)**
- In section 33(3)(a), replace “section 52” with “**section 11A**”.

*Amendment to Civil Defence Emergency Management Act 2002***50 Principal Act****Section 51** amends the Civil Defence Emergency Management Act 2002.**51 Section 58 repealed (Departments and interdepartmental ventures to prepare plans to continue functioning during and after emergency)** 5

Repeal section 58.

*Amendment to Crown Pastoral Land Act 1998***52 Principal Act****Section 53** amends the Crown Pastoral Land Act 1998.**53 Section 22A amended (Chief executive to prepare monitoring framework)** 10In section 22A(1)(a), replace “section 52(1)(d)” with “**section 11A(1)(j)**”.*Amendments to Data and Statistics Act 2022***54 Principal Act****Sections 55 and 56** amend the Data and Statistics Act 2022.**55 Section 6 amended (Interpretation)** 15In section 6, replace the definition of **Statistician** with:**Statistician** means the Government Statistician appointed under section 12**56 Section 12 amended (Government Statistician)**

Replace section 12(1) with:

(1) A Government Statistician must be appointed by the Public Service Commissioner in accordance with clause 3(2) to (9) of Schedule 7 of the Public Service Act 2020. 20

(1A) Clause 3(10) to (15) of that schedule does not apply to the appointment of the Government Statistician.

*Amendments to Education and Training Act 2020* 25**57 Principal Act****Section 58** amends the Education and Training Act 2020.**58 Section 463 amended (Chief Review Officer to perform certain functions)**In section 463(1)(a)(ii) and (2)(b), replace “section 52” with “**section 11A**”.

*Amendment to Employment Relations Act 2000***59 Principal Act****Section 60** amends the Employment Relations Act 2000.**60 Section 194 amended (Application for review)**

In section 194(1), delete “and 7 to 11”.

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*Amendment to Legislation Act 2019***61 Principal Act****Section 62** amends the Legislation Act 2019.**62 Section 106 amended (Chief executives must act independently and include statement of responsibility)**In section 106(2), replace “section 52” with “**section 11A**”.

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*Amendment to Policing Act 2008***62A Principal Act****Section 62B** amends the Policing Act 2008.**62B Section 100 replaced (Scope of review by Public Service Commissioner)**

Replace section 100 with:

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**100 Scope of review by Public Service Commissioner**

(1) This section applies if the Public Service Commissioner—

(a) is directed or requested under clause 5 of Schedule 3 of the Public Service Act 2020 to carry out, under section 44(d)(ii) of that Act, a review of the performance of the Police; or(b) conducts, under **clause 5A** of Schedule 3 of the Public Service Act 2020, an agency performance improvement review of the Police or a system performance review that includes the Police.

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(2) The review may relate only to matters referred to in section 16(1).

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*Amendment to Remuneration Authority Act 1977***63 Principal Act****Section 64** amends the Remuneration Authority Act 1977.**64 Schedule 4 amended**

In Schedule 4, replace “Deputy Public Service Commissioners” with “Deputy Public Service Commissioner”.

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*Amendments to Security Information in Proceedings Act 2022***65 Principal Act**

**Sections 66 and 67** amend the Security Information in Proceedings Act 2022.

**66 Section 4 amended (Interpretation)**

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- (1) In section 4, definition of **classified security information**, after paragraph (a), insert:

(aa) **clause 5B** of Schedule 3 of the Public Service Act 2020:

- (2) In section 4, definition of **security information** or **SI**, after paragraph (a)(ii), insert:

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(ia) **clause 5B** of Schedule 3 of the Public Service Act 2020:

**67 Section 29 amended (Application of Part)**

After section 29(a)(ii), insert:

(ia) **clause 5F** of Schedule 3 of the Public Service Act 2020:

## Schedule

### New Part 2 inserted into Schedule 1

s 42

#### Part 2

#### Provisions relating to Public Service Amendment Act 2025 5

##### 18 Transition to single Deputy Commissioner

(1) In this clause,—

**Act** means the Public Service Amendment Act **2025**

**commencement date** means the date on which **section 23** of the Act comes into force. 10

(2) The person who is the longest serving Deputy Commissioner immediately before the commencement date is to be treated as the Deputy Commissioner under this Act on and after the commencement date.

(3) The terms and conditions of appointment of that person that applied immediately before the commencement date continue to apply on and after the commencement date unless modified in accordance with the applicable rules and procedures. 15

(4) The role of the Deputy Commissioner who is not the longest serving immediately before the commencement date comes to an end at the close of the day before the commencement date. 20

#### Legislative history

28 July 2025

Introduction (Bill 190–1)

31 July 2025

First reading and referral to Governance and Administration Committee