



Report Title:	Vacancy: Public Service Commissioner		
Report No:	PSC appointment 001		
Date:	23 January 2024		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Note the enclosed appointment process and indicative timeline for the Public Service Commissioner role	Due Date	24 January 2024
	Lodge the enclosed vacancy paper for the Cabinet meeting on 30 January 2024	Due Date	25 January 2024
Contact Person:	Thor Gudjonsson, Deputy Commissioner System and Agency Performance		
Contact No:	9(2)(a) privacy		
Encl:	Yes	Priority:	Medium
Security Level:	SENSITIVE-STAFF		

Executive Summary

1. The statutory position of Public Service Commissioner (the Commissioner) will become vacant on the retirement of Mr Peter Hughes CNZM on 29 February 2024. As of the date of retirement, Mr Hughes will have completed approximately 7 years and 7 months in the role.
2. The Public Service Commissioner is appointed by the Governor-General on the recommendation of the Prime Minister. Previous practice has been that the Minister for the Public Service manages the appointment process of behalf of the Prime Minister.
3. This report sets out matters for your consideration in advising the Prime Minister about selection and appointment of a new Commissioner.

Recommended Action

We recommend that you:

- a **Agree** that Deputy Public Service Commissioner, Ms Heather Baggott and senior staff members from the Public Service Commission manage the Public Service Commissioner appointment process on your behalf.

Agree/disagree.

- b **Confirm** the priorities (through the draft position description) for the Public Service Commissioner role

Feedback required/no feedback required.

- c **Lodge** the attached vacancy paper for the Cabinet meeting on 30 January 2024

Lodged/ not lodged

Hon Nicola Willis

Minister for the Public Service

Public Service Commissioner appointment mechanisms

4. The Commissioner is appointed by the Governor-General on the recommendation of the Prime Minister under section 42 of the Public Service Act (the Act). The process for appointing the Commissioner is not prescribed in legislation, however before making a recommendation, the Prime Minister must consult with the leader of each political party represented in the House of Representatives under s 42(2) of the Act.
5. The Commissioner must be appointed for a term of up to 5 years and may be reappointed for further terms. The remuneration for the Commissioner is determined by the Remuneration Authority.
6. You have advised that in line with past practice, you will manage this appointment process on behalf of the Prime Minister.

Proposed appointment process

7. There is no set appointment process for the Commissioner role. The process that was used to appoint Mr Hughes in 2016 and Mr Iain Rennie in 2008 was adapted from the Public Service Commission's Public Service chief executive appointment process. This process had been independently reviewed and is considered to reflect sound practice. It has also been successfully adapted for several statutory appointments that the Commissioner manages on behalf of Ministers. It is recommended that the same process is followed in this instance to recruit a new Commissioner.

IN CONFIDENCE

8. In the 2016 process the Deputy State Services Commissioner and one senior member from the Commission's appointments team managed the appointment on behalf of the Minister. It is recommended that a similar arrangement be put in place for this recruitment.
9. Deputy Public Service Commissioner, Heather Baggott supported by two senior staff members will work independently from the rest of the Commission on this recruitment to ensure confidentiality.
10. We intend to run an appointment process that is thorough, transparent, timely and cost effective.
11. An outline of each of the steps in the proposed recruitment process is attached as Appendix One. A high-level indicative timeline is attached as Appendix Two; we will work with your office to align the key dates with your availability.

Acting Commissioner

12. As an appointment for the new Commissioner will not be made by 1 March 2024, an Acting Commissioner is required. Section 47(5) of the Public Service Act states that the Deputy Public Service Commissioner who has held the role longest must act as Commissioner and this automatically applies when the position is vacant.
13. Ms Heather Baggott is the longest serving Deputy Public Service Commissioner, having been appointed in October 2021 and will act as Commissioner.

Next Steps

14. Attached as appendix 3 is a letter for you to send to the Prime Minister to confirm the proposed process for this appointment should you wish. This letter also seeks his feedback on the position description.
15. Enclosed is a vacancy paper for this position for noting by Cabinet. If it is possible to have your and the Prime Minister's agreement to the position description by Wednesday 24 January 2024 this paper will be lodged for the Cabinet meeting on 30 January 2024. This paper will seek agreement to the position description as the basis for recruitment. Following Cabinet agreement we will commence advertising.
16. A copy of the draft advertisement will be provided to you alongside suggestions for the panel which you will be convening. Once you have indicated your preferred panel composition we will contact them to make interview day arrangements.

Appendix One: Proposed recruitment process

- 1 The vacancy will need to be noted by Cabinet and a position description confirmed.
- 2 The Commission will advertise the position publicly through a number of channels (Seek, GovtJobs, LinkedIn). The Commission will receive applications, answer queries, provide reports to the Minister and the panel.
- 3 The costs for the recruitment process will be met by the Commission. We estimate that the cost will be approximately \$45,000 and are mainly for leadership assessments and advertising costs.

Developing a short list

- 4 The Commission will provide you with the applications and reports on the applicants to support you to develop a shortlist.
- 5 Shortlisted candidates will undertake an assessment with Dr Sharon Rippin, Director, Psych for Leaders, this will also include media assessments.

Interview panel

- 6 As the Minister for the Public Service you will convene an interview panel. The Commission will make other panel member recommendations to you in the first instance. Note that the last panel comprised the Minister, Sir Maarten Wevers and John Whitehead CNZM. You are welcome to choose who you like for this panel.

Interviews

- 7 In preparation for the interviews, panellists will receive the applications and report from the assessment consultant with a brief analysis of the strengths and weaknesses of each shortlisted candidate.
- 8 Generally, at the interviews stage each candidate will make a brief oral presentation on their vision for the Public Service and then answer a series of questions posed by the panel. The questions will be drafted by the Commission in consultation with you.

Referees, probity and vetting

- 9 Following interviews, the Commission will undertake referee and probity checks on the preferred candidate. The role usually requires the highest security clearance, Top Secret Special. If the candidate does not already have a security clearance, this can take some weeks or months to complete, and sometimes slows the appointment process of Chief Executives down. We will actively work with the New Zealand Security Intelligence Service to expedite the process as much as possible.

Selection

- 10 At the conclusion of the process, you will submit a report to the Prime Minister recommending a preferred appointee.
- 11 Under section 42(2) of the Act, before making a recommendation to the Governor-General, the leaders of the other parties represented in Parliament need to be consulted.

Appendix Two: Proposed timeline

Action	Proposed Dates
Ministerial consultation	w/c 22 January
Cabinet (vacancy paper)	30 January
Commence advertising	w/c 29 January
Applications close	w/c 19 February
Shortlisting	Early March
Assessments	Mid-March
Panel interviews	Late March
Probity, reference checks and security clearance	Late March - April
Report to the Prime Minister recommending your preferred candidate	Mid-April
APH, Cabinet & Governor-General (recommendation for appointment)	Late April – early May
Announcement	May
Commences in role	By end of June

IN CONFIDENCE



Report Title:	Appointment: Public Service Commissioner		
Report No:	2024-0322		
Date:	10 October 2024		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Sign the attached letter regarding the appointment process and recommendation of the interviews.	Due Date	10 October 2024
	Refer the attached Cabinet paper and associated documents to the Prime Minister	Due Date	10 October 2024
	Once delegations are received from the Prime Minister, review the attached letter from Sir Brian Roche outlining his Declaration of Interests, confirm you are satisfied that any conflicts of interest are identified and managed appropriately, and that Sir Brian's ability to carry out and perform the duties and functions of the office are not impacted, by counter signing the letter.	Due Date	14 October 2024
	Once delegations are received from the Prime Minister sign the attached Conditions of Appointment following the Governor-General's acceptance of the Prime Minister's recommendation.	Due Date	14 October 2024
Cc:	Rt Hon Christopher Luxon, Prime Minister		
Action Sought:	Sign and lodge the attached Cabinet paper for the Cabinet meeting on 14 October 2024.	Due Date	10 October 2024
	Delegate to the Minister for the Public Service the authority to assess whether any conflicts of interest are identified and managed appropriately, and that Sir Brian's ability to carry out and perform the duties and functions of the office of the Public Service Commissioner are not impacted, subject to the Governor-General accepting the recommendation to appoint Sir Brian to the role.	Due Date	10 October 2024
	Delegate to the Minister for the Public Service the authority to agree and vary the Conditions of Appointment with the Public Service Commissioner, subject to the Governor-General accepting the recommendation to appoint Sir Brian to the role.	Due Date	10 October 2024
	Sign the attached letter of appointment, to be released subject to the Governor-General accepting the recommendation to appoint Sir Brian to the role.	Due Date	10 October 2024
Contact	Thor Gudjonsson, Deputy Chief Executive		
Contact No:	9(2)(a) privacy		
Encl:	Yes	Priority:	High

Security	SENSITIVE-STAFF
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Executive Summary

1. The Public Service Commissioner role became vacant on 1 March 2024 when Mr Peter Hughes retired.
2. The Public Service Commissioner is appointed by the Governor-General on the recommendation of the Prime Minister.
3. We understand the Prime Minister intends to recommend Sir Brian Roche, KNZM for appointment as the next Public Service Commissioner and the attached papers have been drafted on that basis.

Appointment Process

4. The Public Service Commissioner is appointed under section 42 of the Public Service Act 2020 (the Act).
5. As with past practice, the Minister for the Public Service has managed this appointment on behalf of the Prime Minister. Attached is a letter from the Minister for the Public Service outlining the process and her recommendation.
6. In accordance with section 42(2) of the Public Service Act 2020 (the Act), the Prime Minister must consult with the leaders of each political party represented in the House of Representatives. This process has been completed.
7. Reference and background checks have been completed for Sir Brian, including verifying that Sir Brian 9(2)(a) privacy security clearance which is the level required for this role. No probity or integrity issues arose during reference and background checks.
8. Under schedule 4 clause 3 of the Act, the remuneration for the Public Service Commissioner is determined by the Remuneration Authority. The Minister for the Public Service has undertaken negotiations around conditions of appointment, other than remuneration, with Sir Brian.
9. Traditionally the Conditions of Appointment and Conflicts of Interest are managed between the Prime Minister and the Public Service Commissioner. However there is no legal reason not to delegate this should this be desired. On the understanding that this is the preferred approach for the time being it is proposed the Prime Minister delegates the authority to the Minister for the Public Service to do this on his behalf until further notice.

Declaration of interests

10. In line with the draft Conditions of Appointment requiring a declaration of interests, Sir Brian has signed the attached letter to the Minister for the Public Service outlining his interests and proposed management plan.
11. Public Service Commission staff have assisted Sir Brian in the drafting of this letter and management plan. Sir Brian considers he can manage the conflicts identified, as he has had to manage similar conflicts throughout his career.

12. 9(2)(h) legal privilege

13. Assuming the arrangements are satisfactory to all parties, the letter should be counter signed by the Minister for the Public Service.

Next Steps

14. The attached Cabinet paper which sets out the Prime Minister's intention to recommend that the Governor-General appoint Sir Brian Roche as Public Service Commissioner, can now be lodged with Cabinet Office for the Cabinet meeting on 14 October 2024.
15. Once the Governor-General has accepted the recommendation the additional documents can be signed.

Recommended Action

We recommend that the Minister for the Public Service:

- a **sign** the attached letter to the Prime Minister outlining the appointment process and the recommendation of the interviews for the role of Public Service Commissioner.

Agree/disagree.

- b **refer** the attached appointment papers and associated documents to the Prime Minister.

Refer/not referred.

- c Once delegations are received from the Prime Minister, **review** the attached letter from Sir Brian Roche outlining his Declaration of Interests, confirm you are satisfied that any conflicts of interest are identified and managed appropriately, and that Sir Brian's ability to carry out and perform the duties and functions of the office are not impacted, by **counter signing** the letter.

Signed/not signed

- d Once delegations are received from the Prime Minister **Sign** the attached Conditions of Appointment following the Governor-General's acceptance of the Prime Minister's recommendation.

Signed/not signed

Hon Nicola Willis
Minister for the Public Service

We recommend that the Prime Minister:

- e **sign** and **lodge** the attached papers for Cabinet on Monday 14 October 2024 to recommend Sir Brian Roche, KNZM be appointed to the role of Public Service Commissioner.

Lodged/not lodged

- f **delegate** to the Minister for the Public Service the authority to assess whether any conflicts of interest are identified and managed appropriately, and that Sir Brian's ability to carry out and perform the duties and functions of the office of the Public Service Commissioner are not impacted, subject to the Governor-General accepting the recommendation to appoint Sir Brian to the role.

Delegated/not delegated

- g **delegate** to the Minister for the Public Service the authority to agree and vary the Conditions of Appointment with the Public Service Commissioner, subject to the Governor-General accepting the recommendation to appoint Sir Brian to the role.

Delegated/not delegated

- h **sign** the attached letter of appointment, to be released on the condition that the Governor-General accepts the recommendation to appoint Sir Brian to the role.

Signed/not signed

Rt Hon Christopher Luxon
Prime Minister



10 OCT 2024

Rt Hon Christopher Luxon
Prime Minister
Executive Wing
WELLINGTON

Dear Prime Minister

Public Service Commissioner Appointment

As you are aware the position of Public Service Commissioner became vacant on 1 March 2024 when Mr Peter Hughes retired from the role. The Public Service Commissioner is appointed by the Governor-General on your recommendation, and as agreed and consistent with previous practice, I have managed the process to recruit a new Public Service Commissioner on your behalf.

As we have discussed, the panel that I convened considers the most suitable candidate to be Sir Brian Roche, KNZM and unanimously recommends him for appointment to the role of Public Service Commissioner.

If you agree with the panel's recommendation, please take the attached paper to Cabinet and then on to Her Excellency the Governor-General on 14 October 2024, once you have consulted with the leader of each political party represented in the House of Representatives.

The Cabinet paper provides information about the recruitment process that was undertaken to identify the most suitable candidate for appointment. It also includes some additional information about Sir Brian.

Remuneration for this role is set by the Remuneration Authority and other conditions of appointment are agreed between you and the appointee. I have negotiated these other conditions with Sir Brian and submit a set of conditions to you for your agreement. A 2 year 8 month term of appointment has been negotiated, with a start date of 4 November 2024.

As you know, a condition discussed with Sir Brian is that he would like to retain a small number of directorships and appointments on private sector boards. This would be up to 0.1 fulltime equivalent (on average up to 4 hours per week). Each role would need to be declared and agreed by you (or delegated Minister) to ensure that any conflicts of interest are identified and managed appropriately, and to ensure that Sir Brian's ability to carry out and perform the duties and functions of the office is not impacted. I would be happy to take on the role of managing this for you.

On the assumption that you would like me to undertake this responsibility for you, Sir Brian has written me a letter outlining his potential or perceived conflicts of interest and a proposed management plan. I have reviewed these and am satisfied that appropriate management controls will be put in place, and his ability to carry out and perform the duties and functions

of the office of the Public Service Commissioner will not be impacted and will be undertaken in an impartial manner.

Sir Brian's connections to the private sector are valuable and supporting him to retain these roles is consistent with our expectation that the public service benefits from relationships with and perspectives into the broader private, business and community spheres. Any reduction in hours will be informed to the Remuneration Authority to ensure an appropriate reduction in remuneration is made.

I am delighted to be able to recommend Sir Brian to you for the role, he will bring fresh perspectives, sound advice, and a wealth of experience to the outcomes we seek as a Government.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Hon Nicola Willis', with a stylized, cursive flourish at the end.

Hon Nicola Willis
Minister for the Public Service

Office of the Prime Minister

Chair
Cabinet

Appointment: Public Service Commissioner

Proposal

1. It is proposed that Cabinet notes:
 - 1.1. the Public Service Commissioner position became vacant on 1 March 2024;
 - 1.2. the Prime Minister's intention to recommend that the Governor-General appoint Sir Brian Joseph Roche, KNZM as the Public Service Commissioner for a term of approximately 2 years and 8 months from 4 November 2024 to 30 June 2027; and
 - 1.3. Attached are a curriculum vitae for Sir Brian Roche and a warrant for signing by the Governor-General.

Background

2. In July 2023 the incumbent Public Service Commissioner, Mr Peter Hughes, CNZM, announced his retirement and that his term would end on 29 February 2024. The Public Service Commissioner is appointed by the Governor-General on the recommendation of the Prime Minister, and consistent with previous practice, the Minister for the Public Service managed the appointment process on behalf of the Prime Minister.
3. The Public Service Commissioner is appointed under section 42 of the Public Service Act 2020 (the Act).
4. Schedule 4 clause 1 of the Act states that the Public Service Commissioner must be appointed for a term of up to 5 years.

Requirements of the Position

5. The position description was considered by the Cabinet Appointments and Honours Committee on 30 January 2024 and confirmed as the basis for selecting a candidate for the role [APH-24-MIN-0010].
6. The criteria for appointing the Public Service Commissioner is not prescribed in legislation. In the absence of that, considerations for this appointment included whether candidates were honest and trustworthy, and had the necessary experience, qualifications and characteristics to perform the role and exercise all the functions, powers and duties of the Public Service Commissioner.

7. The Office of the Public Service Commissioner is central to New Zealand's politically neutral, effective and unified Public Service.
8. The Public Service Commissioner is the Head of Service and leads the Public Service and wider public sector agencies to work as one system to deliver better services and better outcomes for New Zealand. The Head of Service is responsible to the government of the day for the overall performance and integrity of the Public Service, and for leadership of its agencies and workforce.
9. As the Head of Service, the Public Service Commissioner works closely with the heads of the other central agencies.
10. As a holder of a statutory office, the Public Service Commissioner acts independently on a range of matters to do with the operation of the Public Service, the public sector and wider system – including the appointment of Public Service secretaries and chief executives.

Selection Process

11. The process for appointing the Public Service Commissioner is not prescribed in legislation. However, in managing this appointment process on behalf of the Prime Minister, the Minister for the Public Service followed a similar process to the appointment process for Public Service chief executives.
12. The Public Service Commissioner vacancy was advertised online from 31 January 2024 to 25 February 2024.
13. 13 candidates expressed an interest in the position, and 9(2)(a) priv candidates were shortlisted for interview.
14. On 25 September 2024, an interview panel was convened and comprised of the following:
 - Hon Nicola Willis, Minister for the Public Service (Chair)
 - Rt Hon Sir Bill English, KNZM
 - Dame Therese Walsh, DNZM
15. Following the interviews, the Minister for the Public Service updated the Prime Minister.

Recommended Appointee

16. The Prime Minister considers that Sir Brian meets the requirements for appointment as the Public Service Commissioner and recommends he is appointed for a term commencing on 4 November 2024 to 30 June 2027.
17. Sir Brian is currently a governance professional who has had a number of public and private sector roles. He is currently a board member of a number of private organisations – most of which he will be resigning from. He was previously the Chair of the Cyclone Recovery Taskforce from 2023-2024 and Chair New Zealand Transport Agency Waka Kotahi from 2019-2022. Sir Brian was the Chief Executive of New Zealand Post from 2010-2017 and prior to this was a Partner at PricewaterhouseCoopers (PWC) from 1987-2009.
18. He holds a Bachelor of Commerce and Administration from Victoria University of Wellington and is a Fellow and Life Member of the Chartered Accountants Australia and

New Zealand. He was appointed Knight Companion of the New Zealand Order of Merit for service State and business in 2017.

19. Sir Brian is a successful senior executive and governance professional with significant leadership experience New Zealand. He thinks strategically with a long-term view and will bring with him critical insights and learning from both his broad public sector and private sector experience.
20. Sir Brian has built the trust and confidence of Ministers across successive Governments. He is authentic and honest in his dialogue and has experience providing constructive and pragmatic advice on complex issues and situations.
21. Sir Brian has a deep understanding of the Public Service and its functions and understands how to manage problems and drive performance. He presented to the panel an approach for a culture of improvement and action, as well as a model to attract talent to the Public Service.
22. With broad networks across New Zealand and experience managing various stakeholders, Sir Brian has the capability and credibility to bring the Public Service chief executives alongside him.
23. In his interview, Sir Brian demonstrated alignment to the Government's current direction to drive performance across the Public Service and is committed to providing clarity and purpose to support the chief executive cohort to meet the targets and improve outcomes for New Zealanders.
24. The interview panel considered that Sir Brian was well qualified to be the Public Service Commissioner, with the necessary experience, and established credibility and mana with other senior leaders in New Zealand and with Government.
25. Reference checks were undertaken and referees agreed that Sir Brian Roche is highly qualified for the role and has the credibility and experience to drive performance and delivery across the Public Service.

Conditions of Appointment

26. The remuneration of the Public Service Commissioner is determined by the Remuneration Authority. Conditions of appointment relating to leave and other entitlements follow the provisions of the standard Public Service chief executive employment agreement. The Minister for the Public Service has undertaken negotiations around terms and conditions of appointment, other than remuneration, on behalf of the Prime Minister.
27. A condition discussed with Sir Brian is that he would like to retain a small number of directorships and appointments on private sector boards. This would be up to 0.1 fulltime equivalent (on average up to 4 hours per week). Each role would need to be declared and agreed by the Prime Minister (or delegated Minister) to ensure that any conflicts of interest are identified and managed appropriately, and to ensure that Sir Brian's ability to carry out and perform the duties and functions of the office is not impacted.
28. Sir Brian's connections to the private sector are valuable and supporting him to retain these roles ensures that he maintains contact with and the benefit from, the private sector which will help drive performance in the public service. Any reduction in hours will be

informed to the Remuneration Authority to ensure an appropriate reduction in remuneration is made.

29. The Public Service Commissioner must be able to obtain and maintain a Top Secret Special level security clearance. Sir Brian currently holds 9(2)(a) privacy security clearance.

Consultation

30. As required by section 42(2) of the Act, consultation with the leader of each political party represented in the House of Representatives has been undertaken.

Publicity

31. The Prime Minister will publicly announce Sir Brian's appointment.
32. This paper and associated appointment documents will be proactively released on Te Kawa Mataaho Public Service Commission's website, with any appropriate redactions made.

Recommendations

33. It is recommended that Cabinet:
- 1 **note** that the position of Public Service Commissioner became vacant on 1 March 2024;
 - 2 **note** the Prime Minister intends to recommend that the Governor-General appoint Sir Brian Joseph Roche, KNZM as Public Service Commissioner, for a term of approximately 2 years and 8 months from 4 November 2024 to 30 June 2027;
 - 3 **note** that Sir Brian intends to retain a small number of directorships and appointments on private sector boards. This would be up to 0.1 fulltime equivalent (on average up to 4 hours per week). Each role would need to be declared and agreed by the Prime Minister (or delegated Minister) to ensure that any conflicts of interest are identified and managed appropriately, and to ensure that Sir Brian's ability to carry out and perform the duties and functions of the office is not impacted;
 - 4 **note** Sir Brian's appointment will be subject to 9(2)(a) privacy security clearance;
 - 5 **note** that Sir Brian's curriculum vitae and warrant for appointment are attached;
 - 6 **note** that the remuneration for the Public Service Commissioner is determined by the Remuneration Authority and other Conditions of Appointment, including leave, are agreed between the appointee and the Prime Minister;
 - 7 **note** that the Prime Minister has undertaken consultation, with the leader of each political party represented in the House of Representatives regarding the proposed appointment, in accordance section 42(2) of the Public Service Act 2020;
 - 8 **note** that this appointment will be publicly announced; and

- 9 **note** this paper and associated appointment documents will be proactively released on Te Kawa Mataaho Public Service Commission's website.

Rt Hon Christopher Luxon
Prime Minister

____/____/____

Summarised Curriculum Vitae

Sir Brian Roche, KNZM

Employment History

2010 - 2017	New Zealand Post Chief Executive
1987 - 2009	PricewaterhouseCoopers Senior Partner

Governance and other appointments including:

2024 - present	Wao Marino GP Limited Director
2023 - present	AgriZero Limited Chair
2023 - 2024	Cyclone Recovery Taskforce Chair
2022 - present	Kiwi Group Capital Director
2022	Defence Policy Review Panel Chair
2021 - present	Mission Winery Estate - Marist Holdings (Green Meadows) Director
2021 - 2022	COVID-19 Independent Continuous Review, Improvement and Advice Group Chair
2020 - present	Whangahaumarū GP Limited Director
2020 - present	Hugh Green Group Chair
2020 - 2024	Tupu Tono Chair
2019 - 2022	New Zealand Transport Agency Waka Kotahi Chair
2018 - present	Timberlands Limited Director
2017 - 2023	City Rail Link Chair
2015 - 2022	Antarctica New Zealand Chair
Various years	Chief Crown Negotiator Ngāpuhi; Waikato Tainui; and Ngāti Mutunga claims settlements

Academic Qualifications and Professional Memberships

Bachelor of Commerce and Administration, Victoria University of Wellington
Fellow and Life Member, Chartered Accountants Australia & New Zealand

Awards and Honours

2017	Knight Companion of the New Zealand Order of Merit for Services to the State & Business (KNZM)
2013	Distinguished Alumni Victoria University of Wellington

He Whakamārama mō te Tūranga

Position Description



Te Kawa Mataaho
Public Service Commission

Te Tūranga | Position **Te Tumu Whakarae mō Te Kawa Mataaho | Public Service Commissioner, Head of Service and Chief Executive**

Te pokapū | Agency **Te Kawa Mataaho Public Service Commission**

Te whāinga o te tūranga | Position purpose

The Office of the Public Service Commissioner (the Commissioner) is central to New Zealand's politically neutral, effective and unified Public Service.

The Public Service Commissioner is the Head of Service and leads the Public Service and wider public sector agencies to work as one system to deliver better services and better outcomes. The Head of Service is responsible to the government of the day for the overall performance and integrity of the Public Service, and for leadership of its agencies and workforce. As the Head of Service, the Public Service Commissioner works closely with the heads of the other two Central agencies, The Treasury and the Department of the Prime Minister and Cabinet.

As a holder of a statutory office, the Commissioner acts independently on a range of matters to do with the operation of the Public Service, the public sector and wider system – including the appointment of Public Service secretaries and chief executives.

As Chief Executive of Te Kawa Mataaho Public Service Commission (the Commission), the Commissioner is responsible to the Minister for the Public Service for the Commission's capability and performance.

The Public Service Commission has an annual departmental budget of \$36.5 million and has around 200 full time equivalent employees (FTE)

The Public Service Commission is the host agency for the Social Wellbeing Agency.

Ngā haepapa | Accountabilities

Te pūnaha |
System

The Public Service Commissioner has the responsibilities, functions and duties as set out in the Public Service Act 2020 (the Act) and in other relevant statutes and legislation.

The Public Service Commissioner leads the Public Service Leadership Team and is responsible for providing strategic leadership that contributes to an effective and cohesive Public Service; working with secretaries and chief executives to model leadership behaviours; and assisting these senior leaders to fulfil their responsibilities.

The Public Service Commissioner will:

- Uphold the Public Service principles of political neutrality, free and frank advice, merit-based appointments, open government, and stewardship, and ensure that the agency you lead also does so;
- Promote diversity and inclusiveness and have regard to the principle that, in order to achieve fairness in employment and a more flexible effective Public Service, it is desirable for the group comprising all Public Service employees to, as far as practicable, reflect the makeup of society;
- Preserve, protect and nurture the spirit of service to the community that Public Service employees bring to their work;
- Demonstrate and uphold the values of the Public Service as set out in the Public Service Act 2020;

	<ul style="list-style-type: none"> • Support the Crown in its relationships with Māori under te Tiriti o Waitangi and the Treaty of Waitangi by developing and maintaining the capability of the Public Service to engage with Māori and to understand Māori perspectives. <p>The Commissioner's general functions are to:</p> <ul style="list-style-type: none"> • 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 • act as the employer of public service chief executives, including by— <ul style="list-style-type: none"> ○ appointing chief executives and reviewing their performance; and ○ to the extent relevant in each case, reviewing the performance of the public service agency that the chief executive leads or carries out some functions within; and • review the design and operation of the system of government agencies in order to advise the Minister or the appropriate Minister on the following matters: <ul style="list-style-type: none"> ○ possible improvements to delivery of services and inter-agency cohesion; ○ agency establishments, disestablishments, and amalgamations; ○ the governance and allocation of functions, and the transfer of functions to and between agencies; and • promote integrity, accountability, and transparency throughout agencies in the State services, including by setting standards and issuing guidance; and • 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, including by promoting the good employer requirements; and • carry out any other administrative and management functions in relation to the Public Service that the Prime Minister from time to time directs.
Ngā take mātāmua me mātua whai e angitu ai Critical success priorities	<p>The following are the critical areas of success for the Public Service Commissioner in the coming three to five years:</p> <ul style="list-style-type: none"> • Deliver better public services – lead the public service to improve effectiveness, efficiency and responsiveness to deliver measurable results for New Zealanders • Public Service transformation – organise the Public Service around the priority outcomes of the Government, drive efficiencies and more integrated and focused services to respond to the key issues facing the public sector and New Zealand both now and in the future; • Public Service capability – build strong capability and high performing leadership across the Public Service system, and increase its agility, adaptability and interoperability so that capability can be accessed and deployed where it is needed; • Further reform opportunities – ensure that the public sector is driving further innovation and progress in active citizenship and devolution of services; • Support key government priorities by ensuring that departments and departmental leaders take an innovative and collaborative approach to designing and delivering services; and • Ensure cross-agency work is effective and delivers better outcomes and services for New Zealanders.

Tūtohu Angitū | Leadership Roadmap

The Public Service Commissioner will need to be able to demonstrate applied experience across a number of the dimensions set out in the table below:

<i>Priority 1</i> System Leadership	<i>Priority 2</i> Drive Performance	<i>Priority 3</i> Context Management	<i>Priority 4</i> Integrity	<i>Priority 5</i> Organisational Leadership
Experience working and influencing others to work across boundaries to achieve collective outcomes.	Ability to drive and influence performance through Public Service chief executives.	Experience building effective relationships with Ministers, maintaining their trust and confidence and providing advice on complex situations.	Have the ability to perform important statutory and constitutional roles with wisdom, integrity, consistency and courage.	Experience leading an organisation to deliver strategic impact and develop high quality advice.
Credibility and authority to deliver the Commissioner's system leadership responsibilities.	Understand how the public sector functions as a large, devolved organisation, and have proven ability to manage problems and drive performance.	Experience managing complex issues effectively with agility, sound judgement, and astuteness.	Have a thorough understanding of New Zealand's constitution and government system and how these work.	Ability to lead a Public Service agency delivering multiple functions that are efficient and effective.
A strong understanding of the factors that impact on New Zealand's social and economic wellbeing and on its cultural life and physical environment.	Have credibility to lead the Public Service Leadership Team, providing direction and guidance on key issues, and holding them to account where appropriate.	Credibility to build and maintain relationships across the wider public sector and with diverse stakeholders.	Authoritative in supporting and upholding constitutional arrangements, including the political neutrality of the Public Service.	Experience building high performing teams and lifting capability.
An ability to take a long term and strategic view of the public sector system alongside other central agencies.		An understanding of the Crown's relationship with Māori, and an ability to engage with Māori and understand Māori perspectives.		Successful real-world executive experience to respond quickly and effectively to the numerous management challenges that arise in the course of business.

Ngā hononga matua | Key relationships

The Prime Minister, the Minister for the Public Service and all Ministers are critical relationships for the Public Service Commissioner.

The Public Service Commissioner needs strong relationships across the wider public sector including departments and departmental agencies, non-Public Service departments and Crown entities.

The Public Service Commissioner needs to develop and maintain relevant and effective relationships to promote the role of the public sector and the Commission with external stakeholders including Māori as the Crown’s Treaty partners, Pacific and other communities and Unions, professional bodies and research communities.

The Public Service Commissioner also needs to build relationships across international jurisdictions and other key contacts.

Te taumata o
te āheitanga |
Security
Clearance

Appointment will be subject to a New Zealand Government **Top Secret Special** security clearance.

Up to date information on Te Kawa Mataaho Public Service Commission outcomes, organisational structure, dimensions and appropriations can be found on the website <https://www.publicservice.govt.nz/about-us/>

Other useful information including Annual Reports and Strategic Intentions is available at the following link:
[Publications - Te Kawa Mataaho Public Service Commission](#)



Cabinet

Minute of Decision

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

Chief Executive: Appointment

Portfolios **Prime Minister / Public Service**

On 14 October 2024, Cabinet:

- 1 **noted** that the position of Public Service Commissioner became vacant on 1 March 2024;
- 2 **noted** that the Prime Minister intends to recommend that the Governor-General appoint Sir Brian Joseph ROCHE, KNZM as Public Service Commissioner, for a term of approximately 2 years and 8 months commencing on 4 November 2024 and expiring on 30 June 2027;
- 3 **noted** that:
 - 3.1 Sir Brian intends to retain a small number of directorships and appointments on private sector boards which would be up to 0.1 fulltime equivalent (on average up to 4 hours per week);
 - 3.2 each role would need to be declared and agreed by the Prime Minister (or delegated Minister) to ensure that any conflicts of interest are identified and managed appropriately, and to ensure that Sir Brian's ability to carry out and perform the duties and functions of the office is not impacted;
- 4 **noted** that Sir Brian's appointment will be subject to him **9(2)(a) privacy** level security clearance;
- 5 **authorised** the submission of the appointment documents and curriculum vitae to the Governor-General;
- 6 **noted** that the remuneration for the Public Service Commissioner is determined by the Remuneration Authority and other conditions of appointment, including leave, are agreed between the appointee and the Prime Minister;
- 7 **noted** that the Prime Minister has consulted with the leader of each political party represented in the House of Representatives regarding the proposed appointment, in accordance with section 42(2) of the Public Service Act 2020;
- 8 **noted** that the above appointment will be publicly announced;

- 9 **noted** that the paper under CAB-24-SUB-0399 and associated appointment documents will be proactively released on Te Kawa Mataaho Public Service Commission's website.

Rachel Hayward
Secretary of the Cabinet



Cabinet

Summary

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

Chief Executive: Appointment

Portfolios	Prime Minister / Public Service
Purpose	<p>This paper notes that the Prime Minister and the Minister for the Public Service intend to recommend that the Governor General appoint Sir Brian Joseph Roche, KNZM as the Public Service Commissioner for a term of approximately 2 years and 8 months commencing on 4 November 2024 and expiring on 30 June 2027.</p>
Candidate Summary	<p>In July 2023, the incumbent Public Service Commissioner, Peter Hughes, CNZM, announced his retirement and that his term would end on 29 February 2024.</p> <p>Sir Brian is a governance professional who has had a number of public and private sector roles. He is a board member of a number of private organisations – most of which he will be resigning from. He was previously the Chair of the Cyclone Recovery Taskforce from 2023-2024 and Chair New Zealand Transport Agency Waka Kotahi from 2019-2022. Sir Brian was the Chief Executive of New Zealand Post from 2010-2017 and prior to this was a Partner at PricewaterhouseCoopers (PWC) from 1987-2009.</p> <p>Sir Brian is a successful senior executive with significant leadership experience New Zealand. He thinks strategically with a long-term view and will bring with him critical insights and learning from both his broad public sector and private sector experience. He has built the trust and confidence of Ministers across successive Governments. Sir Brian has a deep understanding of the Public Service and its functions and understands how to manage problems and drive performance (see paragraphs 17-25).</p>
Communications	<p>The Prime Minister will publicly announce Sir Brian's appointment.</p>
Consultation	<p>Paper prepared by DPMC (Prime Minister) and PSC.</p> <p>The Prime Minister and the Minister for the Public Service also indicate that the ACT Party, New Zealand First, the National Party, Te Pāti Māori, the Green Party and the Labour Party were consulted.</p>

The Prime Minister and the Minister for the Public Service recommend that Cabinet:

- 1 note that the position of Public Service Commissioner became vacant on 1 March 2024;
- 2 note that the Prime Minister intends to recommend that the Governor-General appoint Sir Brian Joseph ROCHE, KNZM as Public Service Commissioner, for a term of approximately 2 years and 8 months commencing on 4 November 2024 and expiring on 30 June 2027;
- 3 note that:
 - 3.1 Sir Brian intends to retain a small number of directorships and appointments on private sector boards which would be up to 0.1 fulltime equivalent (on average up to 4 hours per week);
 - 3.2 each role would need to be declared and agreed by the Prime Minister (or delegated Minister) to ensure that any conflicts of interest are identified and managed appropriately, and to ensure that Sir Brian's ability to carry out and perform the duties and functions of the office is not impacted;
- 4 note that Sir Brian's appointment will be subject to 9(2)(a) privacy security clearance;
- 5 authorise the submission of the appointment documents and curriculum vitae to the Governor-General;
- 6 note that the remuneration for the Public Service Commissioner is determined by the Remuneration Authority and other conditions of appointment, including leave, are agreed between the appointee and the Prime Minister;
- 7 note that the Prime Minister has consulted with the leader of each political party represented in the House of Representatives regarding the proposed appointment, in accordance section 42(2) of the Public Service Act 2020;
- 8 note that the above appointment will be publicly announced;
- 9 note that the paper under CAB-24-SUB-0399 and associated appointment documents will be proactively released on Te Kawa Mataaho Public Service Commission's website.

Vivien Meek
for Secretary of the Cabinet

Hard-copy distribution:
The Cabinet



Wellington, 14 October 2024

Her Excellency the Governor-General of New Zealand is respectfully advised to appoint,
pursuant to section 42(1) of the Public Service Act 2020

Sir Brian Joseph Roche, KNZM

as Public Service Commissioner for a term of approximately 2 years and 8 months from 4
November 2024 to 30 June 2027.

A handwritten signature in blue ink, reading "C. M. Luxon", written over a horizontal line.

Rt Hon Christopher Luxon
Prime Minister

Appointed

A handwritten signature in blue ink, reading "Cundy Kuni", written over a horizontal line.

Governor-General of New Zealand

14 / 10 / 24



Appointment of Public Service Commissioner

A handwritten signature in blue ink, reading "Cindy Kiro".

Governor-General

Pursuant to section 42(1) of the Public Service Act 2020,
I, the Right Honourable Dame Cindy Kiro, GNZM, QSO, Governor-General of New Zealand,
hereby appoint:

Sir Brian Joseph Roche, KNZM

as Public Service Commissioner for a term of approximately 2 years and 8 months,
commencing on 4 November 2024 to 30 June 2027.

Given under the hand of Her Excellency the Governor-General of New Zealand and issued this 14th
day of October 2024.

A handwritten signature in blue ink, reading "C. M. Luxon".

Rt Hon Christopher Luxon
Prime Minister



Wellington, 14 October 2024

Cindy Kerrin

Her Excellency the Governor-General of New Zealand is respectfully advised to approve, for the purposes of Schedule 4 clause 5(1)(a)(i) of the Public Service Act 2020, for

Sir Brian Joseph Roche, KNZM

to engage in paid employment or business (including directorships and other governance roles on private sector boards) other than the functions of the office of the Public Service Commissioner, provided that these are declared to and agreed with the Prime Minister (or a delegated Minister) for the purposes of identifying and managing any conflicts of interest and the Prime Minister (or the delegated Minister) is satisfied those other roles do not impact on the ability to carry out and perform the functions and duties of the office.

B. M. Luxon

Rt Hon Christopher Luxon
Prime Minister

Approved

Cindy Kerrin

Governor-General of New Zealand

14 / 10 / 24



RT HON CHRISTOPHER LUXON
PRIME MINISTER

14 OCT 2024

Sir Brian Roche, KNZM
Public Service Commissioner (Designate)
Via email: 9(2)(a) privacy

Dear Sir Brian

Public Service Commissioner

I am very pleased that the Governor-General, the Right Honourable Dame Cindy Kiro, has appointed you on my recommendation as the Public Service Commissioner for a term of approximately two years and eight months which commences 4 November 2024. Your warrant is attached.

The Public Service Commissioner is a vital role, leading and overseeing the performance and integrity of the Public Service, employing most Public Service Chief Executives, as well as driving performance and improvements across the Public Service and state sector. The attached position description reflects my expectations for you and the Public Service Commission.

I understand that Hon Nicola Willis, Minister for the Public Service has discussed the terms and conditions relating to the appointment with you. Your remuneration is set by the Remuneration Authority, and I understand you will be in contact with them to discuss this in due course.

Congratulations on your appointment and thank you for agreeing to take on this important role. I look forward to working with you in your new role.

Yours sincerely

Rt Hon Christopher Luxon
Prime Minister