



Te Kawa Mataaho

Public Service Commission

8 August 2023

9(2)(a) privacy

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Official Information Request

Our Ref: OIA 2023-0141

I refer to your official information request received on 10 July 2023 where you have asked the following:

“This is an Official Information Act request concerning the principle in section 12 of the Public Service Act 2020 ‘to foster a culture of open government’.

Please provide the following information, whether found in Public Service Commission (PSC)-produced information, including intra-Commission information, advice or memos to ministers, or in information held by the PSC that has been produced by other government departments, consultants or Ministers:

- 1. Consideration of whether to define the term ‘open government’ in the Public Service Act, both before and during the drafting of the bill and in response to any submissions on this topic at the select committee stage of its passage through the House, and any definitions developed or drafted;*
- 2. Consideration since the passage of the Public Service Act on whether or how to define the term ‘open government’ and any definitions developed or drafted;*
- 3. All training and guidance materials that have been developed on fostering ‘a culture of open government’;*
- 4. All project plans or communications plans the PSC has produced for raising awareness of the ‘foster a culture of open government’ principle both within the Commission and across the public service;*
- 5. All communications to departmental chief executives and others in the public service on meeting their responsibilities under sub-sections 12(2), (3) and (4) of the Public Service Act;*
- 6. All information held on how you or the PSC are going to assess how those defined in sub-sections 12(2), (3) and (4) of the Public Service Act are meeting their responsibilities;*
- 7. Any specific indicators for assessing performance and outcomes on the section 12(1)(d) principle of fostering ‘a culture of open government’; and*
- 8. Briefings, aide memoires, A3s or similar materials provided to any Minister that includes information on the principle of fostering ‘a culture of open government’.*

Definitions of the term Open Government

Definitions of the term Open Government as provided in the Public Service Act was always intended to be a high-level definition. Guidance around Open Government was intended to be produced later as part of the Commission's refresh of the Code of Conduct.

The principles of the public service and what the open government principle was intended to cover can be found outlined in Annex A of the Cabinet paper titled *Public Service Legislation: Paper 2 – A unified public service*, which can be found publicly available on the Public Service Commission's website: <https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-Paper-Public-Service-Legislation-Paper-2-A-Unified-Public-Service.pdf>.

Public Service Principles

Section 12 of the Public Service Act 2020 (the Act) outlines the Public Service five key principles in order to achieve the purpose of the Act as outlined in section 11. Te Kawa Mataaho Public Service Commission (the Commission) has not undertaken any work specific to only section 12(1)(d) of the Public Service Act 2020 (the Act), the Open Government principle to foster a culture of open government.

We are therefore refusing the information you have requested in questions 2 - 4 of your request, being information related to work undertaken specifically relating to section 12(1)(d) of the Public Service Act 2020, under section 18(e) of the Official Information Act 1982 (OIA) on the grounds the information does not exist.

Work that is underway that relates to the Public Service principles, is the refresh and replacement of the Standards of Integrity and Conduct which have been in place since 2007. Ngā Tikanga | The Code of Conduct aims to better reflect our modern Public Service with the principles and values in the Public Service Act, the foundation of the Code of Conduct.

Guidance on the Code of Conduct is also currently being developed, as part of a wider consultation process with agencies. It is being designed to help agencies and individual public service employees apply and understand the Code of Conduct.

The Commission is currently considering the feedback received from the consultations and the Code of Conduct and associated guidance will be released on the Commission's website soon once it has been issued by the Public Service Commissioner. We will provide you with a link to website when it is issued.

Briefings to the Minister

The Commission has not provided any briefings, aide memoires or A3s to the Minister for the Public Service specifically on the principle of fostering a culture of open government. We are therefore refusing this part of your request under section 18(e) of the OIA on the grounds the information requested does not exist.

Chief executive performance

There is no specific indicator for assessing performance of chief executives in relation to the principle of fostering 'a culture of open government'.

Public Service chief executive position descriptions outline the accountabilities for the role. It outlines that as a Public Service chief executive they have the responsibilities, functions and duties set out in the Public Service Act 2020, the Public Finance Act 1989 and other relevant statutes and legislation.

As a member of the Public Service Leadership Team, chief executives are responsible for providing strategic leadership that contributes to an effective and cohesive public service; working together to

model leadership behaviours; and assisting the other members to fulfil their responsibilities. As a public service leader, they are expected to uphold the public service principles of political neutrality, free and frank advice, merit-based appointments, open government, and stewardship, and ensure that the agency they lead also does so.

The Commission applies an annual performance cycle for each public service chief executive that includes:

- setting performance expectations for each calendar year
- regular check-ins and on-going support
- real-time feedback and monitoring of their performance, and
- an annual meeting to review and summarise annual performance.

Performance expectations provide chief executives with clarity on the essential things expected of them and form a basis from which to discuss performance. The expectations include both common expectations for all chief executives, and expectations that are tailored to, and agreed with, each chief executive. A copy of the performance expectations template for the 2023 calendar year is **attached**. The public service principles are outlined on the first page of the template.

Chief executives were also expected to meet their obligations under relevant legislation and Whole-of-Government Directions, and to manage their organisations responsibly and effectively with respect to funding, other resources and their people.

Performance reviews

Under the Public Service Act 2020, the Commissioner is responsible to the appropriate Minister for reviewing, either generally or for a particular matter, the performance of each chief executive.

The Commissioner may conduct a performance review of an individual chief executive or of a group of chief executives relating to how they act together collectively (for example, of their performance as an interdepartmental executive board or the board of an interdepartmental venture).

CEs are responsible for being able to demonstrate their own performance, including against the specific expectations in the role. The Commission supplements what is provided with information gathered throughout the year. Performance assessments consider a range of information and data, including for example [OIA statistics - Te Kawa Mataaho Public Service Commission](#).

The performance summary is in narrative form. It highlights specific achievements and areas for improvement, relating to the agreed performance expectations. It also contains high level expectations for the year ahead, in anticipation of development of the new formal set of expectations for the next year. Summaries are drafted in consultation with the Commissioner, (or Deputy Public Service Commissioner), Assistant Commissioner, and CE and then shared ahead of a conversation.

The Public Service Commission works with CEs to deliver performance excellence by setting clear, measurable expectations; by providing ongoing support including through a collaborative approach to issues management and through leadership and talent development (both for current and potential future CEs); and by providing real-time performance feedback.

Interdepartmental executive boards publish their terms of reference and operating protocols (see [About the Border Executive Board \(customs.govt.nz\)](#) as an example). No interdepartmental ventures have been established at this stage.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) and enclosed documents on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks

Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission



Te Kawa Mataaho
Public Service Commission

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Chief Executive Performance Expectations and Development Plan 2023

[CE name

[agency name in te reo | agency name in English]



2023 Performance Expectations

Our performance expectations include both common expectations for all chief executives, and expectations that are tailored to, and agreed with, each chief executive.

The expectations covers four areas:

- results and services to deliver Government priorities
- system and collective leadership
- agency leadership, and
- trust and confidence.

PURPOSE

The Public Service supports constitutional and democratic government, enables both the current Government and successive governments to develop and implement their policies, delivers high-quality and efficient public services, supports the Government to pursue the long-term public interest, facilitates active citizenship, and acts in accordance with the law.

MĀORI CROWN RELATIONSHIPS

The role of the Public Service includes supporting the Crown in its relationships with Māori under the Treaty of Waitangi/ Te Tiriti o Waitangi

PRINCIPLES

Foundational principles of the Public Service acting in our constitutional role

politically neutral **free and frank advice**
merit-based appointments
open government **stewardship**

VALUES

The behaviours needed to deliver the purpose of the Public Service

impartial **accountable** **trustworthy** **respectful** **responsive**

Spirit of Service

The fundamental characteristic of the Public Service is acting with a spirit of service to the community.

Results and services to deliver Government priorities

Core business

You will:

- own, lead and collaborate with others to deliver results that meet New Zealanders' needs and opportunities
- provide excellent support to the Government of the day to deliver its policy platform and improve outcomes for New Zealanders
- provide high-quality and efficient public services that are customer-led in their design and delivery
- run a highly transparent, well planned, disciplined capital investment programme
- [tailor as required to what is important for each agency from menu in [Core business.docx](#)]

Delivering change [MBIE example]

You will:

- In collaboration with your border sector colleagues, ensure an effective and future-focused response to the evolving COVID-19 situation particularly through:
 - winding down MIQ and creating a residual service capability, and
 - providing practical guidance and support for business to aid post COVID recovery.
- Deliver the Rebalancing Immigration Programme, taking account of labour market needs in key sectors, and the Residence 2021 Visa Programme.
- Ensure sufficient focus is given to the Energy Strategy (particularly renewable energy reforms) and its contribution to the development of the Emissions Reduction Plan.
- Progress the Tourism Industry Transformation plan, which has the objective of establishing a model of tourism that gives back more to people and places than it takes.
- Take opportunities for greater integration to achieve the potential this would bring across MBIE (make MBIE more than the sum of its parts).



System and collective leadership

Public Service leadership

You will:

- understand all the levers at your disposal to achieve outcomes for New Zealanders
- lead with a system and future focus, including on joint responsibilities with other agencies
- be a fully contributing member of CE groups to provide joined up advice to Ministers and to ensure cohesive and effective delivery of the Government's programme. Your groups include the [Economic CEs](#), the [Climate Change CEs Board](#), the [Natural Resources Sector CEs](#), the [Justice Sector Leadership Board](#), [[adapt to list of boards CE is on](#)].
- actively collaborate across the system to improve ways of working together to achieve outcomes, enable others to fulfill their responsibilities, remove barriers and share resources.
- [In line with the Public Service Leadership Team (PSLT) charter], work cooperatively with [PSLT members], collectively stewarding the system, modelling leadership behaviours, and providing strategic leadership that contributes to a diverse, inclusive, and effective Public Service.
- develop and maintain the capability of the public service to engage with Māori and to understand Māori perspectives.
- lead implementation of the refreshed Code of Conduct

Interdepartmental executive boards

You will work effectively and cohesively with colleagues on:

- the [Strategic Planning Reform Board](#) to implement significant resource management reforms. [[for SPRB members only](#)]
- the [Border Executive Board](#) to uphold collective accountability for the 'end-to-end' assurance of a robust COVID-19 border response. Steward strategic enhancements to the border system to ensure it is well-placed to build a safer and smarter border. [[for BEB members only](#)]
- the [Family Violence and Sexual Violence Executive Board](#) to uphold collective accountability and to achieve collective impact. [[for FVSV members only](#)]
- the [Digital Executive Board](#) to provide a dedicated forum for coordinating and aligning the Government's digital programme. [[members only](#)]
- The [Climate Change CEs Board](#) to co-ordinate, monitor, report and provide advice about the implementation of the ERP. [[members only](#)]

System and functional lead roles

You will:

- provide practical support to chief executives and senior leaders of government agencies to deliver long term outcomes and effectiveness improvements by taking a single government **property** portfolio approach. [[MBIE example](#)]
- provide practical support to chief executives and senior leaders of government agencies to ensure probity and good practice for government **procurement** and leverage aggregated buying power. Lead improvements in data collection, reporting and transparency, integrated procurement across agencies and agencies sharing best practice. [[MBIE example](#)]
- [[other system lead roles](#)]

Agency leadership

Leading your people

You will:

- preserve, protect and nurture the spirit of service to the community that public service employees bring to their work
- motivate and inspire your people so they are highly engaged
- ensure your agency meets its obligations under relevant legislation and Whole-of-Government Directions
- [\[actions arising from the public service census\]](#)
- [\[agency specific issues eg Culture change in a business unit\]](#)

Performance and capability

You will:

- regularly review the systems, policies and processes in place that your organisation uses to manage money, other resources and people to ensure that they remain relevant, effective, and coherent
- continue to grow system and agency capability, ensuring the right balance between investing in your people through a development-rich public service and engaging external resources
- ensure that people's terms and conditions reflect their skills, responsibilities, effort, working conditions and wider context, and is not negatively affected by gender or ethnicity

Diversity and inclusion

You will:

- enable all our people and the people that we work with, and for, to feel valued, supported and respected
- grow a leadership team and a workforce that reflect the full diversity of NZ society capable of delivering services inclusive of all members of the public
- build a workplace culture that is safe and promotes respect, inclusion, trust and productivity. This requires strong leadership, constructive working relationships, and good policies and procedures
- implement and report annually on your agency's Papa Pounamu, Kia Toipoto and Whāinga Amorangi commitments

Monitoring and appointments

You will:

- [Provide advice that meets the responsible Minister's needs on the performance of the agencies that the agency monitors, and on appointments to their boards. \[for monitoring and/or appointing agencies only\]](#)
- [Ensure trusted engagement with Crown entity board chairs and chief executives, which is essential for an effective monitoring relationship. \[for monitoring agencies only\]](#)



Trust and confidence

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Māori-Crown relationships

You will:

- support the Crown in its relationship with Māori under Te Tiriti o Waitangi.
- [specific commitment to iwi, Maori or Treaty if necessary]

Partners and stakeholders

You will:

- build and maintain sustainable relationships with agencies in your sector, key stakeholders, delivery partners and the public to improve outcomes for all New Zealanders.
- facilitate active citizenship through diverse engagement processes.

Executive

You will:

- faithfully serve the Government of the day in the delivery of its programme
- personally invest in building long-lasting, positive, productive relationships with your Minister/s and other Ministers
- support your Minister to act as a good steward of the public interest.
- support constitutional and democratic government
- enable successive governments to develop and implement their policies.

Transparency and accountability

You will:

- ensure disclosures to Parliament, the public, and the Public Service Commission are timely and accurate
- be proactive in the release of information
- be responsive when New Zealanders ask for information
- follow General Election guidance and related guidance
- act in accordance with the law at all times.



2023 Chief Executive Development Plan

Te Kawa Mataaho's commitment to your wellbeing

The Commission aims to provide CEs with support across all the stages of their Public Service Leader careers. The package of support available includes:

- Physical health assessment
- Psychological support
- Governance development
- Mentoring and coaching through a chief executive 'buddy' system
- Career coaching
- Flexible working
- Engagement with Assistant Commissioners.

[CE name]

[CE title in te reo] | [CE title in English]

[Agency name in te reo] | [agency name in English]

Signature:

Date :

Our joint commitments to your development

Goal

- Specific commitment.

Actions [3-5 practical things that can be ticked off with specific timelines]

- [name coach and/or buddy]
- [eg Coaching and practice – how to have leadership impact at scale across the system]
- [Whāinga Amorangi actions]

For further discussion

- Specific commitment.

Helene Quilter

Te Pou Turuki mō Te Kawa Mataaho | Deputy Public Service Commissioner

Signature:

Date:

