



Report Title:	Public Service Portfolio Legislation Programme 2025		
Report No:	MoSR 2025-0020		
Date:	27 January 2025		
To:	Hon Judith Collins KC, Minister for the Public Service		
Action Sought:	Submit attached bids and letter for 2025 legislation programme	Due Date	10 February 2025
	Discuss policy and timelines with officials		As soon as possible
Contact Person:	Callum Butler, Manager, Policy		
Contact No:	9(2)(a) privacy		
Encl:	Yes	Priority:	High
	<ul style="list-style-type: none">Draft legislative bids and a draft submission letterIndicative timeline for Public Service Act changes		
Security Level:	IN CONFIDENCE		

Executive Summary

1. The Public Service portfolio has two draft legislative bids that have been developed for the 2025 Legislation Programme. This work was requested by the previous Minister for the Public Service and relates directly to the Government's stated commitments.
2. One of the bids relates to the National-Act Coalition Agreement commitment to 'amend the Public Service Act 2020 to clarify the role of the Public Service, drive performance, and ensure accountability to deliver on the agenda of the government of the day'. The other relates to repealing the Plain Language Act 2022.
3. Progressing both of these actions requires places on the legislation programme for 2025. These bids need to be submitted by 10 February 2025. This report provides you with two draft legislative bids for your approval.

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5. The previous Minister for the Public Service had not yet provided detailed policy direction on changes to the Public Service Act. We are available to discuss the policy intent, timeframe and your objectives for these changes. We recommend that these discussions occur as soon as possible, noting the limited time remaining in the current term for policy decisions and the legislative process (see indicative timeline attached).
6. The work to repeal the Plain Language Act 2022 is further along. Cabinet agreed to repeal the Act in November 2024 on the basis that it would free up resources and reduce the compliance burden on agencies. The next step is taking the draft bill to the Cabinet Legislation Committee (LEG) for approval for introduction.

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Recommended Action

We recommend that you:

- a **note** the attached legislative bids relating to the Public Service Act 2020 and Plain Language Act 2022;
- b **discuss** the attached legislative bids with officials, as required;
- c **submit** the attached legislative bids to the Cabinet legislation coordinator by 10 February;
Agree/ disagree
- d **discuss** with officials the policy intent, scope and timeframes for changes to the Public Service Act 2020;
- e **discuss** with officials the process and timing for progressing the repeal of the Plain Language Act 2022;
- f **agree** that Te Kawa Mataaho Public Service Commission release this briefing, subject to any appropriate redactions, once Cabinet decisions have been made.
Agree/disagree

Hon Judith Collins KC
Minister for the Public Service

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Purpose of Report

7. This report provides you with information on proposed legislative changes for the Public Service portfolio, and recommends you submit the two attached legislative bids to the Cabinet legislation coordinator by 10 February.


Context

8. The previous Minister for the Public Service began work to progress two legislative bids for changes to legislation within the Public Service portfolio. The two bids relate directly to the Government's stated commitments including:
 - a. the National-Act Coalition Agreement to 'amend the Public Service Act 2020 to clarify the role of the Public Service, drive performance, and ensure accountability to deliver on the agenda of the government of the day'; and
 - b. repealing the Plain Language Act 2022 which was signalled as an intention by parties to the Government in the lead-up to the election.
9. Both of these actions require legislative changes and therefore places on the legislation programme for 2025. All bids for the 2025 Legislation Programme need to be delivered by 10 February 2025. Draft legislative bids are **attached** for your approval and submission.

Public Service Act changes

10. The Public Service Bill is proposed as a category 5 legislative priority¹ on the 2025 Legislation Programme and is proposed to rank first within the bids from the Public Service portfolio. Category 5 includes legislation which, for reasons of size, complexity, timing, or priority, is intended to be referred to a select committee in 2025 but not to be enacted within the year.

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13. If the Bill proposes significant changes to the operation of the public service, it may be contentious to enact and/or impact on effective implementation if we do not substantively consult the public and public servants through the policy process. A consultation process of this nature has not been factored into the indicative timeline for the Bill, and would pose further risks to delivering the changes within this parliamentary term.

¹ All legislative bids are allocated a priority category based on expected or desired progress through the legislative process over the course of the year. The priority categories for legislative bids are outlined as Annex One of the Cabinet Office Circular CO (24) 6.

14. Officials are available to discuss the bid with you ahead of submission, and can make any necessary changes in response to your feedback. We note that once the bid is submitted, it is still possible to make changes to the scope, timeline and whether the Bill amends or replaces the current Act.
15. The previous Minister for the Public Service had not provided detailed policy direction on changes to the Public Service Act. Discussions with the previous Minister's office in December 2024, indicated that following areas of the Act may be of interest:
 - a. Appointment and reappointment processes (including for chief executives and the Commissioner);
 - b. Chief executive performance (including review processes and accountability for poor performance);
 - c. Integrity and conduct (including accountability for integrity breaches, and public service purpose, principles and values); and
 - d. Stewardship reporting (including requirements to produce Long-term Insights Briefings and a report on the state of the public service).
16. The Commission is available to discuss and provide advice on any of the above areas, and on other areas of change you wish to progress through the Bill. We recommend that these discussions occur as soon as possible, noting the limited time remaining in the parliamentary term and the process steps required for policy decisions and the legislative process (see **attached** indicative timeline).

Plain Language Act repeal

17. The work to repeal the Plain Language Act 2022 is further along. Cabinet agreed in November 2024 to repeal the Act on the basis that it would free resources and reduce the compliance burden on agencies. Drafting instructions were issued to the Parliamentary Counsel Office in December 2024.
18. The Plain Language Act Repeal Bill is proposed as a category 4 legislative priority on the 2025 Legislation Programme which anticipates that the Bill can be passed by the end of 2025. It is expected to be short and of low complexity with straightforward drafting, given that it will repeal the original Act in its entirety.
19. The next step is taking the draft bill to LEG for approval for introduction. The suggested timeline we have discussed with PCO is outlined in the attached bid, and involves LEG consideration on 13 March.
20. Subject to confirmation of your preferred approach for continuing this work, we can provide you with the necessary Cabinet materials to progress the Bill to this timeline.

Next steps

21. The Commission has provided your office with the relevant materials to submit the proposed legislative bids by 10 February 2025, subject to your approval.
22. We are available to discuss the policy and timeframes relating to the Public Service Act changes, and progression of the Plain Language Act repeal.

Indicative timeline for progressing a Public Service Bill

- This is the fastest feasible timeframe for a substantive set of legislative amendments (in this case, a medium/large-sized bill of medium complexity) allowing time for consultation and assuming that recommended processes for a quality piece of legislation are followed.
- Note that there is no contingency, and the Bill would be passed shortly before the estimated last sitting date for Parliament in 2026
- Timeframes would be shorter if the amendments are minor/narrow in scope, and would be tighter/more challenging if the changes are more significant

