



Report Title:	Public Service Amendment Bill – Update and supporting material		
Report No:	MoSR 2025-0781		
Date:	9 December 2025		
To:	Hon Judith Collins KC, Minister for the Public Service		
Action Sought:	Note the material provided to support you at Second Reading and Committee of the Whole House stages for the Bill Indicate whether any further support is needed from officials	Due Date:	As needed
Contact Person:	Callum Butler, Manager, Strategy, Policy and Integrity		
Contact No:	9(2)(a) privacy		
Encl:	Supporting Material: Second Reading and Committee of the Whole House stages for the Public Service Amendment Bill	Priority	Medium
Security Level:	IN CONFIDENCE		

Purpose of Report

1. This report provides:
 - a. information on the Governance and Administration Committee report back on the Public Service Amendment Bill, and
 - b. materials to support you at Second Reading and Committee of the Whole stages.

Context

2. In October, we provided you with a draft of our Departmental Report to the Governance and Administration Committee (the Committee) on the Public Service Amendment Bill (the Bill) - MoSR 2025-0695 refers.
3. The Committee deliberated on the Bill on 19 November and the Chair reported back to the House on 27 November. As at 9 December the Bill was set down for second reading at number 50 on the Order paper.
4. The Bill has a Category 3 priority on the 2025 Legislation Programme (a priority to be passed by the end of 2025), but we understand from your office that due to competing pressures for House time, this is unlikely to occur. On 24 November we briefed you with draft bids for the 2026 Legislation Programme, proposing that you seek a Category 2 priority for the Bill next year – ‘must be passed before the 2026 General Election to meet a specific deadline’ (MoSR 2025-0766 refers).

Select Committee Recommendations and Commentary

5. The Committee agreed by majority to recommend the Bill be passed.
6. The Committee also agreed by majority to recommend five of the six minor and technical amendments we have previously briefed you on, while recommending one of them

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unanimously [MOSR 2025-0686 and MOSR 2025-0702 refer]. A summary of these amendments is provided in section two of the supporting material attached.

7. In reporting back, the majority noted that **submitters** had expressed concerns that:
 - changes to the purpose statement and long-term insights briefings would not ensure the public service maintains a focus on the long-term public interest;
 - changes to chief executive appointments, responsibilities, and performance management, and proposals for key positions and fixed-term appointments to the Policy Advisory Group in the Department of Prime Minister and Cabinet (DPMC) could undermine the political neutrality of the public service;
 - changes to diversity, equity, and inclusion provisions would have a negative signalling effect on the Government's commitment to equal pay, pay equity, or diversity and inclusion in the public service;
 - removing the phrase 'active citizenship' from the purpose statement could reduce civic participation, transparency and public service performance.
8. The majority recorded a view about the proposed shift from agency-specific long-term insights briefings (LTIBs) to one LTIB prepared by DPMC on behalf of the public service, specifically stating that:
 - while some LTIBs have overlapped or provided limited value this has not always been the case;
 - LTIBs give the public and Parliament important insights into long-term trends, opportunities and challenges; and
 - DPMC should seek input from other government agencies in planning and drafting the single briefing, and that agencies should be expected to provide information about the key long-term issues they are focused on in annual reviews.
9. The majority also recommended that the Governance and Administration Committee of the 55th Parliament should review the LTIB-related provisions after the first single LTIB is published (likely to be in late 2027/early 2028).

Dissenting views

10. The commentary also records significant dissenting views by the Labour Party and the Green Party, who expressed concern that there was not an attempt to obtain broad, cross-party consensus on the changes proposed. They also expressed a wide range of more specific concerns that are set out in section two of the supporting material.

Next steps and supporting material

11. The material attached to this briefing is to support you through the Second Reading and Committee of the Whole stages. If required, we will provide a draft Third Reading speech to your office following completion of the Committee stage. At this stage, we have not anticipated any Amendment Papers.
12. This material includes:
 - i. *A draft Second Reading speech;*
 - ii. *Material for the Committee of the Whole House stage, including:*

- *A summary sheet setting out* key features of the Bill, the Select Committee report and amendments proposed, and the dissenting views;
 - *Speaking notes and wider background material* (including a summary of the key changes proposed in the Bill, with clause references);
- iii. *Key messages for public communication; and*
 - iv. *Potential Question and Answer material* that you could use publicly or during the Committee of the Whole stage
13. Both the second Reading speech and the question-and-answer material have been tailored to issues raised in the select committee process (either by submitters or in the dissenting views in the commentary).
 14. As requested by the template for the summary sheet, we have drafted a motion for you to seek leave for all provisions to be taken as one question, but assume you will consider what is most appropriate in these circumstances. We also invite you to indicate to officials whether you require additional support. Officials are available to attend the Committee stage or support any specific public communications you may wish to make.

Implementation

15. As per standard process, implementation of the Bill will be supported by the Commission. If enacted, the Public Service Commissioner will write to relevant chief executives informing them of the passage of the Bill and how that affects them.
16. Given the targeted nature of the amendments, we do not consider that a formal publication or guidance on the amendments from the Commission will be necessary, but we will actively review website material for references to changed parts of the Act, and adapt internal processes or protocols with other agencies accordingly.

Recommended Action

We recommend that you:

- a **note** the contents of this report and the enclosed material to support you in the Second Reading and Committee of the Whole House stages for the Public Service Amendment Bill.
- b **indicate** whether you require any additional support through the parliamentary process.

Hon Judith Collins KC
Minister for the Public Service



FOLDER FOR MINISTER FOR THE PUBLIC SERVICE

PUBLIC SERVICE AMENDMENT BILL

Supporting material: Second Reading and Committee of the Whole
House stages

December 2025

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2. Committee of the Whole House

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3. Key Messages

4. Potential questions and answers

For reference:

5. 1st Reading

- [First reading speech and full Hansard record](#) – August 2025

6. Key material from the Select Committee process

- [Initial briefing to the Governance and Administration Committee](#) – August 2025
- [Departmental Report to the Governance and Administration Committee](#) – October 2025
- [Report back of the Governance and Administration Committee and full reprinted Public Service Amendment Bill \(with recommended amendments\)](#) – November 2025

2. Summary Sheet for Committee of the Whole House: PUBLIC SERVICE AMENDMENT BILL

Minister in Charge: Hon Judith Collins KC, Minister for the Public Service

Purpose of the Bill

This Bill is intended 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; and
- create more stability by removing prescription and allowing individual governments more flexibility to express certain policy objectives using non-legislative levers.

Political status of the Bill

- The Bill passed its first reading with **support from only the Government parties.**

Structure of the Bill

- Preliminary clauses provide for the Bill's title and its coming into force the day after Royal assent;
- Part 1 of the Bill amends the Public Service Act 2020;
- Part 2 makes a range of consequential amendments to other statutes;
- The Schedule amends Schedule 1 of the Act to provide for the transition to a single Deputy Commissioner.

Government Amendment Papers

- There are no Amendment Papers in the name of the Minister.

Motion

- Move a motion that all parts of the bill be taken as one question.
➤ **“I seek leave for all provisions to be taken as one question”.**

Select Committee Report on the Bill (27 November 2025)

- The Governance and Administration Committee (the Committee) has submitted its final report and **recommended by majority** that it be passed.
- The Committee recommended **five technical amendments by majority and one unanimously.** Specifically, the Committee recommends:
 - a. amending clause 14 to provide that the mandatory, minimum standards of integrity and conduct that the Bill currently provides must be set by the Public Service Commissioner must cover the Public Service Act principles and values (while preserving the ability of the Commissioner to set minimum standards of integrity and conduct for other matters) – **recommended by majority;**
 - b. inserting new clauses 62A and 62B to clarify that, consistent with the existing provision in s100 of the Policing Act in relation to performance reviews by the Public Service Commissioner, any

performance improvement review undertaken by the Commissioner under clause 43 (new clause 5A of Schedule 3 of the Act) may only cover the general and administrative functions of the Police Commissioner, and must not examine the exercise of ‘constabulary’ functions – **recommended unanimously;**

- c. amending clause 43 [new clause 5C(4)(e) of Schedule 3 of the Act] to clarify that the requirement for the Commissioner to consider the effect on ‘users’ of a product, service, or vendor before issuing a direction to restrict or prohibit the use of such things in order to manage risks to national security or the national interest relates to ‘users in relevant public service agencies’ (which is defined in the Bill) as opposed to all users in the private or community sectors – **recommended by majority;**
- d. amending clause 45 (which amends Schedule 6 of the Act) to provide that the Department of Prime Minister and Cabinet (DPMC) not be required to undertake public consultation on the proposed subject matter of the long-term insights briefing (while retaining the requirement to consult on the draft briefing itself) on the basis that this engagement has limited value and adds significant cost to the LTIB development process – **recommended by majority;**
- e. amending clause 45(2) to state that the three-year period in which an LTIB must be provided starts on 1 June 2026, in order to align with the Standing Orders Committee’s 2020 recommendation that LTIBs be presented to the House no later than 30 June in the second calendar year after each general election – **recommended by majority;**
- f. amending clause 46 of the Bill to allow for the option of an existing public service chief executive sitting on an interview panel for the appointment of such chief executives in order to help provide the most efficient, fit for purpose panel, while retaining the role of the Commissioner or Deputy Commissioner as chair – **recommended by majority.**

- Members from the Labour and Green parties recorded strongly dissenting views in the commentary of the report, including concerns that:

Labour Party

- changes related to diversity and inclusion will challenge the progress New Zealand has made towards a diverse and representative public service and create unhelpful division;
- removal of references to pay equity will remove requirements for chief executives and the Public Service Commission to work towards pay equity and take New Zealand women and their journey towards equality backwards;
- the shift from 34 agency specific long-term insights briefings to one prepared by DPMC and the removal of the requirement for public consultation on the proposed subject matter would reduce the ability of Parliament and the public to hold the Executive to account and see less attention given by the public service to long-term issues;
- the removal of re-appointment provisions for chief executives and the provision for members of the Policy Advisory Group (PAG) in DPMC to be employed on fixed-term agreements present significant risks to the political neutrality of the public service;
- the Bill is unlikely to achieve its objectives, and that this is suggested by the Regulatory Impact Statement.

Green Party

- removal of references to current and successive governments and the long-term public interest from the purpose of the public service will undermine political neutrality and a long-term focus;

- an overly narrow focus on value and efficiency could compromise the public service’s ability to deliver specialist or tailored support to disabled people;
- the ability for the Commissioner to designate key positions in the public service and have a role in the appointment and performance management of people in these positions will exempt such people from “requirements to act independently of the Minister”;
- the clarification that chief executives may delegate to an employee of a party they have a contract with to work in the public service will open the door to public sector privatisation and weaken protections for conflicts of interest;
- removal of the re-appointment provisions for chief executives and requirements for a performance framework for chief executives will increase ministerial control over appointments and incentivise the alignment of officials with political goals;
- removal of diversity, equity and inclusion references would undermine the public service’s ability to deliver fair and effective services to all New Zealanders and perpetuate pay gaps based on discrimination;
- changes to LTIB provisions will reduce opportunities for parliamentary scrutiny of the Executive and prioritise short-term decision-making.

Submissions received on the Bill

- The Governance and Administration Committee (the Committee) received **99 submissions** (including supplementary submissions) from **94 unique individuals and organisations**, 17 of whom presented oral submissions. Of the 94 submitters, **68** expressed opposition to the Bill, **5** were supportive, **7** submitters expressed partial support and **14** did not have a discernible position on the overall Bill.

Other notes about the Bill

- The Bill was before select committee from 31 July 2025 – 27 November 2025 (the report back was early, having been due on 1 December).

Background material

Overview of the Public Service Act 2020

The Public Service Act provides the statutory framework for the operation of the public service and is an important component of New Zealand's constitutional framework. It provides for:

- the purpose, principles, and values that govern the actions of the public service (and some organisations within the wider State services);
- the setting and issuing of standards or guidance on integrity and conduct in relation to the public service or state services;
- the establishment and re-organisation of agencies or ways of working within and across the public service;
- the roles, responsibilities, powers, duties and accountabilities of the Public Service Commissioner (the Commissioner) and public service chief executives;
- requirements in relation to employment, public service employees, the negotiation of collective agreements, and pay equity claims;
- the setting of government workforce policy; and
- the appointment of the Commissioner and Deputy Commissioners, and the appointment and performance review of public service chief executives.

Key changes in the Bill

Key amendments are summarised in the below table:

Clause	Amendment
Part 1: Public Service Act 2020	
<i>Clarifying the role of the public service</i>	
Clause 10	Amends the purpose statement to focus the public service on supporting the government to develop and implement its policies, deliver high quality and efficient public services, and meet the needs of New Zealanders while supporting constitutional and democratic government and acting in accordance with the law. Restores 'spirit of service' to the purpose, as opposed to a stand-alone provision.
Clauses 11-12	Move chief executive responsibilities to the front of the Act, re-title as 'principal responsibilities' and clarify and re-order the list. Streamline obligations related to the public service principles.
<i>Streamlining chief executive responsibilities</i>	
Clause 34	Removes requirements for chief executives to have specific policies recognising the importance of achieving pay equity and the importance of decisions about remuneration being free from bias.

Clause	Amendment
Clauses 21, 35, 39, 43(9), and 46(4)	Remove specific requirements of chief executives relating to diversity and inclusion in favour of addressing the same through government workforce policy statements where necessary, and amend/remove references to diversity and inclusion in the Commissioner's general functions, the indicative list of matters that may be addressed by the content of government workforce policy statements, the content of the Commissioner's state of the public service briefing, and appointment provisions for individual chief executives.
Clause 45(2)-(10)	Streamlines the requirement for long-term insights briefings, requiring the Department of the Prime Minister and Cabinet to coordinate one briefing every three years, and issue guidance to support agency capability for long-term thinking.
Clauses 17 & 26	Amend the establishment provisions for Interdepartmental Executive Boards and Functional Chief Executives to require the Order in Council to specify an end date for their operation.
<i>Reinforcing the principles of merit-based appointment</i>	
Clause 46(6)	Removes chief executive re-appointment provisions to ensure that a contestable process be conducted each time a chief executive fixed-term appointment ends.
Clause 46(4)	Adjusts chief executive appointment provisions to remove references to diversity and inclusion to require appointments solely on the basis of merit (also referenced above).
Clause 23 and 42	Provide for the appointment of one Deputy Public Service Commissioner instead of two.
<i>Improving chief executive and agency performance</i>	
Clause 46(10)	Requires the Commissioner to develop and publish a framework for chief executive performance reviews in consultation with the Minister for the Public Service.
Clause 46(11)	Requires the Commissioner to seek the input of appropriate Ministers in setting performance expectations and conducting performance reviews of chief executives.
Clause 43(7)	Allows the Commissioner to conduct agency and system Performance Improvement Reviews by agreement with appropriate Minister(s) and recover actual and reasonable costs from agencies subject to a review.
Clause 14	Requires that the Commissioner <i>must</i> set minimum standards of integrity and conduct in relation to the public service principles and values.

Clause	Amendment
Clause 38	Requires agencies to notify the Public Service Commissioner before commencing any misconduct or serious misconduct investigation in relation to a senior public service leader.
Clause 38	Requires agencies to report annually to the Public Service Commissioner on the outcomes of misconduct and serious misconduct investigations ceased or concluded in the past year, and the Commissioner to publish a report on this information.
<i>Ensuring capability in key positions</i>	
Clause 30	Re-introduces ‘key positions’ in the public service and requires chief executives to seek Commissioner (or their delegate, e.g. system leads) approval for appointments in those positions and to consult the Commissioner on performance reviews.
Clause 32	Allows for members of the Department of the Prime Minister and Cabinet Policy Advisory Group (PAG) to be appointed on a fixed-term basis.
<i>Better risk management</i>	
Clause 43(7)	Allows the Commissioner to restrict (including prohibit) the use of specific products, services or vendors by or within the public service, where there is a risk to national security or other national interest.
Clause 45(10)	Lifts and shifts existing provisions obliging public service agencies to provide for business continuity management (during an emergency) from the Civil Defence and Emergency Management Act 2002 (CDEMA) to the Public Service Act, broadens the obligation to contemplate any disruption, and provides for business continuity management plans to be provided to the Public Service Commissioner on request.
Part Two – Key Consequential amendments	
Clauses 50-51	Repeals the provisions in the Civil Defence and Emergency Management Act 2002 (CDEMA) associated with the above.
Clauses 54-56	Transfer the provision regarding appointment of the Government Statistician to the Data and Statistics Act 2020.