



AIDE MEMOIRE	Supporting material for Public Service Amendment Bill – remaining House stages		
Reference	MoSR 2026-0023		
Date:	4 February 2026		
To:	Hon Judith Collins KC, Minister for the Public Service Hon James Meager (Minister progressing the Bill in the House)		
Contact:	Callum Butler, Manager – Strategy, Policy, and Integrity, 9(2)(a) privacy		
Enclosed:	- Appendix: Short summary of Bill purpose, objectives and key amendments - Folder for the Minister progressing the Public Service Amendment Bill – 2nd Reading, Committee of the Whole House, and 3rd Reading - Draft Press Release for 3rd Reading	Priority:	High
Security Level:	UNCLASSIFIED		

Purpose

This Aide Memoire provides supporting material for Ministers progressing the Public Service Amendment Bill through remaining stages in the House of Representatives. Public Service Commission officials are scheduled to brief Hon Meager on this Bill on Wednesday 11 February.

Date of meeting

11 February 2026

Background

The Parliamentary Business Statement of 29 January indicated that in the sitting block of 10-12 February:

- The House will complete the debate on the Prime Minister's statement and make further progress on the Employment Relations Amendment Bill, the ANZAC Day Amendment Bill, and the **Public Service Amendment Bill**;*
- The hours of Wednesday will be extended into Thursday morning for Government Business.*

We understand that the Minister for the Public Service is on leave from 11-16 February, and that Hon James Meager will substitute for the Minister during some or all of the Second Reading, Committee of the Whole House and Third Reading stages of the Bill, if these are completed in next week's sitting block.

Material enclosed

Enclosed with this Aide-Memoire is:

- 1) A full House Folder for the Public Service Amendment Bill;** and
- 2) A draft Press Release for Third Reading** (issuing Minister to be confirmed by the Minister for the Public Service's office at Third Reading stage).

The House Folder includes:

- *Links to the first reading speech and key documents from the Select Committee phase* (Departmental advice and Select Committee Commentary – though key points from these are incorporated in the rest of the folder);
- *A draft Second Reading speech;*
- *A summary sheet for the Committee of the Whole House stage* – this includes a summary of amendments recommended by, and dissenting views expressed by, members of the Select Committee;
- *Initial speaking notes for the Committee of the Whole House stage;*
- *A short overview of the Public Service Act 2020;*
- *A clause-by-clause analysis and question and answer material* – this provides a description of the purpose/impact of each clause, and suggested talking points in relation to key issues and concerns that have been raised during the Select Committee process (either in submissions or in Select Committee commentary);
- *A draft Third Reading speech; and*
- *Key messages for public communications.*

Shorter summary of purpose, objectives, & key amendments

Included as an **Appendix** is a shorter summary of the Bill's purpose, key objectives and amendments. We propose to use this as the basis for briefing Hon Meager on Wednesday 11 February.

Noted

Hon Judith Collins KC
Minister for the Public Service

Hon James Meager
[Minister progressing the Bill]

APPENDIX: Purpose, key objectives and amendments of the Public Service Amendment Bill

The Government considers that the Public Service Act 2020 de-emphasised responsibility for implementing the policies of the government of the day and efficient use of taxpayers' money, and generated excessive prescription or duplication, distracting from agencies' core mission.

Purpose

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.

Key objectives / themes

- clarify the role of the public service and streamline the responsibilities of chief executives;
- reinforce the core principles of political neutrality and merit-based appointment;
- improve chief executive and agency performance management (including to ensure better oversight and transparency of public service conduct);
- ensure capability in key positions; and
- provide for better management of risks to national security or the national interest.

Key changes in the Bill

Clause	Amendment
<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	Moves chief executive responsibilities to the front of the Act, re-title as 'principal responsibilities' and clarify and re-order the list.
<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, 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 as a consideration in 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	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 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	Amendment
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.



FOLDER FOR
MINISTER FOR THE PUBLIC SERVICE /
MINISTER PROGRESSING THE:

PUBLIC SERVICE AMENDMENT BILL

Supporting material:

- Second Reading,
- Committee of the Whole House, and
- Third Reading

February 2026

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For reference (links only):

- 5. 1st Reading Speech**
 - [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. Committee of the Whole House

2A. 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 from two statutory Deputy Public Service Commissioners to one (<i>refer clause 23</i>).
Government Amendment Papers • There are no Amendment Papers in the name of the Minister.
Motion We understand it is most common for a Bill of this size to be taken Part by Part. If you wish to 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”. We have prepared a full clause-by-clause analysis and question and answer material to support you in the debate (<i>see below section 2D</i>).
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 recommended: 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. amending **clause 43(7)** [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 its use 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;**
 - c. amending **clause 45(2)** to state that the three-year period in which a long-term insights briefing (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;**
 - d. amending **clause 45(8)** 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 LTIB on the basis that this engagement has limited value and adds significant cost to the LTIB development process (DPMC would still be required to consult on the draft briefing itself) – **recommended by majority;**
 - e. amending **clause 46(3)** 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;**
 - f. 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(7)** (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.**
- Members from the Labour and Green parties recorded strongly dissenting views in the commentary of the report, including concerns that:

Labour Party

 - 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’ – **refer clause 34**
 - 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 – **refer clause 35**
 - 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 – **refer clause 45(2) to (10)**

- the removal of re-appointment provisions for chief executives – **refer clause 46(6)** - and the provision for members of the Policy Advisory Group (PAG) in DPMC to be employed on fixed-term agreements – **refer clause 32** - 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 – **refer Q&A point under clause 2**

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 – **refer clause 10**
- an overly narrow focus on value and efficiency could compromise the public service’s ability to deliver specialist or tailored support to disabled people – **refer Q&A point under clause 2**
- 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” – **refer clause 30**
- 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 – **refer clause 45(1)**
- 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 – **refer clause 46(6), 46(10), and 46(11)**
- 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 – **refer clause 34 and clause 35**
- changes to LTIB provisions will reduce opportunities for parliamentary scrutiny of the Executive and prioritise short-term decision-making – **refer clause 45(2) to (10)**

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).

2C. Background: 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.