



# Te Kawa Mataaho

Public Service Commission

28 April 2025

9(2)(a) privacy

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## Official Information Request

**Our Ref: PSCR 2025-0279**

I refer to your official information request received on 10 March 2025 for:

1. *How many, if any, public service appointments have been sent back to the Public Service Commissioner or his office for 'reconsideration' or otherwise by Ministers?*
2. *Have Ministers raised concern or questioned any public service appointments considered by the Public Service Commissioner or his office?*
3. *What advice, conversations, consideration has been given/had in regard to Ministers having greater involvement in the appointment process of senior public servants?*
4. *What advice, conversations, consideration has been given/had in regard to the neutrality of the public service and the politicisation of the appointment process of senior leaders?*
5. *Please provide all correspondence regarding the recent resignations of senior public servants, including but not limited to, the following roles:*
  - *Chief executive of Health NZ*
  - *Director of Public Health*
  - *Director-General of Health*
  - *Chief executive of Pharmac*
  - *Governor of the Reserve Bank of New Zealand*

## Background Information

The Public Service Commissioner (the Commissioner) appoints, reappoints or transfers Public Service Chief Executives of departments for fixed terms. Public service chief executives are appointed for up to five years and are not automatically reappointed. This is a point of difference in the Public Service compared with the private sector or wider state sector roles, many of which are appointed on an open term, and not by the Public Service Commissioner.

Ministers also have statutory roles and responsibilities in relation to the appointment of chief executives. The respective roles of Commissioner and Ministers are set out in the Public Service Act 2020 (the Act) (schedule 7). In summary:

- The Commissioner runs the appointment process. Ministers have an opportunity to "identify any matters that [must be taken] into account in deciding upon the person to be recommended for appointment to the position".

- The Commissioner's recommendation for appointment may be accepted or rejected by the Governor-General in Council (acting on the advice of Ministers). The same applies to the Commissioner's recommendations for reappointment or transfer of chief executives.
- The Commissioner consults the Prime Minister and Minister before finalising conditions of employment with a new chief executive.

The Act provides that the Commissioner is responsible for the selection and recommendation of individuals for appointment as Public Service chief executives. It also, however, recognises the important relationship between chief executives and Ministers and provides for input by the Minister for the Public Service, and responsible portfolio Minister, at different stages of the appointment process. The Commissioner regularly updates the portfolio minister at key points such as after shortlist and interview, and at points specified in the Act for example securing their feedback on matters to be taken into account in the process and on interview panel composition.

## **Our response**

Please find below our responses to your specific questions.

1. *How many, if any, public service appointments have been sent back to the Public Service Commissioner or his office for 'reconsideration' or otherwise by Ministers?*

Once the Commissioner has made their recommendation to appoint to the Minister for the Public Service, the Act requires the Minister to progress that recommendation through the Cabinet process. With the exception of when a candidate has withdrawn their application for a role, in the term of the current government, there have been no examples of the Commissioner's recommendation not been progressed through Cabinet.

2. *Have Ministers raised concern or questioned any public service appointments considered by the Public Service Commissioner or his office?*

From time-to-time Ministers have raised questions and concerns they may have about an appointment during the recruitment process. Those conversations focus on the alignment between the skills and capabilities set out the position description for the role, which is consulted on with relevant Ministers, and the candidate's leadership offering as determined by interview, assessment, reference and probity checks.

3. *What advice, conversations, consideration has been given/had in regard to Ministers having greater involvement in the appointment process of senior public servants?*

No advice, conversations or consideration has been given in regard to Ministers having greater involvement in the appointment of process of senior public servants. I am therefore refusing this part of your request under section 18(e) of the OIA on the grounds the information does not exist.

There are already a number of points at which Ministers are able to input into appointment processes for chief executives, for example being consulted on the position description and make-up of the interview panel.

4. *What advice, conversations, consideration has been given/had in regard to the neutrality of the public service and the politicisation of the appointment process of senior leaders?*

No advice, conversations or consideration has been given in regard to the neutrality of the public service and the politicisation of the appointment process of senior leaders. I am therefore refusing this part of your request under section 18(e) of the OIA on the grounds the information does not exist.

5. *Please provide all correspondence regarding the recent resignations of senior public servants, including but not limited to, the following roles:*
- *Director of Public Health*
  - *Chief executive of Pharmac*
  - *Governor of the Reserve Bank of New Zealand*

I am refusing the part of your request as it relates to the Governor of the Reserve Bank of New Zealand, the Director of Public Health and the Chief executive of Pharmac under section 18(e) of the OIA on the grounds the information requested does not exist.

There are documents covered by this part of your request in relation to the Director-General of Health and the Chief Executive of Health NZ that I have decided to withhold in full under section 9(2)(a) of the Official Information Act 1982 in order to protect the privacy of natural persons, including deceased people.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA and do not consider the public interest outweighs the need to withhold the information.

If you wish to discuss this decision with us, please feel free to contact [Enquiries@publicservice.govt.nz](mailto:Enquiries@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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) 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**