



# Te Kawa Mataaho

Public Service Commission

21 August 2025

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## Official Information Request

Our Ref: PSCR 2025-0516

I refer to our response to your Official Information Act request dated 7 August 2025 where we advised we were preparing the documents relevant to your request, and that these would be released to you no later than 21 August 2025.

### Information being released

Please find enclosed the documents within scope of your request.

Item	Date	Document Description
1	10 February 2025	<b>AGENDA ITEM TWO</b> – Public Service Amendment Bill
2	February 2025	<b>TABLE</b> – Summarised feedback related to diversity and inclusion
3	February 2025	<b>EMAILS</b> – Providing diversity, equity and inclusion related feedback sent to Sir Brian Roche, Public Service Commissioner from: <ul style="list-style-type: none"><li>- Audrey Sonerson (then) Chief Executive of the Ministry of Transport</li><li>- Cath Atkins, Chief Operating Officer, The Treasury</li><li>- Penny Nelson, Director-General of the Department of Conservation</li></ul>
4	26 February 2025	<b>DRAFT REGULATORY IMPACT STATEMENT (RIS):</b> Amendments to the Public Service Act 2020 <i>This document contains feedback from an internal independent quality assurance panel that reviewed the draft RIS prior to Ministerial consultation. The red text within is feedback from the drafting team on how their comments were addressed in an updated draft.</i>
5	18 March 2025	<b>DRAFT RIS:</b> Amendments to the Public Service Act 2020

		<p><i>This document contains feedback from an internal independent quality assurance panel that reviewed the updated draft RIS prior to lodging. The red text feedback is from the drafting team on how their comments were addressed in the final version.</i></p> <p><i>The panel's final feedback was provided in Cabinet Paper 3.</i></p>
6	March 2025	<b>TABLE</b> – Summarised feedback related to diversity and inclusion
7	March 2025	<p><b>EMAILS</b> – Providing diversity, equity and inclusion related feedback</p> <ul style="list-style-type: none"> <li>a. Penny Nelson, Director-General of the Department of Conservation</li> <li>b. Leauanae Laulu Mac Leauanae, Secretary for Culture and Heritage and Chief Executive of the Ministry for Culture and Heritage</li> <li>c. Mervin Singham, Chief Executive of the Ministry for Ethnic Communities</li> <li>d. Bede Corry, Secretary of Foreign Affairs and Trade and Chief Executive of the Ministry of Foreign Affairs and Trade</li> <li>e. James Palmer, Secretary for the Environment and Chief Executive of the Ministry for the Environment</li> <li>f. Anna Chalmers, Acting Chief Executive of the Ministry for Women</li> <li>g. Gerardine Clifford-Lidstone, Secretary for Pacific Peoples and Chief Executive of the Ministry for Pacific Peoples</li> <li>h. Hamish Rogers, Director, Office of the Secretary of Defence, New Zealand Defence Force</li> <li>i. Paula Tesoriero, Chief Executive of Whaikaha</li> <li>j. Jeremy Wood, Executive Director, Policy &amp; Government Relations, New Zealand Police</li> <li>k. Terina Cowan, Deputy Secretary   Hautu, Strategy Finance and Performance   Te Puni Whakahaere Tikanga, Te Puni Kōkiri</li> </ul>
8	March 2025	<b>TABLE</b> - Table of diversity, equity and inclusion themed feedback and notes on how feedback was considered or implemented
9	March 2025	<b>TABLE</b> - Summarised feedback related to diversity and inclusion
10	3 March 2025	<b>EMAIL</b> – ‘Public Service Act changes’ sent from Sir Brian Roche, Public Service Commissioner to the Public Service Leadership Team (PSLT)
11	1 April 2025	<b>EMAIL</b> – ‘Proposed amendments to the Public Service Act announced’, sent from Sir Brian Roche, Public Service Commissioner to all staff of the Public Service Commission

12	1 April 2025	<b>EMAILS</b> – ‘Proposed amendments to the Public Service Act announced’, sent from Alex Chadwick, Deputy Chief Executive, Workforce, Public Service Commission  - to 16 chief executives  - to Diversity, Equity and Inclusion (DEI) Executive Leads
13	February-May 2025	<b>EMAILS</b> – Between staff members of the Commission, and with the Private Secretary (Public Service) relating to proposed amendments to section 75 of the Public Service Act
14	3 April 2025	<b>MEETING NOTES</b> – Public Service Heads of Human Resources (HoHR)
15	3 April 2025	<b>MEETING NOTES</b> – Wider Public Sector HoHR
16	14 April 2025	<b>SUMMARY OVERVIEW</b> – Provided to Papa Pounamu chief executives within meeting

As earlier advised, I have decided to release the relevant parts of the documents listed above, subject to information being withheld under the following sections of the Official Information Act 1982 (OIA):

- section 9(2)(a) – to protect the privacy of natural persons, including deceased people.
- section 9(2)(g) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
- section 9(2)(h) – to maintain legal professional privilege.

In addition, some information has been deleted where it is not within the scope of your request.

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) 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**



## Agenda Item Two – Public Service Amendment Bill

This annotated agenda is to support a discussion with you on specific areas of potential change in the proposed amendment to the Public Service Act 2020:

### 1) Promoting diversity and inclusion

out of scope



## Topic One – Promoting diversity and inclusion

### *Context*

1. The Act requires chief executives to be guided by the principle that the group comprising all public servants should reflect the makeup of society, and foster a workplace that is inclusive of all groups through employment policies and practice.

### *Implications of removal*

2. As the legal employer of public servants in their respective agencies, chief executives are responsible for developing employment policies that are consistent with the law and policy expectations set by the Government.
3. Removing these provisions would remove some prescription on chief executives when developing policies for their agencies. This may reduce focus on increasing diversity and inclusion in the public service, though chief executives may still choose to retain existing policies that are consistent with these principles.

### *Option*

4. General levers exist in the Act for the Government to set workforce policy expectations which the public service must give effect to. In practice, the Public Service Commissioner supports the Government in implementing its expectations by issuing guidance for agencies on how they can comply. These levers provide a more flexible tool for setting Government workforce policy expectations going forward, and avoids the need for prescription in primary legislation.

out of scope



Theme	Specific Topic	Comments	Agency
Public Service Workforce	Promotion of D&I	<b>[Review and possibly removal of] CE's employer responsibilities.</b> Our starting point is that general employment law should be apply, then consider whether any additional responsibilities are needed for the public sector. It would be useful to take a close look at what is being required of CEs in addition to what is set out in general employment law. The principles in <b>s12 and values in s16 set standards for the public service and CEs and the provisions about the Crown's relationship with Māori are key sections which should be retained</b> but others (eg <b>s75</b> [promotion of D&I], <b>reviews of appointments</b> ) <b>could be reviewed.</b>	Ministry of Transport
Public Service Workforce	Promotion of D&I	[Parts of the Act could be clarified]- the extent of the obligations on chief executive to promote <b>diversity and inclusion</b> , noting these are obligations for the public service as a whole;	Treasury
Public Service Workforce	Māori Crown, Promotion of D&I	The components of the Act that set requirements around the <b>Crown Māori Relationship, and Diversity and Inclusion</b> don't appear to be in line with the government of the day's views. We aren't suggesting that the legislation is wrong, rather that strong guidance from the centre would help minimise conflicting messaging	Department of Conservation

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**From:** Audrey Sonerson <[A.Sonerson@transport.govt.nz](mailto:A.Sonerson@transport.govt.nz)>

**Sent:** Friday, 14 February 2025 2:42 pm

**To:** Brian Roche <[brian.roche@publicservice.govt.nz](mailto:brian.roche@publicservice.govt.nz)>

**Subject:** Feedback on PS Act

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Kia ora Brian,

Thank you for the opportunity to give you our thoughts about improvements to the Public

Service Act and barriers to doing our jobs well. We've set out some ideas below. At our catch up I'd be happy to expand on our practical experience if useful.

**Public Service Act**

In general, we think that the Act codifies in legislation too many aspects of the public sector operating model that could simply be implemented operationally, if needed at all. It is not clear what is gained by including these matters in legislation. In some cases having these matters in primary legislation has led to overly prescriptive processes and unnecessary machinery that create inefficiencies.

out of scope



out of scope

I look forward to the outcome of this review and we're happy to contribute as needed.

Ngā mihi,  
Audrey

**Audrey Sonerson (she / her / Ms)**

Secretary for Transport & Chief Executive |

Hēkeretari o te Manatū Waka – Tumu Whakarae

**Ministry of Transport Te Manatū Waka**

M: 9(2)(a) privacy | E: [a.sonerson@transport.govt.nz](mailto:a.sonerson@transport.govt.nz) | [transport.govt.nz](http://transport.govt.nz)

Executive Assistant: Sharyn Forty | M: 9(2)(a) privacy | E: [s.forty@transport.govt.nz](mailto:s.forty@transport.govt.nz)

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**MINISTRY OF TRANSPORT**

**Wellington (Head Office)** | Ground Floor, 3 Queens Wharf | PO Box 3175 | Wellington 6011 | NEW ZEALAND | Tel: +9(2)(a) privacy |

**Auckland** | NZ Government Auckland Policy Office | Level 7, 167B Victoria Street West | PO Box 106238 | Auckland City | Auckland 1143 | NEW ZEALAND | Tel: +9(2)(a) privacy |

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**From:** Cath Atkins [TSY] <[Cath.Atkins@treasury.govt.nz](mailto:Cath.Atkins@treasury.govt.nz)>  
**Sent:** Friday, 14 February 2025 11:31 am  
**To:** Brian Roche <[Brian.Roche@publicservice.govt.nz](mailto:Brian.Roche@publicservice.govt.nz)>  
**Cc:** Aroha Leighton [TSY] <[Aroha.Leighton@treasury.govt.nz](mailto:Aroha.Leighton@treasury.govt.nz)>; Iain Rennie [TSY] <[Iain.Rennie@treasury.govt.nz](mailto:Iain.Rennie@treasury.govt.nz)>; Ben King [DPMC] <[Ben.King@dpmc.govt.nz](mailto:Ben.King@dpmc.govt.nz)>  
**Subject:** [UNCLASSIFIED] Public Service Act improvements

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

[UNCLASSIFIED]

Tēnā koe Sir Brian,

Thank you for the opportunity to comment. I've set out below at a high-level four key opportunities we see to improve the Act from a discussion yesterday. Some of these are consistent with our discussion today. We would welcome ongoing discussion on this, and our team are able to provide more detailed comments and input into the ongoing workstreams. No doubt Iain will also continue to engage you on any ideas he has.

### **Complexity of the Act**

- The Act has a number of overlapping requirements, that makes the obligations of chief executives unclear. This in turn limits the effectiveness of the Act as an accountability mechanism, which should provide chief executives and senior leaders with clarity about their responsibilities with the public service.
- In our view, parts of the Act could be clarified, for example:
  - out of scope [REDACTED]
  - the extent of the obligations on chief executive to promote diversity and inclusion, noting these are obligations for the public service as a whole;
  - out of scope [REDACTED]

out of scope

Thanks again for the opportunity to comment.

Ngā mihi

**Cath Atkins | Te Tai Ōhanga – The Treasury**

Chief Operating Officer

Tel: 9(2)(a) privacy | Mobile: 9(2)(a) privacy | E: [Cath.Atkins@treasury.govt.nz](mailto:Cath.Atkins@treasury.govt.nz)

Visit us online at <https://treasury.govt.nz/> and follow us on [Twitter](#), [LinkedIn](#) and [Instagram](#)

**From:** Penny Nelson <[pnelson@doc.govt.nz](mailto:pnelson@doc.govt.nz)>  
**Sent:** Friday, 14 February 2025 4:02 pm  
**To:** Brian Roche <[Brian.Roche@publicservice.govt.nz](mailto:Brian.Roche@publicservice.govt.nz)>  
**Cc:** Christina Connolly <[christina.connolly@publicservice.govt.nz](mailto:christina.connolly@publicservice.govt.nz)>  
**Subject:** RE: Address from Minister for the Public Service

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Kia ora Brian

I've checked in with my team regarding the Public Service Act and the questions you and Minister Collins have posed. We have thoughts for your consideration:

- The components of the Act that set requirements around the Crown Māori Relationship, and Diversity and Inclusion don't appear to be in line with the government of the day's views. We aren't suggesting that the legislation is wrong, rather that strong guidance from the centre would help minimise conflicting messaging

out of scope



Thanks for the opportunity to comment.

Penny

**Penny Nelson**

Director-General | Tumuaki-Ahurei

M: 9(2)(a) privacy

out of scope



**Draft RIS for Amendments to the Public Service Act 2020: Comments from QA Panel [26/2/25]**

The panel has reviewed this interim RIS at pace and we provide the following comments.

out of scope



- The statements about 'exceptions to merit-based appointments' need further explanation. Our legislation has consistently required merit-based appointments. There are several references to strengthening requirements for merit-based appointments in the overarching problem definition and programme of changes, although the relevant proposals haven't been flagged as requiring impact analysis. The RIS needs to be really clear as to whether these are Ministerial perceptions or whether there is an actual problem. These issues link to the proposals around equity and DEI - what do 'strictly merit based appointments' look like and who defines merit?

We have added some commentary on this. While it is clear that D&I provisions do not conflict with the merit principle, if properly applied, it does seem reasonable to see a risk that they may be perceived as doing so. It is also reasonable to see them as detracting from the emphasis that should be placed on merit in the Act – this is matter of clarity of emphasis in line with the concern to clarify CE responsibilities.

2. Proposal b (2): Remove responsibilities of chief executives relating to diversity and inclusion (s75) (and amend Commissioner's functions mirroring the same (s 44(c)), in favour of providing government flexibility to set expectations in these areas through the Government Workforce Policy Statement
- Given the lack of wider legislation on positive DEI, this is not a purely technical change of location.
  - We would expect a broader discussion about why diversity and inclusion provisions were put into the Act, including the various benefits (and costs/impacts to be reflected in the section 3), and the risks associated with taking them out. E.g. diverse perspectives helping shape effective services for diverse population, promoting creativity/innovation and avoiding groupthink. We suggest consulting with the DEI team.
  - Para 80's reference to 'ensuring all appointments are based on merit' in the context of removing legal requirements in relation to **out of scope** DEI implies that **out of scope** DEI initiatives compromise appointments on merit. PSC's position has been that **out of scope** DEI should (among other things) increase the pool of well-qualified applicants for roles and improve staff retention? It would be useful for the consideration of the options to reflect evidence on effects of **out of scope** DEI on factors other than the trust of the public one that is already in the narrative.

We have added words to reiterate that point that what is at issue here is a question of possible misunderstanding and a need for greater emphasis on the merit principle. This is not to say that there is any compromising of the merit principle by D&I provisions where they are properly applied.

### Section 3: Marginal costs and benefits of the preferred option

- It seems that potential costs around the removal of diversity and inclusion provisions have not been considered here.

We have added further comment to show how these have been reflected in the table. We have clarified impacts to uncertain.

# Draft Regulatory Impact Statement: Amendments to the Public Service Act 2020

## Feedback from QA panel 18 March 2025

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This document provides quick feedback from the QA panel on the second draft of the RIS. out of scope

out of scope

### Section 1: policy context

Para 39: The panel was unclear what was meant by the comment ‘Ministers are concerned that that the Act has been politicised by introducing provisions that relate to policies for which there is not cross-party support’. out of scope

out of scope

We assume that it is the DEI provisions that are of concern.

We have added new para 40 to explain this more fully; as we understand it the Minister is seeking to remove provisions which are more open to shifts in views between different Governments, in favour of allowing other levers to be used for these matters where necessary.

It would be useful if the emphasis on 'all appointments strictly on merit' in paras 43-44 could be responded to with a comment on how 'merit' is defined. It could be useful for example in para 45 to say something about how if merit is defined too narrowly (eg on the basis of academic prowess or seniority alone) the change to how the public service delivers for New Zealanders could be negative.

Minister is not proposing any changes to the public service principles, which includes merit-based appointments; footnote added to reference our principles guidance, which has definitions.

Para 51 notes mixed feedback was received on some proposals, including relating to diversity and inclusion (proposals B (1) and (2)). What were the key pieces of feedback and how have these been addressed?

We have listed departments and elaborated feedback a little more.

out of scope

We would expect consultation with other departments, such as consultation with population agencies that would likely be interested in the proposal to remove responsibilities of CEs relating to diversity and inclusion (s 75).

Feedback from population agencies is reflected in analysis.

out of scope

We think the analysis of B1 and B2 need to be separated for the discussion and assessment of the options because the consequences of the two changes are different. B1 pay equity is covered by existing law (so although different governments might decide to place different emphasis on implementation, there is a clear avenue to bring cases etc). For B2, although there is some human rights law protection against demonstrable discrimination on some 'diversity' grounds, there is no equivalent wider legislation about supporting diversity. The assessment of the proposed changes may therefore be less positive for B2 than B1.

We are not in a position to adjust the structure of this section in the time available - we note that this concern wasn't signalled in your previous feedback and there is insufficient time to completely re-frame the discussion. However, we have taken on board your feedback below and updated the discussion to incorporate many of your helpful points.

The discussion of B2 alone is currently unbalanced, partly because it assumes that the issues would be dealt with by 'other levers' with no certainty as to whether or how these would be engaged.

The uncertainty is better understood as flexibility; the Minister's proposal is to remove provisions which are more appropriately set and modified through other levers. We have lifted a para up from the end of the discussion to the front (new numbered para 84) to front-foot this.

Some elements to cover in the discussion could be:

- The public service role as a model employer. The analysis is that we should have the same obligations as other employers, but in reality we are held to a higher standard because public trust is damaged by poor behaviour or insufficient rigour

While we agree that high standards help maintain public trust and confidence, we consider the public service as a model employer is a value judgment/policy position not a given.

- What proper application of DEI looks like in relation to merit (eg para 72) – see recent coverage of the Queensland government’s introduction of ‘merit plus’ in its public service

No change made; this paragraph relates to the Minister’s stated policy objectives.

- The effects of removing all of s75. Para 83 onwards discusses the removal of s 75(1)(a) but does not explicitly cover s 75(1)(b) which requires CEs to “in employment policies and practices, foster a workplace that is inclusive of all groups.”

We would argue that the good employer provisions remaining in s 73 (in relation to equal employment opportunities and good working environments) provide for unbiased, merit-based appointment processes, recognise the needs of certain groups, and support other features of a good employment relationship – have referenced this now.

- The range of evidence about benefits of DEI. The discussion focuses only on the public trust aspect. The private sector has picked up DEI because of other benefits such as increasing the talent pool for hiring, improving staff morale and retention, and improving the quality of knowledge work by having different viewpoints and backgrounds brought to the task

We have incorporated this into the discussion, and added some additional evidence in footnotes. We also briefly discuss these impacts in the cost/benefit table as suggested below.

- If positive reference to diversity was lost from the Public Service Act, what the other guardrails around DEI are in NZ, eg the role of the Human Rights Commission. Reliance on inertia to mean things don’t change for the worse in para 89 doesn’t look helpful

Added brief comment, new para number 94. We also noted that chief executives remain responsible for employment matters within their agencies, including the content of employment policies.

- What consultation has taken place on this proposal and what views have been expressed.

We received feedback through departmental consultation and views are reflected. See above.

Some technical points to clarify:

- It's not CIn the Option 2 box before para 78, would amending the list of matters for the GWPS mean removing DEI from the list? This would contradict the 'if it's not in the Act you can always do it through GWPS' narrative earlier in the RIS and in para 88. The box needs to be more specific about exactly what would be amended.

The Minister's proposal is that diversity & inclusion is not addressed by default in the Government workforce policy statement, rather that it's an available lever to Governments to use where necessary for their policy objectives. We recognise that the words 'in consequence amend... ' may have created confusion in the discussion and have updated that in the proposals throughout.

### **Section 3: Marginal costs and benefits of the overall package of proposals**

Table 2 – focusing only on potential for unions to want to negotiate on DEI does not capture the potential costs for the DEI change – again think this needs to be worked through as a separate analysis.

*Added and reflected in analysis earlier.*

The question of benefits from the changes needs further work. It's not apparent to us whether any of the proposals would result in any cost savings and if so how/why.

*We have described the limitations on analysis; proposal F is an enabling provisions, for proposal B the costs and benefits are in part dependent on whether and how a Government chooses to exercise the levers available to it in relation to the policy objectives, and the response of individual agencies to that (given CEs are responsible for employment matters within their agencies).*

out of scope



**Chief executive responsibilities**

Feedback that CE reporting requirements could be clearer and that accountability arrangements for chief executives are complex.

out of scope [redacted]

- [redacted]

- [redacted]

Feedback received that the Act has a number of overlapping requirements that makes obligations of the chief executive unclear (e.g. s 75 re diversity and inclusion requirements could be reviewed)



[IN-CONFIDENCE]

**From:** Penny Nelson <[pnelson@doc.govt.nz](mailto:pnelson@doc.govt.nz)>

**Sent:** Wednesday, 12 March 2025 2:37 pm

**To:** Brian Roche <[Brian.Roche@publicservice.govt.nz](mailto:Brian.Roche@publicservice.govt.nz)>

**Subject:** [IN-CONFIDENCE] RE: Public Service Act amendments - Cabinet Papers for consultation

[IN-CONFIDENCE]

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Dear Sir Brian

Thank you for the opportunity to comment on these papers, which are well written and compelling. Compliments to your team on doing this at pace.

Further feedback:

Paper 1: Clarifying Roles and Responsibilities

- out of scope [redacted]
- [redacted]
- [redacted]
- **Removing DEI requirements** It's not clear what problem the removal of these responsibilities is trying to solve. I recognise this will likely proceed; however, I'd be remiss not to say here is a strong body of evidence regarding the benefits of social cohesion in New Zealand, which informed the Treasury's Living Standards Framework. Inclusion is a key part of social cohesion and trust in institutions. New Zealand is a diverse place and representation in the public service is important for several reasons, including increased productivity, and the ability to design and deliver effective services. I think it's critical that the Government Policy Workforce Statement not lose a focus on gender and ethnic diversity and pay equity. I think there would be value in the PSC continuing to report publicly on this. We have made great progress since 2020; it would be a shame to go backwards.

out of scope [redacted]

- [redacted]
- [redacted]

out of scope

- [Redacted]
- [Redacted]

Thanks

Penny

**Penny Nelson**  
Director-General of Conservation | Tumuaki-Ahurei  
M: 9(2)(a) privacy

out of scope

**From:** Mac Leauanae <[Mac.Leauanae@mch.govt.nz](mailto:Mac.Leauanae@mch.govt.nz)>  
**Sent:** Wednesday, 12 March 2025 3:15 pm  
**To:** Brian Roche <[Brian.Roche@publicservice.govt.nz](mailto:Brian.Roche@publicservice.govt.nz)>  
**Subject:** [IN-CONFIDENCE] RE: Public Service Act amendments - Cabinet Papers for consultation - feedback from Manatu Taonga Ministry for Culture and Heritage

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Kia ora Sir Brian

Thank you for sharing the draft Cabinet papers and RIS for the Public Service Act amendments. I've had the opportunity to share and discuss with my leadership team.

out of scope  
[Redacted]

[Redacted]

We are interested to understand how the proposed changes around diversity, equity and inclusion responsibilities for Chief Executives, will enable the Public Service Act to continue to reflect, and serve, all New Zealanders.

The RIS outlines how objectives in this area are intended to be supported instead through the Government Workforce Policy Statement, and so we wonder if this is also needed to be removed from the Commissioner's general functions at subsection 44 (c). Retaining it in the

general functions would ensure that serving all New Zealanders continues to be at the forefront of thinking when mechanisms such as the Government Workforce Policy Statement are being developed and/or refreshed.

Ngā mihi

Mac and the Manatū Taonga Ministry for Culture and Heritage Leadership Team

**Leauanae Lulu Mac Leuanae**

Tumu Whakarae | Secretary & Chief Executive

Manatū Taonga Ministry for Culture & Heritage

Ph **9(2)(a) privacy** | Email | [mac.leuanae@mch.govt.nz](mailto:mac.leuanae@mch.govt.nz)

Ki te puāwai te ahure a, Ka ora te iwi

Culture is thriving, The people are well

out of scope

[IN-CONFIDENCE]

**From:** Mervin Singham <[mervin.singham@ethniccommunities.govt.nz](mailto:mervin.singham@ethniccommunities.govt.nz)>

**Sent:** Tuesday, March 11, 2025 2:44 PM

**To:** Brian Roche <[Brian.Roche@publicservice.govt.nz](mailto:Brian.Roche@publicservice.govt.nz)>

**Cc:** Hugo Vitalis <[hugo.vitalis@publicservice.govt.nz](mailto:hugo.vitalis@publicservice.govt.nz)>; Elaine Loon <[Elaine.Loan@ethniccommunities.govt.nz](mailto:Elaine.Loan@ethniccommunities.govt.nz)>

**Subject:** [IN-CONFIDENCE] RE: Public Service Act amendments - Cabinet Papers for consultation

[IN-CONFIDENCE]

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Tēnā koe Brian

Thank you for the opportunity to comment.

My congratulations to your team. These four papers are well written, despite the tight timeframes. The Regulatory Impact Statement, in particular, was a measured analytical assessment.

I agree there is a risk that the removal of the “diversity and inclusion” provisions in the amendments proposed will be negatively perceived (both within the public service and the public) as an automatic move away from a representative public administration. I agree with the principle that all appointments should be merit-based. It is unhelpful though to have “merit” and “diversity and inclusivity” as dualities.

I suggest strengthening the Cabinet papers (ideally at paragraph 17 of the Cabinet Paper 2 and paragraph 29 of Cabinet paper 1) to reinforce the point that an unbiased merit-based appointment process will naturally be inclusive. That is, people who have the talent and skills needed to help public sector departments succeed will not face unfair exclusions and barriers to entry or promotion.

Should these amendments be enacted, it would be helpful if communications to public servants reinforces the point that appointments are fair to dispel any unnecessary concerns.

Ngā mihi,  
Mervin

**Mervin Singham** ([him/he](#))

**Chief Executive**

**Ministry for Ethnic Communities | Te Tari Mātāwaka**

L5, Radio NZ House, 155 The Terrace, Wellington 6140, New Zealand

[www.ethniccommunities.govt.nz](http://www.ethniccommunities.govt.nz) [Facebook](#) | [LinkedIn](#)



out of scope



New Zealand Ministry of  
Foreign Affairs and Trade  
Manatū Aorere

12 March 2025

195 Lambton Quay  
Private Bag 18-901  
Wellington 6160  
New Zealand

Sir Brian Roche  
Public Service Commissioner  
Public Service Commission

T 9(2)(a) privacy  
F

By email: [brian.roche@publicservice.govt.nz](mailto:brian.roche@publicservice.govt.nz)

Dear Sir Brian

Thank you for the opportunity to comment on the suite of draft Cabinet Papers proposing a range of amendments to the Public Service Act 2020.

We have reviewed the papers and have comments on three elements: Promoting diversity and inclusion; out of scope  
out of scope

### **Promoting diversity and inclusion**

We note the proposal to remove the functions and responsibilities relating to diversity and inclusion from the Act with regard to workforce management. In the absence of legislative requirements, we recognise the utility of Government Workforce Policy statements that reflect the priorities of the Government of the day. As is our current practice, the Ministry would ensure that its policies, procedures, and practices are consistent with such statements.

out of scope

Yours sincerely

A handwritten signature in blue ink that reads "Bede Corry" followed by a period.

Bede Corry  
Secretary of Foreign Affairs and Trade

[IN-CONFIDENCE]

**From:** James Palmer <James.Palmer@mfe.govt.nz>  
**Sent:** Wednesday, March 12, 2025 12:29 PM  
**To:** Brian Roche <Brian.Roche@publicservice.govt.nz>  
**Cc:** Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>  
**Subject:** [IN-CONFIDENCE] [IN-CONFIDENCE]RE: Public Service Act amendments - Cabinet Papers for consultation

[IN-CONFIDENCE]

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Kia ora Sir Brian,

Thank you for the opportunity to comment on these papers.

out of scope

On the CE's responsibilities, in my experience the focus on diversity and equity matters has only a very minor impost on my time and its removal will not reduce much effort. I note that these matters can be picked up in the workforce policy statement, but I think their removal from the Public Service Act risks sending a signal that we don't value diversity and pay equity, and the need for the public service to reflect the populations it serves. In other words, the downside of these proposals risk outweighing the benefits in practical terms.

out of scope

I trust this feedback is helpful.

Ngā mihi,

James

**James Palmer**

*Secretary for the Environment | Te Tumu Whakarae mō te Taiao*

EA: Ella Bambrough-Copeland [Ella.Bambrough-Copeland@mfe.govt.nz](mailto:Ella.Bambrough-Copeland@mfe.govt.nz)

Ministry for the Environment | Manatū mō te Taiao

[James.Palmer@mfe.govt.nz](mailto:James.Palmer@mfe.govt.nz) | [environment.govt.nz](http://environment.govt.nz)



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**From:** Anna Chalmers <[Anna.Chalmers@women.govt.nz](mailto:Anna.Chalmers@women.govt.nz)>  
**Sent:** Wednesday, 12 March 2025 7:07 pm  
**To:** Brian Roche <[Brian.Roche@publicservice.govt.nz](mailto:Brian.Roche@publicservice.govt.nz)>  
**Cc:** Kellie Coombes <[Kellie.Coombes@women.govt.nz](mailto:Kellie.Coombes@women.govt.nz)>  
**Subject:** Feedback: Public Service Act amendments - Cabinet Papers for consultation

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Tēnā koe Sir Brian,

Thank you for the opportunity to provide comment on the draft Cabinet papers supporting amendments to the Public Service Act 2020. I am currently the acting chief executive with Kellie Coombes at Commission on the Status of Women in New York.

We have reviewed these papers in the context of our role as the Government's principal advisor for women and girls. Therefore, we have focussed our comments on the following proposed changes:

- a. Streamlining chief executive responsibilities by removing provisions around pay equity, removal of bias in remuneration decisions and promoting diversity and inclusion (Paper 1)
- b. Reinforcing the principle of merit-based appointments through contestability of chief executive reappointment and making these appointments solely on merit (Paper 2)

**Feedback on proposed changes**

Attached is a table summarising our feedback on the substance of the changes. We would

be happy to discuss this feedback if you would like to explore it in more detail.

### **Context - engagement with business on the gender pay gap**

The Minister for Women, supported by the Ministry, is currently undertaking a series of roadshows around the country encouraging uptake of the Ministry's voluntary gender pay gap calculator and associated resources aimed at supporting business to understand and close gender pay gaps. The audience is business leaders around the country, many of whom supported the toolkit's development.

The regional roadshows are in collaboration with local Chambers of Commerce and support partners including Business NZ, Global Women and Champions for Change. The roadshows have been very successful (full attendance) and have showcased how the business and government can work together to address the gender pay gap.

Discussions have focussed on how closing the gender pay gap and championing gender equality is not just about fairness. It is a deliberate and strategic business-led initiative that leads to stronger financial performance, improved talent retention, higher productivity and greater market trust. The Ministry will soon launch a national survey to help track gender pay gap reporting.

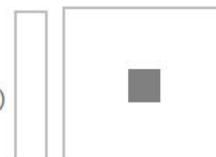
Given that context, we would like to be kept updated as proposed changes to the Public Service Act progress. That will allow us to understand and address any opportunities or potential impacts that might arise for the gender pay gap work programme.

Thank you once again for the opportunity to provide feedback and please do let us know if you'd like to discuss the attached points further.

Ngā mihi,  
Anna Chalmers  
Acting Chief Executive



**Anna Chalmers** (ia/she/her)  
Kaihautū – Deputy Secretary Engagement Policy and Delivery  
Mobile 9(2)(a) privacy | 22 The Terrace (entrance Bolton Street)  
| PO Box 10049 | Wellington 6011 | [www.women.govt.nz](http://www.women.govt.nz)



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## Feedback on the proposed Public Service Act Amendments

Proposed change	Possible consequence	
<p><b>Paper 1</b></p> <p>The removal of Commissioner's responsibility to work with chief executives to achieve equitable employment in the Public Service and the removal of CE responsibilities to have policies recognising the importance of pay equity and the removal of bias in remuneration decisions</p>	<p>Progress on pay equity slows in the public sector</p>	<p>Existing mitigations are:</p> <ul style="list-style-type: none"> <li>the provisions of the Equal Pay Act 1972 (as amended by the Equal Pay Amendment Act 2020) would continue to apply regardless of this proposed change.</li> <li>As noted in the paper the Government Workforce Policy Statement (GWPS) is an existing mechanism for conveying expectations to chief executives about employment matters (including pay equity).</li> </ul> <p><b>Proposed additional mitigation:</b></p> <ul style="list-style-type: none"> <li>that the Commissioner provide a GWPS, in a similar way to that envisioned for the standards and guidance provisions (para 25 Draft Cabinet Paper 1, Rec 12). Currently s 95 of the Public Sector Act states that the Commissioner <b>may consider</b> (our emphasis) whether to draft and submit a GWPS. If this is to be the channel through which expectations about pay equity are promulgated, then there needs to be more certainty that it will be produced which could be through a mandatory provision.</li> </ul>
<p>As above</p>	<p>Private sector organisations interpret these changes as a signal that closing the gender pay gap is not important and/or it undermines credibility for work already underway</p>	<p><b>Proposed mitigation:</b></p> <ul style="list-style-type: none"> <li>To encourage the desired policy outcome of closing the gender pay gap across the private sector (which is considerably higher than the public sector GPG), the communication of these changes to business leaders will need to be clear that closing the gender pay gap remains an important Government objective.</li> </ul>

<p>The removal of the requirement for chief executives to be guided by the principle that the group comprising all public servants should reflect the makeup of society and foster a workplace that is inclusive of all groups through employment policies and practice (s 75). Removal of a similar provision included as one of the Commissioner's general functions (s 44(c)).</p>	<p>Workplaces become less diverse (foregoing the benefits diversity brings) or less inclusive (to the detriment of women)</p>	<p>Existing mitigations are:</p> <ul style="list-style-type: none"> <li>• The provisions in s 73 (3) requiring chief executives to be good employers, operating an employment policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment. This includes recognition of the employment requirements of women.</li> <li>• The provision in s 44 (c) giving the Commissioner a function to work with public service leaders to promote the good employer requirements in this Act</li> </ul> <p><b>Proposed mitigation:</b></p> <ul style="list-style-type: none"> <li>• Section 44 (c) is proposed for amendment. It is important that the drafting of those changes leaves promotion of the good employer requirements referenced above in place.</li> </ul>
<p><b>Paper 2</b> Reinforcing the principle of merit-based appointments</p>	<p>Changes in selection processes for chief executives disadvantage women.</p>	<p>In reinforcing the principle of merit-based appointments, consideration needs to be given to the impact that conscious and unconscious bias in recruitment, assessment, appointment processes and development opportunities can have on women candidates seeking to progress into senior roles. to ensure that the processes in place are of sufficiently high quality to achieve the objective of merit-based appointment.</p> <p><b>Proposed mitigation</b></p> <ul style="list-style-type: none"> <li>• The Commissioner should put in place a process to assure themselves that recruitment, assessment and appointment processes are best practice so that the appointments are genuinely merit based (including free from bias).</li> </ul>
	<p>More opportunities for women to enter the CE cohort</p>	<p><b>Potential benefit</b></p> <ul style="list-style-type: none"> <li>• The proposed change to make every chief executive re-appointment contestable will create opportunities for new entrants to the chief executive cohort, which may benefit women</li> </ul>
<p>out of scope</p>		

## Response to proposed amendments to the Public Service Act 2020

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The Ministry for Pacific Peoples (the Ministry) appreciates the opportunity to provide feedback on the proposed amendments to the Public Service Act 2020.

Overall, the Ministry supports the intent of the proposed amendments, particularly the emphasis on political neutrality, professionalism, efficiency, and delivering for the Government of the day. However, the Ministry recommends retaining a general legislative commitment to diversity and inclusion, while allowing greater flexibility in how the provisions are implemented through operational policies.

The Ministry would like to provide the following more detailed response.

out of scope



### **Removing diversity and inclusion provisions may carry some risks**

While the Cabinet papers acknowledge that agencies can set workforce policy expectations outside of legislation, shifting diversity and inclusion commitments to discretionary policies introduces inconsistency and uncertainty. This could lead to legal challenges, particularly under the Human Rights Act 1993 and the Employment Relations Act 2000, which require equal employment opportunities.

Section 75 of the Public Service Act 2020 currently requires that the Public Service workforce reflects the makeup of New Zealand society and fosters an inclusive workplace. Research from the New Zealand Human Rights Commission and the Public Service Commission has shown that diverse and representative workforces improve public trust and engagement with government services. For example:

- A 2021 report by Deloitte report found that organisations with inclusive cultures are twice as likely to meet or exceed financial targets and six times more likely to be innovative.
- The New Zealand State Services Commission's 2021 workforce survey found that 78% of employees consider inclusive policies important in their decision to remain in the public sector. The removal of diversity and inclusion provisions may make the Public Service less competitive as an employer, particularly for younger and more diverse job seekers who prioritise inclusive workplaces.
- Harvard Business Review (2018) study found that cognitively diverse teams solve problems 30% faster than homogeneous teams. Weakening commitments to diversity and inclusion could lead to more homogenous teams, reducing adaptability and responsiveness to complex challenges faced by government agencies.

- Research conducted by Gallup (2020) found that employees in inclusive workplaces are 35% more engaged, leading to higher productivity and lower turnover rate.

A centralised and legislatively mandated approach to diversity and inclusion provides coherence and consistency across the Public Service. Without legislative provisions, each government agency may develop its own approach to diversity and inclusion, leading to fragmentation and inefficiencies.

### **Pacific peoples bring unique insight and experience to the Public Service**

In 2020, Pacific peoples comprised 9.7 percent of staff in New Zealand's Public Service, from central government to the frontline. Analysis by the Hāpai Public/the Institute of Public Professionals Aotearoa New Zealand in 2021 noted that while this may seem like high representation (given that 8.1 percent of New Zealanders identify as Pacific peoples), Pacific staff are the lowest paid group in the Public Sector and are under-represented in the top three tiers of management, with fewer than 3 percent of chief executives being Pacific peoples. Pacific staff are also predominantly younger than their non-Pacific counterparts so may just be starting out in their careers.

Hāpai Public emphasises that Pacific peoples bring special skills to public sector roles that all of New Zealand can benefit from – for example, strong interpersonal skills, a collective mindset, cultural intelligence and competence and strong partnership links with tangata whenua. However, many Pacific peoples face hurdles in realising and demonstrating their full potential – for example, through Pacific values and worldviews not being considered or valued, rigid individual-based recruitment models, bias, lack of accessibility to opportunities.

Intentional and targeted interventions such as internships have been found to play a significant role in the increase of Pacific people participating fully in the Public Sector. The Ministry supports existing initiatives that seek to address Pacific underrepresentation in leadership, promote career progression, advocate for pay transparency, and champion equity.

### **The Ministry recommends retaining a general legislative commitment to diversity and inclusion**

While the Ministry supports the overall intent of the amendments, we recommend:

- **Retaining a general legislative commitment to diversity and inclusion**, while allowing greater flexibility in how the provisions are implemented through operational policies. Research by the UK Civil Service (2021) found that maintaining a high-level commitment to diversity in legislation while allowing flexible implementation improved long-term workforce outcomes.

### **There are other non-statutory options that can support diversity and inclusion, while allowing for streamlined legislation**

In the absence of legislative provisions, the Ministry recommends consideration be given to the adoption of non-statutory measures to support diversity and inclusion in the Public Service. For example:

- **Workforce policy statements** - General levers already exist in the Act for the Government to set workforce policy expectations to which the Public Service must give effect. Ensuring workforce policies continue to reflect diversity and inclusion objectives through a clear government directive would allow agencies to tailor diversity initiatives to their specific needs, rather than relying on a one-size-fits-all legislative approach. Data from the Australian Public Service Commission (2022) shows that agencies with clear diversity policies outperform those without by 20% in employee satisfaction and retention.

- **Introducing periodic reporting requirements** – Mandatory reporting requirements on workforce diversity to maintain transparency and accountability could be considered as an alternative to legislative mandates. The European Union’s Diversity and Inclusion Directive (2021) demonstrates that mandatory reporting can lead to sustained progress in workforce diversity, even where statutory requirements are not in place.

These recommendations would allow the Public Service to maintain a strong commitment to diversity and inclusion while also achieving the government's goal of streamlining the legislation.

out of scope

Thank you for considering this response. The Ministry would welcome the opportunity to discuss the amendments further and contribute to an approach that balances efficiency with inclusivity in the Public Service. Agencies will need to take proactive steps to align internal policies and processes with these reforms and to ensure compliance and operational efficiency.

**From:** Rogers, Hamish [REDACTED] s9(2)(a)  
**Sent:** Wednesday, 12 March 2025 4:17 pm  
**To:** Gabrielle Wilson <[gabrielle.wilson@publicservice.govt.nz](mailto:gabrielle.wilson@publicservice.govt.nz)>  
**Cc:** [REDACTED] s9(2)(g)(i) Toni Vincent  
<[toni.vincent@publicservice.govt.nz](mailto:toni.vincent@publicservice.govt.nz)>  
**Subject:** [IN-CONFIDENCE] [in confidence][seemail] RE: Public Service Act amendments - Cabinet Papers for consultation

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\*\*\* [SEEMAIL] This message may contain classified information \*\*\*

Hey Gabrielle.

Hope all is well over there?

Please find below comments from MoD in response to Sir Brian's email seeking comment on the proposed amendments to the PS Act.

Overall, I'd consider us a nil return, but we have provided some minor observations. Grateful of you could pass them on to the relevant folks.

Any questions, please let me know.

Thanks,

Hamish

\*\*\*

Overall:

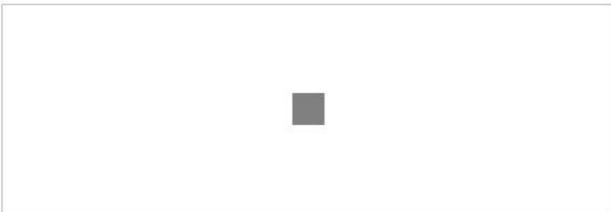
- Supportive of proposals as set out in the consulted documents.

Two minor observations for consideration:

- **Re: the removal of bias and pay equity in rem decisions (and also the D&I when making CE appointments)**
  - Acknowledge that this is potentially covered by Govt. workforce policy statements (if issued), but without stating it – it takes away from the consideration of ‘casting the net’ to ensure we have diversity in candidates **in order to** then appoint based on merit.

- **out of scope**

- [Redacted]



**Hamish Rogers**

Director, Office of the Secretary of Defence

Defence House, 34 Bowen Street, PO Box 12703,  
Wellington 6144, New Zealand

M9(2)(a) privacy

E [Redacted] s9(2)(a)

[www.defence.govt.nz](http://www.defence.govt.nz)

out of scope

**From:** [Paula Tesoriero](#)  
**To:** [Brian Roche](#)  
**Cc:** [Joshua Blackmore](#); [Hugo Vitalis](#)  
**Subject:** [IN-CONFIDENCE] RE: Public Service Act amendments - Cabinet Papers for consultation  
**Date:** Wednesday, 12 March 2025 9:14:10 pm  
**Attachments:** [image006.jpg](#)  
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[image010.png](#)  
[image011.png](#)

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IN-CONFIDENCE

Kia ora Sir Brian

Many thanks for the opportunity to input into these proposals.

As you know, one in six NZers are disabled, and those people both want and have a right to access the same employment opportunities that non-disabled people have. That will often mean some form of reasonable accommodation, like screen reading software for blind people or accessible bathrooms for wheelchair users. We know the public service has improvements to make in these areas and would want to ensure that messaging around the proposals do not inadvertently water down the requirements of reasonable accommodations.

Failing to grow the number of disabled people in the public sector would:

- Reduce their economic independence, making them more reliant on the welfare system for their income needs;
- mean that we miss out on the experience and skills they can bring to our workplaces;
- reduce the public service's ability to understand the range of issues that disabled people face in their everyday lives; and
- Fail to model to the private sector that disabled people who are supported by reasonable accommodations are committed and productive employees. There is a real risk that the private sector will be much further ahead than the public service in realising the benefits of recruiting disabled people.

We think the Public Service Act, as the key legislation that underpins the public sector, should send a signal about the importance of providing reasonable accommodations for disabled people. Arguably it has done this for a long time through its EEO provisions (now in sections 73 and 74). If the Act didn't do this, we would be concerned that the benefits set out above, which are really benefits for "NZ Incorporated", wouldn't be fully realised. The proposals do not suggest changing this provision which we are pleased to see. We think the PSC has an important role in emphasising the importance of the EEO provisions. You may be aware that Cabinet Committee have agreed that one of the 5 key outcome areas of the New Zealand Disability Strategy (which we are leading this year) is employment. All sectors, including the public sector have a role in increasing employment opportunities for disabled people – we would want PSC alongside us helping with this.

S 73 ( c) of the Act requires Chief Executives ensure its compliance with that policy (including its equal employment opportunities programme) and report in its annual report on the extent of its compliance. We think there is a real opportunity for agencies to do better at reporting against these requirements. This will help mitigate any perception that a retrenchment of diversity and inclusion signals that equal opportunities are not important.

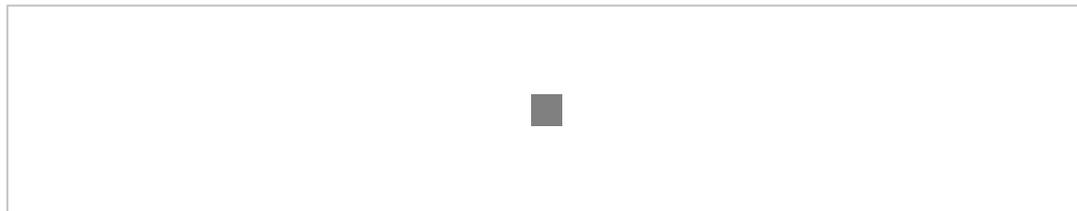
We acknowledge that the diversity and inclusion provisions in the current Act, which are relatively general in nature, are not necessarily the best way to ensure that the lives and rights of disabled people are enhanced. However, if these provisions are to be removed, it will be important for the public service to continue to focus on equal employment opportunities and reasonable accommodations for disabled people. If we don't do this, we risk missing the contribution of one in six NZers to our workplaces.

We note the reference in the cabinet paper to the workforce policy statements being a way for governments to focus on particular workforce objectives. We think this is important to emphasise and work with Ministers to utilise these where we see a gap.

I'd be happy to discuss any of the above.

Ngā mihi nui  
Paula

**Paula Tesoriero MNZM** ([pronoun she/her](#))  
Te Tumu Whakarae | Chief Executive  
**Whaikaha | Ministry of Disabled People**  
Whaikaha.govt.nz



**Me he aka rātā ka tipu tahi, ka puāwai tahi kia tū kaha i ngā hihi o Tamanuiterā.**

Like the rātā vines growing together and flourishing to stand strong in the warmth of the sun.

**From:** WOOD, Jeremy <Jeremy.Wood@police.govt.nz>  
**Sent:** Thursday, March 13, 2025 4:52:53 PM  
**To:** Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>  
**Cc:** ROTH, Tanya <Tanya.Roth@police.govt.nz>; SHERSON, Kyle <Kyle.Sherston@police.govt.nz>  
**Subject:** Feedback on the PSA Proposals

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Kia ora Hugo,

My apologies for the lateness of getting this response to you. Police has confined comments to those that affect us, noting that we are a non-public service department. out of scope

[Redacted]

[Redacted] More broadly, police generally aims to remain aligned to the intent of the principles, practices and intent of the Public Service Act.

Paper 1

- We support intentions to enhance standards of integrity and intensification of codes of conduct obligations. out of scope
- out of scope diversity
  - out of scope
  - Diversity too has been a particular focus for Police and representing the community we serve is a recognised factor in maintaining trust and confidence in Police. Noting this broader context, appointment processes are merit based, and sworn staff must all meet a required standard to become a police officer.

out of scope [Redacted]

- [Redacted]

Hope this is helpful,

Ngā mihi

**Jeremy Wood** ([he/him](#))

**Executive Director**  
Policy & Government Relations  
New Zealand Police

**M** 9(2)(a) privacy

**E** [Jeremy.wood@police.govt.nz](mailto:Jeremy.wood@police.govt.nz)



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**From:** Terina Cowan <Terina.Cowan@tpk.govt.nz>  
**Sent:** Thursday, March 13, 2025 12:18 PM  
**To:** Hugo Vitalis <Hugo.Vitalis@publicservice.govt.nz>  
**Subject:** [IN-CONFIDENCE] : TPK Response Public Service Act amendments - Cabinet Papers for consultation

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Tēnā koe Hugo

Thank you for the opportunity to comment on the Public Service Amendment Bill.

Overall, Te Puni Kōkiri is supportive of enabling better outcomes for New Zealanders, including through supporting Governments with policy advice, delivering high-quality efficient and effective public services that meet the needs of New Zealanders, including Māori.

out of scope



**Removal of Diversity and Inclusion and pay equity considerations**

By removing principles of diversity and inclusion in legislation and leaving this up to partisan workforce

policy, achieving a diverse workforce (including one that contains equitable Māori participation) becomes more difficult. Diversity initiatives operate as a protection against status quo bias, and leaving these considerations as a policy matter is likely to weaken their impact. This impact is referenced in this very paper, which states that “laws influence attitudes and culture”.

Te Puni Kōkiri has provisions in some contracts with service providers that require them to apply principles of pay equity. This includes for soon to be negotiated Whanau Ora contracts. This would mean providers contracted by an agency for the delivery of services are themselves required to comply with principles not required of the funding agency.

Given that workforce appointments remain a discretionary process, it is unclear how removing the requirement to consider diversity and inclusion would ever prevent appointments being made on merit. There is also no evidence or examples where this has been the case provided in the paper. Organisations such as the United Nations International Labour Organisation have researched [the benefits of diverse workplaces](#). Therefore, we recommend that diversity and inclusion remain an expectation both for chief executives and the Commissioner, or at a minimum that policies addressing workforce and equity are required.

out of scope

**Terina Cowan**

Deputy Secretary | Hautū  
Strategy Finance and Performance | Te Puni  
Whakahaere Tikanga  
**Te Tari Matua | Head Office**



Tauwaea DDI : 0800 875 663 | Waea Pūkoro M : 9(2)(a) privacy  
Waea Whakahaere F : 0800 875 329

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand  
PO Box 3943, Wellington 6140, New Zealand

[Te Puni Kōkiri Website](#) [Kōkiri Magazine](#) [Facebook](#)

out of scope

Feedback (March 2025) – Public Service Amendment Bill draft papers

Agency feedback log – detail by agency

Agency and date	Feedback	Response
out of scope		
MfEC Mervin Singham 12 March <a href="#">Link to feedback</a> D&I, s73	<p><b>Negative perception risk of removing D&amp;I provisions</b></p> <p>A risk that the removal of the “diversity and inclusion” provisions in the amendments proposed will be negatively perceived (both within the public service and the public) as an automatic move away from a representative public administration. I agree with the principle that all appointments should be merit-based. It is unhelpful though to have “merit” and “diversity and inclusivity” as dualities</p>	<p><b>Decision – no change, comment only</b></p>
	<p><b>Amend wording to signal an “unbiased merit-based appointment process”</b></p> <p>I suggest strengthening the Cabinet papers (ideally at paragraph 17 of the Cabinet Paper 2 and paragraph 29 of Cabinet paper 1) to reinforce the point that an <u>unbiased</u> merit-based appointment process will naturally be inclusive. That is, people who have the talent and skills needed to help public sector departments succeed will not face unfair exclusions and barriers to entry or promotion.</p>	<p>CB: Seems fine to add something like “The focus should be on an unbiased, merit-based appointment process”.</p> <p><b>Decision – add wording to Cab paper</b></p> <p><b>Updated in Cab Paper 1 (around new para 29) and 2 (around para 12)</b></p>
	<p>Reflect the same in communications to Public Servants if enacted</p>	<p>Implementation</p>

**Feedback (March 2025) – Public Service Amendment Bill draft papers**

Agency and date	Feedback	Response
<p>MFAT Bede Corry 12 March <a href="#">Link to feedback</a></p>	<p><b>Note D&amp;I removal, recognise utility of GWPS for reflecting govt priorities</b></p> <p>We note the proposal to remove the functions and responsibilities relating to diversity and inclusion from the Act with regard to workforce management. In the absence of legislative requirements, we recognise the utility of Government Workforce Policy statements that reflect the priorities of the Government of the day. As is our current practice, the Ministry would ensure that its policies, procedures, and practices are consistent with such statements.</p> <p>out of scope</p>	<p><b>Decision - No change</b></p>

**Feedback (March 2025) – Public Service Amendment Bill draft papers**

Agency and date	Feedback	Response
	out of scope	
<p>MfE James Palmer 12 March <a href="#">Link to feedback</a></p>		<p><b>Removing D&amp;I provisions won't have much direct impact, risks outweigh benefits</b> On the CE's responsibilities, in my experience the focus on diversity and equity matters has only a very minor impact on my time and its removal will not reduce much effort. I note that these matters can be picked up in the workforce policy statement, but I think their removal from the Public Service Act risks sending a signal that we don't value diversity and pay equity, and the need for the public service to reflect the populations it serves. In other words, the downside of these proposals risk outweighing the benefits in practical terms.</p>

## Feedback (March 2025) – Public Service Amendment Bill draft papers

Agency and date	Feedback	Response
	out of scope	
<p>MPP Geraldine Clifford-Lidstone 12 March <a href="#">Link to feedback</a></p>	<p>Overall, the Ministry supports the intent of the proposed amendments, particularly the emphasis on political neutrality, professionalism, efficiency, and delivering for the Government of the day. However, the Ministry recommends retaining a general legislative commitment to diversity and inclusion, while allowing greater flexibility in how the provisions are implemented through operational policies.</p>	<p><b>Decision – no change</b></p>
	<p><b>Supports emphasis on political neutrality and merit-based appointment</b> The Ministry supports proposed changes that emphasise political neutrality and the long-standing history of Public Service policies promoting merit-based appointments. ... The Ministry is looking forward to understanding greater detail around proposed amendments to strengthen the Public Service Commissioner’s mandate to uphold standards across the Public Service.</p>	<p><b>Decision – no change</b></p>
	<p><b>Risk of legal challenge from moving D&amp;I to GWPS</b> While the Cabinet papers acknowledge that agencies can set workforce policy expectations outside of legislation, shifting diversity and inclusion commitments to discretionary policies introduces inconsistency and uncertainty. This could lead to legal challenges, particularly under the Human Rights Act 1993 and the Employment Relations Act 2000, which require equal employment opportunities.</p>	<p>[analysis] At this stage, not removing reference to equal opportunities? If agencies don’t meet their legal obligations, it exposes them to legal risk. <b>Decision – no change</b> Agencies are separate entities for the purposes of employment and are responsible for maintaining their compliance with the law.</p>

## Feedback (March 2025) – Public Service Amendment Bill draft papers

Agency and date	Feedback	Response
	<p><b>Provided research evidence toward benefits of diverse workforces</b> Section 75 of the Public Service Act 2020 currently requires that the Public Service workforce reflects the makeup of New Zealand society and fosters an inclusive workplace. Research from the New Zealand Human Rights Commission and the Public Service Commission has shown that diverse and representative workforces improve public trust and engagement with government services.</p>	<p><b>Decision – no change</b> There are several positive indicators, but the evidence base for the claim isn't strong. Include references in RIS?</p>
	<p><b>Decentralised approach to diversity will result in fragmentation and inefficiency</b> A centralised and legislatively mandated approach to diversity and inclusion provides coherence and consistency across the Public Service. Without legislative provisions, each government agency may develop its own approach to diversity and inclusion, leading to fragmentation and inefficiencies.</p> <ul style="list-style-type: none"> <li>• <b>Retain a general legislative commitment to diversity and inclusion</b>, while allowing greater flexibility in how the provisions are implemented through operational policies. Research by the UK Civil Service (2021) found that maintaining a high-level commitment to diversity in legislation while allowing flexible implementation improved long-term workforce outcomes.</li> </ul> <p><b>OR, if we can't, then</b></p> <ul style="list-style-type: none"> <li>• <b>Use GWPS and introduce mandatory D&amp;I reporting</b></li> </ul>	<p><b>Decision – no change</b> <b>Minister has given us a clear policy steer, to remove references from leg</b></p>
	<p><b>Pacific people bring insight to the Public Service</b> Intentional and targeted interventions ... have been found to play a significant role in the increase of Pacific people participating fully in the Public Sector. The Ministry supports existing initiatives that seek to address Pacific underrepresentation in leadership, promote career progression, advocate for pay transparency, and champion equity.</p>	<p><b>Decision – Comment, no change</b></p>
	<p>out of scope</p>	

**Feedback (March 2025) – Public Service Amendment Bill draft papers**

Agency and date	Feedback	Response
<p>DOC - Penny Penny Nelson 12 March <a href="#">Link to feedback</a></p>	<p>out of scope</p>	
	<p><b>Disagrees with removing D&amp;I, important for living standards, inclusion, trust. Keep reporting and making progress.</b> Removing DEI requirements It's not clear what problem the removal of these responsibilities is trying to solve. I recognise this will likely proceed; however, I'd be remiss not to say here is a strong body of evidence regarding the benefits of social cohesion in New Zealand, which informed the Treasury's Living Standards Framework. Inclusion is a key part of social cohesion and trust in institutions. New Zealand is a diverse place and representation in the public service is important for several reasons, including increased productivity, and the ability to design and deliver effective services. I think it's critical that the Government Policy Workforce Statement not lose a focus on gender and ethnic diversity and pay equity. I think there would be value in the PSC continuing to report publicly on this. We have made great progress since 2020; it would be a shame to go backwards.</p>	<p><b>Decision – no change decision made</b></p>
	<p>out of scope</p>	

## Feedback (March 2025) – Public Service Amendment Bill draft papers

Agency and date	Feedback	Response
	out of scope	
<p>MCH Mac Leauanae 12 March <a href="#">Link to feedback</a></p>	<p>Our feedback is focused on the principle of merit-based appointments, and how the Public Service Act supports a public service that continues to reflect, and serves, all New Zealanders.</p> <p><b>Wants to know more about framework to measure merit</b> We note that there is a framework proposed to be used to measure merit. We would be interested to understand this framework further.</p>	<p><b>Decision - no change</b></p> <p>What's the framework??</p>
	<p><b>Wants more information on impact of D&amp;I changes</b> We are interested to understand how the proposed changes around diversity, equity and inclusion responsibilities for Chief Executives, will enable the Public Service Act to continue to reflect, and serve, all New Zealanders.</p>	<p><b>Decision - no change. Minister direction.</b></p>

**Feedback (March 2025) – Public Service Amendment Bill draft papers**

Agency and date	Feedback	Response
	<p><b>If D&amp;I reflected through GWPS, does it need to be removed from s.44(c)?</b> The RIS outlines how objectives in this area are intended to be supported instead through the Government Workforce Policy Statement, and so we wonder if this is also needed to be removed from the Commissioner’s general functions at subsection 44 (c). Retaining it in the general functions would ensure that serving all New Zealanders continues to be at the forefront of thinking when mechanisms such as the Government Workforce Policy Statement are being developed and/or refreshed.</p>	<p><b>Decision – no change.</b> We wouldn’t recommend the Commissioner doing something CEs don’t have responsibility to do.</p>

out of scope

**Feedback (March 2025) – Public Service Amendment Bill draft papers**

Agency and date	Feedback	Response
out of scope		
<p>Defence Hamish Rogers 12 March <a href="#">Link to feedback</a></p>	<p><b>Removal of D&amp;I provisions may cause agencies not to ‘cast the net’ as wide for merit appointment</b> Re: the removal of bias and pay equity in rem decisions (and also the D&amp;I when making CE appointments) Acknowledge that this is potentially covered by Govt. workforce policy statements (if issued), but without stating it – it takes away from the consideration of ‘casting the net’ to ensure we have diversity in candidates in order to then appoint based on merit.</p> <p>out of scope</p>	<p><b>Decision – no change – see comments above</b></p>

## Feedback (March 2025) – Public Service Amendment Bill draft papers

Agency and date	Feedback	Response
	out of scope	
<p>Whaikaha</p> <p>Paula Tesoriero</p> <p>12 March</p> <p><a href="#">Link to feedback</a></p>	<p><b>EEO provisions are important, should be kept (as per current proposal) (Whaikaha)</b></p> <p>We think the Public Service Act, as the key legislation that underpins the public sector, should send a signal about the importance of providing reasonable accommodations for disabled people. Arguably it has done this for a long time through its EEO provisions (now in sections 73 and 74). If the Act didn't do this, we would be concerned that the benefits set out above, which are really benefits for "NZ Incorporated", wouldn't be full realised. The proposals do not suggest changing this provision which we are pleased to see. We think the PSC has an important role in emphasising the importance of the EEO provisions. You may be aware that Cabinet Committee have agreed that one of the 5 key outcome areas of the New Zealand Disability Strategy (which we are leading this year) is employment. All sectors, including the public sector have a role in increasing employment opportunities for disabled people – we would want PSC alongside us helping with this.</p>	<p><b>Decision – no change needed unless wider provisions are removed / covered in other advice</b></p>
	<p><b>Believes s73(c) requires CE ensure compliance with policy and annual reporting on compliance (Whaikaha)</b></p> <p>S 73 ( c) of the Act requires Chief Executives ensure its compliance with that policy (including its equal employment opportunities programme) and report in its annual report on the extent of its compliance. We think there is a real opportunity for agencies to do better at reporting against these requirements. This will help mitigate any perception that a retrenchment of diversity and inclusion signals that equal opportunities are not important.</p>	<p><b>Decision – no change, matter of practice</b></p>

## Feedback (March 2025) – Public Service Amendment Bill draft papers

Agency and date	Feedback	Response
	<p><b>Removing D&amp;I provisions not directly necessary for rights of disabled people, but maintain focus on EEO and reasonable accommodations (Whaikaha)</b></p> <p>We acknowledge that the diversity and inclusion provisions in the current Act, which are relatively general in nature, are not necessarily the best way to ensure that the lives and rights of disabled people are enhanced. However, if these provisions are to be removed, it will be important for the public service to continue to focus on equal employment opportunities and reasonable accommodations for disabled people. If we don't do this, we risk missing the contribution of one in six NZers to our workplaces.</p>	<p><b>Decision – no change, matter of practice</b></p>
<p>Ministry for Women</p> <p>Anna Chalmers</p> <p>12 March</p> <p><a href="#">Link to feedback</a></p>	<p><b>s73 and s75 changes have the potential to slow progress on pay equity in the public sector, propose that the Commissioner MUST issue a GWPS, not may (MfW)</b></p> <p><i>Existing mitigations are:</i></p> <p>the provisions of the Equal Pay Act 1972 (as amended by the Equal Pay Amendment Act 2020) would continue to apply regardless of this proposed change.</p> <p>As noted in the paper the Government Workforce Policy Statement (GWPS) is an existing mechanism for conveying expectations to chief executives about employment matters (including pay equity).</p> <p><i>Proposed additional mitigation:</i></p> <p>that the Commissioner provide a GWPS, in a similar way to that envisioned for the standards and guidance provisions (para 25 Draft Cabinet Paper 1, Rec 12). Currently s 95 of the Public Sector Act states that the Commissioner may consider (our emphasis) whether to draft and submit a GWPS. If this is to be the channel through which expectations about pay equity are promulgated, then there needs to be more certainty that it will be produced which could be through a mandatory provision.</p>	<p><b>Decision – no change.</b></p> <p>Mitigations align with Minister's view</p>
	<p><b>S73 and s75 changes have the potential for private organisations to interpret changes as a signal that closing gender pay gap is not a priority, or undermines credibility of work underway, propose mitigating communications to business leaders (MfW)</b></p> <p>Private sector organisations interpret these changes as a signal that closing the gender pay gap is not important and/or it undermines credibility for work already underway</p> <p>To encourage the desired policy outcome of closing the gender pay gap across the private sector (which is considerably higher than the public sector GPG), the communication of these changes to business leaders will need to be clear that closing the gender pay gap remains an important Government objective.</p>	<p><b>Decision – no change</b></p> <p>Implementation</p>

## Feedback (March 2025) – Public Service Amendment Bill draft papers

Agency and date	Feedback	Response
<p><b>TPK</b> Terina Cowan 13/3/25 <a href="#">Link to feedback</a></p>	<p>out of scope</p>	
	<p><b>Recommend that diversity and inclusion remain and expectation both for chief executives and the Commissioner, or at a minimum that policies addressing workforce and equity are required (TPK)</b></p> <p>By removing principles of diversity and inclusion in legislation and leaving this up to partisan workforce policy, achieving a diverse workforce (including one that contains equitable Māori participation) becomes more difficult. Diversity initiatives operate as a protection against status quo bias, and leaving these considerations as a policy matter is likely to weaken their impact. This impact is referenced in this very paper, which states that “laws influence attitudes and culture”.</p> <p>Te Puni Kōkiri has provisions in some contracts with service providers that require them to apply principles of pay equity. This includes for soon to be negotiated Whanau Ora contracts. This would mean providers contracted by an agency for the delivery of services are themselves required to comply with principles not required of the funding agency.</p> <p>Given that workforce appointments remain a discretionary process, it is unclear how removing the requirement to consider diversity and inclusion would ever prevent appointments being made on merit. There is also no evidence or examples where this has been the case provided in the paper. Organisations such as the United Nations International Labour Organisation have researched the benefits of diverse workplaces. Therefore, we recommend that diversity and inclusion remain and expectation both for chief executives and the Commissioner, or at a minimum that policies addressing workforce and equity are required.</p>	<p><b>Decision- no change</b> <b>Minister has been advised &amp; made a decision</b></p>

**Feedback (March 2025) – Public Service Amendment Bill draft papers**

Agency and date	Feedback	Response
	out of scope	
<p><b>Treasury</b> Cath Atkins 12/13 March <a href="#">Link to feedback</a></p>	<p><b>Agree the Act contains unnecessary complexity/duplication impacting effectiveness as an accountability mechanism, support for clarifying responsibilities (TSY)</b> The Act has a number of overlapping requirements, that makes the obligations of chief executives unclear. This in turn limits the effectiveness of the Act as an accountability mechanism, which should provide chief executives and senior leaders with clarity about their responsibilities with the public service. In our view, parts of the Act could be clarified, for example: overlapping principles and values the extent of the obligations on chief executive to promote diversity and inclusion, noting these are obligations for the public service as a whole; the good employer requirements list a set of examples, though it may be unclear whether these examples are exhaustive or illustrative.</p>	<p><b>Decision – no change, comment</b></p>

Feedback (March 2025) – Public Service Amendment Bill draft papers

Agency and date	Feedback	Response
<p>Police</p> <p>Jeremy Wood</p> <p>13 March</p> <p><a href="#">Link to feedback</a></p>	<p><b>Support overall intentions around integrity</b></p> <p><b>Pay equity and diversity remain a focus through collective bargaining.</b></p> <ul style="list-style-type: none"><li>• out of scope [REDACTED]</li></ul> <ul style="list-style-type: none"><li>• Pay equity and diversity<ul style="list-style-type: none"><li>○ Like other agencies, Police has been working on pay equity for some years. Expectations regarding continued progress are likely to remain in the context of collective bargaining</li><li>○ Diversity too has been a particular focus for Police and representing the community we serve is a recognised factor in maintaining trust and confidence in Police. Noting this broader context, appointment processes are merit based, and sworn staff must all meet a required standard to become a police officer.</li></ul></li></ul>	<p><b>Decision – no change (commentary)</b></p>

out of scope

**Feedback that we consider to be aligned with your objectives**

out of scope

**Chief executive responsibilities**

Feedback that CE reporting requirements could be clearer and that accountability arrangements for chief executives are complex.

Support for reviewing or removing chief executive employer responsibilities:

- Suggestion made that provisions with a particular focus on pay equity may be better dealt with through the performance agreements with chief executives and can reflect the priorities of the Government of the Day.
- Suggestions that general employment law should apply, with any additional responsibilities as needed for the public sector context (e.g. ss 12, 14 and 16 should be retained)

Feedback received that the Act has a number of overlapping requirements that makes obligations of the chief executive unclear (e.g. s 75 re diversity and inclusion requirements could be reviewed)

**From:** [Brian Roche](#)  
**To:** [Carolyn tremain](#); [Penny Nelson](#); [LIGHTFOOT, Jeremy \(PONEKE\)](#); [Una Jagose](#); [Mac Leauanae](#); [Christine Stevenson](#); [Barrington, Brook](#); [Ellen MacGregor-Reid](#); [Nicholas Pole](#); [James Palmer](#); [CORRY, Bede \(CEO\)](#); [Andrew Clark](#); [Audrey Sonerson](#); [Brad Ward](#); [Peter Mersi](#); [Paul James](#); [Andrew Kibblewhite](#); [Gaye Searancke](#); [Dave Samuels](#); [Gerardine Clifford-Lidstone](#); [Ray Smith](#); ["ben.king@dpmc.govt.nz"](#); [Karen Chang](#); [Debbie Power](#); [Heather Baggott](#); [Rebecca Kitteridge](#); [Grainne Moss](#); [Andrew Coster](#); [Mark Sowden](#); [Ruth Fairhall](#); ["iain.rennie@treasury.govt.nz"](#); [Kellie Coombes](#); ["andrew.bridgman@ot.govt.nz"](#); [Andrew Hampton](#); [Arran Jones](#); [Rami Rahal](#); [Jane Lee](#); [Mervin Singham](#); [Paula Tesoriero](#); ["dave.gawn@nema.govt.nz"](#); [Mill, Anaru](#); ["tony.davies@nzdf.mil.nz"](#); ["richard.chambers@police.govt.nz"](#)  
**Subject:** Public Service Act changes  
**Date:** Thursday, 20 March 2025 2:44:00 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[Amendments to the Public Service Act 2020. Paper 1 – Clarifying the role and responsibilities of the Public Service.pdf](#)  
[Amendments to the Public Service Act 2020. Paper 2 – Driving improvements in performance.pdf](#)  
[Amendments to the Public Service Act 2020. Paper 3 – Breaking down silos.pdf](#)

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Kia ora koutou

Thank you to those of you who provided me feedback last week on the proposals to amend the Public Service Act. Your comments have been helpful as we have advised the Minister on refinements to the proposals.

The papers have now been lodged for Cabinet consideration, and I have **attached** the updated versions for your information.

I wanted to draw your attention to a few key points:

out of scope



- Many of you also commented on the proposals relating to **diversity and inclusiveness**. The substantive provisions in this area are unchanged, but the Minister wanted to address concerns by including a statement in the paper that the Government and Public Service Commissioner will still work for fair and just inclusion of people based on merit, and that chief executives must maintain employment relationships which treat all people with respect and dignity.

out of scope



out of scope

Thank you again for your support and responsiveness as we have developed the proposals at pace.

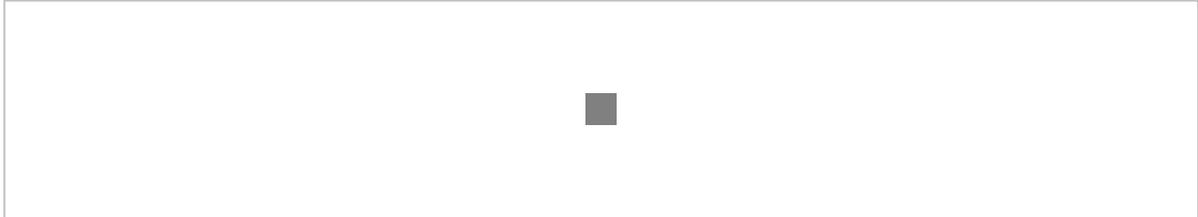
Ngā manaakitanga

Brian

**Sir Brian Roche KNZM**

**Te Tumu Whakarae mō Te Kawa Mataaho | Public Service Commissioner, Head of Service**

īmēra: [brian.roche@publicservice.govt.nz](mailto:brian.roche@publicservice.govt.nz)



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**From:** [Brian Roche](#)  
**To:** [@All Staff](#)  
**Subject:** Proposed amendments to the Public Service Act announced  
**Date:** Tuesday, 1 April 2025 12:55:20 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Kia ora koutou

Shortly our Minister will announce proposed amendments to the Public Service Act 2020.

Amending the Public Service Act is another key lever the Government to enact the change it would like to see in the Public Service in terms of performance and value for money.

It is also a commitment in the Coalition Agreement between the New Zealand National Party and ACT New Zealand 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.”

If you were here when the Minister visited a few weeks ago, you might recall her discussing these changes, including a focus on the Public Service’s core role and clarity on what Chief Executives should prioritise.

Cabinet has agreed a suite of amendments to the Act. Broadly these are:

- Clarify the role of the Public Service
- Streamline chief executive responsibilities
- Reinforce the principle of merit-based appointments
- Improve chief executive and agency performance management
- Utilise and improve tools to reduce silos
- Better risk management

Reducing the number of legislative obligations on Chief Executives include some relating to diversity, equity and inclusion which, if adopted, will no longer be specifically referenced in the Act. While this may be the case many of these obligations will still exist in other legislation which apply to Chief Executives and agencies.

Attracting and fostering merit-based appointments, diverse talent and fair and respectful employment practices has been part of the work of agencies with oversight and support from the Commission for many years and we continue to provide this centralised support. We have been engaging with the Minister on our future diversity, equity and inclusion work programme, and she is comfortable with our direction.

Lastly, I also wanted to note that in these amendments Cabinet has agreed to adjust the number of statutory deputy Public Service Commissioners to a single role. This represents a return to the pre-2020 position, and aligns with the Government’s move to ‘right-size’ the Public Service including its leadership. We will work on what transitional arrangements could look like. Both Heather and Rebecca are aware of this and I will support them as we work through it. I know you all will too.

These amendments are now subject to a legislative process and may change during this time. Until the

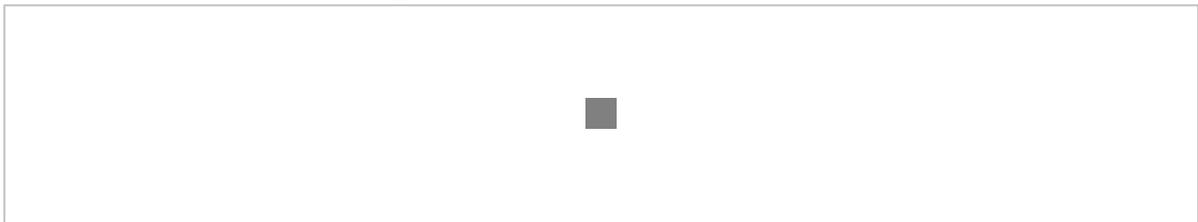
Bill becomes law, the current Act continues to apply.

I want to thank the Policy Team for the work they have done to support this process, and everyone else across the Commission that has contributed to this work.

I also want to thank you for the professional way you go about your work. I see your commitment to building a stronger and more efficient Public Service every day.

Ngā mihi  
Brian

**Sir Brian Roche KNZM**  
**Te Tumu Whakarae mō Te Kawa Mataaho | Public Service Commissioner, Head of Service**  
īmēra: [brian.roche@publicservice.govt.nz](mailto:brian.roche@publicservice.govt.nz)



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**From:** [Alex Chadwick](#)  
**To:** [Penny Nelson](#); [Kellie Coombes](#); [Paula Tesoriero](#); [James Palmer](#); [Nicholas Pole](#); [Una Jagose](#); [Mervin Singham](#); [Grainne Moss](#); [Gerardine Clifford-Lidstone](#); [Dave Samuels](#); [Peter Mersi](#); [megan.main@acc.co.nz](mailto:megan.main@acc.co.nz); [Karen Chang](#); [Gaye Searancke](#); [Mac Leauanae](#); [Carolyn tremain](#)  
**Subject:** Proposed amendments to the Public Service Act announced  
**Date:** Tuesday, 1 April 2025 1:00:00 pm  
**Attachments:** [image001.jpg](#)

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Kia ora koutou

This afternoon the Minister for the Public Service, Hon Judith Collins, announced proposed amendments to the Public Service Act 2020.

The Government is proposing to amend the Act to reduce the number of legislative obligations on Chief Executives to support them to focus on their core roles. These obligations include some relating to diversity, equity and inclusion which, if adopted, will no longer be specifically referenced in the Act.

While this may be the case, many of these obligations will still exist in other legislation which apply to Chief Executives and agencies.

The value that diversity of thought, skills and experience brings to our workforce has long been recognised in the Public Service. Attracting and fostering merit-based appointments, diverse talent and fair and respectful employment practices have been part of the work of agencies with oversight and support from the Commission for many years. This was the case even before the Public Service Act came into force in 2020.

The Commission will continue to provide support to agencies from the centre to:

- apply the merit principle comprehensively and ensure that all applicants for positions or promotions have a reasonable and fair opportunity to demonstrate merit;
- attract the widest pool of capable applicants by ensuring that the workplace is an attractive environment for all those with the skills and competencies that it needs to attract;
- value diversity of thought and experience and to foster this through their organisations;
- support employee led networks as an important “employee voice”.

As many of you know, we were already refocussing and streamlining our work programme (partly due to reduced resources at the Commission and across the System).

We will be in touch with you soon to provide further details on the revised work programme.

Ngā mihi

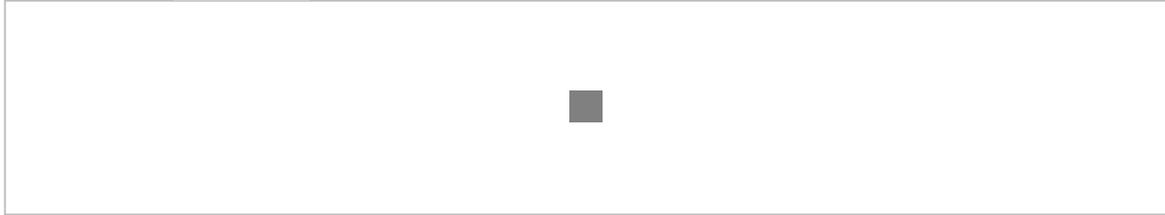
Alex

**Alex Chadwick** (she/her)

**Deputy Chief Executive | Tumu Whakarae Tuarua**

Workforce Group | Te Ohu Mahi

waea pūkoro: <sup>9(2)(a) privacy</sup> | imēra: [alex.chadwick@publicservice.govt.nz](mailto:alex.chadwick@publicservice.govt.nz)



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**From:** [Alex Chadwick](#)  
**To:** [Lisa Hansen](#); [Niyaz Sayed](#); [Kirsty Donbavand](#); [simon.george](#); [Karyn Thompson](#); [MONAGHAN, Deirdre \(SREGRO\)](#); [Margaret Cassie](#); [Anne Sanders](#); [Fiona.McCarthy@TeWhatuOra.govt.nz](#); [Shelley Tyson](#); [Erina Clayton](#); [Nita McFadzean](#); [Jonny McKenzie](#); [Jennifer Nathan](#); [Kimberley Polata-Ahotolu](#); [Tracey Kaio](#); [Paul Tryon](#); [Kirsty Dickson](#); [Kaye Ryan](#); [Abbey Macalister](#); [Nadine Millin](#); [Thorn, Melissa](#); [annemarie.taggart](#); [TAYLOR, Peter \(PEP\)](#); [Claire McMahon](#); [Emily Scarlett](#); [Hickling, Jo](#); [Cain McLeod](#); [Suzanne Williams](#); [David.GRUMMITT@customs.govt.nz](#); [Pascoe, Lyndah](#); [Shelly T](#); [CURRAN-TIETJENS, Cathryn](#); [Phoebe Chandler - AKL](#); [caz.jackson](#); [Elizabeth Blanchfield](#); [Vanessa Wright](#); [Sarah O"Grady](#); [Alison Cooper](#); [Nicola Hill](#); [hera.snow@tearawhiti.govt.nz](#); [Amy Boldy](#); [Kylie Savage](#); [Hamish Ongley \[TSY\]](#); [Helena Gibson](#); [Paula Davis](#)  
**Subject:** Proposed amendments to the Public Service Act announced  
**Date:** Tuesday, 1 April 2025 1:00:00 pm

---

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The Government is proposing to amend the Act to reduce the number of legislative obligations on Chief Executives to support them to focus on their core roles. These obligations include some relating to diversity, equity and inclusion which, if adopted, will no longer be specifically referenced in the Act.

While this may be the case, many of these obligations will still exist in other legislation which apply to Chief Executives and agencies.

The value that diversity of thought, skills and experience brings to our workforce has long been recognised in the Public Service. Attracting and fostering merit-based appointments, diverse talent and fair and respectful employment practices have been part of the work of agencies with oversight and support from the Commission for many years. This was the case even before the Public Service Act came into force in 2020.

The Commission will continue to provide support to agencies from the centre to:

- apply the merit principle comprehensively and ensure that all applicants for positions or promotions have a reasonable and fair opportunity to demonstrate merit;
- attract the widest pool of capable applicants by ensuring that the workplace is an attractive environment for all those with the skills and competencies that it needs to attract;
- value diversity of thought and experience and to foster this through their organisations;
- support employee led networks as an important “employee voice”.

As many of you know, we were already refocussing and streamlining our work programme (partly due to reduced resources at the Commission and across the System).

We will be in touch with you soon to provide further details on the revised work programme.

Ngā mihi

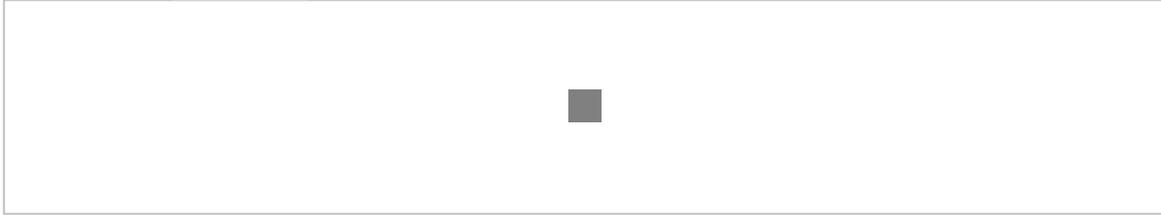
Alex

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**Deputy Chief Executive | Tumu Whakarae Tuarua**

Workforce Group | Te Ohu Mahi

waea pūkoro: <sup>9(2)(a) privacy</sup> | imēra: [alex.chadwick@publicservice.govt.nz](mailto:alex.chadwick@publicservice.govt.nz)



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**From:** [Callum Butler](#)  
**To:** [Sarah Borrell](#); [Hugo Vitalis](#)  
**Cc:** [Hugh Oliver](#)  
**Subject:** RE: Amendment Act Timeline to 20 Feb Agency meeting  
**Date:** Thursday, 13 February 2025 10:14:08 am  
**Attachments:** [Public Service Amendment Bill - Overview of scope.pdf](#)

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[IN-CONFIDENCE]

Hi Sarah,

As discussed, aim to send you a draft Cabinet paper soon but for now overview of the proposals is attached – you can see the scope is limited, and the relevant column from a workforce perspective is column 2 on ‘streamline CE responsibilities’. When we discussed with the Minister, the implications of removing responsibilities relating to “diversity and inclusion and pay equity” included removing ss81-84, s75, s73(2), s73(3)(i), and s73(3)(j) – plus and amendment to s44(c). Note that separately but relatedly she has indicated she wishes to amend sch7 s3(7) to focus only on merit.

Hugh is working today to draft up advice on the implications of all of this – we already discussed implications of removing the pay equity-related provisions, but will need to get your input on the implications of removing the D&I requirements too. Over to you whether you’d prefer to have a conversation first, or for Hugh to draft something for feedback?

out of scope

The text 'out of scope' is followed by three horizontal grey bars of varying lengths, indicating redacted content.

Cheers,  
Callum

SUMMARY OF MINISTER’S OBJECTIVES

**FOCUSING THE PUBLIC SERVICE ON EFFICIENCY AND GOVT PRIORITIES, REMOVING DISTRACTIONS...**      **...AND OPERATING IN A PROFESSIONAL, POLITICALLY NEUTRAL AND COMPETENT MANNER**

The Minister has indicated the Act should emphasise:

- A focus on working in the best interest of New Zealanders, in a timely and cost efficient way, and serving the Government of the day
- Operating in a professional, politically neutral and competent manner, supported by all appointments being made on merit

The Minister has also expressed an interest in streamlining responsibilities where they may distract chief executives from achieving/progressing the above focus areas.

out of scope

PROPOSED AMENDMENTS

out of scope

**STREAMLINE CHIEF EXECUTIVE RESPONSIBILITIES**

**Streamline or remove other requirements on chief executives** ● ●

*These include chief executive responsibilities and/or reporting requirements that were added to the Act in 2020.*

*This includes removing provisions regarding:*

- *Pay equity*
- *Diversity and Inclusion*

*It also includes reforming existing provisions relevant to Long-Term Insights briefings, to be less resource-intensive on agencies.*

Key:

Reform existing provision

Add provision

Remove provision

Better use of tools under the Act

**From:** Hugh Oliver <Hugh.Oliver@publicservice.govt.nz>  
**Sent:** Thursday, 20 February 2025 12:17 pm  
**To:** Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>; Callum Butler <callum.butler@publicservice.govt.nz>  
**Subject:** RE: 73 and 75

But now I see I have left out the most important bit. So add on to my email the following last section

### Options

From the argument above three options emerge:

- 1        **Status Quo.** Leave the Act as it is and try to make changes, in line with govt policy expectations, via a GWPS. Our view is that will not strongly signal the policy intent of the government
- 2        **Remove the D&I, equal pay, and pay equity provisions in 73 and 75 from the Act and replace them with something else.** In the case of pay equity and equal pay this would result in meaningless statements along the lines of “Pay equity and equal pay in the public service shall be address through the provisions of the Equal Pay Act 1972”. And in the case of D&I another statement about merit appointment is superfluous as the merit principle is already dealt with at other points in the Act.
- 3        **Remove the provisions and do not replace with anything else.** This gets to the most efficient solution which is to leave the Act silent on these matters and allows a government to address them by way of a GWPS if it wants to. This is our preferred option as it allows an efficient approach to addresses these topics (if needed) and also advances the cause of having a statute that is stable over time.

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**From:** Hugh Oliver <[Hugh.Oliver@publicservice.govt.nz](mailto:Hugh.Oliver@publicservice.govt.nz)>

**Sent:** Thursday, 20 February 2025 11:25 am

**To:** Stephanie Wyse <[Stephanie.Wyse@publicservice.govt.nz](mailto:Stephanie.Wyse@publicservice.govt.nz)>; Callum Butler <[callum.butler@publicservice.govt.nz](mailto:callum.butler@publicservice.govt.nz)>

**Subject:** 73 and 75

Kia ora kōrua

out of scope

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### **Changes to sections 73 and 75:**

The question has been asked as to the intent and consequence of the proposed changes to sections 73 and 75 of the Act. Changes to both of these sections are, in essence, changes to aspects of public service workforce policy and need to be seen in that overall context.

### **Workforce Policy.**

D&I, equal pay, and pay equity are all part of the general area of public service workforce policy. All governments have some policy objectives in relation to the public service workforce. Some focus on the employment aspect of the workforce. Therefore, a particular government may be more concerned about the cost of the workforce and therefore focus on mechanisms to regulate wage growth. Another government may have a broader focus on workforce development and, for example, may want to emphasise skills development and training for particularly strategically important occupations within the total workforce. Another government may focus on the composition of the workforce and want to address issues associated with equal opportunity. Or alternatively, a government's focus on the composition of the workforce may lead it to address the proportion of the workforce that is composed of contractors and consultants. These choices of emphasis in workforce policy are driven by many factors some of which are highly political in the sense of being the subject of disagreement between political actors.

### **Options for Implementation of workforce policy**

There are various options for implementation and they each has strengths and weaknesses.

#### *Legislation*

Objectives in relation to workforce policy are often set in statute. This is best used when the matters addressed in statute are matters where there is broad consensus such that the statute is stable over time. In the case of the Public Service Act much of the workforce provisions have been stable over time; particularly the bulk of the good employer provisions.

#### *Legislative instruments*

Some policy objectives may be pursued through Government Workforce Policy Statements which are issued under the provisions of the Public Service Act. These are flexible and a more efficient way of regulating where policy objectives may change frequently over time.

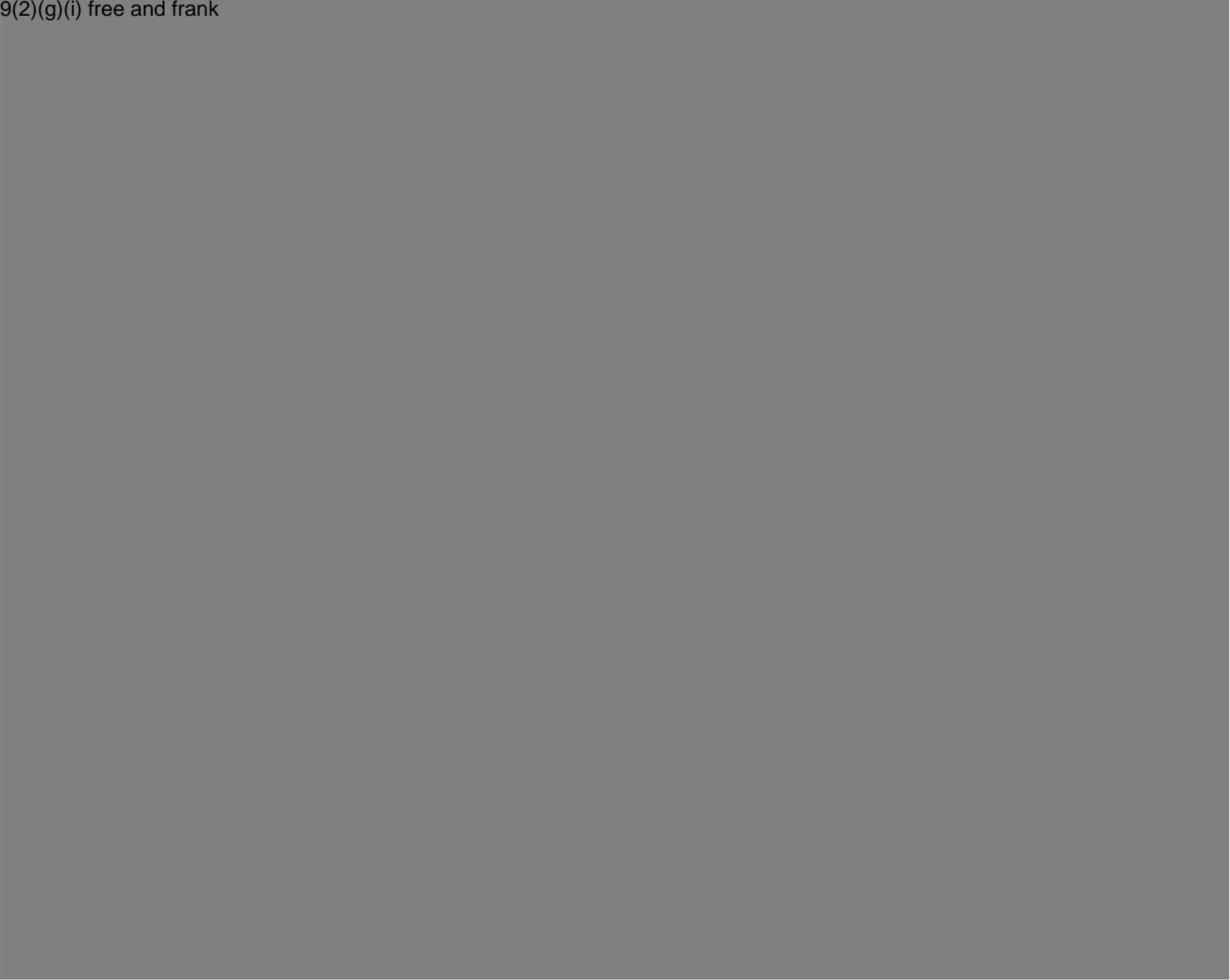
*Cabinet mandates*

Cabinet mandates are less often used now as Government Workforce Policy Statements are the preferred instrument. However, it remains an option for Cabinet to simply direct the public service on workforce matters through a straightforward cabinet resolution. This is faster than the GWPS route as it requires no consultation with affected agencies.

*Commissioner guidance and standards*

The Public Service Commissioner often backs up a GWPS or Cabinet resolution with more detailed guidance or standards.

9(2)(g)(i) free and frank



**Hugh Oliver**

**Kaitohutohu Mātāmua | Principal Advisor**

Te Tohutohu Rautaki, te Kaupapa Here, me te Pono | Strategy, Policy, and Integrity Group

waea pūkoro: 9(2)(a) privacy | imēra: [hugh.oliver@publicservice.govt.nz](mailto:hugh.oliver@publicservice.govt.nz)



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**From:** [Callum Butler](#)  
**To:** [Misty Mossman](#); [Hugo Vitalis](#); [Rob Anderson](#); [Stephanie Wyse](#)  
**Cc:** [MAES](#)  
**Subject:** RE: 2025-0228 - Public Service Act amendments  
**Date:** Monday, 17 March 2025 11:00:53 am  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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Yes that works as wording for rec 10 thanks Misty - [@Stephanie Wyse](#) great if you could reflect that in the Cab paper draft.

We will discuss that further feedback with the Minister later today (noting that the last point is already covered in paper 2).

Cheers,  
Callum

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**From:** Misty Mossman [9\(2\)\(a\) privacy](#)  
**Sent:** Monday, March 17, 2025 10:32 AM  
**To:** Callum Butler <[callum.butler@publicservice.govt.nz](mailto:callum.butler@publicservice.govt.nz)>; Hugo Vitalis <[Hugo.Vitalis@publicservice.govt.nz](mailto:Hugo.Vitalis@publicservice.govt.nz)>; Rob Anderson <[Robert.Anderson@publicservice.govt.nz](mailto:Robert.Anderson@publicservice.govt.nz)>  
**Cc:** Stephanie Wyse <[Stephanie.Wyse@publicservice.govt.nz](mailto:Stephanie.Wyse@publicservice.govt.nz)>; MAES <[MAES@publicservice.govt.nz](mailto:MAES@publicservice.govt.nz)>  
**Subject:** RE: 2025-0228 - Public Service Act amendments

**This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.**

Hi Callum

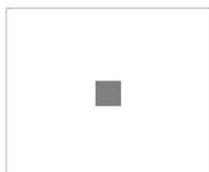
out of scope

Some additional feedback on the papers:

- Amend section 73 to eliminate requirements for chief executives and boards to promote diversity and inclusiveness as part of being a “good employer,” including specific references to Māori involvement.
- Amend section 97 to exclude workforce diversity and inclusiveness from government workforce policy considerations.
- Remove the requirement in Schedule 3 for the Commissioner’s three-yearly briefings to assess workforce diversity and inclusiveness.
- Amend Schedule 7 to delete the obligation for panels appointing chief executives to consider diversity and inclusiveness.

Thanks

Misty



**Misty Mossman**  
Private Secretary (Public Service) | Office of Hon Judith Collins KC MP

Member of Parliament for Papakura  
Attorney-General | Minister of Defence | Minister for Digitising Government | Minister for the Public Service |  
Minister Responsible for the GCSB | Minister Responsible for the NZSIS | Minister for Space

Mobile [9\(2\)\(a\) privacy](#)  
Email: [9\(2\)\(a\) privacy](#) Website: [www.Beehive.govt.nz](http://www.Beehive.govt.nz)  
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

**From:** [Tim Saunders](#)  
**To:** [Stephanie Wyse](#); [Hannah Dewes](#)  
**Subject:** RE: Stephanie Wyse shared "Draft email BORA vetting" with you  
**Date:** Tuesday, 13 May 2025 10:36:00 am  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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Looks good to me dude,

Only questions/thoughts I have are:

- Would we include the amendments to s75 as something that may potentially require further assessment through BORA vetting? I know our Cab paper comment only referenced 73, but I think it's at least arguable that removing an active duty to be guided by diversity and foster an inclusive work place has BORA implications in the broadest sense... And I wouldn't want the BORA team to think we were trying to discourage them from considering those amendments – best just to be really comprehensive on this stuff in my experience...
- You might specify what we mean by engaging in mid-June..(ie we think we'll have a comprehensive draft of the Bill provisions to go out with the LEG paper in mid June?)..

Nice one.

TS

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**From:** Stephanie Wyse <Stephanie.Wyse@publicservice.govt.nz>  
**Sent:** Tuesday, 13 May 2025 9:01 am  
**To:** Hannah Dewes <Hannah.Dewes@publicservice.govt.nz>; Tim Saunders <Tim.Saunders@publicservice.govt.nz>  
**Subject:** Stephanie Wyse shared "Draft email BORA vetting" with you



## Stephanie Wyse invited you to edit a file

Drafted an email to BORA re: engagement/vetting to alert them to tight timelines and what they might want to look at. Callum was keen we get in touch to highlight timelines.

Can you take 5min to have a quick look & suggest any tweaks?

(We highlighted s73 changes as having potential human rights implications for assessment through vetting.)

[Draft email BORA vetting](#)

This invite will only work for you and people with existing access.

This email is generated through Public Service Commission's use of Microsoft 365 and may contain content that is controlled by Public Service Commission.

**From:** [Stephanie Wyse](#)  
**To:** [boravet@justice.govt.nz](mailto:boravet@justice.govt.nz)  
**Cc:** [Callum Butler](#)  
**Subject:** BORA vetting: Amendments to the Public Service Act 2020  
**Date:** Tuesday, 13 May 2025 3:28:00 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Kia ora BORA colleagues,

We will soon be engaging with you on amendments to the Public Service Act 2020 (see *Background* below). Our timelines are challenging (see *Timeline* below) but we expect to have a comprehensive draft of the Bill provisions for consultation in mid-June, with consideration by LEG on 24 July 2025.

We will be sharing the draft Bill for consideration of any BORA implications across all the proposed amendments. Of note, the Cabinet papers highlighted amendments to Section 73 of the Act as potentially requiring further assessment through BORA vetting (see Cabinet Paper 3 for the human rights implications section across all papers). You may also wish to consider the changes to Section 75 of the Act, and related amendments. Specifically, those two proposals are (see Cabinet Paper 1 and the RIS for details):

- Remove responsibilities of chief executives related to having policies recognising the importance of achieving pay equity and the importance of decisions about remuneration being free from bias (ss 73(3)(i) and (j))
- Remove responsibilities of chief executives relating to diversity and inclusion (s 75) 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 (s 44(c)),
  - the lists of matters that may be addressed by the content of Government workforce policy statements (s 97(2)(e)), and
  - the content of the Commissioner's state of the public service briefing (Sch 3, Cl 16(4)(a)(v)).

You can find the proactively released the Cabinet papers/decisions and Regulatory Impact Statement on our website (policy advice will be released soon):

- **Suite of Cabinet papers/minutes** re: Amendments to the Public Service Act 2020:  
<https://www.publicservice.govt.nz/publications?q=Public+Service+Act+Amendments&classification=publication%2Cguidance&types%5B%5D=151>
- **Regulatory Impact Statement:**  
<https://www.publicservice.govt.nz/assets/DirectoryFile/Regulatory-Impact-Statement-Amendment-to-the-Public-Service-Act-2020-PSC-March-2025.pdf>

Please don't hesitate to get in touch if it would be useful to have an initial discussion / receive more information on *any* of the proposed amendments described across the suite of papers. Otherwise, we will be in touch again in mid-June.

Ngā mihi,  
Stephanie

## Background

- Cabinet agreed to a range of amendments to the Public Service Act 2020 (the Act) on 31 March 2025.
- The amendments are intended to drive improvements in Public Service performance, increase the public service focus on efficiently and effectively serving the government to deliver value

for money for all New Zealanders, and reinforce the core principles of political neutrality, appointment on merit to all positions and professional competence.

- Cabinet authorised the Minister for the Public Service to issue drafting instructions to the Parliamentary Counsel Office (PCO) to amend the Act to give effect to the Cabinet decisions arising from these papers. The first tranche of these instructions were sent to PCO on 2 April 2025. We are also engaging with LDAC in mid-May.

### Timeline

The 2025 Legislation Programme includes a Public Service Amendment Bill with a priority 3 categorisation (to be passed by the end of 2025).

Our indicative timeline (in-confidence and not for circulation) is:

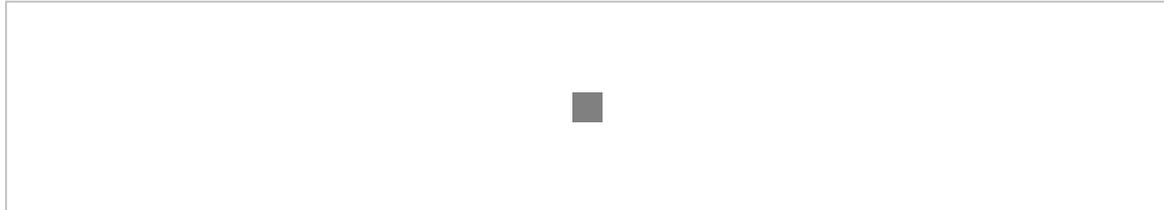
2 April	Drafting instructions sent to PCO
15 May	LDAC sub-committee meeting (advice within 2-3 weeks)
Week of 9 June	Version of draft Bill confirmed for consultation
Mid to end June	Ministerial and department consultation (10 days, in parallel)
End June – 8 July	Engage with Minister on feedback & updates; share feedback from consultation with PCO, final updates to Bill...
By 10 July	Send final draft to MoJ for NZBORA vetting
By 11 July	Papers to Minister for lodgement
17 July	Cabinet paper lodged with LEG
24 July	LEG

### Stephanie Wyse

Kaitohutohu Mātāmua | Principal Advisor

Rautaki, Kaupapahere me te Ngākau Pono | Strategy, Policy and Integrity group

**Waea pūkoro:** 021 241 8242 **Īmēra:** [stephanie.wyse@publicservice.govt.nz](mailto:stephanie.wyse@publicservice.govt.nz)



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# MEETING NOTES



**Te Kawa Mataaho**  
Public Service Commission



## Public Service Heads of HR

Thursday 3 April 2025

### Actions and Key Points

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out of scope

#### 2. Update from Deputy Chief Executive Alex Chadwick

Hon Judith Collins KC recently announced proposed amendments to the Public Service Act. The Government is proposing to amend the Act to reduce the number of legislative obligations on Chief Executives, supporting them to focus on their core roles. Some of the obligations they are proposing to remove from the Act relate to diversity, equity and inclusion (DEI). While this may be the case, many of these obligations will still exist in other legislation which apply to Chief Executives and agencies. The value that DEI brings to our workforce has long been recognised in the Public Service, which has been the case even before the Public Service Act came into force in 2020. These amendments are now subject to a legislative process and may change during this time. Until the Bill becomes law, the current Act continues to apply. ↗ [Back to basics for public service | Beehive.govt.nz](#).

out of scope



## Wider Public Sector Heads of HR

Wednesday 3 April 2025

### Actions and Key Points

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out of scope

#### 2. Update from Deputy Chief Executive Alex Chadwick

Hon Judith Collins KC [recently announced proposed amendments to the Public Service Act](#). The Government is proposing to amend the Act to reduce the number of legislative obligations on Chief Executives, supporting them to focus on their core roles. Some of the obligations they are proposing to remove from the Act relate to diversity, equity and inclusion (DEI). While this may be the case, many of these obligations will still exist in other legislation which apply to Chief Executives and agencies. The value that DEI brings to our workforce has long been recognised in the Public Service, which was the case even before the Public Service Act came into force. These amendments are subject to a legislative process and may change during this time. Until the Bill becomes law, the current Act continues to apply.

out of scope

NOT AN OFFICAL POLICY DOCUMENT – FOR ILLUSTRATIVE PURPOSES ONLY.

Please do not distribute further

<p>Paper mentions:</p>	<p><b>This mark up is indicative only – not final drafting</b></p>
<p>The focus should be on unbiased merit-based appointment process</p> <ul style="list-style-type: none"> <li>• Removing s 75</li> <li>• Amending s44(c)</li> </ul>	<p><b>75 Chief executives and boards to promote diversity and inclusiveness</b></p> <p>(1) A chief executive of a department and a board of an interdepartmental venture must—  <del>(a) be guided by the principle that the group comprising all public service employees should reflect the makeup of society; and</del>  <del>(b) in employment policies and practices, foster a workplace that is inclusive of all groups.</del></p> <p>(2) A chief executive of a departmental agency, or an interdepartmental executive board,—  <del>(a) is entitled to use policies and practices developed by their host or servicing department (and need not develop their own); but</del>  <del>(b) in relation to employees carrying out the functions of the departmental agency or interdepartmental board, has the same duty under this section as the chief executive of a department.</del></p> <p>Note s 73(2) will also go, as a consequence of s 75 going</p> <p><b>S 73 Chief executive of department and board of an interdepartmental venture to be good employer</b></p> <p>...</p> <p>(2) See also section 75 (which relates to promoting diversity and inclusiveness).</p> <p><b>44 Commissioner’s general functions</b></p> <p>The Commissioner’s general functions are to—</p> <p>(a) establish and lead a public service leadership team so that public service agencies work as a system to deliver better services to, and achieve better outcomes for, the public; and</p> <p>(b) promote integrity, accountability, and transparency throughout agencies in the State services, including by setting standards and issuing guidance; and</p> <p><u>To be Amended - (c) work with public service leaders to develop a highly capable workforce that reflects the diversity of the society it serves and to ensure fair and equitable employment, including by promoting the good employer requirements in this Act; and</u></p> <p>(d) act as the employer of public service chief executives, including by—</p> <p>...</p>
<p>While successive governments may take different stances on these matters in their workforce policies, it should not be the default that this be a focus of the Public Service. S97</p>	<p><b>Government workforce policy: content</b></p> <p>(1) Government workforce policy must relate to workforce matters (including employment and workplace) for the purpose of fostering a consistent, efficient, and effective approach to those matters across the affected agency or agencies specified in accordance with subsection (4).</p>

<p>Sch 3, s16(4)(a)(v)</p>	<p>(2) Workforce matters may, without limitation, include—</p> <ul style="list-style-type: none"> <li>(a) the Government’s expectations about the negotiation of collective agreements and individual employment agreements in the State services (being expectations that do not determine pay or conditions); and</li> <li>(b) the development and implementation of workforce strategy; and</li> <li>(c) the promotion of more effective management of employment relations generally in the agencies specified in subsection (4); and</li> <li>(d) workforce capacity and composition; and</li> <li><del>(e) pay equity and workforce diversity and inclusiveness;</del> and</li> <li>(f) data and information held in the public service about agencies contracted to deliver services.</li> </ul> <p>...</p> <p><b>Sch 3 s16 Three-yearly briefings on state of public service</b></p> <p>(1) The Commissioner must give a briefing to the Minister on the state of the public service at least once every 3 years.</p> <p>(2) The purpose of a briefing is to promote stewardship of the public service.</p> <p>(3) The subject matter must be selected by the Commissioner and take into account the issues that the Commissioner considers are of significant public interest.</p> <p>(4) The briefing may include an assessment of—</p> <ul style="list-style-type: none"> <li>(a) whether and the extent to which— <ul style="list-style-type: none"> <li>(i) the public service is achieving its purpose:</li> <li>(ii) public service chief executives, public service agencies, and Crown agents are upholding the public service principles:</li> <li>(iii) public service chief executives, public service agencies, and Crown agents are promoting stewardship of the public service, in particular its long-term capability:</li> <li>(iv) people working in the public service are meeting the required standards of integrity and conduct:</li> <li><del>(v) public service agencies are achieving workforce diversity and inclusiveness:</del></li> </ul> </li> <li>(b) the risks and opportunities that are affecting the context in which the public service operates:</li> <li>(c) any other matter that the Commissioner thinks is relevant.</li> </ul> <p>...</p>
<p>where necessary these matters are more appropriately addressed through Government workforce policy statements. s 73(3)(i)-(j) s 44(c) - see above</p>	<p><b>73 Chief executive of department and board of an interdepartmental venture to be good employer</b></p> <p>(1) A chief executive of a department and a board of an interdepartmental venture must—</p> <ul style="list-style-type: none"> <li>(a) operate an employment policy that complies with the principle of being a good employer; and</li> <li>(b) make that policy (including the equal employment opportunities programme) available to its employees; and</li> </ul>

	<p>(c)ensure its compliance with that policy (including its equal employment opportunities programme) and report in its annual report on the extent of its compliance.</p> <p>(2) See also <a href="#">section 75</a> (which relates to promoting diversity and inclusiveness).</p> <p>(3) In this section, a <b>good employer</b> is an employer who operates an employment policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including for—</p> <ul style="list-style-type: none"> <li>(a)the impartial selection of suitably qualified people for appointment (except in the case of ministerial staff); and</li> <li>(b)good and safe working conditions; and</li> <li>(c)an equal employment opportunities programme; and</li> <li>(d)recognition of— <ul style="list-style-type: none"> <li>(i)the aims and aspirations of Māori; and</li> <li>(ii)the employment requirements of Māori; and</li> <li>(iii)the need for greater involvement of Māori in the public service; and</li> </ul> </li> <li>(e)opportunities for the enhancement of the abilities of individual employees; and</li> <li>(f)recognition of the aims and aspirations, employment requirements, and the cultural differences of ethnic and minority groups; and</li> <li>(g)recognition of the employment requirements of women; and</li> <li>(h)recognition of the employment requirements of people with disabilities; and</li> <li><del>(i)recognition of the importance of achieving pay equity between female and male employees; and</del></li> <li><del>(j)recognition of the importance of decisions about remuneration being free from bias including, but not limited to, gender bias.</del></li> </ul> <p>....</p>
<p>Remove D&amp;I from CE appointments Sch 7, s3(7) (paper mentions that some CE roles will have responsibilities relating to 1+groups in society, where knowledge, capability, and relationships relevant to those groups will be necessary to perform the role effectively. In these cases, such requirements would form part of the position description and be included within the merit principle.)</p>	<p>Sch 7, s3(7) <b>Appointment</b></p> <p>(1)Subject to <a href="#">clauses 4, 5</a>, and <a href="#">11</a>, a chief executive can be appointed by the Commissioner only in accordance with this clause.</p> <p>...</p> <p>(7)The panel must undertake those functions having regard to the requirements in this Act relating to merit-based appointments <del>and diversity and inclusiveness.</del></p> <p>....</p>