

Hon Judith Collins KC

Minister for the Public Service

Public Service Amendment Bill: Approval for Introduction

Date of issue: 25 September 2025

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Title: Public Service Amendment Bill: Approval for Introduction

Author: Te Kawa Mataaho Public Service Commission

The Hon Judith Collins KC, Minister for the Public Service is releasing the Cabinet paper and Cabinet Minute

Explanatory Note

Included in this release are the following documents:

- Cabinet Paper Public Service Amendment Bill
- Cabinet Minute LEG-25-MIN-0138
- Cabinet Minute CAB-25-MIN-0251

In Confidence

Office of the Minister for the Public Service

Cabinet Legislation Committee

Public Service Amendment Bill: Approval for Introduction

Proposal

- 1 This paper seeks approval for the introduction of the Public Service Amendment Bill (the Bill). It also notes minor and technical amendments I have made in accordance with Cabinet's previous authorisation [SOU-25-MIN-0030 refers].

Policy

- 2 On 31 March 2025, Cabinet agreed to amend the Public Service Act 2020 (the Act) to:
 - 2.1 drive improvements in public service performance,
 - 2.2 ensure the public service can efficiently and effectively serve the government to deliver value for money for all New Zealanders, and
 - 2.3 reduce prescriptiveness, allowing individual Governments to express certain policy objectives using non-legislative levers [CAB-25-MIN-0085, SOU-25-MIN-0028, SOU-25-MIN-0029 and SOU-25-MIN-0030].
- 3 Specific amendments will:
 - 3.1 clarify the role of the public service and streamline the responsibilities of public service chief executives,
 - 3.2 reinforce the core principles of political neutrality, appointment on merit to all positions and professional competence,
 - 3.3 improve chief executive and agency performance management,
 - 3.4 ensure capability in key positions that oversee common operational functions, and
 - 3.5 provide for better management of risks to national security or the national interest in the use of specific products, services, or vendors.
- 4 A summary of key amendments is provided in **Appendix 1**.

Issues likely to attract public comment

Removing policy requirements on pay equity and freedom from bias

- 5 I expect the provisions removing requirements on chief executives to have a policy recognising the importance of achieving pay equity and the importance of remuneration decisions being free from bias (including gender bias) will attract public comment.
- 6 As discussed in my earlier papers, I have sought to remove provisions that duplicate obligations elsewhere in the Act or in other legislation, that are overly prescriptive and unclear, or where the objectives can be addressed in other ways. Equal pay and pay equity are covered by the Equal Pay Act 1972, which continues to set expectations on employers (including public sector agencies) to engage in good faith with employees on pay equity. The Government remains committed to pay equity, and the requirement for a specific policy under the Public Service Act does not add anything in this context.
- 7 Similarly, freedom from bias is implicit in human rights law and the good employer provisions of the Act (section 73), which will continue to require the “fair and proper” treatment of employees. I also consider that policy direction for both of these issues can be sufficiently provided by the government of the day via the Government Workforce Policy Statement.

Removing requirements in relation to diversity and inclusion

- 8 The draft Bill also gives effect to our previous decision to remove the specific requirement that chief executives:
 - 8.1 be guided by the principle that the group comprising all public service employees should reflect the makeup of society; and
 - 8.2 foster (in employment policies and practices) a workplace that is inclusive of all groups.
- 9 I consider the emphasis in the Act should be on an unbiased merit-based appointment process. I understand that some appointments (like for population agencies) should take into account an applicant’s knowledge of or relationship with a specific community. However, those attributes can be included in position descriptions and assessed as part of the merit of the applicant, so that the selection process is based on functional attributes, not the identity of the applicant per se.
- 10 Overall, I consider it should not be difficult for chief executives to achieve a diversity of thought through the diverse lived experience and qualifications of their staff, and to create an environment where people are looked at in the round and given opportunities based on merit.
- 11 Consistent with the above points about duplication of requirements, I consider that an inclusive workplace is substantially provided for in the ‘good employer’ provisions in section 73 of the Act. These include specific provisions relating to

the employment requirements of Māori, ethnic and minority groups, women, and people with disabilities.

- 12 As with pay equity, I also consider these objectives can be better given effect to via the Government Workforce Policy Statement than by blunt legislative provisions.

Power to restrict use of specific products, services, or vendors

- 13 The provisions giving the Public Service Commissioner the power to restrict (including prohibit) the use of a specific vendor, service or product to manage risks to national security or the national interest may also attract comment.
- 14 As discussed in my policy papers [SOU-25-MIN-0030 refers], in an environment of heightened strategic competition, I consider it more likely that the public service will need direction to manage the risk that using certain products, services or vendors may inadvertently allow malicious actors to access and control sensitive information, disrupt critical infrastructure, or otherwise present risks to national security or the broader national interest. Specific features of this provision are discussed in more detail below in the context of questions raised by the Legislation Design and Advisory Committee.

Additional policy decisions: Business continuity management

- 15 Since I last reported to Cabinet, the Department of Prime Minister and Cabinet has raised concerns about how well existing legislation provides for the continued functioning of the public service in the event of significant disruption.
- 16 Currently, provisions sitting in the Civil Defence Emergency Management Act 2002 (CDEMA) require public service agencies to ensure they can function to the fullest extent possible during and after an emergency. It also requires them to provide plans for such functioning to the Director of Civil Defence and Emergency Management on request. These provisions are based on the concept of an emergency as defined under the CDEMA (which is focused on situations that could cause loss of life or injury or endanger public safety).
- 17 I accept concerns raised with me that these provisions do not reflect the broader, more modern concept of business continuity management. This contemplates the public service having systems in place to ensure continued delivery of critical functions and services during **any** significant disruption (whether this amounts to an emergency under the CDEMA or not).
- 18 I am also concerned that the Director of Civil Defence and Emergency Management does not have the levers and mandate to ensure whole-of-service compliance with this objective. As noted above, ensuring the public service can continue to meet the needs of New Zealanders is at the heart of the Bill I am seeking approval for in this paper.
- 19 As such, I propose to lift and shift these provisions from the CDEMA into the Public Service Act and modernise the language to reflect these broader considerations. The substantive obligation would be for agencies to ensure they

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have business continuity management in place. Plans for functioning during a disruption (including but not limited to an emergency under CDEMA) would be provided to the Public Service Commissioner on request.

- 20 The Commissioner will need to rely on the advice of the Director and the Secretary for the Department of Prime Minister and Cabinet when considering the sufficiency of agency systems, but will be better positioned to drive performance against these objectives. I seek Cabinet confirmation of this amendment.

Minor and technical amendments

- 21 Cabinet authorised me to make minor or technical amendments to the Bill consistent with previous policy decisions. I have made a small number of changes on this basis. The amendments include:
- 21.1 rearranging provisions relating to employment of public servants to locate them in the same part of the Act, and removing inconsistencies around vacancy and appointment process requirements,
 - 21.2 clarifying provisions relating to chief executive immunity from liability in civil proceedings, temporary/acting chief executive appointments, and who chief executives may delegate to,
 - 21.3 clarifying the functions of the Public Service Commissioner in relation to issuing guidance to the State services, cost recovery of inquiries/investigations, and panel requirements for chief executive appointments, and
 - 21.4 modernising the language and refocusing the provision around the Commissioner entering premises of a public service agency, questioning public service employees and requiring information (e.g. focusing on requiring information and questioning ahead of entering a premises).

Impact analysis

- 22 The Ministry for Regulation determined that the majority of the proposals were exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the proposals have no or only minor economic, social or environmental impacts, or that the impacts are limited and easy to assess.
- 23 The Public Service Commission produced one Regulatory Impact Statement on three specific proposals in accordance with the necessary requirements and submitted it at the time of Cabinet policy decisions. The Public Service Commission's internal Quality Assurance Panel assessed the Regulatory Impact Statement as meeting the criteria for quality assurance.

Compliance

- 24 The proposals in the Bill comply with:
- 24.1 the principles of the Treaty of Waitangi;

- 24.2 the disclosure statement requirements (a draft disclosure statement is attached).
- 25 An assessment of the Bill's consistency with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 by the Ministry of Justice is currently in progress. No concerns have been raised to date.
- 26 The Treaty Provisions Officials Group has not been consulted as there are no specific Treaty provisions in the Bill.

International standards and obligations

- 27 The Bill is not inconsistent with relevant international standards and obligations. Under those obligations, New Zealand is broadly required to take appropriate measures to promote and ensure principles of equal pay and equality of opportunity and treatment, and to prevent discrimination. Those principles continue to be upheld in the 'good employer' and equal employment opportunity programme provisions of the Public Service Act 2020, the Employment Relations Act 2000 (ERA), the Equal Pay Act 1972, the Human Rights Act 1993, and Government Workforce Policy Statements.
- 28 Removing the provisions in question from the Public Service Act 2020 does not detract from this.

Principles and guidelines set out in the Privacy Act 2020

- 29 Officials engaged with the Office of the Privacy Commissioner about upholding the privacy of individuals while drafting provisions requiring agencies to notify or report to the Public Service Commissioner on investigations into public servant misconduct and serious misconduct.
- 30 One of these provisions requires a targeted disapplication of Information Privacy Principle 11, in that it requires agencies to notify the Commissioner before commencing an investigation into misconduct or serious misconduct by senior public service employees. This is to ensure the Commissioner can give advice about the interpretation and application of integrity standards if necessary. The Commission will not share this information any wider and has established standards and protocols for protecting employment related information. Other detailed protections for reporting will be addressed in how the Public Service Commission operationalises these provisions.

Questions raised with respect to the Legislation Guidelines (2021)

- 31 The Legislation Design and Advisory Committee has raised concerns or questions about three elements of the proposals:
- 31.1 ensuring there is a clear need to legislate for the proposed power for the Public Service Commissioner to restrict (or prohibit) the use of a particular product, service or vendor by public service agencies in order to protect national security or national interest, and ensuring the power is targeted to achieving that policy objective (in particular, the Committee

has questioned whether it is clear what national interest would need to be protected beyond national security);

- 31.2 ensuring that this power is held by the appropriate person or body, and subject to sufficient safeguards (including limiting the scope of the use of the power to those situations where it is truly necessary); and
- 31.3 ensuring the proposal to provide for the fixed-term employment of members of the Policy Advisory Group (PAG) in the Department of Prime Minister and Cabinet (DPMC) interacts with existing employment law (including the ERA) in a coherent way.

Need for a power to direct the restriction of particular products, services, or vendors

- 32 As discussed in paragraphs 13 and 14 above, I consider this power is necessary to mitigate risks to national security **or** national interest in a heightened environment of strategic competition. National interest is a broader concept than national security, and will enable New Zealand to use this power to align with the positions of our close international partners where it is in New Zealand's interests to do so. National interest tests are included in other New Zealand legislation, in particular under the Overseas Investment Act 2005.
- 33 In proposing a new legislative power, I have considered the sufficiency of existing tools and powers, including the New Zealand Government Procurement Rules, the Protective Security Requirements (PSRs), and the existing roles and functions of the security agencies.
- 34 It is important to note that while the procurement rules and PSR require agencies to actively consider supply chain security and provide guidance and standards for this, they do not provide a power to ensure restriction or prohibition. Similarly, while the Government Chief Information Security Officer can issue guidance on the use of specific vendors or products, this guidance is non-binding and is limited to cybersecurity. Given these points, I consider a new direction power is necessary for both clarity and certainty, and to ensure risks can be managed in a timely fashion.

Appropriate person to hold this power and limitations on exercise

- 35 I have also considered the appropriate person or body to hold this power. Currently, there is no single chief executive with responsibility for the full range of national security and national interest risks that may arise. In addition, while choices regarding national interest are often best made by Ministers (who have a direct public accountability), I am also mindful that, in this context, placing the power with a statutory officer would mitigate perceptions that any such directions are politically motivated.
- 36 For these reasons and given the Public Service Commissioner's leadership role and mandate in relation to the public service, I am satisfied that they are the most appropriate person to hold this power.

IN CONFIDENCE

- 37 Before issuing such a direction, the Commissioner would need to consult the Minister for the Public Service, and seek the advice of public sector chief executives, such as the Directors-General of the intelligence and security agencies, the Chief Executive of the Department of the Prime Minister and Cabinet regarding national security, and the Secretary of Foreign Affairs and Trade regarding New Zealand's international obligations and interests. I expect the consultation required with the Minister for the Public Service would provide a means to weigh questions of broader national interest.
- 38 In setting such a direction, the Commissioner will also need to have regard to the nature and extent of the risk, a principle that the direction should be proportional to that risk, New Zealand's international obligations and relationships, the anticipated benefits from direction, the impact on agencies, and the impact on markets and trade. Classified information considered would be protected in the event of judicial review or other court proceedings.

Providing for fixed-term appointment of DPMC PAG advisors

- 39 As discussed in my policy papers [SOU-25-MIN-0029 refers], it is generally preferable that we avoid creating parallel employment systems where the public service is treated differently to the private sector. In response to feedback from LDAC, the provisions for this issue have been drafted in a way that does not exempt these appointments from the Employment Relations Act, but rather deems these particular instances to be valid reasons for the use of a fixed-term approach. I consider this maximises coherence with existing employment law.

Consultation

- 40 The following departments were consulted on this paper: Crown Law Office, Department of Conservation, Department of Corrections, Department of Internal Affairs, Department of the Prime Minister and Cabinet, New Zealand Security Intelligence Service, Government Communications Security Bureau, Education Review Office, Inland Revenue Department, Land Information New Zealand Ministry of Education, Ministry of Justice, Ministry of Business, Innovation, and Employment, Ministry of Regulation, Ministry for Women, Ministry of Disabled People, Ministry of Housing and Urban Development, Ministry for Pacific Peoples, Ministry of Culture and Heritage, Ministry of Health, Ministry for Primary Industries, Statistics New Zealand, Ministry of Transport, Ministry for Ethnic Communities, Ministry of Defence, Ministry for the Environment, Ministry for Social Development, Ministry of Foreign Affairs and Trade, New Zealand Customs Service, National Emergency Management Agency, New Zealand Police, Oranga Tamariki – Ministry for Children, Social Investment Agency, Treasury, Te Tari Whakatau, The Executive Board for the Elimination of Family and Sexual Violence, Te Puna Aonui, and Te Puni Kōkiri.
- 41 No public or external consultation has been undertaken as the proposals relate to changes to the internal administrative or governance arrangements of the New Zealand government.

Binding on the Crown

42 Amendments contained within the Bill will bind the Crown.

Creating new agencies or amending law relating to existing agencies.

43 The Bill does not create any new agencies or amend the coverage of other Acts upon agencies. It does amend the Public Service Act as it applies to agencies.

Allocation of decision-making powers

44 The Bill does not involve the allocation of decision-making powers between the executive, the courts and tribunals.

Associated regulations

45 The Bill does not require any regulations to bring it into operation.

Other instruments

46 The Bill does not include any provision empowering the making of other instruments deemed to be legislative instruments or disallowable instruments.

Definition of Minister/department

47 The Bill does not amend or introduce any new definitions of a Minister, department or chief executive of a department.

Commencement of legislation

48 I propose this Bill will come into force on the day after Royal assent.

Parliamentary stages

49 I propose that the Bill should be introduced by 28 July 2025 and passed by 18 December 2025. I propose the Bill be referred to the Governance and Administration Select committee for consideration and that the Committee be asked to report back by 1 December 2025.

Proactive Release

50 I propose to proactively release this Cabinet paper and associated materials with any appropriate redactions within 30 business days of the Bill being introduced, in accordance with Cabinet Office circular CO (23) 4.

Recommendations

I recommend that the Cabinet Legislation Committee:

1 **note** that on 31 March 2025, Cabinet agreed to amend the Public Service Act 2020 (the Act) to:

1.1 drive improvements in public service performance;

IN CONFIDENCE

- 1.2 ensure the public service can efficiently and effectively serve the government to deliver value for money for all New Zealanders;
 - 1.3 reduce prescriptiveness, allowing individual Governments to express certain policy objectives using non-legislative levers; and
 - 1.4 reinforce the core principles of political neutrality, appointment on merit to all positions and professional competence; [CAB-25-MIN-0085, SOU-25-MIN-0028, SOU-25-MIN-0029 and SOU-25-MIN-0030];
- 2 **note** that the Public Service Amendment Bill holds a category 3 priority on the 2025 Legislation Programme;
 - 3 **note** that amendments to remove requirements on chief executives to have a policy recognising the importance of achieving pay equity and the importance of remuneration decisions being free from bias and the removal of references to diversity and inclusion are likely to attract public comment;
 - 4 **agree** to shift the existing provisions for public service functioning in the event of an emergency (section 58 of the Civil Defence and Emergency Management Act 2002) to the Public Service Act 2020, modernise the language to reflect the broader concept of business continuity planning in the event of a disruption, and require that public service agency plans for such functioning be provided to the Public Service Commissioner on request;
 - 5 **note** that, in accordance with previous Cabinet authorisation [CAB-25-MIN-0085] refers, I have made a number of minor or technical decisions on the draft Bill that do not materially alter the policy intent or implications;

Introduction and passage of the Public Service Amendment Bill

- 6 **approve** the Public Service Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 7 **agree** that the Bill be introduced on 28 July 2025;
- 8 **agree** that the government propose that the Public Service Amendment Bill be:
 - 8.1 referred to the Governance and Administration Select Committee for consideration and report back by 1 December 2025; and
 - 8.2 enacted by 18 December 2025.

Authorised for lodgement

Hon Judith Collins KC
Minister for the Public Service

Appendix 1: Summary of key amendments

CAB-25-MIN-0085, SOU-25-MIN-0028, SOU-25-MIN-0029 and SOU-25-MIN-0030

Theme	Amendments
Clarify the role of the Public Service	Amend the Purpose statement to focus the public service on supporting the government to develop and implement their policies, delivering high quality and efficient public services, meeting the needs of New Zealanders and acting in accordance with the law, and restore 'spirit of service to the community' to the purpose.
	Move chief executive responsibilities to the front of the Act, re-title as 'principal responsibilities' and clarify and re-order the list.
	Streamline obligations related to the public service principles.
Streamline chief executive responsibilities	Remove requirements for chief executives to have specific policies recognising the importance of achieving pay equity and the importance of decisions about remuneration being free from bias.
	Remove specific requirements of chief executives relating to diversity and inclusion in favour of addressing the same through Government workforce policy statements where necessary, and amend/remove references to diversity and inclusion in the Commissioner's general functions, the lists of matters that may be addressed by the content of Government workforce policy statements and the content of the Commissioner's state of the public service briefing.
	Streamline the requirement for long-term insights briefings, requiring DPMC to coordinate one briefing every three years, and issue guidance to support agency capability for long-term thinking.
	Amend the establishment provisions for Interdepartmental Executive Boards and Functional Chief Executives to require the Order in Council to specify an end date for their operation.
Utilise and improve tools to reduce silos	Re-introduce provisions for 'key positions' and require chief executives to seek Commissioner (or their delegate, e.g. system leads) to provide approval for appointments in those positions.
Reinforce the principles of merit-based appointment	Remove chief executive re-appointment provisions and require that a contestable process be conducted each time a chief executive fixed-term appointment ends.
	Adjust chief executive appointment provisions to remove references to diversity and inclusion to require appointments solely on the basis of merit.
	Transfer the provision regarding appointment of the Government Statistician to the Data and Statistics Act 2022.
	Provide for the appointment of one Deputy Public Service Commissioner instead of two.

IN CONFIDENCE

Theme	Amendments
	Allow for members of the Department of Prime Minister and Cabinet Policy Advisory Group (PAG) to be appointed on a fixed-term basis.
Improve chief executive and agency performance management	Require the Commissioner to develop and publish a plan for chief executive performance reviews in consultation with the Minister for the Public Service.
	Require the Commissioner to seek the input of appropriate Ministers in setting performance expectations and conducting performance reviews of chief executives.
	Allow the Commissioner to conduct agency and system Performance Improvement Reviews by agreement with the appropriate Minister(s), and to recover reasonable and actual costs from agencies subject to a review.
	Require that the Commissioner <i>must</i> set minimum standards of integrity and conduct.
	Require agencies to notify the Public Service Commissioner before commencing a misconduct or serious misconduct investigation in relation to senior Public Service leaders.
	Require agencies to report annually to the Public Service Commissioner on the outcomes of misconduct and serious misconduct investigations ceased or concluded in the past year and the Commissioner to publish a report on this information.
Better risk management	Allow Commissioner to restrict (including prohibit) the use of specific products, services or vendors by or within the public service, where there is a risk to national security or other national interest.



Cabinet Legislation Committee

Summary

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Public Service Amendment Bill: Approval for Introduction

Portfolio	Public Service
Purpose	This paper seeks approval to introduce the Public Service Amendment Bill (the Bill).
Previous Decisions	<p>In March 2025, SOU agreed to amend the Public Service Act 2020 (the Act) to:</p> <ul style="list-style-type: none"> • drive improvements in public service performance, • ensure the public service can efficiently and effectively serve the government to deliver value for money for all New Zealanders; • reduce prescriptiveness, allowing individual Governments to express certain policy objectives using non-legislative levers. <p>[CAB-25-MIN-0085, SOU-25-MIN-0028, SOU-25-MIN-0029 and SOU-25-MIN-0030]</p>
Proposal	<p>The Bill gives effect to the decisions above.</p> <p>A summary of key amendments is provided in Appendix 1. Issues likely to attract public comment (paragraphs 5-14) are:</p> <ul style="list-style-type: none"> • removing policy requirements on pay equity and freedom from bias; • removing requirements in relation to diversity and inclusion; • the power to restrict use of specific products, services, or vendors. <p>The paper also seeks agreement to shift provisions from the Civil Defence Emergency Management Act 2002 into the Act to modernise the public service's business continuity management. Details are provided in paragraphs 15-20.</p> <p>The Legislation Design and Advisory Committee has raised concerns or questions about some elements of the proposals. These concerns and the Minister's response are provided in paragraphs 31-38.</p>
Impact Analysis	A Regulatory Impact Statement was provided when policy approval was sought.

Compliance	A departmental disclosure statement is attached .
Timing Matters	<p>Introduced: by 28 July 2025;</p> <p>Referred: to the Governance and Administration Committee, to be reported back by 1 December 2025;</p> <p>Enacted: by 18 December 2025.</p>
Communications	None specified.
Consultation	<p>Paper prepared by PSC, MBIE (ACC), MCH, CLO, DOC, Corrections, Customs, Defence, ERO, MoE, MfE, Treasury, MFAT, GCSB, DIA, MoJ, LINZ, Police, DPMC (Prime Minister), IRD, Statistics, MoT, MfW, MPP, NZSIS, MPI (Agriculture), Oranga Tamariki, MHUD, MSD, MoJ (Prevention of Family and Sexual Violence), Disabled People, NEMA, Ethnic Communities, MfR, Social Investment Agency, Treaty Settlements and TPK were consulted.</p> <p>The Minister indicates that all Ministers were consulted.</p>

The Minister for the Public Service recommends that the Committee:

Background

- 1 note that on 31 March 2025, Cabinet agreed to amend the Public Service Act 2020 (the Act) to:
 - 1.1 drive improvements in public service performance;
 - 1.2 ensure the public service can efficiently and effectively serve the government to deliver value for money for all New Zealanders;
 - 1.3 reduce prescriptiveness, allowing individual Governments to express certain policy objectives using non-legislative levers; and
 - 1.4 reinforce the core principles of political neutrality, appointment on merit to all positions and professional competence;

[CAB-25-MIN-0085, SOU-25-MIN-0028, SOU-25-MIN-0029 and SOU-25-MIN-0030]
- 2 note that the Public Service Amendment Bill (the Bill) holds a category 3 priority on the 2025 Legislation Programme (a priority to be passed by the end of 2025);
- 3 note that amendments to remove requirements on chief executives to have a policy recognising the importance of achieving pay equity and the importance of remuneration decisions being free from bias and the removal of references to diversity and inclusion are likely to attract public comment;

- 4 agree to:
- 4.1 shift the existing provisions for public service functioning in the event of an emergency (section 58 of the Civil Defence and Emergency Management Act 2002) to the Public Service Act 2020;
 - 4.2 modernise the language to reflect the broader concept of business continuity planning in the event of a disruption; and
 - 4.3 require that public service agency plans for such functioning be provided to the Public Service Commissioner on request;
- 5 note that, in accordance with previous Cabinet authorisation [CAB-25-MIN-0085], the Minister for the Public Service has made a number of minor or technical decisions on the draft Bill that do not materially alter the policy intent or implications;

Introduction and passage of the Public Service Amendment Bill

- 6 approve the Public Service Amendment Bill [PCO 27027/21.0] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 7 agree that the Bill be introduced by 28 July 2025;
- 8 agree that the Government propose that the Public Service Amendment Bill be:
- 8.1 referred to the Governance and Administration Select Committee for consideration and reported back by 1 December 2025;
 - 8.2 enacted by 18 December 2025.

Vivien Meek
Committee Secretary

Hard-copy distribution:
Cabinet Legislation Committee



Cabinet Legislation Committee

Minute of Decision

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Public Service Amendment Bill: Approval for Introduction

Portfolio **Public Service**

On 24 July 2025, the Cabinet Legislation Committee:

- 1 **noted** that on 31 March 2025, Cabinet agreed to amend the Public Service Act 2020 (the Act) to:
 - 1.1 drive improvements in public service performance;
 - 1.2 ensure the public service can efficiently and effectively serve the government to deliver value for money for all New Zealanders;
 - 1.3 reduce prescriptiveness, allowing individual Governments to express certain policy objectives using non-legislative levers; and
 - 1.4 reinforce the core principles of political neutrality, appointment on merit to all positions and professional competence;
- [CAB-25-MIN-0085, SOU-25-MIN-0028, SOU-25-MIN-0029 and SOU-25-MIN-0030]
- 2 **noted** that the Public Service Amendment Bill (the Bill) holds a category 3 priority on the 2025 Legislation Programme (a priority to be passed by the end of 2025);
- 3 **noted** that amendments to remove requirements on chief executives to have a policy recognising the importance of achieving pay equity and the importance of remuneration decisions being free from bias and the removal of references to diversity and inclusion are likely to attract public comment;
- 4 **agreed** to:
 - 4.1 shift the existing provisions for public service functioning in the event of an emergency (section 58 of the Civil Defence and Emergency Management Act 2002) to the Public Service Act 2020;
 - 4.2 modernise the language to reflect the broader concept of business continuity planning in the event of a disruption; and
 - 4.3 require that public service agency plans for such functioning be provided to the Public Service Commissioner on request;

- 5 **noted** that, in accordance with previous Cabinet authorisation [CAB-25-MIN-0085], the Minister for the Public Service has made a number of minor or technical decisions on the draft Bill that do not materially alter the policy intent or implications;
- 6 **approved** the Public Service Amendment Bill [PCO 27027/21.0] for introduction;
- 7 **agreed** that the Bill be introduced by 28 July 2025;
- 8 **agreed** that the Government propose that the Bill be:
- 8.1 referred to the Governance and Administration Select Committee for consideration and reported back by 1 December 2025;
- 8.2 enacted by 18 December 2025.

Tom Kelly
Committee Secretary

Present:

Hon David Seymour
Rt Hon Winston Peters
Hon Chris Bishop (Chair)
Hon Louise Upston
Hon Judith Collins KC
Hon Brooke van Velden
Hon Tama Potaka
Hon Simon Watts
Hon Nicole McKee
Hon Chris Penk
Hon James Meager
Stuart Smith, MP
Todd Stephenson, MP
Jamie Arbuckle, MP

Officials present from:

Officials Committee for LEG
Office of the Minister for the Public Service



Cabinet


Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 25 July 2025

On 28 July 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 25 July 2025:

out of scope




LEG-25-MIN-0138

**Public Service Amendment Bill: Approval for
Introduction**

Portfolio: Public Service

CONFIRMED

out of scope



Rachel Hayward
Secretary of the Cabinet