



Report Title:	Proactive release of Negotiations between political parties to form a Government		
Report No:	2024-0032		
Date:	26 February 2024		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Note information being proactively released	Due Date	8 February 2024
Cc:	Hon Paul Goldsmith, Minister of Justice		
Action Sought:	Note the information for proactive release		
Cc:	Hon Erica Stanford, Minister of Education		
Action Sought:	Note the information for proactive release		
Cc:	Hon Judith Collins, Attorney-General		
Action Sought:	Note the information for proactive release		
Contact Person:	Nicky Dirks, Manager - Ministerial and Executive Services		
Contact No:	9(2)(a) privacy		
Encl:	Yes	Priority:	Medium
Security Level:	IN CONFIDENCE		

Executive Summary

1. This report advises you of Te Kawa Mataaho Public Service Commission's (the Commission's) intent to proactively release documents relating to political parties that accessed support from public service agencies for the purposes of negotiations to form a government, in 2023.

Recommended Action

We recommend that you:

- a **note** that as per the Commission's usual practice, the Commission is proactively releasing information relating to access to public service agencies for negotiations to form government.

Noted

- b **refer** this information to the Minister for Justice, Minister of Education and the Attorney-General for their information.

Refer/not referred.

- c **agree** that Te Kawa Mataaho Public Service Commission release this briefing in full once it has been considered by you.

Agree/disagree.

Hon Nicola Willis

Minister for the Public Service

IN CONFIDENCE

Purpose of Report

2. This report informs you of the Commission's:
 - a. role in the process of political parties accessing the public service to request information on implications and costs of policies during negotiations to form a coalition government, and
 - b. intent, as has been the practice previously, to proactively release the documents relating to these negotiations on our website.

Background Information

3. The Public Service Act 2020 sets out the process for political parties that wish to access support from public service agencies for the purposes of negotiations to form a government. The Public Service Commissioner has also issued standards with the aim of providing negotiating political parties with efficient and timely access to relevant information from agencies, in a way that protects the political neutrality of the public service.
4. These standards define Information that can be requested to include information held by agencies (as defined in section 10 of the Public Service Act 2020) and analysis completed by agencies, such as:
 - a. briefings on existing government policy;
 - b. information relating to and analysis of a party's proposals, including costings;
 - c. discussions on the implications of proposed policies; and
 - d. discussions on the effects of modifying or combining policies and the details of their implementation.
5. All requests by political parties for information to support the government formation negotiations must be made to the Commissioner. A request to the Commissioner must contain sufficient information to satisfy the Commissioner of the following:
 - a. that the political party making the request is or will be a party to negotiations to form a government
 - b. that the information or analysis sought is relevant to those negotiations
6. The Commissioner must approve such a request if reasonably satisfied these requirements have been met, subject to these standards.

2023 General Election

7. Following the 2023 General Election a total of four requests for information were received from two negotiation parties.
8. Each requestor was advised that the Public Service Commissioner intended to proactively release the information and analysis provided under this process, at a suitable time following the formation of the Government. The information included in the proactive release includes: requests received from negotiation parties, information provided by Agencies and supporting correspondence.

Consultation

9. The Commission has consulted on the release of this information with the Ministry of Justice, the Ministry of Education, Crown Law as the lead agencies that provided

information in response to these requests. Other agencies were also consulted directly by each of these agencies, when they provided information to the lead agency for the request.

10. The Commission also consulted on the release of this information with the National Party and the Act Party as the two political parties who requested information through this process. The information they requested and received is the included in the information being released.
11. Minister's for the lead agencies have been included in this briefing for you to forward a copy to for their noting.

Next Steps

12. The information relating to access to public service agencies for negotiations to form government will be published on Te Kawa Mataaho Public Service Commission's website on 1 March 2024.