



<b>Report Title:</b>	<b>Government Response to the Review of Standing Orders 2023</b>		
<b>Report No:</b>	2024-0035		
<b>Date:</b>	12 February 2024		
<b>To:</b>	<b>Hon Nicola Willis, Minister for the Public Service</b>		
<b>Action Sought:</b>	<b>Conduct ministerial consultation on the attached Cabinet Paper</b>	<b>Due Date</b>	Comments due 20 February 2024
<b>Action Sought:</b>	<b>Lodge the attached Cabinet paper</b>	<b>Due Date</b>	22 February 2024
<b>Contact Person:</b>	<b>Hugo Vitalis, Deputy Commissioner, Integrity Ethics and Standards</b>		
<b>Contact No:</b>	9(2)(a) privacy		
<b>Encl:</b>	Yes – Cabinet Paper and draft Government response	<b>Priority:</b>	Medium
<b>Security Level:</b>	<b>IN CONFIDENCE</b>		

## Summary

1. This briefing:
  - advises you on the Standing Orders Committee’s recommended review of the Public Service Commission’s guidance to officials advising select committees, and
  - provides you with a draft Cabinet paper seeking Cabinet's agreement to this response.

## Background

2. The Standing Orders Committee (the Committee) recently undertook a review of Parliamentary Standing Orders (a review is usually completed every term). The Committee’s report was presented to the House of Representatives on 30 August 2023. Alongside recommending changes to the Standing Orders, the report put a recommendation to Government: “That the Public Service Commission, in conjunction with the Office of the Clerk, review the guidance for public servants who provide advice to select committees”. The Public Service Commission’s guidance for public servants appearing at select committees was last updated in 2007.

## Comment

3. Public servants play important roles as advisers to select committees. They assist committees by providing information on draft legislation, implementation issues, commenting on evidence received by committees, producing departmental reports on submissions, and making recommendations for amendments.
4. When undertaking these roles public servants’ primary responsibility remains to the appropriate Minister. Public servants must advise select committees to the best of their abilities and in good faith, while still being subject to Ministerial direction. Guidance to public servants from the Public Service Commission and the Office of the Clerk notes this as a conflict of interest that must be managed.

5. The Review of Standing Orders 2023 received submissions commenting on conflicts of interest, including regarding how officials summarise submissions for departmental reports on bills. The Committee reiterated there is a strong expectation that all matters raised in submissions will be conveyed in good faith in summaries provided to committees, whether or not these matters align with Government policy. The Committee recommended that the guidance should include relevant principles for summarising submissions. It should also take into account recent developments such as the potential for greater use of out-sourced services or artificial intelligence applications for summarising submissions.
6. We agree with the Committee's view that the guidance be updated. While the current guidance references the need to manage conflicts, there is little detail on how to manage these in practice. The sections which deal with public servants as advisers to select committees can be expanded to include relevant principles for summarising submissions, and the guidance can take account of recent developments such as the use of digital tools. We will also look to expand the sections for public servants as advisers to select committees when committees are considering members bills, rather than government bills.
7. We therefore recommend that the Government accept the Committee's recommendation. A draft government response and Cabinet paper is attached for your consideration.
8. The Cabinet Office has advised that the government response must be presented to the House by 13 March 2024, and recommends that the Cabinet paper be taken to the Cabinet Legislation Committee (LEG) for approval. We therefore recommend the following timeline:

Ministerial consultation	Comments due Tuesday 20 February
Lodge paper with Cabinet Office	Thursday 22 February
LEG committee consideration	Thursday 29 February
Cabinet consideration	Monday 4 March
Present response to Parliament	By Thursday 7 March (last sitting day before deadline)

## Recommended Action

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We recommend that you:

- a **agree** to consult with other Ministers on the attached Cabinet paper, with any comments due by Tuesday 20 February  
*Agree/disagree.*
- b **agree** to lodge the attached Cabinet paper by Thursday 22 February for consideration at the Cabinet Legislation Committee meeting on 29 February  
*Agree/disagree.*
- c **agree** that Te Kawa Mataaho Public Service Commission release this briefing in full once the response has been presented to Parliament  
*Agree/disagree.*

Hon Nicola Willis  
**Minister for the Public Service**

**IN CONFIDENCE**