

REPORT

into

a

review

of

Public Service Commission
social media messaging

27 July 2026

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1. Background, Process and Methodology

1. Between 18 and 22 October 2025, the Public Service Commission (the “**Commission**”) paid for “boosted” messages on social media related to bargaining that it was then undertaking with unions in the education sector, and the planned public sector strike on 23 October 2025.
2. In November 2025 the Office of the Auditor-General received a request from Camilla Belich MP to “inquire into the decision by the Commission to purchase social media advertisements about the industrial action taken by public sector unions on 23 October 2025”. In its response to Ms Belich, the Auditor-General said that:

although the Commission’s decision involved a relatively small amount of public money, our Office has previously said that government spending on advertising and publicity is inherently sensitive. This is because decisions about advertising and publicity can touch on constitutionally significant matters, including the principal of the politically neutral public service

3. The Auditor-General went on to say that as the Commission had decided to engage an external party to carry out a review, it had paused any further work pending delivery of that review report.
4. I was formally instructed by the Commission in January 2026 to undertake that independent review in accordance with the Terms of Reference reproduced at Appendix 2 (“**Terms of Reference**”) in relation to the decision-making process relating to this social media messaging.
5. As referred to in the Terms of Reference this independent review is to assist the Commission in understanding whether the Commission followed all appropriate processes, procedures, guidance (including its own guidance and applicable legislative frameworks such as the Public Service Act 2020 (the “**Act**”)) and standards in developing and posting the messages and paying to boost them. My review was to include how the messages were initiated, developed and posted and whether, should the Commission wish to undertake similar messaging in the future, there are things that could be improved.
6. It is appropriate to note that whilst the Terms of Reference are dated 18 December 2025, interviews did not commence until 2 February 2026.
7. In accordance with the Terms of Reference, this is a “lessons learned” review. I do not consider it is an “investigation or inquiry” under clause 2 of Schedule 3 to the Act. Clause 8 of that Schedule has not been invoked. Accordingly, relevant provisions of the Inquiries Act 2013 do not apply to this review and I have been guided by the Terms of Reference, including by determining my own process. Interviews were undertaken on a confidential basis to ensure free and frank discussions could take place. I have prepared a timeline of this matter as required by the Terms of Reference and that is set out in section 2. Additional context is contained in the narrative of the Executive Summary in section 3.
8. There are a number of things that this review is not about. It is not about whether the Commission should have revoked the delegation previously held by the Ministry of Education to undertake collective bargaining in the education sector (albeit that the timing of that decision may have relevance to my conclusions); nor is it about the outcomes of the relevant

negotiations; nor whether actions taken by either party, including the posting of the social media tiles, were in good faith under employment relations guidance. I express no opinion on any of those matters. Related to that, I am not an employment lawyer, nor any sort of expert in social media.

9. However, as a practising lawyer (albeit that this is not a “legal” review) and member of the independent bar I am subject to the Lawyers and Conveyancers Act 2006 and the related Conduct and Client Care Rules. I am bound to uphold the rule of law and to facilitate the administration of justice. I am also required to be independent and to exercise independent professional judgement. I have an overriding duty as an officer of the High Court. I have completed this review independently of the Commission (albeit with its assistance in accordance with the Terms of Reference).
10. I have referred to the Commissioner in this report as “he” because that is appropriate for the current incumbent.
11. This review included the following phases:
 - (a) review of material provided to me by the Commission, including an unredacted version of the OIA release, a redacted version of which can be found on the Commission’s website¹ along with other publicly available material including media statements and relevant legislation and guidance;
 - (b) interviews with Commission staff and others, email discussions and further information gathering;
 - (c) analysis of information and report writing;
 - (d) consultation on the draft report for fact-checking and natural justice purposes and in accordance with paragraph 12 of the Terms of Reference; and
 - (e) providing a final report to the Commissioner, in accordance with paragraph 15 of the Terms of Reference.
12. I am a barrister with Clifton Chambers in Wellington. At the bar, I have undertaken and assisted with a wide range of public sector and commercial advisory work and in particular a number of inquiries and reviews, most recently as counsel assisting (appointed by the Solicitor-General) phase 1 of the Royal Commission into COVID-19 lessons. I was also a panel member on the Law Society commissioned review into the regulation of lawyers and legal services, and was Counsel assisting Dame Silvia Cartwright with the Public Inquiry into EQC. Before joining Clifton Chambers, I was a partner in the Commercial Department of Bell Gully, was the manager of legal services at the Department of Internal Affairs and then the chief legal adviser at the Treasury, the Treasury Solicitor.
13. Terms used in this report have the meanings stated in the “Glossary” at Appendix 3.
14. I have listed the individuals to whom I spoke in Appendix 4.

¹ <https://www.publicservice.govt.nz/assets/OIA-2025-0130-Social-Media-Advertisements-campaigning-against-strike-action.pdf>

15. I would like to thank the Commission for providing the administrative support I received in this review. I would also like to thank all those who spoke to me so willingly or provided responses to my questions. All documentary requests that I made of the Commission were met. I realise that reviews such as this can be unsettling for all concerned and I have appreciated the candour of interviewees.

2. Timeline of events

Date ² and time	What happened
2 May	Commissioner announces he will retain responsibility to lead collective bargaining in the education sector.
September	Preparation of communications strategy “supporting the Government’s response to upcoming coordinated strike action” commences.
Friday 10 October	Version 1 of the communications strategy, making no reference to the use of social media, sent to the Minister’s office.
Monday 13 October (evening)	Meeting held in the Beehive (described in paragraph 30) with the Prime Minister, other ministers and senior officials to discuss the upcoming industrial action.
Tuesday 14 October (morning)	Meeting held at the Commission with the Commissioner and communications professionals to discuss, amongst other things, the use of social media.
over the course of 14 October	Version 2 of the communications strategy is developed. This makes reference to the use of social media.
afternoon of 14 October	Commissioner goes on planned annual leave.
14 October 6:29 pm	Integrity and legal teams asked for support in relation to a review of the communications plan, and proposed a meeting to discuss this. No timeframe was given. This was the first involvement of the integrity team in this matter.
14 October 7:40 pm	Version 2 of the communications strategy sent to the Minister’s office.
Wednesday 15 October 1:30 pm	Meeting held with members of the integrity, legal and communications teams to talk about the communications strategy and the context for it.
Wednesday 15 October 8:16 pm	Having worked through the checklist ³ and discussed the issues arising, an integrity team member sends the “key takeaways” document to their manager.

² all dates in this timeline are 2025

³ https://www.publicservice.govt.nz/assets/DirectoryFile/Government-Advertising-Checklist_Final.pdf

Thursday 16 October 9:38 am	The “initial view” is sent from the integrity team to the legal team for information ahead of the weekly Te Mana Whakahaere ⁴ meeting.
Thursday 16 October 10 am	Regular weekly “Te Mana Whakahaere” meeting held ⁵ .
Thursday 16 October	Commission commences twice-daily “stand-ups” to discuss the communications approach to the Day of Action.
Thursday 16 October	Commissioner’s Chief Advisor returns from leave.
Thursday 16 October 11:24 am	A delegation is sought under the Commission’s delegations framework and from the Deputy Public Service Commissioner for two DCEs to sign off the social media tiles.
Thursday 16 October 1:08 pm	Delegation for sign-off of the tiles by two DCEs is approved.
Friday 17 October 9:30 am	Financial approval is given to the Communications manager to pay to boost social media messages.
over the course of Friday 17 October	Fact checking for the content of the tiles.
Friday 17 October 10:30 am	Final social media tiles are sent to the legal and integrity teams for review.
Friday 17 October late morning	Integrity team provides informal advice that the tiles appear to be within the advertising guidelines.
Friday 17 October 12:35 pm	Version 3 of the communications strategy, making reference to social media being “paid” for, along with updated tiles sent to the Minister’s office.
Morning of Saturday 18 October – Monday 20 October	Tiles “go live”.
Sunday 19 October 2 pm	It is suggested that the delegation for sign-off of media releases be revised to allow one DCE to sign out the communications following consultation with the second DCE.
Sunday 19 October 3:38 pm	A member of the communications team suggests, because of the adverse comments, that the tiles should be revised.

⁴ Te Mana Whakahaere was at the time a weekly meeting, normally attended by the Commissioner, Statutory Deputy Commissioner, Deputy Chief-Executives, Assistant Commissioners, chief advisors and other senior leaders to surface and discuss critical issues as they arose in the Commission. It was held every Thursday from 10-11am

⁵ some of those listed above, who would normally attend these meetings, were absent that day unavoidably dealing with other urgent matters

Monday 20 October	Twice daily stand-ups recommence.
Monday 20 October at 9:45 am	Meeting held with the DCE with the delegation to sign out the communications, comms advisors and members of the legal and integrity teams to discuss additional tiles.
Monday 20 October 11:15 am	Text of the tiles is revised and recirculated within the Commission.
Monday 20 October 11:43 am	Revised tiles are circulated more widely in the Commission including to the integrity team.
Monday 20 October 12:29 pm	Formal integrity advice on the (already published) tiles is provided by the integrity team to relevant DCEs and the comms team (noting that the legal peer review had not at that point been completed).
Monday 20 October 1:14 pm	Integrity team provides some comments on the revised tiles and asks that the comms team review the formal integrity advice which has been sent.
Monday 20 October 1:30 pm	Meeting held in the Commission (with Commissioner attending virtually) to discuss negative comments posted about the tiles.
Tuesday 21 October 6 am – Wednesday 22 October 9 pm	Revised tiles are posted (and boosted) to Facebook.
Thursday 23 October	Day of Action

3 Executive Summary, Conclusions, Findings and Recommendations

Executive Summary

Context

16. Inevitably, this review of the decision-making process relating to social media messaging undertaken by Te Kawa Mataaho Public Service Commission (the “**Commission**”) in October 2025 is sited in the context within which the Commission operates; that is, as a government department under the Public Service Act 2020 (the “**Act**”), required to comply with the public service code of conduct, including being politically neutral. All public servants are required to operate in a politically neutral way. All public service chief executives (which includes the Commissioner) are responsible for upholding this principle in carrying out their responsibilities and functions.
17. The context within which the Commission operates is important and I have traversed this in some detail in Appendix 1. This includes the legislative framework within which the Commission operates and the dual responsibilities of the Public Service Commissioner (the “**Commissioner**”) under the Act as head of the public service⁶ to not only provide leadership of the public service and its workforce, but also to have oversight of the performance, and uphold the integrity, of the system.
18. It is in this context that paying for social media advertising to be “boosted”⁷ has been criticised and it has been alleged that in doing so the Commission breached political neutrality. There are long-standing government guidelines on paying for advertising (the “**guidelines**”), and related Commission guidance on the guidelines and the use of social media (the “**guidance**”)⁸. Detail on these matters is to be found in Appendix 1 (see paragraph 110 et seq).

What happened?

19. The Commissioner is responsible, under section 78 of the Act (see paragraph 99 et seq) for negotiating all collective agreements in the public service “as if the Commissioner were the employer”⁹. This responsibility had been delegated by the Commissioner to relevant public service chief executives since 1997. In 2025, the Commissioner decided to retain his responsibilities for collective bargaining in the education sector and undertake bargaining directly, which he was entitled to do under the Act. This was announced on 2 May 2025. Responsibility for this bargaining then became a direct operational responsibility of the Commissioner.

⁶ Public Service Act, s 43

⁷ what this means is traversed further at paragraph 107 below

⁸ [Guidelines: Government advertising - Te Kawa Mataaho Public Service Commission](#)

[Guidance: Use of social media for public servants - Te Kawa Mataaho Public Service Commission](#)

⁹ his responsibility for the negotiation of collective agreements in the education service is, however, contained in section 586 of the Education and Training Act 2020. That had been delegated to the Secretary for Education for many years; revocation of that delegation is permitted under schedule 3 of the Act

20. I was told that the timeframe for bargaining was compressed (compared to previous years) and that bearing in mind this was a function that had recently been reacquired by the Commission¹⁰, although planning was undertaken before bargaining got underway, it was possible the relevant risks were not sufficiently analysed. These risks included the tension that could arise between the Commissioner's role as head of the public service, and his role as an employer in negotiations. Employment negotiations in the public sector inevitably occur in a politically charged environment with each party – in this case the Commissioner and the unions – advocating for their respective bargaining positions, as they are both entitled to do.
21. It was from this time and in this context that the Commission developed an overall strategy as to how it would undertake bargaining and a related communications strategy that included a focus on building public understanding for what was going on. The negotiation and associated communications had taken a lot of resource and the Commissioner believed it was important to make sure that facts were available.
22. Conducting the bargaining when "the underlying issues [were] being highly politicised and publicly debated"¹¹ made the Commission's role to advocate for its position as employer, alongside the need to be, and be seen to be, politically neutral, a course that needed to be navigated with care.
23. As noted above at paragraph 8, I am not an employment lawyer, but my understanding is that bargaining requires both parties to act in good faith and not to undermine each other in the process. A not insignificant time at the beginning of the process can be taken to establish a process for bargaining in any particular set of negotiations. I am told that it is usual for neither side to make media statements¹² about the progress of bargaining without advising the other in advance that it is going to do so.
24. The media statements that the Commission/Commissioner made are available on the intranet and, amongst other places, on the Commission's website¹³. These were extensive and included traditional media such as newspapers and radio interviews, along with press releases posted to the Commission's website. As those media statements make clear, the Commissioner was advocating for his position as the employer in bargaining. He expressed his disappointment on progress in the negotiations and said the union was misleading the public over the impact of pay offers. Whilst there seem to have been a number of back-and-forth media statements about the underlying bargaining that was going on, I have not seen any commentary that alleged these statements of the Commission were not politically neutral. I was told that as bargaining is inherently adversarial, public statements may look political but may simply reflect (in this case) the Commissioner undertaking his statutory

¹⁰ the Commission had not performed this function since the 1990s

¹¹ from the formal Integrity review (as contained in the OIA release) at page 23 et seq

¹² whether or not the use of social media constitutes "making a media statement" is a moot point that I have not traversed for the purposes of this review

¹³ <https://www.publicservice.govt.nz/news/commissioner-disappointed-teachers-union-reject-pay-offer?searchAnalytics=eyJlbmdpbmVOYW1lIjoicHJvZC10a20iLCJxdWVyeVN0cmVzYlI6IiIsImRvY3VtZW50SWQ0OjZaWx2ZXJzdHJpcGVfY21zX21vZGVsX3NpdGV0cmVIXzE4MTQjYjZXF1ZXN0SWQ0OjZb01odFZxUIQySzV4enpxSmtFYWNnIn0%3D>

function as the employer in this negotiation. I was told¹⁴ that making extensive public statements during bargaining was a different approach from the past and it appeared to “unsettle” the unions.

25. Notwithstanding these extensive media statements, the Commissioner remained concerned that inaccurate information about offers was being reported. Additionally, he did not believe the Commission was being successful in communicating the message that the Commissioner was endeavouring to negotiate with the union and avert strike action. He considered that the use of social media might be a way to communicate these messages better. I was told there was no intention to deliver new messages to the public; rather, consistent messages were to be delivered through a different medium. Whatever medium was to be used, the messages needed to be politically neutral.
26. The Commissioner acknowledged in a select committee hearing after the event on 2 December 2025, in response to questions about this issue, that social media was a "critical channel" for people to get information, and it was "entirely appropriate" to use it. He was clear that:

*The bargaining has been fraught this year, it's been very challenging, it's been done in a very, very constrained fiscal environment, and from time to time the information that was coming from the people we were negotiating with was not factual and it was not accurate, and that is actually unhelpful to a broader functioning community.*¹⁵

27. The Commission did not have significant experience in using social media for bargaining¹⁶. It only had two social media pages, one on Facebook with 2900 followers and one on LinkedIn which was mainly for communicating with the public service and the public for things like appointments of Public Service chief executives. Social media had been used in relation to collective bargaining by the Ministry of Education in previous years but as the Ministry of Education posted these messages to its Facebook page, which has over 77,000 followers, those posts were not paid for. The examples I have seen include posts confirming settlements, and posts providing practical information for parents and schools during periods of industrial action, such as strikes.
28. Negotiations in the education sector were being undertaken at around the same time that unions representing workers in other sectors were proposing that strikes of public sector workers be coordinated on a single day (the “**Day of Action**”). Clearly, the public needed to be informed about certain aspects of the Day of Action. Past events such as the occupation of Parliament and the Toitu Te Tiriti Hikoi had shown the need for coordinated communications across the public sector. Discussions between the Department of Prime Minister and Cabinet (“**DPMC**”) and the Commission indicated that although the Commission would coordinate (and would expect, as system leader, to coordinate) messaging to the public about the Day of Action, it would need some support in doing so. Additional communications support was therefore agreed to be made available to the Commission, so that Commission

¹⁴ although I have not been able to independently confirm this

¹⁵ <https://vimeo.com/showcase/10758255?video=1142210720>

¹⁶ more detail on the Commission's use of social media is contained at paragraph 106 et seq

communications staff could continue to focus on supporting the bargaining. One of the officials providing this additional communications support had significant experience in the use of social media.

29. The Commission prepared a draft communications approach in late September 2025 entitled “Supporting the Government’s response to upcoming coordinated strike action”. The Commission was the lead agency for this strategy, with the Ministry of Health, the Ministry of Education, Fire and Emergency New Zealand and the Department of Corrections also involved. This developed into the strategy for the Day of Action. On Friday 10 October 2025 the initial version of this draft strategy was sent to the office of the Minister for the Public Service (the “**Minister**”). It did not contain references to the use of social media.

Monday 13 October

30. A meeting was held in the Beehive on the evening of Monday 13 October 2025 between various ministers, including the Prime Minister and the Minister, along with senior officials from the public service, including the Commissioner and the Deputy Public Service Commissioner, to discuss the upcoming industrial action. It was at this meeting that the idea of using social media fully surfaced. There have been suggestions that the Prime Minister directed the Commission to use social media. There is indeed reference in the documentation to the Prime Minister having proposed the idea. However, everyone I spoke to (including people who were at the meeting) was clear that this was incorrect. I believe it was wrongly recorded.
31. Thereafter, things moved very quickly, and in brief (and as described in more detail in the following paragraphs), the idea of using social media surfaced in the Commission on Tuesday 14 October 2025. The first set of “tiles”¹⁷ were scheduled to run on the Friday, 17 October (delayed to Saturday 18 October), complaints about them surfaced on Monday 20 October, the second set of “tiles”¹⁸ ran from Tuesday 21 October to Wednesday 22 October and the Day of Action occurred on Thursday 23 October. The Commission spent a total of \$426.32 to “boost” these social media messages.

Tuesday 14 October

32. After the Monday evening meeting, early on Tuesday 14 October 2025, the Commissioner met with officials at the Commission and asked them to look further at including social media as part of the communications strategy for the Day of Action. It appeared to be agreed between the communications professionals in the Commission (including those who were brought in from other agencies to assist) that the only way social media would be effective in such circumstances was to “boost” Facebook posts. Whilst this was commonly done in other agencies when necessary, and the communications professionals understood this meant some payment would be required, the Commissioner was unaware that the use of social media in this way would require payment. Once social media was to be used, and once

¹⁷ what I believe to be the final version of which are reproduced at Appendix 5

¹⁸ what I believe to be the final version of which are reproduced at Appendix 6

payment to “boost” Facebook posts was to be made, the guidance on the use of social media and the guidelines on government advertising¹⁹ were engaged.

33. The second version of the communications strategy, which was developed over the course of Tuesday 14 October, incorporated reference to social media. A number of internal discussions followed between the communications team and those who were involved in the bargaining about possible social media messages. At this point I note that I think there was a lack of clarity between the Commission’s need as system leader to provide general information informing the public about the Day of Action and the Commission’s more targeted messages as an employer in bargaining to ensure correct information relating to that bargaining was reported, although they were related. Indeed, albeit after the first set of tiles were published, a Radio New Zealand article²⁰ about this stated:

The Public Service Commission told RNZ in a statement the purpose of the ads was to provide public information about disruption to services and what was being done to prevent further disruption. It explained the Commissioner was leading collective bargaining with education sector unions, which affects thousands of public servants, and said it was appropriate for the Commissioner to share factual information about that work with the public.

34. The integrity and legal teams were asked for support in reviewing the communications plan and approach at about 6:30 pm that Tuesday night. The accompanying email did not indicate any urgency for that advice to be provided (and although the legal team had been involved in supporting the bargaining, this was the first involvement of the integrity team in this matter). This revised communications plan was sent to Minister Collins’ office at 7:40 pm that night. The Minister’s attention does not appear to have been drawn to the fact that the use of social media was now contemplated.
35. The Commissioner went on scheduled annual leave later on the Tuesday; however, he specifically asked to be kept involved in this matter. In his absence, and by virtue of the Commission’s delegations framework and provisions of the Act²¹, all his functions and powers were able to be exercised by the Deputy Public Service Commissioner. No other formal delegations were put in place by him and although he was on leave, he continued to be actively involved and available. I note that the Commissioner’s Chief Advisor was also on leave at this time. She returned on Thursday 16 October, when she was briefed by the communications team on the social media campaign and the proposed posts.

Wednesday 15 October

36. Over the course of Wednesday 15 October, content for the tiles was prepared and extensively reviewed and revised.
37. A meeting between members of the integrity, legal and communications teams to discuss the communications strategy was held that afternoon. 9(2)(h) legal privilege

¹⁹ see above footnote 8

²⁰ published at 3:16 pm on 21 October 2025

²¹ s. 47(3)

9(2)(h) legal . A review of the strategy to ensure it was in accordance with the guidance and guidelines was the role of the integrity team. The urgency of this matter was only surfaced to the integrity team at this meeting, who then spent much of the afternoon working through the issues and producing a “key takeaways” document (what I have called the “initial view”). This was sent to their manager (at 8:16 pm that evening) in readiness for the regular Te Mana Whakahaere meeting to be held at 10 am the next morning. That initial view was also sent to the legal team at 9:38 am the next morning, Thursday 16 October to support discussions at that Te Mana Whakahaere meeting. The integrity team stated in the initial view that:

this is a hot topic of political debate (staffing, recruitment, pay in the health and education sectors) and the unions are politicising the negotiation through the strikes.... The unions are allowed to be political. We are not. We are the system leaders for political neutrality. We must role model best practice.....

38. It went on to describe the importance of public perception and that the Commission needed to be clear about its role, why the public were being told this and the information that was being shared. It raised some concerns about some of the statements (which it appears were taken into account in developing the tiles which would be published).

Thursday 16 October

39. The regular Te Mana Whakahaere meeting was held at 10 am that morning. As noted above at footnote 5, a number of the regular attendees were absent. The social media advertising was on the agenda. As a result of discussions at the meeting, the issue of needing clear and appropriate delegations was raised and twice-daily meetings were agreed to be held.
40. These twice-daily “stand-ups” were to discuss the communications approach. The initial view informed discussions at these stand-ups, which included a number of senior leaders. This was intended to ensure that “all the right people” were in the room, with all the “key people” being present:

to ensure compliance with the advertising guidance and political neutrality obligations

Delegations

41. The Commission’s delegations framework required “level 1” approval of all Commission media releases and media comments relating to the functions of the Commission. In the absence (on scheduled annual leave) of the Commissioner, a delegation for sign-off of the messaging was sought from the Deputy Public Service Commissioner. As the Commission was operating under time constraints, in the absence of the Commissioner, and with twice daily stand-ups taking place, it was agreed that two DCEs would be delegated final sign-off of communications messages relating to the strike. This was later amended²² to allow one DCE to sign-off, as long as consultation was undertaken with the second. I was told that consultation always took place.

²² after the first set of tiles had been published

42. The other permission required was to incur expenditure to pay to “boost” these Facebook posts. Approving the funding is separate from approving the content. The Communications Manager did not have the financial delegation to approve the spending, so sought it from her manager, who (along with another manager) agreed to make budget available, but in the expectation it would be recovered from relevant agencies. This financial approval was given at approximately 9:30 am on Friday morning, on the basis that there was appropriate oversight of any boosted posts “to ensure compliance with the advertising guidance”.

Friday 17 October

43. Over the course of Friday 17 October, there was a significant amount of back-and-forth on the text of the tiles, seeking to ensure that the statements made in relation to pay offers were factually correct. The advice of the integrity team resulted in changes to the tiles including, for example, inserting a link to the Commission’s website (as referred to below). The Communications Manager emailed both the legal and integrity teams on Friday morning at approximately 10:30 am with the final social media tiles for their review (in advance of final sign-off as required by the delegation outlined at paragraph 41). By late morning the legal and integrity teams had responded, with the integrity team commenting that

these look good from my perspective In terms of the requirements in the Guidelines for Government Advertising and the social media guidance, there is:

A clear line of sight to the Commission’s role

A focus on providing factual information – and a voice that is consistent with that i.e. not emotive.

A clear ask of the public to visit our website to learn more about the bargaining process and the impact on government services.

44. The integrity team’s assessment was therefore that the tiles were permitted in terms of the advertising guidelines although no formal integrity review²³ had at that point been completed. In accordance with the Commission’s normal processes, however, that formal more in-depth integrity review was required. The significantly constrained timeframe the integrity team was working to is evident from the timeline contained at section 2. Bar some minor redactions, the formal integrity review²⁴ has been released as part of the OIA release. The “Integrity Consultation” cover sheet that formed part of the formal review referred to the fact that the communications strategy was requested to be assessed from an integrity perspective “particularly whether we have any concerns about political neutrality”. Some extracts from the review are contained at the end of Appendix 1. The formal integrity review was much more fulsome than the initial view, but broadly replicated it. It was in the Commission’s standard form for integrity advice across the public sector.
45. The text of the tiles was sent to one of the Commission officials who had been delegated the responsibility for signing them off. That official responded “great, thanks... Looks good”. I was told that formal approval of media responses is typically done by email (as one might expect

²³ as used in this report, a “formal integrity review” is a review in the form the integrity team would normally provide to other agencies in response to queries, as described further in paragraph 97 in Appendix 1

²⁴ as well as the initial view

in a fast-moving environment such as this) and that this email, which was the culmination of numerous previous discussions, including with the other jointly-delegated DCE, constituted the approval for publication.

46. It was arranged that the tiles would go live on the Saturday, 18 October,²⁵ and run until 4 pm on the following Monday. The total prospective spend at this stage was for \$50 per day. The tiles, along with an updated communications plan (version 3), which for the first time made reference to the use of social media being “paid”, was sent to the Minister’s office, along with a request that it be passed on to the Prime Minister’s office.

Monday 20 October – Thursday 24 October

47. The tiles ran on Facebook over the weekend. They directed viewers to the Commission website for more information. On Monday, 20 October, it was assessed that although traffic to the website went up, it was not as significant as had been hoped. Despite the Commissioner being on annual leave, he attended (online) a meeting on this matter that day and was briefed on the fact that there had been negative comments about the tiles from a political neutrality perspective. As a result of this it was suggested that the tiles be amended to only outline factual matters and then reviewed further. Updated tiles were developed. It was intended that further social media messaging would take place over Tuesday 21 and Wednesday 22 October in the lead up to the Day of Action on Thursday 23. There was a significant amount of back-and-forth in the Commission and with officials in other agencies over these days as the messages were refined to ensure that the factual statements made about the offers were correct.
48. The twice daily stand-ups re-commenced on Monday, 20 October 2025. The latest drafts of the second set of tiles were discussed at these meetings, and input on them sought from all attendees. Final approval for the versions of the tiles that would be published, I am told, was given in the daily stand-up meeting. No minutes of the meetings were taken. The second set of tiles went live later on the morning of Tuesday, 21 October, shortly after the stand-up. They were scheduled to run until late on Wednesday 22 October. The Day of Action took place on Thursday 23 October.
49. Criticism of the tiles began to surface on 21 October. As detailed in the Terms of Reference, a complaint was made to the Auditor-General (who paused his review pending completion of this review).

Conclusions

50. I have reflected at some length on the concept of political neutrality in this matter and, in particular, the fact that the Commissioner was undertaking collective bargaining within fiscal parameters set by the Government. Thus, bargaining within these parameters can be seen purely as implementation of government policy by the Commissioner. It is the role of the public sector to serve the government of the day and assist the government in implementing its policies. The Commission’s role as part of the public service requires it to be politically neutral in carrying out its role. I have therefore had to consider whether what happened in this case went further than it should, or at the very least could have been perceived as having

²⁵ delayed from the Friday as an announcement was to be made about a settlement with one of the education unions

done so, bearing in mind the applicable guidelines. The new Public Service code of conduct referred to at paragraph 95 states “political neutrality requires us to be particularly careful with our approach to advertising and publicity... our use of organisational social media and media comment...”.

51. Once the responsibility for negotiating collectives in the education sector was retained, bargaining became an operational responsibility of the Commission with the Commissioner having a role as employer and a statutory function to carry out. The objectives in the draft communications strategy made reference to explaining to the public the Commission’s view of the bargaining process to date and that it continued to act in good faith, amongst other things. Information to the public and the unions about progress was provided through traditional media, without apparent complaint about political neutrality.
52. The Commissioner was concerned that traditional media channels had not been able to counter what appeared to him to be incorrect information circulating about the negotiation he was undertaking in the bargaining process. He wanted messages about the bargaining process, offers and about the Day of Action to have wider reach, including to the general public. He believed social media was a way to achieve this. He instructed his team to explore the use of this tool and called on other public sector resources to assist the Commission to prepare and inform the public about the Day of Action and bargaining.
53. He did not appreciate that the way the Commission had used social media in the past meant it was unlikely to achieve that wider reach and that payment would be required, which would trigger a need for additional caution because the government guidelines on paid advertising would be engaged. In his absence on leave, I do not think that the nature of the risk was as effectively communicated to him as might have been the case if he was present in person.
54. Once the Commission began to explore running a paid social media campaign, the guidelines and guidance were engaged, and as is referred to in paragraph 114, “extra care” was needed. The guidance provides that:

public service agencies must only undertake government advertising where there is an identifiable and justifiable information need by the intended recipients
55. Those involved in developing the communications messages were very concerned to ensure the information in the tiles was factual, on the basis that if they were, they would be “politically neutral”. The communications professionals involved up to this point had assisted the Commissioner with media statements in relation to bargaining and there had been no suggestions at that point of a lack of political neutrality. I consider they were focused on delivering what the Commissioner wanted and his (implicit) view that the public as a whole (not just union members) had an identified and justifiable information need in relation to the bargaining process. Whilst the public might have a need to know what the implications of the Day of Action might be, those who saw these tiles as a result of them having been boosted may not have understood the Commissioner’s role in bargaining, and thus the perception of a lack of political neutrality could arise. The lack of context in the tiles (even though a link to the Commission’s website had been added at the suggestion of the integrity team) would have contributed to this. The context which would have been given in traditional media, or

understood by those who were already followers of the Commission's social media pages, was not present.

56. The Commission's formal integrity review (which can be read as part of the OIA release) fully traverses the issues which were in play. However, it makes reference to "seeking to inform the public about the reason for the disruption in government services available to them" *as well as* getting "support for a negotiated settlement". The second leg of this is, in my view, problematic and the formal integrity review rightly pointed out that:

it will be very hard for the public to see our role as an a-political one, unless we are very clear in our messages about what our role is, why we are communicating with the public, and what we are trying to achieve.

57. Whilst the twice-daily stand-ups endeavoured to ensure all necessary views in the Commission were represented, it is possible that a more formal process would have been valuable. The speed at which everything was happening did not allow enough reflection on the issues which were engaged.
58. The tiles that were published gave, in my view, confused messages. They were not targeted solely at informing the public about what they might expect on the Day of Action, such as disruption to services (which was regularly referred to in email exchanges between many people involved in this matter, albeit not directly referred to, in my view, in the communications strategy). In my view, the tiles also advocated for the Commission's position in the bargaining that the Commissioner was undertaking in his statutory role as employer. Even if this was no different than messaging that had already been undertaken through the media, once social media was going to be used and paid for, the situation changed and issues of perception arose and the guidelines needed to be complied with. Although I was told that the Commission would have potentially undertaken this advertising even if it had not been involved in bargaining, because there was general information that the public needed to receive, the context for that (which included the way the messages would be delivered through social media), and the analysis undertaken, should and would have been different. In such a case, the messaging might also have been different.
59. I consider that whilst one of the first set of tiles (see Appendix 5) which stated "strike action on 23 October will disrupt medical and education services" was informative, both the text that accompanied it and the second tile stating "genuine offers have been made and the opportunity to bargain remains open", along with its accompanying text, had the potential to not to be perceived politically neutral. Likewise, whilst the second set of tiles (see Appendix 6) were factual about the offers that were on the table, arguably they had more to do with public sector employers (health as well as education) advocating for their bargaining position with the general public, rather than being purely informative. As such, perceptions of a lack of political neutrality were engaged even if the Commission believed, in line with the role of public service agencies as set out in the Cabinet Manual, that the tiles were to "advise, inform or explain".
60. The Commissioner's instruction to explore social media as a tool was given on a Tuesday morning; the Commissioner went on annual leave later that day; his Chief Advisor who would normally be involved in such matters was on leave; social media tiles were signed-off on

Friday night to be published on Saturday morning at which point no formal final integrity review or legal peer review of that had been completed. In short, a new tool was being used in a matter (bargaining) that the Commission had only recently resumed responsibility for, in an extremely short time frame, involving questions of integrity which were not fully explored in the time available.

61. Emails show that Commission staff were working long hours and under pressure in the lead up to the Day of Action, and that many had a number of other responsibilities. Subject matter experts were simply not given enough time to traverse the complex issues involved. Overall, I think the Commission involved the right people within its organisation and it was clear that there were regular meetings to discuss the matter. Although senior leaders in the Commission were meeting twice a day to discuss the Commission's approach to the Day of Action, including its possible social media approach, and although the integrity issues were traversed in these meetings and alarm bells were being rung that this was problematic, the checks and balances in the system, including the testing that might have happened at the regular senior leaders meeting referred to at paragraph 39 above, seem to have been ineffective to pause it.
62. It is all the more important when new approaches are being taken, to make sure that all the relevant risks and requirements are considered. The Commission was undertaking a role it had recently resumed responsibility for (bargaining) and using a new tool (boosted social media) and doing things differently under this Commissioner²⁶ than it had previously done; there was perhaps also an increase in risk-appetite at the Commission. However, it should have slowed down and taken a more structured and reflective approach to this new set of responsibilities, including putting clear internal advice and sign-off processes in place.
63. Disquiet that I heard from a number of staff members was not surfaced in the way it should have been. I am unable to conclude why this was, although I am not aware of people's views being "shut down". Several people, in interviews, told me that even if the analysis suggested that the Commission "could" undertake this advertising, no one seemed able to pause the momentum (particularly in the absence of the Commissioner and his Chief Advisor) to answer the question whether the Commission "should" do this, despite it being, for example, referred to in the "proposed response to the requestor", which formed part of the formal integrity review:

The proposed boosted social campaign relates to one of PSC's functions and there is a justifiable information need, from the public's perspective. That means we can spend money on it, but we also need to ask ourselves whether we should. Our advice does not cover this question fully.
64. Although undoubtedly it was considered during the decision-making process to revoke the delegation and retain the responsibility for bargaining in the education sector, the overall strategy needed to acknowledge that the Commissioner would then have at least two roles. Firstly, he would have a direct involvement in education sector bargaining; secondly, as system leader, he would have overall responsibility for monitoring the operation of the

²⁶ the Commissioner had been in the role for approximately a year

Government Workforce Policy Statement and the integrity of the system. A heightened awareness of these dual roles was needed.

65. From interviews, I had a sense that Commission staff felt the decision had been made, by the Commissioner, to use social media. I do not think they appreciated that the Commissioner did not know that what was proposed would involve paid advertising, and would therefore engage the guidelines.
66. There appears to be something of a disconnect in the decision-making that led to the risks outlined in the integrity advice (both the initial view and the formal review) not being sufficiently heeded. As the system leader for integrity in the public sector, the Commission had a heightened duty to ensure that its actions were beyond reproach in this. It needed to comply with not only the letter but also the spirit of the guidelines, thereby avoiding any perception that public funds were being spent for a political purpose.
67. As the system leader for integrity, the Commission should have been much more structured in “taking its own advice”. Even if the messaging in the tiles was proposed to counter what the Commission saw as misinformation, its own guidance is clear that it is all too easy to get drawn into political discussions if attempts are made to counter misinformation.
68. Whilst I appreciate things were moving extremely quickly, the sign-off process for the tiles does not appear to me to have had the necessary rigour in the circumstances. Reference is made in emails, and was said to me in interviews, to the integrity and legal teams “signing-off” the tiles, whereas it was for those teams to give advice to the decision-maker, not to approve publication.
69. It seems to me that there is an inherent risk, in a complex, fast-paced and highly charged environment in delegating decision-making to a single person. With hindsight, in this case it was possibly undesirable to change the original delegation to allow sole sign-off for the social media messaging to the person who was (alongside the Commissioner) responsible for the bargaining process (albeit with the requirement to consult with another DCE). Whilst senior public servants often have to balance competing priorities and issues when making decisions, in this set of circumstances, retaining the added robustness of a second person to sign off the tiles (rather than just requiring consultation) was desirable (even if the first set of tiles had been published before the delegation was revised).
70. Maintaining the confidence of ministers requires departments not only to keep ministers informed, but also to ensure that they are advised in advance of issues that may attract public interest or public comment, particularly where the subject matter is controversial or may become subject to public debate. More background on the “no surprises” principle is contained at paragraph 103 et seq. The context at this point was that a national day of action was in prospect that would have involved significant numbers of public servants going on strike. It is inconceivable that the Commissioner would not keep his Minister informed about progress in negotiating the collective as well as what the core public service response to that significant public event was going to be.
71. Accordingly, in the circumstances, I do not think it was inappropriate for the Commission to keep its Minister’s office and DPMC (which in turn kept the Prime Minister’s Office) informed as to what was going to happen, including that it was intending to use social media. This is

reflected in emails in the OIA release. I do not think the level of correspondence between the Commission and the Minister's office was excessive, nor went beyond the "no surprises" requirements. Commission emails inform the Minister's office; I have not seen evidence of the Minister's office directing the Commission in relation to this and I do not consider the Minister's office correcting some facts that were proposed to be used, constitutes a direction.

72. Rather, it seems possible that the Minister was not aware that the Commission was intending to pay to boost social media reach. Although the fact it was to be paid for was referred to in version 3 of the communications plan, it is not clear that the Minister's attention was drawn to it. Indeed, she had to issue a correction as to what her office had or hadn't known in her written Parliamentary question response²⁷ as referred to in the OIA release.
73. There have been suggestions in the media that the level of "collaboration" that the OIA release reveals went beyond "no surprises". I do not think this is correct. As the formal integrity review stated:

Be mindful of the respective roles that PSC and Ministers have in relation to this campaign – This is our communications campaign and it is for us to decide the content. But we need to co-ordinate with Minister's under the no surprises convention.....

Findings

74. As the employer in bargaining, the Commissioner was entitled to advocate for his position, and would need to do so to carry out this role effectively. He had done so publicly in the media from at least July 2025²⁸. Even if the messaging in the tiles was no different to that which had already been undertaken on the Commission's website and through the media, once social media was going to be used, and once it was going to be paid for, the guidelines were engaged and the situation changed.
75. Once the guidelines were engaged, and a stricter analysis of the purpose and content of the tiles was in play, the Commission should have adjusted its approach to ensure that the messaging was factual and accurate and that the reason for undertaking it was clear. As the guidance makes clear, simply being able to identify a public need for the information is not sufficient to ensure advertising is consistent with the guidelines.
76. The formal integrity analysis was robust and correctly raised that there was the potential for the perception that the tiles might not be seen as politically neutral.
77. This perception did arise as a result of the Commission's messages being delivered in a social media environment without adequate context. Many recipients of the messages would not have understood that the Commissioner was able to advocate for his position as the employer in bargaining. The position might have been different if the Commission had had a significant social media presence, with the inherent ability to provide supporting information.

²⁷ WP Q5 3190 (2025)

²⁸ <https://www.publicservice.govt.nz/publications/public-sector-industrial-action>

78. Noting that none of the Commission's earlier media statements on this matter were alleged to breach political neutrality, I do not find that the tiles breached this threshold either.
79. The Commission did not leave itself adequate time to traverse all the issues which were then in play. There were only four working days between the initial proposal to use paid social media on Tuesday 14 October and the publication of the tiles on Saturday 18 October. Amongst other things, there was no time to produce a formal integrity review and for that to be peer reviewed by the legal team before the first set of tiles were published, and therefore there was no opportunity to consider all the risks properly, including whether the Commission "should" pay for the tiles even if it could.
80. The Commission had acknowledged that this was a contentious and difficult issue and established twice daily stand ups to bring the relevant decision-makers together and enable matters to be progressed at speed. Requiring minutes to be prepared and approved for such meetings would be counter-productive, but a formal record of the key decisions made should have been created.
81. The involvement of the Commissioner (who was engaged with his team from time to time while being on leave, but who was not fully involved in the daily discussions and therefore not directly appraised of all the relevant issues) influenced decision-making in a way that may not have been helpful, particularly when staff within the Commission thought that the Commissioner had already agreed to the broader communications strategy.
82. The Commission appropriately realised, in the absence of the Commissioner, that decision-making delegations for making media statements needed to be put in place. However, noting this was a politically charged issue, maintaining formal sign-off of two DCEs would have been more robust (rather than only requiring one DCE to sign-off after consultation with another).
83. The Prime Minister did not direct the Commission to use social media in relation to the Day of Action or bargaining. Nor have I found other evidence that the Commission was directed to use social media by other ministers, including the Minister.
84. Communications with the Minister's office were in line with the "no surprises" principle.

Recommendations

85. When the Commission takes on a new function, or takes one back after some time, it should carefully plan the approach it will take to that function.
86. It is not always possible to "slow down" the delivery of that function, but where it is, reflection on the path that delivery will take, should be undertaken.
87. To assist decision-making in the delivery of that function, the potential risks that could be encountered should be analysed, and where possible mitigated.
88. If a communications strategy is to be developed in relation to that new function, thought should be given to whether any type of social media might be used, and if it or other advertising is to be paid for, how the guidelines and guidance are engaged and affect that strategy. Clarity about what the public needs to know, and the context in which that will be received, is critical.

89. Where the Commission engages its own integrity team to analyse an issue, it should ensure that team has sufficient time to assess the situation, provide a comprehensive answer, and that the answer is given due consideration.
90. In high-risk internal situations, consideration should be given to the integrity advice being peer reviewed outside the Commission, for example by the Cabinet Office.
91. The Commission should ensure that where formal delegations are required to be put in place, particularly in contentious situations, that those delegations include adequate checks and balances to support robust decision-making.

Appendix 1: Operating Context

As referred to by the Auditor-General, government spending on advertising and publicity is an inherently sensitive area. Accordingly, and in line with the scope of this review, it is important to describe in some detail the context within which the Commission operates, including the role of the Commissioner, applicable legislative frameworks such as the Act, the guidelines and the Commission's own guidance.

Role of the Commission under the Public Sector Act 2020

92. Broadly, the Act governs the operation and values of the public service, along with recognising the conventions that it operates under. The Commission is a government department²⁹ under the Act and part of the public service. The Commissioner has specific roles and functions under the Act as described in it, and in particular in Part 3. Importantly, the Commissioner acts as the head of the public service “by providing leadership of the public service, including of its agencies and workforce and by oversight of the performance and integrity of the system”.
93. Section 11 sets out the purpose of the public service, which includes enabling:
- both the current government and successive governments to develop and implement their policies,... [supporting] the government to pursue the long-term public interest... and [acting] in accordance with the law*
94. Section 12 sets out the public service principles which include acting in a politically neutral manner and giving free and frank advice to ministers. Public service chief executives, which includes the Commissioner, are responsible for upholding the public service principles when carrying out their responsibilities and functions. Public service values are set out in section 16, and these are given effect to by minimum standards of integrity and conduct which are set by the Commissioner under section 17.
95. The standards of integrity and conduct are set out in the Code of Conduct for the public sector. Although an updated code was issued on 3 February 2026, and took effect on 30 March 2026, at all relevant times the original code applied³⁰. Public servants must be fair, impartial, responsible and trustworthy. In relation to impartiality, the Code requires that the public service must:
- maintain the political neutrality required to enable us to work with current and future governments*
- carry out the functions of our organisation, unaffected by our personal beliefs*
- support our organisation to provide robust and unbiased advice*
- respect the authority of the government of the day*

²⁹https://legislation.govt.nz/act/public/2020/0040/latest/whole.html?search=sw_096be8ed82000945_powers_25_se&p=1#LMS207452

³⁰ <https://www.publicservice.govt.nz/guidance/standards-of-integrity-and-conduct>

96. The Commission describes its role in the public service in its annual report ³¹ as follows:

The Commission is part of the Executive Branch of government. We help current and future governments deliver their policies, provide high quality public services, and act in the long-term interests of New Zealand. We also promote active citizenship and make sure the system operates within the law.

The Public Service Commissioner leads the Public Service and wider public sector to work as one system, focused on delivering better outcomes and services for New Zealanders.

Our purpose is to lead and oversee the Public Service. We make sure it meets its responsibilities, acts with a spirit of service, and earns the trust and confidence of the public. We take a stand when needed, support public servants in their roles, and uphold the integrity of the system.

We also uphold the core principles that guide public servants: being politically neutral, giving free and frank advice, appointing people based on merit, promoting open government, and acting as stewards of the system. People join the Public Service to make a difference and we support them to do just that.

Role of the Commission in relation to public sector integrity

97. The Commissioner, and through him, the Commission, is responsible for promoting and upholding integrity across the public service and wider state services. In this role the Commission regularly responds to requests for advice about government advertising and other integrity-related matters. The formal integrity analysis undertaken in this matter, which is available almost without redactions as part of the OIA release is, I am told, in a similar format to that which the Commission would provide to other agencies in response to queries from those agencies. In such a case, the Commission will analyse the issue and draft advice to the agency, which after a peer review, is signed out and provided to that agency (albeit that in cases of extreme urgency, this formal process cannot always be followed). This seems to be a comprehensive and useful process.
98. I also note that the Commission has developed a systemwide integrity action plan for 2025 – 2028 and provides integrity advice to agencies, public servants and the public, on topics such as the code of conduct and conflicts of interest.

Role of the Commission in relation to bargaining

99. Under section 78 of the Act, the Commissioner is responsible for negotiating all collective agreements that apply to departments³² as if the Commissioner were the employer. This was not a function that, by statute, needed to be exercised independently of ministers. In such a case the Commissioner has the same rights, duties and obligations as he would have if he

³¹ at page 28

³² and also to interdepartmental ventures. Additionally, he had responsibility for the education service under s586 of the Education and Training Act 2020. That power had been delegated to the Secretary for Education for many years and it was this delegation that was revoked in connection with bargaining for teachers and principals.

were the employer³³. The functions and powers of the Commissioner under section 78 are able to be delegated to the chief executive of a department under and in accordance with section 80 of the Act³⁴.

100. In addition, under Part 4 of the Act, the Commissioner has a role in relation to government workforce policy. As referred to in the Commission's annual report for the year ending June 2025³⁵, the Commissioner helped develop the 2024 Government Workforce Policy Statement "which supports efficiency and financial responsibility. It sets clear expectations for how agencies should manage employment relations, including keeping employment costs in line with current financial situation". The Statement therefore (amongst other things) sets expectations about the negotiation of collective agreements and the sustainability of them.

Bargaining by the Commission in 2025

101. As I was told in interviews, and as is referred to in the Commission's annual report for the year ending June 2025³⁶, for the first time since 1997, the Commissioner decided to retain the delegation which had been held by the Ministry of Education and retain responsibility under the Act for collective bargaining for primary and secondary school teachers and principals. That annual report states:

this reflects how important this sector is to the Government's priorities, how bargaining across the public sector is connected, and the impact these negotiations will have on overall workforce costs

102. The Commission's annual report makes reference to the Commissioner having retained this delegation in May 2025 although the decision to do that was taken earlier. In June, an order in Council also required Health New Zealand and Fire and Emergency New Zealand to consult with the Commissioner before making changes to collective agreement terms and conditions. This seems to have presaged greater coordination across the system.

Political neutrality, respect for the authority of the government of the day and "no surprises"

103. The role of the public service can broadly be described as being to serve the government of the day and to help the government implement its policies. The conventions of Parliamentary democracy include that ministers set, comment on and advocate for government policy. The role of the public service is to provide advice on and implement those policies. Being politically neutral helps to keep those things distinct. Guidance on the relationship between ministers and the organisations that form part of the executive branch of government, along with the standards of integrity and conduct expected throughout the public sector are

³³ this role is different from the Commission's role as chief executive of the Commission in relation to employees of the Commission, where the Commissioner would have a duty to act independently under section 54 of the Act

³⁴ similar provisions are contained in the Education and Training Act

³⁵ <https://www.publicservice.govt.nz/assets/DirectoryFile/Public-Service-Commission-Annual-Report-2025.pdf>

³⁶ *ibid*

traversed in the Cabinet Manual (and in particular, chapter 3). In addition, the Commission has issued guidance on political neutrality and why this is important.³⁷

104. As far as keeping ministers informed about the actions of departments, the “no surprises” convention applies. This provides that officials should inform ministers promptly of matters of significance within their portfolio responsibilities, particularly where these matters may be controversial or may become the subject of public debate.³⁸ The Crown Law Office has also issued guidance on this convention.³⁹
105. Under the “no-surprises” principle, it is not unexpected that ministers’ offices might wish to see or have input into government advertising, although the responsibility for advertising decisions will sit with the chief executive of the relevant public service agency, in this case the Commissioner.

The Commission’s use of social media generally

106. Like many public service departments, the Commission has a communications and engagement team of approximately 10 people that assists with the normal range of communications and engagement issues including press releases, media and events. The Commission also has a website which informs the public sector and the public on its work.
107. To access social media, an account must be created. The Commission makes reference on its website to its social media accounts. These are on LinkedIn and Facebook. I was told that LinkedIn is mainly used for communicating with public servants and to advertise events such as the spirit of service awards. The Commission’s LinkedIn page has approximately 27,000 followers. Its Facebook page has approximately 2900 followers. The more followers you have, the more people will see your message when it is “posted” to your page. If you want to increase your reach, rather than posting to your account (which is free), there is the potential to run adverts on, for example, Facebook, targeted (or “boosted”) to reach specified demographic groups. In such a case, Facebook receives a fee for this advertising.
108. Other operational departments might use social media regularly, such as the Ministry for Primary Industries needing to communicate with the public on a bio-security issue, but the Commission’s use of social media has been limited⁴⁰.
109. The Ministry of Education has used social media in the past when undertaking bargaining, but as it has a significant presence on Facebook, whilst it has posted statements to its Facebook page, it has not paid for them to be boosted.

³⁷ <https://www.publicservice.govt.nz/guidance/principles-guidance/politically-neutral>

³⁸ see Cabinet Manual <https://www.dpmc.govt.nz/sites/default/files/2023-06/cabinet-manual-2023-v2.pdf> at paragraph 3.26 et seq.

³⁹ <https://www.crownlaw.govt.nz/assets/Uploads/GuidelinesProtocolsArticles/No-Surprises-Guidance-updated-Oct-2023.pdf>

⁴⁰ Minister Collins’ WPQ (53190 (2025)) which forms part of the background information to the OIA release, states that the Commission had paid for targeted social media before, most recently in 2022. I have not sought to independently verify this, but I understand this was in relation to Covid messaging.

Guidelines for government advertising and use of social media

110. Where public funds are to be used to pay for advertising, the guidelines⁴¹, which were issued on 20 November 1989 by Cabinet and reissued in 2017, will apply. Paragraph 2 provides:

Governments may legitimately use public funds for advertising and publicity to explain their policies, and to inform the public of the government services available to them and of their rights and responsibilities. These guidelines recognise the public concern that government advertising should not be conducted in a manner that results in public funds being used to finance publicity for party political purposes.

111. Whatever advertising is being undertaken by the public sector, whether or not public funds are being spent, the principle of political neutrality exists. The Commission's own social media policy is clear that any content must be impartial and politically neutral, and that any content that is boosted must be consistent with the guidelines.

112. The guidelines state that government advertising must be accurate, factual, truthful, fair, honest, impartial, lawful and proper. They focus on the fact that advertising uses public money and that there should be an identified and justifiable information need supporting it. Guidance that the Commission provides to the public service on interpreting the guidelines, issued under section 19 of the Act, is also available on the Commission's website⁴². The guidance acknowledges the significant changes to technology since the guidelines were first issued.

113. As noted in the guidance:

The Guidelines outline four broad categories of justifiable information needs for government advertising. Generally, public service agencies can use public funds to communicate with the public to:

- 1. inform them about government policies;*
- 2. inform them about government services;*
- 3. advise them about their entitlements or responsibilities; and*
- 4. encourage them to adopt certain kinds of social behaviour generally regarded as being in the public interest.....*

Further, simply being able to identify a public need for the information is not sufficient to ensure advertising is consistent with the Guidelines.

114. In respect of timing, the supplementary guidelines make reference to pre-election restraint and also (emphasis added):

*Regardless of proximity to an election, it is also important to consider whether the planned communication relates to a contested political issue or matter of current public debate. **If so, extra care should be taken to ensure the government advertising is presented in an impartial and politically neutral manner.***

⁴¹ <https://www.dpmc.govt.nz/sites/default/files/2017-03/guidelines-govt-advertising-20nov1989.pdf>

⁴² <https://www.publicservice.govt.nz/guidance/guidelines-government-advertising>

115. The guidance reinforces that it must be clear to the public that there is a need to spend public money to communicate with them on the topic. The guidance suggests (emphasis added):

*Public service agencies can inform the public about the work of government but **must be careful not to advocate for particular policies or be drawn into political debate**. Government advertising must be focussed on what the public needs to know....*

116. The guidance states:

Government advertising should always have a clear 'line of sight' to the business of government. For example, advertising should inform the public about government services or set out the public's entitlements and responsibilities. It is acceptable for an agency to inform the public about government policy. However, advocating for that policy is the Minister's role, particularly where the policy is a matter of current public debate.

117. The Commission has also issued guidance for public servants' official use of social media⁴³. Relevant to this review, the guidance states:

Generally, agencies should only post or share content on social media where there is a clear business purpose for doing so that is linked to their role and functions. Any content agencies share on social media must be:

- **Impartial and politically neutral** – *this means it should be unlikely to be seen as being biased towards or as advocating for a particular political party. Careful consideration should also be given to any association with individuals, businesses and organisations.*
- **Factual and accurate** – *this means reasonable steps have been taken to ensure its accuracy. In particular, if an agency is providing information about government policy, this should be factual rather than based on opinion. While public servants may publicly explain government policy, justifying or endorsing it is the role of the Minister.*

Extracts from the Commission's integrity review

118. The integrity team sent the draft formal integrity review at 12:29 pm on Monday 20th of October, to the communications team and the Commission official who had authority to sign off on this campaign. This was after the first two tiles had already been published over the previous weekend and it noted that legal was still in the process of peer reviewing the analysis and providing comment. I was told that the normal process was followed in this case i.e. an integrity review was undertaken before a legal peer review⁴⁴. It is clear that the advice

⁴³ <https://www.publicservice.govt.nz/guidance/guidance-use-of-social-media-for-public-servants/guidance-for-public-servants-official-use-of-social-media>

⁴⁴ albeit that a legal peer review is not always undertaken on integrity reviews

was prepared within significant time constraints. The analysis drew attention to the guidelines. The email stated that the key takeaways were:

The proposed boosted social campaign relates to one of PSC's functions and there is a justifiable information need, from the public's perspective. That means we can spend money on it, but we also need to ask ourselves whether we should. Our advice does not cover this question fully, given we understand that the Commissioner has already agreed to the broader communications strategy. Nevertheless, we will want to make sure that the costs are justified and commensurate with our business need.....

In running the campaign we need to uphold the principle of political neutrality and we must comply with the Guidelines for Government Advertising

The context is really tough for us to navigate:

- *This is a hot topic of political debate (staffing, recruitment, pay in the health, education and emergency response sectors) and the unions could be seen as politicising the negotiation through calling for public support for the strikes. The unions are allowed to be political. We are not.*
- *We are the system leaders for political neutrality. We must role model best practice – particularly to retain our credibility with the wider Public Service as we go into an election year and code of conduct role out.*

Public perception matters

- *We need to think about the comms messages from the public's perspective, and we need to be mindful of how they might interpret things given the wider context. That means that vague messages, and implied messaging is probably not appropriate. We also need to avoid using an emotive tone, where possible. We acknowledge this may be tricky, given that our bargaining role inherently has an advocacy component to it.*
- *Our north stars are:*
 - *Stay factual and accurate – facts and statistics are great*
 - *Check for tone – we can be firm, but we should focus on explaining and informing (as opposed to defending and justifying)*
 - *Make the reason for the message clear – including an ask like 'for more information go to our website' helps. The public know what we want them to do. Also having a clear line of site to our role helps – so mentioning the bargaining and our desire to reach a negotiated solution is good.*
 - *Be careful when correcting misinformation – This is an area we warn agencies about in our Election guidance. It can quickly pull you into political debates. We can provide the correct information to the*

public through our website – but drawing attention to the Union’s behaviour and criticising it, may be best left to Ministers.

- *Be mindful of the respective roles that PSC and Ministers have in relation to this campaign – This is our communications campaign and it is for us to decide the content. But we need to co-ordinate with Minister’s under the no surprises convention, and there may be political statements that we cannot make but Ministers may choose to make. Bearing that in mind, we need to think extra carefully about liking or sharing the posts of Ministers or other political actors on social media.*

Appendix 2: Terms of Reference

Terms of reference: Review of strike action social media messaging

Reviewer: Jane Meares

Introduction

1. Between Saturday 18 October and Wednesday 22 October 2025 Te Kawa Mataaho Public Service Commission (the “Commission”) posted messages on social media relating to the bargaining that it was then undertaking with unions in the education sector, and the planned strike action by public sector unions on 23 October 2025.
2. The Commission paid to “boost” or “promote” the messages, so that they would achieve greater reach.
3. The social media messaging drew public criticism, with the result that the Commission decided to conduct a review of the decision to undertake that messaging. In addition, a Member of Parliament asked the Auditor-General to inquire into aspects of the Commission’s decision to purchase the social media advertisements. The Auditor-General considered it preferable for the Commission to first carry out its review (that is the subject of this Terms of Reference), said he would consider the outcome of the review and, if necessary, carry out further work at that stage.

Purpose

4. Given the Commission’s leadership role, and in light of the high public interest in this matter, there is a need to examine the decision-making process in this case and provide assurance around the application of relevant requirements and guidance, as well as to identify any areas for improvement.

Scope

5. The reviewer is to undertake an independent review to assist the Commission in understanding whether it followed all appropriate processes, procedures, guidance (including its own guidance and applicable legislative frameworks such as the Public Service Act 2020) and standards⁴⁵ in developing and posting the messages and paying to boost them. The review will include how the messages were initiated, developed and posted and whether, should it wish to undertake similar messaging in the future, there are things that could be improved.
6. The reviewer will examine the process followed in this case and will prepare a timeline of events. She will consider the decision-making process, including what guidance and advice was available, and what considerations were taken into account by those involved in decision-making.
7. The reviewer may consider the operating framework applicable to the Commission, all relevant delegations, policies, guidance and standards (including any issued by the Commission), and any other applicable public sector expectations or practices.

⁴⁵ those processes, procedures, guidance and standards will include (but not be limited to):

- [Guidelines: Government advertising - Te Kawa Mataaho Public Service Commission](#)
- [Guidance: Use of social media for public servants - Te Kawa Mataaho Public Service Commission](#)
- [Standards of Integrity and Conduct - Te Kawa Mataaho Public Service Commission](#)

Out of scope

8. The reviewer will not make any findings of fault. The review will not consider actions of those outside the Commission (including Ministers) other than to consider the actions of those actively involved in the social media messaging if they were directly assisting the Commission.

Process

9. The reviewer will determine her own process in conducting the review.
10. The reviewer will have access to relevant employees and may undertake interviews at her discretion, although at a minimum she will interview decision-makers. Notes of interviews will be taken but interviews will not be recorded. The reviewer will ensure interviewees are appropriately informed about these terms of reference and the process for interviews.
11. The reviewer will keep confidential all records including interview notes, communications, documents and deliberations. The reviewer will maintain legal privilege over any legally privileged information she receives.
12. The reviewer will meet any natural justice obligations. They will also provide a draft of their report to the Public Service Commissioner before it is finalised and consider any comments received.
13. The reviewer will receive administrative (and if necessary, legal) support from the Commission, who will provide her with relevant documentation, and connect her with relevant staff.

Deliverables, timeframe and reporting

14. The review will commence immediately, although interviews will not commence before 26 January. An indicative reporting date is 31 March 2026.
15. The reviewer will provide a final written report to the Public Service Commissioner, detailing the processes undertaken in this case and may make observations or recommendations for the future.
16. This report will be shared, in due course, with the Auditor-General.
17. The Public Service Commission's expectation is that the final report (or a summary of it) will be made publicly available, subject to any applicable privacy or other legal considerations. A final decision will be made on publication of the report at the conclusion of the review.

Date: 18 December 2025

Appendix 3: Glossary

Defined terms used in this report:

“Act” means the Public Service Act 2020

“Commission” means Te Kawa Mataaho Public Service Commission

“Commissioner” means Te Tumu Whakarae mō Te Kawa Mataaho Public Service Commissioner; over the period of the matters under review in this report, that role was held by Sir Brian Roche, KNZM

“Day of Action” means the day of coordinated strike action by unions representing staff in the health, education and other sectors that was planned for, and took place on, Thursday, 23 October 2025

“DCE” means a Deputy Chief Executive within the Commission

“DPMC” means the Department of Prime Minister and Cabinet

“guidelines” means the government guidelines on paying for advertising⁴⁶

“guidance” means Commission guidance on the guidelines and the use of social media⁴⁷

“initial view” means the “key takeaways” initial view from the integrity team in relation to the tiles as described in paragraph 36

“Minister” means the Minister for the Public Service; over the period of the matters under review in this report, that was the Hon Judith Collins KC

“OIA” means the Official Information Act 1982 and **“OIA release”** means the release of documents made by the Commission in relation to this matter and available on its website in a redacted form at

<https://www.publicservice.govt.nz/assets/DirectoryFile/OIA-2025-0130-Social-Media-Advertisements-campaigning-against-strike-action.pdf>

“tiles” means the social media advertisements which were to be published as part of the Commission’s campaign; two sets were issued; the first set is contained at Appendix 5 and the second set is contained at Appendix 6

“ToR” or “Terms of Reference” means the Terms of Reference for this review attached as Appendix 2

⁴⁶ [Guidelines: Government advertising - Te Kawa Mataaho Public Service Commission](#)

⁴⁷ [Guidance: Use of social media for public servants - Te Kawa Mataaho Public Service Commission](#)

Appendix 4: List of interviewees/discussions

Who	Role	Date
9(2)(ba)(i) confidential with prejudice		3 February
		3 February
		4 February
		4 February
		5 February
		5 February
		5 February
		9 February
		2 March
		4 March
		4 March
		4 March
		6 March
		6 March
		12 March

Appendix 5: Tiles and copy for weekend of 17-19 October 2025

TILE	COPY
Strike action on 23 October will disrupt medical and education services  Te Kāwanatanga o Aotearoa New Zealand Government	This coming Thursday more than 845,000 students will miss out on class time, and over 6,000 patients will miss appointments and procedures for their health. Genuine offers have been made and the opportunity to bargain remains open. Find out more at PSC WEBSITE
Genuine offers have been made and the opportunity to bargain remains open.  Te Kāwanatanga o Aotearoa New Zealand Government	Despite best efforts, unions have chosen industrial action over continuing to talk at the table, disrupting thousands of patients and hundreds of thousands of students. The commitment to bargaining remains firm. Resolution can only be achieved through constructive dialogue—not disruption. Unions need to return to the table. Find out more at PSC WEBSITE

Appendix 6: Tiles and copy for 21-22 October 2025

Graduate nurses would see an 11% increase to their salaries on their one-year anniversary, an extra \$8,377, when including annual progression  Te Kāwanatanga o Aotearoa New Zealand Government	Nurse Practitioners would be eligible to receive up to \$6,000 for a Professional Development Allowance each year  Te Kāwanatanga o Aotearoa New Zealand Government
Senior nurses would receive \$3,224 by June 2026 on top of their \$106,739 salary, a 2% increase  Te Kāwanatanga o Aotearoa New Zealand Government	66% of all trained Primary Teachers would be on a base salary of at least \$100,000 on ratification of offer  Te Kāwanatanga o Aotearoa New Zealand Government
70% of all trained Secondary Teachers would see their base salary increase to \$107,886 within 12 months  Te Kāwanatanga o Aotearoa New Zealand Government	The offer has a 4.7% pay increase for trained primary and secondary teachers who are on the top pay scale within 12 months  Te Kāwanatanga o Aotearoa New Zealand Government