



Te Kawa Mataaho

Public Service Commission

12 July 2021

9(2)(a)
privacy

Dear 9(2)(a) privacy

Official Information Request Our Ref: OIA 2021-0075

I refer to your official information request received on 16 June 2021 where you asked the following:

- *Is Political Neutrality still an expected value for public servants?*
- *Is Political Freedom still defended for public servants?*
 - *If this is the case, please provide the specific guidance in this regard (I have Googled but had no luck)*
 - *If this is the case, can you provide any advice or guidance you have provided state agencies about balancing political neutrality with the often-mentioned requirement in job advertisements for alignment with the Principles of the Treaty of Waitangi.*

For context, I am trying to understand how a politically neutral position can be required to have a particular political stance in relation to the Treaty of Waitangi. I believe this is a political stance because not all political parties regard the Treaty as valid i.e. some regard it as a nullity.

As such, requiring alignment with the Treaty of Waitangi would mean that some people of political persuasions would not be allowed to apply. As such I am interested in any guidance or manuals you have on this.”

Information being released

In response to your request, political neutrality is recognised in the [Public Service Act 2020 section 12](#) as one of the five public service principles. The section sets out that Public Service chief executives and the boards of Public Service agencies have obligations to uphold these principles in performing their functions.

The obligations on other public servants are set out in the [Standards of Integrity and Conduct](#), the code of conduct for the public service and parts of the public sector; which says that we must “maintain the political neutrality required to enable us to work with current and future governments”.

The [Public Service Act 2020 section 22](#) acknowledges that Public Service employees have all the rights and freedoms affirmed in the [New Zealand Bill of Rights Act 1990](#) in accordance with the provisions of that Act.

The most recent guidance the Commission has published in relation to political freedom of public servants is the general election guidance, specifically section four of the guidance. This document is publicly available on the Commission's website at the link provided for in the table below. Accordingly, we are refusing this part of your request under section 18(d) of the Official Information Act 1982, on the grounds that the information requested is publicly available.

Item	Document Description	Website Address
1	General Election Guidance	General Election Guidance

The Public service is responsible for developing, advising on and implementing the Government's policy decisions and delivering public services. As stated in section 14 of the Act, the role of the public service includes supporting the Crown in its relationship with Maori under the Treaty of Waitangi. Implementing the governments polices, including in relation to the treaty of Waitangi does not, in itself infringe on the principle of political neutrality.

We have not provided any advice or guidance that falls within scope of this part of your request. We are therefore refusing this part of your request under section 18(e) of the Official Information Act 1982, on the grounds that the information requested does not exist.

It is also worth noting, the Commissioner has not issued further guidance on political neutrality under the Public Service Act 2020 (sections 19 and 20). The general election guidance, mentioned above, was issued under the former [State Sector Act 1988](#) and remains in place.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks
Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission