

Long-Term Insights Briefing

Submissions on subject
matter consultation

OCTOBER 2021

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Long-term insights briefings – John Stowell

Thank you for the opportunity to make suggestions in connection with your Long-term Insights Briefing. I am not sure whether the remarks which follow are relevant to long-term insights as opposed to being something to include in NDP4. Anyway, here they are.

Which topic should be prioritised for the first Briefing?

In keeping with my earlier submissions on our NAP4 under the OGP I firmly believe that the topic of better supporting public participation in government in the not-too-distant future is extremely important. If we are effectively to meet the increasingly threatening challenges such as climate change and the Covid-19 pandemic and make substantial headway against our domestic problems of large and increasing inequality of wealth and access to life's essentials big changes are needed in our social contract. There is a much better chance of such changes being effective and widely accepted if the public are actively involved at the outset, as opposed to reactively involved once policy had been largely set by government. The need and potential benefits of more effective and fairer public engagement apply at both central and local government levels¹.

Are there specific parts of the topic you would like to see explored?

Within this topic it is important to unwrap what may be meant by participation, and where on the IAP2 Spectrum of Public Participation attention should be focused, and indeed whether the formulations of the IAP2 Spectrum of Public Participation are appropriate. At the least, we should now be aiming at the “collaborate” part of the spectrum, where the promise to the public is described as “We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations to the maximum extent possible.” This formulation does not say anything about how the advice and innovation are to be arrived at: a crucial issue.

Public participation through the usual channel of submissions, whether written or submitted in person to a Select Committee, have considerable limitations. For one, they contain bias in favour of those with the time, experience and resources to make submissions. Secondly, they are generally made in reaction to proposals already well developed by the sponsoring Ministry or local government department.

In contrast, mini-publics such as citizens' assemblies set out to be representative of the demographic and cultural mix of the population at large, and to allow for deliberation before policy is developed. Participants are invited directly, by appropriate individual contacts, as opposed to impersonally on some Ministry website. Commonly, a citizens' assembly may comprise around 100 participants, and may meet for one weekend a month over several months. They are therefore not inexpensive. However, if considered as valuable improvements our civic infrastructure, at least as important in these trying times as roads and drains to which millions if not billions of dollars are allocated each year, a few hundred thousand dollars or even a couple of million, should be affordable.

It may be objected that 100 or so participants cannot realistically represent the population at large. So how do 120 Members of the House of Representatives manage to do this? Also, if the use of mini-publics became established, in time more and more New Zealanders would become involved.

How do you think people expect to be involved in government decision-making in the future?

This is a bit of a catch-22 question, so far as representative deliberative processes² (RDPs) such as

¹ A lot going on over the ditch: https://www.sortitionfoundation.org/australia_update

² Using the term borrowed from Graham Smith's latest book *Can Democracy Safeguard the Future*, Polity Press

citizens' assemblies are concerned. The public cannot expect or want something they have never heard of. Sure, a small number of journalists and academics, and also XR, have been calling for these kinds of processes either generally or specifically in connection with the climate and environmental emergencies, but I suspect that public awareness of such calls is low. Conclusion: there need to be a number of widely advertised and publicised trial RDPs commissioned by both central and local government to see what reaction these get, both from participants and from the public at large.

Are the Public Service communication systems keeping up with change fast enough for the future?

I can't really answer this one meaningfully since I don't know enough about how the Service runs. I also don't know whether the workshops which were organised in connection with NAP5 of the OGP fall under the category of communications. The good thing about these workshops was that direct email invitations were issued. There is nothing to beat a personal invitation as opposed to a generalised invitation buried in some website. That said, and apart from the unavoidable issue of lack of sufficient time, it was highly evident in the workshop which was held at the Friendship House in Manukau on 26 July that most participants knew nothing about OGP or what NAP4 was about, so that to a large extent discussion was way off topic. This suggests that at the least a short briefing paper should have accompanied the invitations. It would have been unreasonable to expect attendees to research the OGP NZ website from scratch.

Also, I don't know to what extent public servants at large are aware even of the Policy Toolbox within the DPMA's website, let alone wider guides such as the joint publication *Enabling National Initiatives to Take Democracy Beyond Elections*. A joint project of the UN Democracy Fund and the newDemocracy foundation. The manual can be [viewed online](#) or [downloaded](#). After a general introduction, the manual is presented in chapters each addressed to a different audience within government: politicians, department heads, project owners, project teams, and facilitators. There is also a final chapter on evidence from around the world.

What sort of public workforce will we need for the future? How well is our current workforce set up to achieve this?

Another insider question. However, if central government is to be able to commission RDPs there needs to be a unit capable of doing this, perhaps on behalf of any Ministry interested in trying out such processes, and mindful that probably only individual ministerial budgets will be available to pay for RDPs. Same issues apply at local government level. The Scottish Government, for example, has a unit for commissioning citizens' assemblies.

Whilst there are many sources of information on how to recruit and run RDPs, and on the outcomes of those that have been run, no single model is ready to be dropped in to New Zealand. So perhaps an early deliberation involving both the Public Service, Māori, other groups and random representatives of the public at large, should come up with a suggested model, and then try it out.

What should the Public Service be doing to incentivise and learn from new and innovative policies, practices and ways of working?

Who are you incentivising? Fellow public servants or the public at large, or both? Earlier responses to questions regarding the Policy Toolbox within the website of the DPMC suggest that it was not seen as the task of the DPMA to incentivise, but merely to provide some ideas of approaches to public consultation and when they might be useful. I guess you can expect me to be in favour of a more active approach to innovative democratic practices, and for policy to favour major changes in

the way the public are involved in decision making.

Submission to Te Kawa Mataaho: Public Service Commission's Long Term Insights Briefing

Introduction

This joint submission is from Drs Robert Hickson and Malcolm Menzies, each of whom has a long-standing interest in futures thinking in Aotearoa New Zealand. A short profile for each is attached.

Background

The Public Service Act (2020) provides New Zealand with an opportunity for a more formally structured and academic approach to futures thinking. Chief Executives of departments are now required to give independent, Long Term Insights Briefings (LTIBs) to Ministers every three years, putting the following into the parliamentary and public domains:

- (a) information about medium- and long-term trends, risks, and opportunities that affect or may affect New Zealand and New Zealand society; and
- (b) information and impartial analysis, including policy options for responding to matters in the categories referred to in (a) above.

Te Kawa Mataaho, The Public Service Commission, has issued a consultation document seeking public input on topics for its 2022 LTIB, which will aim to cover trends, risks and opportunities facing our Public Service.

Ngā wero me ngā huarahi o te anamata: Future challenges and opportunities

The consultation document correctly states that the LTIB needs to be informed by the trends, risks, challenges, and opportunities that New Zealand will face in the future, and which will impact on the Public Service. A time horizon of 20 years is proposed. The consultation document goes on to say that:

“Major change is anticipated in some areas – for example, the ramifications of climate change. Increased global connectivity and openness to the rest of the world also brings risks: biosecurity threats, organised crime, terrorism, and public health issues. While somewhat less predictable, we also know that as a country we will remain as vulnerable to natural disasters as we have ever been.

New Zealand's high levels of social cohesion are also at risk of being challenged in a turbulent environment. Loss of social cohesion could have a big impact in areas like maintaining trust in government and public institutions, addressing major issues like housing, providing educational opportunity, ensuring that the Crown honours its Treaty of Waitangi obligations, and fostering a culture of 'kiwiness' that both welcomes diversity and provides a unifying common identity”.

In the face of these trends, questions are posed which imply objectives and areas of improvement have already been identified: to support participation; engage with New Zealanders in a social media world; build capability; continue innovation; and get more joined-up to tackle future and intergenerational problems.

Is this really futures thinking?

The above objectives and areas of improvement are worthy and uncontentious and could easily have been identified through normal planning processes. Indeed, they are more redolent of a strategic plan than a futures document. This is hardly surprising given the 20-year time frame, which is medium rather than long term.

Futures thinking looks at least 40 years out, beyond the realms of forecasting and projections, and where uncertainty abounds. Assumptions and prevailing mental models need to be rigorously tested if key uncertainties, and their potential implications for us in the present, are to be identified (nevertheless, thinking 20 years ahead is an important step for the country).

In the current consultation document, several implied assumptions are already embedded, and the implications of future challenges and opportunities have been predetermined in the objectives and areas of improvement. This is the antithesis of futures thinking and open-minded consultation, and so sets up the Department's LTIB for failure, or at least poor insights.

Embedded assumptions

Key assumptions in the discussion document are that

1. We will continue to have a similar model of government and there will always be a public service commission; and
2. Global connectivity and openness to the rest of the world continues. Given our current turbulent time it is possible to envisage that these factors will *diminish* over the next 40 years.

While it may seem a radical departure to question these assumptions, such questioning is at the heart of futures thinking.

Consequence of these assumptions

Not re-examining these assumptions leads to the five potential focus questions in the discussion document. In our opinion none of the questions are suitable for the LTIB. They do not seize the opportunity that the LTIB process presents.

The first two – about public participation and engagement – seem to be very much embedded in the here and now. The next three are overly constrained, focusing on workforce (which the SSC explored several years ago, without apparent effect), innovation, or a “joined-up” public service.

They touch on some current trends but imply existing structures and purposes will be fine going forward if some adjustments are made to improve communication strategies, hiring practices, innovation and/or collaboration. All very 2021. This is an inside looking out perspective, and no different from a normal planning process.

What is not being posed, but would seem to be central to the purpose of LTIBs, is “What might governance look like and what could be the consequential role of public service in 2041?” That is, taking a bigger perspective and considering the role and purpose of a public service in a different, quickly changing world. This approach could explore the implications of changing demands on government (from changing demographics, other social and cultural changes, scientific, technological, and environmental changes, and different economic and geopolitical systems).

We see the main value of LTIBs as being not answers or solutions they may arrive at, but different perspectives and questions that they can put in front of both Parliament and society at large. The implications of the LTIBs will then help shape capabilities that enhance the likelihood that we will thrive, whatever the future that finally emerges.

Recommendation

That the current framing of *Ngā wero me ngā huarahi o te anamata: Future challenges and opportunities* be revisited. We encourage the SSC to consider a broader and more open approach, rather than pursuing questions that already imply solutions.

Profiles

Dr Robert Hickson

Robert Hickson runs a consultancy, Day One Futures (<https://www.dayonefutures.nz>), that helps organisations think more constructively about the future. He became involved in futures thinking while at the former Ministry of Research, Science and Technology, leading its *Futurewatch* programme from 2009 to 2011. He was also the chair of an informal interagency futures thinking network. Subsequent roles in government agencies involved strategy development and organisational performance.

Recent futures-related projects that Robert has been involved in include emerging technologies and digital rights (Department of Internal Affairs), the future of sport (SportNZ), the future of sheep farming (AgResearch), and environmental challenges, opportunities, and transitions for construction in Aotearoa.

For the last 10 years Robert has written a blog on futures thinking and foresight called Ariadne. It is hosted by Sciblogs - <https://sciblogs.co.nz/ariadne/>

Dr Malcolm Menzies

Malcolm Menzies has worked in several futures-related research roles in policy areas as diverse as science, retirement income, social research, families and transport. He is a former chairperson of the New Zealand Futures Trust and has a Professional Certificate in Foresight from the University of Houston, Texas. His other qualifications are in science, teaching, business studies and public policy.

Related publications

- Menzies, Malcolm and Middleton, Lesley (2020). [Using Scenarios in Public Policy](#). Policy Quarterly **16** (2) 41-49.
- Menzies, Malcolm and Middleton, Lesley (2019). [An Evaluation of Health Futures: 2020 Visions](#) (five scenarios prepared in 1997). World Futures Review **11** (4): 379-395. Article first published online: July 13, 2019. <https://lnkd.in/gzTVYyn>.
- Menzies, Malcolm (2018). [A Partial History of Futures Thinking in New Zealand](#). Policy Quarterly **14** (1) 18-26.
- [“Futures Online”](#) (2016). A series of videotaped interviews with prominent New Zealanders to promote futures thinking in New Zealand.
- Menzies, M., Peren, R., Newell, H. (Eds) (1997) [Our Country: Our Choices; he tumanako mo te tau rua mano rua tekau/ prospects for 2020](#). NZ Futures Trust and Steele Roberts.

Submission on potential topics for the Te Kawa Mataaho / Public Service Commission long-term insights briefing

Max Rashbrooke, Institute for Governance and Policy Studies

15 September 2021

This brief submission is to urge the commission to focus its long-term insights briefing on the question of ‘How can we support better public participation in government in the future?’ While all the potential topics identified by the commission are important, this one seems especially so. As the commission notes in its call for submissions, greater public participation is something New Zealanders increasingly expect. It is vital if government is to deliver enhanced services and meet growing expectations – especially among younger generations – for government to be flexible, adaptable, and able to keep pace with the demands of the twenty-first century. Citizens are increasingly less deferential and more desirous of having a strong role in shaping decisions that affect them. Greater public participation is, therefore, essential to the future of government and the role it plays in New Zealand life.

There is good evidence that public participation leads to improved policies and outcomes.¹ It is also likely to lead to enhanced government legitimacy, as people are generally more accepting of decisions – even those that go against their preferences – if they feel the process of arriving at those decisions was fair and has taken account of their input. As the legal philosopher Jeremy Waldron has argued, “There is such a degree of substantive disagreement among us about the merits of particular proposals ... that any claim that law makes on our respect and our compliance is going to have to be rooted in the fairness and openness of the democratic process by which it was made.” To the extent that public participation brings together different sectoral groups and interests, it can also play an important part in finding consensus and discovering policies that will be enduring.

A briefing by the commission on this issue would be particularly useful given that the reality of participation in New Zealand public decision-making is often at odds with the perception. It is sometimes argued that New Zealand has a strong tradition of such participation, and of course to an extent that is true. However, this broad perception masks serious weaknesses. The Economist Intelligence Unit’s 2016 Democracy Index, for instance, gave New Zealand a low ranking for its “political culture”.² Meanwhile, the Open Budget Survey, although giving New Zealand a stellar rank overall, marked it down significantly for its lack of public participation in determining Budget priorities.³ As regards New Zealand’s contributions to the Open Government Partnership program, an independent assessment of the most recent action plan described only two of the 12 commitments as potentially “transformative”, even on a generous reading.⁴ And although voter turnout remains high by international standards, it is also significantly lower than it was in the 1980s, which makes encouraging other forms of participation all the more important.

¹ Murray Petrie, ‘What is public participation in fiscal policy and why is it important?’, Global Initiative for Fiscal Transparency, 7 June 2017, available at: <http://www.fiscaltransparency.net/blog/>. Max Rashbrooke, *Government for the Public Good*, Bridget Williams Books, Wellington, 2018.

² Economist Intelligence Unit, Democracy Index 2016, p.7

³ https://www.opengovpartnership.org/wp-content/uploads/2018/03/New-Zealand_MidTerm_2016-2018.pdf

⁴ <https://www.opengovpartnership.org/documents/new-zealand-design-report-2018-2020/>

Moreover, New Zealand has to date made limited use of the democratic innovations that are encouraging direct citizen participation around the world. A brief list of the most important of these innovations would include: citizens' assemblies, in which a representative group of people is brought together over a series of days or weekends to deliberate – and make recommendations – on an important policy topic; participatory budgeting, in which public authorities set aside a proportion of their capital investment budget for the public to allocate after deep discussion among themselves; and crowdsourced legislation, in which public authorities create methods (online and in-person) for citizens to suggest and debate potential Bills that, if sufficiently supported, are entered into the parliamentary process.⁵

These innovations are not merely ideas: they are increasingly being implemented across the world, as governments seek to find new ways to engage citizens more deeply and effectively, restoring trust and enhancing legitimacy. These deeply participatory forums are being tasked with handling some of the most crucial public issues of the day, as can be seen in the citizens' assemblies on climates recently convened in both Britain and France.

New Zealand, by contrast, is being left behind in what the OECD has termed the growing wave of democratic innovations.⁶ The consequent danger is that the way the New Zealand government functions will become increasingly out of step with what citizens – based on their knowledge of overseas practices – want and expect from their public authorities. It is not, of course, a matter of simply picking up and copying overseas models. Any innovation or new democratic forum has to work in New Zealand's specific context, most notably that laid down by Te Tiriti o Waitangi and the growing calls for tino rangatiratanga or political sovereignty for Māori. This, however, only heightens the need for the commission to address public participation in its long-term insights briefing, in order that its expertise be brought to bear on finding solutions that work in this country.

I have previously set out ideas for deeper public participation in decision-making processes, for instance in my report [Bridges Both Ways](#) and my book [Government for the Public Good](#). I would of course be very happy to assist the commission in investigating these issues further. And, whatever subject or subjects it ultimately chooses for its insights briefing, I wish it well in this work.

⁵ For details of these and other democratic innovations, see: <https://participedia.net/>. See also: Max Rashbrooke, *Bridges Both Ways*, Institute for Governance and Policy Studies, Wellington, 2017.

⁶ <https://www.oecd.org/gov/innovative-citizen-participation-and-new-democratic-institutions-339306da-en.htm>

Submission to the Public Service Commission Long-Term Insights Briefing, September 2021

Professor Sonia Mazey and Professor Jeremy Richardson, University of Canterbury.

Introduction

We begin our submission by emphasising that we have huge respect for the New Zealand Public Service as a whole and recognise that New Zealand has many outstanding public servants, some of whom we have been privileged to work with on our recent research on the New Zealand public policy process. Moreover, the New Zealand Public Service is well recognised and widely respected internationally. However, we do believe that the capacity and capability of public servants is somewhat uneven (a comment often made to us by interviewees and by some of the contributors to our forthcoming bookⁱ) despite recent reforms and innovations in some areas, including by the Public Services Commission and the Department of Prime Minister and Cabinet.

Long-Term Insights Topics for Consultation

All of topics listed are clearly of considerable importance. However, we believe that focusing on increasing the capacity and capability of the Public Service workforce for the future would be of the greatest value as it is an over-arching topic, with potentially considerable cross-sectoral benefits. Like many countries, New Zealand now faces a number of so-called ‘wicked’, complex policy problems, such as climate change, poverty and terrorism, all of which have thus far proved to be intractable and may become even more serious in the long-term. Tackling these problems – as well as future challenges which have yet to appear on the horizon - will require a collective societal effort, particularly from three sets of actors in the policy process, namely, ministers, public servants in policy roles, and key interest groups other stakeholders who possess vital knowledge and expertise – but in some cases also the ability to impede or even to veto the implementation of necessary reforms.

The Public Service Commission can do relatively little to influence the capacity of ministers (apart from possibly providing policy analysis training for MPs and ministers), but it can certainly help to foster institutional innovation in terms of interest group involvement in the co-design and effective implementation of public policies. However, the Commission is best placed to 'attract and develop

the right capability' as the Consultation document puts it. Public servants are the engine room of the policy process. Governments and ministers come and go, but public servants should be a consistent repository of non-partisan, high level technical expertise and analytical capacity within the policy process. In this sense, they have a vital 'stewardship' role, over and above providing advice to ministers on specific issues.

In order for New Zealand to solve current and future wicked problems, the Public Service needs to attract (and nurture whilst in post) the brightest minds into key policy positions. Anecdotally, it appears that here in New Zealand, entering the public service is generally not perceived by new graduates to be an especially desirable career path (except possibly for specialist roles in the Treasury, Reserve Bank and MFAT). This is in stark contrast to countries such as the UK, where being accepted into the graduate entry Civil Service Fast Stream is perceived by students (and their parents) as highly prestigious - on a par with securing a job at the BBC, *Financial Times*, or *The Economist*. In summary it signals that one is a 'high flier' with a promising (and well-paid) career trajectory ahead. Though we have no hard data to support our view, we did seek the opinion of the Head of Careers at Canterbury University, who confirmed our impression. (See Appendix 1).

As we suggest in the Introduction to our forthcoming publication, it is undoubtedly true that some of our brightest minds do enter the Public Service and rise to the top. However, we suspect that whilst at the top of the Service, we compare with the very best internationally, the 'tail' is probably longer than it should be within the New Zealand public service. New Zealand has its fair share of policy failures. Their causes are complex, but the Public Service must carry some responsibility for cases of poor problem identification, poor policy design, and poor policy implementation. Somehow, the 'patchiness' (or 'variability' as some of our interviewees put it) of the quality of the Public Service needs to be addressed. Attracting a higher number of really bright university graduates into policy related posts and introducing a truly unified, public service career development and progression framework will, in our view, help to resolve this problem. Thus, we believe that taking a long-term look at how to 'attract and develop the right capability' should be the Commission's selected Long-Term Insights' topic.

There will be no simple (or cheap) solutions, but we attach our own analysis and suggestions, albeit from an outsider perspective.

APPENDIX 1

16/09/21

Your question is an interesting one. From my observation, some university students/graduates do see the public service as a desirable career aspiration, others don't, and many (certainly here at UC) have not considered it as a career option at all. As you suggest, generally speaking I don't think students in NZ see it as much of desirable career aspiration as happens in the UK.

The students I have observed who do see it as a desirable career aspiration have historically been students interested in joining the likes of the Ministry of Foreign Affairs, Treasury or the Reserve Bank – government departments that are seen as prestigious in themselves, often with very competitive entry. These students have often chosen degree/subject pathways (e.g. Economics, Political Science/International Relations) closely matched to real or perceived study areas of interest to these departments. Their focus at this stage also seems to be on a particular department rather than the Public Service as a whole.

Students from areas of study such as Social Work, Criminal Justice etc; do see areas of the public service as relevant areas of work; again I'm not sure how many think more broadly than that.

Many students however appear unaware of the opportunities that the public service has to offer, or the opportunities to move within it, and are surprised to learn that these opportunities can match many of the things that they are wanting from a job and for their career development - ongoing learning, working with/for others, to contribute / make a difference, develop expertise, build reputation and gain recognition, variety, management & leadership opportunities, flexible working conditions etc;

I suspect that students at Victoria University in Wellington are more likely to see the public service as a desirable career aspiration. With the presence of the public service so great there, they are likely to be more conscious of the opportunities the public service offers.

As to be expected many students are simply not interested in the public service as a career pathway.

Chris Bridgman
Manager
Careers,
University of Canterbury

An Innovative Public Service will enable us to respond to the future.

17 September 2021

Sally Hett

The NZ Innovation Barometer team at Creative HQ encourages the Public Services Commission (PSC) to focus its Long Term Briefing (the Briefing) on the proposed topic:

How do we continue the innovation created in the Public Service through COVID-19?

This submission covers the following:

- The current state of public service innovation in New Zealand
 - Our research, learnings and work
 - Defining Public Service Innovation
 - Learning public servants' perspectives
 - About our work, the NZ Innovation Barometer
 - The impact of Covid on the innovation imperative
 - Why we need a system perspective
- Elements of the future state of public service innovation in New Zealand
 - Collaboration
 - Involving citizens
 - Building Trust
 - Creating space for learning
 - Building on and scaling innovation
 - Growing capabilities in new ways of working
- Summary
- Resources for future exploration

Innovation and creativity are central ideas in the new Public Services Act 2020. For these ideas to be brought to life, concerted effort is required. We believe PSC is the right System Lead to undertake this work. We see a future where the NZ Government is the leader of innovative systems, working collaboratively with each other and citizens. As a result, trust, transparency and accountability of our Government would increase.

The current state of public service innovation

Wellington is full of smart creative public servants. Through our programme, the [NZ GovTech Accelerator](#), we see pockets of innovative projects happening across government.¹

The projects are the result of the hard work and passion of internal champions. The Government's institutional environment doesn't currently encourage innovative projects. Innovations can and do happen, but the system could better support and enable them to thrive.

1. Our research, learnings and work

Our research into Public Sector Innovation in 2019 highlighted the current reality of public service innovation. After conducting 60+ interviews and a literature review, we had a much deeper understanding of what was going on with the aim of learning how to support innovation at the system level. Our research involved defining public sector innovation, and learning the perspectives of public servants.

A. Defining Public Service Innovation

We saw the need for a common definition of innovation in the public service. This collective understanding will support cohesion and grow the number of innovation projects. Our definition aligns to that of Nesta and the international community formed around the [Copenhagen Manual](#).

¹ The NZ GovTech Accelerator is a 12-week government innovation programme that takes projects and staff from government agencies who are tackling complex problems and applies proven innovation methodologies to create solutions that work. The programme aims to solve root cause problems, facilitate collaboration, and upskill participants – driving better outcomes for citizens.

Innovation is doing something new that delivers value and that's implemented.

We have outlined four general types of innovation to frame our thinking. We see that the New Zealand Government has a maturity around innovation, with a growing understanding of the different types of innovation that can happen right across organisations, in all teams, in different ways.

- **Service**

Actions to improve something for someone. This includes specific or generic services delivered to citizens or internal services to employees. Covid example: [Vaccination buses](#).

- **Product or Policy**

Product is adapted from the private sector's term 'goods'. Public service products are not for sale and could include Policy. Covid example: The usability of the tracer app.

- **Process**

Organisational changes to improve ways of working or gain efficiencies. This could be a small informal process improvement, or, for example, a formal new piece of technology. Covid example: The process young people at a Tāmaki Makaurau marae undertook to educate whānau on how the vaccine is safe; they ran workshops and made content for social media e.g. TikToks.

- **Communication**

Improving the way different groups communicate with each other. Covid example: Public campaigns, such as a video of Ashley Bloomfield feat DJ Macsen used at Festivals to remind attendees about Covid related public health practices.

B. Public servant's perspectives

Interviews revealed a diverse and widespread portfolio of innovative activity across government, a strong sense of public purpose, and a willingness to try innovative methods.

However the majority of our interviewees also experienced feelings of frustration or exhaustion when trying to innovate. Despite public servants' efforts to push boundaries and innovate, we repeatedly heard that opportunities are being missed as a result of institutional constraints. When innovations do occur, others are not able to easily learn about it or continue to build on them.

We heard agreement from senior leaders about the value of innovation in achieving their organisation's strategies. Complex long-running issues facing society require innovative approaches, however Senior Leaders have not had the data and insights to make strategic decisions to lift their organisation's innovative ability.

C. About our work, the NZ Innovation Barometer

This exploration led to the development of the [NZ Innovation Barometer](#) by New Zealand G2G at NZTE and Creative HQ to contribute to this system improvement and drive a more innovative culture.

The NZ Innovation Barometer provides

- 1. Visualised data:** The provision of new information, visualised in a unique and understandable way for senior leaders and all staff.
- 2. Insights & actions:** Supporting organisations through workshops to create a roadmap of tailored actions.
- 3. Track and benchmark:** Tracking the datasets year-on-year to see trends.
- 4. Learning exchange:** Creating case studies of successful innovation projects and sharing them across the public service.

The framework was designed in partnership with Victoria University of Wellington and is a globally unique and robust measure of innovation, incorporating academically-recognised factors.



We have included the Innovation Barometer in this submission as it highlights the receptivity of the NZ public service to improving innovative ability and growing a culture of innovation. The role of the Innovation Barometer is to support the system with data and insights, however more work is needed at the system level.

The NZ Innovation Barometer is made possible by the financial support of the Digital Government Partnerships Innovation Fund, run by the Department of Internal Affairs (DIA). It is supported by DIA, the Public Services Commission, and Statistics NZ who form the Advisory Board and understand the benefits of this system data. Imagine when we have this data for the whole public service?

We ran a Pilot in 2020 with four organisations and have funding and eight organisations ready to participate in the 2021 programme. The Innovation Barometer findings from the Pilot show that people have the motivation and energy to innovate, reaffirming the importance of this topic. Innovation is the growing trend, especially in an environment of increasing uncertainty.

81% of participants believe innovation delivers value in the public sector.

2. The impact of Covid on the innovation imperative

Covid has exacerbated the need, appetite and ability of the public service to innovate. We have heard the expression that *if you spend your way out of a session, you innovate your way out of a pandemic*. System Leads should make a concerted effort to ensure this momentum is not lost if we are to tackle current and future issues.

In the Covid context, products and services were rapidly developed and implemented. It has been 18 months since some of them were created. How are they resourced 18 months later? How have they integrated with other products? If we take a system view of some of the Covid innovations, we can see they were necessary siloes given the speed of establishment. Is it worth the resources to integrate the products or hope they are no longer needed in another 12 months time?

There is a need to reflect on why and how innovations were possible during Covid and work to embed the positive learnings and system infrastructure needed to continue innovating. How could we prevent siloed innovations in another crisis? Now is the time for this reflection from a system perspective.

3. Why we need a system perspective

There will be great benefit from a public service wide view to improve systems of innovation. Reviewing the future of innovation in the public service is best done by a System Lead, who champions improving how the public service operates and growing trust and legitimacy. We believe the Public Services Commission is the organisation with this mandate. The Long Term Briefings are the opportune policy tool to undertake this work.

The rest of this submission highlights elements of public sector innovation that the Briefing could explore in more detail.

Elements of the future state of innovation

Collaboration + trust are two pillars of a well-performing Public Service, enabled by innovation

1. Collaboration

Government's approach to innovation is distinct to that of the private sector where innovation is about the bottom line, developing IP and maximising profit. Government innovation is about improved citizen outcomes, fueled through collaboration. There is a strong opportunity in the non-competitive government environment to better collaborate and share learnings to better serve citizens. People and the environment are complex whose needs weave between different organisations making it imperative to collaborate.

Innovation Barometer highlight statistic: Collaboration between either different teams within an organisation or across organisations was a near universal feature of innovation projects. This indicates that growing people's understanding of what others do across government and in their own organisation (which was between 55-60%), will enable more innovation projects to occur.

2. Citizen involvement

We are seeing a growing desire for citizen involvement in decision making. It is acknowledged that 'those most affected by a given policy should have deeper involvement. Citizens are experts in their own lives'.² 'The co-creative relationship between the government and citizens depends on the willingness of the government and citizens to embark together on the public sector innovation journey'.³ The briefing process enables and encourages dialogue with citizens.

² Rashbrooke, M. (2018) Government for the Public Good, Wellington: Bridget Williams Books

³ Voorberg et al., 2015. A Systematic Review of Co-Creation and Co-Production: Embarking on the Social Innovation Journey. Retrieved from https://www.researchgate.net/publication/262726174_A_Systematic_Review_of_Co-Creation_and_Co-Production_Embarking_on_the_Social_Innovation_Journey

3. Building trust

Social cohesion is maintained by strong trust, and trust is both a prerequisite to and result of effective citizen collaboration. McKinsey has found that understanding citizens' needs and working with them to satisfy expectations can deliver up to nine times more trust in government.⁴ As the government needs to make increasingly challenging trade offs, maintaining trust will be a key focus. Our effective Covid response compared to that of other countries was predicated on our existing high levels of trust. This is maintained with nourishment and innovative processes of open government. Citizen involvement and collaboration will foster trust and confidence.

4. Creating space for learning

There is untapped potential to share capability and learnings across the public service. Public servants are busy doing both reactive and proactive work. When they learn something valuable from their work there are other people across government who could use that knowledge or approach in their own context. If the public service shifted its perception of failure, we could more effectively learn from failures to prevent them occurring again.

Innovation Barometer highlight statistic: 62% of respondents agreed that their team re-uses good ideas from other teams (within their organisation). There is scope to grow that sentiment and focus on cross organisational ideas exchange.

The Innovation Barometer's creating and sharing of innovative project case studies is one way to contribute to this learning exchange. The case studies focus on the lessons and approaches taken that can be applied across other contexts.

⁴ D'Emidio, T., S. Greenberg, K. Heindenreich, J. Klier, J. Wagner and T. Weber (2019) 'The global case for customer experience in government', September, <https://www.mckinsey.com/industries/public-sector/our-insights/the-global-case-for-customer-experience-ingovernment>

5. Building on and scaling innovation

Innovation may organically grow in individual organisations, but not at the scale we believe is possible. Scale is best led at the system level. Technology may play a role, which would improve efficiencies; one of the key outcomes of innovation.⁵ The utilisation of technology could contribute to bringing the principle of open government to life.

6. Growing capabilities

To see innovation occur everywhere, the public service needs to embed new ways of working. Innovative ways of working will enable people to approach problems in new ways, think like a system, and may increase productivity, preparing people for the future of work. This will be a continuous commitment as ways of working evolve to meet new circumstances. This work should complement and align with DPMCs Policy Project.

Innovation Barometer highlight statistic: 48% of respondents feel confident explaining innovation concepts to others. These concepts were gathered from DIA's Strategy for a Digital Public Service, ANZSOG, as well as from our Māori advisor Di Grennell. The concepts are: Human-centred design, Agile, Systems thinking, Futures thinking, Whānau-centred approaches, Iterative development, Collective impact, and Open data.

Case study capability example: We have seen that the ability to manage ambiguity is a key ingredient to a successful innovative project, this included:

- Greater comfort levels of the team in dealing with uncertainty and ambiguity. This was created through team communication, expectations setting, and having high trust.
- Staying in the divergent space for longer - this requires a release of control and preconceived ideas of the outcomes.
- Involving stakeholders from the beginning and not jumping to solutions.

⁵ The four key outcomes for public sector innovation we refer to as per the international work of the Copenhagen Manual are: improved quality, improved efficiency, improved user / customer satisfaction (e.g. staff, citizens, stakeholders), and user / customers have obtained greater influence on or insight into the tasks we do.

In Summary

The public service will likely look fundamentally different in 20 years. It's not for us to set what it will look like, rather to create the conditions to adapt and tackle the complex long-running issues collectively. Innovation will help effectively assess and respond to future challenges. This is not best done ad hoc, organisation by organisation with high duplication of effort. We believe government System Leads can step up. We see PSC leading as you are responsible to 'improve system capability, lift consistency and quality of delivery and reduce duplication of effort'.⁶

We will continue our mahi of the NZ Innovation Barometer, gathering data and insights to improve individual organisations' innovative ability and the system as a whole. We look forward to collaborating with the Public Services Commission. We are interested in being involved in future workshops and are open to any other discussions.

Resources for future exploration

Below are some resources to kick start research for the Briefing.

- [Nesta Playbook](#)
- [IB case studies](#)
- [Human Learning Systems Report](#)
- [A Strategy for embedding innovation in the Irish Public Service](#)
- https://media.nesta.org.uk/documents/innovation_in_public_sector_orgs.pdf
- <https://www.publicservice.govt.nz/assets/Legacy/resources/bps-2142856.pdf>

⁶ Overview of System Leadership Roles. Sep 2019. Retrieved from <https://www.publicservice.govt.nz/assets/SSC-Site-Assets/MOG/System-Leads-Framework-public-facing-19sep19.pdf>

From: [Josiah Tualamali'i](#)
To: [Long Term Insights](#)
Subject: Long Term Insights Briefing - Please focus on the state and future of the "Realm of New Zealand" relationships
Date: Monday, 20 September 2021 10:38:48 pm
Attachments: [image.png](#)
[Letter to Josiah Tualamali'i - 7 September 2021.pdf](#)
[Letter to the Climate Change Commissioners, Minister Sio and Minister Shaw.pdf](#)
[Letter to Te Arotake i te Anamata mō Ngā Kaunihera \(Local Government Futures Inquiry\).pdf](#)
[Gmail - Message of acknowledgement from the Panel Members.pdf](#)

20.09.21

Fakaalofa lahi atu, Kia orana, Mālō nī and warm Pacific greetings,

RE: Long Term Insights Briefing

Thank you for undertaking this work, and enabling communities to participate in influencing this important mahi. I was particularly drawn to the questions "How can the Public Service get more joined-up to tackle future and intergenerational problems" and capacity in the public service.

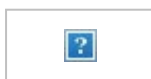
Please find attached copies of exchanged letters where I have raised New Zealand's responsibilities around the "Realm of New Zealand" in domestic policy making spaces, as an area that I hope across the public service is prioritised as an area of joint focus.

New Zealand's planning and connection between what happens in this area of not-so-foreign-affairs, rather whanaungatangata affairs, around the Realm of New Zealand is inadequately incorporated into the decisions across our public service, and in bill consideration to name but two areas. The understanding and consideration of the impact of these relationships including the impact of New Zealand's status as having a colony, Tokelau, and how this should impact every decision where we do not do this we are perpetuating colonisation.

I implore that you please establish a specific Long Term Briefing focus on convening talanoa across Government on these specific relationships, setting joint agency KPI's determined alongside community inspired actions, and most importantly who is leading in the domestic context in respect of these relationships. We need this focus to honour these relationships and communities in all policies. If we had this work done already it would be a helpful guide in the context of our New Zealand regional bubble options and our Aotearoa New Zealand public understanding why we must have an equity approach focusing on the Realm first.

I hope to be able to assist you in developing this work.

Manuia le aso,



Josiah Tualamali'i

<http://www.josiahtualamalii.nz/>

E-Attachments:

- Letter to the Climate Commission and Ministers Hon. Shaw and Hon. Aupito
- Letter from the Climate Commission – *which does not address my challenges about the Realm of New Zealand.*
- Letter to the Inquiry into Local Government.
- Message of initial response from Local Government Review Secretariat.

- Submission on priority languages bill
 - https://www.parliament.nz/en/pb/sc/submissions-and-advice/document/53SCEW_EVI_80226_EW1362/josiah-tualamalii

14.08.21

Talofa lava Climate Commissioners,

cc - Minister Hon. Afioga Aupito and Minister Hon. Shaw

Thank you for the complex and essential work you have been undertaking Climate Commission team. I am deeply impressed how you are enabling communities to have the strongest possible understanding of what you have considered and changed in your recent reports. I also would like to raise with you CC team and the Government that I am extremely disappointed with one aspect of the Commission's advice and how it reflects on what I raised in my submission, and that I know others raised.

"Some submissions talked about global equity: the responsibility of richer countries such as Aotearoa towards poorer countries that are inequitably disadvantaged by climate change. Many said it was important for Aotearoa to show leadership for and support Pacific neighbours."¹

After inadequate inclusion of Pacific communities' voices in the earlier work, (or not demonstrating that this was done) I am saddened that this is the single line which speaks to what was said.

As I highlighted in my submission which I attach below, we have a dependent territory (I use the word colony) Tokelau, and we have the Cook Islands and Niue who are in Free Association with New Zealand, I could not be more disappointed that you have summarised feedback around this to "Many said it was important for Aotearoa to show leadership for and support Pacific neighbours." The plain message in this chapter does not speak to the economic, cultural and constitutional integration we have and the realities that New Zealand has to navigate in this context of not foreign affairs, rather whanaungatangata affairs. I hope that your Commission please specifically write a submission summary of Pacific peoples voices, and respond to the specific responsibilities and context that has been neglected in this report.

¹ <https://www.climatecommission.govt.nz/our-work/advice-to-government-topic/inaia-tonu-nei-a-low-emissions-future-for-aotearoa/chapter-summaries/>

Fa'afetai lava Ministers Aupito and Shaw for what I know you both are committed to, around the Realm of New Zealand, and our Treaty of Friendship with Samoa being better understood and activated. I raise this with you, and my submission for your awareness.

la manuia,

A handwritten signature in black ink, consisting of stylized cursive letters that appear to be 'JLT'.

Josiah Tualamali'i

ATTACHED BELOW: Climate Change Commission Draft Advice Submission 28.03.21

28.03.21

Malo lava Climate Change Commissioners,

I am writing this after a weekend with the Untouched World Foundation team at Peel Forest considering the types of leadership we need to address the significant challenges ahead for our environment, wellbeing and many other areas. I want to thank you all for the emphasis in your consultation documents that we have areas of success to build on. We must keep sharing across Aotearoa, and the world that there is hope, and that we can make the difference we need. As part of this, there is an opportunity to highlight the examples of the resolve that can nurture this belief and collective action. I encourage you to please read what we share about Pacific Peoples response to climate and other adversity over generations – and consider recommendations around us building a “it is not too late” attitude as we say in our co-authored article.² I also encourage the Commission to make specific recommendations that we continue to do more and go deeper while also strengthening communities, and mental health and wellbeing supports so that we are able to collectively act, and keep the faith that we can make tomorrow better.

I was surprised to not see a focus in the report about our national responsibility to work in collaboration across the Pacific. With Tokelau as a dependent territory of New Zealand, our other Realm relationships, and Aotearoa being a Pacific country, two broad references in the first 9 chapters to MFAT do not cover this intricate part of who we are. There is a piece of work the Commission must do to centre the leadership we must collectively be part of in our wider neighbourhood, and particularly with the symbiotic relationship across the Realm of New Zealand, and Pacific more broadly. Additionally we need to see in our reports that an additional external motivation to act to address climate impact is as we see written in Professor Damon Salesa’s “New Zealand’s Pacific” that every day we as a nation must work to atone for our painful colonial balance sheet.³ I do not think an Aotearoa alone approach addresses nor situates us as a Pacific country, nor enables all the deep opportunities that there could be.

² Hayward B. Salili D.H. Tupuana'i L.L. Tualamali'i J. It's not “too late”: learning from Pacific Small Island Developing States in a warming world. *Wiley Interdiscip. Rev. Clim. Change*. 2020; 11: 612
<https://onlinelibrary.wiley.com/doi/abs/10.1002/wcc.612>

³ Salesa, D. I. (2009). New Zealand's Pacific. In G. Byrnes (Ed.) *The New Oxford History of New Zealand* (pp. 149-172). Melbourne: Oxford Univ Pr. URL: <http://hdl.handle.net/2292/15752>

I also wanted to ensure you were aware of a few Pacific Youth reports with their thoughts I would like you to please consider as part of your deliberations. The 2017 Pacific Youth Parliament hosted in Christchurch called for a number of things.

2017 Pacific Youth Parliament Act:⁴

“14 Environment

(1) PYP declare that New Zealand is not doing enough to address climate change and environment issues.

(2) We propose the following measures to be considered by the New Zealand Government

(a) A national initiative to phase out cars that use petrol, with a goal in mind of 100% electric cars across New Zealand to reduce our reliance on fossil fuel.

(b) The Afforestation Grant Scheme is a funding program designed to help establish 15,000 hectares of new forest in NZ between 2015 and 2020. PYP affirm its support for this and encourage the Government to continue with more programmes such as this.

(c) PYP encourage businesses to consider how they can avoid cutting down historical and native New Zealand trees. (d) PYP affirm its dissatisfaction with the Emissions Trading Scheme which we do not believe is effective. PYP call for a review of how the current system works, with the idea of moving away from a financial incentives scheme. We believe that if allowing a country to emit more carbon just because they can afford it is immoral. We propose a working group be set up to create a new system which includes young people, and is perhaps founded on Pasifika values.

(e) PYP declare its support of a Taonga Tax which would be added to existing border charges for international visitors. PYP would ensure the tax is sufficient without being over burdensome. Options could include tourists only having to pay this tax if they have been in the country for more than six months.

17 Refugees

...

(2) PYP want to see consultation, discussion and information sharing on how the refugee quota works and who is given priority. We want to see that New Zealand is playing its part in looking after our Pasifika islands that are sinking.

(3) At this stage it is unlikely that it would be physically possible to thwart the sinking of the Pacific islands beyond an expensive multinational project raising the islands or lowering the sea level.

⁴ <https://www.parliament.nz/media/3868/pacific-youth-parliament-our-movement-act-2017.pdf>

(4) PYP stress that immediate and intensive action needs to begin now for looking at taking in refugees from the sinking island nations. New Zealand would need to consider how it can help these people preserve and grow their culture and language in a safe way in New Zealand. We believe the Government needs to start cross departmental discussions on the costs involved and how to house and look after this group.

(a) PYP's recommendations around housing needs to take into account possible refugees, as does current Government policy.

(b) PYP would encourage the Government to get businesses thinking about this issue.

Additionally, these thoughts and calls from the Pacific Youth MP's were also reflected in the 2018 Government Inquiry into Mental Health and Addiction report – He Ara Oranga.

“Further, the sector must be well positioned to effectively care for Pacific climate migrants whose mental health and wellbeing may be significantly and adversely affected by the challenges of displacement from homelands because of rising sea levels.”⁵

Finally I would also ask Commission staff to please read through the Pacific Youth Leadership and Transformation Trust coordinated youth submission from Christchurch on the Zero Carbon Bill and consider the ambitions of the young people here.⁶

Thank you for this opportunity to contribute, for holding so many of our hopes, I will be keeping your talanoa in my karakia.

Fa'amalosi!

A handwritten signature in black ink, appearing to be 'JT' with a flourish.

Josiah Tualamali'i

⁵ He Ara Oranga - Page 89 - <https://mentalhealth.inquiry.govt.nz/assets/Summary-reports/He-Ara-Oranga.pdf>

⁶ https://www.parliament.nz/resource/en-NZ/52SCEN_EVI_87861_EN17397/66d00d668c10c001703a445a1d9e10323f4cd631

27.08.21

Talofa lava Mr Chair, and Panel Members of Te Arotake i te Anamata mō Ngā Kaunihera,

My best wishes for the complexity of what you are working on, in the added challenges of Alert Level 4. I see from your webpages on the DIA site you have an upcoming interim report to the Minister signalling the intended direction of your mahi. I wanted to raise an area of opportunity that I ask is please included in this vision and your future work.

I was one of the Panel Members of Oranga Tāngata, Oranga Whānau (the Government Inquiry into Mental Health and Addiction, 2018). In our report we highlighted a vision for Pacific peoples wellbeing 'Vai Niu' drawing on the metaphor of nourishing coconut water.¹ There is an aspect of Vai Niu that I would like to specifically raise in the context of your review:

“To achieve equity for Pacific peoples, barriers of stigma, discrimination, institutional racism and unconscious bias must be eliminated and access to services improved. All people, including Pacific Rainbow communities, will be embraced for who they are... Greater recognition of the peoples of the Cook Islands, Niue and Tokelau and those nations' constitutional agreements with New Zealand is essential.”

In my view most Local Government entities in Aotearoa minimally demonstrate that Aotearoa is a Pacific country, and further, I do not see that our national constitutional relationships and obligations translate into a standard of how Local Government operate. There is a greater need for people of Aotearoa and Local Government entities to understand and deepen Pacific ways of being, and Pacific relationships being picked up in the everyday such as a focus on Realm regions of partnership rather than Sister Cities alone which sit further away and which we don't have constitutional obligations to.

It is important to me that my letter here is understood to not undermine Te Tiriti, rather as our constitutional foundation, these relationships sit alongside it. In my view these responsibilities are enhanced by tangata whenua and their journeying from the Pacific, and so instead we have this

¹ <https://mentalhealth.inquiry.govt.nz/inquiry-report/he-ara-oranga/chapter-3-what-we-think/3-5-vai-niu-pacific-health-and-wellbeing/>

need that these relationships are not foreign affairs and we nationally shift to whangatanga affairs. Here is a summarised timeline of the constitutional Pacific relationships Aotearoa holds, that in my view deserve a national Local Government approach to.

	Cook Islands	Niue	Tokelau	Samoa
Annexed into New Zealand.	1901	1901		
Ruled by New Zealand.			1926 (From Britain), fully incorporated in 1948	1914 (Took from Germany)
Now 'In free association' ²	4 August 1965	19 October 1974	-	-
Independence				1962
Apology from NZ Crown				2002

I know of one example of a Local Government entity hearing what has been missing and is attempting to address this. The Christchurch City Council in their most recent Communities Strategy review which is going out for consultation on September 10th is intending to address this gap.³

“It is also important to ensure that the refreshed strategy aligns with the Pacific world view of wellbeing and community. Consideration should also be made of the constitutional responsibility Aotearoa has to the realm of New Zealand Countries – The Cook Islands, Niue and Tokelau.” (Page 14)⁴

The Realm was also raised in the persuasive Waka Kotahi sponsored report “The relationship between transport and mental health in Aotearoa New Zealand”

“We are reminded of the special relationships Aotearoa has with our Pacific neighbours as well as the Treaty of Waitangi, and that transport policy should reflect these partnerships.

² <https://www.mfat.govt.nz/en/countries-and-regions/australia-and-pacific/cook-islands/new-zealand-high-commission-to-the-cook-islands/about-cook-islands/>

³ Attached below is the submission I wrote including Pacific Peoples feedback to the CCC over 8 years to support you seeing some of the desires of my communities here raised.

⁴ <https://ccc.govt.nz/assets/Documents/Consultation/2021/08-August/Strengthening-Communities-Strategy-Refresh-Community-Engagement-Report-.pdf>

“Transport policy also has to be cognisant of our constitutional relationships and the realm of New Zealand and the Treaty of Friendship with Samoa, not just the Treaty of Waitangi and the partnership that guarantees. And I think in all our policies that’s the second part that yeah that’s the ‘poor cousin’ of the Treaty.” (Page 41)⁵

Outside of this need we are seeing some good examples of shift happening but unfortunately not systemically enough including in the work of the Climate Change Commission.⁶

As you can see I have big hopes for the future of Local Government, and your review. I very much want your work to succeed and if I can support in any way I am available to provide more evidence, link you to others in our communities, zoom, or meet in person when the levels enable that.

Thank you for your service to Aotearoa.

Soifua la manuia,

A handwritten signature in black ink, consisting of stylized initials 'JT' followed by a flourish.

Josiah Tualamali'i

⁵ <https://www.nzta.govt.nz/assets/resources/research/reports/675/675-the-relationship-between-transport-and-mental-health-in-aotearoa.pdf>

⁶ Please see attached letter.

02.09.20

Talofa lava Christchurch City Council,

Re: Revisiting of the CCC Strengthening Communities Strategy

Thank you for the opportunity to submit. I was unaware of the 2007 Strategy, back then I was at the end of primary school, so it was quite the throwback thinking of that time haha. It was helpful to be able to look at the Community Research Reports and previous strategy for CCC. I was glad to see that in the 2008 Community Wellbeing Research Review, Council acknowledged that significantly more work was needed to include Pacific People's voices, understand our literature and sources of evidence.

Our population

As you will know since 2008 the Pacific population in Christchurch has grown, as has our voice and participation across our city, and the Council's activities.

	2006	2013	2018
General Population in Christchurch	337,392	330,645	358,062
Pacific Population in Christchurch	9,378	10,011	14,028

- (Stats NZ 2018 – It is likely this does not capture the full number of Pacific people living here)

Our voices

A meaningful decision that could be made with the updated strategy is to reflect what Pacific communities have said to Council in a number of formats since the last review; particularly in the context that a number of community recommendations have not been carried out, or sustained. I have pulled together key submissions summaries, quotes and other insights I am aware of to support Pacific people's voices being embedded in this updated strategy - please find these below.

Additionally, I think it is essential for Council to implant in this strategy is the vision for Pacific Wellbeing 'Vai Niu' that Dr Jemaima Tiatia-Seath and I co-wrote into the Government Inquiry into Mental Health and Addiction Report, 2018.⁷ Council journeying alongside 'Vai Niu' in its context

⁷ Pages 86 – 88 - <https://mentalhealth.inquiry.govt.nz/assets/Summary-reports/He-Ara-Oranga.pdf>

would ensure that strategic choices would be in line with our national approaches to enable our country, and our city to be a place of belongingness and wellness for Pacific Peoples.

One specific area we mention in 'Vai Niu' is the constitutional responsibility Aotearoa has to the Realm of New Zealand countries the Cook Islands, Niue and Tokelau. Christchurch manages to give significant and adequate visibility to the other part of the Realm, the Ross Sea Dependency, and yet the other parts of the Realm have very little, to no visibility formally in our city. The Council determining what honouring the spirit of the whole Realm in its work would be a significant and is an essential decision that may fit in this strategy, and more broadly across its work.

Other areas

Included below is a comment from the Pacific Reference Group submission to CCC for a Pacific Strategy or Pacific plan following the approach that is taken on a national level.⁸ This could take a number of forms and could be similar in approach to the plans local boards, and Auckland Council use.⁹

It has been good to see Pacific peoples distinctly distinguished as a strategic action area in Christchurch Arts Strategy, "Celebrate our heritage, arts leadership and connections with Te Moananui-a-Kiva -the Pacific." In an ongoing way it is essential that this strategy speaks to Christchurch being a city of the Pacific, and the distinctiveness of Pacific Peoples and our aspirations, and operationally having adequate staffing set aside to assist with deep Pacific engagement and action.

Final Comments

It maybe that few Pacific Peoples of Christchurch will submit on this strategy review, but many will have shared with Council elements related to this topic in the years since the last review. A specific project delving into what has been heard in all the forms Council collects information from specific population groups that these processes do not well engage well with would likely assist this project having the deep, lasting outcomes for those often not well heard.

If I can assist further in any way please get in contact, la manuia,



Josiah Tualamali'i
Ōtautahi Pacific Communities Advocate

⁸ See Page 5.

⁹ <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/whau-local-board/Documents/whau-pacific-peoples-plan.pdf>

What are some of the things Pacific Peoples have said to Council and Councillors since the 2008 Review?

A. iSPEAK on the Living Wage – 2013

PYLAT hosted a discussion seminar on what the Living Wage was and as a result participants advocated which was sent to CCC Councillors at the time.

- a. “We also agree that government and local councils should pay a ‘Living Wage’ to its workers, however we would not support this to happen if it was at the expense of the government or local council having to cut one or any of its services.”

B. Local Body Elections and CCC District Plan Review Submission

- a. “Pacific youth believe the current postal voting system is out dated and no longer engages the community sufficiently to stimulate participation in Local government politics. Internet voting should be used for the next Local Body election, information about voting and why you should vote needs to be more prominent and there needs to be educational activities to make people understand why voting is crucial. With the introduction of online voting, consideration needs to be made about how to engage our elderly and those without access to the internet. For our community, using our churches is the best means to engage us and we believe election officials should collaborate with our churches to ensure widespread voter turnout.”
- b. Said that it has been hard for Pacific young people post-quake, there have not been adequate space for Pacific people to participate in the rebuild of the city. To address this, they said “We strongly recommend that all relevant organizations begin engaging our people through churches and community groups to ensure effective communication with Pacific people.”

C. Mayor in the Chair – 2015

The PYLAT Chair reiterated the *iSPEAK on the Living Wage* data and the following comments are from the PYLAT speech notes:

- a. “At the Pasifika community Fono [in 2015] it was recorded that we want more support for Pasifika cultural intelligence across council, Pasifika staff to be well supported and all staff to have the ability to be recognised for their work. I want there to be diversity awards for the community of which there are some set aside for staff.”
- b. “In our discussion on the last Christchurch Local Body Elections our youth said that they supported a city centre where there were less cars and more bikes. Both in this discussion and at the Pasifika community Fono on the Long Term Plan on Monday want a Pacific Village space or place for Pacific people to have a “permanent, visible, Pacific space for Pacific people to meet, teach, and share culture and art with others. We also want to see more happening out in the Eastern Suburbs, with New Brighton being recognized once more and redeveloped into a valuable city asset.

- c. Christchurch was set up as a planned city in 1850, with churches and institutional buildings in defined places but there's never been a clearly defined place for Pacific or Maori people in the landscape, so in changing this the CCC would challenge other decision makers across NZ to support in their communities.
- d. Part of ensuring Pacific people have a permanent visible place in the city was discussed at the community fono and I am going to finish with these recommendations which will be sent in as a submission.
 - 1. The Council should consistently support SPACPAC Polyfest
 - 2. The Council should have a representative on the Christchurch Pasifika Network
 - 3. The Council should reinstate a Pasifika reference group identifying that Pasifika community engagement is different from Maori and other ethnicities and to support the Council efforts to work with our community."

D. Turning the Tables – 2015

The four Pacific youth participants in Turning the Tables event which debated the top 5 issues alongside other participants stated:

- a. There needs to be more inclusive support for young Pacific people and people experiencing mental health challenges, training for those who want to speak about mental health and support others.
- b. "Developing a two-way conversation [with Council] is key. Having our say is important to us, and so is being genuinely listened to. Unless you're an engaged young person it can be difficult to have your say in CCC matters. Youth Councils do a lot to get the voices of young people heard but decision-makers need to be willing to listen."
- c. It was voted by Pacific and all participants that Turning the Tables become an annual event.

Broader than just four Pacific participants five deliverables were set:

"A working party met and discussed the following with CCC representatives as a way of moving forward with the suggestions and ideas discussed at 'Turning the Tables':

CCC Website	CCC will hire a person to do some research and make recommendations to the IT team on making the 'have your say' aspect of the website more youth friendly and easier to engage with.
Annual Plan	Working with CCC to plan youth engagement in the Annual Plan.
Youth Strategy	Working party would like to encourage CCC to develop a Youth Strategy.
Multicultural Working Group	Support the multicultural working group to engage with young people for their feedback on strategy.

Pre Election
Debate

Hold a pre-election debate with the Mayor and Councillors to debate important youth issues.

This led to a discussion about wanting to engage more young people to vote in the next local election – selling it as something that matters and is interesting and relevant.

“10

E. Multicultural Strategy Review Submissions Feedback - 2016

In this feedback was two submissions from Pacific collectives. A Pacific youth led submission, and a health leader’s submission:

a. PYLAT

On behalf of 30 young people, and 10 adults the Pacific Youth Leadership and Transformation Trust collated their voices together saying a number of things:

- i. Greater sharing and celebration of Pacific and other ethnic community stories as part of the Christchurch story
- ii. Deeper involvement of Christchurch’s Pacific communities in decision making and the life of the city.
- iii. There was a feeling that Council did not have good ways of acknowledging their feelings and perspectives, and there was limited outcomes for Pacific peoples.
- iv. Racism was raised as a significant problem
 1. “my culture and ethnicity is both frowned upon and looked down on because of social media and stereotypes.”
 2. “I wish I felt comfortable in all parts of the city. Places like Ballantynes, Merivale, etc. do nothing to be inclusive. The times I have been there I get treated like I’m not supposed to be there.”

b. The Pacific Reference Group

Canterbury-wide health leadership collective including Pegasus, the DHB, Pacific health providers and advocates.

- i. “Each ethnic group has its own unique values cultures, traditions and ways of being. As a result, there is the potential for the uniqueness of our Pacific community to become lost within a multicultural strategy.”

¹⁰ Copied from the *Turning the Tables Report* – By Christchurch Youth Council, PYLAT, CCC and Youth Voice Canterbury

- ii. “Pacific people form a vital part of New Zealand’s identity and have a special relationship with New Zealand. This relationship is based on New Zealand’s constitutional obligations with the Cook Islands, Tokelau and Niue and a Treaty of Friendship with Samoa. It is also seen in the longstanding migration of Pacific communities to New Zealand for a better life, our ever growing New Zealand born Pacific population, and most importantly, New Zealand’s place as a Pacific nation. In recognition of the special relationship that exists between the New Zealand and the Pacific Islands, the PRG recommends that Council consider developing a separate Pacific Strategy.”
- iii. “As this is a Council Strategy and in order to be truly effective, the Action Plan must reflect that meeting the targets is the collective responsibility of Council at all levels i.e. from governance to operational.”

c. Multicultural Strategy Sub-Committee Draft – 2016

The Committee in their draft implementation plan recognised that for Pacific Peoples the following should take place. Unfortunately, none of these Pacific community aspirations were included in the CCC implementation plan.

- i. “Fund, organize and support events and initiatives for the maintenance and exchange of cultures and languages in Christchurch, including Language weeks, resource Libraries Diversity and Pacific Plan.”
- ii. “CCC enables culturally diverse staff to create platforms for strengthening their point of view within the organization, e.g. Pasifika staff fono, multicultural staff forum, communities of practice”
- iii. “Work with culturally diverse communities to explore widening the reach of the culturally diverse events and improve their quality (e.g. develop a high quality city wide multicultural event and a high profile Pasifika event)”
- iv. “Fund a new full time Pasifika Advisor position as part of the Metropolitan Community support team”

F. PYLAT Submission to the Housing Subcommittee - 2018

Presented data from their research with Pacific youth about home ownership and asked Committee and Council to do the following

- a. For CCC to reflect on the number of bedrooms in the social housing stock & for CCC to do a warrant of fitness on the home in their stock.
- b. Consider a city wide programme to assist more Pacific People owning homes.
- c. Consider the trust issue many Pacific people have with decision makers and whether this is a problem affecting help seeking around housing, and whether another arrangement could make reaching out for help easier in Otautahi.

G. Videos – 2018

Pacific youth and families have shared their thoughts in Council Communications videos

- a. Mena and Maria – encouraging an increase in recreation and community facilities. Including youth and elderly spaces. ¹¹
- b. Tualamali’i family – “I want to live in a city that looks after its people, where there’s no homelessness, I want a city where we care for our young, our elderly – everyone.” Spaces to hang out and be, and loving our natural environment and not polluting it. ¹²

H. Canterbury Arena Investment Case Feedback – 2019

It was raised with CCC in February 2019 that there should be a specific Pacific community talanoa around this work. It was later mutually agreed to not happen at this time with the context of the Mosque Terror Attacks. Council did affirm that due to the significance of the site culturally to St Paul’s Trinity Pacific Congregation and Pacific people in Christchurch that Pacific People would be a stakeholder in the work going forward.

When the Investment Case report was put to CCC in December 2019 there was no mention in the report of this significance to Pacific peoples and there had been no further discussions. This was raised directly with the highest levels at Council, and it was affirmed this would not happen again -I hope it does not.

I. Te Pae Pikari – 2020

When Council decided to set up a Youth Standing Committee the Christchurch Youth Council as the leading youth voice in the city asked the CCC to include PYLAT as a partner alongside them in this mahi.

I am proud this is happening, and if my understanding is correct this will be first time we have a Pacific person who will be part of a formal Council Subcommittee. This will be an important space to grow the connection of Pacific youth voice and connections for Pacific people with Council more closely.

¹¹ <https://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/long-term-plan-and-annual-plans/ltp/meet-our-people/community/>

¹² <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/Long-Term-Plan/2018-2028/Long-Term-Plan-2018-2028-Consultation-Document.pdf> (Page 47)

28.01.21

Talofa lava Education and Workforce Committee,

I support the broad aims of this Amendment Bill and agree that in Primary and Intermediate Schools there should be priority languages.

I encourage the retention, and strengthening around Te Reo Māori and NZ Sign Language as languages that must always be in the priority languages in these education settings in Aotearoa.

The significant missing piece in this Bill is reflecting the unique relationship and constitutional responsibilities Aotearoa has to support the Realm of New Zealand. It diminishes the mana of Parliament, and any Government that has to give effect to it, if it needs to come down to community consultation and Ministerial advice to the Governor General whether the languages and dialects of Niue, the Cook Islands and Tokelau are placed on this priority list; particularly in the case of Tokelau the only dependent territory of Aotearoa. The 'Pacific Reset' policy established by the previous Coalition-Government speaks of the opportunity and need for Aotearoa to remove approaches that are parental, and be in true partnership in the Pacific, where live and be not as foreign affairs, but instead whānau affairs. This choice to elevate the languages of the Realm as permanent priority languages will deepen our collective understanding across Aotearoa that we are a Pacific country, assist us to own and further remedy our Pacific colonial legacies, and also signal and support the current significant constitutional relationships that we have across the Realm. This change to the Bill would also support an essential signalling that there is a deeper need for our Realm relationship implications to be considered, and accessed across all domestic policy.

And so I encourage the committee to write into the Bill that there be three categories of languages:

Category 1	Te Reo Māori	Permanent	Specifically separate Te Reo Māori to make clear Parliament recognises its special status as the indigenous language and its dialects that are unique to Aotearoa.
Category 2	New Zealand Sign Language, Cook Islands, Niue and Tokelau	Permanent	Distinct category to highlight that New Zealand must strengthen and honour its responsibility to these constitutionally significant languages. As highlighted above for the Realm, and for NZSL as a language of accessibility, and to ensure the protection of Deaf culture.
Category 3	5 Community Consulted languages	As per regulations already in the Bill	Up to five community consulted languages that subsequently the Governor General on advise of the Minister will make an Order in Council for.

Manuia le aso,



Josiah Tualamali'i

From: [Pylat Council](#)
To: [Long Term Insights](#)
Subject: Submission for LTI
Date: Tuesday, 21 September 2021 12:01:17 am
Attachments: [Gmail - Reply to Ministers office Re Proposals against incitement of hatred and discrimination Discussion with Pacific Youth.pdf](#)
[iSPEAK on the Hate Speech Proposals Submission - v2.pdf](#)

Talofa lava and warm Pacific greetings,

We are excited to contribute to this kaupapa, and by way of a brief intro we are a Christchurch based charity who empower Pacific young people's voices.

Our team has been around since 2010 and since then we developed a number of approaches which contribute to enabling more Pacific young people to have their voices more meaningfully heard in the decisions the Government and Parliament makes in many areas. We noted your specific questions around looking for opportunities for the future of how the public service works.

We would like to discuss with you further about our iSPEAK model, our Pacific Youth Parliament and other programmes and events we run to grow Pacific youth voice. And reflect together on standards of cultural and youth development appropriate engagement that could be across Government to assist specific populations who are least likely to participate in democracy having a deeper connection, and when they do that this is able to be maintained.

Below is one of the submissions produced after our iSPEAK Pacific youth discussion on the recent 'hate speech proposals'. Unfortunately we had to hire an external legal consultant to interpret the proposals because in our view the way they were written was not adequate for best practise Pacific youth, youth or community engagement. We are proud to see the feedback of our young people and others has brought in bill and inquiry summaries on the Parliament website and Government needs to acting like this - in other words being able to summarise the salient points in a few pages, and one page as the consultant was able to do as is illustrated in the appendices off the submission.

In another area we had a discussion with the Minister's office when we found out he was unable to attend, and asked them to write a message of encouragement to the young people to participate without saying anything specific about their contributions. Unfortunately the impact the letter could have had was avoided by what seemed like a letter too focused on process rather than people.

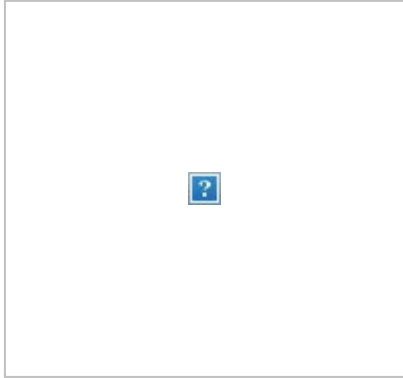
There is deep work to do in valuing the contributions of our young people when they do participate in democracy, communicating back the value of their contributions including as part of education processes,

Across Government there does not seem to be a minimum level of understanding of how much work, particularly when we reflect on the Dawn Raids apology and the tentacles of trauma from those and other insidious state actions, is done to build up the trust of one Pacific young person to participate in the system and actions around the care of how these voices are treated matters deeply. Approaches embedded with Pacific youth co-design models like this one we collaborated on with Le Va must have greater visibility and centring - <https://www.leva.co.nz/wp-content/uploads/2016/07/Pasifika-Youth-Participation-guide-A4.pdf>

Soifua Ia manuia,

Josiah Tualamali'i on behalf of the Pacific Youth Leadership And Transformation Trust (PYLAT)

Have you checked out our online accounts? Find us on - [Facebook](#), [Twitter](#) & [LinkedIn](#)





Submission to the Ministry of Justice



**ON THE
HATE SPEECH PROPOSAL**

August 2021

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ABOUTUS

PYLAT

Most commonly known as PYLAT, we are the Pacific Youth Leadership and Transformation trust, a charity based in Christchurch led by a board of 13 Pacific young people. Formed after the first Pacific Youth Parliament in 2010, we do everything we can to empower Pacific young people to participate in all worlds.

PREAMBLE

This was our 24th iSPEAK discussion seminar, a project we began in 2012 where we were unable to have a Pacific Youth Parliament (PYP) because of the impact of the Christchurch Earthquake sequence on our communities. Riki Welsh, PYLAT chair at the time broke down the components of PYP focusing in on one issue and bringing in two (or more) speakers with different views so that Pacific young people could be more richly informed on a topic and together in culturally safe space, underpinned by Pacific youth engagement best practice - learn together, share some food alongside our families and friends and after that share their views on a topic of national significance. ¹ This submission represents our commitment to the young people who attended this event, similarly at each iSPEAK that we will collate the views of attendees apolitically and send this information to in this case the Ministry of Justice and other decision makers on their behalf.

On Tuesday 3 August we hosted iSPEAK on the 'Hate speech proposals' attended by around 45 people. Participants were welcomed with kai, and then an outline of the proposal provided by our team which was based on independent advice we had sought to support us as an organisation better understand the technical components of the bill.² With this context, we hosted a discussion with Pacific Community advocate Melissa Lama and Jonathan Ayling from the Free Speech Union. Participants asked thoughtful questions, and discussed in small groups what our speakers said. All comments were captured by note takers, and at the end of the evening participants were encouraged to fill in an individual survey form so

¹ Noa & Tualamali'i, Set 3

https://exeley.mpstechnologies.com/exeley/journals/set/2016/3/pdf/10.18296_set.0061.pdf

² These documents can be found at appendix 5 & 6.

decision makers would hear in more depth what attendees were thinking. As per our commitment on the night all the comments are provided in full with no editing from PYLAT. The following submission and appendices capture what was shared with us throughout the evening. We look forward to supporting the Ministry to bring in more Pacific young people voices in the future consideration of this and other work.

SUBMISSION

What is proposed

53% of participants felt to some extent that the hate speech proposals were unclear. Questions about interpretation from the courts were prominent, “how will these ‘hate speech’ laws be upheld in court?” “Given it’s up to the Courts’ discretion I am not sure we need a clear definition.” Most of the critique focused on how it was very complex for people not trained in law to know what this means, and the potential impact, “it’s too jargon filled for me to understand.” One comment reflected on how “clarity is kindness...[and] in the very recent Dawn Raids apology context more and deeper is expect.” While just under half of respondents did not feel that this was unclear there was no written comments providing more detail on why they felt this.

Defining Hatred

There were a few key themes that came from participant group comments reflecting on definitions and evidence they would look for if they were a judge or adjudicator in a case brought before them on “hate speech”. A clear theme from the feedback was that the word intention is what should be tested and focused on to understand whether someone had committed hate speech against a group. Another definition was “...unwillingness to understand/ learn.” Focusing on some of the specific wording changes “intentionally maintain or normalise hatred or speech that incite or stir up hatred” on one side participants called it too hard to understand, too broad, and more clarity being needed about the line. A connected series of questions raised included “How prosecutable can it be? How do you track it down? How do you filter online comments? What is the difference between ridicule and hatred? Someone targeting groups vs personal?”

A couple of other comments were that there cannot be “wobble room” for people, but there should be “different magnitudes” of the offense, potentially decision makers will consider more categories of

offense. Another part of this critique was that a \$50,000 fine for a very wealthy person means that this is disproportionately burdensome against people with less financial means. There was a suggestion that it should be “scaled by income” to make sure the weight of committing this crime is felt, and dissuades all. Finally, participants broadly reflected, that there should be a discussion on who holds the decision making responsibility. One person asked “If we let the Government decide it is taking too much of my freedom of speech. I don’t know where the limit is?” There was a challenge to this by one group who asked out of concern that if Government did not legislate and step in at the community level it would mean there is more they have to do. “...how is that resourced and empowered? Legislation gives things teeth and comes with resources.” Reflecting on how “the justice system is racist” participants wanted as part of the future conversation who would police this and what options are there that could address this? And emphasised that the tribunal process which has more diversity of thought due to how it is much easier to be appointed (not having to necessarily have the judge career pathway) is a better process and possibly should have a broader role.

Excluded grounds

53% of participants felt to some extent that excluded grounds of age, ethical belief, political opinion and where you live should be included in any redrafting of the proposal. Participant comments and group comments reflected that more being covered will mean that more protection from discrimination and racism is possible. One group identified an area they thought was missing “It should be communities in low socioeconomic areas which always have stereotypes. How do they protect themselves without facing systemic racism? Stuck in this box they’re put in with no balance.”

In terms of political speech, a group wrote, “A political opinion when not being forced is just an opinion. If you have a hateful political view its hate. Protecting political opinion so long as it’s not contradicting the first part of the hate speech laws.” It was also said that this could protect against the government prosecuting a political ideological group they do not like. Another group felt the opposite around political speech “...if all these areas could have a more minor offense, because there is group discrimination which builds on legacies of deep rooted things e.g. supremacy of some cultures and values over others. I don’t think political opinion from what I know so far should be included.”

However, in terms of whether there is a need that some groups should be more prohibited than others, participants had three key areas. The underlying theme was that ethnic and racial discrimination should

be distinct, “Yes, some groups need more protection than others. The ethnicity and culture group should be prioritised.” “These [other categories of proposed hate speech] are not as bad as racial discrimination which we must go hard on” There was also a call that there should be the ability that if a future area was not identified specifically that there should be the way that it can be captured. Finally, it was said that “Dependent on level of hatred or violence committed and frequency, repetition deserves bigger penalties.”

Balancing between freedom of speech and community connection

60% of participants felt to some extent that this proposal did get the balance right between freedom of speech and the protection of groups of people from discrimination as well as deepening community connection. There was a strong desire that it be made clear people can still articulate their religious beliefs “You should not be arrested for expressing religious beliefs if you are talking about God in a normal way it should be fine.” Broadly there was support for increasing the seriousness of the offence and the penalties to reflect that. However, there were mixed views and not a clear opinion on the extension to private communications. One group reflected that there has to be adequate investment in prevention and building community, understanding and inclusion rather than just relying on a law and someone breaking it - “do we have to wait for something or for people to expose themselves before someone takes it seriously?” Those in favor said that this would be “...cutting it off at the root. So many of these private communications are breeding grounds for hate.” Some advice alongside these comments was to encourage oversight over anonymous forums. There was also a distinction raised about power imbalances that should be factored into the edited proposal / or future bill, “Power makes a difference, two politicians critiquing each other is different power dynamics to a layman [/person] critiquing a politician. Hope it’s not a system where rich and powerful people can still do what they want.” One other concept explored by one group was that there “...be a review built into any legislation...” and as part of this a tribunal structure with rotating members to “maintain integrity.”

Motivations behind participants thinking

67% of participants agreed to some extent that cultural knowledge, values and traditions would be the main motivating reason for what they believe in the context of this conversation. This question was included to support decision makers reflecting on this submission and some of the Pacific youth

population group specific nuances. Like our families many of us are deeply grounded as the young people identify “My deep root religious beliefs are what motivate me,” others were motivated by “Empathy and understanding” and the opposite view “my culture/ traditions etc. have no bearing on my belief that everyone deserves to be treated with respect.” One comment we would like to quote in full is from a Pacific young person who while speaking of their experience elevates a Pacific young person’s perspective heard not very often, “Yes, they underpin who I am and so as a Pacific Christian, and also as a Pacific rainbow person I feel a bit torn but I think we have to ensure people are safe to be protected across all their intersectionality.”

What participants knew before this conversation

82% felt to some extent that information about this topic was not clear in the media. One participant stated “the media didn’t do a good job. But it was also very hard to understand what the Government were telling us. The proposal needs to be detailed, but having a community summary like the Parliament bills now have, and also simply like PYLAT had. That made it accessible, it wasn’t otherwise.” Others reflected on media, and the proposal needing “grass roots links” and for others it was not something looked into much.

Making a decision today and the impact of it

57% of participants stated they did not have enough information to make a decision today, compared with 35% who support the proposals, and 7% against them. Much more must be done, and in a way much easier to understand for communities to be able to fully participate in this and other policy and legislative change conversations in the future.

In the last area, 53% of participants felt to some extent this was the most important government issue to them. For those that felt very few answers why were shared. One person reflected that they cared “...about social cohesion and hatred speech proposals,” someone else said that “I’m not that aware of any else to be honest and I think this is definitely an issue to heart so yes.” For those that disagreed, issues raised as most important to them included child poverty, mental health challenges, climate change, and modern slavery.

FINAL COMMENTS

The iSPEAK 24 working group would like to thank our guest speakers Jonathan Ayling and Melissa Lama for sharing their experiences and insights to our community who attended. To the young people who took their time to be present, listen to the discussion, and then share their opinions you are awesome – fa’afetai tele lava.

We ask that you Minister of Justice Hon. Kris Faafoi and Ministry Officials that can make a difference to the issues presented here please take the time to read this submission, take action in ways that reflect what young people put forward in this discussion, and write to the young people at the conclusion of your process to acknowledge their work and explain how what they have shared has, or has not been incorporated.

If there any questions about this document, or the iSPEAK process please feel free to email pylatcouncil@gmail.com .

Kia manuia,



APPENDICES

Appendix 1 – Survey Data

30 of the attendees filled in the survey form this form demonstrates the strength of feeling on the

Scale

0	1	2	3	4	5
Strongly Disagree	Disagree	Sort of Disagree	Sort of Agree	Agree	Strongly Agree

Age

0-15	16-18	19-24	25+	DNA
2	1	11	12	4

1	My personal beliefs or, opinions were reflected in today's discussion	0	1	2	3	4	5	DNA	Average
			1	3	6	11	9		3.8
2	Hatred is defined clearly in this proposal	0	1	2	3	4	5	DNA	Average
		4	4	7	8	4		2	2.2
3	The excluded grounds should not be covered (age, ethical belief (this includes examples such as vegetarianism or veganism), political opinion and where you live)	0	1	2	3	4	5	DNA	Average
		5	4	6	7	2	4	2	2.4
4	Information about this topic in the media is clear	0	1	2	3	4	5	DNA	Average
		7	5	12	1	3	1	1	1.7
5	This proposal is the right balance between freedom of speech and creating community connection and strength	0	1	2	3	4	5	DNA	Average
		3	2	6	9	7	2		2.8
6	Cultural Knowledge, values and traditions would be the main motivating reason for what I believe in the context of this conversation	0	1	2	3	4	5	DNA	Average
		2	1	5	6	9	4	3	3.3
7		For the Hate Speech Proposal		Against the Hate Speech Proposal		I don't know yet		I don't care	DNA

	If you had to make a decision today, what would you go with?	10	2	16				2	
8	This is the most important Government Issue for me right now	0	1	2	3	4	5	DNA	Average
		1	4	10	8	4	1	2	2.5

Scale

0	1	2	3	4	5
Terrible	Poor	Sort of Poor	Sort of Good	Good	Excellent

1	How was the organisation and length of programme?	0	1	2	3	4	5	DNA	Average
				1	2	7	18	2	4.5
2	How was the event?	0	1	2	3	4	5	DNA	Average
					1	6	21	2	4.7
3	Should we continue organising these discussion events for Pacific Youth?	YES		NO		DNA			
		29				1			
4	Did you learn anything new today?	YES		NO		DNA			
		28		1		1			

Appendix 2 –Discussion Group Notes

1. How do you define hatred? If you were the Judge, what evidence would you need to show hatred? Is hatred the right word?

- Hatred is acting against someone in a way that is harmful. The intention is important. ^{*3}
- This is a broad term that we decide threatening speech and use of intent ^{^4}
- Hatred is not ambiguous *
- Hatred is an intent to cause disharmony or hurt in society. To prove beyond a doubt that there was intent to cause hurt/ offense disharmony to society.
- We definite it as unwillingness to understand/ learn. Hatred has the intent to offend. The way you express it matters.
- We have mixed views (This group broke down their comments individually) *
 - I am on the fence. If we let the Government decide it is taking too much of my freedom of speech. I don't know where the limit is?

^{3*} - Refers to small group collective feedback based on written group sheets. These groups were made up of 5 - 8 people.

⁴ - Refers to small group of 3 people.

- How much can our community systems cope though if there is not more and deeper?
- When he says at a community level how can we address that how is that resourced and empowered? Legislation gives things teeth and comes with resources.
- I don't have enough information. I would want to know how many people are affected in the other mechanisms currently. I know the speaker said one prosecuted. What about defamation how many there, where are the connects?
- We hatred as violence, targeting minorities, belittling, reconfirms their beliefs. Harm caused directly and indirectly including passive aggressiveness. Tests that exist Privacy Act balanced with Public Interest and need for secrecy, this kind of scale should happen. For those of us in this group who see it as hard to define. How prosecutable can it be? How do you track it down? How do you filter online comments? What is the difference between ridicule and hatred? Someone targeting groups vs personal. Hate speech laws so hate is the right word. It is a strong word. There is no real wriggle room. It is the right word but there have to be different magnitudes. However, lines need to be drawn well. Logical and clear progression otherwise very up to interpretation. Don't want to leave authorities due to unclarity. How far is too far? Is the fine just a penalty for poor people? Needs to be scaled by income. The justice system is racist; so should they be the people Policing it? The tribunal process is better because it is more diverse. *

2. Do you think the language “intentionally maintain or normalise hatred or speech that incite or stir up hatred” is (a), (b), (c) or something else:

- a. Too broad and will capture more than hate speech;
- b. Just right; or
- c. Too narrow and won't work to build social cohesion?

- This quote is too hard to understand “intentionally maintain or normalise hatred or speech that incite or stir up hatred”
- If you are discrimination against another group of people it crosses the line – e.g. if someone was constantly hating on people and saying the ‘n’ word that is bad and crosses the line.
- Too broad, no way to limit hate speech ^
- “Intentional” speech inciting to act is just right.
- For good those in our group said always people say offensive things and hen defend with opinion your problem if you're offended. It's too broad, has too many options, needs to be crystal clear. First define where the line is and then find the language. Clear as mud at the moment. *

3a. Age, ethical belief (this includes examples such as vegetarianism or veganism), political opinion and where you live are not covered by the hate speech laws should they be?

- Yes, it should be included. *
- These are not as bad as racial discrimination which we must go hard on. ^
- Yes, but it should be broader than that, should cover all forms of “hate speech” *
- It should be communities in low socioeconomic areas which always have stereotypes. How do they protect themselves without facing systemic racism? Stuck in this box they’re put in with no balance. A political opinion when not being forced is just an opinion. If you have a hateful political view it’s hate. Protecting political opinion so long as it’s not contradicting the first part of the hate speech laws. *

3b. Should some prohibited grounds for discrimination more prohibited than others?

- Yes, some groups need more protection than others. The ethnicity and culture group should be prioritised.
- Yes, but it should be broader than that, should cover all forms of “hate speech” It all intertwines. *
- Dependent on level of hatred or violence committed and frequency. Repetition deserves bigger penalties.

4. Is the criminal provision the right balance between freedom of speech and creating community strength and connection? Summary of what it is doing in the text box:

- a. Widens the characteristics that fall under that offence
- b. Widens the scope of the offence to potentially include private communication or communication to one person, and
- c. Increases the penalties of the offence;
- d. Is limiting its application as a person must be intentionally hating a group of people

- Yes, increasing the penalty gives recognition of seriousness of hate crimes, inciting hatred etc.*
- We all have mixed feelings on the private communications elements being covered by this. Regardless of where it sits do we have to wait for something or for people to expose themselves before someone takes it seriously? *
- Good that it widens scope to private communications. Cutting it off at the root. So many of these private communications are breeding grounds for hate. How do they actually persecute people on the internet and be accurate about it? Focus on anonymous forums antisocial behavior. Private communications online are still public forums but people are hiding behind screens. We can’t rely on Government to act justly at all times. What happens when the Government changes hands? Current the Government isn’t measuring hate crimes. There is no data on this. It is happening in the shadows. Define between hate speech and criticism with political groups – protected to an extent. Power makes a difference, two politicians critiquing

each other is different power dynamics to a layman critiquing a politician. Hope is not a system where rich and powerful people can still do what they want. Fines need to be scaled by income. People tend to listen to powerful, wealthy people. How do we ensure people aren't getting away with it because of their connections? If it is a tribunal needs to have safeguards to stand by vulnerable people. Needs to be a review built into any legislation. Tribunal style needs rotating members to maintain integrity. Only way to figure it out is to get data and measure how much hate is going on to make a response. What hate is going on in communities that isn't reported or seen? Ask communities how big is the need? *

5. Other comments

- Having the law there is not a prevention strategy
- Another issue that needs to be looked at is how does the judiciary system interpret the law. How are you going to make sure judges are going to be consistent with their outcomes?
- Why should we wait for people to expose themselves hurting people in the process?
- How far is too far for Free Speech? The blurred line there is no formal definition.
- You should not be arrested for expressing religious beliefs if you are talking about God in a normal way it should be fine.
- Freedom of speech is important but there needs to be limits. When something substantially hurtful is said there are not any real avenues of redress. A criminal sanction is needed to ensure that minorities are protected. *
- We would like to know how/where would it backfire and negatively impacted the groups in which it was put in place to protect?

Appendix 3 – Survey Form Feedback

Of the survey forms distributed we 30 forms handed back to us. Each comment is an individual comment

1. My personal beliefs or, opinions were reflected in today's discussion

- Yes, I was very challenged on what my own personal beliefs and viewpoints are
- Would be nice to have someone break down the proposal – as well as the two debaters.
- Most of my table were unsure/needed more information is strongly supporter of the proposal.
- I strongly agree our discussion at our table in small groups definitely did.
- I'm still unpacking it all but I think so.

2. Hatred is defined clearly in this proposal

- Unsure

- Um I don't think it is
- How will these 'hate speech' laws be upheld in court. What will its requirements be in the Court of law?
- Given it's up to the Courts discretion I am not sure we need a clear definition.
- Maybe it is clearly defined but it's too jargon filled for me to understand it so dunno.
- Most of my table were unsure/needed more info. I strongly support the proposal.
- Hard question
- Not even close. This is something the Government need to go away and do. Clarity is kindness and to our communities which have experienced so much, including in the very recent Dawn Raids apology context more and deeper is expected.

3. The excluded grounds should not be covered (Age, ethical belief [this includes examples such as vegetarianism or veganism], political opinion and where you live)

- I think hate speech towards age is just as relevant
- Yes, they should be extended as they are ethical choices (e.g. vegetarianism) and age is normally a discrimination not a hate speech ground. LgBT community do not consider their life style a choice
- I think it's very important to include political groups so that Government can't use the laws to prosecute those they disagree with.
- I think it should include everything.
- I disagree, I am looking forward to a proper bill.
- I sort of agree, its values mostly
- These are things people get discriminated against. "hate speech' is expressed towards these groups.
- I think if all these areas could have a more minor offense, because there is group discrimination which builds on legacies of deep rooted things e.g. supremacy of some cultures and values over others. I don't think political opinion from what I know so far should be included.

4. Information about this topic in the media is clear

- Don't really look at media too much.
- The proposals have no grass roots links to a holistic approach to these "home grown" issues.
- I strongly disagree. Only heard about Judith Collins a Karen.
- Not at all, the media didn't do a good job. But it was also very hard to understand what the Government were telling us. The proposal needs to be detailed, but having a community summary like the Parliament bills now have, and also simply like PYLAT had. That made it accessible it wasn't otherwise.

5. This proposal is the right balance between freedom of speech and creating community connection and strength

- I agree with this.
- I think it is a great idea, but needs to be more clarification to minimise negative repercussions
- What's the line between freedom of speech and hate speech? Technically they can overlap.
- Not it is not.

6. Cultural knowledge, values and traditions would be the main motivating reason for what I believe in the context of this conversation

- Unsure
- My deep root religious beliefs are what motivate me. I'm, :| (indifferent facial expression drawn) on this
- Empathy and understanding
- My culture/ traditions etc. have no bearing on my belief that everyone deserves to be treated with respect
- Yes, they underpin who I am and so as a Pacific Christian, and also as a Pacific rainbow person I feel a bit torn but I think we have to ensure people are safe to be protected across all their intersectionality.
- Confused at your question

7. There is the most important Government issue for me right now?

- I sort of disagree Child poverty is a must fix.
- I sort of disagree well it's the most I've had awareness of.
- No the most important issue would be mental health crises and whether we know what is happening. Can we help?
- I disagree it is climate change
- To me it is social cohesion and hatred speech proposals
- I agree modern slavery is up there too
- I sort of disagree I don't know much about the proposal
- I'm between sort of agree and sort of disagree. I'm not really interested in Government stuff.
- I strongly agree, I'm not that aware of any else to be honest and I think this is definitely an issue to heart so yes.

Appendix 5 – Proposal Summary for Participants

PYLAT commissioned an expert in explaining complex decision making to young people to summarise what this is about: This document contains their answers. PYLAT does not take any view on what is

shared below but provides it to hopefully assist with understanding. The full proposal can be found here.⁵

The Advice

What?

The proposals are focusing on speech **that incites hatred** in other people towards a group. Overseas, this is known as hate speech.

Currently, in our laws, the Human Rights Act 1993 provides for offences relating to speech that incites racial disharmony because of colour, race, or ethnic or national origins.

There are other laws that protect individual people against different types of hate speech. For example, the Summary Offences Act 1981, the Harmful Digital Communications Act 2015, the Harassment Act 1997 and the Films, Videos, and Publications Classification Act 1993 apply to some kinds of harmful speech.

The Human Rights Act currently has two mechanisms for dealing with such behaviour:

Civil Offence:

- it is against the law to use, publish, broadcast or distribute written matter or words that are by both: threatening, abusive, or insulting; and likely to incite hostility or bring into contempt any group on the basis of their colour, race, or ethnic or national origins.
- If this happens, a person can complain to the Human Rights Commission (even if they don't belong to the group it was aimed towards). The Commission's role is to resolve the complaint by providing information, problem-solving support and mediation.
- If that fails, the person can lodge an application to the Human Rights Review Tribunal, who will conduct a hearing and decide the case.
- If the Tribunal finds there has been a breach of the law, it can grant any remedy it sees fit. This can include declaring that the defendant has committed a breach, making a restraining order against the defendant to prevent them from continuing or repeating the breach, and awarding damages of up to \$350,000.

Criminal Offence:

- It is a criminal offence to incite racial disharmony by publishing, broadcasting or distributing written matter or using words that are all of the following:
 - threatening, abusive, or insulting,
 - likely to excite hostility or ill-will against, or bring into contempt or ridicule any group on the ground of colour, race, or ethnic or national origins, and

⁵ <https://www.justice.govt.nz/assets/Documents/Publications/Incitement-Discussion-Document.pdf>

- Intended to excite such hostility, ill-will, contempt or ridicule.
- This offence is punishable by up to three months' imprisonment, or a fine of \$7,000. Someone prosecuted under section 131 would have a trial at the District Court to decide if they were guilty or not.

Issue:

Colour, race, or ethnic or national origins is only three of the thirteen prohibited grounds of discrimination listed in the Human Rights Act. The remaining include: sex, marital status, religious belief, ethical belief, disability, age, political opinion, employment status, family status and sexual orientation. The criminal offence does not cover those grounds.

Why Now?

One of the recommendations from the Report: Royal Commission Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 was to provide more fit for purpose laws and policies (5.5 of the Report). The Royal Commission concluded that New Zealand's legal system does not adequately deal with hate crime and hate speech.

The report recommended that the Government repeal the criminal section relating to inciting racial disharmony in the Human Rights Act and insert the provision in the Crimes Act of inciting racial or religious disharmony based on an intent to stir up, maintain or normalise hatred, through threatening, abusive or insulting communication with protected characteristics that include religious affiliation.

Tension:

The tension of this law is between prohibiting discrimination of people and strengthening the powers to take action on speech that incites hatred and the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form. However, there is also tension that speech that incites hatred can have the effect of infringing on the human rights of targeted groups, such as right to equality, freedom of expression, freedom of movement and freedom of association.

Proposed Changes:

Criminal Provision

1. Amendments to the criminal offence relating to inciting racial disharmony (only relating to race, colour, ethnic or national origins) to include a group of people with similar characteristics (under one of the grounds listed in the Human Rights Act).
2. The offence will move from the Human Rights Act 1993 to the Crimes Act 1961 and change the language from hostility, ill-will, contempt and ridicule to intentionally incite or stir up, maintain or normalise hatred
 - It would be a crime to:
 - intentionally incite/stir up, maintain or normalise hatred

- against any group protected under Section 21
 - through threatening, abusive or insulting communications, including inciting violence
 - Commenters are unclear if the amendment to “intentionally incite/stir up, maintain or normalise hatred” is harder or easier than the current law. Some say hatred is harder to pass through than ridicule, others think it is a lower bar.
- 3. The offence would cover all methods of communicating speech. The person will break the law no matter how they made the threat, abuse or insult. Currently it has to be published or distributed in writing or broadcasted on radio or television or used in a public place or within hearing of people in a public place.
 - This is changing the nature of the offence from something that must be publicly available include online.
 - It is unclear if this would extend to private communications.
- 4. The punishment for the criminal offence will be increased from up to three months’ imprisonment or a fine up to \$7,000 to up to three years’ imprisonment or a fine up to \$50,000.

Civil provision

- 5. The Civil offence (the one going through the Human Rights Commission and Tribunal) currently makes it unlawful for a speech that is likely to incite hostility or contempt against a group based on their “colour, race, or ethnic or national origins”. It would also be unlawful for a communication to be likely to incite/stir up, maintain or normalise hatred.
- 6. The civil offence will also be amended to include incitement to discrimination.
 - Discriminate means to treat someone worse than others because of something about them, like their ethnicity or gender.
 - Groups are already prohibited from being discriminated against in the Human Rights Act. The amendment is relating to where a person might incite others to discriminate against a protected group.
 - This is to reflect the wording in international agreements NZ has signed up to (ICCPR), where incitement to discrimination is prohibited under those agreements but is currently not prohibited in NZ law.
 - This would make it unlawful to incite others to discriminate against members of those groups protected from discrimination by who will be covered by the incitement of hatred provision.
 - Commenters are unclear what incitement to discriminate means.

Gender identity inclusion

- 7. Add to the prohibited grounds for discrimination the ground of trans, gender diverse and intersex people. Currently, it is against the law to discriminate against people because of their

sex. Gender identity would fall under that category but the Government would like to clarify the law on that point.

Appendix 6 – Condensed Proposal Summary for Participants

PYLAT commissioned an expert in explaining complex decision making to young people to summarise what this is about: This document is a summary of their answers. PYLAT does not take any view on what is shared below but provides it to hopefully assist with understanding. The full proposal can be found [here](#).⁶

The Advice :

We are having this discussion because after the March 15 Mosque Attacks, the Government established an independent review (Royal Commission of Inquiry) who find NZ's legal system does not adequately deal with hate crime and hate speech. The Government are consulting on this till Friday.

In the Criminal Code (A Case would go through the Courts)

1. To state that you cannot incite racial disharmony against a group of people with similar characteristics.
2. The language of “hostility, ill-will, contempt and ridicule to intentionally incite or stir up”, to “maintain or normalise hatred.”
3. To cover all forms of speech, no longer just something that is public.
4. Increasing the punishment from 3 months' imprisonment or, a fine up to \$7,000 to up to 3 years' imprisonment or, a fine up to \$50,000.

In the Civil Code (A Complaint would go through the Human Rights Tribunal)

5. They would align this with the changes to the criminal provisions in respect of inciting hate.
6. It would be amended to include incitement to discrimination

⁶ <https://www.justice.govt.nz/assets/Documents/Publications/Incitement-Discussion-Document.pdf>

In both Codes

8. The law would clarify that it is prohibited to discriminate against trans, gender diverse and intersex people.

Appendix 7 – Group Discussion Questions for iSPEAK

1. How do you define hatred? If you were the Judge, what evidence would you need to show hatred? Is hatred the right word?

2. Do you think the language “intentionally maintain or normalise hatred or speech that incite or stir up hatred” is:

- Too broad and will capture more than hate speech;
- Just right; or
- Too narrow and won’t work to build social cohesion?

3a. Age, ethical belief (this includes examples such as vegetarianism or veganism), political opinion and where you live are not covered by the hate speech laws should they be?

3b. Should some prohibited grounds for discrimination more prohibited than others?

6. Is the criminal provision the right balance between freedom of speech and creating community strength and connection? It would:

- Widen the characteristics that fall under that offence
- Widen the scope of the offence to potentially include private communication or communication to one person, and
- Increases the penalties of the offence;
- Is limiting its application as a person must be intentionally hating a group of people



PSA Submission on the scope of the Te Kawa Mataaho Long Term Insights Briefing

September 2021

PSA Submission on the scope of Te Kawa Mataaho's Long Term Insights Briefing

September 2021

About the PSA

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 80,000 members. We are a democratic and bicultural organisation representing people working in the Public Service including for departments, Crown agents and other crown entities, and state-owned enterprises; local authorities; tertiary education institutions; and non-governmental organisations working in the health, social services and community sectors.

People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they're delivered.

We are committed to advancing the Tiriti o Waitangi principles of partnership, protection and participation through our work. Te Rūnanga o Ngā Toa Āwhina is the Māori arm of the PSA membership. The PSA is affiliated to Te Kauae Kaimahi the New Zealand Council of Trade Unions, Public Services International and UniGlobal.

Our values

Solidarity - Kotahitanga

We champion members' interests with a strong effective voice. We stand together, supporting and empowering members, individually and collectively.

Social justice - Pāpori Ture Tika

We take a stand for decent treatment and justice. We embrace diversity and challenge inequality.

Integrity and respect - Te Pono me te Whakaute

Our actions are characterised by professionalism, integrity and respect.

Solution focused - Otinga Arotahi

We are a progressive and constructive union, constantly seeking solutions that improve members' working lives.

Democratic - Tā te Nuinga e Whakatau ai

We encourage participation from members. We aim to be transparent, accessible and inclusive in the way we work.

PSA recommendations

We largely support the scope proposed for the long-term insights briefing. The topics proposed cover a good range of issues that need to be addressed by the public service system in the medium term. We make specific recommendations relating to each topic below.

Me pēhea e pai ake ai tā mātou hāpai i te whai wāhitanga mai o te marea ki ngā mahi kāwanatanga ā muri ake nei?

How can we better support public participation in government in the future?

This is a vital question for public services and we support its inclusion in the long term-sights briefing. This should inform the outcomes of the reviews of public service systems currently underway including: the health and disability system review; local government futures; and the education and justice system reforms. The new design of each of these systems must embed more effective approaches to public participation.

We recommend this section of the briefing include consideration of what's needed to ensure that public service agencies have the right kind of high-trust workplace cultures, work design and workforce development needed to support this.

The ability for public servants to develop relationships and fully engage with citizens needs to be replicated in service delivery models and this depends on having sufficient time to do this genuinely. So having high-trust workplace cultures that reflect and support public servants' professionalism; having sufficient staff with the time and training to have conversations with people rather than taking a transactional tick box approach; and having work design that considers and builds the social dimension of services including relationships between public servants and citizens, are all necessary to better support public participation and government in the future.

Me pēhea tā mātou paheko ki te hunga o Aotearoa i te ao o ngā pae pāhapori?

How do we engage with New Zealanders in a social media world?

We agree that this is an important matter for the briefing to consider. The spread of misinformation is a challenge to the development and implementation of evidence-based policy. However, we recommend this section of the Briefing take a broader approach and consider the influence of not only social media but also the further development of artificial intelligence and the virtual world. We are interested in the [Canadian Public Service's work](#) to better understand how this is impacting now and into the future.

Me pēhea tā mātou whakaū i ngā āheinga tika i roto i te hunga mahi o te Ratonga Tūmatanui i ngā rā ki tua?

How do we make sure we build the right capability for the Public Service workforce of the future?

We support the inclusion of this question in the briefing. We recommend that the discussion of this in the briefing include what's needed to create coherent whole of Public Service approaches to workforce and employment relations that increase interoperability and build capability and so promote collaboration, cohesion and resilience in the system. In particular we recommend this include a focus on:

- Effective whole of public service and public sector long-term workforce planning.
- Whole of system approaches to careers, change and just transitions (including retraining) as well as equality of access to these; mobility of people around the system; inclusive workplaces free from bullying, harassment, discrimination and racism.
- Full implementation of measures designed to create more equitable workplaces such as the Gender Pay Principles.
- System-wide approaches to workforce that include both publicly provided and publicly funded workforces. This is increasingly being accepted as critical in the health and disability system reforms and by agencies such as Oranga Tamariki and DOC which are moving more towards partnerships between public agencies and NGOs and Iwi, Hapū and Māori providers in particular.

Me pēhea tā mātou kawe i te wairua auaha i tipu mai ai i te Ratonga Tūmatanui i te wā o te KŌWHEORI-19?

How do we continue the innovation created in the Public Service through COVID-19?

We support the inclusion of this question in the briefing and recommend that this includes consideration of the kind of employment relations approach and workplace cultures and processes needed for innovation. There is considerable evidence that high-trust workplace cultures that encourage “bottom-up” innovation are well supported by high engagement industrial democracy arrangements. Risk is also part of innovation and ways to allow higher tolerance for risk in practice, service design and policy will also need to be found. We recommend this be considered in this section of the briefing.

Me pēhea tā te Ratonga Tūmatanui whakakotahi kia wānanga i ngā raru o anamata me ngā raru tuku iho?

How can the Public Service get more joined-up to tackle future and intergenerational problems?

We support the inclusion of this topic in the briefing. We recommend that this includes consideration of what changes to workforce and employment arrangements could support this. We have some projects underway in this space (including the Common Terms and Redeployment projects) that aim to increase interoperability and so promote collaboration, cohesion and resilience in the system, but more is needed including a cross agency approach to pay – both pay systems and pay rates.

In relation to a focus on intergenerational problems, we are interested in some of the innovations of other jurisdictions including the Welsh [Ministry for Future Generations](#) and the Finnish [Parliamentary Committee for the Future](#).

For further information about this submission, please contact:

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Submission to the Public Service Commission on topics for the Long-term Insights Briefing

Background

This submission is from the Environmental Protection Authority (EPA). We are a Crown agency.

Our statutory objective is to undertake our functions in a way that

- a. contributes to the efficient, effective, and transparent management of New Zealand's environment and natural and physical resources; and
- b. enables New Zealand to meet its international obligations.

When undertaking our particular functions under environmental Acts we administer, we must also act in a way that furthers any objectives (or purposes) stated in the respective Acts.

The Acts under which we have functions are:

- The Climate Change Response Act 2002 (responsible for the management of the New Zealand Emissions Trading Scheme)
- The COVID-19 Recovery (Fast-track Consenting) Act 2020
- The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- The Hazardous Substances and New Organisms Act 1996
- The Imports and Exports (Restrictions) Act 1988
- The Ozone Layer Protection Act 1996
- The Resource Management Act 1991.

Our Acts provide for us to make independent decisions, free from Government and Ministerial direction.

Our vision is: An environment protected, enhancing our way of life and the economy. We have three strategic goals:

- Protecting people and the environment

- Making the right decisions
- Strengthening trust in the EPA.

Submission

The EPA supports priority being given in the Public Service Commission's Long-term Insights Briefing, to the question:

How can we better support public participation in government in the future?

Trust in government and decision making across government is fundamentally important to social cohesion, and addressing the significant issues we face as a nation, and internationally. Many of the latter are environmental and public health issues that the EPA's work is concerned about or contributes to addressing: climate change, ozone layer depletion/protection, biodiversity decline and protection of New Zealand's native flora and fauna, biosecurity, chemicals management, including chemical waste management and legacy chemicals.

The EPA is required to undertake our functions in a way that contributes to transparent management of New Zealand's environment and natural and physical resources. Engaging with the public is essential to discharging this responsibility.

We consider this must be more than the statutory minimum of placing information on our website, seeking submissions, and holding hearings. As we navigate the choices we will make to impact the next 3, 30 and 300 years, we see effective engagement across New Zealand's regulatory and environmental systems as playing a critical role in better understanding the aspirations and challenges of communities, iwi/Māori, and businesses. Hearing a balance of diverse voices and leveraging the insights of key players in the environmental landscape to effectively bring the outside into our thinking, planning and decision making, helps us ensure the regulatory system is performing - supporting us to drive a more sustainable future together.

The EPA has committed to growing our engagement capability, and to work differently in this space - expanding our reach and transforming our engagement from transactional to strategic. This includes appointing new senior Sector Engagement Leads who will engage across key sectors, facilitating system conversations to create momentum at a macro level, and provide clarity, leadership and 'challenge' to strengthen regulatory performance and environmental outcomes.

We want New Zealanders to trust our decisions, and know that we are putting our efforts into the work that matters to them. We consider open and clear communication is a key element of strengthening trust and knowledge about the EPA's work. For example, providing useful and accessible information to the public about the adverse effects of hazardous substances on people and the environment builds trust in our work, as does clearly communicating the basis of decisions made, especially on controversial applications of high public interest.

The EPA is also a vehicle for supporting the Crown to deliver on its Treaty of Waitangi responsibilities. We do this by recognising that the unique relationship of Māori to the environment informs our decision making. We are also following closely the developing case law in this area.

Our decisions are taken based on evidence, including science and mātauranga. This year, we implemented a Mātauranga Māori Framework that will help our decision makers understand, test and probe mātauranga when it is presented in evidence. This is one example of how important it is that we continually think of new and better ways to engage.

As another example, to help build trust in how we use science and mātauranga, and the contributions these can make to understanding the environment, we have initiated a community programme called Wai Tūwhera o te Taiao || Open Waters Aotearoa. This programme is still in the early days of development, and its growth is subject to funding availability. Initially, the programme is about connecting communities with their environment, drawing on science and mātauranga to enable this. Longer term, it is about building trust to participate in government decision-making processes.

Wai Tūwhero o te Tāiao involves community groups, hapū, and other organisations taking eDNA samples in waterways in their environment. Community groups, hapū, and other organisations, through the sampling, learn about and connect with their waterways, and the value of environmental DNA (eDNA) in environmental monitoring; and supports restoring, monitoring, and exploring the local environment through local waterways. The principle is: When we learn more about our local ecosystems, we can make better decisions.

The programme aims to build connections between people and the environment, between our work and the public, and between science and mātauranga. We have had a particular focus on connecting with Māori through the channels of Te Herenga, the EPA's network of kaitiaki and Māori environmental practitioners who are regionally based.

The eDNA sampling is undertaken using special kits developed in New Zealand.

In June of this year, the EPA exhibited for the first time at National Fieldays, the southern hemisphere's largest agricultural event. The decision to step into this space was part of our commitment to connecting differently with New Zealanders and providing meaningful opportunities for people to engage with us, be involved in the work of environmental stewardship, and have their voices heard – in this instance the focus was on farmers and others working in the agricultural sector.

We worked hard to stand out from the crowd. With more than 120,000 visitors and over 1,000 exhibitors at the event, it is not easy to make an impact. We needed to be innovative, not only to ensure we were heard, but also to be positively received. To this end, our 'Sharing Shed' themed exhibit showcased bespoke haircuts (by a professional hairdresser and conversation-starter) in exchange for people sharing their thoughts with us – with options such as a Sustainable Side Fringe, Mutton Chop, or Riparian Plant Pixie Cut.

Our exhibit provided an opportunity for the farming community to tell us about the challenges they are facing when it comes to protecting the environment and to discuss some of the innovative ideas being tested out in the field. Our team of specialists were on hand to share information about aspects of our work that have particular relevance to the agricultural sector, including changes to the Emissions Trading Scheme and our role as a regulator of hazardous substances.

We worked with industry influencers in the lead up to the event, filming facilitated haircut conversations and sharing these on social channels and on the Fieldays online platform, to build support and promote the opportunity to engage with us at Fieldays. We partnered with groups such as NZ Farm Environment Trust and New Zealand Young Farmers NZ (who also worked hard to cascade information to their members). The FMG NZ Young Farmer Grand Finalists spent time at our stand to share their vision for environmental leadership on farm - and Teen Ag contestants joined us to compete in a publicised environmental challenge activity at our exhibit.

Our approach worked – the EPA's stand was hugely popular, conversations were meaningful, and the EPA featured in a range of media stories before and during the event - increasing understanding about the role of the EPA and our willingness to listen, highlighting the importance

of environmental leadership, and building a strong platform for ongoing engagement with our primary sectors.

But we know we are just scratching the surface of connecting with people and encouraging their participation in our work.

Public participation in key decisions

Our legislation gives the EPA a wide mandate to consider the environmental and health impacts of human activities. As noted, building trust with the public through our community programmes has the long-term objective of fostering interest and participation in our decision-making work – engaging all New Zealanders in the work of environmental stewardship - and that includes listening to their concerns.

In our chemicals work, we have traditionally received relatively few submissions. Yet chemicals have potentially considerable impact on the environment and people. Without feedback, it is difficult to gauge what are the concerns citizens may have and ensuring we take these into consideration. We are therefore increasingly focussed on engaging with key audiences through targeted and proactive communications so that New Zealanders are clear about the issues, they understand the process and how they can participate, and we receive a range of perspectives from all affected community, iwi/Māori and industry groups.

There are other topics we deal with, where we may get a considerable number of views from particular interest groups. The submissions and hearings process tends to be more adversarial, and not a way to allow for dialogue on concerns – whether they are because of a lack of information or more fundamental, and how the concerns might be addressed.

In short, the work we do can be controversial. It is very important to connect with people, to allow for views to be shared so that we can take them into account in our decision making.

We are very supportive of the Commission giving particular consideration in the Long-term Insights Briefing to the question: How can we better support public participation in government in the future?

Yours sincerely



Dr Allan Freeth

Chief Executive

27 September 2021

Chairman
Public Service Commission

Consultation on the topics for Te Kawa Mataaho Public Service Commission's Long-term Insights Briefing

Introduction

The submission is made collectively by the following local government Chief Executives/senior managers:

- Garry Dyet, Chief Executive, Waipa District Council
- Gavin Ion, Chief Executive, Waikato District Council
- Don McLeod, Chief Executive, Matamata-Piako District Council
- Geoff Williams, Chief Executive, Rotorua Lakes Council
- Rob Williams, Chief Executive, Thames-Coromandel District Council
- Blair Bowcott, General Manager, Growth, Hamilton City Council

It is also supported by Toby Adams both as Mayor of Hauraki District Council and as chair of Local Government New Zealand Zone two.

Local Government New Zealand has had the opportunity to review the submission and have confirmed that it is fully consistent with their own views about local and regional engagement and the critical roles councils can play in identifying local needs – which will be advanced in their submissions to the Future for Local Government panel.

It responds to and welcomes the Public Service Commission's invitation for input on topics for its 2022 Long-term Insights Briefing. This submission addresses the first of the five subject areas outlined in the consultation document, **how can we better support public participation in government in the future?**

We repeat the supporting description as it is primarily this which the submission wishes to address:

There is a growing public expectation that New Zealanders are more directly involved in decisions that impact them and this is recognised as an important determinant of trust. Facilitating 'active citizenship' (or public participation) forms part of the purpose of the Public Service in the Public Service Act, as well as being one of the key elements of the Open Government Partnership (OGP) that New Zealand has signed up to. Recent consultation on New Zealand's OGP Action Plan indicates this area is of particular interest to New Zealanders. Open government is also one of the Public Service principles under the Act, which chief executives are responsible for upholding. However, the detail of how active citizenship and open government could be achieved is something the Public Service is still exploring. We could use the Briefing to support that work and set out options for how government can better involve New Zealanders in the big policy issues facing our country.

We welcome the recognition of the growing expectation by New Zealanders for greater involvement in decisions that impact them.

We also note, and this will be a main theme of this submission, that the expectation identified by the consultation document reflects just one aspect of a major and still evolving change in expectations for involvement, and just one means for responding to that change.

There is a much broader scope and one which, properly understood, reflects a shift which goes well beyond the provision of input on specific policy initiatives. It also encompasses not just virtually every aspect of well-being, but a much wider range of possibilities for enhancing well-being in ways which can directly involve New Zealanders themselves in developing and implementing initiatives which will both significantly improve well-being outcomes, and contribute to a much more effective and efficient utilisation of public sector resources.

It is now common to make the argument (with a strong evidence-base behind it) that what is really driving the trend the Public Service Commission has observed is a belief communities should have “voice, choice and control over decisions which affect their place”. Enabling this is seen as a major contributor to social cohesion (building strong communities and a sense of belonging to the community for the people of the community). It also facilitates drawing on the knowledge, expertise and commitment of people about what works in their communities; enables co-production in the sense that communities themselves may develop and implement solutions for issues which would otherwise need to be resolved by the public sector; enhances trust between communities and public institutions.

This submission invites the Public Service Commission to cast its net widely when considering how it can better support public participation in government in the future. Specifically, we invite the Commission to put aside the common New Zealand approach when looking to the future of starting with and being limited by current practice. Instead, we invite the Commission to start with a clean sheet approach, scope widely looking at practice in other jurisdictions and learn from understanding how and why it is increasingly common to take a partnership approach not just with other parts of government or key stakeholders, but with communities themselves, enabling and drawing on community expressions of how people at a very local level wish to be engaged with government decisions which affect their place.

This submission also argues that public participation is most useful and most effective when it is underpinned by ‘horizontal’ discussions within communities themselves so that the views put forward are both representative, inclusive, and reflective of the lived experiences of the communities which the public sector serves. We argue both that the main point of public participation is to better inform government decision-making and practice as government seeks to play its part in improving community well-being, and that for this purpose participation is best thought of as community engagement.

What the submission will cover

The submission will begin by setting context, providing an overview of changing attitudes and practice towards the relationship between higher tiers of government, local government and communities over the past 20 or so years drawing primarily on experience in England, Scotland, Wales and New Zealand. This will highlight the inherent complexities in what at first blush may seem like a relatively straightforward proposition, that there should be a natural partnership

between higher tiers of government, local government and communities in pursuing community well-being. It will illustrate what can be seen as an inherent ambivalence within the public sector, especially higher tiers of government, regarding the potential of local government to play a pivotal role in advancing community well-being.

Next, the submission will consider one fundamental difference between New Zealand and other jurisdictions; the relationship between the extent to which local government has an involvement in the delivery of major social services, and understandings of both the nature of community and how councils should work with communities.

It will then reference a selection of more significant recent studies of the importance of 'voice, choice and control' and its relationship to well-being.

Finally it will suggest a pathway forward to gaining a greater appreciation both of the changing expectations citizens have for engagement and the contribution which collaboration between central government and local government can make in improving community well-being, especially in areas such as mitigating inequality and improving social cohesion.

Executive Summary

Context

For at least the past 20 years the question of whether and how different tiers of government work with communities has played an important role in how governments in jurisdictions such as England, Scotland, Wales and New Zealand have approached the targeting and delivery of public services. There has been some consistency in Scotland and Wales in placing councils at the heart of coordinating public service delivery in consultation with communities. In contrast, in both England and New Zealand government policy has changed as control of government has changed.

At the beginning of this century England (and Wales which still lacked legislative authority over local government) adopted an approach which placed councils at the centre of developing local strategic partnerships which were to coordinate the activities of public, private and not-for-profit sectors within the district of each council. Separately Scotland adopted a practice of community planning, with councils having a statutory responsibility for coordinating the activities of public sector agencies with a focus on working with communities and a particular emphasis on combating inequality. In New Zealand the local government act 2002 required long-term planning by local government to be based on outcomes identified by communities rather than councils and with an expectation that the long-term plans themselves would be a vehicle for agreeing who (amongst at least councils and government agencies) would have what responsibility for delivering communities' outcomes.

In Scotland the practice of community planning has been strengthened over time with a stronger emphasis in legislation on working with communities. In Wales the delegation of power to legislate for local government has led to the Well-being of Future Generations (Wales) Act 2015 empowering councils to coordinate the work of major public sector agencies within the district against a set of well-being criteria, and a requirement to involve communities recognising that well-being is inherently local.

In England a change of government in 2010 has resulted in a move away from seeing councils as the pivotal entities in coordinating the activity of different agencies within their districts to a series of ad hoc initiatives with decision-making power more and more centralised even where in formal terms devolution is in place.

In New Zealand a change of government in 2008 led to the replacement of the purpose of promoting community well-being, and the associated community outcomes based long-term planning, with a new purpose effectively treating councils as local infrastructure companies. That change was reversed in 2019 with the restoration of the purpose of promoting community well-being but without restoring the outcome based long-term planning process as a way of determining who would have what responsibility for delivering outcomes within the district.

For New Zealand the consequence has been a great deal of uncertainty about the role of local government in working with communities, and about central government's understanding and appreciation of the potential of local government in being an effective partner in enabling community well-being as is increasingly (although still less than satisfactorily) the case in both Wales and Scotland.

There are lessons for New Zealand from this experience which include the importance of long-term commitment, central government ensuring that its own ways of working are supportive of rather than a barrier to collaborative working and placing responsibility for ensuring the process of collaboration is genuine and effective under the oversight of a senior political figure and within a government department that has the capacity, capability and standing required to make a policy of collaborative working a reality and not just a formal expression of intent.

The importance of local government involvement in social services

This section contrasts the role of New Zealand local government in relation to social services with that of local government in other developed country jurisdictions. New Zealand is the only jurisdiction in which local government has no role in the delivery of major social services. This has important implications for the ability of councils to act as effective and unbiased advocates on behalf of their communities to those who are responsible for the design targeting and delivery of major social services. In contrast with other jurisdictions, New Zealand councils have no conflict of interest (something which arises routinely when a council is both the deliverer of the service, and seeking to act as an advocate on behalf of recipients). It positions New Zealand councils well to focus on acting as informed advocates for their communities, enabling more effective participation by communities in shaping how service deliverers meet their needs.

Voice, choice and control and its relationship to well-being

This section provides a brief overview of a selection of the very extensive work in recent years directed to the importance of engaging communities in decisions which affect their place. Increasingly this is argued to be a necessary prerequisite to maintaining social cohesion/social inclusion, and addressing many of the so-called 'wicked problems' including inequality.

The think tank Locality, chaired by a former head of the UK home civil service, argues that "localism should enable local solutions through partnership and collaboration around place, and provide the conditions for social action to thrive." New Local (formerly the New Local Government Network) in its work on the Community Paradigm argues that "at a time when people are

increasingly clamouring for a say over the big decisions that affect their lives, paradigms that enshrine hierarchy or see citizens only as atomised consumers will add to a growing sense of alienation and frustration with public services and the state.” The Carnegie UK Trust, a world leader in the policy and practice of well-being, adopts as one of its four well-being domains Democratic well-being “we all have a voice in decisions that affect us” which carries through to the first of the trust’s well-being tests:

Give people voice and choice:

recognising that wellbeing cannot be ‘done to’ people, it has to be done by and with them.

A pathway forward

This section again endorses the PSC’s recognition of the growing public expectation New Zealanders are more directly involved in decisions that impact them. It also argues, based both on the submitters’ experiences, and the evidence they reviewed, the expectation goes well beyond the opportunity to comment on government policy. It extends to seeking to have ‘voice, choice and control over decisions which affect their place’.

The section also acknowledges the work being done by the Policy Project within the Department of Prime Minister and Cabinet on community engagement, and government’s decisions on strengthening a regional system leadership framework for the public service. It then argues the long-term insights briefing paper provides an opportunity to encompass the best of international experience with working with communities.

The Minister of Local Government’s August 2019 paper to the Cabinet Social Well-being Committee expresses very well the approach and understandings the submitters recommend should inform the long-term insights briefing paper on the theme of how to better support public participation in government in the future. The Minister notes that local government operates at the interface of people and place, and stresses making sure communities themselves are driving the mix and nature of services that contribute to their well-being as critical to resilience and social inclusion. Her paper overall is a strong endorsement of the importance of local government in working with communities on promoting community well-being.

Recognising the emphasis which current government policy is placing on regional coordination, and the role of Regional Commissioners, the submitters propose a tiered engagement process with individual councils working with their communities to determine their needs and priorities and then coming together in some form of regional arrangement to work with Regional Commissioners in determining how best to respond to community needs. From local government’s perspective a primary purpose of this approach would be to ensure that the regional activities of central government encompass an informed understanding of the needs and circumstances of individual communities, thus increasing the likelihood participation will be effective in addressing community needs.

It’s an approach which should in practice be seen as a form of learning by doing. Fortunately there is a wealth of experience available internationally to support a learning by doing approach including on matters such as how to recognise communities, and what constitutes good practice in enabling capacity and capability development at a community level.

The submitters propose that how best to develop and implement this approach should be a matter for discussion between councils and the PSC, perhaps in the context of the next phase of the PSC long-term insights briefing process.

Conclusion

The conclusion repeats the submitters' belief the public interest which the PSC is responding to goes far wider than simply the opportunity to engage with government in the development of policy. It's very much about people wanting more say about what happens in their place.

The conclusion also recognises the challenges which face government and argues this is where the role of local government in supporting and empowering communities, and working with them to articulate their well-being concerns, and their lived experience, offers central government a unique and necessary contribution to achieving its objectives.

Context

For at least the past 20 years the question of whether and how central government (higher tiers of government) should work with local government in enabling a better understanding of the needs and circumstances of individual communities has been coming on and off the agenda in jurisdictions such as England, Scotland, Wales and New Zealand. England and New Zealand have followed a different path from Scotland and Wales. All four though began with a commitment to a stated belief local government has a pivotal role to play in the will working with communities to assist them articulate their needs and requirements in respect of public services. The role of councils at that time was recognised in all four jurisdictions as one of acting as an enabler, and a coordinator.

Practice and understanding, and how that has changed, is now briefly considered for each of the four jurisdictions in order to draw out lessons for how New Zealand's public sector should consider responding to rising expectations on the part of New Zealanders for public participation in decisions which affect them.

(Mainly) England

The Local Government Act 2000, for England and Wales, included a provision giving every council authority to do anything which they consider is likely to achieve any one or more of the promotion or improvement of the economic, social or environmental well-being of the area. The act also introduced a requirement for each local authority to establish a Local Strategic Partnership (LSP) one obligation of which was to prepare a community strategic plan. Ministerial guidance issued in 2001 set high expectations for LSPs, describing them as bodies which bring "together at a local level the different parts of the public sector as well as the private, business, community and voluntary sectors so that different initiatives and services support each other and work together;".

The rationale for this approach was spelt out in the ministerial guidance as:

"Public, private, community and voluntary sector organisations all have a part to play in improving quality of life. The more they can work together, with local people, the more they can achieve and the more likely it is that:

- the benefits of sustainable growth are achieved across the country;

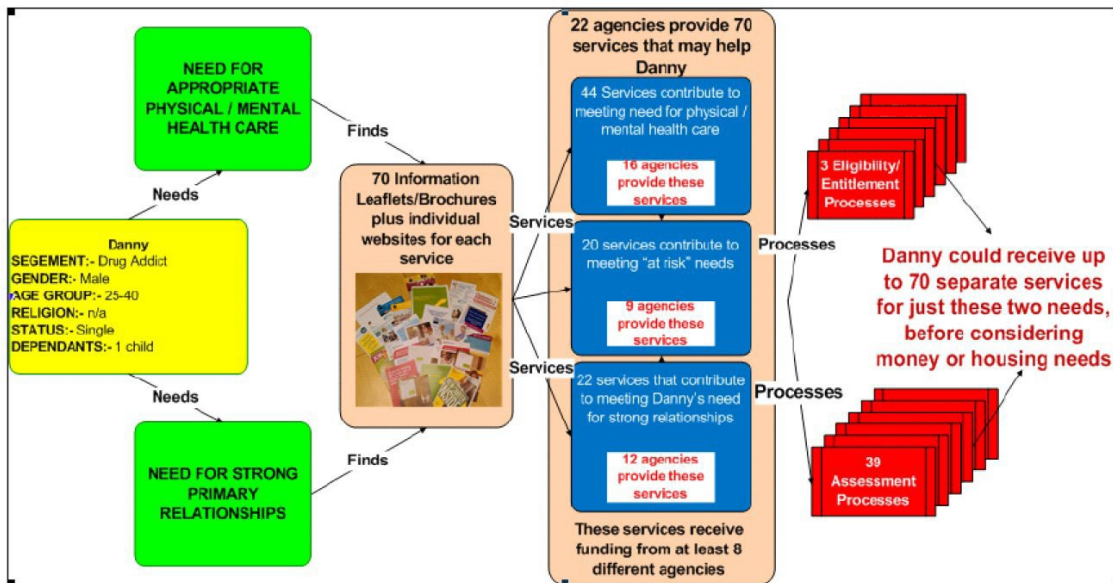
- economic, social and physical regeneration happens – and is sustained – in deprived areas;
- public services work better and all are delivered in way which meets people’s needs;
- local people can influence decision-making and take action to improve their neighbourhoods; and
- business and the community and voluntary sectors can play a full and equal part.”

The Welsh Assembly gained the power to legislate in respect of local government in 2006 and from that time Welsh policy in respect of local government and government/local government/community relationships diverged significantly from policy in England.

In England LSPs failed to live up to initial expectations for reasons including lack of ongoing political commitment, difficulty in coordinating departmental involvements, siloed budgets, inconsistency in departmental boundaries, and reluctance of many agencies to give decision-making power to their LSP representatives. This experience highlights a couple of points. The first is the importance of careful scoping of these types of initiatives to identify potential barriers including their likely impact and how to address those, not just from the perspective of central bureaucracies, but also from the perspective of local government and other key stakeholders. The second is the importance of making a long-term commitment to a direction for change. Too often this aspect is frustrated by political change but there is still a strong case for medium to long-term consistency in advice from the public sector to ministers to assist ministers understand the nature of the context for realising their own political objectives.

In 2009 the UK government (for this purpose effectively the English government) shifted to a different initiative, Total Place, intended to bring together different government agencies and their budgets working within the district of a given local authority to put the citizen at the heart of service design. This initiative highlighted the complexities of bringing together different agencies with different responsibilities in relation to what from a user’s perspective were simply aspects of the same set of issues. A major issue from a user perspective was the inherent assumption that the user would be able to navigate the different services coming together through Total Place. An evaluation of the Birmingham Total Place trial, looking at the drug system from a user’s perspective, highlighted just how impractical this approach was in practice. The lesson for New Zealand is the importance of users having access to people who can help them navigate the service delivery system. This is a further argument supportive of the potential for local authorities to play a crucial role in facilitating community well-being by acting as a local coordinator/facilitator bringing people and services together. The following diagram illustrates the Birmingham situation:

The Drug System from a Users' Perspective



In 2010 the Labour government was replaced by a Conservative led coalition which abandoned the Total Place initiative in favour of an emphasis on what the Prime Minister, David Cameron, described as the Big Society. A series of other initiatives followed including the Localism Act 2011 and community budgeting. The latter, another attempt to bring agency budgets together at a local level was unsuccessful. The Localism Act has had only limited impact because of a combination of overly bureaucratic and onerous requirements and the lack of any overarching political commitment to change.

In more recent years the English government has been preoccupied with a wide range of effectively bespoke initiatives under the broad rubric of devolution but without any consistent sense of long-term understandings of the respective roles of central government, local government and communities.

Wales and Scotland

Wales and Scotland both adopted an approach intended to involve communities as part of a process of ensuring that public services were targeted to the actual needs and circumstances of individual communities. Wales, with authority to legislate conferred in 2006, began the process of extensive public consultation which led ultimately to the enactment of the Well-being of Future Generations (Wales) Act 2015. Scotland, which gained devolved legislative authority somewhat earlier, adopted community planning through the Local Government (Scotland) Act 2003, later superseded by the Community Empowerment (Scotland) Act 2015. Both these initiatives had a strong well-being emphasis. Both sought to allocate aspects of well-being policy to those levels of governance, including community governance, seen as best placed to deliver the outcomes required.

In both countries it is local government which plays the pivotal role in assessing well-being status and developing and implementing measures intended to improve well-being outcomes.

In Wales this responsibility is exercised through public service boards, overseen by the Future Generations Commissioner as an independent public official not subject to government direction. Each local authority district is required to have a public service board. It is chaired by the council and includes the local health board, the fire and emergency service and Natural Resources Wales. It may also by invitation include a range of other public bodies and community representatives.

The role of the Future Generations Commissioner is unique internationally as being an independent statutory officer responsible for overseeing compliance with the requirements imposed by well-being legislation. It is a model which contrasts sharply with the New Zealand decision that the Treasury should have the primary role in evaluating the impact of well-being policy especially given Treasury's pivotal role in determining well-being initiatives through the budgetary process.

The significance of the Commissioner's role is recognised in this statement by the UN Secretary-General (emphasis added):

*We are encouraged to see that many governments are rising to the challenge of placing well-being at the front and centre of their policies... The Commissioner responsible for well-being in Wales is independent from Government, and is **basically a Commissioner who is in charge of telling the Government whether the Government is doing a good enough job in terms of citizen well-being. Now that is a very interesting model, because all of us are used to the government being the one to tell us what is right** and therefore depends on how inspired and how dedicated or focused is the leader or the minister in terms of well-being itself. But when you have an external, independent authority who is hopefully well resourced and well-staffed, it gives examples of institutions and 'how to do it'. If we do not embed the well-being approach more broadly, we will miss a transformative opportunity."*

The Commissioner's oversight role includes providing extensive guidance to public service boards, guidance they are not required to observe but in practice the Commissioner's persuasive power is very considerable (each public service board must publish the advice it receives from the Commissioner).

In the guidance she provides there has been a strong emphasis by the Commissioner on the place of community and of engagement, reflecting her office's priority expressed in advice to the Cardiff Public Service Board that "a priority for my office is encouraging public bodies and PSBs to make sure that they are firstly involving people and communities in ways that give them greater insights into people's lived experiences of public bodies, and secondly acting upon these insights when they make decisions and deliver services."

The Future Generations Commissioner is required to publish a report on progress with implementing the requirements of the well-being legislation not less than one year and a day before the next general election for the Welsh Assembly. The first report was published in 2020. Her foreword comments on the impact of the Covid 19 crisis but goes on to acknowledge very significant progress including in working with communities:

Despite this, I am also seeing some excellent practice emerging in how public bodies are responding. Many of these responses are in line with the aspirations of the Well-being of Future Generations Act – the partnership working, engagement with the private sector to find innovative solutions, new ways of working and increased uses of technology in delivering services, the decrease in carbon emissions, and the programmes which are working with communities to provide services, are particularly notable.

The approach taken in Scotland is somewhat different from that in Wales. First, there is no equivalent of the Future Generations Commissioner. Secondly, the emphasis on working with communities is somewhat stronger in the way in which the legislation, the *Community Empowerment (Scotland) Act 2015*, expresses the obligation.

Each local authority and a wide range of listed public bodies, basically the Scottish government's service delivery agencies (together the community planning partnership), are required to carry out planning for the area of the local authority. The purpose of planning is improvement in the achievement of outcomes from the provision of services by those bodies.

In carrying out community planning, the members of the community planning partnership are required to participate with each other and with any community body likely to be able to contribute to community planning, having regard in particular, to which of those bodies represent the interests of persons who experience inequalities of outcome which result from socio-economic disadvantage.

As Scotland has no equivalent of the Future Generations Commissioner for Wales, there is no equivalent for Scotland to the Commissioner's periodic report on implementation (the Scottish audit office does undertake occasional reviews the last of which was done in 2018). More relevant from a New Zealand perspective in assessing progress, including working with communities, are the annual reports which all community planning partnerships are required to publish. A useful example which provides an indication of the importance of a community focus, enabling community organisations, is the North Ayrshire community planning partnership whose 2019/20 annual report can be accessed at: <http://northayrshire.community/wp-content/uploads/2020/10/NACPP-APR-19-20-FINAL-1.pdf>

Both the Welsh and Scottish initiatives are still very much work in progress. The formal arrangements for both place a strong emphasis on working with communities in order to address issues such as inequality, and to ensure that services are targeted to the actual needs of the individual communities in which they are delivered. Leading researchers/think tanks in both jurisdictions acknowledge the progress which has been made but also comment on the continuing difficulty which governments and their agencies have in adjusting to a process which puts local government at the centre of bringing together agencies and other stakeholders, and working closely with communities, as an integral part of designing, targeting and delivery of public services. Both emphasise the importance of ongoing and strong commitment to change if change is to be successful. The lesson for New Zealand is that shifting the culture and practice of higher tiers of government so it becomes oriented around genuinely working with and seeking to understand the needs of communities, and ideally adopting a coproduction approach, is challenging and requires a long-term commitment.

New Zealand

The Local Government Act 2002 signalled a potentially major change in the way in which central government worked both with local government and with communities.

The act changed the purpose of local government so that it became a combination of enabling local democratic decision-making and action by and on behalf of communities and of promoting community well-being. Associated with this the act set out a series of measures intended to

encourage a much greater emphasis on strategic planning through a collaborative process. At the heart of this was a new approach to the 10 year planning required of councils, moving from what was basically a financial forecast to an outcomes based plan known as the Long-Term Council Community Plan or LTCCP.

This plan was to be based on community outcomes identified by communities themselves and specifically understood, in the LTCCP process, as being communities' outcomes not the council's.

The act set out the basic requirements for identifying community outcomes and the purposes as:

“Section 91: Process for identifying community outcomes

- (1) A local authority must, not less than once every 6 years, carry out a process to identify community outcomes for the intermediate and long-term future of its district or region.
- (2) The purposes of the identification of community outcomes are:
 - (a) To provide opportunities for communities to discuss their desired outcomes in terms of the present and future social, economic, environmental, and cultural wellbeing of the community; and
 - (b) To allow communities to discuss the relative importance and priorities of identified outcomes to the present and future social, economic, environmental, and cultural well-being of the community; and
 - (c) To provide scope to measure progress towards the achievement of community outcomes; and
 - (d) To promote the better co-ordination and application of community resources; and
 - (e) To inform and guide the setting of priorities in relation to the activities of the local authority and other organisations.

This section not only recognised the primary role of communities in identifying outcomes, but also that the outcomes are intended to influence not just the activities of the local authority, but also the activities of “other organisations” understood to mean at least government agencies to the extent they were undertaking service delivery or other activities within the district of the council.

The following paragraph, from a 2004 report from the Minister of Local Government's office, set out expectations for how central government agencies might interact with community outcomes:

“When community outcomes have been identified and local authorities begin formulating their LTCCPs, central government agencies with local interests are likely to consider how they might alter their activities, possibly in co-operation with other departments, to promote community outcomes that correspond with government goals and departmental priorities. Community outcomes may also influence government goals and priorities over time. COPs will provide valuable input for departments and ministers, whether their functions are primarily around policy advice or include service delivery, programmes and funding. Most departments already consult communities and stakeholder groups extensively. COPs could in the long-run help reduce “consultation fatigue”.”

In May 2004 the Minister of local government took a paper to the Cabinet Policy Committee on the theme Central Government Engagement in Community Outcomes Process with the stated purpose of asking the committee “to endorse actions to promote effective central government

engagement with local government around community outcomes processes under the Local Government Act 2002.” The paper also noted “in July 2000 the Cabinet Economic Development Committee agreed that the Government’s strategic direction for local government is inter-alia to:

- Reflect a coherent overall strategy on local government;
- Develop a partnership relationship between central and local government.”

The committee noted:

- That the Local Government Act 2002 (LGA) provides for communities to identify their desired social, economic, environmental and cultural outcomes and for local authorities to formulate Long Term Council Community Plans (LTCCPs) to show how they will contribute to the achievement of identified outcomes;
- That the LGA requires local authorities to explore ways of working with interested parties (which effectively includes government agencies) in defining and promoting community outcomes;
- That this will introduce a process of identifying community outcomes for communities and regions as a whole, and provide future opportunities for more coordinated planning to help achieve mutually agreed outcomes and priorities;
- That government policy expects and encourages central government agencies to work in partnership with local authorities and communities where this can assist the achievement of mutually agreed outcomes.

In practice the response of government agencies was highly variable although some, especially the Ministry of Social Development, did operate in ways which were consistent with the government’s stated intention although arguably this may have been at least in part because doing so fitted in any event with the Ministry’s own priorities. Nonetheless, the work of the Ministry’s family and community services group was presented by at least one other agency, the Ministry for the Environment, in the third edition of its urban design toolkit (published in 2006), in these terms:

Ministry for Social Development, Family and Community Services Group – local services mapping: <http://www.familyservices.govt.nz/our-work/community-development/local-services-mapping/>. The Family and Services Group (part of the Ministry for Social Development) facilitates each territorial authority through the local services mapping process. Central and local government, iwi and community-based agencies collaborate to identify social priorities and highlight areas for action.

What did not happen was the embedding of consistent commitment from government itself to working within the community outcomes process, collaborating with councils and communities as a means of ensuring government services as a whole were designed, targeted and delivered in ways which genuinely reflected the needs and circumstances of individual communities. A number of factors will have influenced this including:

- The lack, for most government agencies, of a local presence within the district of individual councils and hence a preference for trying to work regionally as implicit in the Cabinet policy committee decisions above. MSD is something of an exception with a presence in most council districts.
- Responsibility for facilitating central government coordination resting with a department, Internal Affairs, which at the time lacked the reach and influence of central agencies such as the Treasury, the State Services Commission and DPMC.
- The lack within cabinet of a minister with a specific and strong commitment to making the community outcomes process work as a form of long-term strategic planning not just for councils and communities but for at least the wider public sector as well.

The change of government in 2008 from the Labour led government, which had introduced the community outcomes/LTCCP process, to a National led government was the effective end of any prospect of embedding a community outcomes based strategic planning process into the governance of New Zealand's communities. The new government's first term was preoccupied with the Auckland restructuring but, in its second term, under the banner of Better Local Government, the purpose of promoting community well-being was removed from the act and replaced with a purpose of 'providing good quality local infrastructure, public services and regulatory functions at the least possible cost to households and business.' In essence, the role of local government had been redefined as a network of local infrastructure companies with some regulatory and arts, culture and recreation add-ons.

The New Zealand experience reflects the experience in England, Scotland and Wales that, if there is to be effective collaboration between central and local government as a means of ensuring that public services are better targeted to the needs of individual communities, then as a minimum:

- The higher tier of government needs to embed a long-term and clear commitment to this way of working.
- This includes ensuring the higher tier of government's own ways of working are themselves supportive of rather than a barrier to collaborative working, especially collaborative working focused on understanding and meeting the needs of different communities.
- A senior political figure has, and is committed to, the role of acting as champion.
- Responsibility for oversight of central government/local government/community relationships is held by a department which has a whole of government responsibility, is adequately staffed and resourced, and positioned as a significant and high profile role within the public sector.
- Expectations for performance are regularly reviewed between central government and local government so there is in practice an ongoing dialogue between the two levels of government about what works, what doesn't and what needs to be done to facilitate the agreed purpose of collaboration.

New Zealand and other jurisdictions: the importance of social services involvement

New Zealand is the only developed country jurisdiction in which local government does not have at least some significant social service delivery responsibility. Even in Australia, whose state local government sectors most resemble New Zealand's in their range of responsibilities, councils are involved with childcare and care for the elderly.

Councils whose responsibilities include major social services have natural and compelling reasons to be closely involved in working with at least elements within their communities. The typical English, Scottish or Welsh council will have quite widespread involvement with the Voluntary Community and Social Enterprise (VCSE) sector, so much so that when councils think about working with their communities, they typically think about working with the VCSE sector rather than with the community as a community of place. See for example the discussion of addressing inequality and engaging communities in *Local by Default*, the recent report from the Association for Public Service Excellence's local government commission 2030.

This approach carries consequences. First, it can make it much more difficult for a council to develop a policy and practice of enabling communities of place as that involves quite different elements from working with elements of the VCSE sector typically selected because of the closeness of their mission to the particular purpose the council might have in mind. Next, especially under the conditions of austerity which have obtained in the UK for the past decade or so, not just councils but also the VCSE sector have come under very significant financial and other pressure limiting their capability to undertake new responsibilities. Finally, the extent to which councils elsewhere are involved in the delivery of major social services both tends to replicate within councils the same kind of silo approach as is normally found with central governments and also creates a potential conflict if the council wishes to enable strong communities of place.

The reason is simple. To the extent that communities of place rely on the council as their advocate to service providers to express their preferences regarding how major social services, impacting on their individual and community well-being, should be managed and delivered, the council has a potential conflict of interest as it would often be involved in advocacy to itself about the nature of the service it was delivering.

New Zealand councils, with no potential conflict of interest, are much better placed than their counterparts in most other jurisdictions to play a very positive role in enabling communities to exercise voice, choice and control in relation to services affecting their place. A council's incentive to do so aligns naturally with the interests of the communities it serves, especially once the council realises the collateral benefits which empowering communities will bring (there is good and substantial evidence ongoing dialogue between councils and empowered communities can lead to significant economies of operation as councils can tap into very local knowledge about what works and what doesn't, and get early indications of problems, especially with infrastructure, before the cost of remediation escalates).

It also means a much better alignment with the central government interest in moving away from a silo-based approach to delivering individual services as councils will not face the challenge of how to adapt existing services to a new way of working.

It also means the focus of New Zealand councils should move directly to matters such as the identification of communities (experience in jurisdictions such as Portland suggest that for

building stronger communities, self-identification rather than identification by experts against set criteria is the better approach), and building capacity and capability, rather than determining which elements within a stressed VCSE sector should be their primary partners.

The New Zealand situation has another strength as well. In jurisdictions where there are already a number of established relationships with community organisations, typically built up around a specific service, there is a very real risk that working with communities becomes just another variation on the theme of top-down provider driven determination of need. Beginning with a focus on communities of place, and hence working with communities to understand the full range of needs and priorities which need to be addressed within each community, shifts the emphasis much more towards a bottom-up and user lead understanding but without the complexity of user managed access illustrated in the Birmingham example above.

Voice, choice and control and its relationship to well-being.

In recent years there has been an increasing emphasis on local governance and the importance of community voice in decision-making. If there is a single major trend regarding engagement and participation, that trend is towards much more in the way of bottom-up decision-making, and communities playing an important role in determining what should happen in their place. The seminal report which crystallised this understanding, released in 2018, was produced by the think tank Locality's Commission on the Future of Localism chaired by Lord Bob Kerslake, a former head of the UK home civil service. Its understanding of the place of communities is set out in the following paragraph:

“Localism must be about giving voice, choice and control to communities who are seldom heard by our political and economic institutions. Localism should enable local solutions through partnership and collaboration around place, and provide the conditions for social action to thrive. Localism is about more than local governance structures or decentralising decision-making. It is about the connections and feelings of belonging that unite people within their communities. It is about how people perceive their own power and ability to make change in their local area alongside their neighbours.”

One major driver for the report's findings, which is common to many recent reports on local governance/working with communities, was a recognition of the need to address increasing inequality, and the disparity between different communities.

The impact of Covid-19 is widely recognised as having significantly increased inequality (emphasised in New Zealand, as one example, by the rapid inflation in asset prices with a resultant decrease in housing affordability among other impacts).

Early in 2020 the chief executive of the New Local Government Network (now rebranded as New Local) published a blog on the theme "Defenders of democracy need to wake up urgently to the threat posed by another crisis". In the blog he argued that the crisis was:

fundamentally about reformulating democracy around [empowered communities](#) rather than empowered global corporations, multilateral bodies or state institutions. It is about telling people that putting trust in yourself, your friends and neighbours is a sounder route back to pride, security and control than putting trust in some fly-by-

night leader. It is about politicians using language and tone that reflects trust in the people and emphasises pride and self-respect.

In policy terms, it means:

- devolving centralised powers to local areas
- establishing local systems of decision-making based on genuine engagement and deliberation
- requiring elected representatives at national and local level to take far more account of their constituents' views when deciding policy and legislation between elections
- introducing sweeping legislation to remove the influence of money and patronage in politics.

The themes in that blog are common in the work of a number of leading UK think tanks including the New Economics Foundation, the Centre for Local Economic Strategies, the Young Foundation, the Joseph Rowntree Trust, the Carnegie UK Trust, the David Hume Institute at Glasgow University and in the US, Public Agenda, the Democracy collaborative, and networks of local authorities such as the National Civic League.

New Local's major work program over the past couple of years has been on the theme of the Community Paradigm, the need for a new model for public service delivery. The following extract, emphasising the growing importance of participation, is from New Local's report outlining what is meant by the Community Paradigm:

at a time when people are increasingly clamouring for a say over the big decisions that affect their lives, paradigms that enshrine hierarchy or see citizens only as atomised consumers will add to a growing sense of alienation and frustration with public services and the state. This need not be inevitable. Rather than lead to alienation, the popular desire for influence could be employed to build the more collaborative relationship with citizens necessary for a shift to prevention. It can be a force to mobilise communities around public good.

To this end, we argue that there is an urgent need for a new model of public service delivery: the Community Paradigm. The fundamental principle underpinning this paradigm is to place the design and delivery of public services in the hands of the communities they serve. In this way, a new, egalitarian relationship can be built between public servants and citizens: one that enables the collaboration necessary to shift to prevention; one that requires communities to take more responsibility for their own well-being; and one that means citizens and communities can genuinely 'take back control'.

The third source we draw on for support of the proposition that the trend towards a greater expectation for involvement in decisions which affect people and their places is more than simply an interest in being consulted on government proposals is the Carnegie UK trust, one of the leading centres internationally of expertise in well-being policy and practice. The trust has undertaken extensive work on well-being policy and practice in each of the four countries of the United Kingdom, has worked in partnership with the OECD, and has a history of more than 100

years of promoting well-being (it was established by Andrew Carnegie in 1917 with the explicit objective of enabling well-being in Scotland and the remainder of the UK).

The following graphic is taken from the trust's refreshed strategy. It sets out the four domains it recognises as central to well-being. Notably, one of the four is democratic well-being described as "we all have a voice in decisions that affect us". When asked why this choice of domain, the response of the trust's research leader for well-being work was that from all the work the trust has done in recent years across the four countries of the UK and in Europe, having a voice over decisions which affect their place is an integral component of community well-being.



This is reflected in the first of the trust's well-being tests:

Give people voice and choice:

recognising that wellbeing cannot be 'done to' people, it has to be done by and with them.

A Pathway Forward

This submission endorses the Public Service Commission's recognition of the growing public expectation New Zealanders are more directly involved in decisions that impact them, and the proposal that *how can we better support public participation in government in the future?* should be one of the topics for the briefing.

The parties to this submission strongly believe, based on the evidence they have reviewed, and their own experiences with their own communities, that the expectation goes well beyond the opportunity to comment on government policy initiatives before they are adopted. As illustrated in this submission, it extends to seeking to have 'voice, choice and control over decisions which affect their place'.

This expectation is consistent also with the way that well-being policy is being developed and implemented in a number of other jurisdictions including Wales, Scotland and Northern Ireland.

The expectation reflects the reality that, for virtually every New Zealander, their actual concern is not so much with the formal terms of policy or practice on the part of the public sector at whatever level, but with how the implementation of policy impacts on their place and what it means for their well-being and that of the community of which they are part.

We acknowledge the work which the Policy Project within the Department of Prime Minister and Cabinet has been doing on community engagement including the development of the *Good Practice Guide for Community Engagement*. We have also considered the recently released cabinet paper *Joined up Government in the Regions report back: Strengthening a regional system leadership framework for the public service* and noted the emphasis now placed on working regionally including the mandate agreed for Regional Commissioners with its emphasis on achieving outcomes for communities (para 32.2).

Both of these initiatives reflect a welcome interest in better understanding how the public sector can best function so as to improve community outcomes. As this submission illustrates, there are compelling arguments that achieving improved community outcomes through the way in which public services are designed targeted and delivered is best done when higher tiers of government work in partnership with local government drawing on the unique relationships and understandings which councils have of the communities they serve. This matters for a number of reasons including the unique circumstances of different communities and the ability of councils to work both holistically and at a micro level in understanding those circumstances and what mix of services managed in what way will best improve outcomes for individual communities.

It's this which lies at the heart of responding to the growing interest people have in being able to participate in decisions that impact them, and the relationship that has to maintaining trust in the public sector.

Against this background the growing practice of local government as the enabler/facilitator of participation is a necessary complement, not a challenge, to the interest which the public sector is now displaying in how to work more effectively with communities.

The PSC's long-term insights briefing provides an opportunity to extend thinking beyond the initiatives government is already developing through the Policy Project and the role of Regional Commissioners to encompass the best of international experience with working with communities.

An understanding of why this matters was very well expressed by the Minister of Local Government in a paper which she took to the Cabinet Social Well-being Committee on 19 August 2019 on the theme Working with Local Government on Community Wellbeing. The following four paragraphs selected from her paper we believe set out an approach for further developing insights on the nature and importance of public participation:

Recent domestic and international experiments (including the Social Sector Trials, the Place-Based initiatives, and Public Service Boards in the United Kingdom) have highlighted potential benefits and challenges in place-based collaboration between central government, local government and communities. Clearly, departments cannot have 78 individual conversations with councils. Nor can we expect councils to engage with multiple central government agencies at different times and places.

I propose to explore ways we can improve central government's engagement with local well-being priorities, and provide a more meaningful, efficient role for local government in the design, targeting and (where appropriate) commissioning of central services. I will also align this work with the Minister of State Services' proposals to strengthen the regional arm of central government.

Local government operates at the interface of people and place. Councils see and experience the challenges our communities face each day, and the services they provide make a critical contribution to well-being. This is essential because, above certain basic needs, different communities will need different outcomes delivered to maximise their well-being - we will not realise intergenerational well-being solely by changes in central government or by reference to national indicators. And making sure communities themselves are driving the mix and nature of services that contribute to their well-being is critical to resilience and social inclusion.

But at present, aspects of how councils work, and the way central government works with them, limit their ability to contribute to community well-being. In many small communities, council staff describe the absence of central government collaboration and alignment as exacerbating a social crisis in our most vulnerable communities.

Events since the Minister took her paper to the Cabinet social well-being committee, including the impact of Covid-19 and what that has meant for increased inequality, make her comments and assessment even more relevant now than in 2019. The emphasis on the difference between different communities, and on recognising that making sure communities themselves are driving the mix and nature of services is critical to building resilience and social inclusion.

So also is understanding her emphasis on the challenges of central government/local government/community collaboration because of the number of different conversations and interactions which could be involved.

We believe these challenges can be relatively easily managed through a tiered system of engagement - councils partnering with communities to determine their needs and priorities and councils collectively then in a regional arrangement established for the purpose (possibly but not necessarily through regional councils) identifying major priorities across the region and the order in which those, and other important but individual community based priorities, should be addressed (with accountability back to individual communities for doing so). These regional fora would then become the venues for dialogue between councils, Regional Commissioners and central government agencies active within the region to agree how best they will ensure the services they provide are designed and targeted to meet needs at the level of an individual community. From local government's perspective a primary purpose of this approach would be to ensure that the regional activities of central government encompass an informed understanding of the needs and circumstances of individual communities and thus providing a workable answer to the challenges which the Minister identified in 2019.

There will be other challenges as well. Research and practice which we have canvassed suggests there are a number of specific issues which will need to be carefully handled in enabling community engagement/participation. They include:

- How to recognise a community of place (or interest). A critical criterion is that the people themselves identify with that community of place as their community.
- How to ensure that the people who speak for a community of place are recognised by the people of that community as legitimate spokespeople.

- What should be provided by way of capacity and capability building to ensure that each community of place is able to play an effective role in identifying and representing the needs and priorities of the people of the place.

Fortunately, there is a wealth of experience available internationally (and some within New Zealand) which can help contribute to dealing with these issues. There is also very good evidence to demonstrate that the investment councils will need to make in order to deal effectively with these issues should be more than repaid in both financial returns and in terms of enhanced trust and social licence to operate. As an example, typically when there are good and ongoing dialogue relationships between councils and communities of place, those relationships can assist councils in ways such as identifying problems earlier rather than later when dealing with them is likely to be more expensive, fine tuning service level standards (experience shows that ratepayers are generally more parsimonious in the expenditure of their funds than councils themselves) and communities taking on responsibility for matters which in a more conventional approach would remain a council responsibility.

Even for those councils which are now actively exploring this approach to working with communities, doing so is still very much work in progress within a learning by doing approach. We expect to see this as an important contribution to the work of the Future for Local Government Review Panel, especially as we have access to and intend to draw on extensive and relevant international experience.

We also suggest that the Public Service Commission treat incorporating our proposals within its analysis of trends impacting on the public-sector as itself a learning by doing initiative opening the way to collaborating with groups of councils as they are ready to act rather than trying to put in place a whole of local government rollout.

Conclusion

We are very supportive of the emphasis which the Public Service Commission proposes to place on how to support better participation in government in the future.

We believe that the public interest which the PSC is responding to goes far wider than simply the opportunity to engage with government in the development of policy. It is very much people wanting more say about what happens in their place - as the Carnegie UK Trust has stated, it's about democratic well-being, people having a say in decisions which affect their place.

At the same time we recognise the significant challenges facing government as it works through how to ensure that the services it delivers are designed, targeted and delivered in a way which recognises the needs and circumstances of individual communities. This is where the role of local government in supporting and empowering communities, and working with them to articulate their well-being concerns, and their lived experience, offers central government a unique and necessary contribution to achieving its objectives.

The suggestions we have included above in the section on a pathway forward are intended to set the scene for a discussion between central government (initially the PSC) and local government on how best the two can work together in enabling the kind of participation and engagement which New Zealanders clearly want, and which we believe is essential to address concerns of

inequality and exclusion as well as, at a more practical level, making better use of scarce skills and resources. We look forward to seeing this offer picked up in the next discussion document.

Please contact me in the first instance with regard to any queries/clarification required in respect of the submission. I can be contacted by email: Garry.Dyet@waipadc.govt.nz or mobile: 0275720043.

A handwritten signature in black ink, appearing to read 'Garry Dyet', with a horizontal line extending to the right.

Garry Dyet
Chief Executive