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# The Spirit of Service

## Briefing to the Incoming Government

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# Foreword

## **Prime Minister, Minister of State Services**

Congratulations on your election. I look forward to working with you to ensure the Public Service supports you to implement your policies and achieve your objectives over the next period of Government.

This briefing is to inform Ministers of what the Public Service leaders consider it will take to operate more effectively to make a bigger difference for New Zealand and New Zealanders. It is a briefing that has the collective support of the Public Service chief executives.

The problem this briefing addresses is that while the separate Public Service agencies for the most part are successful in providing the policy advice and delivering the goods and services that they have sole accountability for, we too often struggle when we need to join forces to solve complex issues and deliver on opportunities for a better New Zealand. We do not do so as a matter of course, and we should.

In recent years a programme to build collective responsibility in to agency accountability has achieved considerable success. Much of this success has been due to influential leadership, personal commitment and setting goals that drive collective effort. But our experience is that when there is tension between an agency meeting its own outputs and contributing to a collective outcome, the system defaults back to the agency's accountability at the expense of the shared outcome. That is not a sustainable approach to system change.

The shift that we are ambitious to achieve will require a change in the settings that are creating barriers to a culture of a joined up Public Service (by which we mean both the government departments and relevant Crown entities). We need to review where accountability and decision making lies, and how we organise and fund the system.

We need to approach this with integrity. What we do is important. How we do it is equally important to realising our ambition. These are two separate but related parts of building a Public Service that puts New Zealanders and their best interests at the front and centre of everything it does.

To achieve this, we need to reconnect as a Public Service around the constitutional principles and values that give us our legitimacy and purpose: political neutrality; openness and transparency; providing free and frank advice; and merit appointments. These are the pillars which underpin the spirit of service to the community that motivates the Public Service to effectively serve New Zealand in a fast changing, globally connected world.

**Peter Hughes CNZM**  
State Services Commissioner  
Head of State Services



**“The Public Service should be treated as a whole and not as a number of separate watertight compartments, and officers of the Service should feel that they are officers of the Public Service as a whole, and not officers of special Departments only.”**

**- Report of the Commission of Inquiry into the Public Service, 1912**

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# The Spirit of Service

Four years ago, a new purpose was written into the State Sector Act requiring the State Services Commissioner and the Chief Executives to lead a system “imbued with the spirit of service to the community”.

Simply put, it means placing New Zealand and New Zealanders at the front and centre of how we in the Public Service think, organise ourselves, and operate. That is at the heart of a transformational programme that is underway and is as significant as any in the history of the Public Service.

It is not about fixing a system that is broken. It is about acknowledging that there are areas where, in a system that in many respects is recognised internationally for setting the standard, we can, and should, do better.

The transformation involved is about building a system that works well at the point where agencies deliver the outputs they are accountable for, to one where they are equally successful working together on complex issues and opportunities that demand high levels of collective effort.

There are two separate but related parts to this transformation programme that are critical to achieving success.

One is making some significant changes to the Public Service system so that the agencies operate as parts of one system, working collectively on the advice and outcomes that make the biggest difference to the lives of New Zealanders, and delivering services that are easy to access and are joined up around New Zealanders’ needs.

The other is to reconnect collectively around the spirit of service to the community. It is that spirit of service that connects our individual agencies and creates a greater purpose through a unified Public Service.

The spirit of service protects, builds and nurtures the constitutional pillars that give us legitimacy and purpose. These are the pillars of a Public Service that operates with integrity and earns the trust, confidence and respect of New Zealanders. They are a Public Service that:

- Operates in a politically neutral way so that it can loyally and effectively serve successive Governments
- Is open and transparent so that New Zealanders can see it working, engage, and hold it to account

**At heart, it involves placing New Zealand and New Zealanders at the front and centre of how we think, organise ourselves, and operate.**

- Provides free and frank advice to Ministers to support them to be effective and to see ahead, managing the risks and taking the opportunities
- Appoints and promotes staff strictly on merit to give New Zealanders confidence that the right people are in the right place at the right time.

These conventions were hard won more than 100 years ago against a system of patronage that allowed governments to appoint, promote and reward favoured people. It was also a fragmented system where each department operated in relative isolation.

The Public Service Act of 1912 put in place a unified, permanent Public Service where staff were appointed and promoted strictly on merit. These were the foundations of an impartial Public Service able to serve successive Governments.

It was a heavily centralised, prescribed model that served New Zealand well for many years. But over time it became bogged down in rules and procedures that stifled initiative and innovation and blocked efficiency.

The reforms of the 1980s and '90s replaced this with a model designed around agencies managing strictly for the outputs they were accountable for. Permanent secretaries were replaced with chief executives on fixed-term contracts. They employed their own staff and were held tightly to account for the work they were funded to do.

The changes were radical and succeeded in driving improvements in economic efficiency and responsiveness. This is the model we operate today. It has been very successful because the outputs agencies are accountable for alone meet most of the everyday needs of New Zealanders reasonably effectively.

Where it does not work so well is when the Public Service is confronted with complex challenges and opportunities that require several agencies to join their capability and resources and work collectively for a shared outcome beyond their direct interests.

The ideal is a culture of service to New Zealand and New Zealanders, whether they are customers purchasing goods, clients receiving services, or businesses engaging with government. That is the practical application of a system “imbued with the spirit of service to the community”.

It means serving New Zealanders through the Government with an eye to the future. That involves exercising the responsibility of stewardship, set out in our governing legislation, for the “active planning and management of medium and long term interests, along with associated advice”.

And it means building changes into the system to support the State Services Commissioner’s responsibility for “promoting the spirit of collaboration among agencies”, and to the chief executives for being responsive “on matters relating to the collective interests of government”.



**Laulu Mac Leauanae**  
Chief Executive, Ministry for Pacific Peoples

*“For most Pacific people, we grew up learning that serving others is part and parcel of who we are. We are born to serve.*

*“An old Samoan proverb; ‘O le ala i le pule o le tautua’ (‘The pathway to leadership is through service’) and it is an absolute given for me that I am here to serve, celebrate and empower the Pacific peoples. It is an honour to be a part of the Spirit of Service journey and serving New Zealanders this way.”*



**Rebecca Kitteridge**  
**Director-General of Security,**  
**New Zealand Security**  
**Intelligence Service**

*“We are here to make a difference for New Zealanders. All of us, all the time, should be thinking, ‘does this make a difference; does this make the lives of New Zealanders better?’”*

*- Public Service Leaders Summit*

## Our Core Values

New Zealanders expect the Public Service to deliver the advice, results and services that make for a better New Zealand, and to do so with integrity. We do not have their trust, confidence and respect as of right. We need to earn it.

Changing the system to improve delivery is necessary, but not sufficient. To earn the trust, confidence and respect of those we serve we need to own the changes, not just implement them. To own them, we need to start by reconnecting to the core values of the Public Service and the collective spirit of service that drives us to make a difference for New Zealand.

Armies of volunteers, people who work in local government, the not-for-profit and the private sector are also critical to making a difference to our country and the lives of our people.

But the Public Service is unique in being wholly accountable to the public for doing so.

The spirit of service this encapsulates is strong in the individuals who join the Public Service to make a difference. But with the reforms of the 1980s and '90s, we lost a sense of being part of something bigger than just our home agency. Something with a higher purpose.

The pre-eminence that the reforms of the '80s put on single agency accountability to some extent

fragmented the system and isolated the agencies. Identity and loyalty consolidated around individual agencies.

We need to revisit our core values and recapture the sense of collective responsibility that is the platform for a Public Service entirely focused on the outcomes that New Zealanders need from it.

We need to locate those values in a complex, digital world where the global order is shifting and where events happen and are responded to in real time. They must relate to New Zealand's changing demographic and intergenerational equity, and issues that present new challenges and opportunities, such as the implications of automation and artificial intelligence and the policy challenges those bring.

Later in this briefing we deal with what the changing environment means in applying the core values of political neutrality, transparency and openness, free and frank advice and merit appointments.

The next part of this briefing outlines where the current reform programme is up to, and then signals the more fundamental changes necessary to get to the next level and fully realise what the spirit of service to the nation and its communities requires of us.

# Serving New Zealanders

## Current Reform

The reforms of the 1980s and '90s were remarkably successful in getting individual agencies to deliver better results and services. We are not starting from scratch, and our success is well recognised internationally and remains amongst best practise.

New Zealand is consistently amongst the top countries in global measures of integrity, including the wellbeing of citizens, openness, transparency, the rule of law, preventing corruption and economic management.

This year the International Civil Service Effectiveness Index was issued for the first time. The measure, by Oxford University and the Institute of Government in the United Kingdom, judged New Zealand second overall of 31 countries.

Such measures treat the Public Service as a self-contained sector and measure its performance in largely technical terms. That is valid, works to a point, and provides a clear road to progress. In this space the challenge is to move from good to great.

Following that approach, the Public Service has made inroads in to many issues that require collective action. This has involved:

- setting outcome and service targets for some priority results
- putting together sector groupings to focus on outcomes and work together to achieve them

- developing a unified approach to shift the balance in the Public Service system in favour of collective action around shared goals in:
  - digital technology and data: ensuring we have standards; key infrastructure; capability development; and a single plan for these two key elements of our work
  - functional services that provide system level leadership of IT, data sharing, digital services, procurement and property, and Professional leads in policy, legal, finance, communications and human resources
  - sector and system outcomes
  - developing leaders for the system; ensuring succession in key positions; and meeting the commitments we have made to drive inclusion and diversity in the public service workforce.

There are now a number of key areas we are focused on to progress this programme of transformational change.

## In a Data Rich, Digital World

It is one thing to require the Public Service to deliver the results that are going to make the most difference for New Zealand and New Zealanders, but another to know how to successfully do that.



## Rose Hu GovTechTalent Graduate

*“The programme is about bringing all of government change and large system solutions that requires people with varied skillsets and perspectives. It looked like an opportunity to make positive change for New Zealanders. I also liked the idea of a systematic approach to implementing large scale solutions.”*

The GovTechTalent programme embeds 18 graduates who demonstrate digital leadership potential in a multi-year programme across nine agencies, to lift agency and system capability, increase opportunity for adopting digital tools, and progressively expand the network of digital capability across the system.

Data is the engine of better outcomes. It provides rich evidence for what will work and what will make the biggest difference, and how to intervene to achieve that.

Digital tools are the engine of better service delivery. They enable services to be joined up seamlessly around customers, clients or businesses to better meet their needs. They are the route to making engagement with Government easy and enabling.

New Zealanders provide information to many organisations that touch their lives. When those data sets are brought together they build a reasonably complete and objective picture of what is happening and where to focus to improve peoples' wellbeing.

We are creating system level leadership over this with the appointment of a Government Chief Data Steward. The Chief Data Steward will set standards to ensure that data from across the system is easily shared and matched and will lead the development of a shared infrastructure under a single plan across the agencies.

They will help build the capability to analyse data and use it in ways that support good policy and decision making.

This is not just about government decision-making. We are committed to getting to an open data future in which information is available to all sectors.

New Zealanders increasingly expect to conduct their business with government electronically. We need to make it easy for people to access services online, and to join up services that relate to each other so that one transaction covers all of the outcomes required for the life event or change.

A Government Chief Digital Officer has been appointed to lead digital transformation across government and provide strategic insights and direction to future policy. The role includes oversight of technology investment to achieve the maximum benefit. The investment in digital services will be supported by new funding models and delivery might involve third-party partnerships.

The Chief Data Steward and Chief Digital Officer will be seeking Ministers' engagement around the scope and authorities needed to help take their roles forward.

**We need to make it easy for people to access services online, and to join up services that relate to each other so that one transaction covers all of the steps in their journey.**

We are committed to accelerating the development and adoption of common standards for data and digital services and applying these standards beyond departments to Crown entities, including District Health Boards.

In all of this, the social licence to operate, including ensuring public confidence around privacy and security issues, will require careful and purposeful management.

A key to earning a social licence to share open data is that New Zealanders experience better services as a result. We have made good progress in data sharing and digital services, and we are recognised internationally as a leader. But the rate of technology driven change continues to accelerate. We need to consider ways to increase the pace and extend the scope of change in this area to keep up and get ahead.

Building the social licence to operate in this space will also include engaging better with communities of interest to develop direction and policy formation. We have made a start in these areas but we need to do more.

It also means protecting people's private information. The Government Chief Privacy Officer works across the public service to provide that assurance.

## Joining Up

The current reforms are focused on retaining the strengths of an agency's sole accountability while operating as one Public Service in the interests of New Zealanders.

It is a tricky balance that can extend beyond the agencies themselves to, at times, involve one or more of iwi groups, local government, the private sector or not-for-profit organisations.

The State Services Commissioner is leading a group to consider whether we have got right the mandate, scope, mix and authority of the functional leads (referenced in the current reforms part of this briefing). This will support better services and the achievement of sector-led results.

Developments at sector level are also helping the system join up better around common results.

In the social sector we have made progress by putting in place arrangements where a group of chief executives reports jointly to a single Minister on progress on a common set of important cross-cutting results. These results focus on groups of people with complex needs that can only be met by agencies joining up and working together. It is early days, but already the approach is driving positive collective responses.



## Dairy Action for Climate Change

Dairy NZ, Fonterra, the Ministry for the Environment and the Ministry of Primary Industries are working together to reduce emissions from animals and fertiliser.

The first stage in the venture has begun and includes working with ten trial farms to demonstrate how emissions can be reduced. Already other farms are expressing enthusiasm to join the trial.

The venture also includes Fonterra extending its nitrogen reporting pilot to methane gas. Dairy NZ has developed a roadshow to take the project out to farmers across New Zealand.



**Naomi Ferguson**  
Chief Executive and  
Commissioner of Inland  
Revenue

*“The spirit of service for me is all about integrity. We have to have integrity in everything we do to help the people of New Zealand have fantastic lives.”*

*- Public Service Leaders Summit*

## Leadership

None of what we have set out in this briefing can be achieved without the right leadership approach. We need leaders who can think and operate putting a system lens over their agency lens. It requires leaders who operate their agencies as part of a bigger whole in the collective interest of government.

This requires us to put far greater emphasis on identifying and developing future leaders at an early stage and looking further afield for those equipped to rise to the challenge. It means having succession plans in place for all senior leadership roles and moving capability more across the system to where it is needed. We need the right people in the right place at the right time.

We will be seeking leaders who understand the needs of New Zealanders in increasingly diverse communities. The Public Service risks losing relevance and effectiveness if its workforce is

visibly and significantly different from its client, customer and business base. It is also about building a richer knowledge and understanding of the cultural, ethnic and religious diversity that is shaping a changing New Zealand. We need to better understand at a system level the challenges and opportunities this brings.

Our ambition is that we will, by early next year, have identified a diversity profile that is appropriate for each of our agency’s workforce. We are committed to setting targets through our Four Year Plans and reporting progress on an annual basis.

Closing the gender pay gap in each of our agencies and creating flexible workplace practices are part of ensuring there are no barriers to participating. The Public Sector needs to lead the way in these areas.

**Our ambition is that we will, by early next year, have identified an evolving diversity profile that is appropriate for each of our agency’s workforce.**

# The Next Phase of Reform

For all this, we still have some way to go in building a unified Public Service that is working routinely as one system.

More than 100 years ago the Hunt Commission reported that “every main department, and even every minor department, tries to run its affairs as a distinct and separate concern, instead of being a branch of one large business”.

The reforms of the 1980s and ‘90s led us back to that point and there are some barriers to progress.

Ministers will be aware that the transformational change we need has implications for a Cabinet system designed around ministerial portfolios and individual responsibility, and that some of the barriers to achieving shared outcomes and collective Government objectives are matters we will need to resolve together.

Addressing those barriers will involve Ministers and the Public Service leaders reviewing where authority and accountability sits, how we organise the public services, where the incentives lie, and how we finance the system.

We have about reached the limits of what we can achieve without changing system settings. Tackling the underlying issues that stand in the way of bringing together the Public Service to drive better outcomes and services will require some fundamental changes and bring in to focus

the goals we set, the incentives we create and the accountabilities we assign.

This will encompass:

- a more sophisticated approach to setting targets and goals that require the collective effort of several agencies, supported by:
  - new forms of collective accountability to shift the incentives in the system towards agencies focusing on, and taking responsibility for, joining up around ambitious outcomes and better services
  - new approaches to financing to shift the single agency paradigm to system outcomes and services.
- existing sector groups taking a system approach to deliver on clear shared outcomes and better services critical to progress
- achieving greater agility in how agencies come together on an ad hoc basis to tackle specific priority issues, through organisational forms, funding and accountability models that support this to happen
- at the frontline, bringing greater flexibility to how service delivery to communities happens, including:
  - a wider range of organisational forms such as joint ventures and partnership arrangements that join up agencies and service providers



When a baby is born Internal Affairs registers the birth (so why not get a passport at the same time), parents check with Inland Revenue to update or qualify for Family Support (so why not get baby's IRD at the same time), and they notify the Ministry of Social Development of any changes if they are on a benefit. And the intention is for the State services to add other transactions that are triggered by a birth, such as immunisations and entry to the education system.

A similar approach to managing bereavement was launched in June this year. Other areas where work is underway to join up a "life event" include: Turning 65; Enrolling for Tertiary Education; and Becoming a Victim of Crime.

- a range of options for third party involvement in delivery, including through digital platforms, where the government may not be the sole provider.
- bringing far greater strength to foresight thinking within the Public Service to get ahead of the major social, environmental and economic challenges that New Zealand faces in the medium to long term (for example, the impacts of automation and artificial intelligence).

The common thread across all these changes is the need for agencies to take collective responsibility and join up and work together across the Public Service and beyond. That is a significant shift in the prevailing model of single agency "vertical" accountability.

We can get a certain distance by gathering the relevant agencies around a specified trial, a standalone goal, a particular service or a prescribed policy outcome. But the system change we are aiming at requires the outcomes Government is seeking to achieve to be supported by agencies that operate as parts of one Public Service as a matter of course, not separate entities that come together only when required.

This is likely to mean new, rather than amended legislation to embed this way of thinking into the system.

Taking a whole of system approach to better results and services for New Zealanders will also involve Crown entities that are responsible for functions that are integral to the system's success. Some are involved in cross agency collective approaches now, but we may need to revisit the model to ensure that they are fully integrated in to the system through their governance and accountabilities.

This briefing does not go in to detail around these proposed changes. That is properly a matter for advice and engagement with Ministers. It will require a bold approach that includes fundamental reform around the architecture of the system, the incentive structures currently in place, and legislation. It means testing our appetite to think and operate differently. The chief executives and I are ready to engage in that.

# A Public Service that New Zealanders Trust

The measure of success for the outcomes-based model of public management that we aspire to is that we earn the trust and confidence of New Zealanders by delivering the results and services that secure their immediate and long term interests.

Doing that with integrity means that how we work to achieve those results, our license to operate and the values and behaviours that flow from that is also critical. The what and the how need to work together.

The “how” bit is the conventions that give the Public Service legitimacy: political neutrality; openness and transparency; free and frank advice to Ministers, and staff appointed and promoted strictly on merit. Reconnecting strongly to these core values is critical to restoring our sense of a unified Public Service operating with the collective interests of New Zealand at heart.

We do not think the conventions are fundamentally at risk, but we do think there are areas that need to be strengthened, and some that need to be better

understood in terms of how they operate in our modern age. The next part of this briefing touches on those.

## Political Neutrality

Political neutrality is central to a Public Service that is always fit to serve the Government of the day and successive governments. Providing a continuity of expert advice, experienced practice, and strong public services matters. It is enshrined in the State Sector Act, which states that the Public Service has a duty to “promote and uphold a State sector system that maintains political neutrality”.

Since the 1990s there has been a rise in the appointment of Ministerial advisors and there are now about 150 working in the system.

The role can be confusing in that Ministerial advisers are public servants in every respect except that they are released from the obligation to be politically impartial. While this has long been

The “how” bit are the conventions that give the Public Service legitimacy: political neutrality; openness and transparency; free and frank advice to Ministers, and staff appointed and promoted strictly on merit.



## 2017 Cabinet Manual

*“Officials must be politically neutral in their work, serving the current Minister in such a way that they will equally be able to serve any future holder of the office. This principle of political neutrality is central to the public service’s ability to support the government of the day and any future government.”*

understood it has never been codified. Critics have built on this, claiming Ministerial staff fail to respect the Public Service in its role, and, in particular, around providing free and frank advice and the operation of the Official Information Act.

The State Services Commissioner has now issued a code of conduct to apply to all Ministerial staff. A Standing Committee will develop guidance around the code over time. And Ministerial staff will be given opportunities for career development and professional training.

We do not consider the fact of Ministerial advisers free from political neutrality in itself means the Public Service has become more politicised. Their advent is relatively recent and largely a response to the more complex environment of coalition Government. The system is still working itself out, but the evidence is that Ministerial advisers add value to the system and make it easier for the rest of the Public Service to operate, particularly in coalition Governments.

Political neutrality is central to a Public Service that is fit to serve the Government of the day and successive Governments. But it is not a sterile concept locked in a point of time.

For instance, in the past, the Minister and only the Minister spoke on substantive matters and this provided a sense of political neutrality around the “anonymous” public servant. However, the

introduction of the Official Information Act in 1982, and the reforms of the 1980s and ‘90s giving chief executives greater autonomy and greater accountability, required them and their senior officials to explain policies and actions publically. The rise of social media has added to that.

The environment in which political neutrality plays out is increasingly complicated and complex and presents new challenges, including social media, increasing citizen engagement in the business of government, and proportional representation.

The challenge this brings to the Public Service from a changing context is that we continue to be, and be seen to be, operating in a politically neutral way.

## Free and Frank Advice

The provision of free and frank advice as central to our system of government is well acknowledged. The State Sector Act includes amongst the chief executives’ principal responsibilities the provision of free and frank advice to Ministers, and they are required to maintain the capacity to offer free and frank advice to successive governments.

This is not about the bold and fearless public servant facing down the Minister as characterised by some. It is not a license to be obstructive to the Government’s objectives or a Minister’s policy position.

The intended outcome of free and frank advice is better results and services for New Zealand, not officials advancing their own agenda or looking to demonstrate fearless independence for its own sake. The convention of giving free and frank advice is designed to support Ministers to achieve their objectives.

This requires officials to raise the risks and downsides to the Minister's direction and offer constructive ways through so that the Government's objectives are best met.

This can be confronting in the face of a Minister who is not receptive. It takes a skilled official with the confidence and good judgement that experience brings to get it right. At any one time that capability across the system will be mixed, but that does not mean the convention and the willingness to use it has weakened.

To be effective, free and frank advice depends on a relationship of trust and confidence between a Minister and the officials they need to interact with.

New Zealand's short electoral cycle and the politics of coalition Government tend to focus the system on the short term. The Public Service has a duty of stewardship, to look ahead and provide advice around the future challenges and opportunities New Zealand faces. Many of the more complex issues we face need that longer term thinking.

This is often territory where the Government's thinking is less formed and the options more contestable.

Building the capability to provide quality strategic advice around medium to longer term issues is a challenge for the system, and particularly so when the thinking required sits across and beyond the Public Service agencies. We need to strengthen our capability and commitment to provide such advice.

The advent of social media has complicated the context in which free and frank advice is given. In an increasingly fast paced, digital world, advice is frequently given orally, or through digital media. This is doubtlessly an ingredient in the view held by some authoritative voices that the Public Service is less willing to provide free and frank advice than it once was.

We do not agree that there was a golden era of free and frank advice that is disappearing. It remains a pillar of the integrity of the system that we subscribe to.

Part of the answer to meeting the perception that free and frank advice is less freely and frankly given is to ensure that as a matter of best practice, briefings should be in writing or at least documented in writing.

That is a challenge to the system, which tends to see confidentiality as a condition for providing free



**Paul James**  
Chief Executive, Ministry for  
Culture and Heritage

*“For me it started with my upbringing. I was taught what it meant to contribute to the community you lived in and to involve yourself and be active. So the Public Service was a natural fit for me. It is about people's lives and helping New Zealanders every day. I just find that really motivating.”*

*- Public Service Leaders Summit*



and frank advice. We need greater certainty around this. Significant advice should be given where possible in writing. If it is given orally, then a record of it should be made.

There are also expectations of when free and frank advice will be given. The State Services Commissioner and the Head of Policy Profession are developing guidance to clarify these expectations.

## Openness and Transparency

Openness is the antidote to suspicion and mistrust. It is the route to meeting the increasing demand of an educated citizenry to be informed of, and engaged in, the business of government. It is the tool New Zealanders have to hold us to account.

The centre of attention in this respect is the Official Information Act (OIA). It is of all measures of trust and respect, the one that organisations, communities and citizens have the most experience of and the one where our performance invites the most criticism.

Performance across the system needs to improve, and it needs to be underpinned by a practise of routinely publishing information without it being requested.

The information age has changed the landscape and opened avenues for greater misuse.

Agencies must gather information in a more complicated environment, comply with increasingly demanding and time-consuming requests, and devote increasing resources to respond to requests.

This may make compliance more difficult, but it does not shift the fundamental spirit of the legislation. It does raise issues that were not thought of at the time and has created uncertainty around the interpretation of parts of the legislation.

This includes the level of privacy that public servants are entitled to and the extent to which advice that is made public should also include the names of those who gave it.

There has been no substantive change to the OIA since it was passed despite calls from individuals and the Law Commission to review the scope and reach of the Act.

Notwithstanding all of this, the former Ombudsman Dame Beverley Wakem, in her report Not a Game of Hide and Seek, (December 2015) found that “most of the time, agencies were compliant in the way they operated the OIA on a daily basis”.

The system is not broken, but the Public Service certainly needs to address the valid concerns that have developed.

We are building capacity to provide better advice and guidance to agencies around the interpretation



of the Act and its use. And we are pursuing a policy of proactive release of information to reduce the necessity for people to resort to the OIA.

We have made a start around reporting on performance across 111 public service agencies on five measures (volume, timeliness, publication of responses, complaints and upheld complaints).

The latest reporting covers 42,000 requests for the year to June 2017. It shows that 93 percent of requests overall were handled on time, but performance ranged from 62 percent to 100. This allows us to identify the agencies that need to lift their performance.

Over that year the number of complaints the Ombudsman received was 1.4 percent of requests. And in that period, the Ombudsman upheld one in 360 requests handled.

The statistics show areas for improvement, but they do not paint a picture of widespread non-compliance or lack of timeliness.

## Merit-Based Appointments

On the face of it, appointing and promoting on the basis of merit (which the State Sector Act defines as the person who is best suited to the position) appears as the most straightforward and easily demonstrated of the four constitutional underpinnings of our public service model. In practice, however, it continues to be a confronting issue.

The challenge of merit has sat within the public service throughout its history. It has encompassed gender, disability, sexual orientation, operating in a bicultural society, and relating a country that has one of the world's most diverse societies. Merit is constrained when anyone is effectively excluded from applying.

We also need to address inherent barriers to achieving merit appointments and promotions. These include such issues as the bias experienced by some cultural communities in an increasingly diverse New Zealand, the challenges of an ageing population and inflexible work practices.

If we are to demonstrate merit-based appointments it must be from a truly level playing field. The Public Service has a role to lead in this area and we have touched on it earlier in the Leadership section of this briefing.



### **Donald Robertson** First Public Service Commissioner (1913-1920)

During his term the merit principle was established and he classified all public service jobs and graded employees. The merit principle had limited application when it came to gender, however – Robertson barred women from the public service entrance examination, made them resign if they married, and fixed their maximum salaries lower than those of men.

*Picture: Courtesy of Archives New Zealand - Te Rua Mahara o te Kāwanatanga, Ref:AAME W5603 8106 130*

# Conclusion

It is the calling, the duty and the privilege of being a public servant to work with the Government of the day. We do so with an eye to future challenges and opportunities, working with successive Governments to make things better for New Zealand and New Zealanders.

That is the spirit of service to the community that we uphold. It is the expression of a Public Service that is backed by the constitutional principles of political neutrality, openness and transparency, free and frank advice and merit appointment that give us legitimacy and purpose. We need to be strongly joined up around these core values.

To serve New Zealand well we also need a deep understanding of the communities we serve and how to place them at the front and centre of our thinking and action. And we need to reflect those communities in our workforce. The Public Service has a role to lead in this as New Zealand evolves as a diverse society.

We need to strengthen the capability in the Public Service to see ahead and plan, advise and manage for the medium and long term.

We are engaged in a programme to build a Public Service that operates this way in a fast changing, increasingly demanding, digital world. We have done so within the settings of a system where we are now confronting barriers to progress.

We can continue to make progress under current settings, but we have gone about as far as we can with that approach towards the fundamental system change we need to embed. We will need to change the settings if we are to overcome the barriers that are in the way of building a Public Service system that is joined up completely around the spirit of service to the nation and its communities. Achieving that is the key to delivering collectively for a better New Zealand in a challenging world.

That is our ambition. It will take vision and courage to realise it. This briefing signals the broad changes that the Public Service Chief Executives and I believe are necessary. These are important issues for deeper analysis, evaluation and discussion. We look forward to engaging with you around that.

**That is our ambition. It will take vision and courage to realise it.**







STATE SERVICES COMMISSION  
Te Komihana O Ngā Tari Kāwanatanga

