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State Sector Act Reform 2018

Submission, Transparency International New Zealand (TINZ)

Thank you for the opportunity to submit on this matter.

Summary of TINZ response:

The following is a summary of the points made in our submission. Our comments are heavily influenced by the detailed analysis of public sector services in Transparency International New Zealand's [Integrity Plus 2013 New Zealand National Integrity System Assessment \(NIS\)](#) and subsequent updates in 2015 and 2018 towards a 2nd edition:

Service Purpose, principles and values

1. Transparency International NZ supports the renewed focus on public service, through the proposed Public Service Act, including service purpose, principles and values. However, we think that professional and technical expertise is not sufficiently emphasised in the current purpose and values.

The problem definition needs more consideration and consultation

2. The very short period of consultation, lack of background papers and risk analyses inhibit the depth of public consultation needed for such substantial change. Rationale for change would be more convincing if it was backed up by evidence and fuller independent reports. TINZ recommends a second, longer period of consultation with further evidence prior to the finalisation of the new Public Service Bill. TINZ also recommends the use of an independent expert panel to think about matters that are relevant and important, which may be broader than this consultation.

Change, risk and evaluation

3. TINZ agrees with the Institute of Internal Auditors in relation to risk and assurance. Enlarging the scope, and increasing collaboration and agility across the public sector increases risk in areas such as efficiency, effectiveness, public engagement, management of conflicts, transparency and accountability. These risks should be identified and mitigation. We endorse the comments of the IIANZ that monitoring, through internal audit and independent assurance, are positive mitigation mechanisms when implemented well. TINZ encourages much greater use of independent monitoring, evaluation, internal audit and assurance activity and ethical insight and oversight: to support more transparency and reporting around outcomes and effectiveness, and the impact of regulatory changes.

Greater focus on transparency is needed

4. In its comprehensively researched *Integrity Plus 2013 New Zealand National Integrity System Assessment (NIS)*, TINZ recommended strengthening of integrity and accountability systems in public sector entity operations, with specific recommendations around reporting and monitoring of misconduct and breaches of integrity, regular integrity and conduct surveys, best practice options in fulfilling Te Tiriti o Waitangi obligations, increased activity to deepen reporting of tax expenditure and deepen public debate about fiscal policy. We see general comments about integrity and transparency, but there could be much more specific intent and examples provided, in line with the *Integrity Plus 2013 New Zealand National Integrity System Assessment (NIS)*. Note that a 2nd 2018/19 edition of the NIS is in publication and while the update includes evidence of improvement in some areas, key issues remain outstanding.

For example, in its 2013 NIS, TINZ recommended that the public sector actively promote the importance of ethics, transparency, accountability, and financial literacy among the public in New Zealand through civics education. There appears to have been little progress. This is an ideal opportunity to legally support increased civic understanding.

5. TINZ also seeks more visibility and accessibility for the public and greater ethical competency in relation to public finance, and data integrity, including the use of personal data.

Alignment can result in loss of organisational or regional accountability, and potentially the erosion of responses that are person specific.

6. Significantly, the proposals appear to centralise processes and problem solutions, which again raises risk
7. One of the risks of greater alignment between agencies is the loss of individual agency accountability. The balance between the two is not well addressed in the consultation document. In general, TINZ supports varying levels of independence of a range of government agencies. Reaching solutions to the identified problems will be dependent on the aims and objectives of the government entities that are involved. We do not support taking away their accountability.
8. TINZ queries how the changes, including cross organizational collaboration will align with the importance of local government to New Zealand? It would be helpful for there to be more clarity in terms of background papers following specific consultation about the respective roles of central and local government.
9. Whilst appreciating the wish by many for quicker more seamless access to government services through simpler and generic portals, it is important that this is not at the cost of individual service response, particularly where expertise, sensitivity, privacy and very specific solutions are needed.

Better engagement with civil society and local government is needed.

10. In its *Integrity Plus 2013 New Zealand National Integrity System Assessment*, TINZ recommended greater engagement with civil society and the business community on a government-wide framework for timely consultation on new policy initiatives and greater public participation in policy development and implementation. Some progress on engagement has been made via the Open Government Partnership, but the recommendation for a broader consultation framework remains.
11. TINZ's NIS also recommended a review of the appropriateness of contractual and/or statutory restrictions on public advocacy by non-government organisations. Research for the 2018/19 NIS 2nd edition indicates that there has been little movement on this over the past 5 years.
12. TINZ also queries how the proposed changes will mitigate collective rationalisation and a move to further central control that could subsume individual or community problem solving and innovation. How will citizen participation in and initiation of policy initiatives be enhanced in the new model? What are the risks of concentration of decision-making and planning at senior leadership level and how can those risks be mitigated?
13. TINZ recommends that the Open Government Partnership themes, incorporating robust public consultation, deeply inform processes including any guidance from the Commissioner.

Greater importance needs to be given to Te Tiriti o Waitangi

14. TINZ supports stronger public service leadership for integrity-focused education and training for citizens, and around the crown/Maori relationship and Te Tiriti o Waitangi.
15. TINZ strongly supports greater stewardship in areas such as te reo Maori including deeper consideration of the risks of inaction.

UN Sustainable Development goals should guide joint ventures

16. TINZ recommends that UN Sustainable Development Goals guide joint ventures over the next ten years.

About Transparency International NZ

Transparency International New Zealand (TINZ) is the recognised New Zealand Chapter of [Transparency International](#), the global civil society organisation against corruption. TINZ is a not-for-profit incorporated society with charitable status. TINZ is non-political and non-partisan.

The vision of Transparency International, provided below, means that TINZ is a caretaker of New Zealand's high trust, high integrity society. Our reports, assessment documents and facilitation of discussions have positively impacted New Zealand's approaches towards corruption and open government.

The respect given to Transparency International New Zealand is driven from documents such as our [Integrity Plus 2013 New Zealand National Integrity System Assessment \(NIS\)](#) and subsequent updates in 2015 and 2018 towards a 2nd edition, as well as the [Corruption Perceptions Index](#) produced by the global body, Transparency International. TINZ has also worked with central government agencies on initiatives to strengthen understanding on a broad range of issues around transparency, open government, and integrity systems. This includes our innovative Public Sector CEO Leadership Integrity Forums, jointly hosted with the Office of the Auditor General. As resources allow, TINZ will extend these initiatives to local government and business.

TINZ actively brings critical and constructive voices to the table wherever anti-corruption expertise, advocacy and action are needed, and has played a key role in efforts to promote integrity and transparency and to resist corruption.

The portfolio of Transparency International is wide and its approaches are focused on detecting and preventing corruption. The large network of committed stakeholders places the international body and the New Zealand chapter in the privileged position of being able to continue fighting against corruption even within a global socio-political context that feels ever more challenging.

A world with trusted integrity systems in which
government, politics, business, civil society and
the daily lives of people are free of corruption

(Transparency International Vision)

Response to Consultation questions

Purpose, principles and values

Question	Transparency International NZ (TINZ) response
Should the purpose, principles, and values of the New Public Service be included in the Act?	TINZ strongly supports the inclusion of purpose, principles and values of the New Zealand Public Service in the Act. We think the professional and technical expertise which is required is not sufficiently emphasised in the current purpose and values.
How should the principles and values be enforceable?	The word 'enforceable' is inconsistent with TINZ's approach to develop cultures of integrity that do the right thing. Public sector agencies should be encouraged to align their own principles, purpose and values to those of the State Services Commission.
How can the Act help build the trust and confidence of citizens in the Public Service?	<p>We suggest a relook at this question. Rather than focussing on the Act, we suggest that SSC consider what services it can provide that will inspire the confidence of all New Zealanders in the Public Service. Within this context, the SSC can give guidance on:</p> <ul style="list-style-type: none"> ○ Clarity in terms of who the public service serves, and to what ends; and the interface between central and other forms of governance and service delivery. ○ What transparency and accountability mean for public services; ○ How public services can actively support scrutiny and visibility; ○ How public services should actively enable citizen engagement and participation; ○ How public services should be deeply informed by the Open Government Partnership themes; ○ How the UN Sustainable Development Goals should guide agency activity over the next ten years.
How much detail should be included in the Act and how much should be specified elsewhere in guidance and requirements issued by the Commissioner?	The Act should give clear direction to the Commissioner and to government agencies about the scope under which the Commissioner can issue guidance and. The Commissioner's ability to require should be limited to areas of non-compliance with relevant legislation.
Do you agree with the way we have articulated the purpose, principles and values? Are they clear and compelling?	Yes, TINZ agrees with the words and the form; they are clear and with more focus on values-driven alignment, they will be compelling
Are there any concepts you think are missing? What are they, and why do you think they are important?	TINZ considers the words together are sufficient.
Do you see any constitutional implications arising from these proposals and, if so, are there any risks or costs that we need to be aware of.	Any changes to the Act should not hinder national discussion and debate on the merits of a written New Zealand constitution. A key risk that will add costs is if the new Public Service legislation is prescriptive rather than values based and permissive.

Scope of the Public Service

Question	TINZ Response
Do you agree with the extended scope of the New Zealand Public Service proposed in this paper? Do you see any problems in how this might operate in practice?	<ul style="list-style-type: none"> TINZ is wary of this approach and would like to see greater discussion and consultation including expert papers on this issue that highlight risks and opportunities. TINZ's position is that transparency and accountability is the way to manage the problems that have been identified. Reaching solutions to those problems will be dependent on the aims and objectives of the public entities that are involved. We do not support taking away their accountability and autonomy.
What entities do you think should be covered by the purpose, principles and values in the Act?	<ul style="list-style-type: none"> TINZ considers that the other government agencies should be encouraged to align their purposes, values and principles to those of the SSC.
What is your view on the inclusion of Independent Crown Entities in the scope of the New Zealand Public Service?	<ul style="list-style-type: none"> Crown Entities are already part of the public services. Transparency and accountability should be applied in relation to the monitoring of their performance.

Crown / Maori Relationship

Question	TINZ Response
Does this proposal provide for an appropriate contemporary expression of the Public Service's support for the Crown/Māori relationship? Why or why not?	<p>Yes but TINZ makes the following comments:</p> <ul style="list-style-type: none"> New Zealand is fortunate to have Te Tiriti o Waitangi that encompasses principles of harmonious governance while enabling the continuation of unique cultural values and different approaches to public service delivery By reflecting the primary importance of the Crown/Maori relationships, and what Maori have already contributed to in terms of acknowledging and working with current integrity systems, the Public Service Act will be strengthened. The devil is in the detail of wording in relation to Te Tiriti o Waitangi partnership and cultural capability, because the words will determine whether the Act has any meaningful catalytic impact. The wording needs to be clear and courageous. The public service has an important role in providing opportunities for New Zealanders to strengthen their understanding of the Crown/Maori relationship and Te Tiriti o Waitangi. How will this progress through to local authorities and to Crown Entities? TINZ supports the inclusion of recognition of the distinctiveness of te reo Maori: this would be one example of where national stewardship would have meaningful measurable impact. TINZ suggests that some risk analysis be undertaken to

	<p>understand the impact of inaction.</p> <ul style="list-style-type: none"> • TINZ strongly supports inclusion of reference to Te Tiriti o Waitangi in the revised legislation in a manner that acknowledges the benefits of the relationship and of the different approached to public service design and delivery. • TINZ supports recognition of te reo Maori in revised legislation
Are there any aspects you think are missing? What are they, and why do you think they are important?	<p>Te Tiriti o Waitangi can be understood to create obligations of partnership, respect and participation. There is an opportunity for the new Public Service Act to move out of the mode of legal compliance to take a proactive role in oversight and policy development in this important area. For example, the SSC has a role in reviewing Maori employment across central and local government, including for crown entities. Given the constitutional standing of Te Tiriti and the enduring importance of Maori issues across the policy agenda, the monitoring and evaluation of public sector policy advice and service from a Te Tiriti perspective is rightly part of the SSC's stewardship responsibilities.</p>
What do you think are the system wide priorities to ensure that the Public Service will deliver for Māori?	<ul style="list-style-type: none"> • More self-management • More active support for the use of te reo • Greater positive engagement with Te Ao Maori by education and media (to build understanding and appreciation of the value of Te Ao Maori to all New Zealanders). • Greater attention to mitigate the lifelong impacts of inequity, including in health, education, superannuation and employment.
What agencies should be covered by the expectations of the Public Service in relation to Māori?	<ul style="list-style-type: none"> • All Government entities

Our People

Question	TINZ Response
What should the Act say about diversity and inclusion?	<ul style="list-style-type: none"> • TINZ agrees with the proposed wording around diversity and inclusion.
How can the Act help ensure that workplaces are diverse and inclusive?	<ul style="list-style-type: none"> • TINZ agrees with the proposed wording, but suggests that the word 'promote' should be replaced by a stronger word 'enable' or 'implement diversion and inclusion strategies' • TINZ advocates strongly for transparency and accountability in relation to diversity and inclusivity. Agencies should be expected to report on diversity and inclusivity outcomes.
Do you agree that the legislation should enable the establishment of common terms and conditions for functions and professions across the Public Service? Why, or why not?	<ul style="list-style-type: none"> • TINZ supports merit-based employment. There should be sufficient transparency that provides evidence that merit-based appointment practice is the norm. • A key role for the SSC is to ensure that there is

	<p>independent researched evidence that provides the basis for decisions on workforce deployment, workforce mobility, and wage negotiations, and to provide guidance where systemic issues have been proven.</p> <ul style="list-style-type: none"> • The responsibility to set or negotiate national awards is best left to employers closest to the employees.
Do you agree that the Commissioner should have the proposed level of oversight over pay equity negotiations?	<ul style="list-style-type: none"> • Transparency and accountability should be the main mechanisms of highlighting inequity. Agencies should be required to be transparent in relation to their pay levels including gender pay gaps.
What could be the costs or risks in greater cross-Public Service coordination on workforce issues?	<ul style="list-style-type: none"> • Increasing integrity systems throughout the public service should further support the coordination of workforce issues that is already occurring. • Risks from applying national wage and conditions structures could include the siloing of public service through its own structure, and possibly a reduction in recruitment from business and other areas of expertise into public services.
What else could promote the aim of a diverse, flexible, and effective workforce?	<ul style="list-style-type: none"> • Greater support for ranges of work options. • More active support to enable people with disabilities to engage in the workforce. • Regular ‘practicum’ experiences in communities. • Independent auditing of workforce recruitment and retention practices to ensure diversity, flexibility and effectiveness.

Organisational arrangements

Question	TINZ Response
Do you agree that we need more options for departments to organise in ways that improve the outcomes and services for New Zealanders? Why, or why not?	<ul style="list-style-type: none"> • TINZ agrees. More complex problems may be addressed more effectively through collaborative efforts between government agencies. • However this will generate risk in areas such as efficiency, effectiveness, public engagement, transparency and accountability. Safeguards are needed to mitigate risks and provide assurance.
Do you agree that Public Service Executive Boards will help the Public Service deliver better services and outcomes? Are there any risks TINZ should consider?	<ul style="list-style-type: none"> • The opportunities for public sector leaders to coordinate around the delivery of better services and outcomes in an open and transparent manner is a strong lever for developing better service delivery. • TINZ can attest to the positive effects of this – through the Public Sector Leaders Integrity Forums that it facilitates. These have dealt with wide ranging topics such as procurement, preventing corruption, free and frank advice.

	<ul style="list-style-type: none"> • Like many complex issues there are likely to be both benefits and unintended negative consequences from consolidating decision-making. To manage these risks TINZ recommends utilising more independent auditing and assurance: to check transparency and probity; to evaluate results and outcomes; and to provide assurance around process. • TINZ also recommends the use of independent ethical agents/agencies providing both insight and oversight of processes, so that leaders are encouraged to recognise and move beyond unintended consequences such as group think or collective rationalisation. • TINZ is concerned that consolidation of decision-making may lead to an erosion of citizen participation. This can be mitigated through wording in the Act that requires consultation. • TINZ also queries the impact of centralisation on regions and on local government. To what extent have the value of local government services; local regulation; regional development and local opportunities been considered in the big picture view?
<p>What do you think about formal collective accountability of chief executives on Executive Boards? What are the benefits and risks of this approach?</p>	<ul style="list-style-type: none"> • There are strong benefits to this approach. Two benefits are: <ul style="list-style-type: none"> ○ It could lead to more coherent forward direction, because of the variety of perspectives that the range of public sector leaders would bring to the Executive Board. ○ Leaders can also take the perspectives of others back to their organisations, and explain them clearly. • Risks include collective rationalisation and the potential for centralisation of power, solutions or resources when they need to be shared or left to others.
<p>Do you agree that a Joint-venture model would help the Public Service deliver better services and outcomes?</p>	<ul style="list-style-type: none"> • The primary difference between joint venture models is how they are contracted. • If contracting is fully engaged and professional, then any joint venture model that is fit for purpose has the ability to delivery good services and outcomes. • The challenges occur when the partners become disengaged, for example around assumptions about where responsibility and risk lie. • It also depends on how transparent and accountable the parties to any joint venture are. • TINZ supports the use of ethical codes of conduct and business practice by any parties to a joint venture. • TINZ recommends that the Open Government

	<p>Partnership themes should deeply inform processes including any guidance from the Commissioner</p> <ul style="list-style-type: none"> • TINZ recommends that the UN Sustainable Development Goals should guide joint ventures over the next ten years.
Do you think that one of the three potential Joint-venture models would work better than the others, and if so why?	<ul style="list-style-type: none"> • Irrespective of what model applies, any ventures should actively encourage transparency, accountability and monitoring, including through internal and external auditing • Commercial sensitivity should not be used as a means to avoid transparency and accountability where public funding and ‘public good’ goods or services are involved.
What are the benefits or risks of the Public Service using Joint-ventures?	See below
What checks and balances are needed in the process of establishing joint ventures?	<ul style="list-style-type: none"> • The purpose, principles and values should be reflected in any joint venture contracts • More monitoring and auditing is needed. Joint ventures have the potential to generate silos of protected non-contestable public funding, and fragmented entities without direct lines of accountability. • Joint ventures can also generate power imbalance, where a party dependent on funding restricts its level of transparency and openness as a direct result of its contractual relationship. • Independent ethical agents/agencies and business practices should facilitate self-reflection and transparency. • TINZ also supports greater citizen protection in relation to ethical and privacy matters where personal data is used to inform resource allocation, public funding assumptions and profiling or targeting. This applies to all situations including joint ventures.
Do you agree with the proposal for an Executive Agency model? Why, or why not?	<ul style="list-style-type: none"> • Comments have been made earlier about how collective rationalisation can be avoided. • Will citizen and civil society participation in policy projects and regulatory changes be undermined by moving more decision-making and planning to senior leadership teams (i.e. how can citizens engage in that process)
Do you agree with the proposal for a Statutory Officer model? What would the benefits or risks of this model be?	<ul style="list-style-type: none"> • There is insufficient discussion in the background document to fully consider the benefits and risks of such a model, and any alternatives.
When considering all of the proposals in this chapter, do you think they will achieve the right balance of delivering better services and outcomes while retaining clarity of accountability?	More evidence is required to answer this question in an informed manner. A second round of consultation, backed up with independent research, is a way of ensuring the new Act is effective.

When considering all of the proposals in this chapter, are there any specific changes that would improve them?	See answer immediately above.
What do you think the consequences of the proposals will be, e.g. for public servants, citizens and other legislation?	Establishing a culture of transparency, respect and integrity is essential to improving outcomes for citizens. Structures on their own are insufficient to improve outcomes. In other words, the consequences of proposals including increased wellbeing, productivity and prosperity through public service will be determined by their attributes regardless of the structural form.
Do you agree with the potential implications for the Public Finance Act? What other changes might be considered to the Public Finance Act?	<ul style="list-style-type: none"> TINZ promotes greater clarity, accessibility and public engagement in relation to budget development, and to ongoing monitoring of budget expenditure and assets on the government balance sheet. Greater clarity and accessibility has been recommended by Colmar Brunton in its report for Treasury¹. TINZ also recommended simple politically neutral information aimed at the average citizen and by TINZ in its <i>Integrity Plus 2013 New Zealand National Integrity Systems Assessment</i>². How will that be built into the new approach?
Are there options for changing the way services are delivered that we have missed?	<ul style="list-style-type: none"> Open Government Partnership – our experience with OGP is that there remains a significant gap in terms of public understanding of available services and what the public want and need. In order to be able to sustain and grow ‘enfranchisement’, the public need to be clearly heard, in terms of what works for them. Our comments in relation to alignment of directions with broader themes such as SDG and OGP apply.

Leadership

Question	TINZ Response
Do you agree with the proposal for a Senior Leaders Service in the Public Service?	Yes, though evidence is needed in support of the design of this service.
What are the benefits, costs, and risks of our proposals for the SLS?	<ul style="list-style-type: none"> A benefit is that this model provides good succession options and cross pollination. A risk is potential disenfranchisement for staff who are not considered part of the senior leaders service. It will be important to mitigate this risk by having transparency about the pathways for all public servants to progress into this part of the service.
How can we ensure that the Senior Leaders Service is diverse	<ul style="list-style-type: none"> Independent review of appointments, recruitment and development process.

¹ Colmar Brunton May 2017 report for Treasury ‘Towards an Open Budget’ Qualitative report to understand stakeholders’ views on how New Zealand’s Budget could be more accessible

² Transparency International, *Integrity Plus 2013 New Zealand National Integrity Systems Assessment*.

and inclusive?	<ul style="list-style-type: none"> • Ensure sufficient guidance and direction for CEOs to actively pursue diversity and inclusion in workforce and leadership development. • Including in this guidance a requirement for data to be collected to monitor diversity and inclusiveness.
Do you agree with the proposal to include an overarching reference to the collective responsibility and accountability of chief executives in the Act?	Yes
How do you think collective responsibility and accountability of chief executives could best be achieved? Are there any costs or risks that TINZ should consider?	<ul style="list-style-type: none"> • Risk: Working together should not undermine the collaboration that also needs to occur between government agencies and community service providers or that is currently already occurring. Whanau ora is a good example where collaboration and integration is recognised as superior to many services.
Do you agree with the proposal for the Commissioner to bring chief executives together and work with them to improve the system? Why, or why not?	<ul style="list-style-type: none"> • Yes • The current work going on in disability transformation (between MSD, Health and Education) offers a good model for better systemic outcomes.
Should chief executives have a duty to work with each other and the Commissioner to improve the system? Why, or why not?	<ul style="list-style-type: none"> • TINZ' earlier comments that the Commissioner's role should be guidance, benchmarking, evidential and leadership, and only policing or compliance in specific situations, applies. Agencies should retain their accountability for working together.
What types of issues do you think would benefit from collective system leadership, and why?	<ul style="list-style-type: none"> • The UN Sustainable Development Goals and Open Government Partnership provide clear issues that could benefit from collective system leadership. • More collective focus could be given to: <ul style="list-style-type: none"> ○ Civics and citizen engagement ○ Digital and financial literacy/awareness ○ Cultural celebration (including diversity) ○ National Information Technology infrastructure
How do you assess the benefits, costs and risks of this proposal?	More evidence is required to assess the benefits and costs and risks in an informed manner.
Do you agree with the proposal to recognise the role of functional and professional leads? Why, or why not?	<ul style="list-style-type: none"> • Yes. This is a useful mechanism to support cross agency collaboration in a small country. • Function and professional leads should also meet expectations in relation to transparency and accountability, including having their work independently scrutinised
How do you think we should define the roles of functional and professional leads?	<ul style="list-style-type: none"> • There is already precedent with the current arrangements.
How do you assess the benefits, costs and risks of this proposal?	More evidence is required to assess the benefits and costs and risks in an informed manner.
Do you agree with the proposed designation, role, and functions of the Public Service Commissioner? Why, or why not?	<ul style="list-style-type: none"> • TINZ views the key role for the Commissioner as putting in place and being a key exemplar for strong integrity systems with the public sector. • TINZ supports the proposed changes to the Commissioner role to set expectations around whistleblowing and

	<p>‘speaking up.</p> <ul style="list-style-type: none"> • TINZ supports the proposed change to require agencies to institute a proactive release policy. • TINZ notes that one of the objectives of the Public Service Commissioner in NSW is to ‘build public confidence in the government sector’ • TINZ recommends that the Commissioner’s role be to set principles and expected behaviour. As an example, TINZ Principles of Organisational Integrity are: <ul style="list-style-type: none"> ○ Culture of open discussion and active listening ○ Organisational justice ○ Open communication and information sharing ○ Clear expectations ○ Top down commitment to do the right thing ○ Lead by example ○ Trusted, trustworthy colleagues • The SSC has a powerful leadership role in the development of the public services. To make sure that NZ’s reputation is real, and to motivate all government agencies to want to have the strongest systems in place.
<p>Specifically, what do you think about the proposal to make the role of the Commissioner in the government formation process explicit in the New Zealand Public Service Act?</p>	<ul style="list-style-type: none"> • TINZ agrees that it should be made explicit, within the context of building public confidence in the government sector. • A clear important role is to support new parliamentarians. The public has explicit trust that the new parliamentarians are going to be successful in their new role. Given the proposed role of the SSC under these reforms it would make sense for it to provide guidance and professional development for new parliamentarians, in particular because SSC hears (or should hear) the voices of the public • Depending on legislative wording, the SSC could assume influence and power that may result in a barrier to influence or accessibility by citizens. Will the role be subject to scrutiny and control? How will it be scrutinised by the public? Will this result in a gap between citizenry and government agencies?
<p>What do you think the consequences will be of the proposed changes to the designation, role, and functions of the Public Service Commissioner? Are there benefits, costs or risks that we have not considered in this document?</p>	<p>One of the consequences is that the State Services Commission will need to build specific capability in this area and will need to be resourced to do that.</p>
<p>In what circumstances do you think it would be appropriate for the Commissioner to direct departments on specific integrity</p>	<ol style="list-style-type: none"> a. Where there is a system wide issue b. Where there is a new high risk c. Where there is individual service failure that rises above a threshold or is repeated.

<p>matters?</p>	<p>In any of the above situations the Commissioner should not be able to take action without active consultation, and without checks and balances that maintain general agency autonomy. There should also be a natural justice process. And the Commissioner’s response should be actively open to scrutiny and ethical review.</p> <p><i>Our Integrity Plus 2013 New Zealand National Integrity System Assessment</i> made specific recommendations in relation to strengthening of integrity and transparency and accountability systems in public sector entity operations. It recommended public reporting of misconduct and breaches of integrity; regular integrity and conduct surveys.</p>
<p>Over the long term, which option for appointment of the Commissioner would best help the Public Service to accomplish its purpose, adhere to its principles, and practise its values?</p>	<ul style="list-style-type: none"> • No matter what process is chosen, there should be transparency, accountability and clear public communication about the reasons and process.
<p>What are the benefits and risks of each possible option?</p>	<ul style="list-style-type: none"> • More evidence is required to assess the benefits and costs and risks in an informed manner.
<p>Are there other options you would suggest? If so, can you please outline the option and why you are suggesting it?</p>	
<p>Do you agree with the proposals related to the Deputy Public Service Commissioner and the Chief Executive of the Public Service Commission? Why, or why not?</p>	<ul style="list-style-type: none"> • It is challenging for organisations who are responding to this consultation to comment on these more detailed considerations within the limited time period and with limited background discussion that could inform a decision. • Any consideration should be seen in light of the principles of the SSC.
<p>What are the benefits and risks of these proposals?</p>	<ul style="list-style-type: none"> • See above
<p>What else needs to happen to strengthen leadership of the Public Service? Should any further proposals be provided for in legislation?</p>	<p>Yes</p> <ol style="list-style-type: none"> (1) explicit opportunities to set the tone at the top (2) regular review of the public service code of ethics to ensure its effectiveness (3) regular on-line training for all public servants aimed at strengthening integrity systems through up-to-date knowledge of bribery, corruption and fraud. (4) briefings to ensure all public servants are up-to-date with relevant conventions as well as current legislation (5) effective whistle blowing with avenues for reporting breaches in ethical standards (6) strong management of the supply chain and distribution channels through robust procurement processes (7) risk assessment to uncover corrupt practice. <p>The benefits of the above are:</p> <ol style="list-style-type: none"> (1) the public sector brand becomes a powerful galvaniser; (2) easier market access;

	<p>(3) lower costs; (4) easier access to capital; (5) higher returns on investment; (6) quality committed staff; (7) customer loyalty.</p>
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Serving successive governments

Question	TINZ Response
Should a provision for a Long-term Insight Briefing be provided for in the legislation?	Yes. Any long-term insight briefing should be released, at the same time, to the public.
What do you think the Long-term Insight Briefings should contain?	<ul style="list-style-type: none"> • Clear information on government commitments to Open Government Partnership, with prior engagement with the wider public on the design of the commitments. • Clear information on government commitment to UN Sustainable Development Goals. • Include risk assessment across the public sector with mitigations for those risks. • Project opportunities available due to strength of the public service and transactions with citizens
Which length of time should the Long-term Insights Briefings cover?	<ul style="list-style-type: none"> • Whatever is necessary to give full and frank advice.
Who should develop a Long-term Insights Briefing?	<ul style="list-style-type: none"> • A mix of senior policy and external non-government experts
Are there any further options for how the Public Service could provide data and analysis to help citizens, political parties, and Ministers?	<ul style="list-style-type: none"> • A key element of building trust and confidence is to ensure that citizens are able to scrutinise and query data, algorithms and assumptions that inform services or decisions. • The recent increase in publicly available data enabling (relatively) easy to use data analysis by citizens and more sophisticated use by researchers is useful in supporting an open society, empowering citizens and encouraging debate.
Are there any other ways for the Public Service to support successive governments?	<ul style="list-style-type: none"> • By becoming a clear voice for what the wider public expectations are of government service delivery.

A new Public Service Act

Question	TINZ Response
Do you agree or disagree with the problem definition and focus of the legislative change?	<ul style="list-style-type: none"> • TINZ agrees that complexity which is broad in scope can be frustrated by a silo'd approach. • Legislation on its own will not be sufficient to meet fix the problems. • Integrity systems are the best way of building public trust and reducing silo'd approaches. • Collaboration is enhanced by trust and transparency between public agencies. • TINZ considers that a key risk to be avoided in all these changes is anything which will disempower citizens. To maintain a positive and open society we need to ensure that citizens retain sovereignty and agency over their lives, and that they see their voices being heard and having influence. • Being open and transparent is vitally important so that civil society can be more engaged in complex solutions. They then have a channel for reflecting to public service the citizen voice and experience.
Do you think that we should amend the State Sector Act or develop a new Act? What do you see as the benefits, costs and risks of this proposal?	<ul style="list-style-type: none"> • The underlying theme of the proposed changes is greater responsiveness to the public through building stronger integrity systems. TINZ salutes that intent. • The existing Act is based on a much more centralised perspective on the state sector. For this reason we think there should be a new Act. • As noted above, no matter what system, we need far greater engagement and agency for individual citizens. If we are just replacing a top down structure with another then there is no point. • TINZ supports a less interventionist role for the SSC, which pushes forward principles as guidance for other public sector players.
Do you agree with the proposed purpose of the new Act? What other ideas do you have for defining the purpose of a new Act?	TINZ agrees. Problem solving is not specifically mentioned, although that takes a good deal of public service time. Is it sufficiently reflected in the purpose description?

Thank you once again for the opportunity to consult on this matter.

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