

6 September 2018 IPANZ panel on State Sector Act reform- Erin Polaczuk speaking notes

We welcome reform of the Act and we've called for it for some time

- The architects of the '88 Act had change in mind and a lot has changed
- It's time to move away from the ideas of the '80's and '90's in the Act and the question now is what ideas and values we want to shape the new Act
- We think the reform timeframe is too short and that a wider conversation is needed and more voices included, especially as this is radical change, has the potential to forge a new direction and matters to citizens
- other than the long overdue proposed recognition of the role of the public service in giving effect to the Crown's Te Tiriti responsibilities, the issues identified for reform are currently largely the concerns of the Wellington bureaucracy.
- There needs to be clear and deep focus on role of the public service in relation to citizens. It's time to ensure the public service faces and responds to the public as well as Ministers. There is a growing sense that New Zealanders both want and expect public services to be accountable to them, and to be more fully engaged in how they are shaped and allocated.
- Having said that, in the absence of other legislation, the Act does also need to clarify the role of Ministers in relation to the public service
- Since 1988 who delivers public services has changed significantly – if not as much as some on the right would wish. The boundaries of the public service have blurred - the community sector delivers a significant proportion of public services, and they want to move beyond a merely contractual relationship with the State. The proposed reforms don't address this yet there is the potential to enable some exciting new ways of working that could extend to the community sector or perhaps also local government.
- At the time the last bill was created the community and private sector were not large players in the delivery of public services. This decentralisation is now well entrenched and the new Bill needs to acknowledge this and steer us to another version of PS delivery (or not) but either way this should be addressed.
- The document could discuss how this can be reflected in the Act – for example by extending the principles and values to contracted services. It could also clearly signal a move away from those merely contractual relationships with the community sector through including an ability of community organisations to partner with departments using the organisational arrangements in chapter 6.
- Legislating for values is difficult always, but we support this addition. Our members feel attached to the public service ethos and draw identity from that service, not the department at which they work... Values are important but should extend to all with responsibilities for the delivery of services.

- Local government is excluded but this is not discussed. Local government would seem to be an obvious collaborative partner with departments and community organisations, particularly in place-based initiatives. While current legislation does not bar this from happening, it does not happen. These kind of collaborations could be signalled/enabled by the organisational arrangements in chapter 6.
- The paper assumes that the current contractual style relationship between chief executives and Ministers continues. This is seen by many as one of the key issues with the current Act, and an example of dated '80's/'90's neo liberal thinking. We recommend that the review take the time to relook at this relationship. This is a key problem for us, as it advanced the segmentation of the PS workforce, created competition and, we would argue, unfair and sometimes strange discrepancies in worker terms and conditions in the public sector.
- Related, there is talk of common terms and conditions, which PSA promotes. We know that a lack of transparency and decentralised bargaining has led to some unequal outcomes for workers. As an aside, we are currently looking at a classification structure and believe that this is not only inherently able to be done, but is sensible.
- Sorting out a classification system and aligning T&C will assist with the joint venture proposals
- It's not clear from the discussion document what is intended to happen with the good employer obligation. We suggest this is more comprehensively described and changed to being an "exemplar employer". The previous mention of a good employer was weak and unenforceable. In our view the good employer provisions need to be strengthened to be an "exemplar employer" and this should be included as a principle of the Act.
- It would be appropriate for anything around diversity to come under the umbrella of this, rather than being a stand-alone feature.
- There's no discussion of how the Act can better balance public servants' work and political neutrality obligations with their individual rights to civil participation, which is currently a source of some confusion and misunderstanding in the sector, particularly in general election year. This could in part be achieved by enabling the Commissioner to issue a charter in relation to public servants' civil rights. This could also include a clear signal around the public interest in speak-up cultures that support public servants to blow the whistle.
- We look forward to the upcoming review of the protected disclosures act and believe that support for whistleblowing needs to be contained within legislation and led in terms of culture change.
- The purpose, principles and values of the new Act should inspire public servants. Do they do that? Not yet – we do have the opportunity to make this something inspiring and enduring. Something that reflects PSA members aspiration to make a difference in society and with values that reflect the heart of NZers and reflects our bicultural society.
- In summary, we welcome the review, we want it to be thorough, and we don't want the government to miss an opportunity