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POLITICAL NEUTRALITY: A DISCUSSION IN THE SERVICE OF OUR FUTURE: THE IPANZ STORY



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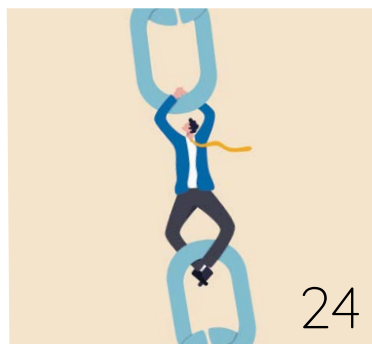
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IPANZ PRESIDENT
LIZ MACPHERSON

PUBLIC SERVICE BY THE PEOPLE, FOR THE PEOPLE

As I write, the 53rd Parliament is sitting under urgency to progress bills through the House. Next week is the last sitting week of this Parliament, culminating with the Adjournment Debate on 31 August. At 11 am on 8 September 2023, on the steps of Parliament and in the sight of any who wish to attend, the 53rd Parliament of New Zealand will be dissolved. Parliament will not meet again until the 54th Parliament has been opened after the general election on 14 October 2023.

And so begins the formal pre-election period. The business of governing continues, albeit while exercising restraint. The Government is, after all, the Government until it is not the Government. However, ministers will also be heavily occupied with the upcoming election, securing the opportunity to represent the people when the 54th Parliament is convened.

But what of the public servants? If the business of governing continues, so does the business of supporting those who govern, though direct contact with ministers is less frequent.

The frenetic pace of the last four years has taken its toll on the public sector. Responding to a pandemic, disinformation-fuelled occupations, floods, cyclones, housing crises, climate change impacts, cyber-security risks, and global uncertainty while dealing with their own personal stresses at home leaves a mark. Serving a public that is itself tired, stressed, and running out of patience is hard, often thankless, work.

I have been in or associated with the public service for over 30 years. I don't think I can remember ever seeing people so mentally and physically exhausted. Yet these same people will be tasked with responding to the inevitable 100-day plan that accompanies any new government – whether re-elected or newly anointed. Our three-year election cycle means that a new government, of whatever hues, will be keen to hit the ground running. For those who will work directly with incoming ministers, the pre-election period provides an essential opportunity to refresh and re-energise. The strategic environment that greets the 54th Parliament will continue to be challenging, with no easy fixes in sight. Everyone will need plenty in the tank.

*Contributions
Please*

Public Sector journal is always happy to receive contributions from readers.

If you're working on an interesting project in the public sector or have something relevant to say about a particular issue, think about sending us a short article on the subject.

Contact the editor Kathy Catton at editor@ipanz.org.nz

PUBLIC SERVICE SYSTEM

POLITICAL NEUTRALITY: A DISCUSSION

Chris Eichbaum, Adjunct Professor at Te Kura Kāwanatanga School of Government, Te Herenga Waka Victoria University of Wellington, shares his thoughts on the topic of political neutrality.

It is easy to find reference to 'political neutrality' and its value as a positive and defining element of the system of government in Aotearoa New Zealand. It's now codified in statute with Section 11 of the Public Service Act 2020, covering purpose, public service principles, and spirit of service to the community. Section 12 codifies a set of principles.



CHRIS EICHBAUM

Here, I look at the first three principles, given that they speak most directly to 'political neutrality': politically neutral (to act in a politically neutral manner); free and frank advice (when advising ministers, to do so in a free and frank manner); and merit-based appointments (to make merit-based appointments (unless an exception applies under this Act)).

Before we locate political neutrality in the context of our system of government as a whole, some questions relating to political neutrality arise:

- Does committing to and acting under the principle of political neutrality mean that 'political considerations' are irrelevant in the context of what the public service does? No. And while it will depend on the context and the nature of the public servant's position, a good grasp of politics will be an asset (indeed, some of us believe that this should be an attribute of students completing their secondary education).
- Does political neutrality involve a denial of politics? Not at all. Political nous makes for good relationships between public servants and officials. That said – while political nous is an asset – there are real boundaries regarding roles and responsibilities (I would posit that an important one is between a prime ministerial chief of staff and the permanent public service), and those boundaries trump bonhomie. Public servants enjoy the

same rights as other citizens to participate in political activity in Aotearoa New Zealand. And public servants can stand for political office.

The bigger picture

Aotearoa New Zealand is an example of a transplanted Westminster system. Rod Rhodes and Patrick Weller have distilled the essential or defining elements of Westminster down to five characteristics:

1. The concentration of political power in a collective and responsible cabinet.
2. The accountability of ministers to parliament.
3. A constitutional bureaucracy with a non-partisan and expert civil service.
4. An opposition acting as a recognised executive in waiting as part of the regime.
5. Parliamentary sovereignty with its unity of the executive and the legislature.



In the context of an examination of ‘political neutrality’, clearly the third attribute is the one deserving of the greatest attention. But it is limiting to view the characteristics of systems as fixed in time or static. They are dynamic, they are relational, they are fluid, and they are iterative (all qualities of the constitutional arrangements we find in Aotearoa New Zealand).

... the public service is apolitical,
yet responsive to the
government of the day.

We can state that political neutrality is a defining feature of our system of government and interrogate that statement. But we can also state – and with some confidence – that as an attribute or quality of the state of the public service, the degree to which it manifests political neutrality may fluctuate over time. And then our task becomes one of examining the drivers of change and posing questions like ‘What enhances it?’ and ‘What diminishes it?’

Political neutrality: Supply and demand

Let’s assume that a politically neutral, non-partisan, and expert public service constitutes supply. And then let’s also assume that how that supply is ‘used’ by political principals like ministers constitutes ‘demand’. A failure to allow the public service to fully realise its capabilities (and this can happen for a variety of reasons – quirks of personality, political staff being used as gatekeepers, recourse to purpose-built alternative sources of supply when it comes to advice) can compromise ‘political neutrality’.

Some years ago, I came across an excellent Department of Labour publication: *The Human Capability Framework*. It posited that human capacity was about matching capacity with opportunity. In terms of a simple formula, capacity + opportunity = capability. My suggestion is that as a set of principles, informing the practice of government is inherent in all three. You need politically neutral talent (add a capacity to tender free and frank advice). You need a receptive audience in political principles (and the members of their ‘courts’) and you need a sufficiently robust process to affect a coming together of capacity and opportunity.

So political neutrality is not just about the public service narrowly defined – absent demand or the matching of capacity with opportunity. It is not simply an A4 poster on an office wall and something that we tell ourselves about at night in order to get a good night’s sleep.

It requires ministers to understand the notion of political neutrality and respect and accommodate the public service

in discharging their part of the bargain when making political neutrality a working reality.

There is a ‘but’ here, and that ‘but’ suggests that political neutrality may be a function of a relationship, with key factors being determined on the demand side – we might even characterise it as exogenous.

But a retreat from political neutrality may well be a self-inflicted wound: and this we might characterise as being endogenous. In this situation, the disposition of the public service is to please the minister – at any cost. And so self-censorship becomes an aspect of the retreat from political neutrality. This variant involves the denial of the constitutional obligation to tender free and frank advice and its replacement by a desire to ensure that advice to the minister is comforting, reassuring, and affirming of established points of view.

Happily, some ministers want discomfort, the challenge, and the contestability that comes from robust processes of policy development, implementation, and review. Some ministers appreciate that the pebble in the shoe may, notwithstanding the discomfort, in the long run be a good thing (assuming it is eventually removed, and the ‘gait’ returns to being agreed and purposive).

Relational nature of political neutrality

In 2007 the Secretary of the Australian Commonwealth Treasury, Dr Ken Henry, convened a meeting of all of the staff of the Commonwealth Treasury in the period leading up to the Federal Election.

capacity + opportunity = capability

The theme of the speech was Treasury’s effectiveness in the current environment. It aimed to help staff in fulfilling their mission “to improve the wellbeing of the Australian people by providing sound and timely advice to the Government, based on objective and thorough analysis of options ...”

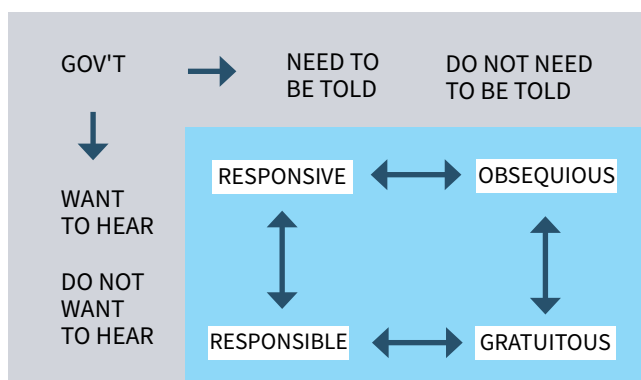
The speech drew on examples where Treasury has been very effective, including the intergenerational report, the national reform agenda and superannuation, and the greater challenge of being effective in non-Treasury portfolio areas such as water and the environment. To be effective, Treasury needs not only to provide deep analytical rigour and economy-wide thinking but also to be persuasive in communicating its views.

Ken Henry stated, “We need to be even more acutely aware of our role and our identity as part of an apolitical APS [Australian Public Service]. This is a key feature of our system of government. The legislated APS values make it

clear that the public service is apolitical, yet responsive to the government of the day. In a pre-election period, we need to be particularly vigilant in balancing our duty to be responsive to our ministers with the need to be non-partisan, non-political, in the advice that we provide" [emphasis added].

At its very essence, being apolitical means being politically neutral.

At this point Ken introduced a diagram, referred to as the 'Dimensions of Advice'.



DIMENSIONS OF ADVICE. CREDIT: KEN HENRY

This diagram reflects that political neutrality is about a relationship or a set of understandings regarding roles. Then there is an 'and' and a 'but'. The 'and' is that there may be circumstances where the posture needs to include advice that is responsible. In this diagram, that is captured by the suggestion that such advice is of the kind that a government may want to hear but may also be advice that the government does not want to hear. It is advice of the 'pebble in the shoe' variety – potentially discomforting. It could be advice that identifies a flaw in the 'intervention logic' within a government policy; it may be advice that identifies medium-term costs that outweigh short-term benefits; it could even be advice (and here Robodebt in Australia comes to mind) that what is proposed by the government may be illegal. The list could go on.

And what about the extremes in the two left-hand quadrants in the table? What I would characterise as 'hyper-responsiveness' on the part of the day – an uncritical disposition to simply implement what the government desires, effectively repudiates political neutrality by dint of partisan obedience.

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On the other hand, what I would characterise as ‘hyper-responsibility’ might risk attempts by government departments or agencies to frustrate the mandated responsibilities of the government of the day by a single-minded ‘we know best’ prosecution of a departmental ‘we know best’ mindset. Again, my submission is that this is a repudiation of political neutrality.

As for the other two quadrants, given the limitations of space here, I recommend viewing as many episodes of *Yes Minister* and *Yes Prime Minister* as you can tolerate.

In Aotearoa New Zealand we do not have a fully codified (in statute) constitution. We do not have a constitutional court; we do not have an upper house – arguably we lack some of the checks and balances that we find in other jurisdictions. Ipso facto, the sage adviser speaks with a constitutional voice on behalf of the public. This is one aspect of political neutrality. The public service is not, given some kind of Wilsonian dichotomy, a set of institutions that deposes what those in politics have proposed. As the Ken Henry authored diagram might suggest, sage advisers sometimes have an obligation – albeit in terms that Sir Humphrey (from BBC TV series *Yes Minister*) would support – to point out when emperors have no clothes (or are inappropriately dressed).

Permanence

On the matter of ‘permanence’ (short-hand for the debate over whether the heads of government departments should, in the British tradition, be permanent employees, or whether it is preferable to have the upper echelons of the public service staffed by individuals on fixed-term contracts): since the passage of The State Sector Act 1988, we have – for those atop our departments of state – dispensed with permanence.

The State Sector Bill 1987 foreshadowed the end of permanence for the heads of government departments and agencies. Permanent heads or secretaries were now to be chief executives, and, far from permanent, placed on fixed term contracts and subject to performance reviews.

Labour Leader and 34th Prime Minister Mike Moore explained the justification for this change in a contribution to the debate over the Bill:

“The Bill is good, and I support it. Members know that the previous system was feudal because the cardinals would meet in the Wellington Club, put their votes in the box, and send up the name they favoured. Members should not pretend that that did not happen. This Bill will break open the feudal club ... The member [a reference to Jim Bolger] could not stand up to Sir Humphrey. The member was a joke. The departmental heads made mincemeat out of him.

The feudal system and the ‘Sir Humphreys’ could not stop laughing. The member is the New Zealand version of *Yes Minister*, and he will never be the Prime Minister ... I do not support running a closed shop for the ‘Sir Humphreys’. I do not believe in a feudal, gutless system.”

Perversely enough – and given that ‘politicisation’ forms the background to this discussion – the same Bill foreshadowed something fundamentally different for the National Party Opposition members who opposed it. They were concerned with the potential for the politicisation of the upper echelons of the public service through the appointment of political, or in other material ways, sympathetic fellow travellers of the government of the day.

Tenure does relate to political neutrality. It can be argued that someone on a fixed-term contract may be more likely to place greater weight on the preference of their political masters than on what policy does not suffer from a ‘presentist’ bias and is predicated on the public, not short-term, electoral interests.

This was an issue regarding the ‘new’ Public Service Act 2020. Concerning the tenure of chief executives, the Act provides under Schedule 7 that chief executives are appointed on a permanent basis, but for a period not exceeding five years (they may, however, be reappointed). I sense that a simple bifurcation between permanence, per se, and limited-term contracts have evolved into a system with a cadre of public service leaders who can be rotated through different positions according to the circumstances present at any juncture. It would be an interesting exercise to map the career trajectories of the current cohort of chief executives.

This highlights a potential tension between the security of tenure and political neutrality. It should also be noted that incoming governments can change the rules of the game regarding the recruitment and appointment of chief executives. One hopes that in the case of Aotearoa New Zealand we do not see the equivalent of past political excesses in Australia that saw the immediate termination of departmental secretary positions occasioned by a change of government. But it is a possibility. And one that we should be wary of. **PS**

Chris Eichbaum is an Adjunct Professor in the Te Kura Kāwanatanga School of Government, Te Herenga Waka Victoria University of Wellington. He is a former Head of that School, Associate Dean, and Vice Provost (Academic and Equity). He has been an adviser to number of New Zealand prime ministers, and has held positions in the Australian Commonwealth Public Service, and the New Zealand Public Service. His research over the past 20 years – largely conducted with Richard Shaw – has focused on the genesis, role, and impact of ministerial advisors.

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IN THE SERVICE OF OUR FUTURE

– THE IPANZ STORY

Liz MacPherson, IPANZ President, recognises the need to look backwards in order to determine the future direction of IPANZ. Here she outlines the vision and strategy for the organisation.

Kia whakatōmuri te haere whakamua – I walk backwards into the future with my eyes fixed on my past

In 1934 some young public servants gathered in Ōtautahi Christchurch to explore what it meant to work in the public service in service of the public. They believed there was more to it than their individual roles within their respective agencies – they sought to understand the broader background and common principles of public service. Within two years, such gatherings were taking place around the country, and the New Zealand Institute of Public Administration was born in 1936 by and for public servants.

Today, as the national body for public sector professionals, the Institute of Public Administration New Zealand (IPANZ) has a membership of virtually all public service agencies, 25 wider public sector organisations, 26 private sector companies, and 45 individuals. We have around 12,000 people on our database.

IPANZ is a non-governmental organisation: an incorporated society governed today by a Board of 12 people with strong connections to the public sector and managed by a staff of 2.3 FTE.

In our 87 years, some things have remained constant while others have changed as IPANZ has adapted to the world in which we operate.

What IPANZ is all about

Ruia ki te koraha ka hua kore.

Ruia ki te whenua ka hua mai.

When the ground is fertile, the seeds you sow will prosper.

If it is barren, the seeds will wither.



Our whakataukī perfectly describes IPANZ's purpose and role: IPANZ promotes a thriving public sector by providing fertile ground for connecting people and ideas. We serve our members by building a community of learning and practice about public service. Constant over time has been our focus on the activity of public service, on delivery for the people, by the people.

Public service is the work of public servants – yes, but not solely! Our members also include private companies who support the work of the public sector as well as communities, universities, and individuals who also, in their own ways, pursue public service.

Te Ara – the IPANZ Strategy 2023–2035

The IPANZ Board, which I am privileged to chair, recently approved *Te Ara: IPANZ Strategy 2023–2035*. Here's what it says. Our vision is a thriving public sector that lifts the wellbeing of all New Zealanders, and our purpose is to promote a strong public sector. Our convening and connecting power allow us to do the following:

TIKANGA

WHAT WE DO

- 1 Whanaungatanga**
Connect people and ideas
- 2 Akoranga**
Build capability within the public sector
- 3 Kaitiakitanga**
Support future good government

KAUPAPA

HOW WE DO IT

- **Provoke thought** and broker ideas
- **Provide a neutral and independent space** for robust debate
- **Bridge across sectors** and within the public sector
- **Facilitate tuakana-teina**—sharing knowledge amongst ourselves
- **Support ako**—reciprocal sharing and learning
- **Focus on the practice** of public service
- **Provide resources** about public service values, principles and processes
- **Comment publicly** on public sector governance and management issues
- **Catalyse change**

THE VALUES WE ARE KNOWN FOR



Practice-oriented

Supporting the work of the public sector.



Agile

Staying focused on what is relevant.



Courageous

Pushing the boundaries.



Independent

Providing safe space for exploration and critique.

Future-focused

Building better government.

Credible

Sustaining our integrity.



Underpinning our mahi are core values that go to the very heart of IPANZ.

If I had to highlight just three values, I would emphasise our **independence** – we offer a neutral space for robust debate, reflection, and exploration, and a bridge connecting agencies within the public sector, as well as across sectors. Being **courageous** is easy to say but can be hard to do – it is crucial for IPANZ as otherwise we are not utilising our unique position to catalyse change. Constant over time has been our focus on **practice** – IPANZ supports public service professionals in their professional development and by sharing ideas and knowledge about the work of public service.

Where to next for IPANZ?

Let's start with the words 'public administration'. This means to serve the community to advance the common good and achieve constructive change. But the phrase has had its time – most people simply look blank when I use it. It's time for a refresh, and we will do this alongside consideration of our Te Ao Māori worldview and how we can support the public sector in its relationships with Māori.

We intend to step up in the public arena when critical public sector governance and management issues are under threat or being discussed in the media. We believe our independent view can improve general understanding and help strengthen the core values and principles of the public sector.

Keeping firmly focused on the practice of public service, we will review our activities to ensure we are offering you what you want through events and webinars, as well as insights and articles via our communications channels.

Our back office needs attention – particularly to make our website and communications more accessible and engaging for you, and our operation more effective in a digital world.

We want to work more strongly with others to enhance our impact. We aim to enlist more effort across different sectors into supporting excellent public service in Aotearoa New Zealand.

Across all of this, we will measure our impact – to answer the question: are we making a difference? – something we have not been very good at doing to date.

As we move forward, I'll keep you informed of our progress. Please get in touch if you want to help.

Further reading

Te Ara IPANZ Strategy 2023–2035 – https://ipanz.org.nz/Attachment?Action=Download&Attachment_id=150339

Spirit of Service: A History of the Institute of Public Administration New Zealand 1936–2006 (John R. Martin, 2006). Published by IPANZ, Wellington. **PS**

Liz has been the President of IPANZ since 2020. She has an extensive public service career spanning more than 30 years, including policy, operations, regulatory, strategy, and corporate governance roles. Liz held several deputy chief executive positions at the Ministry of Economic Development and MBIE before being appointed to the position of Government Statistician in 2013 and later Government Chief Data Steward. Liz joined the Office of the Privacy Commissioner in 2020. She holds the role of statutory Deputy Privacy Commissioner and also leads the Capability and Guidance, Compliance and Enforcement, and Investigation and Dispute Resolution teams.

OPEN GOVERNMENT:

A 40-YEAR GESTATION AND STILL IN LABOUR

This article continues the series exploring public service principles and the BusinessDesk-IPANZ survey of public servants. It delves into the duty of chief executives ‘to foster a culture of open government’, the gap between rhetoric and practice, and what is needed to maximise its transformative potential.

At an open government event in April this year, former Prime Minister Helen Clark warned that New Zealanders should not think the pressures that democracy is under do not affect us, and that we are complacent about this: “She won’t be right unless there’s eternal vigilance,” she said.

Ngāti Toa leader Helmut Modlik drew on the pandemic response: the vaccine rollout was successful when devolved to community organisations. The concept of open government connects these two perspectives: Aotearoa New Zealand is simultaneously a world leader and lagging behind.

The event discussed similar questions to those we explore here: how do we define ‘open government’, how does it affect our democracy and public administration, and where do we need to improve?

The BusinessDesk-IPANZ Working in the Public Service survey respondents indicated a lack of openness rooted in fear of repercussions, sensationalist media, insufficient leadership, limited resources, central agency pressure, and political adviser influence. A quarter of respondents noted ministerial advisers discourage frank advice, hampering open discussion of problems and public engagement. Seventy per cent believed their organisations were genuinely open-minded when consulting the public, which contrasts starkly with civil society participants’ experience of New Zealand’s Open Government Partnership (OGP) processes over nine years. (The OGP is an international organisation of governments and civil society working in partnership to strengthen democracy and deliver better outcomes for society.) Concealing problems undermines access to information, accountability, and participation.

Survey responses regarding free and frank advice show a complex situation. While 54 per cent disagreed that the Official Information Act (OIA) hindered free advice, open-ended responses exposed concerns: pressure to avoid unpopular advice in writing, resorting to oral communication for contentious matters, and intimidation to alter OIA responses.

Addressing these challenges requires a shared understanding of open government.

What is open government?

The concept of ‘open government’ has been evolving since Sweden’s 1766 Freedom of the Press Act but is still not widely understood here. The Danks Committee’s *Towards Open Government*, a precursor to the 1982 Official Information Act, emphasised, “The essential purpose of the new system ... is to improve communication between the people of New Zealand and their government.” It encouraged participation in public affairs, ensuring accountability of those in office, and an informed public.

The Official Information Act’s ‘purposes’ reflect this. Progressively increasing official information availability should “enhance respect for the law and promote the good government of New Zealand” by enabling people’s “more effective participation in the making and administration of laws and policies” and promoting “the accountability of Ministers ... and officials”.

The Public Service Act 2020 does not define ‘open government’. A 2019 Cabinet paper states, “Sufficient detail should be included to provide a clear understanding of these principles”, perhaps in reaction to consultation respondents saying existing guidance was ‘inconsistent, confusing and overlapping’. The Cabinet paper also defines ‘open government’ as “independent duties of chief executives regarding the preservation and release of information, and conventions around transparency, participation, and accountability”. Despite this, Te Kawa Mataaho Public Service Commission rejected submitters’ recommendations to the select committee that ‘open government’ should be defined in the Act.

The New Zealand Government formally endorsed the OGP’s Open Government Declaration in 2014, which uses similar language to Cabinet to define ‘open government’. The government now uses the more nebulous ‘transparency’

instead of the concrete ‘availability of official information’.

A recent book (Porumbescu et al., *Government transparency: State of the art and new perspectives*) explores what transparency is. The older conception of transparency is that watching others influences their behaviour. Today it primarily means government publishing information on websites. Ideologically, adoption of New Public Management (an attempt to implement management ideas from business and the private sector to public services) shifted ‘transparency’ from promoting trust, social justice, and bureaucratic rationality to enabling choice, reducing regulation, and promoting ‘small government’. The authors define transparency as “the availability of information about an organisation or actor allowing external actors to monitor the internal workings or performance of that organisation”. Unlike the 2019 cabinet paper, they overlook the key difference between ‘transparency’ and ‘availability of information’: the former is not simply about publishing official information but about communicating it. Philosopher Onora O’Neill says that publication alone doesn’t address corruption or poor performance; disseminated material must be “accessible to and assessable by relevant audiences”.

Publishing cabinet papers and briefings is where Aotearoa New Zealand leads the world. Yet this is unlikely to communicate information in an accessible way to New Zealanders and contrasts with effort put into communicating advice about the Covid-19 response.

Regarding another element of open government, the cabinet paper suggested that ‘participation’ is restricted to ‘influencing’ existing policy processes, despite civil society routinely participating in many other ways: inquiries, agenda setting, use of government-published data, and contributing to monitoring and accountability activities.

What ‘open government’ means could alternatively be stated in performance indicators or guidance on the Act’s principles. However, Te Kawa Mataaho does not do this. A recent OIA response stated it has no specific indicator for open government. In 2022 the Public Service Commissioner identified agency transparency as his measure: the number of OIA responses published online, OIA compliance statistics, and trust and confidence surveys. He gave no public participation or accountability indicators and confused public trust in service provision with trust in government.

Without assessment, the question of whether the principles are performative window dressing arises.

This ambiguous usage of ‘transparency’ across government challenges its conception of ‘open government’. Instead, the definition should be: access to information, public participation, and public accountability.



CREDIT: WATERCARE

Gaps between rhetoric and practices

The April 2023 event concerned New Zealand’s participation in the OGP. Member governments work with civil society to ‘co-create’ Action Plans containing commitments to improve public services and wellbeing through greater openness. Independent assessments evaluate commitment quality and ambition, the plan’s development process, and implementation.

Publishing the current Action Plan, former Minister for Public Services Chris Hipkins stated, “Open government is about strengthening democracy, building trust, and improving wellbeing.” However, every independent review has confirmed problems with our co-creation process, and commitments tending to lack ambition. Repeated calls for proper funding have been disregarded. Regrettably, OGP membership has not fulfilled its potential to integrate open government approaches across the public service.

Officials and ministers seem to struggle most with the participation dimension and cannot grasp that power-sharing is intrinsic to the concept and achievable. Backsliding on access to information and accountability is also evident, with over 25 statutory provisions that override the OIA introduced since 2017.

Te Tiriti o Waitangi dimensions

During the recent OGP Plan’s development, civil society organisations, concerned about continuing disregard of Te Tiriti obligations in the co-creation process and commitment design, developed three questions to guide this work based on the articles of honourable kāwanatanga, tino rangatiratanga, and equality and equity. As a result, Action Plan commitments reference Tiriti issues for the first time.

The work of Carwyn Jones and Moana Jackson indicates that New Zealand’s open government work could learn much from ‘co-governance’ practices emerging from Tiriti

settlements. Formal arrangements for shared decision-making, authority, and accountability between Crown agents, hapū, and iwi promise more durable decisions, improved legitimacy, and more effective implementation. While co-governance varies in form and continues to evolve, its application spans various contexts.

Progress – hopefully?

Recent progress in public participation shows a growing recognition that traditional consultation models are insufficient and suggest the ‘deliberative wave’ (see OECD report listed below) may finally have arrived. The Productivity Commission’s recent report *A fair chance for all* calls for action to empower people in policy and service design to break cycles of disadvantage. The Future for Local Government Review advocates for strengthening democracy through public deliberation. Kōi Tū’s discussion paper concludes that innovative consultation tools can help safeguard social cohesion. These calls build on 30 years of empirical research: the basis of OECD recommendations to institutionalise such processes.

Over the last three years, the Ministry of Transport, Watercare, Wellington City Council, and Auckland Council have commissioned deliberative workshops, citizens’ assemblies, and Polis deliberations. (Polis is an open-source platform for efficiently gathering and making meaning from large group conversations.) Community innovation is also evident, such as Porirua’s Te Tiriti-based form of community governance that combines Māori, Pacific, and deliberative traditions.

Watercare’s use of deliberative participation resulted in well-informed advice, enabling better infrastructure planning. It showed that randomly selected participants are willing to devote significant time towards the public good and find this work satisfying. This bears out the Irish experience, where citizens’ assemblies are now a normal part of policy

development and resolving intractable political problems.

Progress on access to information is mixed. While Aotearoa New Zealand leads the world in publishing cabinet papers and policy advice, no progress has been made on rewriting the OIA despite the Law Commission’s 2012 recommendation and Andrew Little’s promise in July 2020.

Aotearoa New Zealand’s accountability system is well-regarded, but the Auditor-General reports that a critical challenge is maintaining the public sector’s connection with an increasingly diverse society: “It is often not clear to the public or Parliament what outcomes are being sought ... how that translates into spending, and ultimately what is being achieved with ... public money.”

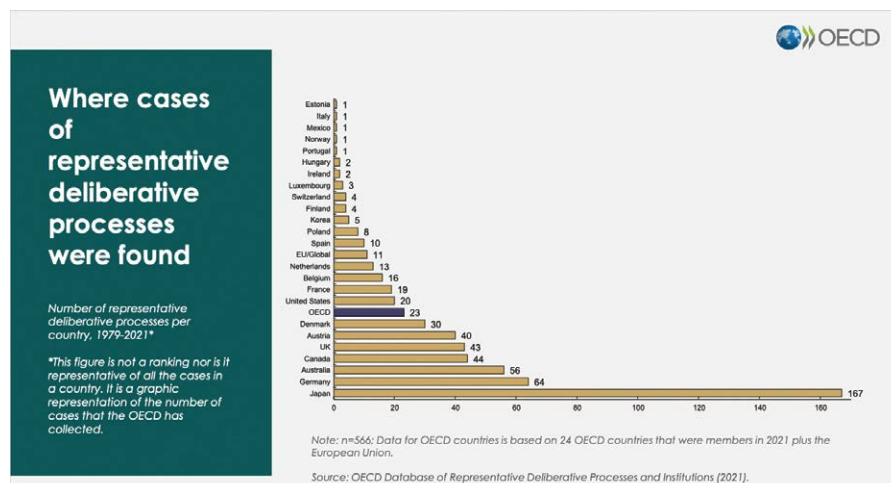
How to ‘foster a culture of open government’?

A 2021 literature review defined open government as an administrative reform aimed at establishing a different governing structure from traditional Weberian bureaucracy and New Public Management.

So fostering a culture of open government should necessitate a profound shift in New Zealand’s governance and would have implications for our democracy too, which also needs to evolve. However, anything but minor change seems unlikely in the absence of performance indicators, relying on conveying expectations through a revised Code of Conduct.

Former Chief Ombudsman Sir Brian Elwood highlighted in 2001 that the true long-term value of the OIA lies in citizens’ ability to participate in law and policy formulation, providing informed alternative advice. Achieving participation’s two-way flow of information and learning necessitates government leadership. Central government needs to learn from local government, Tiriti settlements, and community innovations. Open government entails going beyond consultation to collaboration and empowerment in decision-making. This connects to honouring Tiriti obligations and the critical need to integrate Tiriti-consistent shared decision-making models into open government practices.

The Government must leverage OGP membership to safeguard and enhance democratic institutions. International research indicates both direct and indirect mechanisms, such as Action Plans and coalitions of officials and civil society representatives, make a big difference by shaping policy norms and models, improving access to resources and opportunities, and forging new connections.



SOURCE: OECD

Government promotion of openness and related civil society initiatives, including through the media, is vital, as many question whether 21st-century polycrises can be addressed democratically. We all need educating and using technology to develop a course like Delft University's 'Open Government' Massive Open Online Course would help.

Open government also requires strengthening participation in implementation, monitoring, and evaluation. Agencies should gather richer evidence of public experiences to see if they match participatory principles. The United Kingdom OGP plan, for example, has established an OIA user group to do this.

Regarding access to government information, the OIA needs modernisation, as the Law Commission and others have regularly said. It has fallen far behind international best practices in regulating proactive disclosure, applying a public interest test to all withholding grounds, and in its appeals mechanism. A revised Act alone will be insufficient. Recreating the Information Authority would improve proactive publication, propose removal of secrecy clauses in other legislation, vet proposals for any new ones, update data and information policy, seek public and agency input on the law's operation, and consider where the scope of the law should be extended. Implementing this new body's recommendations could help address IPANZ survey respondents' concerns about the tension between 'no surprises' and a non-partisan public service, and improve relationships between communications officials and journalists.

Institutionally, a dedicated unit within Te Kawa Mataaho should lead and support the work to achieve open government transformations.

Conclusion

Aotearoa New Zealand has made significant strides since the 1980s, particularly in information access and accountability. Participation has lagged, due to inadequate leadership, impacting the quality of our democracy. As Helmut Modlik highlighted, the pandemic briefly showcased the participatory potential of open government.

We should, however, be under no illusion: transformations face an uphill struggle to overcome existing ways of doing and thinking by incumbent actors. Therefore we need to use our OGP membership to protect, support, and champion the 'culture of open government'. Codes of conduct and indicators alone will be insufficient – institutional and legal change is necessary.

Departments must cultivate intellectual heft, as reflected in the Act's stewardship principle, since navigating complex issues in a diverse society requires in-house capabilities.

As the OGP's declaration states, "Open government is a process that requires ongoing and sustained commitment." **PS**

Andrew Ecclestone is an Adjunct Senior Research Fellow in the Te Kura Kāwanatanga School of Government, Victoria University of Wellington, Te Herenga Waka. He's currently helping with a project to assist in drafting a freedom of information law for Papua New Guinea. Previous work during 30 years of working on open government includes: Senior Investigator Official Information Practice Investigations in the Office of the Ombudsman; State Services Commission on the first OGP Action Plan; work on freedom of information in government and civil society in the United Kingdom; and consultancy in Mexico, Indonesia, Cambodia.

Keitha Booth is an Adjunct Senior Research Fellow in the Te Kura Kāwanatanga School of Government, Victoria University of Wellington, Te Herenga Waka. As an Open Government Partnership Independent Researcher since 2017, Keitha researches member countries' progress towards reaching open government values of access to information, civic participation, and public accountability. In 2022, she led the Independent Initial Review of Taiwan's current Open Government National Action Plan. As open data researcher for the Land Portal since 2021, Keitha co-authored the Open Up Guide: Open Data for Improved Land Governance and is currently assessing the openness of land information in several African countries. During her public service career, she directed the NZ Open Government Information and Data Programme and led work developing and implementing New Zealand's open government policies.

Simon Wright has been advocating for and experimenting with in-person and digital forms of public engagement based on dialogue and deliberation since the mid-2000s, and is currently the Chair of Trust Democracy, a non-profit member organisation that was established in 2019 to strengthen public discourse, education, and research about democracy in Aotearoa. He was a member of the Public Service Commission's Open Government Partnership Expert Advisory Panel from 2019 until its disestablishment in 2023.

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PIONEERING CHANGE: WHAT CAN AOTEAROA NEW ZEALAND LEARN FROM WALES?

What can the public sector of Aotearoa New Zealand learn from the achievements of the first Future Generations Commissioner for Wales?

As public sectors worldwide face an urgent call for transformative action in the face of the need for long-term sustainability and social justice, it is helpful to highlight cases where success has already occurred.

Sophie Howe was appointed as the first Future Generations Commissioner (FGC) for Wales in 2015 (a role she held until January 2023) as part of legislation introduced to protect the interests of future generations. Like most public servants, she entered the public service wanting to make a difference – for children, crime, worklessness, and housing.

Sophie delivered a keynote address in July 2023 to the Local Government New Zealand conference held in Ōtautahi Christchurch.

“We are in the middle of a climate crisis; we are continuing to see exponential growth in technology, and we know that we have an ageing population,” says Sophie. “Each of these is a specific issue, but in my role as Future Generations Commissioner, I was asking how effective is the system within which these challenges sit and how can our public system get upfront of them? And how effective is the system at recognising the connections between these issues?”

In a mission to answer these questions, the government in Wales conversed with the Welsh people to ask what they

wanted for their future generations. In 2015 they passed the Wellbeing of Future Generations Act. The Act sets out overarching principles for all public bodies and local authorities to work within. All of the main Welsh public services, and significantly the Welsh central government itself, must now demonstrate how, when making decisions, they are seeking to meet today’s needs without compromising the ability of future generations to meet their own needs.

An example of the Future Generations Commissioner’s success includes opposing the Welsh government’s plans to spend £1.4 billion on extending a stretch of the M4 motorway. “We were continuing to invest in an old solution and never getting to the root cause,” she says. “As a result of my input, the government has reformed the entire transport strategy for Wales, including increasing spend from £5 million to £75 million in active travel from 2016 to 2021 and reducing roading spend from two-thirds of the budget to one-third.”

“Find those people within your organisation who can become trailblazers for this work.”

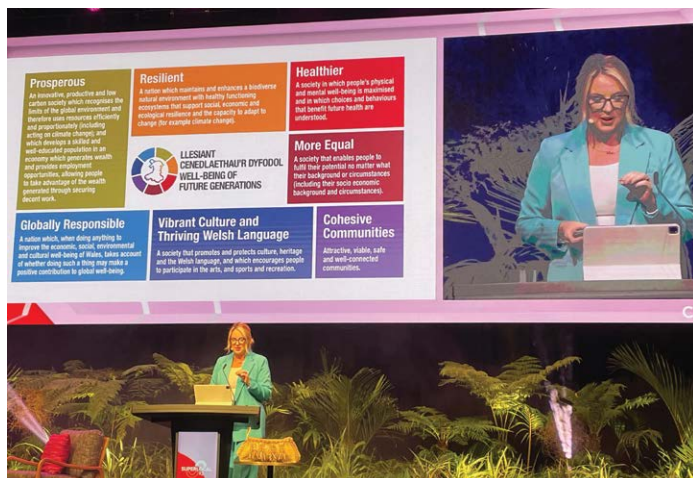
Another example was the government using the requirements of the Future Generations Act to recognise the shortcomings of the Welsh curriculum and reprioritising skills such as creativity, empathy, and interpersonal skills, which “they’ll need in a world dominated by automation and artificial intelligence,” says Sophie.

Adopt a holistic approach

Learning from this, New Zealand’s public sector could prioritise integrating sustainability and social change across all policies and decision-making processes, ensuring that long-term societal and environmental wellbeing is at the forefront of all actions. “In Wales we have seven wellbeing goals, and a new Social Partnership Act, which creates a statutory Social Partnership Council. This is made up of central and local government, businesses, trade unions, and voluntary sector representatives, who all come together to work out the collective national actions needed to deliver the wellbeing goals. New Zealand doesn’t have this set up currently, and I think that’s a problem,” says Sophie.



SOURCE: FUTURE GENERATIONS COMMISSIONER FOR WALES WEBSITE



SOPHIE HOWE SPEAKING AT THE RECENT LOCAL GOVERNMENT NEW ZEALAND CONFERENCE, CHRISTCHURCH.

Take risks and be innovative

In Wales, the Future Generations Commission has parallel duties with the Auditor-General's office. Sophie said that, at times, it was difficult working alongside the requirement to run audits and measure the output of their work. "But I encourage people to shift the culture of audits and ask 'What's the risk of not trying?' and start from that place." Sophie's role, as she describes it, was to act as coach and referee. "I offered advice and support to public bodies, but I also held up a mirror and asked people to consider the long-term impact of their decisions."

Foster collaboration and engagement

Sophie consistently emphasises the importance of collaboration and engagement in driving systemic change. Emulating this approach, New Zealand's public sector could actively seek input from citizens, partner with various sectors, and build strong networks to create a shared vision of a sustainable future, says Sophie.

In addition, Sophie says, "Find those people within your organisation who can become trailblazers for this work. Those who can use the Act to give them permission to challenge the system. In my role, I found those people and supported them, helped them break down barriers and showcased their work."

Embrace long-term thinking and decision-making

Sophie advises not to obsess or get bogged down in the process and bureaucracy of this transformation. "This is typically where the public sector's comfort zone is. Public servants are used to a plethora of new laws and regulation requirements, new plans, and impact assessments and so on, and we don't want this law just to become another one of those lists of something to do," says Sophie. "Instead, we found those people who were going to use the Act to



SOURCE: FUTURE GENERATIONS COMMISSIONER FOR WALES WEBSITE

embrace long-term thinking and decision-making. It's a mindset shift, and that's what can make the difference."

Emphasise evidence-based decision-making

With a team of only 30 employees and a small budget (£1.5 million), Sophie thought creatively about how she could leverage this significant work. "We built partnerships with universities who would do the research on this for free," says Sophie. "This allowed us to make evidence-based decisions with minimal resources." In addition, many of her team were on secondments from other agencies. So, on returning to their original jobs, they could transfer their learnings and decision-making processes directly to their 'home' departments.

By considering and applying these lessons, Aotearoa New Zealand could be in a position to create a brighter future for present and future generations and inspire other nations to follow suit. For more information on the Future Generations Commission, visit <https://www.futuregenerations.wales>. **PS**

With thanks to Local Government New Zealand for hosting Sophie Howe and facilitating this interview at the Local Government New Zealand's 2023 conference.

A LOOK BACK ON MANA WHENUA AND CROWN LOCAL GOVERNANCE IN PŌNEKE

“Greater interrogation of the whakapapa of local government” forms part of a recommendation from *He Piki Tūranga, He Piki Kōtuku*, the newly released report of the Future for Local Government review panel. The key message is this: understanding the history of each region is critical to rectifying past grievances. Through remembering, we can move towards the vision we aspire to.



SALLY HETT



DANI LUCAS

To work towards this recommendation, Sally Hett and Dani Lucas, with input from Annie Te One, briefly explore the way that the local governance landscape in Pōneke Wellington evolved, and led to mana whenua and Wellington City Council working towards a partnership.

This article is largely based on the theses of Annie Te One, *Mana Whenua, Mātaawaka, and Local Government—An Examination of Relationships Between Māori and Local Government in Wellington and the Hutt Valley* (The Australian National University), and Dani Lucas, *Partnering or Prohibiting: Do Māori Wards and Constituencies Provide Fair and Effective Representation to Tangata Māori* (Te Herenga Waka – Victoria University of Wellington), and the work of Sally Hett from Nicholson Consulting.

In Aotearoa New Zealand, councils and mana whenua must work closely together to achieve the vision for a given city, district, or region. Te Kaunihera o Pōneke (Wellington City Council) and mana whenua (currently Ngāti Toa Rangatira, Te Āti Awa and Taranaki Whānui) have co-created a vision, shared in their Tūpiki Ora Māori Strategy, for Pōneke to be a place where our environment is nourished, the wellbeing of our whānau is fostered, and te ao Māori is celebrated and embraced. This vision is supported by the signed strategic partnership agreement between the Council and mana

whenua (called Tā kai Here). It's important to understand that this partnership is progressing the relationship in terms of kāwangatanga, not tino rangatiratanga which is self-determination outside the Crown's involvement as discussed in Matike Mai.

Despite being Tiriti partners, the council and mana whenua have not always worked together in the kāwangatanga space. The beginnings of British-informed local government caused displacement and disruption to mana whenua forms of governance and excluded Māori from governance decisions.

Evolving mana whenua governance in Pōneke

Iwi have robust and sophisticated systems for establishing local governance which reflect the importance of responsibility, whakapapa, and relationships. Being recognised as mana whenua acknowledges the authority of iwi and hapū over the land or rohe to assert local rules and institutions – their kawa and tikanga – that governed how to interact with others, and the environment. Over time, mana whenua in Pōneke have changed.

For example, Te Āti and Taranaki Whānui migrated over 300 kilometres from Taranaki to Pōneke in the 1820s and 1830s. These complex migrations (known as hekengā) were enabled by alliances and relationships between iwi. By 1840, ngā iwi o Taranaki had become mana whenua in Pōneke and established forms of local governance. However, with the arrival of Pākehā, that was soon challenged.

Displacement caused by Pākehā-imposed local governance

Pākehā started arriving in Pōneke, uninvited, from around

1839. With them came significant disruptions to the political landscape, which saw British-informed local governance displace mana whenua.

According to the Waitangi Tribunal Report of 2003, The New Zealand Company bought land near the Hutt River to sell land to British immigrants in 1839, known as the Port Nicholson Deed. Then in 1840 the New Zealand Company moved the settlement to the shores of Lambton Harbour, even though the Māori communities of Te Aro, Kumototo, and Pipitea, who lived there, had not been party to the earlier land purchases. No maps or boundaries were drawn and written agreements were a new and less understood tool for creating alliances for Māori.

“When Māori signed the Port Nicholson Deed, they did not believe that it would impede their rights as the mana whenua in the area,” says Annie. They saw it as another alliance and relationship between two peoples. In reality, it was the wedge that unrightfully opened the door for the Pākehā-led local government to displace mana whenua forms of governance.

The transfer of local power happened quickly once Pākehā arrived. The New Zealand Company allocated almost 99,990 acres of land to would-be settlers and left 11,110 acres for Māori reserves. With plenty of promised land to settlers, numbers increased, and by 1843 had reached approximately 4000. To provide law and order for these incoming settlers, the New Zealand Company set up the initial British-informed local government in March 1840, without a mandate from the British Crown or agreement by mana whenua. This initial council developed a ‘Provincial Constitution’ which embodied the reality that, initially,

Just another typical election cycle?

The 3-month embargo on new policy pre-election is underway and we are seeing DCE and above sign off required for recruitment across a number of agencies. Budgets are tight and work programmes are uncertain, internal resources are being redistributed. None of that is particularly new ground during an election cycle but the recent cap on policy contractor rates and the Public Services Commission advice promulgated around what policy contractors should, and maybe more importantly, should not, be used for (no input into cabinet papers and no core policy work), along with the requirement to report on how much contractor spend is incorporated into any policy deliverables is new!

It's clearly not just another typical election cycle so if you are thinking of your next career move in the policy space feel free to reach out to **Shane Mackay** or **Naomi Brennan** for a confidential chat. on 04 4999471 or Email: shane.mackay@h2r.co.nz or naomi.brennan@h2r.co.nz



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settlers relied on having positive relationships with Māori. That reality shifted as settlers “were better able to independently navigate the lay of the land.” Changes around who was on the land, and how the land was managed, and what it was called, began to erode mana whenua governance, as did competing structures of local governance.

The British Crown endorsed the new Municipal Council for the Borough of Wellington in May 1842. As a Municipal Council, the Borough could establish taxes, impose new land boundaries, create new election wards, and adopt “a general refusal to understand the Māori governing values, rules, and laws already set in place,” says Annie. These were key tools used to intentionally displace mana whenua local governance as the success of Pākehā local government was predicated on the demise of Māori ways of governing.

One example of this is the ‘raupō tax’. The Raupō Houses Act, enacted in 1842, discouraged building houses out of raupō, the common material used for Māori whare at the time, as it was considered a flammable material and a perceived risk to town planning and safety. The tax was an annual payment of £20 on every building constructed using raupō, nikau, toetoe, wiwi, kakaho, straw, or thatch of any description or a £100 fine for new buildings using those materials. The timing of this Act is not a coincidence, but a tool to drive out Māori in Wellington.



CREDIT: WELLINGTON CITY COUNCIL, PHOTOGRAPHY JUSTINE HALL

The relationships and mechanism for decision-making must continue to evolve to reflect an equal partnership.

This discriminatory legislation, coupled with disease, deteriorating living conditions, and some people returning to Taranaki to assist with warfare, led to a shrinking Māori population.

Pākehā local governance changes

The Municipal Council only lasted until September 1843. At that time, the Queen disallowed the authority of all boroughs in Aotearoa New Zealand, as they were seen to limit colonial government authority over the elected council. Wellington was then administered by the central government between 1843 and 1863 as part of the Southern Division, the Province of New Munster, and then the Wellington Province. In 1862, the Wellington Town Board was established. A lot of change in 20 years.

However, a lot more change happened to get to the council structure we have today. The Wellington Board of Works then replaced the Wellington Town Board in 1866, expanding its powers. The Wellington City Corporation replaced the Wellington Board of Works in 1870, and in 1974, the Wellington City Corporation was constituted under the Local Government Act. The Wellington City Council we know today then replaced the Wellington City Corporation under the Local Government Amendment (No.3) Act in 1977.

These rapid legislative changes impacted Te mana whenua authority in many ways and largely ignored Te Tiriti o Waitangi. Firstly, they happened with limited mana whenua involvement despite iwi, hapū, and Māori being “large owners of land, service providers, holders of knowledge, employers, and protectors of ecosystems,” says Dani in her thesis. This largely ignored Māori having the right to be part of local decision-making through tikanga and Te Tiriti o Waitangi, which are recognised in both international and

domestic law. Secondly, it impeded the ability for mana whenua to govern their own lands by unilaterally expanding the council's powers and confiscating land. All these historical changes still impact how local government operates today.

These rapid legislative changes impacted mana whenua authority in many ways and largely ignored Te Tiriti o Waitangi.

These changes also failed to adequately incorporate Te Tiriti. Since 1842, councils have been uncertain and unwilling to honour Te Tiriti in local government and meet their co-governing responsibilities. Te Tiriti responsibilities are important for local governments and entrenched in the Resource Management Act 1991 and the Local Government Act 2002. The legislation doesn't go far enough, only referencing the principles of the treaty, but they are pivotal catalysts of change that nudged us to where we are today.

Where to from here?

There is much work to undo the damage done by these successive pieces of legislation. This includes creating legislation that reflects the articles of Te Tiriti (not only the principles) and adopting ways to apply those laws to everyday decisions by Council. It is a combination of domestic law, international law, and tikanga that should ensure mana whenua are in partnership with the kāwangatanga while being able to exercise tino rangatiratanga. Matike Mai Aotearoa (and its report

published in 2016) is the mahi of the Independent Working Group on Constitutional Transformation, established by the Iwi Chairs' Forum in 2010. Their task was to develop and implement a new constitutional model for Aotearoa New Zealand. The work of Matike Mai makes it clear that the current approach to partnership assumes the Crown will remain the dominant partner as mana whenua are invited to work and contribute in colonial governing processes and ways of working. This should not be the case. The relationships and mechanism for decision-making must continue to evolve to reflect an equal partnership. We look forward to that happening.

Note from the authors: We sought to write this high-level summary so others will have this knowledge to inform how they, too, make decisions. In the words of Annie Te One, any "efforts to address Māori and local government relationships today must be understood within the context of this historical process of displacement and disruption". At Nicholson Consulting, we're grateful to have been a part of what we hope will be a continuous improvement journey for councils working with mana whenua. **PS**

Sally is tangata tiriti with a connection to Pōneke and the Kapiti Coast. She works as an Analytics Lead at Nicholson Consulting and is privileged to be part of a team supporting WCC with the monitoring and reporting framework for the mana whenua agreement, Tākai Here.

Dani is a Researcher of Ngāti Ranginui, Ngāti Raukawa, and English descent. While completing her masters degree she focused on different forms of representation for Māori at local government, and while working at Nicholson Consulting she was honoured to help create the monitoring framework for Tūpiki Ora.

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A GLOBAL PERSPECTIVE ON GOVERNMENT AND PUBLIC SECTOR TRENDS

Beth McGrath, Global Leader for Government and Public Services at Deloitte, was in Aotearoa New Zealand recently for a series of seminars and workshops on the emerging trends and opportunities facing the public sector. Carl Billington sat down with Beth in between sessions to canvass some of her thoughts.

Drivers of change

First and foremost with regard to change drivers across the developed world, Beth observes that a hybrid workforce is our future now. “People have had a taste of truly working and being productive from home, and I don’t think anyone wants to go back to the way it was,” she says.

Secondly, Beth says, “I also think Covid-19 put people at the centre again. We’ve seen such a strong demand signal for human-centred design and delivery emerge out of the necessities of the pandemic. That’s only going to continue.”

And thirdly, “Government has historically been some years behind the private sector; but with a more digitally enabled and digitally native workforce, I think you’ll see the speed of that increase. This generation’s patience for non-digital is non-existent. Artificial intelligence [AI] and generative AI is going to increase the demand and urgency further.”

Beth also believes the issues we need to address are too complex and interconnected for any one agency or jurisdiction. “So the future is multi-agency, cross-government and cross-private and public sector,” she says. “I see all of these factors coming together, with the demand signals increasing both in volume and in magnitude. This drives change.”

Endless opportunities for success

Reflecting on the key trends and drivers starting to shape public sector thought, Beth remains strongly optimistic as she considers the challenges and opportunities ahead of us.

“The issues we need to address are incredibly complex, with



BETH MCGRATH (L) WITH LIZ MACPHERSON, IPANZ PRESIDENT (R).

intermingled inputs that span issues of security, economics, wellbeing, and equity. It’s a highly complex, multi-variable problem!” she says. “Yet the opportunity for success is boundless, and government has the genuine positional authority to drive change.”

“So the future is multi-agency, cross-government and cross-private and public sector.”

Beth sees governments moving from hierarchies to networks to enable intragovernmental collaboration to achieve shared outcomes. “This likely brings fresh conversations about organisational design and enabling public servants to operate across boundaries if we’re going to improve outcomes in areas such as child welfare and education, homelessness, or transportation,” she says.

“We need a more holistic approach,” Beth observes. “For

example, it can't just be the justice system over here and social services over there, as it's been historically."

"We're increasingly acknowledging the connection to mental wellbeing, education, and employment – and then teaming those in law enforcement with the right partners and expertise at the point of care for the person, family, or community."

Global unrest and the price of cereal

Beth observes this growing awareness of connected complexity extending beyond just local and national borders.

"People are reacting differently to international issues and tensions. People are becoming more aware of the connection between conflicts on the other side of the globe and the price of their cereal or petrol," she says.

"These issues can be challenging for governments to talk about in ways that resonate with individuals or families. They raise uncomfortable questions about systemic lifestyle assumptions. Not everybody's aligned to the same objectives on these things. It's super hard but equally, super important," Beth adds.

"The issues in front of us inevitably require collaboration between industry, community, and government. Government signals the need, but industry enables the change to happen – then government needs to monitor and ensure the appropriate guard rails are in place.

"We don't make stuff in government. That's what industry does. But the demand signal comes from government, and the market then expects industry to respond and meet that need with the right level of service and quality."

Beth points to the advent of AI and generative AI as an immediate example. "We're all still learning the power of AI and generative AI. Many pockets of government are implementing artificial intelligence and machine learning, but many more aren't yet. It's a very new conversation for us. There are those who are really worried about it and those that have been using it for months!

"There's obviously a lot we don't know yet, and not everyone will use it positively. We need to determine the controls and guardrails we need in place – but at the same time, there's a genuine opportunity here for governments to leapfrog beyond some of our current limitations quite rapidly."

Beth highlights that much of what we do today, we won't need to do the same way tomorrow. "We need a greater level of tech-fluency: generative AI is video, text, everything. One response is fear; another is to consider how it might help achieve our objectives."

Beth sees generative AI as presenting the opportunity to generate many of the insights we seek – and there's a

section of the population that knows it quite well, but the rest of us are learning. "The issues, risks, and opportunities are bigger than any one agency or jurisdiction," Beth adds.



BETH MCGRATH SPEAKING AT THE DELOITTE-HOSTED WELLINGTON EVENT.

Front row seats

Working between private and public sector initiatives, surrounded by complex, multi-variant challenges and opportunities, it would seem Beth greatly values the potential of the public service.

"I want public servants to understand the magnitude of the job they are stepping into and also the impact they can have, no matter where they sit in the organisational chart," Beth says.

Beth is full of encouragement for those in the earlier stages of their public service careers. "Have confidence in your abilities and capabilities even if the room doesn't look like you. When you walk into a room and see seats around a table and a second row along the wall, don't automatically take the seats along the wall.

"For most of my time in government, the majority of the room I was in didn't look like me. Don't let that hold you back," Beth says. "There are endless opportunities that will inevitably involve a wider set of partnerships than we've seen before. It's not for the faint-hearted, but if you've got the skill and courage to get involved, there's a place for everyone at the table." **PS**

The Honorable Beth McGrath is Deloitte's Global Leader for Government and Public Services. In her role she is committed to strengthening synergies across global Industries and Government and Public Services with a focus on client mission needs and solutions. Beth advises government clients on a broad range of issues reflecting the breadth of government services including: global trends impacting mission priorities and business imperatives; strategies that help drive transformation and improve operations; leadership; IT portfolio management; and workplace, workforce, and digital transformation. Beth also leads Deloitte's Defense, Security & Justice practice globally, advising clients on issues related to global defense and security, crisis response, supply chain resilience, justice reform, cyber, and illicit finance to improve mission outcomes and create a safer, more secure, and just world.

SYNTHETIC DATA FOR BETTER POLICY AND BETTER SERVICES

Synthetic data tells us true and useful things about real populations, while also revealing nothing about any real individuals. Kevin Jenkins explains how.



KEVIN JENKINS

The ‘synthetic’ in synthetic data might suggest it’s no more than randomly generated dummy data, suitable for testing new systems perhaps, but not much else. In fact, synthetic data starts with real-world data, and is generated from it in such a way as to stay faithful to it in meaningful ways, by preserving significant statistical relationships.

Say you have a real-world population of 100 real policy analysts, and a data set recording their preferences on half a dozen aspects of daily working life. Say there’s a strong correlation of 0.85 between preferring standing desks over sitting and preferring working from home over being in the office. A synthetic data set generated from that real-world data would include that correlation – along with any others you’re interested in.

But crucially, none of the individual synthetic data points would correspond to any real data point. They’re generated randomly by an algorithm within a range that produces that 0.85 correlation for the whole set. So synthetic data has just enough randomness to prevent any real people from being identified, while also revealing meaningful and accurate insights about the real world.

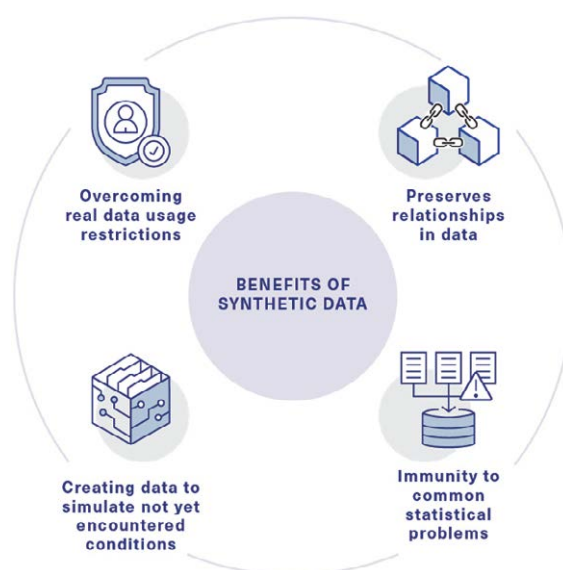
Synthetic data has just enough randomness to prevent any real people from being identified, while also revealing meaningful and accurate insights about the real world.

Synthetic data allows companies to model different consumer offerings and customer behaviours, without having to rely on real data about buyers, sellers, and other users. But synthetic data can be just as useful for public policymakers and analysts, as they can use synthetic data to learn real-world things about, for example, the use of health services, without any risks to data security or individual privacy.

Synthetic data is the (near) future

Synthetic data was used as early as 1993, when the United States Census Bureau released synthetic samples from the Census so it didn’t disclose any real microdata. The technology has advanced significantly in the 30 years since then, being used in sectors as disparate as robotics, geospatial imagery, banking (for example, to better analyse the risk of fraud), and genome studies into diseases.

Crucially, synthetic data sets can be generated in whatever volumes you might need. Stupendously large synthetic data sets have underpinned the enormous investment in self-driving vehicles – as input for machine learning, synthetic data has provided the equivalent of 300 years of real-world video of vehicles driving the streets.



BENEFITS OF SYNTHETIC DATA
(SOURCE: ADAPTED FROM CEM DILMEGANI, 2023)

Because it provides abundant data without privacy risks, experts are projecting that synthetic data technology is not just the future, it's the near future. The worldwide synthetic data generation market is forecast to grow by a compound annual growth rate of 35 per cent over the next decade, to reach US\$3.5 billion by 2031.

Seizing opportunities in the public sector to use synthetic data

Public sector use cases here in Aotearoa New Zealand have included modelling the impact of wind farms on the national grid and modelling ways to improve housing affordability in South Auckland.

Some current research has also been exploring options for applying synthetic data to social services. My colleague, data scientist Marianna Pekar, and Victoria University of Wellington-based researcher Alex Wang have been working on a three-year project studying different methods for synthesising data within New Zealand's Integrated Data Infrastructure (IDI). This large, de-identified database integrates information from various government services.

Those isolated examples aside, I've found that awareness, understanding, and uptake of synthetic data is low across our public sector. From recent discussions I've had with a range of public agencies, public sector data scientists, and researchers, including the Research Association of New Zealand, it's clear our government agencies could be looking much more closely at the opportunities it offers.

More accurate than real-world data?

Those opportunities include taking advantage of the – counter-intuitive – fact that synthetic data can sometimes be more accurate than real-world data.

For example, large synthetic datasets can more readily account for outlier incidents that can be missed by smaller real-world datasets (for example, when a deer and a child run in front of your car simultaneously).

The technology can also be used to supplement real survey data to correct for known biases and under-representation. Existing government surveys have some well-known problems with under-represented groups. For example, one in six New Zealanders did not complete our 2018 Census, and Māori and Pacific peoples, in particular, were under-counted. International evidence also shows a trend of declining response rates to household surveys.

The combination of skewed results and declining response rates means household surveys are becoming less

accurate, and therefore less reliable as an evidence base for policymaking. By addressing those problems, synthetic data can help support more effective policies and ensure that funding is directed towards those who need it most.

Using synthetic data with care for the ethical concerns

New Zealand regulators focusing on regulating personal data held by digital platforms may now need to broaden their focus to include ensuring that data is synthesised and managed wisely.

Because it provides abundant data without privacy risks, experts are projecting that synthetic data technology is not just the future, it's the near future.

Agencies need to consider whether they have the appropriate checks and balances to make sure, for example, that their synthetic datasets aren't biased, and that they are guarding it against malicious actors – for example, those who might use an agency's synthetic data to create fake social media profiles for fake financial transactions.

Although the take-up of this new technology has been low in our public sector, I have also found huge interest among agencies in exploring the use of synthetic data in public policy and service delivery. So far, we've really just been unwrapping the box – we need to start rummaging inside and advance our thinking about regulating for the wise use of synthetic data in parallel with looking to deploy it.

I wrote more extensively about synthetic data and public policy in an article published by Victoria University of Wellington in May 2023, *Synthetic Data and Public Policy: supporting real-world policymakers with algorithmically generated data* | Policy Quarterly (victoria.ac.nz) **PS**

Kevin is a professional director, founder of leading advisory firm MartinJenkins, and a commentator at the intersection of business, innovation, and regulation. He has 30 years' experience as a trusted adviser across the public, private, and not-for-profit sectors, and is known for providing an alternative view and provoking clients to think creatively. Governance roles include the Real Estate Institute (chair), digital companies, and the Parliamentary Education Trust. He is a Chartered Member of the IOD. He publishes in the NZ Herald, the IOD, Public Sector journal, VUW's Policy Quarterly Journal, and elsewhere.

BUILDING EFFECTIVE SUPPLY CHAIN RESILIENCE?

Sam Mulopulos, previously at Homeland Security and Governmental Affairs Committee, United States Senate, is one of the New Zealand 2023 Ian Axford Fellows in Public Policy, working with the Treasury and the Ministry of Foreign Affairs and Trade. Here he explains his work.



SAM MULOPULOS

We live in an era rife with shocks. Whether it be natural disasters, a pandemic, Russia's land war in Europe, or strategic competition with China, these events have exposed serious supply chain vulnerabilities throughout open societies. From new subsidy programmes to trade agreements, national governments have responded with interventions. But in an environment of limited resources and an imperative for resilience, how do we ensure these interventions are effective?

I came to Aotearoa New Zealand to help answer that question. The United States has recently adopted a slew of new interventions – semiconductor subsidies, stronger procurement rules, alternative trade agreements, and a major supply chain review – to build supply chain resilience, but those policies are often siloed efforts. On the other hand, Aotearoa New Zealand has endeavoured to build a robust conceptual framework to ensure that supply chain resilience is comprehensively successful. Of note is the Productivity Commission's ongoing supply chain resilience inquiry. As an Ian Axford Fellow at the Treasury and the Ministry of Foreign Affairs and Trade, I synthesised United States and New Zealand thinking about supply chain resilience policy into a theoretical and practical framework for future action.

A theory of resilience policy

The goal of supply chain resilience is to maximise societal wellbeing. Just as relying entirely on concentrated foreign

sources for critical goods undermines wellbeing during a shock, so does extreme self-sufficiency, which imposes significant costs on the state and consumers. This means that in the short term, there are trade-offs between resilient and efficient supply chains. The job of policymakers is to balance those trade-offs in ways that achieve the former without excess harm to the latter.

Managing that requires a process, which begins with identifying supply chain vulnerabilities. A shock, whether it be a pandemic, war, or just unexpected port congestion, is an event that takes advantage of vulnerabilities to reduce wellbeing. We cannot always know when or where a shock will occur, but we can identify where in the economy shocks will wreak the most havoc. One common vulnerability is the reliance on a single country for a majority of imports of a particular good, especially where that country is the dominant global producer. This makes it difficult to switch to another source. Think China for rare earth minerals. Or Malaysia for nitrile gloves. But not all vulnerabilities are equally risky – Aotearoa New Zealand is a concentrated furniture importer. Given limited resources, policymakers should triage vulnerabilities by focusing on the most critical ones.

The goal of supply chain resilience is to maximise societal wellbeing.

A focus on criticality requires policymakers to ask if a vulnerable good is essential for the life, health, and general wellbeing of citizens, or vital for national security. Where there is a critical supply chain vulnerability, policymakers may have justification to intervene to close the vulnerability by building resilience.

To build resilience, policymakers have three types of policy tool available: transparency, diversification, and industrial interventions. Transparency interventions aim to improve the flow of information in the market, either between firms, or between firms and the government. Diversification interventions spread risk widely by expanding trade with other producers and buyers of critical goods. And industrial interventions refer to policies, like subsidies, aimed at reshoring production. As detailed in the report, this process can be represented as a simple flow chart, each

step accompanied by questions to help policymakers think strategically about, and show their work for, the choices they make.

Practice makes perfect

Theory is helpful, but what of the myriad supply chain resilience interventions adopted in the wake of the Covid-19 pandemic? When combined with our theoretical decision-making framework, these policies offer several general lessons for policymakers going forward. My project looked at the supply chain resilience interventions of 10 open societies. Here are three key takeaways:

1 Supply chain reviews should be reoccurring exercises, rather than a snapshot in time. Economies are dynamic, and so are their vulnerabilities. Efforts like the 100-day Supply Chain Review in the United States or Project Defend in the United Kingdom were key transparency policies aimed at improving policymakers' understanding of extant vulnerabilities. However, these types of reviews should be expanded beyond the most obvious vulnerabilities (like semiconductors and critical minerals) and made into living exercises to track the changes in the level of supply chain resilience over time.

2 Diversification interventions need enough parties to successfully spread risk. The Supply Chain Resilience Initiative is an effort by Australia, India, and Japan to mutually strengthen supply chains through investment promotion and information sharing. However, its small membership risks duplicating other efforts with more parties, like the United States' Indo-Pacific Economic Framework (IPEF) or New Zealand's Joint Ministerial Statement on Supply Chain Connectivity. Taking a big-tent approach, and working with like-minded countries, helps spread risk more widely.

3 Investments in resilience should comprehensively build resilience. Investments by the United States, the European Union, Japan, and others to expand semiconductor manufacturing capacity are vital. But semiconductor supply chains are fabulously complex, and so building resilience at the final stage – fabrication – while necessary, leaves the components at earlier stages vulnerable to concentration and overreliance on single sources. Only one company produces the advanced lithography equipment every chip firm needs to function, and, in turn, that equipment relies on a critical part (called the optical engine) which is produced at a single factory in Germany. When designing an intervention to make a supply chain more resilient, policymakers should have deep knowledge of that chain, and sufficient confidence in their

intervention, to ensure their work won't be ineffectually shallow.

The future of supply chain resilience

A fourth takeaway is that open societies often pursue resilience as a siloed effort. Is Australia's Modern Manufacturing Initiative to bolster its industrial base operating in concert with its trilateral initiative with Japan and India? Are the semiconductor investments in the United States integrated strategically with the aims of IPEF? Future resilience-building policies should aim to leverage a mix of different interventions to build resilience effectively.

One model would be a new Security and Trade Agreement for Resilience (STAR). The STAR would combine all three interventions into a plurilateral agreement for open societies. It would diversify risk by reducing barriers to trade in the parties' most critically vulnerable goods. It would build resilience at home by committing parties to make minimum investments in domestic production. And it would set up a process by which parties could update the STAR's rules as old vulnerabilities are closed, and new ones emerge.

But the STAR is only one idea. Policymakers should be empowered to think creatively about other new and alternative arrangements to build resilience. In using the theoretical framework as a map, and the practical examples as natural features, policymakers can chart a course over presently vulnerable terrain and towards a more resilient path. **PS**

Sam Mulopulos is a 2023 Ian Axford Fellow in Public Policy. He previously worked in the United States Senate as the deputy staff director of the Homeland Security and Governmental Affairs Committee and as trade policy adviser to Senator Rob Portman (Republican representing Ohio). You can read his full report on supply chain resilience at <https://www.fulbright.org.nz/news-publications/publications/axfordreports/>



HUMAN INTELLIGENCE IN NEW ZEALAND HISTORY

Richard S. Hill and Steven Loveridge, scholars at the Stout Research Centre for New Zealand Studies, provide an overview of the history of human intelligence in Aotearoa New Zealand.



RICHARD S. HILL



STEVEN LOVERIDGE

All polities (forms or systems of government) have covert surveillers who report on people and organisations seen to be, actually or potentially, a threat to security. This article addresses human intelligence ('on the ground') activities in Aotearoa New Zealand, as opposed to signals intelligence (the interception and study of electronic transmissions) in New Zealand history.

Before 1840 both Māori tribes and British authorities in Australasia gathered intelligence in pursuing their interests. When the founding colonising party arrived in the Bay of Islands in January 1840, it imported a state structure with a strong policing component. The key to controlling the new colony was the uniformed police patrol, whose job was to surveil both Māori and Pākehā. This overtly gathered knowledge was supplemented by covert surveillance, when necessary, of sectors of the population that presented perceived threats to either the integrity of the state itself or to the values and interests it stood for.

The main counter-subversion targets of such political policing in the early decades of the colony were those Māori who resisted the colonising project. When warfare ensued in the 1840s and 1860s, military intelligence supplemented police surveillance. After indigenous resistance had been overcome, mostly by 1870, targeting

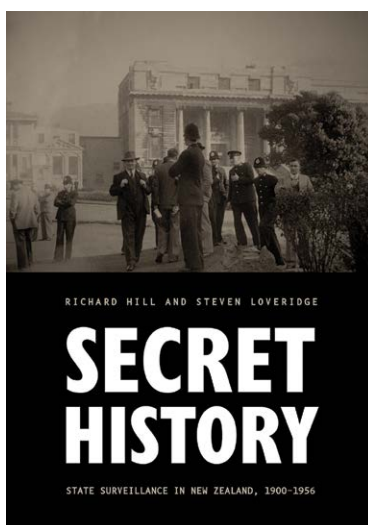
pivoted towards Pākehā dissidents. By now, the colony's police forces (who were amalgamated into the New Zealand Police Force in 1886) were expanding their use of detective policing. Increasingly, their surveilling gaze fell upon movements that challenged the status quo – socialists, trade unionists, and social campaigners. Surveillance escalated in times of industrial strife, especially following the resurgence of militant labour in the early 20th century, culminating in the Great Strike of 1913.

Likewise, increasing geopolitical tension intensified the watch for foreign spies, a mission that vastly expanded once war broke out with Germany in 1914. 'Enemy aliens' residing in Aotearoa New Zealand were closely scrutinised or detained, and surveillance over the wider population expanded enormously. Those who opposed the war in cause or conduct – pacifists, anti-conscriptionists, sectarians, socialists, and militant labour (including the Labour Party after its founding in 1916) – became subjects of scrutiny. Such surveillance led to many convictions for sedition and other offences.

The interwar period began with an amplified fear of revolutionaries, the start of what our book *Secret History* designates 'the latent cold war'. Counter-subversion activities were now carried out increasingly by detectives specialising in political surveillance. Their main target was Communism, which had established an international base after the Bolshevik Revolution, and New Zealanders who were considered susceptible to its influence.

By the late-1930s, ominous geopolitical tensions fuelled the watch for foreign spies. When war with Nazi Germany began in 1939, the new conflict was, from an intelligence perspective, in many ways a rerun of the old: a national emergency requiring draconian methods of surveillance and discipline. Institutionally, however, wartime intelligence services were overarched from 1941 by a new,

military-based agency, the Security Intelligence Bureau. After a major political fiasco, from 1943 it was increasingly brought under Police control and disbanded at war's end. The detective offices then resumed principal responsibility for human intelligence.



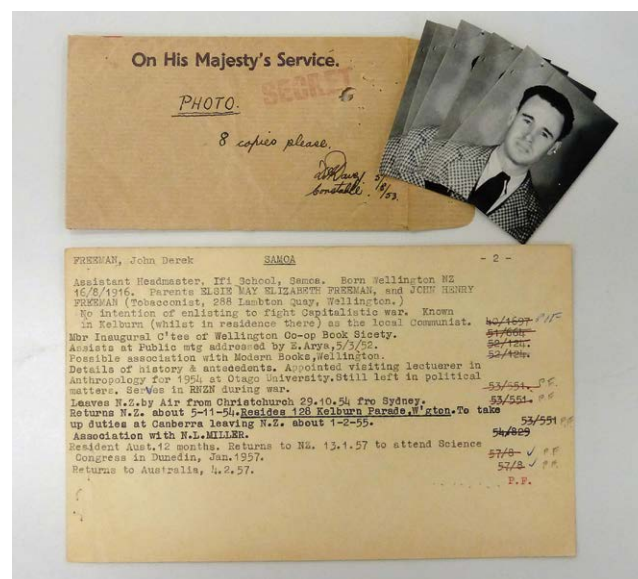
During the war, both the Police and the Bureau continued to surveil Communists despite the Soviet Union joining the Allies in 1941. After the 'cold war proper' began in 1946, surveillance greatly expanded. The work of the political detectives now included vetting would-be and established public servants for 'loyalty', and disrupted careers occasionally came to public attention. Such counter-subversive work, mostly aimed at left-of-centre New Zealanders, was supplemented by the search for Soviet agents. In 1949, Australia and New Zealand faced pressure from London and Washington to improve their security arrangements. While Canberra established an MI5-style agency, Wellington elected to group the political detectives into a Police Special Branch.

Despite the Branch's rigorous surveillance of the momentous waterfront dispute in 1951, domestic and external criticism at the lack of a stand-alone ('professional') security agency endured. In 1956 the government decided to strip the Police of its human intelligence responsibilities, and the New Zealand Security Service was established quietly by Order in Council that November. Headed by Brigadier Bill Gilbert, it was fully operational by the time the remnants of the Special Branch closed in August 1957.

The NZSS inherited the Branch's 'secret files' and carried on its priorities and methods. But since it had no power to arrest, it had a different orientation, advising the government on security threats rather than seeking to prosecute. Its expanding filing system recorded the private lives of people believed to be Communists or influenced by Communism; careers and relationships suffered. Targets included those who left the Communist Party after the Soviet suppression of the Hungarian Revolt in 1956 but remained involved in 'progressive' causes. In 1969, the NZSS was given a statutory basis and renamed the NZ Security Intelligence Service (NZSIS).

In-depth surveillance of suspected subversives expanded with the rise of the counterculture and the New Left from the late-1960s. Those concerned with such disparate issues as nuclear weapons, the war in Vietnam, sporting ties with apartheid South Africa, the cost of living, and Māori rights had files opened on them. Surveillance itself became a subject of protest, culminating in mass demonstrations against a 1977 statute that legalised and regulated NZSIS 'interception' powers such as phone tapping. Other high-profile moments included the expulsion of Soviet spies, the trial and acquittal of former top official W.B. Sutcliffe for espionage, and terrorist episodes, including the 1985 French bombing of the Rainbow Warrior.

The ending of the cold war from 1989 reorientated the NZSIS away from its long-term emphasis on Soviet Communism. It began to focus more on other concerns, such as economic



CREDIT: ARCHIVES NEW ZEALAND, R23246725

security, international terrorism, and organised crime. In 1996 these concerns were incorporated into legislation. In 1999 covert 'powers of entry' were established statutorily, authorising a practice that a recent case (*Choudry v Attorney-General*) had highlighted. The 9/11 attacks in 2001 and the ensuing 'war on terror' sparked another reorientation for New Zealand's security agencies.

There has always been tension between New Zealand's surveillance regime and its self-image of an exceptionally free and fair society. In the 21st century, further oversight and appeal mechanisms and a partial declassification of historical files have been presented as embedding greater accountability and transparency. However, public safeguards remain limited, and the question of how best to balance civil liberties in a parliamentary democracy with the state's need to monitor potential or actual enemies remains a highly contested one. **PS**

Richard Hill is the author of four books on the history of policing in New Zealand and two on Crown-Māori relations in the 20th century. He has also written numerous articles, book chapters, and papers, as well as editing books and academic series. He is a Member of Clare Hall, Cambridge University, and Emeritus Professor at the Stout Research Centre for New Zealand Studies at Te Herenga Waka Victoria University of Wellington where, among other things, he runs the Security and Surveillance Project.

Steven Loveridge is an historian whose research focuses upon governance, security intelligence, and war and society. Besides Secret History, his recent publications include the co-authored The Home Front, an authoritative examination of New Zealand's society during the First World War; and content within New Zealand's Foreign Service and Histories of Hate. He is a Research Fellow with the Security and Surveillance Project at the Stout Research Centre for New Zealand Studies at Te Herenga Waka Victoria University of Wellington.

ELECTION SEASON IN THE PUBLIC SECTOR: NAVIGATING THE PRE- AND POST-ELECTION PERIODS

Laura Sahng and Georgina Lomax-Sawyers from Russell McVeagh summarise the main points from a recent election season event, run by the IPANZ New Professionals Leadership Team



LAURA SAHNG



GEORGINA LOMAX-SAWYERS

This August event discussed the roles and responsibilities of those in the public sector before and after the general election, to be held on 14 October 2023. The panel comprised esteemed guests: Secretary of the Cabinet and Clerk of the Executive Council, Rachel Hayward; Chief Adviser at Te Kawa Mataaho Public Service Commission, Kate Salmond; and Managing Principal at MartinJenkins, Andrew Horwood.

Pre-election

The Government retains the right to govern until polling day (14 October 2023). Contrary to common myth, there is no pre-election 'caretaker' period. That said, successive governments have chosen to exercise voluntary restraint in two main areas during the pre-election period (the three months before the election – this year from 14 July 2023 onwards):

- **Significant appointments that will commence in the pre-election period.** What is considered 'significant' is a matter of judgement. Appointments need to be assessed on a case-by-case basis. This would include considering factors such as the organisation's profile, strategic and decision-making role, control of assets or funds, and whether it is an executive body (versus technical or advisory). There is no blanket ban on such appointments, but the way each appointment is managed should be carefully considered.

- **Government advertising.** Advertising is subject to greater scrutiny during election season, and there may be a heightened risk of a perception that funds are being used to finance publicity for party political purposes. Cabinet Office Circular CO (23) 1 - Government Decisions and Actions in the Pre-election Period provides more guidance on these issues.

In respect of process, the House of Representatives will adjourn on 31 August 2023, with a proclamation dissolving the 53rd Parliament on 8 September 2023. The dissolution of Parliament is a critical milestone in the general election process. Within seven days, the Governor-General must issue the writ requiring the Electoral Commission to make the arrangements for the conduct of the general election.

Caretaker convention

After the election, and until the Governor-General appoints a new government, successive governments have adhered to the caretaker convention. Incumbent ministers remain in office with their warrants while political parties conduct negotiations to form a new government that can command a majority in the House of Representatives. The caretaker convention has two limbs:

- **Unclear outcome.** If it is not clear which party or parties will form the next government, then the caretaker government should not be introducing significant policies or making big decisions that are difficult to reverse.
- **Clear outcome.** If it is clear who will form the next government, but that government has not yet taken office, the outgoing government acts on the advice of the incoming government on any matters of such significance that they cannot be delayed until the new government formally takes office.

The Cabinet Manual sets out the caretaker convention in chapter 6, and the Cabinet Office will issue a Circular before the election, setting out more detailed guidance.

Keep your politics out of your job, and your job out of your politics

Our speakers emphasised that political neutrality is vital for

public sector workers at all times, but especially in the heightened sensitivity of an election year. The concept of a politically neutral public service has existed in Aotearoa New Zealand for over 100 years and is now enshrined as a public service principle in the Public Service Act 2020. (For more on this topic, go to Chris Eichbaum's article on page 3 of this issue.)

Political neutrality is vital for public sector workers at all times, but especially in the heightened sensitivity of an election year.

Political neutrality ensures that public servants can support the government of the day, irrespective of their personal political views. It also protects the ability of the public service to serve any future government equally well. Public servants do not change with a change of government, so it is important that the current government, future governments, and the public continue to trust in the public service and its ability to provide advice, implement the policies of elected ministers, and deliver services for New Zealanders.

Personal political activities should be kept separate and outside of the work context. This recognises that agency funds and resources should not be used for party political purposes. When assessing any potential conflict that may arise, it is useful to consider the nature and seniority of a public servant's role at their agency and the scope and scale of their personal political activity outside of work. Public servants should exercise caution with social media use, particularly taking care to ensure personal political opinions cannot be perceived as comment on behalf of their public sector workplace.

Te Kawa Mataaho provides a lot of election-year guidance for public servants to assist them with navigating this period.

Workflow during the election period

While public service work does not stop during an election, the tempo and rhythm of their business may change. Cabinet and Cabinet committees meet less frequently, and ministers will be involved in the election campaign.

This is an important time for agencies to plan and prioritise work, and it can also be a pivotal opportunity to start preparing information and advice for a new minister. Many public servants will be involved in briefing incoming ministers. Agencies and Crown entities provide information such as the purpose of the portfolio, key business units and responsibilities, appropriation and budget, and relevant legislation and priorities.

Tips and other musings

- Be aware of political party language – phrases commonly used by a government may have naturally become a part of your everyday speech. This could be seen as political if a new government does not use this language.
- Official Information Act and other information requests continue as usual.
- 'Play it with a straight bat' – be cautious about how the public may perceive your words and actions, even in a personal capacity. Think about the forum and audience, don't sign up to party political newsletters with a work email, and be conscious of your social media following.
- Your role in the public service matters – everyone is subject to the same rules, but depending on your role, you may attract greater public scrutiny.
- Remember that potential issues also occur in an employment context.
- You are not alone – there is a lot of guidance out there (see Te Kawa Mataaho's general election guidance), and you can always escalate anything if you are unsure.

Observations from outside central government

Our speakers also explained how this pre- and post-election period can be difficult for stakeholders outside of government, as they may seek to push through a change before the election that is crucial to their industry but is not a government priority. During this time, engaging with stakeholders is critical, and explaining why things may be slowing down ahead of the election. It is also essential to explain this to appointees concerned about their appointment taking longer.

Thank you to all our attendees for your engagement, and again to our speakers for sharing their expertise and experiences. **PS**

Georgina is a solicitor in the Government, Competition and Regulatory practice group at Russell McVeagh, specialising in public law and policy. She has been a part of the IPANZ New Professionals Leadership Team since 2022.

Laura is a law clerk in the Government, Competition and Regulatory practice group at Russell McVeagh. She joined the IPANZ New Professionals Leadership Team earlier this year.



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