



Te Kawa Mataaho

Public Service Commission

14 June 2024

9(2)(a) privacy

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Official Information Request

Our Ref: OIA 2024-0108

I refer to your official information request received on 30 April 2024 for:

“The Public Service Act 2020 (the Act) binds the Crown see, section 9.

Section 14 (1) of the Act provides that the role of the public service includes supporting the Crown in its relationship with Maori under the Treaty of Waitangi (te Tiriti o Waitangi).

In accordance with Section 14 (2) the public service does so by the Commissioner, amongst others, having responsibility for-

(a) developing and maintaining the capability of the public service to engage with Maori and to understand Maori perspectives:

(b) in the employment area, -

(i) in the case of the Commissioner, recognising the matters listed in section 73 (3) (d) in the development and implementation of the leadership strategy under section 61 :

(ii) in the cases of chief executives and boards, operating an employment policy that meets the requirements of section 73 (d).

Section 73 (3) (d) of the Act provides that a good employer recognises-

(i) the aims and aspirations of Maori; and

(ii) the employment requirements of Maori; and

(iii) the need for greater involvement of Maori in the public service;

My first question is have you met the requirements of section 14 (2) (a) of the Act and if so how?

My second question is whether you, as a good employer, recognise the obligations under section 73 (d) and if so how?

My third question is do you monitor the obligations of public sector agencies to see whether they have complied with the obligations under those sections referred to above?

My fourth question is are you audited by the Auditor - General to ensure that you have complied with your obligations in respect of the above sections of the Act?”

On 28 May 2024, we notified you of an extension of the time to make our decision to **14 June 2024** due to consultations that were needed to make a decision on your request.

Our Response

For ease of reference, I have listed your specific questions and provided our response directly underneath.

1. Have you met the requirements of section 14 (2) (a) of the Act and if so how?

The public service is committed to building and maintaining capability within organisations to engage with Māori and understand Māori perspectives. Section 14(2)(a) places specific responsibilities on public service leaders to develop and maintain this capability.

These requirements should be read alongside Te Ture mō te Reo Māori 2016 (Te Ture). Te Ture provides for the development of [Maihi Karauna](#), the Crown's Strategy for Māori Language Revitalisation. Te Puni Kōkiri and Te Taura Whiri i te reo Māori can provide further information on these, though it is important to note that in its implementation, Cabinet agreed that all agencies in the public service be required to develop a te reo Māori language plan and to reflect these in their accountability documents.

To support the public service to meet these requirements, Te Arawhiti developed and led implementation of [Whāinga Amorangi: Transforming Leadership](#) which supported public service agencies develop plans to build their individual and organisational capability. All plans were assessed and endorsed by a panel of experts, hosted by Te Arawhiti, in early 2022.

Te Kawa Mataaho Public Service Commission (the Commission) has an ongoing leadership role in encouraging all public service agencies and their Chief Executives to meet their responsibilities under the Public Service Act. The Commission's Māori capability strategy Te Angitū is building and developing the cultural capability of our people.

Te Angitū draws on the work of Te Arawhiti to transform leadership through Whāinga Amorangi, including the priority areas of te reo Māori and Aotearoa New Zealand history, including understanding Te Tiriti o Waitangi. and meets requirements under Maihi Karauna. For further information about Te Angitū there is additional information in our [Annual Report](#) (page 44-45).

The [State of the Public Service Report](#) provides broader insights into the responsibility for Crown-Māori relations. You can see further information about the roles of the Public Service to support the Crown in its relationship with Māori please find the publicly available information on our website [here](#).

2. Whether you, as a good employer, recognise the obligations under section 73 (d) and if so how?

As a good employer we engage in a range of initiatives that support our workforce. As well as supporting our own staff to grow their capability, other initiatives include:

- *Addressing pay gaps:* [Kia Toipoto](#) we are committed to continuing to reduce Māori pay gaps to create a fair and equitable workplace for all. To achieve this, we focus on transparency, equitable pay outcomes, leadership and representation, effective career and leadership development, eliminating all forms of bias and discrimination and offer flexible-work-by-default
- *Leadership development* – Programmes such as [Te Ara ki Matangireia](#) (Māori Emerging Leaders Programme) and [Ngā Ara Whakatupuranga](#). LDC programmes, Leadership strategy?
- *Collecting workforce data* – The Workforce and Te Taunaki Public Service Census data provides important insights into the current makeup and composition of the Public Service. The Commission has carried out [Te Taunaki Public Service Census](#) which now includes baseline data for example on the use of te reo Māori in the Public Service and Māori Crown capability.

3. Do you monitor the obligations of public sector agencies to see whether they have complied with the obligations under those sections referred to above?

Listed below are two policies that exist to ensure capability is strengthened across Public Service agencies.

- Maihi Karauna is the Crown's Māori Language Revitalisation Strategy that outlines a vision for the future of te reo Māori in New Zealand. Maihi Karauna is for all New Zealanders. The strategy puts specific emphasis on three particular groups that will benefit from revitalising te reo Māori, one of which is the Public Service. Te Puni Kōkiri, supported by Te Taura Whiri i Te Reo Māori, developed a monitoring and evaluation framework for the Maihi Karauna. For further information on the evaluation of Maihi Karauna, you will need to approach Te Puni Kōkiri directly.
- All Public Service agencies now have a Whāinga Amorangi plan, endorsed by Te Arawhiti, and are required to report progress in their annual reports to Parliament. The plans set out how agencies will build their Māori-Crown capabilities. For further information on the evaluation of this framework, you will need to go approach Te Arawhiti directly.

4. Are you audited by the Auditor - General to ensure that you have complied with your obligations in respect of the above sections of the Act?

Each year, the Commission's financials are audited by the Auditor-General and this is published in our Annual Report which you can find [here](#). As part of the Audit requirements, there are no current requirements about meeting the obligations in the Act.

As the Commission administers the Act, there are regular compliance requirements to the Auditor-General that we must meet as per the legislation however there are no specific compliance requirements for sections 14 and 73 of the Act.

We would suggest you contact the Auditor-General directly to ask questions about their Public Service Agency audit requirements.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks
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Te Kawa Mataaho Public Service Commission