



# Te Rūnanga o Ngā Toa Āwhina o Te Pūkenga Here Tikanga Mahi submission on Reform of the State Sector Act 1988: Directions and options for change

*“Tawhiti rawa i tō tātou haerenga atu te kore haere tonu, maha rawa o tātou mahi te kore mahi tonu.”  
We have come too far to not go further, we have done too much to not do more  
- Sir James Henare*

## Who we are

Over 67,500 people are members of Te Pūkenga Here Tikanga Mahi, the PSA. Just under 7,000 PSA members are Māori, working in the Public Service, the wider State services, District Health Boards, Local Government and Community Public Services.

This submission has been prepared by PSA delegates who are part of [Te Rūnanga o Ngā Toa Āwhina](#), the Māori arm of the PSA. If there is an opportunity, we would like to speak in support of this submission.

Te Rūnanga o Ngā Toa Āwhina are extremely proud to share with the State Services Commission the way in which we have created Ngā Kaupapa<sup>1</sup> as a framework for Māori by Māori that encapsulates the essence of Te Ao Māori within our union. These are the core values that Māori live by in our everyday lives as whānau, hapū and iwi. Rangatiratanga, Manākitanga, Kotahitanga, and Whanaungatanga are a few of which are expressed by our members in dealing with their ministries.

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<sup>1</sup> <https://www.psa.org.nz/about-us/te-runanga/nga-kaupapa/>

## Introduction

The Public Service Association – Te Pūkenga Here Tikanga Mahi (PSA) broadly supports State Sector Act reform. We particularly support the focus of Commitment to Māori. We can see that our goals of our membership align with the bold vision of the State Sector Act Review, and we welcome the consultation. Our members acknowledge the opportunity this review creates for whānau Māori and Māori who serve within the Public Service to work differently to achieve improved results.

The PSA particularly agrees with the following statement:

*“The partnership between the Crown and Māori is the essential element of Te Tiriti o Waitangi (the Treaty of Waitangi). It is the core of our identity as a nation and sets the foundation for enhancing the wellbeing of Māori.*

*By weaving the intention of the Treaty throughout our Public Service, we can enhance the relationship between the Crown and Māori and work together to respond to Māori issues and deliver better results.”<sup>2</sup>*

We thank the State Services Commission for the opportunity of public consultation. In preparation for this submission, we consulted our rūnanga delegates, and we have engaged with State Services Commission on a number of occasions. We did a comprehensive survey of our Māori membership. We have had numerous hui, including our recent biennial Hui Taumata, and our inaugural Public Service Delegates’ Conference, held in September. These avenues have helped shape our submission.

Substantial legislative reform is urgently needed for Māori. The Public Service in its current form is failing Māori. This is abundantly clear as Māori are over-represented in negative social statistics. For example:

- In 2017, Māori made up 50.7 per cent of the prison population.<sup>3</sup>
- Māori make up 26 per cent of all mental health service users. Under the Mental Health (Compulsory Assessment and Treatment) Act 1992, Māori are 3.6 times more likely than non- Māori to be subject to a community treatment order, and 3.3 times more likely to be subject to an inpatient treatment order.<sup>4</sup>
- Māori children and youth are twice as likely as Pākehā to be living in poverty.<sup>5</sup>

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<sup>2</sup> Reform of the State Sector Act 1988 – Directions and Options for Change. Short Discussion document for public feedback. September 2018. P.4

<sup>3</sup> Census 2017

<sup>4</sup> 2017-2021 Ministry of Health and Addiction Workforce Action Plan

<sup>5</sup> 2016 Child Poverty Monitor

- Māori have significantly lower life expectancy. In 2013 statistics, life expectancy at birth for Māori males was 73.0 years, compared to 80.3 years for non-Māori males. For Māori females, it was 77.1 years, compared to 83.9 years for non-Māori females.<sup>6</sup>
- Māori home ownership rates are falling; in 2013, only 28.2 per cent of Māori owned a house (compared to 56.8 per cent of Pākehā).<sup>7</sup>

Improving outcomes for Māori is the collective responsibility of the state sector. We need a Public Service that delivers for Māori. We believe this requires the Public Service to formally commit to work to improve the Crown/Māori relationship in order to drive meaningful change.

PSA is aware that the intention of the State Sector Act review is to ensure that the new legislation is fit for purpose, meets the ongoing needs of the Public Service and accurately reflects current practice. We note that the State Services Commission may be looking at the following legislative changes in the response to the needs and aspirations of Māori:

*“We propose that the Act include a prominent stand-alone clause that is clear about the expectations of the public service in relation to the Treaty partner and contains guidance to support the public sector in building its capability. In doing so, the clause could set out provisions relating to:*

- ***Engagement, participation and partnership with Māori:*** proactive, informed and collaborative approaches that are mutually beneficial and strengthen the relationship
- ***Delivering services and results:*** services that are responsive to, accessible to, and work for Māori and whanau, and well-informed decisions and interventions that improve results
- ***Workforce composition and capability:*** a workforce that values, reflects and understands the communities it serves, is valued for its cultural competence, and empowers Māori to succeed as Māori in the public service
- ***Leadership and culture:*** collective accountability for a culturally competent Public Service that delivers with and for Māori, and is committed to support Māori in leadership and decision-making roles”<sup>8</sup>

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<sup>6</sup> <https://www.health.govt.nz/our-work/populations/maori-health/tatau-kahukura-maori-health-statistics/nga-mana-hauora-tutohu-health-status-indicators/life-expectancy>

<sup>7</sup> Census 2013

<sup>8</sup> Reform of the State Sector Act 1988 – Directions and Options for Change. Longform Discussion document for public feedback. September 2018. P.19

As a result, this submission will focus on these areas. We have also attached “Appendix A” which brings together comment and feedback from other members of Te Rūnanga o Ngā Toa Āwhina.<sup>9</sup>

## Public Service reform to support the Crown/Māori relationship and the broader treaty partnership

Our members agree with the State Services Commission that the partnership between the Crown and Māori is the essential element of Te Tiriti o Waitangi (the Treaty of Waitangi). That by weaving the intention of the Treaty throughout the Public Service, we can enhance the relationship between the Crown and Māori and work together to improve policy, design and delivery of service to achieve better outcomes for Māori and all New Zealanders.

### Te Tiriti o Waitangi

There was overwhelming support from our members that the new reform must recognise Te Tiriti/the Treaty and the value of partnership, participation and protection. Te Tiriti must be legislated within the Act to show genuine commitment by the Crown. Underpinning the values of Te Ao Māori along with Policy to give effect to achieving success for Māori across the Public service sector.

While we understand the pragmatic political reasons for proposing not to include reference to the Treaty in the new act, the PSA do not accept that this should overcome the obligation to do so. The new Act should also acknowledge that the Crown/Māori relationship is a living partnership and provide for how this partnership is expressed to evolve.

The clause in the new Act needs to go beyond the Public Service being merely “responsive to Māori needs and aspirations” to chief executives having an obligation to have regard and consideration for agencies’ roles and responsibilities as a Treaty partner in all their business that affects, impacts on or involves Māori. In some situations, this will involve taking proactive steps to protect, to uphold the rights, interests and aspirations of the Crown’s Treaty partner.

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<sup>9</sup> See pages 14 - 22 of this submission.

## Function and Purpose

It is essential that the functions of the Crown/Māori relations are fit for purpose and that their responsibilities and functions are clear in responding to the needs of Māori. It needs to be clear on what the function is and therefore meet the overall objectives to the commitment to Māori.

We see a key role of the Crown/Māori relations being the auditor and regulator of all Ministries across the public sector to ensure that Ministries are meeting their obligations to Te Tiriti through the reform, having measures in place to demonstrate their commitment and enforce accountability, to give Māori certainty that this commitment is genuine.

The Crown/Māori partnership must be supported by adequately responding to and identifying the current state of the Ministries in its obligations to Te Tiriti/the Treaty and appropriately measuring and making sure there is accountability to meeting their Te Tiriti obligations of partnership, participation and protection.

We also see that the Crown/Māori relations must be aligned to the overall objectives for Māori now and into the future. There are many Māori stakeholders within the Public Service and we need to ensure that the Crown/Māori relations is working across or working with all these agencies to avoid silo's being created or working in isolation and that the strategic direction for Māori within the Public Service is realised, sustained and maintained.

To ensure success, our members ask that there is sufficient resourcing of Māori to support the capability and growth within the Crown/Māori Relations. It is important that we have the necessary resources available to support this mahi/work, and it would be advantageous to all across the Public Service.

As a matter of importance, our members expressed that the name of the Māori/Crown relationship be referred to as the Crown/Māori Partnership but it's equally important that a name reflects its mana within the Public Service.

## Policies

Policy development is needed to ensure organisations are able to encourage the partnership between Māori and Crown. There has been Policy designed by Pākehā for Māori. Māori need to have trust in the Public Service and the Crown's commitment to Māori and ensure these policies are developed by Māori and enacted by Māori. While members have said that it's about one's attitude to their practice around the Te Tiriti o Waitangi principles

and bringing them to life through knowledge, behaviour and practice. Our members support the need for Māori by Māori concept, and it is desperately needed.

#### Education and Training

Our members referred to the greater need for education and training to all partners of Te Tiriti/the Treaty for greater understanding on who the treaty partners are, and what the Treaty means for the partners, so that we can all work towards a better Public Service.

Te Tiriti/the Treaty Training to be made mandatory across the Public Service to ensure the increase in knowledge, understanding and all public servants are educated on the Treaty in order for it to become normalised across all levels of the Public Service, especially at the CE level and Management level, down to the workers in frontline and service delivery.

#### Funding

There are questions about the level of funding that the ministry will have to operate. It would be essential that ministerial rights be lifted to give effect to genuine engagement and that the reform supports this by funding the ministry adequately without budget restraints or capping of funding that wouldn't allow the Crown/Māori relations to enact what is necessary or required to regulate or make accountability possible.

#### Māori public servants

Our members understand that there is a Crown/Maori partnership and that the relationship needs to be strengthened for Māori within the Public Service.

PSA supports a wider approach to inform our practise as public servants, by creating different models being developed and utilised, kanohi ki te kanohi and involving Māori within the design of the strategy.

There are struggles of being Māori within the Public Service. It is not equal partnership, and good relationships are over taken by the sheer racism and colonisation that continues to be experienced by our members. A shift to change to a better Public Service is supported by our members, but genuine engagement with Māori is essential, and working with Māori requires different strategies and models in order to make it successful.

## Service delivery to support better outcomes and better services for Māori

Our members have described two key aspects in relation to how the Public Service is currently responding to the needs and aspirations of Māori<sup>10</sup>:

- It is vital for all agencies to understand the continuum of understanding in relation to how Māori self-identify where they are located within the context of identity, language and culture.
- The deficit in capability<sup>11</sup>, capacity and leadership to deliver for Māori is apparent for frontline staff across the Public Service.

Our members acknowledge the thinking that has contributed to the reform document. Our members mostly agree with the issues outlined in the discussion document and the three broad groups<sup>12</sup>.

- Matters of fragmentation... “the Silo Effect”
- Effects on the capability, ... of the Public Service
- Concerns about the ethical foundations of the Public Service - the provision of free and frank advice<sup>13</sup>

Our members agree that the Public Service need to change to respond to the highly complex issues that present throughout our agencies. The sophistication<sup>14</sup> outlined in the document was also a key theme in the feedback that our members gave in relation to how Service Delivery can better support outcomes for Māori. However, in Chapter 5: People, in relation to:

- Diversity and inclusion, and
- Providing stronger workforce provisions to enable an agile and adaptive, unified New Zealand Public Service

In respect to these proposals, our members collectively agree that Diversity and Inclusion does not represent Māori Public Servants and our role as Treaty partners with the Crown. Our responsibilities as public servants must be governed by the key elements outlined in Chapter 4: Responding to the needs and aspirations of Māori.

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<sup>10</sup> Reform of the State Sector Act 1988 – Directions and Options for Change. Longform Discussion document for public feedback. September 2018. P.19

<sup>11</sup> Ibid. p. 9

<sup>12</sup> Ibid p.8-9

<sup>13</sup> Ibid.pp.8-9

<sup>14</sup> Ibid. p. 9

The intended outcome for such changes in service delivery are improved outcomes for Māori, citizen-centred services that are culturally appropriate for Māori, and building Māori trust and confidence in the public sector.

We note the SSC report from 2009, “How different groups of New Zealanders experience Public Services”.<sup>15</sup> This report noted that the drivers of satisfaction for Māori Public Service users were being treated fairly and with respect by non-judgemental staff. Māori have higher expectations of Public Services, but have low levels of trusts in those services. Māori also had remarkably more difficulty accessing services and were more likely to encounter physical barriers.

We believe that these problems can be solved with some basic improvements to service delivery.

### Workforce composition and capability changes are required for the Public Service to be culturally responsible to whānau Māori

For the Public Service to deliver for Māori, we need to look at changes in both the composition and workforce capability of staff. PSA agrees with the following statement:

*“Workforce composition and capability: a workforce that value, reflects and understands the communities it serves, is valued for its cultural competence, and empowers Māori to succeed as Māori in the public service.”<sup>16</sup>*

We also note the provision in the current State Sector Act:

*“For the purposes of this section, a good employer is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring -----*

*(d) recognition of ----*

*i) the aims and aspirations of the Māori people; and*

*ii) the employment requirements of the Māori people; and*

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<sup>15</sup> <http://www.ssc.govt.nz/kiwis-count-2009>

<sup>16</sup> Reform of the State Sector Act 1988 – Directions and Options for Change. Discussion document for public feedback. September 2018. P.19



*iii) the need for greater involvement of the Māori people in the Public Service”.<sup>17</sup>*

While this legislation is from 1988, PSA notes that there is still a need for greater involvement of Māori in the Public Service. It is apparent that the workforce composition of the Public Service requires an increase in Māori representation to reflect both Māori demographics in Aotearoa, and the demographics of service users of specific departments. Departments should evaluate an appropriate level of Māori workforce composition in relation to client base. This would not only facilitate a culturally competent Public Service, it would build Māori trust and confidence in the public sector. Effectively, it is an indicator of credibility and relevance to Māori.

In terms of workforce composition, we note the lack of diversity in several government departments. While Māori workers make up 16% of the Public Service workforce, numerous departments have percentages in the single digits, namely: Conservation, Crown Law Office, Customs, Defence, Environment, GCSB, Health, Land Information New Zealand, MBIE, Ministry for Women, Primary Industries, Prime Minister and Cabinet, Serious Fraud Office, State Services Commission, Statistics New Zealand, Transport, and Treasury.<sup>18</sup> Effectively, the seemingly high average of 16% is due to the large concentration of Māori workers in a few departments, namely: Corrections, Justice, Social Development, and Oranga Tamariki. And while those departments do have a high average of Māori workers, the service users of those departments are predominantly Māori. This is in line with Māori being over-represented in negative social statistics.

To understand the issues of recruitment and retention of Māori workers in the Public Service, we can look at the legislation above, and the duties of the good employer to recognise the aims and aspirations of Māori as well as their employment requirements. This can have a “diversity and inclusion” lens, and can help departments with their diversity profiles. For merit appointments, this is an opportunity to redefine what constitutes “merit” in 21<sup>st</sup> century Aotearoa.

We note that a good employer to recognise aims, aspirations and employment requirements of Māori, they could be operating a personnel policy that involves the following:

- Recognises and values the cultural leadership that Māori workers contribute to the “identity” of the Public Service of Aotearoa, in addition to their normal responsibilities of their work
- Emphasises the skills, strengths and opportunities for Māori, including bilingualism
- Transparent recruitment practices

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<sup>17</sup> State Sector Act 1988, s56(2)

<sup>18</sup> 2017 Public Service Workforce Data (HRC report) p36

- Encourages a culture of respect
- Recognises and addresses systemic disadvantage
- Access to networks
- Development of a coaching programme for Māori public servants, possibly with a tuakana/teina model
- Provide leadership, career development and learning opportunities
- Investment in the personal and professional development of individuals
- Māori achieve professional success in the public sector as Māori
- Provide support options for Māori in leadership roles
- Establish bicultural structures that give staff the mana to create and adopt practices that reflect Māori cultural values
- Monitor the distribution of Māori remuneration in comparison to non-Māori
- Includes in its approach to employment relations genuine engagement on Ngā Kaupapa with Māori staff through their union the PSA. This includes the expansion through collective bargaining of terms and conditions and working arrangements that support Māori cultural values

Māori employment equity and the Māori pay gap are obvious barriers for Māori in the Public Service.

We believe that a critical mass of Māori at senior management levels is required. Māori are still underrepresented at senior leadership levels, with only 12.3% Māori in the Top 3 tiers. This percentage is inconsistent across agencies. Furthermore, it is unclear what proportion of this percentage are “Māori cultural roles”, as opposed to operational roles. PSA notes that it is unclear what proportion of this 12.3% is wāhine Māori.

The Māori pay gap has not shown improvement over time, unlike the gender gap. Gains in gender pay have not been as beneficial for Māori. PSA notes that information about wāhine Māori in the Public Service is not regularly published in annual reports on the Public Service workforce.

Māori public servants are over-represented in lower paid occupations and therefore the ethnic pay gap has been persistent at about 11%. When intersectional information about gender and ethnic pay gaps is provided the pay gap between Pākehā men and wāhine Māori is 22%. The pay gap between Pākehā women and Māori women is almost 10%.

PSA notes the following:

*“Chief Executives are committed to ensuring that ethnic pay gaps have the same scrutiny afforded to them as gender pay gaps. The State Services Commission and other agency partners, working with a group of State Services Chief Executives, are undertaking work to explore the drivers behind ethnic pay gaps and identify ways to address them.”<sup>19</sup>*

The PSA is happy to engage on this work further, as we believe that not only is it fair and equitable, but it is important to remove employment barriers for Māori. PSA proudly notes that, last month, Te Rūnanga o Ngā Toa Āwhina joined the Waitangi Tribunal kaupapa inquiry into issues affecting Māori women (the Mana Wahine Inquiry).

## Leadership and Culture

We asked our membership how leadership in the Public Service can support better outcomes for Māori, and our members had so many ideas and solutions.

- *Increase the number of Māori at the top echelons of the organisations (not just token Māori positions). Stop importing overseas expertise to crucial decision-making roles. Make it compulsory for all level 1-3 leaders to attend cultural change courses*
- *Recognise and remunerate te reo Māori capability*
- *Socialise and normalise the use of Māori in the workplace, e.g. mihi at formal occasions, saying Kia ora. Once leaders become comfortable with the reo, they can begin to work on their understanding concepts like manaakitanga and whanaungatanga so that compromises/concessions are equally weighted.*
- *Deliberately provide leadership courses for Māori public servants*
- *Leaders should have measurable deliverables and outcomes related to Te Ao Māori*
- *Role model a more holistic approach. Create solutions which fit around Māori. Not the other way around.*
- *Leaders need to be role models who lead by example. This means they need to embrace kaupapa Māori outcomes in best practice whatever the service may be. Leaders need to also support reasonable implementation of integrated models of practice that embrace Māori culture.*

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<sup>19</sup> Ibid. p33

- *Include Māori in decision-making by being inclusive by default, not as an afterthought*

Our members have a clear idea about the characteristics and skills of a chief executive of a Public Service organisation that they believe will support better outcomes for Māori. Our members believe that this will require a level of sophistication that calls on leadership to think differently about how they utilise their Māori staff and their skills, knowledge and intelligence to inform the decisions that need to be made to improve results.

Ideally, the leader will already be culturally competent, with te reo Māori skills and knowledge of tikanga and Te Tiriti o Waitangi. If not, it is expected that they will actively seek out and engage in education and training in these areas. We would like to see leaders who are culturally responsive, who bridge the bias, and enhance the void.

We would like to see leaders who will engage with Māori staff and local iwi to find Māori solutions. Too often our members tell us that their leaders engage with a departmental “cultural advisor” or similar, and this is determined to be consultation with Māori. This is usually a tick the box exercise, which can put our members in culturally unsafe positions, and does not necessarily provide benefits for Māori service users. We would like to see Māori voices involved at the beginning, not as an afterthought.

We would like to see leaders who are accountable to Māori. Department heads should be required to monitor and report on organisational performance with respect to Māori, and to control quality so that outcomes are improved for Māori.

## Conclusion

*Whāia te iti kahurangi, ki te tūohu koe, me he maunga teitei*

*Seek the treasure you value most dearly, if you bow your head, let it be to a lofty mountain.*

PSA welcomes state sector reform, particularly in regard to the needs of Māori. We look forward to seeing a Public Service that delivers for Māori. We believe that robust legislation is required here. We see the SSC’s intention of the legislation is that it is “aspirational”, rather than “enforceable”. We do question whether the lofty goals of the reform can be attained without legal enforceability. As stated earlier in this submission, Te Tiriti must be legislated within the Act to show genuine commitment by the Crown. Underpinning the values of Te Ao Māori along with policy to give effect to achieving success for Māori across the Public Service sector.

Again, we thank the State Services Commission for the opportunity to make a submission on this kaupapa. If there is the possibility of offering a verbal submission, we would welcome that situation. We can see that joint engagement on this kaupapa would be mutually beneficial.

Note Appendix A is attached, which brings together additional comment and feedback from members of Te Rūnanga o Ngā Toa Āwhina.

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# APPENDIX A – Additional comment and feedback from members of Te Rūnanga o Ngā Toa Āwhina

## Chapter 1: Overview

### Summary:

We support the review of the State Sector Act 1988, with its objective of creating a unified Public Service around a common vision, purpose, principles and values. There is a concern that there appears to be no protections to ensure that the enabling legislation is not “misused”? We think there needs to be inbuilt safe guards and protections that protect the system from abuse (such as complaint processes and independent reviews).

### Member feedback:

*What protections are there to ensure that the enabling legislation is not “misused”?*

*There need to be inbuilt safe guards and protections that protect the system from abuse (such as complaint processes and independent reviews)*

## Chapter 2: The case for change

### Summary:

The feedback from our members highlight that, for Māori, the current public services are not working for them, or their families. Also accountability of Senior leadership is seen as non-existent under the current system. Change is required.

The focus only on Senior leadership capability may create unwanted consequences. With the current focus on lowering delegations and decision making to lowest possible levels to improve services, only focussing on the top 1% undermines the new delegations approach.

A number of our members highlighted the issue of “Kiwi cringe” which is the prejudice view that home grown leadership talent is never good enough unless it’s sourced off-shore.

### Member feedback:

*Accountability of Senior leadership is seen as non-existent under current system. How will this change in the future? For example less than 30% of Inland Revenue staff currently say they are engaged, the lowest score ever. However the CIR is still rewarded and promoted across the SSC as a role model.*

*Focus on “Senior leadership capability” is seen to be leaders self-serving themselves while the masses get nothing. With the current focus on lowering delegations and decision making to lowest possible levels to improve services, only focussing on the top 1% undermines the new delegations approach.*

*At IRD the last 3 CIR were hired from overseas, placing a glass ceiling for over 25 years on NZ based public servants. I refer to this as “Kiwi cringe” which is the prejudiced view that home grown talent is never good enough unless it’s sourced off-shore.*

## Chapter 3: Purpose Principles and values

### Summary:

Our members believe that the proposed statement describing the purpose of the Public Service is too narrow as it does not capture the higher purpose talked of in the overview and our suggested changes is that the “Public Service exists to improve the intergenerational wellbeing of Aotearoa New Zealand”.

We see advantages in adding the principles of Protection (for example, promoting caring for the wellbeing of our environments) and the principle of Partnership.

The values stated are reasonable but there is some concern about some of their descriptors (for example respected only refers to people and should include their environment).

We believe that the purpose, principles and values of the Public Service should be included in the act and there needs to be governance structures that includes a complaints and review process.

We support the proposed extension of the scope of the Public Service, as the consistency this will bring will enable a wider sharing of services and standards.

### Member feedback:

*The changes would be to see a trustworthy, guaranteed, effective, safe and sound support for Māori staff policy active within my organization without prejudice.*

*What would work good is if the organisation actually had an idea of what the Treaty obligations and principles are. Some parts of the organisation are totally aloof to what Te Tiriti obligations are and what they mean for us as an organisation.*

*Organisation values need to integrate culture Māori and values need to be reflected in expected best behaviour practice of all employees. Raising employee awareness and embracement of Te Ao Māori practices will develop more appropriate and meaningful acceptance and engagement.*

*Changes to service delivery to support better outcomes can only occur by way of legislative changes as this ensures compliancy by all kaimahi as a matter of professional standard expectations as opposed to be nice to Māori, it will start to reduce the racist approach that archaic legislation has imposed on the system and the masses identify as normal practice.*

*Statements relating to expectation of knowledge, behaviour and practice around the Treaty of Waitangi must be followed through and from a Māori perspective and by Māori.*

*Title should state “proposed PURPOSE of the NZ Public service.”*

*The Public Service is about more than just the “wellbeing of New Zealanders”. This is a narrow description that does not capture the higher purpose talked of in the overview, rather it promotes nationalism. Two major natural features within NZ have recently been given legislated “human status and rights” as part of Waitangi Tribunal settlements, these being the Whanganui river and Mount Taranaki.*

*A purpose of our Public service must be to:*

- *protect or enhance our Natural treasures (improve Natures wellbeing)*
- *Improve the wellbeing of all creatures great and small (Fauna and Flora).*

*Suggested change is to replace “New Zealanders” with “Aotearoa New Zealand”*

*New Zealanders is now defined as “citizens” when the grouping is wider than this..i.e. permanent residents, temp residents, tourists who must engage with the public service.*

*Suggested change is to replace “citizens” with “Aotearoa New Zealand”*

*On page 12 (principles), the 2<sup>nd</sup> and 3<sup>rd</sup> bullet points are effectively saying the same thing and should be merged into the 2<sup>nd</sup> bullet point.*

*A new bullet point should be added “Consult and work with affected parties”*

*Add a third principle of:*

*Protecting and enhancing the treasures (Taonga) of Aotearoa New Zealand.*

- *Working to advance the Treaty of Waitangi partnership*
- *Managing resources*
- *Protecting the vulnerable*
- *Promoting caring for the wellbeing of our environments*

*Support these principles and would add one more being:*

- *Partnership*

*In the past “public services” were created from on high with no consultation with the recipients of that service.*

*The principle of partnership has the following elements:*

- *Reciprocity & mutual benefit*
- *Act reasonably, honourably, and in good faith*
- *Make informed decisions*
- *Active protection*
- *Redress*

*Page 14 Values. Agree with Value. However, the first bullet point does not reflect “impartial” rather it supports prejudices based on individual perceptions and only providing advice that they want to hear. It contradicts bullet point 2 and should be deleted.*

*Accountable - Being accountable is more than a clear chain of accountability. It must also have complaint, investigation and redress processes and these should be added to the definition of accountability.*

*Respect - Respect needs to be more than for just people, it must also encompass our work and natural environments.*



*Reword opening sentence to read*

*“Every public servant treats all people and environments with respect, dignity and fairness.*

*Disagree that a committed to service involves “courage to take risk to make improvements”.*

*Part of the free and frank discussions must also advocate for the retention of status quo where these are working efficiently and effectively.*

*A commitment to service must focus on the outcomes achieved for our communities.*

*Partnership principles:*

*The principles listed do identify three of the most important principles for Māori these being:*

- *Equity*
- *Protection*
- *Redress*

*These principles must also be as part of the legislation*

*Māori service equity:*

*Here the focus should be outcomes for Māori, as history shows decisions for Māori by the Crown generally results in negative outcomes for them in comparison to the general population.*

*Insert the word “equitable” before services.*

*Māori employment equity*

*It should clearly state that “Māori cultural competence” is valued and rewarded and that the Crown is responsible for creating an “environment which empowers Māori”*

*Culturally competent leadership*

*“Collective accountability” means no-ones responsible so it should state “Collective and “Individual” accountability.*

*Traditional Māori leadership is generally based on their “Mana whenua” which is based on their Whānau, Hāpu and Iwi connections and centred around their Marae and support networks. This means that Māori leadership is regional focused by nature (Cultural competence will be different for Ngāi Tahu and Tūhoe for example) rather than National and that Māori would want Māori represented at all levels of the Public Service and the focus should be that, not on just getting “more Māori” into the Public Service regardless if they are culturally competent or not.*

## Chapter 4: Responding to the needs and aspirations of Māori

### Summary:

We support legislation that confirms the Crown's and the Public Service's obligations and commitments, to the Treaty of Waitangi.

We agree with the Partnership principles noted and recommend that the other Treaty of Waitangi principles of Protection, Equity, and Redress must also be as part of the legislation.

Statistics show that Māori currently do not get an equitable share of the Public Services provided, and we suggest that the concept of "equitable services" be used to help drive options that will close the current gaps.

The concept of "Mana whenua" is very important to Māori. Traditional Māori leadership is generally based on their "Mana whenua" which is based on their Whānau, Hapū and Iwi connections and centred around their Marae and support networks. This means that Māori leadership is regional focused by nature (Cultural competence will be different for Ngāi Tahu and Tūhoe for example) rather than National.

Data shows that Māori workers are under-represented in large number of Public Service organisations. There needs to be a focus on getting Māori represented at all levels of the Public Service.

### Member feedback:

*Support legislation that confirms the Crown's and the Public Service's obligations and commitments to the Treaty of Waitangi.*

*Pronunciation of Māori names of patients, a simple process or protocol introduced so that there need not be any angst of saying it incorrectly. With practise comes perfection. DHBs permit time (during work hours) to attend 'free' reo classes at Te Wānanga o Aotearoa.*

*Better outcomes for Māori need to have Māori input right from the start or commencement of the process. Iwi Māori need to be involved in any processes and policies, if these are not in place now, then they need to re-evaluate their policies and procedures to ensure outcomes for Māori are better.*

*Deliverers to be given a new picture of what being Māori looks like. To change the view that Māori are broken, Māori are poor, Māori are uneducated, Māori need help. That is not the only view and that having many people in a house is always considered overcrowding and to try and separate them but give them tools to live well*

*Better outcomes to me is hand holding Māori through changes. Hand holding them from beginning to the end.*

*One change I would make is ask Māori consumers what works, then tailor public services to meet the specifications for Māori consumers versus I know what's good for Māori, or what's good for one group is good for all*

*It's not widely spoken and could be seen as tokenism. Māori is not a tick box thing, nor is it a race of people not to succeed. I feel that we are told what success looks like through a lens our tupuna forbade us to pursue.*

*My organisation is committed to its vision, its Ngā Mātāpono values and its customer charter. These key foundations drive our service delivery. Our organisation is committed to a 2020 goal of being bilingual. The aspiration behind this is to be more effective in meeting the needs of Māori. Although it is a lofty goal, our Board and Leadership are committed to this. We are fortunate that we have a lot of highly competent and capable staff who are also committed to the needs of Māori. Changes in our service delivery have been deliberate and incremental. My organisation has been on this journey for quite a while now, and the benefits are being seen across the organisation. In the tertiary quality assurance area of our work, if there is one thing that does need to change it is the system that determines what is important for NZ in the tertiary sector. Currently, success is measured by higher education pathway uptake or employment uptake. However, for mātauranga Māori providers, these are not the only important things. The measurement of 'distance travelled', i.e. where a learner started in their tertiary education and the lift and transformation that has occurred in their journey (whether it be within the programme as well as what the TEO has provided to support the learner's journey) in terms of holistic and cultural wellbeing and growth as well as behavioural change and the impact within whānau, hapū, iwi, and/or the wider hāpori Māori is a measurement that is treated as a distant '2nd' in comparison to higher education pathways and employment. The system is geared in a particular way, and it isn't necessarily cognisant of the immense impact that cultural wellbeing has on our Māori learners. Please note that higher education and employment are very important things to our Māori people. However, the system is not currently able to measure 'distance travelled', and this needs to be addressed and treated with more importance than it is currently treated because there is no quantitative measure in place. This is concerning. Particular Māori providers have kept asking for this for too long now, and there has been little change in the system. Therefore, what value does the system truly have for the Māori voice? If the focus is on international portability of qualifications then this is also important to Māori. However, we must always ensure that our backyard is well looked after, and by diluting the importance that education has for cultural and holistic wellbeing within the tertiary education sector only ensures that the statistical representation that Māori have in health, corrections, education etc. is perpetuated.*

*Education of all staff on tikanga Māori, on how Māori whānau engage with the support services.*

*Home Grown initiatives by Māori for Māori, Better outcome for Māori looks like access to services such as advocacy, empowering Māori to have self-determination by providing options. Mentoring across the board for example Equal Employment opportunities, and for our Youth more access to providers whom suit their particular needs. - Better intake and assessment system designing like the Powhiri model.*

*A willingness to deliver services in a different way/s that suit Māori, one size fits all - leaves our people out in the cold. - Better outcomes for Māori - services designed from a Māori perspective, think kōhanga reo & kura kaupapa Māori before the MOE compliance ruined everything.*

*More Māori front line staff and remuneration for the skills they bring. - Training and upskilling existing and new staff. - Kaitakawaenga Māori are our best resource but their mahi is never seen as priority. Conflicting tasks and too many other things to do so things Māori take a back seat.*

*The changes that need to be made is that more Māori practitioners need to be employed to work with Māori. This is important to Māori as they feel more connected to Māori. Also, giving Māori the choice to be able to use their cultural values in the prevention/intervention gives them the sense of being part of, instead of feeling excluded. It is not just about having karakia at the beginning and whānau present, it is about what Māori value, let them stipulate how they want to implement their cultural values into the process.*

*Making sure there are roles that are specific for the delivery of tailored services for Māori communities, individuals, businesses and organisations. Staff delivering services to Māori should have advance te reo me ona tikanga Māori skills. All staff should have basic te reo Māori pronunciation, spelling, greetings and farewells as*

*well as the basics of Māori protocols. Making sure the role definitions are quite specific to focus on delivery of services to Māori in a culturally appropriate way and reassurances that the role will not be compromised because the organisation is understaffed and need to divert the person in that tailored Māori role to other work. Need consistency when working in the Māori community - relationships compromised and Māori staff get criticized by the community and the IR management and staff.*

*Māori form trust through face-to-face interactions and a recollection of previous engagements by themselves and those they are connected with. Better outcomes for Māori would be achieved in two parts.*

- 1. Increased physical engagement (I understand this goes against our current focus on digital engagement).*
- 2. Follow through with any agreements/ initiatives passed through the reform, e.g. Te Urupare Rangaapu*

*Less focus on 'digital solutions' for customer servicing Māori and more focus on face to face engagements, an example was the Kaitakawaenga Māori service within IRD (before their focus was spread)*

## Chapter 5: People

### Summary

The overview states what the people bring to the Public Service, but what it does not state is how they will be treated. We believe the legislation should state that the people of the Public Service (being the staff) should be respected, protected and treated with dignity.

The legislation should do more than establish a duty to “promote. The duty must be to promote diversity and inclusion by removing barriers for diverse communities to recruitment and advancement within the Public Service.

While we understand the drive to be agile and adaptive, any provisions must also strive for “Stability of services”.

We support the proposal for common terms and conditions, with the proviso that the words “PSA Public Service Association” be added as one of the parties to be consulted with from the outset.

### Member feedback:

*Support better outcomes for Māori by removing barriers to kaimahi suggestions and recommendations made by Māori for Māori*

*More qualified Māori representation in our professions is needed and we need to attract those people straight from the polytechnics and university give them a clear pathway into a career in the public sector.*

*Recognise it's not one size to fit all and Pākehā designed systems don't all work for Māori. More Māori need to be employed to deliver the services as Māori respond best to Māori.*

*What works well is that we have a Māori strategic framework and this is recognised widely as being important, we are just starting to look at how to embed this into how we work and how this is incorporated into BAU instead of having it added to as a separate component. - Have all staff in service delivery and those who work with staff in service delivery have a better understanding and appreciation for Te Ao Māori. Make available formal training and resources. Have Te Ao Māori elements and competencies in Performance Development Plans and added to department/agency work plans that CEs, ELT and managers are held accountable for.*

*Encouragement support to help climb the career ladder - -*

*We need to encourage Māori more to be in Public Service. I see so many of our whānau working for NGO's tino rawe tenei but we need to encourage more Māori to take the leap into Public Service, a pathway in.*

*There is nothing here that states that the “people” of the Public Service (being the staff) should be respected, protected and treated with dignity.*

*The obligation must be more than just “promote diversity”. This is what occurs now, all Public Service adds (promotions) advise that they “support diversity” however many have barriers such as psycho tests and video interviews.*

*As Māori, we see ourselves sitting outside the ‘Diversity’ group due to the on-going relationship established by the Treaty of Waitangi. Therefore, a description that includes a “list” of diversity communities that specifically excluded Māori would provide more certainty on this matter.*

*Specify obligation to removing barriers for diverse communities to recruitment and advancement within the Public Service.*

*The duty must be to promote diversity and inclusion by removing barriers for diverse communities to recruitment and advancement within the public service.*

*The provisions must also strive for “Stability of services” which can be agile and adaptive.*

*Support common terms and conditions proposal with the proviso that the words “PSA Public Service Association” be added as one of the parties to be consulted with from the outset.*

## **Chapter 6: Organisational arrangements**

### **Summary:**

One of our main concerns regarding the options in the toolkit is that the new executive board entity could be used to undermine existing employment terms and conditions of public servants.

### **Member feedback:**

*More Māori services driven by Māori organisations/Runanga collaboration. Health & children.*

*Encouraging partnerships by letting Māori have a voice in the strategies put in place by a non-Māori Leadership Team*

*Risk is that new executive board entity could be used to undermine existing employment terms and conditions*

## **Chapter 7: Leadership of the Public Service**

### **Summary:**

Our members tell us that Accountability for Public Service senior leadership is seen as non-exist under the current system. Also the current focus on “senior leadership capability” only focuses on the top 1% ignoring the current focus on lowering delegations and spreading the leadership load over the entire Public Service.

The Senior leadership service appears to be a Senior Executive Service (SES) by another name, and that did not succeed. We have concerns that the proposed approach of Chief Executives as a system leadership group, and the concept of collective responsibility, including that all public servants, especially Chief Executives, must have the ability to provide free and frank advice.

We support the proposal to rebrand from State Services to Public Services.

**Member feedback:**

*The first step needs to be in acknowledging with current leaders - do we have a personal and profession focus on being of service to others - in considering better outcomes for Māori, means what skill, experience and attitude do I bring to the table - that can be added to others - how do I, how can I engage with Māori - and if I don't know how - embrace that, acknowledge that - and make some decisions about - if you want to do something about that.*

*Every office needs to have a Māori reference group/ whānau / team / roopū that must be consulted before any action is taken on or with a Māori tūroro.*