

DRAFT FOR CONSULTATION

Public Service (Repeal of Diversity and Inclusiveness Requirements) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill repeals or amends the various provisions of the Public Service Act 2020 that place obligations on public service leaders to promote diversity and inclusiveness in their workplaces. The purpose of this Bill is to ensure that public service employment decisions are based on merit, neutrality, and the delivery of effective public services, rather than social or identity-based considerations.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides for the Bill to come into force on the day after Royal assent.

Clause 3 provides that the Bill amends the Public Service Act 2020.

Clause 4 amends section 44, which sets out the general functions of the Public Service Commissioner (the **Commissioner**). The amendment removes the requirement for the Commissioner to work with public service leaders to develop a workforce that reflects the diversity of the society that it serves.

Clause 5 amends section 73, which relates to the requirements of a chief executive of a department and a board of an interdepartmental venture to be good employers. The amendments remove requirements to promote diversity and inclusiveness and provisions recognising the need for greater involvement of Māori in the public service as part of the employment policy of a good employer.

Clause 6 repeals section 75, which provides that chief executives and boards must promote diversity and inclusiveness in their workplaces, and the cross-heading above that section.

Clause 7 amends section 97, which provides that Government workforce policy must relate to workforce matters. The amendment removes workforce diversity and inclusiveness from matters that may be included as workforce matters.

Clause 8 amends clause 16 of Schedule 3, which relates to other functions and powers of the Commissioner. Clause 16 provides that the Commissioner must give three-yearly briefings on the state of the public service to the Minister responsible for the administration of the Act. The amendment removes the requirement in clause 16(4)(a)(v) that the briefing may include an assessment of whether, and the extent to which, public service agencies are achieving workforce diversity and inclusiveness.

Clause 9 makes a consequential amendment to clause 3 of Schedule 7 to the Act, which relates to the appointment and performance review of public service chief executives. Clause 3 provides that a panel must be established for each vacancy or impending vacancy for a chief executive position. The amendment removes the requirement for the panel to undertake its functions having regard to diversity and inclusiveness requirements in the Act, which this Bill removes.

Andy Foster

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Public Service (Repeal of Diversity and Inclusiveness Requirements) Amendment Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

3 Principal Act

This Act amends the Public Service Act 2020.

4 Section 44 amended (Commissioner's general functions)

In section 44(c), after “highly capable workforce”, delete “that reflects the diversity of the society it serves”.

5 Section 73 amended (Chief executive of department and board of an interdepartmental venture to be good employer)

- (1) Repeal section 73(2).
- (2) Delete section 73(3)(d)(iii).

6 Section 75 and cross-heading repealed

Repeal section 75 and the cross-heading above it.

7 Section 97 amended (Government workforce policy: content)

In section 97(2)(e), delete “and workforce diversity and inclusiveness”.

8 Schedule 3 amended

In Schedule 3, repeal clause 16(4)(a)(v).

9 Schedule 7 amended

In Schedule 7, clause 3(7), delete “and diversity and inclusiveness”.