

行政院及所屬各機關出國報告

(出國類別：考察)

行政院人事行政局九十二年  
人事人員澳、紐考察團考察報告

服務機關：行政院人事行政局

出國人職稱：副局長

姓名：歐育誠等五人

出國地區：澳大利亞、紐西蘭

出國期間：九十二年十一月四日至十一月十三日

報告日期：九十二年十二月三十一日

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行政院及所屬各機關出國報告提要 系統識別號

出國報告名稱：行政院人事行政局九十二年人事人員澳、紐  
考察團考察報告 頁數：100 含附件：是

出國計畫主辦機關/聯絡人/電話

行政院人事行政局/林忠誼/23979298

出國人員姓名/服務機關/單位/職稱/電話

歐育誠/行政院人事行政局/副局長室/副局長/23979298

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李花書/行政院人事行政局/考訓處/專員/23979298

曾惠絹/行政院人事行政局/給與處/科員/23979298

出國類別：1 考察 2 進修 3 研究 4 實習 5 其他

出國期間：九十二年十一月四日至十一月十三日

出國地區：澳大利亞、紐西蘭

報告日期：九十二年十二月三十一日

分類號/目

關鍵詞：行為準則、業務外包、執行長、目標管理、績效管  
理

內容摘要：政府改造及行政革新，係現代化政府進行改革的核新潮流，各國政府無不積極學習企業部門之績效管理精神，推動績效管理之人事管理制度，讓政府變得小而能、小而美，更有績效地回應人民對於政府施政效能及效率之期待。我國在近年來亦積極推動人事績效管理制度之改革，舉凡行政法人、業務委外、行政中立、績效考核及績效獎金等重要改革措施，均積極地開展實施，為進一步汲取先進國家之寶貴經驗，行政院人事行政局九十二年度人事人員出國考察，爰選擇推動政府改造著有成效之澳大利亞及紐西蘭二國實地考察，期能蒐集二國之施政經驗及文官制度等相關資料，俾供我國未來人事革新之參考。

本文電子檔已上傳至出國報告資訊網

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# 壹、前言

## (一) 考察緣起

政府改造及行政革新，係現代化政府進行改革的核新潮流，各國政府無不積極學習企業部門之績效管理精神，推動績效管理之人事管理制度，讓政府變得小而能、小而美，更有績效地回應人民對於政府施政效能及效率之期待。我國在近年來亦積極推動人事績效管理制度之改革，舉凡行政法人、業務委外、行政中立、績效考核及績效獎金等重要改革措施，均積極地開展實施，為進一步汲取先進國家之寶貴經驗，行政院人事行政局九十二年度人事人員出國考察，爰選擇推動政府改造著有成效之澳大利亞及紐西蘭二國實地考察，期能蒐集二國之施政經驗及文官制度等相關資料，俾供我國未來人事革新之參考。

## (二) 考察團團員

本團由本局歐副局長育誠率團，成員包括本局企劃處陳處長烽堯、林專員忠誼、考訓處李專員花書、給與處曾科員惠絹。

## (三) 考察行程

十一月三日（星期一）

22：05 自桃園中正機場搭乘長榮航空 BR 311 班機赴雪梨  
機上過夜

十一月四日（星期二）

10：25 抵達澳大利亞雪梨

12：00 與駐雪梨辦事處同仁餐敘

14：00 參訪雪梨市政建設

夜宿雪梨 Carlton Crest Hotel

十一月五日（星期三）

10：00 拜會澳大利亞新南威爾斯州州政府

14：00 參訪雪梨市政建設

20：50 自雪梨搭乘澳航 QF 807 班機赴坎培拉

21：45 抵達坎培拉

夜宿坎培拉 The Rydges Hotel

十一月六日（星期四）

10：00 拜會駐澳大利亞代表處

14：00 參訪坎培拉市政建設

夜宿坎培拉 The Rydges Hotel

十一月七日（星期五）

10:00 拜會澳大利亞公共服務委員會

14:00 參訪坎培拉市政建設

19:10 自坎培拉搭乘澳航 QF483 班機赴墨爾本

20:15 抵達墨爾本

夜宿墨爾本 St. Kilda Park View Hotel

十一月八日（星期六）

10：00 拜會駐墨爾本辦事處

14：00 參訪墨爾本市政建設

18：30 自墨爾本搭乘澳航 QF195 班機赴紐西蘭基督城

23：45 抵達基督城

夜宿基督城 The Chateau on the Park

十一月九日（星期日）

09：30 參訪基督城市政建設

17：30 自基督城搭乘紐航 NZ462 班機赴威靈頓

18：15 抵達威靈頓

夜宿威靈頓 Wellington Club

十一月十日（星期一）

09：00 與紐西蘭國家文官委員會人員會談

14：00 參訪威靈頓市政建設

夜宿威靈頓 Wellington Club

十一月十一日（星期二）

10：00 與紐西蘭國家文官委員會會談

14：00 參訪威靈頓市政建設

18：30 自威靈頓搭乘紐航 NZ474 班機赴奧克蘭

19：30 抵達奧克蘭

夜宿奧克蘭 Crowne Plaza Hotel

十一月十二日（星期三）

10：00 拜會駐奧克蘭辦事處

14：00 參訪奧克蘭市政建設

夜宿奧克蘭 Crowne Plaza Hotel



十一月十三日（星期四）

07：45 自奧克蘭搭乘澳航 QF026 班機赴布利斯班

08：10 抵達布利斯班

10：25 自布利斯班搭乘長榮 BR316 班機返台

17：10 抵達桃園中正機場

(四) 拜會機關及人員

本團拜會澳大利亞公共服務委員會、國會下議院、新南威爾斯州州政府及紐西蘭文官委員會等機關，並與下列人士會面：

澳大利亞公共服務委員會（Australian Public Service Commission）

Lynne Tacy, Acting Public Service Commissioner

Susan Hanson, Director, Leadership Strategy Leadership, Learning and Development Group

Karin Fisher, Director, Values and Conduct Organisational Performance and Values Group

Peter Miller, Acting Group Manager, Policy and Employment Group

澳大利亞下議院（House of Representatives）

Jon Forest（國家黨黨鞭）

Janice Crosio（工黨黨鞭）

新南威爾斯州州政府（New South Wales State Government）

Dr. Col Gellatly, Director-General New South Wales Premier's Department

Frank Constable, Director, Workforce Capability, Public

Employment Office

Kathryn Freytag, Director, Employee Relations and Workforce Planning Services, Public Employment Office

Judith Withers, Principal Project Manager, Public Employee Office

紐西蘭國家文官委員會 (State Services Commission)

Jay Lamburn, Executive Director, Public Sector Training Organization

Jeanette Schollum, Team Manager, Strategic Development Branch

Tanya Howlett, Senior Adviser, Strategic Development Branch

Janine Harvey, Senior Adviser, Strategic Development Branch

Malcolm Macaskill, Senior Adviser, Strategic Development Branch

Georgina Muir, Senior Adviser, Deputy Commissioner Team

本團於澳大利亞、紐西蘭考察期惠蒙駐澳大利亞台北經濟文化代表處、駐紐西蘭台北經濟文化代表處、駐雪梨台北經濟文化辦事處、駐墨爾本台北經濟文化辦事處、駐奧克蘭台北經濟文化辦事處駐外人員及基督城僑界協助安排照料，特別感謝以下人士：

駐澳大利亞台北經濟文化代表處楊代表進添、史組長亞平、謝組長文發、邴秘書兆魯

駐雪梨台北經濟文化辦事處林處長錦蓮、林秘書晨富

雪梨華僑文教服務中心張主任玉枝

駐墨爾本台北經濟文化辦事處梁處長英斌、程副處長豫

台、歐秘書德馥

紐西蘭華興協會蔡理事長順欽、張醫師少農

駐紐西蘭台北經濟文化代表處石代表定、童組長本中、鄧  
秘書松棠、黃秘書巧敏

駐奧克蘭台北經濟文化辦事處劉處長融和、王組長雯華

## 貳、澳大利亞

### 一、國情介紹

澳大利亞位於南太平洋，西鄰印度洋，包含澳洲大陸及南部的塔斯馬尼亞島，總面積 770 萬平方公里，人口 1,830 萬，主要是英裔、愛爾蘭裔、其次是德裔、義大利裔、華裔及希臘裔，氣候屬溫帶海洋性氣候，季節變化與北半球相反。官方語言為英語。首都為坎培拉，主要宗教為基督教。

澳大利亞是由六大州及二個特別行政區組成之聯邦國家，屬大英國協之一員，以英國女皇為元首，實際政務由女王所任命之聯邦總督代理。政府組織分為聯邦政府、州政府及地方政府三個等級，各有其管轄領域。

### 二、政府改革概況

#### （一）裁併政府部門

一九八〇年澳大利亞政府受英美等先進國家推動公共服務部門簡併等行政改革運動之領導，為減少原有官僚體制下公共行政事務程序及層級節制導致財政缺口擴大與行政組織僵化，開始進行一連串政府改造及組織改造，自一九八七年七月起等推動聯邦部會與內閣改組，將原有二十八個公共服務部門簡併為十七個，公務人員之員額則由之十八萬人，精簡至十五萬人以下。

#### （二）政府員額精簡

澳大利亞公務人員依一九九九年公布之公共服務法規定係指受僱於中央部會及地方政府公共服務部門之職員，依公共服務暨功績保障委員會於二〇〇一年十月十九日根據公共服務法第四十四條規定提出對國

會之年度報告，顯示該國公共服務部門自一九八五年起至二〇〇一年間共計精簡約六萬名公務人員。

### (三) 國營事業民營化

澳大利亞政府於一九九七年將電信服務事業機構移轉民營化後，為因應電信市場自由競爭機制，在電信工業出現更多競爭者提供低廉的費率與創新服務品質下，各電信業者改比更具競爭力之就業服務機會爭取更多人才投入服務，以提升企業競爭實力。

### (四) 業務委外

澳大利亞政府將原由政府提供之公共服務業簡併公共服務部門，公共服務業務委由私人企業經營管理，惟為維持服務品質，爰建立市場監測機制以落實管理效力，並賦予委外業務承包企業責任制。

## 三、人事制度概況

### (一) 主管機關組織及職掌

澳洲人事行政最高主管機關為「澳大利亞公共服務委員會」(Australian Public Service Commission)，該委員會之主要任務及職掌依一九九九年公共服務法規定為：

1. 促進公共服務價值 (APS) 及行為準則 (Code of Conduct) 及評估各部會制度及績效。
2. 發展、增進、檢視及評估公共服務用人政策與執行。
3. 促進公共服務人事管理之持續改革。
4. 協調並支持公共服務訓練及生涯發展。
5. 加強公共服務領導。
6. 基於部會要求，就公共服務事項提供建議及協助。
7. 基於功績保護主任委員之行動，提供外部檢視。
8. 增進高階執行長用人事項。

(二) 分類、等級及遴選制度

依公共服務法第二十三條規定，公共服務主任委員得在政府公報公布有關公務人員職等分類規則，以提供各機關任用公務人員分級之準據。有關其公務人員分級，由常務次長以下共分為十等級（詳如下表）：

Australian Public Service Staffing Structure

Secretary (常務次長)
Senior Executive Service Band 3
Senior Executive Service Band 2
Senior Executive Service Band 1
Executive Level 1&2
APS 6
APS 5
APS 4
APS 3
APS 2
APS 1

(三) 聘僱制度

澳洲對於公務人員之遴選及僱用依公共服務法授權規定，係由各機關首長依個別職務業務上所需知能與資格條件，將擬參加職務應徵者及所需具備資格條件等，公告於政府公報等，再以面談或簡單測驗進行甄選，惟通過甄選者尚須接受十二個月嚴格訓練發展計畫之考驗，始得取得正式僱用契約。「澳大利亞公共服務委員會」(APSC)之主任委員，得在未取得任何人之同意前，以書面指示將各機關內過多之公務人員調職至另一機關。公共服務法第二十八條規定，各機關得在給予報酬或無報酬之情形下，各機關首長得隨

時以書面通知終止機關內公務人員之任用。另公共服務法亦明訂公務人員於公共服務部門之任職期間，職務應予保障之相關規定。

(四) 工作時間 (國定國定紀念日或民俗節日政府機關放假情形)

澳洲一星期工作五天，每週平均工時三十五至四十小時，一年除了國定假日以外，另有年假約四個禮拜，外加病假，資深服務假等，平均退休年齡為六十至六十五歲。

(五) 考核及訓練

1. 考核制度

(1) 公務人員績效考評 (例如考績、考核) 之相關規定及實際執行情形

澳洲考績制度係遵守功績制度原則，考核重點區分個人工作績效為表現傑出、表現勝任、表現不佳及表現太差四級並給與不同之獎懲及回饋。考核程序由主管和屬員於考績年度開始訂定工作計畫或績效協議，配合組織目標設定訂定個人工作目標，並納入僱用契約之中。平時考核作為年終考核之依據，依據共同訂定之工作計畫考核，正式之考核紀錄須經主管及屬員雙方簽字。

(2) 公務人員獎懲、保障之相關規定及實際執行情形

年終考核予以獎懲，考核結果不佳者，經由輔導後仍無改善者，可能予以調職、降級，不再續約或免職。

高級行政職對考績結果有異議時，可向州長辦公室之高級行政職冤屈仲裁人提出申訴，其他部門亦有類似制度來受理考績之申訴。

## 2. 訓練制度

訓練機構之種類、經營模式、經費來源及規劃辦理公務人員訓練情形。

澳大利亞非常重視公務人員之培訓制度，結合民間及各大學人力資源，或由各機關人力資源發展部門利用適當場地辦理人員培訓工作。「公共服務暨功績保障委員會」則設有發展暨訓練小組統籌規劃完整訓練計畫課程，提供各機關自行選擇：包括高級文官發展訓練計畫、高級女性主管管理計畫、聰明閱讀技能訓練等。

## (六) 待遇及退撫制度

### 1. 待遇制度

#### (1) 薪資結構

依公共服務法之精神，各公共服務部門職員之薪資及工作條件，係授權由各機關自行辦理，於僱用人員時，均與其訂定契約，敘明人員於契約期限內所應達成之工作目標、所能獲得之薪資報酬等事項。是以，各機關並無統一之薪資結構。

於十一月五日參訪新南威爾斯州政府當天，當地雪梨早報（The Sydney Morning Herald）恰巧以探討公、私部門高薪階級為專題報導，據統計澳洲前一百五十大公司高層管理者平均年薪為二百二十七萬澳幣（約相當新台幣四千八百萬元），公共服務部門中足以與之一較者為澳洲郵政總經理年薪一百八十九萬澳幣（約相當新台幣三千九百萬元），在新南威爾斯州公共服務機構中，能源管理主任年薪約五十四萬澳幣（約相當新台幣一千一百一十三萬元），雪梨供水公司管理主任年薪



約四十四萬澳幣（約相當新台幣九百二十四萬元），而這都比澳洲首相霍華德年薪二十六萬七千多澳元（約新台幣五百四十六萬元）要來得高。（如附錄六）

### (2) 待遇調整之程序與考量因素

有關職員加薪等待遇調整問題，各部門必須評估職員之生產力並於單位預算內支應。據澳洲公共服務委員會人員表示，近幾年來，一般而言公務人員加薪幅度係較民間企業加薪幅度為高。

另據新南威爾斯州政府人員表示，該府係依其財政、經濟狀況、物價指數等設定調薪幅度，從一九九九年至二〇〇三年總計調增十六%，二〇〇四年及二〇〇五年並擬各調增三%，惟部分工會團體已提出大幅加薪要求，如教師工會要求應調增二十五%、護理工會要求應調增十五%，該府目前正與工會協商中，若無法達成共識，將提交法院作最後裁決。

### (3) 績效獎金制度

所有公共服務部門都以某種方式將個人績效與薪資結合，兩種最普遍的方式為：一、績效晉薪（performance-linked advancement）：若達到符合要求或更高的績效，以漸進方式（薪點晉升或相當比例）增加底薪。二、績效獎金（performance-linked bonus）：對於達到超過滿意之績效表現給予一次獎金。據澳洲公共服務委員會人員表示，於聯邦政府層級，大約八十八%之資深文官都會獲得績效獎金，又金額約佔其薪資之五.五%至七.五%。

另據新南威爾斯州州政府人員表示，因實施績效獎金後發現客觀績效評估不易，造成內部管理問題，此外民眾對於績效不彰之高層官員卻支領高待遇，亦深感不滿，於是在內外爭議不斷之下，目前已廢止施行二年之績效獎金制度，另朝非金錢式之激勵制度規劃。

## 2. 退休制度

### (1) 現況

依據一九九九年公共服務法規定，公務人員到達五十五歲之最低退休年齡或法令所規定之其他較大、較年輕之年齡時，得隨時以書面通知機關主管後辦理退休。在新南威爾斯州，男性公務員退休年齡為六十歲，女性公務員可選擇在五十五歲或六十歲時退休，並已逐漸延長公務員之退休年齡至六十五歲。

澳洲聯邦公務人員一九二二年就有退休制度，並有法律規定，為政府提存之儲金制（恩給制），自一九九〇年起強制機關要提存員工之退休儲金。一九九〇年以前任職之公務人員，繼續適用原退休制度（恩給制）。一九九〇年以後新進人員，適用新制公務人員退休制度（政府與公務人員共提之儲金制）；至於一九九九年七月後新進人員則適用相當於社會保險之國民年金制。

### (2) 優惠退離措施

澳州政府自一九八七年起，配合政府組織再造與員額精簡措施，採行相關配套方案，針對願意自動離職者，發給退職金，其計算方式為服務年資每滿一年，給與二星期薪水，最高可達四十

八週薪；若不願配合者，年齡為四十五歲以上者給予十三個月緩衝期，四十五歲以下給予七個月緩衝期，其間並提供轉任、訓練等服務，期限屆滿時，人員就必須離職，沒有任何補償。

## 參、紐西蘭

### 一、國情介紹

紐西蘭位於南太平洋，主要由南北兩大島及數小島組成，面積 270,534 平方公里，人口 397.5 萬（2002 年 12 月），氣候屬溫帶海洋性氣候，季節變化與北半球相反。官方語言為英語及毛利語，惟日常語言仍使用英語。首都為威靈頓，主要宗教為基督教。

紐西蘭原為毛利人所居，一六四二年為荷蘭東印度公司之航海家塔斯曼（ABEL TASMAN）所發現。一七六九年英國皇家海軍船長庫克（JAMES COOK）登陸紐西蘭。但遲至十九世紀初，英國才開始在紐殖民。當歐洲人初抵紐時，毛利人口約一百萬，十九世紀初發生多次戰爭，人口大減，現約有卅萬。一八三三年紐西蘭被置於澳洲紐修威省管轄之下，一八四〇年二月六日英政府與毛利首長簽訂維坦基條約（TREATY OF WAITANGI），承認紐西蘭之主權屬於英國，從此，紐西蘭正式成為英國之殖民地。紐西蘭亦以二月六日為其國慶日（WAITANGI DAY）。一八五二年英國國會通過紐西蘭憲政（NEWZEALAND CONSTITUTION ACT），允許紐西蘭自治，一九〇七年九月廿六日紐西蘭成為英屬自治領（DOMINION），在內政上完全自治。一九一九年紐西蘭亦獲邀派員參加巴黎凡爾賽和會，開始成為國際社會中之一份子。一九四七年紐西蘭接受英國之威斯敏斯特法（WEST-MINSTER ACT OF 1931），正式成為一個完全主權國。

該國為議會內閣制，國會原有參眾兩院，1950 年廢除參議院，而成為一院制之國會。議員由民選及政黨分配席次產

生，任期三年，議員 120 名。內閣總理由國會多數黨領袖出任，並由渠自議員中任命各部會首長組織政府，集體對國會負責。二〇〇二年七月二十九日紐國大選結果，無任何一個政黨獲得國會過半數席次，目前由國會中最大黨 - 工黨與進步聯合黨組聯合政府而執政。

目前執政已逾半年之工黨與進步聯合黨聯合政府尚稱穩定，雖然兩黨在國會一二〇席中僅佔五十四席未逾半數，然有聯合未來黨在政府信任案上之支持及綠黨對工黨社改議題之臂助，紐政壇不致有意外之變化。在歷次有關政黨聲望及政府領導人民聲望之民調統計上，工黨及該黨黨魁，即紐總理 Helen Clark 均大幅領先國家黨與國家黨黨魁 Bill English。目前為工黨自一九九九年年底大選獲勝執政以來之第二任期，內、外政策均頗能獲得多數紐人之支持，加以最大反對黨 - 國家黨分崩離析，萎靡不振，無法在政策及領導層面動員選民，製造輿論，對工黨形成強有力之挑戰，預料工黨優勢將持續極長一段時日。

## 二、紐西蘭政府改革概況

### (一) 裁併政府部門

紐國政府原有三十四個公共服務部門一九八八年頒布政府部門法後，針對各機關業務與功能進行重組與簡併，據統計當時因業務簡併而裁撤或私有化者共有十五個公共服務部門。

### (二) 政府員額精簡

紐國政府一九九五年公務人員數為八萬八千多人，經過政府改革與組織再造後精簡為目前之三萬一千五百人左右。

### (三) 國營事業民營化

紐國政府依國營事業績構法規定自一九八七年四

月起將具商業功能之公共服務事項從非商業性之公共服務部門中撥離，共計九個國營企業以股份有限公司型態進行體制改造後在自由市場競爭。一九八七年至一九九〇年間陸續出售國營事業機構之資產總計十餘個國營企業出售給私人公司估計總值高達八十億紐元。

#### (四) 業務委外

紐國政府將部分公共服務事項以簽約外包方式委由私人企業辦理，政府僅負責各項公共服務事項之政策規劃與顧問功能，引進市場機制提升公共服務品質。

### 三、人事制度概況

#### (一) 主管機關組織及職掌

國家文官委員會(SSC)為紐國公共服務部門最高人事主管機關，主要職掌公共服務部門之績效表現、規劃高級文官之發展方向提供人事政策之標準等。

#### (二) 分類、等級及遴選制度

依據一九八八年政府部門法及二〇〇〇年僱用關係法規定，紐國公務人員之選任，應本公平、公正、公開之方式訂定參加應徵這資格條件及試用期間之標準，公告於政府公報、報紙等媒體，提供合於參加資格者參與甄選。

#### (三) 聘任制度

該國並無公務人員考試制度，亦無統一分發作業等規範，各機關用人與僱用人員權限除由文官委員會訂定基本規範，餘均授權由各機關首長自訂各該機關內公務人員之任用及僱用條件。

#### (四) 工作時間

國定國定紀念日或民俗節日政府機關放假情形。

## (五) 考核及訓練

### 1. 考核制度

公務人員績效考評（例如考績、考核）之相關規定及實際執行情形。

紐國公務人員除部會執行長外，一般公務人員均須在每一考績年度開始時，與其直屬主管商談，對考績年度內應完成之目標達成共識，並訂定契約，作為年度考核依據，考核年度始於每年七月一日至次年六月三十日，考核等第分為五等：遠低於設定目標、低於設定目標、達成設定目標、超過設定目標、遠超過設定目標。考績表現較佳者，在待遇及升遷上都會給予較為有利之考慮，總之考績是工作績效之整體評估。

### 2. 訓練制度

機構之種類、經營模式、經費來源及規劃辦理公務人員訓練情形。

公共部門訓練機構（PSTO）是紐西蘭政府專責公務人員訓練之機構，各部門自行辦理公務人員之教育訓練，均鼓勵其採用、支持公共部門訓練機構訂定之教育訓練課程與考核標準。訓練計畫分為職前訓練、在職訓練、高級文官之管理發展計畫等。

## (六) 待遇及退撫制度

### 1. 待遇制度

#### (1) 薪資結構

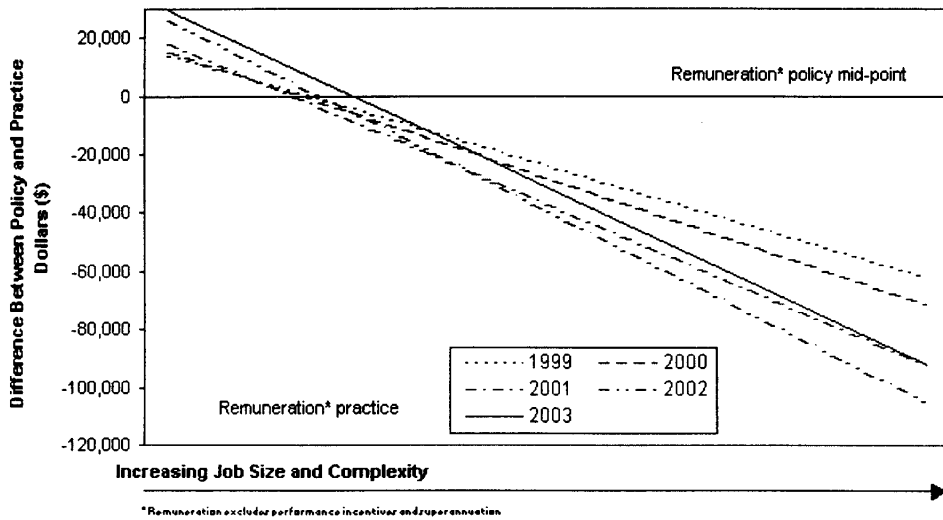
依一九八八年政府部門法、一九九一年僱用契約法及二〇〇〇年僱用關係法所確立之原則，公務人員與民間企業員工一樣，係與雇主以簽訂契約方式訂定個人或集體薪資及工作條件，因此不

同機關之公務人員薪資標準也會不同，而各機關薪資條件之談判與契約之簽訂，則完全授權機關之執行長（Chief Executive）。

至執行長之薪資則由文官委員會依機關大小、工作性質、執行長個人資格條件及工作績效等因素綜合評估後決定，執行長之薪資可分為二部分，一是基本薪部分，係定期於文官委員會之年度報告中公布，據二〇〇三年報告資料顯示，薪資差距甚大，從十七萬紐幣至三十八萬紐幣（相當新台幣三百四十萬至七百六十萬元）不等（如附錄七）；另一部份為績效獎金部分，係考量個人績效及與其規模相當之私人企業薪資水準，最多可達薪資的百分之十五，惟此部分資料為機密，並不公布。據文官委員會官員表示，該國執行長之薪資水準，與私人企業執行長薪資水準仍有相當差距（如下圖為最近五年情形）。



Figure 1 - Practice Related to Policy, 1999 - 2003



資料來源：紐西蘭文官委員會 2003 年年度報告

## (2) 待遇調整之程序與考量因素

各公務機關依據每年所分配之預算多寡訂定該機關公務人員之待遇。紐國政府並未統一規範全體公務人員之薪資待遇，但提供一些薪資調整及訂定之執行指標，包括應能反應市場供需狀況、符合人員甄補及留任需要、機關預算足以支應等。

通常待遇調整可分為組織與個人二層面，就組織整體而言，調整過程中工會通常會介入協商，所考量之因素包括相當職位、技能於市場之薪資水準、組織所分配到之預算等等；至個人方面，調薪將會考量個人績效表現、來年之職責、民間薪資水準或留任需要等。

## (3) 績效獎金制度

已於個人薪資給與中納入績效考量，據文官委員會人員表示，該國並未實施團體績效獎金制度。

## 2. 退休制度

### (1) 現況

紐西蘭公務人員退休撫卹制度，中央與地方不同，中央為公務人員年金基金制，地方為國家儲蓄基金制之國民年金計畫。由於紐西蘭社會福利制度頗為健全，公務人員與一般公民所享權利相同，故公務人員是否加入退休年金基金，並非強制性規定，公務人員除十七歲至二十五歲係強制提存退休金外，年齡超過二十五歲者，得隨時依自願提出加入或退出之申請。過去所施行之公務人員年金基金制（Government Superannuation Fund, GSF）雖已於一九九二年廢止，惟紐國政府已決定重建年金基金制度，將自二〇〇四年七月起實施，基本上仍非強制性。

### (2) 優惠退離措施

為配合政府再造工程，紐國政府亦透過給與離職金方式鼓勵人員退離，係以其服務年資為考量，按年累計，最多採計二十五年年資，並以給與一年薪資為上限。另並提供訓練、或轉介至其他部門之服務。

### (3) 退休照護措施

紐國社會福利發達，六十五歲以上之居民皆可領取退休給付，足以維持最低生活水準，是以該國政府未另針對退休之公務人員給與特

別照護措施。

## 肆、考察心得及建議

### 一、「行為準則」規範公務人員行為

澳、紐兩國對公務人員倫理價值規範均訂有原則性行為準則，並授權各部會依個別需要訂定細節性規定，作為公務人員行為指南。行為準則規定明確，作為處分、矯正違反紀律公務人員、促進部會關係和諧之依據，因澳、紐兩國並未就公務人員行政中立（Political Neutrality）制定專法，有關行政中立相關規範亦於行為準則內規範，違反行政中立者經調查屬實後，將受到免職處分，惟仍可向監察官（Ombudsman）提起申訴。另政治任命人員不適用行政中立等倫理道德相關規定。澳、紐兩國就行政中立有關規定並在網站上設置 Q&A 專欄，每年更新資訊，提供公務人員及民眾瞭解最新訊息，可供我國參考辦理。

### 二、澳大利亞政府改革經驗

依澳大利亞八〇年代實施之政府改革（Public Sector Reform），其措施包含裁減冗員、組織簡併、減輕財政負擔、改善服務等項。就其成效而言，澳大利亞公共服務委員會認為，澳洲政府大體上已達到改革之目的。但由於政府採取業務外包（Outsourcing）措施，裁減人員（原有二十六萬公務員，十三萬移轉國營事業，實際裁減職位約三萬人），卻因原有業務仍在，仍需逐年增加人員進用，甚至造成優退劣留之情形，因此該會對外包作法是否能達到資源整合、系統管理之目的存疑。惟該會仍表示，將結合「發展政策」、「提供服務」及「危機處理」三項理念，持續推動改革。我國可以澳大利亞改革經驗，審慎評估業務外包及員額精減之作法。

### 三、紐西蘭「執行長」(Chief Executive) 制度

紐西蘭政府各部會除政治任命之部長、副部長外，另聘有一位執行政策目標之「執行長」，執行長聘期為二至五年，不隨部長去留同進退。各部會執行長之資格條件，係由各部部長向國家文官委員會提出建議人選之條件，再由文官委員會以僱用契約對外招攬人才，文官委員會與執行長簽訂一定任期之僱用契約，執行長與部長之間訂有政策目標 (Statement of Intent)，執行長被課以執行政策目標之責 (Accountability)，並有權僱用所需人員。執行長在年度結束時必須提出向部長提出施政成果報告 (Outcome)，文官委員會評估其施政績效後，向部長提出合理預算建議，送交國會審查。文官委員會權限頗大，對執行長具有僱用、考核及核薪之權。紐國「執行長」制度對推動政策，釐清政策制訂與執行，有助於文官制度之健全，頗值我國學習。……

### 四、國會紀律嚴明、議長權威不容挑戰

本團於澳都坎培拉參訪期間，由駐澳大利亞代表處安排參訪澳洲國會之下議院，澳洲係內閣制國家，議會內得見反對黨影子內閣與執政黨作政策競爭。開議時如有議員於發言時音量太大，議長即當場禁止其繼續發言，並令其回座，該議員只得聽令回座；其二是議員如在座位上太過吵雜，則議長會詢問該議員是要繼續留下開會或要被趕出議場，該議員即不再騷動。足見澳州國會議長之權威性、議員之自律性及其成熟之民主議會制度。

### 五、考核獎懲制度強調彈性化及多元化

考核獎懲並無統一之法律規定，強調績效導向、彈性化及多元化，例如考績項目及等次授權由各機關自定，以因應機關特性及實際需要，由主管與受考人於年初共同商

訂年度工作計畫及工作目標，於年度中不定期檢討其進度、方法等，之後於年終總合考評，考核結果作為培訓發展或調整職務等依據，並未發給考績獎金。因澳、紐二國其人事制度係採契約聘僱制，與我國人事制度有基本性差異，惟其目標管理、彈性化多元化考核、強調考績之積極性功能等作法，仍可作為我國改進考績制度之參考。

#### 六、以目標管理方式辦理考核

個人考績結合單位目標及機關整體目標，機關執行長於年初向政務首長及議會報告年度工作目標，據以訂定年度工作計畫及編列預算，機關內部單位並據以訂定單位工作計畫及工作目標，個人再據以訂定年度工作計畫及工作目標，準此，從機關、單位至個人目標環環相扣，採取目標導向及目標管理方式定期追蹤、管考，受考人之考核結果視其工作計畫之執行情形、工作目標之達成度及績效表現而定；考績重視面談及其積極性功能，主管人員得不定期與受考人就工作情形等進行討論（至少每年六月中進行一次面談），考績結果並不公開，僅作為人事作業之重要參考，績效不佳者，可能視其專長轉介至其他機關（例如中央政府轉介至州政府）服務，績效不良經輔導仍無法改善者，亦可能遭到解僱，惟遭解僱者可向「公共服務就業部門」（澳國）或「職場關係委員會」（紐國）提出申訴。個人工作目標與單位目標、機關目標扣合，由點至面推行目標管理績效考核制度，可作為我國改進考績制度之參考。

#### 七、重視領導階層公務人員之訓練

訓練計畫針對不同公務階層及業務需求設計，和工作相關之訓練始由公費支出，長期性的訓練則採部分時間進修方式進行，以免影響公務推動（例如每日半天上課半天

上班)。另關於工作經驗傳承訓練之講座，由資深同仁擔任，其他非業務傳承知識之講座，則可能由學界或企業界遴聘。重視高階公務人員之培訓，強調領導能力之訓練，領導層級之公務人員必須定期接受培訓，以確保國家走向正確之政策方向。紐國對高層公務人員之整體培訓制度，可供我國辦理中高階公務人員訓練之參考；另公務人員訓練講座之聘任，採理論與實務雙軌制一節（理論面委由學校辦理，實務面則由資深公務同仁擔任），亦可作為我國辦理訓練時遴聘講座之參考。

#### 八、加班補休彈性化

政府及公務人員之差假視為勞資關係之一種，於聘僱契約中予以明訂，國定假日為耶誕節及新年，但除為民服務之機關外，其他公務部門通常自耶誕節起放連續假。紐、澳二國民情均重視休閒活動，公務人員之年休假通常於年度中執行完畢，並無不休假加班費之制度。另加班補休亦無時數及補休期間限制，例如某天加班二小時（須有實證），次日即可經長官許可後提早二小時下班，人力管理非常彈性且人性化，對公務人員權益更有保障，可供我國改進加班補休規定之參考。

#### 九、重視工會於待遇調整過程中之參與

紐澳兩國公務人員待遇調整過程中，工會均扮演重要之協商與談判角色，不但促進公務人員與政府間之良性互動，更有助於待遇決策之合理性與正當性，我國因國情不同，目前並未將公務人員待遇調整事項列為公務人員協會得協商事項，惟對於各國公務員團體所共同關切之課題——與民間企業相較水準，可從建立更健全之民間薪資調查機制著手，以使待遇決策能貼近市場脈動，適切鼓舞公務人員士氣。

## 十、體現責酬相當之高階文官待遇

據考察發現，不論是澳洲公部門的高層管理者或紐西蘭各部會的執行長，其薪資均係依其職責程度與績效表現而有所不同，是以機關間薪資待遇差距甚大，甚有高於政務人員之現象，與我國相當層級支領相同待遇、政務人員薪資高於常任文官之結構設計有所不同。茲以高階文官係扮演協助首長增進政策執行與管理之重要角色，其待遇如何適度反映其職責程度及工作績效，以達激勵效果，確值再予研究與評估。

## 十一、待遇與績效管理結合

績效管理為紐澳公務人員制度重要之一環，並為公務人員待遇主要之考量因素，基本上兩國人事主管機關均肯定績效管理對提升行政效率與效能之貢獻，但是否以金錢作為主要激勵之手段，於所參訪之澳洲新南威爾斯州州政府，已出現不同看法，該府因績效評估難客觀，造成內部管理問題，績效不彰之高層官員待遇高，亦引起民眾質疑，因內外爭議不斷，該府已決定廢止實施二年之績效獎金制度，另朝非金錢式之激勵制度規劃，我國實施績效獎金制度已有二年，是否亦納入非金錢式獎勵值進一步思考評估。

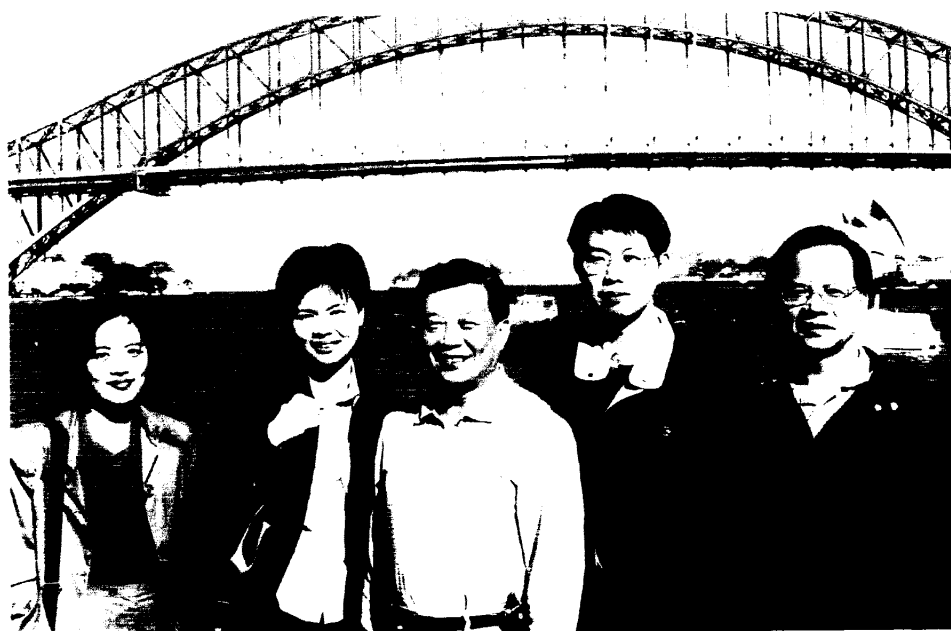
## 十二、按服務年資給與優惠資遣

紐澳兩國於進行政府再造組織精簡過程中，均曾透過給予退職金方式，鼓勵人員退離，並依公務人員任職年資之長短，計算其離職金（如任職滿一年，給予二個星期薪水，依此類推，並訂有四十八週之上限），其中紐國公務人員到達六十五歲後，即納入社會福利系統支領退休年金，與我國鼓勵退離時，以資遣或提前退休一次同時支給資遣費或退休金方式有所不同，惟其按公務

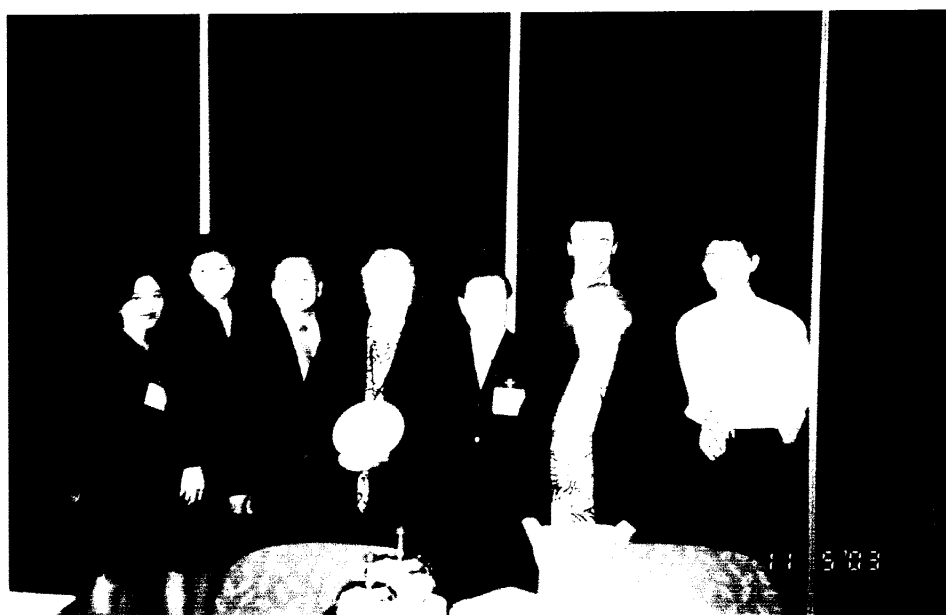


人員服務年資給與優惠資遣之作法，可適當鼓勵年資較長者退離，並慰勞其對部門之貢獻，可作為我國日後規劃行政院組織再造或民營化條例鼓勵退離之參考。

## 伍、活動照片



考察團參訪雪梨市政建設—哈伯橋



考察團拜會新南威爾斯州州政府



考察團拜會駐澳大利亞代表處（中間為楊代表進添）



考察團拜會澳大利亞公共服務委員會



考察團拜會紐西蘭國家文官委員會



考察團拜會駐紐西蘭代表處（左三為石代表定）



## 附錄一、考察議題彙整

一、澳洲、紐西蘭政府再造概況、立法過程及具體措施為何？

Please introduce the historical development of NZ and AU public sector reform. What are the legislative process and the concrete measures?

二、澳洲、紐西蘭政府及公務人員之分類及等級為何？政府如何進用公務人員？

Please introduce the classification and ranks of civil servants in AU and NZ governments. What are the recruitment procedures of civil servants?

三、澳洲及紐西蘭公務人員服務倫理之相關規範如何？

Are there any ethics rules for civil service in NZ and AU? What are their contents?

四、澳洲及紐西蘭對常任公務人員與政治性任命人員行政（或政治）中立之規範主要為何？

Are there any rules of political neutrality for career civil servants and political appointees in AU and NZ? What are their contents?

五、澳洲及紐西蘭政務職位（或政務人員或政治性任命人員）之類別、人數、資格條件、行為規範、薪資待遇、任用法令依據、權益保障規定？

Please offer us the regulations set for politically appointees, including the classification, total amount, qualification requirement, behavior norms, salary, recruitment regulations, and rules for rights protection.

六、澳洲、紐西蘭國定紀念日或民俗節日政府機關放假情形如何？中央政府與地方政府是否有所不同？地方政府是否得彈性調整國定紀念日或民俗節日之放假？

Please provide us with the information about National Holidays or Festivals ruled by NZ and AU governments. Are there any differences on holiday ruled by central and local government? Does the local governments have power to move the national holidays or festivals according to their demands?

七、澳洲、紐西蘭公務人員績效考評（例如考績、考核）之相關規定及實際執行情形（例如考核期間、考核標準、考核程序，考績等次、優良等次有無比例限制等）為何？

Are there any regulations regarding the performance evaluation for civil servants in NZ and AU? If so, please tell us the real practice containing the duration of evaluation, standard of evaluation, procedure of evaluation, ranks of evaluation, and the limitation of ratio on the people ranked A.

八、澳洲、紐西蘭公務人員獎懲、保障之相關規定及實際執行情形為何？

Please tell us the rules on punishments and awards for civil servants in AU and NZ, also the real practice of the rules.

九、澳洲、紐西蘭訓練機構有那些種類？規劃辦理公務人員相關訓練機構，經費來源是政府補助，抑或訓練學員自付，或由公務團體募款而來？若公務人員訓練機構經費來源，全由政府費用支應，對於訓練機構是否有建立客觀、公正之評鑑制度，可供參考？；另有關訓練機構之經營模式為何？是否有委外辦理、公辦民營、行政法人化或委由各邦(縣)辦理之具體成功個案可以提供參考？

What types of training institutions do you have? Are the budgets of these institutions coming from subsidies or tuitions or funding? If the budget comes mainly from subsidies, is there any objective or fair mechanism set up to evaluate the performance of the institutions? By the way, will there any management modes imposed on the

institutions? Are there any successful cases conducted through management operation (ex: contract out) on the institutions?

十、紐、澳在國際經貿事務人才之培訓方面，是否訂有相關之培訓計畫及所投注之經費？培訓對象僅限公務體系抑或包含公私及第三部門相關專業人員？相關培訓課程內容之設計標準？經培訓後之種籽人才如何有效運用？是否對貴國國際經貿業務推展有具體成效？

Are there any budget invested in the programs for training the international business professionals? The trainees in these programs are all from government, or also composed of those from private sectors? Please tell us on which standard you set for these training programs. After training, how do these professionals be effectively assigned to their work and in what effect do they contribute to the development of international business.

十一、澳洲、紐西蘭係如何鼓勵公務人員終身學習，是否訂有相關推動計畫或鼓勵措施？另因應電子化數位時代，政府在 e-learning 的規劃做法為何？是否有整合政府 e-learning 學習資源之作法？

Are there any measures taken to encourage civil servants taking part in life-long learning? To meet the coming of electronic digital world, is there any plan in promoting the e-learning in your government? Or any measures being taken to integrate all learning resources?

十二、澳洲及紐西蘭兩國調整公務人員待遇之程序為何？其依據及參考因素又為何？

What are the procedures of the adjustment of civil service pay in your country? And what are the factors that decide the adjustment?

十三、澳洲及紐西蘭兩國公務人員待遇類型及結構為何？並請提供詳



細資料以供參考。

What are the types and structures of the civil service pay in your country? If possible, please provide detailed information for reference.

- 十四、澳洲、紐西蘭兩國二〇〇三年中央政府人事費占政府總預算歲出之比例為何？是否包括公務人員、軍職人員、教育人員及警察人員等各類人員？又人事費內涵為何？是否包括薪給、福利、退撫經費在內？

What percentage of your government's annual budget goes to foot the expenses of government employees' costs in 2003? Do the key components of employee costs include civilian personnel, military personnel, faculties of public schools, and police? What is employee costs defined in your country? Does it include compensation, benefits, pension and related benefits, etc?

- 十五、實施績效管理及績效獎金制度之現況及相關法令規定？

How do you establish performance management system and performance bonus scheme? Are there any statute and regulations?

- 十六、紐西蘭與澳洲有無執行行政機關或公營事業精簡政策？對於配合該政策離退之員工權益有何保障措施？

Have you implemented the manpower simplification in your country? Are there any protective measures or special favorable severance for employees who leave the government position due to the manpower simplification?

- 十七、紐西蘭與澳洲對於已退休公務員，有無特別照護及安養之規定？

In your country, are there regulations concerning taking care of the retired civil service?

## 附錄二 澳大利亞公務人員行為準則



The Code of Conduct requires that an employee must:

- behave honestly and with integrity in the course of APS employment
- act with care and diligence in the course of APS employment
- when acting in the course of APS employment, treat everyone with respect and courtesy, and without harassment
- when acting in the course of APS employment, comply with all applicable Australian laws
- comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction
- maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff
- disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment
- use Commonwealth resources in a proper manner
- not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's APS employment
- not make improper use of:
  - a. inside information
  - b. the employee's duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person
- at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS
- while on duty overseas, at all times behave in a way that upholds the good reputation of Australia
- except in the course of his or her duties as an APS employee or with the Agency Head's express authority, not give or disclose, directly or indirectly, any information about public business or anything of which the employee has official knowledge.

The Code of Conduct is set out in section 13 of the *Public Service Act 1999*.

附錄三 紐西蘭公務人員行為準則

Public Service Code of Conduct  
THE THREE PRINCIPLES

**FIRST PRINCIPLE**

*Public servants should fulfil their lawful obligations to the Government with professionalism and integrity.*

**SECOND PRINCIPLE**

*Public servants should perform their official duties honestly, faithfully and efficiently, respecting the rights of the public and their colleagues.*

**THIRD PRINCIPLE**

*Public servants should not bring the Public Service into disrepute through their private activities.*

## 1. FIRST PRINCIPLE

*Public servants should fulfil their lawful obligations to the Government with professionalism and integrity.*

The first principle of the Code is concerned with public servants' obligations to the Government in the performance of their official duties. In broad terms, the first priority for public servants is to carry out Government policy. In doing so, they are expected to act in a manner that will bear the closest public scrutiny.

## Obligations to Government

*Public servants are obliged to serve the aims and objectives of the Minister. Public servants should ensure that their personal interests or activities do not interfere with, or appear to interfere with, this obligation.*

The State Sector Act 1988 sets out the principal responsibilities of Public Service chief executives,<sup>1</sup> and therefore by implication, Public Service departments. One of the main responsibilities of chief executives is for the general conduct of the department. Other responsibilities include assisting in the formulation and the implementation of Government policy. The focus of these responsibilities is the department's Minister or Ministers. Public servants are therefore obliged to serve their Ministers within the law, with integrity, and to the best of their ability.

## Political Neutrality

Public servants are required to serve the Government of the day. They must act to ensure not only that their department maintains the confidence of its Ministers, but also to ensure that it is able to establish the same professional and impartial relationship with future Ministers. This convention of political neutrality is designed to ensure the Public Service can provide strong support for the good government of New Zealand over the long term.

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<sup>1</sup> Section 32, State Sector Act 1988.

Public servants have a long-established role in assisting with development as well as implementation of policy. This role may be performed in different ways and at different levels from department to department. Public servants are responsible for providing honest, impartial, and comprehensive advice to Ministers, and for alerting Ministers to the possible consequences of following particular policies, whether or not such advice accords with Ministers' views.

However, final decisions on policy are the prerogative of Ministers, and public servants may not withhold relevant information from Ministers, nor seek to obstruct or delay a decision, nor attempt to undermine or improperly influence Government policy (for example, by the unauthorised release of official information).

Occasionally dilemmas can arise where public servants have strong personal beliefs on issues that conflict with their official duties. In such circumstances, public servants must, regardless of their personal views, implement Government policies to the best of their abilities. Ministers bear political responsibility for Government policies. Once the Minister has made a decision, it is the duty of public servants to implement that decision within the law, whether or not they agree with it.

If public servants find themselves in a situation where their conscience constrains them from carrying out a lawful instruction, they should discuss their circumstances and options with their immediate manager. They must not do anything to circumvent or undermine the Government's policies.

## **Public Comment on Government Policy**

Departments may authorise certain employees to respond to media requests for comment about aspects of Government policy, or its implementation or administration by the department. Official comment on behalf of the department should be made only by those employees authorised to do so.

## **Individual Comment**

Generally, public servants have the same rights of free speech and independence in the conduct of their private affairs as other members of the public. However, they also have a duty not to compromise their employer or their Minister by public criticism of, or comment on, Government policy.

Public servants should ensure that their contribution to any public debate or discussion on such matters is appropriate to the position they hold, and is compatible with the need to maintain a politically neutral Public Service. Public servants occupying senior positions or working closely with Ministers need to exercise particular care in this regard.

In general, comment made by public servants on matters of public policy would be regarded as unacceptable if it:

- revealed advice given to the Minister;
- used or revealed any information gained in the course of official duties where this was not already known by, or readily available to, the general public;

- criticised, or offered alternatives to, a proposed or actual Ministerial policy or departmental programme, or that of any other Minister or department with which the individual was professionally involved;
- purported to express or imply a departmental view, rather than clearly expressing a personal view only;
- gave openly partisan support to, or criticism of, a political party;
- constituted a personal attack on a Minister, departmental colleagues or other public servants; or
- amounted to a criticism sufficiently strong and/or persistent so as to call into question the public servant's ability to impartially implement, administer, or advise upon a Government policy.

Actions of this kind may amount to misconduct, depending on the circumstances of the case.

### **Private Communications with Ministers and Members of Parliament**

Generally, public servants have the same rights of access to their political representatives as other members of the public. However, given the requirement for public servants to remain politically neutral in their work, public servants should exercise care and judgement before making any such communications.



**As a general guide:**

- public servants may communicate privately with any Minister or Member of Parliament about matters outside their official duties, but public servants occupying senior positions or working closely with Ministers should exercise particular care with such communications;
- public servants may also communicate privately with their Minister about matters concerning their department, but such matters should first be raised with the chief executive of the department;
- any communications made in this way may not be covered by the Protected Disclosures Act, as Ministers and Members of Parliament are not "appropriate authorities" under the Act;
- where a matter is raised directly with the responsible Minister, the department may be directed to provide a suitable response;
- a public servant is entitled to the same information or level of detail in a response as would be given to any member of the public under the Official Information Act 1982.

## **Political Participation**

Public servants need to ensure that their participation in political matters does not bring them into conflict, or the appearance of conflict, with their duty as public servants to act in a politically neutral manner. This is important to maintain Ministerial and public confidence in the impartiality of the advice given, and actions taken, by public servants. Determining what is appropriate in any particular case will depend on the extent of the participation of the individual, the nature of the issue, and the position held by the individual in the Public Service.

## **Participation in Public Bodies or Voluntary Associations**

Public servants are free to stand for, or be appointed to, any office or position on a voluntary body. However, they should first inform their chief executive of their intentions, to ensure that no conflict exists between such participation and their duties and responsibilities as public servants. Strong conflicts of interest are likely if a public servant is appointed to a public body. Where the chief executive considers that there would be a conflict of interest, arrangements need to be made to avoid or resolve the conflict. In some cases this may require that the public servant be requested not to stand for office, or to resign a position already held.

## **Standing as a Member of Parliament**

Public servants may offer themselves as candidates for Parliament. Because of section 52 of the Electoral Act 1993, a public servant wishing to stand as a candidate in a general election, or a by-election, should disclose their intent to their chief executive. Section 52 states that "Any State servant<sup>2</sup> who desires to become a candidate for election as a Member of Parliament shall be placed on leave of absence" which:

"shall commence on nomination day, and in the event of his or her nomination as a constituency candidate or of the inclusion of his or her name in a list submitted under section 127 of this Act, shall continue until the first working day after polling day, unless, in any case where he or she is a constituency candidate, he or she withdraws his or her nomination."

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<sup>2</sup> The Electoral Act definition of a State servant includes, but is not limited to, public servants and members of the New Zealand Police.

Where the chief executive is satisfied that the candidacy "will materially affect" the employee's ability to perform their duties satisfactorily, or to be seen as independent in relation to particular duties, it may be necessary for the chief executive to place the public servant on leave prior to nomination day. Therefore it is important to notify the chief executive of an intention to stand as a candidate as early as possible.

A public servant may resume duty on the first working day after polling day if not elected as a Member of Parliament. However, under section 53 of the Electoral Act 1993, if a public servant is elected to Parliament he or she will be deemed to have resigned from the Public Service.

During the period of leave a public servant shall not be required or permitted to carry out any of his or her official duties, or be entitled to any salary or other remuneration as a public servant, "except to the extent to which he or she takes during that period any leave with pay to which he or she is entitled".

The situation may arise where a public servant is the first or second unsuccessful candidate on a Party list. It is possible, then, that the person may become a Member of Parliament under section 137 of the Electoral Act. The potential conflicts of interest should be handled by negotiation between the person concerned and their chief executive.

## **Release of Official Information**

The disclosure of official information is subject to the requirements of the Official Information Act 1982. The general principle of the Act is that information should be made available on request, unless compelling reasons exist why it should not. These reasons are detailed in the Act.

Departments may establish specific procedures for dealing with the release of information provided they do not conflict with those of the Act. Official information should be released only in accordance with those procedures and by public servants authorised to deal with requests for information. In all other circumstances, information is to be used by public servants only for official purposes and treated as confidential to the department.

Public servants authorised by their department to respond to requests made under the Official Information Act should exercise proper care and discretion in the application of departmental procedures. In cases of doubt, public servants should seek guidance from departmental legal advisers. Should the release of politically sensitive material be required, public servants should ensure that the Minister is notified well in advance of any information release.

It is unacceptable for public servants to make unauthorised use or disclosure of information to which they have had official access. Whatever their motives, such employees betray the trust put in them, and undermine the relationship that should exist between Ministers and the Public Service. Depending on the circumstances of the case, the unauthorised disclosure of information may lead to disciplinary action, including dismissal.

## Protected Disclosures

The Protected Disclosures Act 2000 recognises that there may be circumstances when it is difficult for public servants to report suspected departmental wrong-doing through the department's normal channels. Parliament's aim in passing this legislation is to create an environment that encourages employees to report suspected serious wrong-doing, by providing some protection for the employee. The Act sets out procedures to ensure that disclosures are given due consideration and are acted on within a prescribed timeframe.

Serious wrong-doing includes unlawful, corrupt, or irregular use of public funds or resources; conduct that poses a serious risk to public health or safety, the environment, or maintenance of the law (including the prevention, investigation and detection of offences and the right to a fair trial); conduct constituting an offence; or conduct by public officials which is grossly improper.

Chief executives must put in place internal procedures for employees who have become aware of actual or possible serious wrong-doing and who wish to disclose that information<sup>3</sup>.

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<sup>3</sup> Section 11. Protected Disclosures Act 2000.

## 2. SECOND PRINCIPLE

*Public servants should perform their official duties honestly, faithfully and efficiently, respecting the rights of the public and their colleagues.*

The second principle of the Code is concerned with the general obligations of public servants to give satisfactory service, to respect the rights of the public and departmental colleagues, and to refrain from conduct that might lead to conflicts of interest or integrity.

## Performance of Duties

*Public servants should carry out their duties in an efficient and competent manner, and avoid behaviour which might impair their effectiveness.*

There is an accepted common-law obligation on all employees, including public servants, to properly perform the duties for which they are paid.

This obligation includes the following duties:

- to obey the law;
- to obey all lawful and reasonable employer instructions and to work as directed;
- to be competent and efficient in the performance of assigned duties;
- to refrain from conduct (such as the use of intoxicants) which might impair work performance;
- to consult the employer before undertaking secondary employment, and not to undertake secondary employment which, in the opinion of the employer, might conflict with official duties;
- to show reasonable care, and neither use, nor allow the use of, departmental property, resources, or funds for anything other than authorised purposes;
- to incur no liability on the part of the employer without proper authorisation; and

- to be absent from the workplace only with proper authorisation.

Public servants are expected to comply with departmental policies in their work. Public servants are covered by the Employment Relations Act 2000. Part Five of the State Sector Act includes sections on a chief executive's responsibilities in relation to employment.

## Respect for the Rights of Others

*In performing their duties, public servants should respect the rights of their colleagues and the public.*

As well as being responsible for their own performance, public servants also have a duty to contribute to the smooth functioning of the workplace by treating their colleagues and the public with courtesy and respect. This means public servants are expected:

- to avoid behaviour which might endanger or cause distress to their colleagues, or otherwise contribute to disruption of the workplace;
- to refrain from allowing workplace relationships to adversely affect the performance of official duties;
- to respect the privacy of individuals when dealing with personal information;<sup>4</sup>
- not to discriminate against any person because of their sex, marital status, colour, race, ethnic or national origins, age, political opinion, employment status, family status, sexual orientation, ethnicity, disability or religious or ethical beliefs;<sup>5</sup>

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<sup>4</sup> Privacy Act 1993, Information Principles.

<sup>5</sup> Section 21, Human Rights Act 1993.



- not to harass, bully or otherwise intimidate clients or colleagues;
- to respect the cultural background of colleagues and clients in all official dealings; and
- to have due regard for the safety of others in the use of departmental property and resources.

## **Integrity and Avoidance of Conflicts of Interest**

*Public servants should perform their duties honestly and impartially, and avoid situations which might compromise their integrity or otherwise lead to conflicts of interest.*

The impartiality and integrity of public servants are central to the maintenance of public and governmental trust and confidence in the Public Service. Public servants should always act with personal integrity and their actions should be able to bear the closest public scrutiny.

Public servants should not only avoid circumstances in which their personal interests conflict with the interests of the department or Minister, but should also avoid those circumstances in which there could be the appearance of such conflict.

The public must have no basis on which to believe that decisions are made or policies are applied unevenly. Public servants must observe the principles of fairness and impartiality in all aspects of their work. For example, no individual or organisation with which a public servant is involved may be given preferential treatment

(whether by access to goods and services or access to 'inside information') over any other individual or organisation.

In addition, public servants should avoid any interest or undertaking that could directly or indirectly compromise the performance of their duties, or the standing of their department or the Public Service in its relationships with the public, clients or Ministers. This would include any situation where actions taken in an official capacity could be seen to influence or be influenced by an individual's private interests (e.g. company directorships, shareholdings, offers of outside employment).

Potential conflicts of interest can arise from personal membership of airpoints or other customer loyalty programmes. Because the public must have confidence that public money is spent without regard to any personal interest, public servants should ensure that work-related purchasing decisions are kept separate from such schemes.

Public servants should inform their chief executive where any actual or potential conflict of interest arises that impairs the full, effective, and impartial discharge of their official duties. The chief executive will then determine the nature and degree of the conflict as it relates to their official duties, and decide upon the best course of action to resolve it.

Many situations of conflict may be resolved simply by transferring a duty from the public servant concerned to someone not affected by the particular circumstances. Alternatively, the public servant might be required to restrict or abandon the interest or activity giving rise to the conflict. However, where these options are not practical, or do not enable the matter to be resolved on a basis which the public servant concerned is able to accept, then ultimately, the option of resignation from the department may need to be considered.

A potential area of conflict exists for public servants who may have to deal directly with Members of Parliament who have approached the department in a private capacity. It is important for both the Member of Parliament and the public servant that any such dealings be addressed, and be seen to be addressed, on the basis of strict impartiality.

If a public servant is in any doubt about the manner in which to respond to an enquiry from a Member of Parliament, that matter should be referred immediately to the chief executive. If there is any doubt about the propriety of a request, the matter should be referred, through the chief executive, to the Minister.

### Offers of Gifts or Gratuities

Public servants must not abuse their official position for personal gain. They must not solicit or accept gifts, rewards or benefits which might compromise, or be seen to compromise, their integrity and the integrity of their department and the Public Service.

As a general rule, a public servant should not accept a gift (whatever its nature or value) if the gift could be seen by others as either an inducement or a reward which might place the employee under an obligation to a third party.

Where offers of gifts or inducements are made, they should be reported by the public servant to his or her manager or chief executive, who will determine the appropriate response. A public servant who accepts a gift should declare the gift to their manager or chief executive for a decision on final disposal.

### 3. THIRD PRINCIPLE

*Public servants should not bring the Public Service into disrepute through their private activities.*

The third principle of the Code is concerned with the obligation of public servants not to compromise their department or the Public Service through their personal behaviour.

## Personal Behaviour

***Public servants should avoid any activities, whether connected with their official duties or otherwise, which might bring their department and the Public Service into disrepute, or jeopardise relationships with Ministers, clients or the general public.***

As a general principle, a public servant's personal behaviour that does not interfere with the performance of their official duties or reflect on the integrity or standing of the department or the Public Service is of no concern to their employing department.

However, the department has a legitimate interest where the private activities of a public servant reflect to the discredit of the department or the Public Service in its relationships with the Government or the public, and/or possibly call the public servant's fitness for continued employment into question.

Whether such activities constitute misconduct will depend on the circumstances in each case, and may vary from department to department, or according to the position held by a public servant. For example, some minor offences against the law may be of no concern to the employer where they do not involve breaches of trust, or otherwise impair the ability of public servants to fulfil their duties. However, other cases may be of greater concern, particularly where some degree of publicity identifies the actions of an individual with their employment.

In making judgements of this kind, public servants should consider the following:

- the nature and circumstances of the activity;
- their position, duties, and responsibilities;
- the consequences of the activity on their ability to fulfil their duties and responsibilities; and
- the effects of the activity or its consequences on departmental relationships with clients, Ministers or the general public.



附錄四 紐西蘭國家文官委員會行政中立規定 Q&A

# Political Neutrality

## Fact Sheet No. 1

### What is “political neutrality” and what does it mean in practice?

#### Questions

*What is “political neutrality”?* ..... 2

*Why is political neutrality important?* ..... 2

*Where does the political neutrality principle come from?* ..... 2

*What does political neutrality mean in practice?* ..... 2

*Are there rules that must be followed in specific situations?* ..... 3

*Is the traditional convention of “Public Service anonymity” still relevant today?* ..... 4

*How does the “explain/defend” differentiation work in practice?* ..... 4

*What is the role of the State Services Commissioner?* ..... 5

*Who can I go to for help if faced with a political neutrality dilemma?* ..... 5

*Where can I find out more about political neutrality?* ..... 6









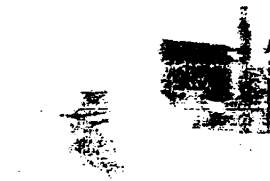
**Q** What is "political neutrality"?

The Public Service serves the government of the day. But it must also be able to serve successive governments. This means that public servants must ensure not only that they, and their department, maintain the confidence of their current Minister, but also that the same relationship can be established with future Ministers. In order to do this, public servants must be politically neutral, ie they must perform their jobs professionally and without bias towards one political party or another.



**Q** Why is political neutrality important?

Long-term good government depends on good, free and frank advice. The Public Service can provide this advice effectively only if Ministers, and the public generally, have confidence in it. The political neutrality, integrity and professionalism of the Public Service helps to ensure that this confidence extends not only to the current government but also to successive governments. In this way, political neutrality helps to ensure continuity in the business of government and is essential to the maintenance of the public's trust in the institutions of government. Without that trust, long-term good government cannot be assured.



*Where does the political neutrality principle come from?*

New Zealand's politically neutral Public Service has its origins in the Public Service Act 1912. That Act put an end to political patronage. It required all employment decisions to be made independent of political interests, with appointments to the Public Service being based on merit, and tenure not dependent on a particular government or Minister remaining in office. The ability to work equally well with whatever government and Minister came to power therefore became a practical requirement of public servants.



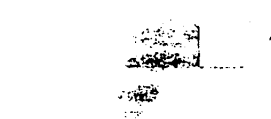
Over time, the boundary between the functions of the politicians (policy and advocacy) and the functions of public servants (policy advice, implementation and administration) became well understood. This division of functions required a good working relationship between Ministers and the heads of Public Service departments. Constitutional principles and conventions were developed to reinforce these boundaries and help guide Ministers and public servants in the exercise of their respective functions. Ministerial responsibility was one such convention; the complementary principle of Public Service neutrality was another.

For a fuller history of the New Zealand Public Service, see "History of the Office" on the State Services Commission's website ([www.ssc.govt.nz](http://www.ssc.govt.nz)).

*What does political neutrality mean in practice?*

Political neutrality means the same today as it did in 1912. Put simply, public servants must not do anything (in either their personal or professional capacity) that could compromise, or that could be seen to compromise, their agency's ability to retain the government's confidence or which could jeopardise a sound working relationship with other Ministers (from whatever political party) in the future. This means that:

- Public servants must do their job professionally and loyally, without letting their personal interests or views influence their advice or behaviour, and without bias



towards one political party or another (ie they must implement government policy and be responsive to the government's needs, priorities and objectives to the best of their ability and regardless of their own personal or political views);

- Public servants must ensure that their work does not advantage particular individuals or groups in the community simply on the basis of their political affiliation;
- Public servants should not be involved in party-political activities if this could be seen – in any way – as compromising the neutrality principle or undermining the public's trust in their agency;
- Similarly, in any public or private contact with a Member of Parliament or political party, public servants must be scrupulous to avoid prejudicing, or appearing to prejudice, the political neutrality of the Public Service;
- Public servants may publicly express their own political or personal views, but in doing so they must not:
  - express their personal views in a way that could be taken as a comment in their official capacity rather than as a private citizen;
  - indulge in personal attacks on individual MPs;
  - criticise government policy with which they have been professionally involved or which they are required to implement;
  - reveal advice given to Ministers (advice may be "officially released", eg through the Official Information Act process or through public statements made by the Minister, but public servants should not comment or expand on that advice without the prior approval of their manager or chief executive); or
  - use or reveal information they are not authorised to disclose and/or which is not readily available to the general public.
- Particular care needs to be exercised in election periods as behaviours, relationships and expectations as between public servants, Ministers and other Members of Parliament that would otherwise be unexceptional may be seen to have a particular significance.

*Are there rules that must be followed in specific situations?*

Political neutrality is an enduring, constant and business-as-usual requirement for all public servants. However, it is not always easy to interpret and apply the political neutrality principle in practice and to identify the boundary between what is, and what is not, politically neutral advice or behaviour. It will always be a matter of judgement. It will also depend on the particular circumstances, relationships, the position held by the public servant, and timing.

As a general rule, if a particular activity or behaviour has the potential to be seen as breaching the political neutrality principle, and if the result is likely to lead to a loss of trust and confidence in the Public Service, then that activity or behaviour should not be undertaken. Inevitably, as public servants become more senior, more visible publicly, and operate in closer proximity to Ministers, the constraints on the expression of their opinion, and on their behaviour generally, will become greater. This is because it is more likely that any partisan comment or action on their part would be (or could be seen to be) in breach of the political neutrality principle.



Some circumstances and times can pose particular challenges to a politically neutral Public Service and/or create difficulties for individual public servants, for example:

- around election times;
- in the day-to-day support for Ministers in the House;
- in providing free and frank advice generally;
- in dealing with the public; and
- in responding to media and public demands for information and/or explanations.

For further information and guidance on the application of the political neutrality principle in these situations, see Fact Sheets 2, 3 and 4.



*Q* Is the traditional convention of "Public Service anonymity" still relevant today?

Yes, but the convention has been significantly modified over recent years - to the extent that chief executives, and other senior public servants, need to accept the reality of the increased visibility of the State sector and be prepared to become more public figures than their predecessors.

The traditional conventions of Public Service anonymity and Ministerial responsibility complemented the concept of political neutrality. The job of public servants was to explain government policy and implement government decisions, without speaking publicly themselves or answering criticism. It was the Minister's responsibility to publicly defend the government's policies and decisions, and to answer for public servants. The reason was that if public servants had an independent public profile, there was a risk that their views could be separately identifiable from the views of their Minister and that, in turn, could lead to questions about their objectivity, political neutrality and loyalty.

This reasoning, and the general differentiation between *explaining* government policy (the role of public servants) and *defending* it (Ministers' responsibility), still hold. However, the accountability arrangements under the State Sector Act for example, and the higher media and public interest in the actions of public bodies, make it much more difficult for chief executives (and other senior public servants) to remain anonymous. Indeed, the higher visibility of the State sector is not necessarily unwelcome - the public's trust in the institutions of government can only be maintained by transparency of process.

*How does the "explain/defend" differentiation work in practice?*

As discussed in the above Question and Answer, while public servants are responsible for explaining government policy, Ministers are responsible for defending or justifying their government's policies and decisions.

In commenting on policy:

- only chief executives, and employees who are expressly authorised by their chief executive, may respond to media and other requests for comment and/or information;



- authorised employees, in responding to requests for information and/or comment, need to comply with their agency's media and information-related policies and procedures (including those relating to the Official Information Act);
- any comment from the Public Service must be balanced, factual and impartial;
- in explaining policy, it is not appropriate for public servants to put a "political spin" on the issues involved – they should focus on providing factual information and not on the justification behind the policy;
- it may be appropriate for the Public Service to provide information about the background research, rationale and findings lying behind the policy; it is not appropriate for public servants to comment on the political decision or discussions that led to it, or to provide their personal opinion on the policy itself;
- it is inappropriate for public servants to suggest to media or other inquirers that particular types of questions should be asked – this may be akin to the unauthorised release of information, or "leaking";
- authorised employees need to exercise discretion and common sense – some times the only proper response may be simply to confirm that the decision is "government policy".



#### *What is the role of the State Services Commissioner?*

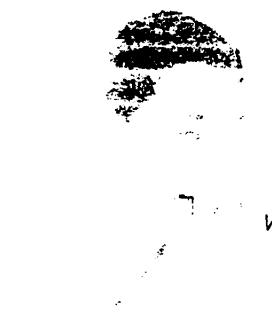
The office of the State Services Commissioner is central to the maintenance of New Zealand's politically neutral, professional and permanent Public Service:

- although Public Service chief executives are responsible to their portfolio Minister, under section 35 of the State Sector Act 1988 the State Services Commissioner appoints and employs Public Service chief executives on behalf of the Crown; and
- under section 57 of the State Sector Act, the Commissioner has issued a Public Service Code of Conduct setting out minimum standards of integrity and conduct that are to apply in the Public Service. This includes standards relating to political neutrality.

The Commissioner is a buffer between Ministers and the Public Service, the custodian of the boundary between politics and public management, and the steward of the values and standards of the State sector. The State Services Commission's Ethics, Values and Standards work programme is therefore based on two realities: the Commissioner must influence public servants through their chief executives and senior managers; and leadership is about both promoting integrity (fostering the good) and countering wrongdoing (working with chief executives when breaches of standards occur).

#### *Who can I go to for help if faced with a political neutrality dilemma?*

In the first instance, public servants should discuss any issue or concern with their manager and, if necessary, their chief executive. Further assistance and advice can be sought from the State Services Commission.





**Q** *Where can I find out more about political neutrality?*

- Public Service Code of Conduct
- Cabinet Manual
- State Services Commission (Ph. 04-495 6600; email [values@ssc.govt.nz](mailto:values@ssc.govt.nz); website [www.ssc.govt.nz](http://www.ssc.govt.nz))
- Public Servants, Political Parties and Elections (see [www.ssc.govt.nz](http://www.ssc.govt.nz))





# Political Neutrality

## Fact Sheet No. 2

### Political Views and Participation in Political Activities

#### Questions

**Political views ..... 3**

*Can public servants have their own political views? ..... 3*

*So, what are the constraints on public servants' freedom of expression? ..... 3*

*Does this mean that public servants can't express their political and personal views to their family and friends? ..... 3*

*Do these constraints on freedom of expression continue to apply after a public servant retires from or leaves the Public Service? ..... 4*

**Political participation ..... 4**

*Can a public servant be a paid-up member of a political party? ..... 4*

*Can a public servant stand as a candidate in a general election? ..... 4*

*Are there any special considerations for senior public servants, and public servants who work closely with Ministers, who wish to stand for Parliament? ..... 5*

*Can public servants participate in political demonstrations or protests? ..... 5*



## Questions

<i>Can public servants be involved in political activities, eg help deliver party-political brochures? .....</i>	<b>6</b>
<i>Can public servants attend party-political events, eg a fundraising gala organised on behalf of an Opposition (or Government) political party? .....</i>	<b>6</b>
<b>General .....</b>	<b>6</b>
<i>Can agency resources be used for party-political purposes? .....</i>	<b>6</b>
<i>Can public servants' photos be used in party-political publications? .....</i>	<b>7</b>
<i>Can public servants attend seminars or functions where MPs are to make a presentation? .....</i>	<b>7</b>
<i>Can public servants use their work email to respond to political surveys or communicate generally about political issues? .....</i>	<b>7</b>
<i>Can public servants be appointed to public, professional or voluntary bodies? And can they be members of, and/or maintain links with, outside organisations that may be involved in discussions and debate on policy issues? .....</i>	<b>8</b>
<i>Is there any specific election-year guidance available for public servants? .....</i>	<b>8</b>
<i>Who can I go to for help if faced with a political neutrality dilemma? .....</i>	<b>9</b>
<i>Further information .....</i>	<b>9</b>





## Political views



### Q Can public servants have their own political views?

Yes, of course. Public servants have the same democratic rights, including the right of free speech, as all other New Zealand citizens. However, public servants need to exercise judgement as to whether, when and how to express their political and personal views. Their comments (and actions), whether made in an official or private capacity, must be compatible with the need to maintain a politically neutral Public Service. In other words, public servants need to ensure that neither their words nor actions compromise the Public Service's ability to demonstrate impartiality in a party-political sense.



### Q So, what are the constraints on public servants' freedom of expression?

Public servants should not:

- express their personal views in a way that could be taken as a comment in their official capacity rather than as a private citizen;
- indulge in personal attacks on individual MPs;
- criticise government policy with which they have been professionally involved or which they are required to implement;
- reveal advice or information given to Ministers (advice may be "officially released", eg through the Official Information Act process or through public statements made by the Minister, but public servants should not comment or expand on that advice without the prior approval of their manager or chief executive); or
- disclose information they are not authorised to disclose.

This is because a partisan statement made or position adopted by a public servant may not be forgotten easily and it could colour the way that Ministers (or future Ministers) relate to that public servant or to the agency employing that person. The consequences could be to reduce the credibility of the public servant and the agency (and the Public Service generally).

On occasion, public servants may wish to express their personal views on party-political or election issues. However, judgement must be exercised. Whether comment is appropriate in any situation will depend on the nature of the issue, the circumstances in which the comment is to be made, and the position held by the public servant. As public servants become more senior, more visible publicly, and operate in closer proximity to Ministers, constraints on the expression of their political views become greater – especially because it becomes more difficult to separate their official and private roles in the mind of the public.

### Does this mean that public servants can't express their political and personal views to their family and friends?

This is a question of judgement for the individual public servant and it will depend on the issues involved and the individual's position in the Public Service (for example, what may be appropriate for a Dunedin or Whangarei-based public servant employed in a junior capacity may not be appropriate for their chief executive).



In relation to issues with which the public servant has been professionally involved, it would be appropriate for that public servant to take no part in those discussions, explicitly make "no comment", and/or change the subject. Sometimes this can be hard but public servants need to remember that political neutrality is a fundamental requirement of their job and that this requirement continues to apply outside working hours.



**Q** *Do these constraints on freedom of expression continue to apply after a public servant retires from or leaves the Public Service?*

Former public servants, and in particular former senior public servants, should avoid commenting on information obtained in a previous official capacity which was not otherwise available publicly. This obligation of continued discretion is important so as to preserve the ability of existing public servants (and the Public Service generally) to be accepted by Ministers as impartial and professional.

The best advice to former public servants who wish to comment is to ensure that they express themselves in a restrained, constructive and professional way. Depending on the issue involved and the degree of public and media interest in it, they may also wish to inform the relevant (current) chief executive beforehand.



**Political participation**

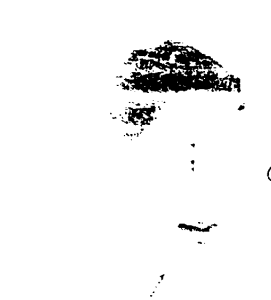


**Q** *Can a public servant be a paid-up member of a political party?*

As a general rule, as private citizens, public servants are free to belong to any lawful organisation including a political party. However, this right is qualified by the political neutrality principle.

Senior public servants, and public servants who have a high public profile or close working relationship with Ministers, should avoid any open acknowledgement of, or public allegiance to, a particular political party. The very fact of membership could compromise their ability to be seen by the government (either current or future) as impartial and professional. It is very likely that the fact that a senior public servant is a member of a political party will become known – either within the party concerned or more generally. The political neutrality of that public servant may then be called into question.

For these reasons, it is most unlikely that it would ever be acceptable for a Public Service chief executive to be a member of a political party.



*Can a public servant stand as a candidate in a general election?*

Public servants are entitled to stand for public office. However, the political neutrality principle requires them to maintain a clear separation between their work as public servants and their political activities. This applies to candidates for both national office (Parliament) and local government.

The Electoral Act 1993 sets out certain conditions that will apply if a public servant wishes to stand as a candidate in a general election. In particular, section 52 of the Electoral Act requires public servants to stand down from their positions from nomination day, or earlier if their employer considers that the candidacy will materially affect the ability of that candidate:



- to carry out their duties as a public servant; or
- to be seen as independent in relation to those duties.

In addition to these specific requirements, public servants should ensure that their candidacy, or possible candidacy, does not give rise to any real or perceived breach of the political neutrality principle.

Before making any decision to stand for public office, public servants should discuss the issues involved with their chief executive, and if necessary the State Services Commissioner.

*Q Are there any special considerations for senior public servants, and public servants who work closely with Ministers, who wish to stand for Parliament?*



Yes. The political candidacy of a senior public servant, or public servant with a close working relationship with Ministers, conflicts with the political neutrality principle. This is because it may be impractical for them to maintain (and be seen in the public's eyes to maintain) a clear separation between their duties as a public servant and their political activities.

Because of the nature of their duties (particularly advice, organisational leadership and management, all of which are geared towards implementing the political decisions and policies of the government of the day), it would be highly unlikely that a senior public servant, if unsuccessful, could maintain the same relationship of trust and confidence with their Minister on return to their job that applied prior to their candidacy. Public servants who work closely with Ministers may also face similar issues with regard to their ability to build and maintain a relationship of trust with their Minister, or future Ministers.

For these reasons, before making any decision to put their name forward for selection (for an electorate seat, on a party list, or for a local body elected position), the public servant should discuss the issues involved with their chief executive, and if necessary the State Services Commissioner. For example, there should be a discussion around possible consequences if the person is unsuccessful at either the selection or the election stage.

*Can public servants participate in political demonstrations or protests?*

It depends. Sometimes public issues arise that can generate quite heated public debate. Individual public servants may feel quite strongly about the issue and want to take action on it. Depending on the issue involved, there may be a tension between that individual's obligations as a public servant and their private views and consciences as citizens. This tension can't be avoided, but it must be managed.

The overriding requirement is for public servants to ensure that their participation in political matters (including involvement in demonstrations and political protest action) does not undermine their ability to serve the government of the day in a politically neutral manner. What is appropriate in any situation will depend on the extent of the participation, the nature of the issue, and the position held by the public servant.

The more senior the public servant, the more constrained he or she needs to be in their personal conduct. For example, it may be unobjectionable for a Dunedin or



Whangarei-based public servant employed in a junior capacity to take part in a political demonstration. However, it would be a direct breach of the political neutrality requirement if their chief executive, or a senior public servant who worked closely with Ministers, were to do so.

If public servants find themselves in a situation where their conscience constrains them from fulfilling their lawful duties as public servants, they should discuss their circumstances and options with their manager, and if necessary their chief executive. It may be possible in some cases, for example, to manage this personal conflict via a temporary change of duties.

**Q** Can public servants be involved in political activities, eg help deliver party-political brochures?

See the above answer. Individual public servants need to exercise judgement – senior public servants and public servants with a close working relationship with Ministers, should avoid public involvement in any party-political activity.

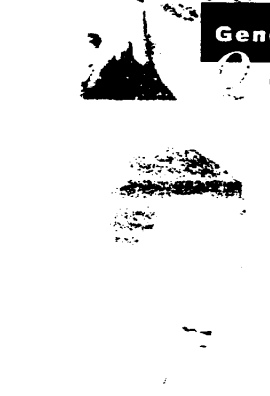


**Q** Can public servants attend party-political events, eg a fundraising gala organised on behalf of an Opposition (or Government) political party?

This will be a question of judgement for the individual public servant. The more senior the public servant, and the more publicly or politically visible that he or she is, the more prudent that public servant needs to be. As a general rule, if the public servant's attendance at the event could be seen, in any way, to compromise his or her ability to maintain a relationship of trust and confidence with the current and/or any future government, then the public servant should not attend the event.

If in doubt, before attending this type of event, public servants should seek guidance from their manager, chief executive, or the State Services Commission.

## General



**Q** Can agency resources be used for party-political purposes?

No (other than in some limited cases authorised by statute, eg relating to general elections – see "Public Servants, Political Parties and Elections", on the Commission's website).

The political neutrality principle would be compromised if public servants agreed to a request to use their work resources or facilities for party-political purposes (including party caucus activities). Therefore:

- public servants should not agree to a request to use their work resources or facilities for the production of party-political material or information;
- market or other research funded by departments should not be undertaken for party-political purposes – research should be directly relevant to the agency's statutory responsibilities and consistent with its Statement of Intent;
- work premises should not be used for party-political events, eg fundraising events, meetings etc. (An exception can be made for those premises that are effectively "public venues", eg the National Library auditorium is often hired out on normal commercial terms.)



The Government advertising requirements are also relevant – see the Cabinet Manual, Appendix 2, “Guidelines for Government Advertising”.

Sometimes it is difficult to know whether something is “party-political”. If it is not clear from the agency’s Statement of Intent or annual appropriation of funds, or from the legislation establishing the agency, then before agreeing to the use of their work resources or facilities, public servants should check with their chief executive. If necessary, the chief executive should discuss the matter with the State Services Commissioner before having a discussion with the responsible Minister (or Minister’s office).

*Can public servants’ photos be used in party-political publications?*

No; this would be inconsistent with the political neutrality principle.

Whether or not it is appropriate for a public servant’s photo to be used in a publication produced on behalf of a portfolio Minister (eg for inclusion in a regular newsletter to constituents) will depend on the particular circumstances. As a general rule, a photo should not be used if this could be seen, in any way, as affecting that public servant’s ability to serve a future government. (There may also be privacy issues, eg public servants’ permission may be required before any identifying photographs of them were published.)



*Can public servants attend seminars or functions where MPs are to make a presentation?*

It depends on the nature of the seminar or function. For example, it would not be appropriate for a public servant to attend a function, sponsored by a political party and at which an MP is to make a presentation. By contrast, if the function is sponsored by a “non-political” organisation (eg the Institute of Policy Studies), then it may be appropriate for public servants to attend. However, public servants should not publicly comment on the MP’s presentation in a partisan way – either by criticising it or enthusiastically supporting it.

Public servants should also ensure that they do not reveal advice or information given to Ministers or disclose information that they are not authorised to disclose.

*Can public servants use their work email to respond to political surveys or communicate generally about political issues?*

No; this would be inconsistent with the political neutrality principle – particularly given that the individual’s response would be identifiable as coming from a public agency.

This would also amount to an inappropriate use of work resources and facilities and likely to be in breach of the agency’s email and/or other workplace policies. If a public servant receives an unsolicited email of a political nature, they should comply with any applicable agency policy (eg delete the email, report the matter to their manager or IT people, and not forward the email on to any other person).



**Q** Can public servants be appointed to public, professional or voluntary bodies? And can they be members of, and/or maintain links with, outside organisations that may be involved in discussions and debate on policy issues?

In order to carry out their jobs properly (or just because they are interested in particular issues), public servants may need to maintain links with outside organisations and to participate in discussions and debate on policy issues outside their work environment. This need must be balanced by the imperative to preserve loyalty to the Minister at all times and the principle of political neutrality. Public servants, therefore, need to exercise judgement and know when to disengage from discussions and/or to explicitly make "no comment".

As a general rule, senior public servants should avoid being appointed in a personal capacity to any position of significant responsibility in a public, professional or voluntary body which is likely to become involved in making representations to the government on policy issues or being openly critical, or supportive, of the actions or policies of the government. Before standing for, or being appointed to, any such office or position, public servants should first inform their chief executive of their intentions, in order to ensure that no conflict of interest exists between that participation and their duties and responsibilities as public servants. Where the chief executive considers that there would be a conflict of interest, arrangements need to be made to avoid or resolve the conflict.

Senior public servants appointed to external bodies in their official capacity should clarify their status at the outset to determine whether:

- they are regarded as delegates of their Minister, in which case they should seek a briefing by the Minister as required and act on the basis of any lawful instructions they may receive; or
- they are required to carry out their duties and responsibilities of the body concerned independently of the Minister, in which case they should familiarise themselves with the legal obligations of the body concerned and their personal legal obligations and liabilities as a member of it. They should also seek to bring to it the same values and approach to decision-making that they would apply in a departmental context as a senior public servant.

In relation to the appointment of public servants to statutory boards, see Cabinet Office Circular (CO (02) 5, 22 March 2002), "Appointment of Public Servants to Statutory Boards".

*Is there any specific election-year guidance available for public servants?*

Yes; the State Services Commission has published guidance material on election year issues. This material covers issues such as responding to information requests from political parties, how to provide support for political parties in coalition negotiations, costing political parties' policies, and the operation of government during periods of caretaker government (see the Commission's website).



**Q** *Who can I go to for help if faced with a political neutrality dilemma?*

In the first instance, public servants should discuss any issue or concern with their manager and, if necessary, their chief executive. Further assistance and advice can be sought from the State Services Commission.



**Q** *Further information*

- Public Service Code of Conduct
- State Services Commission (Ph. 04-495 6600; email [values@ssc.govt.nz](mailto:values@ssc.govt.nz); website [www.ssc.govt.nz](http://www.ssc.govt.nz))
- Public Servants, Political Parties and Elections (on SSC website, [www.ssc.govt.nz](http://www.ssc.govt.nz))





# Political Neutrality

## Fact Sheet No. 3

### The Relationship Between the Public Service and Ministers

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## The Respective Roles of Ministers and Chief Executives

**Q** *Is there a clear boundary between the respective roles of Ministers and chief executives?*



In theory, yes. In practice, and particularly as a consequence of MMP, an increasing media and public interest in matters of public management, and a more "visible" Public Service, the boundary between Ministers' and chief executives' roles can sometimes become blurred, at least in the public's eyes. Any blurring of the boundary, however, can lead to perceptions about the neutrality (or otherwise) of the chief executive and his or her agency. This in turn could compromise the ability of the Public Service to establish a relationship of trust and confidence with future Ministers, to the detriment of long-term good government.

The respective roles of Ministers and chief executives are defined in statute (eg the State Sector Act and Public Finance Act):

- Ministers are politically accountable to Parliament (and the public) for the conduct of their agencies - they are responsible for strategic direction, policy decisions, the public advocacy of the decisions made, and "outcomes";
- Chief executives are responsible to their Ministers for the conduct of their agencies - they are responsible for policy advice and implementation, service delivery, the management of their agencies, "outputs" and "managing for outcomes".

This division of responsibility relies on a good working relationship, and the maintenance of trust and confidence, between Ministers and chief executives. The political neutrality of chief executives, and the public servants that they employ, ensures that this trust and confidence can be extended to successive governments.

Under section 35 of the State Sector Act 1988, the State Services Commissioner appoints and employs the Public Service chief executives on behalf of the Crown. The Commissioner, therefore, acts as a buffer between Ministers and the Public Service and the custodian of the boundary between politics and public management. In this way, the political neutrality of the Public Service is reinforced.



*How does a chief executive's "statutory independence" relate to the political neutrality principle?*

Under section 33 of the State Sector Act, chief executives have a duty to act independently of Ministers in matters relating to individual employees (eg appointment, promotion, transfer, discipline, conduct etc). In addition, some agency heads have certain statutory powers that expressly must be exercised independently of Ministers (eg the Commissioner of Inland Revenue and the Comptroller of Customs).

This statutory independence reflects the political neutrality of the Public Service, eg it helps to clearly separate, and differentiate between, "political" and "administrative" functions.

However, acting independently does not necessarily mean acting alone. There may be times when the chief executive may properly seek a Minister's views about administrative actions that may generate some public or political debate (eg closing



a regional office, conducting an internal inquiry, or undertaking a restructuring of the agency that may have an impact on short or long-term capability). The Minister is ultimately accountable to Parliament for the performance of the agency and chief executive – therefore, the Minister is entitled to express his or her views. These views should be taken into account by the chief executive who, having considered those views, is then required to act independently.



**Q** Can public servants request or permit Ministers to become involved in the detailed management of their agency?

The State Sector Act envisages that Ministers will not involve themselves in the day-to-day management of Public Service agencies – operational responsibility rests with the chief executive. Any abdication or transfer of that responsibility could compromise the political neutrality of the chief executive and the agency itself.

Nevertheless, because of the Minister's political responsibilities and in order to maintain a relationship of confidence as between Minister and chief executive, the Minister is entitled to expect to be informed, in advance, of any issues or difficulties relating to the agency. Providing information to the Minister, on a "no-surprises" basis, is not abdicating or transferring responsibility and it does not breach the political neutrality principle. The style of the relationship and the frequency of contact between a Minister and individual chief executive, will develop according to the Minister's personal preference – there is no one standard or "correct" style.

If public servants consider that their Minister (or indeed any Minister) is seeking to exert too much influence over matters that are properly within the domain of the chief executive:

- they should raise their concerns with their senior manager and/or chief executive;
- if necessary the chief executive should attempt to clarify and resolve any concern by discussion with the Minister;
- if the concern remains, the chief executive should record it in writing (eg by seeking written directions from the Minister or recording the decision/view as conveyed by the Minister) – if necessary the State Services Commissioner's advice and assistance can be sought.

See Fact Sheet 4 for a further discussion about the relationship between the Public Service and MPs.



**Free and Frank Advice**

**Q** What is "free and frank advice" and why is it important?

Public servants are required to provide free and frank advice to their Ministers, ie advice that is honest, impartial and comprehensive. This free and frank convention relates directly to the need to maintain the confidence of the current as well as a future portfolio Minister, and to the principle of political neutrality.

Free and frank advice is not always advice that Ministers want to hear. While public servants need to be well-informed about the government's stated policies, and sensitive and responsive to Ministers' policy objectives, they must also take into



account the broader public interest and be seen to be politically neutral. In other words, public servants need to balance both the short and the longer-term considerations. Therefore:

- public servants need to alert Ministers to the possible consequences of following particular policies, whether or not such advice accords with Ministers' views (or the views of the individual public servant);
- the advice provided needs to be free of personal or agency/sectoral interests, it must be transparent, and it should not contain unclear or hidden agendas;
- public servants must not attempt to obstruct or delay a decision, or attempt to undermine or improperly influence the government's policy;
- bad news should not be withheld – it rarely gets better and withholding it generally makes matters worse;
- similarly, important known facts should not be withheld.

Political neutrality does not mean that public servants are unable to provide advice to Ministers that has some political overtone – public management, by its very nature, involves "political" matters. Indeed a characteristic of good, free and frank advice is that it is offered with an understanding of its political context and implications.

The importance of the free and frank convention is reflected in sections 9(2)(f)(iv) and (g)(i) of the Official Information Act. These provisions reflect the public interest in avoiding prejudice to the provision of free and frank advice that is necessary for the effective conduct of public affairs and the good government of New Zealand. For guidance on the application of these provisions to individual cases, see the Ombudsmen's Practice Guidelines ([www.ombudsmen.govt.nz](http://www.ombudsmen.govt.nz)).

*What if the Minister ignores or rejects the advice given?*

That's the role of Ministers – to make political decisions. The final decision on policy is always the prerogative of Ministers. Provided that Ministers act within the law, only the electorate can pass judgement on the merits or otherwise of a Ministerial or government decision or policy direction.

If Ministers decide on a course of action, despite contrary advice from officials, it is important that the Public Service is seen to be responsive to that decision. Once the decision is made, it is the duty of public servants to implement the decision within the law – whether or not they personally agree with it.

*What if the Minister has made it clear that certain advice will not be welcome?*

Once a policy decision has been made, Ministers are entitled to expect that neither their time nor the agency's resources will be spent on "re-litigation" of the matter. Unless new information comes to light, or an uncanvassed opportunity or risk becomes apparent, or government policy or strategic direction changes (eg as a result of a change of government), public servants should not attempt to get their Minister to re-open or alter a decision that has already been made. Particularly in the case of a change of government or Minister, public servants must exercise judgement as to whether and when it is appropriate (if at all) to again raise an issue that has earlier been considered by Ministers.



If it is not clear whether the Minister and/or government has already made up their mind on a particular matter, clarification should be sought from the Minister – public servants need to know explicitly if and when that critical point has been reached.

However as part of the policy development process, and before the decision is made by Ministers, public servants need to comply with their general free and frank advice obligations. In this context, public servants need to distinguish between advice that is unpleasant but important (this type of free and frank advice needs to be provided, but public servants should think carefully about how and when to present it), and advice that is unhelpful and obstructive to the intent of government policy. In this latter respect, Ministers are entitled to expect public servants to focus only on those options that are consistent with and/or realistic in the context of the government's overall policy framework.



*What if a public servant believes the Minister is not being given free and frank, correct and complete advice from the agency?*

The public servant should first raise their concern with their senior manager and/or the chief executive. If the concern persists, it may be appropriate for the public servant to put that concern in writing to the chief executive.

In extreme cases, and where an employee believes the agency's actions amount to serious wrongdoing as defined in the Protected Disclosures Act 2000, the employee should follow the agency's internal procedures on protected disclosures.

*What if the Minister is a member of the minority party in government and there are clear policy differences between the different coalition partners?*

The Public Service serves the government of the day, and not the party (or parties) represented in that government. However, it can sometimes be difficult for the Public Service to maintain the perception of neutrality in a coalition environment, particularly if the coalition agreement expressly permits Ministers from different parties to take different positions in public. Once a decision has been made (either at the Cabinet level or through some other agreed process), all Ministers, regardless of any earlier "agreement to disagree" will implement the decision. This will provide the Public Service with one policy direction/decision to implement (see para 3.23 of the Cabinet Manual).

It is important in these situations for public servants to be especially conscious of the need to be seen to be politically neutral and to be providing free, frank, professional and neutral advice. Any uncertainty or lack of clarity in terms of policy direction should be clarified by discussion between the chief executive and the Minister, and if necessary written instructions sought from the Minister.

*How should disagreements between Ministers and public servants over policy advice be dealt with?*

Public servants must respect the authority of their Minister as the final arbiter of policy. In the policy development process, any points of difference should be clearly spelt out in writing to the Minister. If necessary, explicit written instructions of the policy approach or courses of action to be taken should be sought from the Minister.

Once the Minister has made the decision, the public servants' role is to implement it



– without criticism and irrespective of whether or not they agree with it. If the Minister's decision puts an individual public servant in a position of extreme personal conflict in terms of values or belief, that public servant should discuss the matter with their senior manager and/or chief executive. They must not do anything to circumvent or undermine the government's policies.



**Q** *What if the Minister asks public servants not to consult with other agencies or stakeholders?*

In relation to consultation with other agencies, the public servant should advise their chief executive, who should then raise the matter with the Minister concerned. If the Minister confirms the request, the chief executive may need to proceed on the basis of a confirmed Ministerial decision - knowing that the political consequences of this are matters for which the Minister accepts responsibility. The chief executive may wish to discuss the issue with the State Services Commissioner.



It may be entirely appropriate not to consult with stakeholders, particularly in the early stages of policy development or in the case of draft legislation (indeed, specific Cabinet approval is required before stakeholders are consulted about draft legislation).



*What should public servants do if compliance with their Minister's instructions may involve a breach of the law?*

Where an instruction is known to be unlawful (eg contrary to an express statutory provision), public servants must decline to comply with it. The chief executive should inform the Minister accordingly and discuss with him or her any other possible options for dealing with the issue in a lawful way.

If it is considered (based on legal opinion) that a proposed action or decision by the Minister may be unlawful, the chief executive should discuss the matter with the Minister and suggest any alternative (lawful) means by which the Minister's policy objective could be achieved. If the concern remains unresolved, the chief executive should discuss the matter with the Solicitor-General and the State Services Commissioner.

**Political Advisers and Ministers' Private Office Staff**

*What is the role of political advisers and what authority do they have in relation to the Public Service?*

Ministerial advisers are sometimes referred to as political, special, personal or non-departmental advisers – in these Questions and Answers the term "political adviser" is used. Political advisers are appointed by the Department of Internal Affairs to work in Ministers' offices. Political advisers are not required to be politically neutral. They are different from departmental staff who are seconded or appointed to work in their Minister's office (and who are required to be politically neutral).

The Public Service needs to be able to work effectively with political advisers (and vice versa). While political advisers do not have any legal authority to direct public servants, in a professional and co-operative relationship, political advisers can provide guidance about the Minister's policies and wishes and, by doing so, help public servants in their duty to be responsive.



Public servants need to have a clear understanding about the role of political advisers:

- Political advisers can provide advice of a political nature and act on a Minister's instructions and with the Minister's political interests in mind. The distinction between the political and administrative aspects of the Minister's role is therefore clearer. This, in turn, can make it easier for the Public Service to maintain its political neutrality as there is less pressure on (or scope for Ministers or others to expect) the Public Service to provide "political advice" or advice which is less than free and frank.
- Political advisers can handle consultation on policy matters with coalition or support partners – thereby relieving public servants of a task which could involve negotiating a policy position on behalf of a Minister (this would create particular neutrality issues for public servants).
- Ministers may want independent advice about what they should be seeking from agencies and how agencies can contribute to the government's main agenda. Such advice is often permeated by political considerations and therefore best provided by political advisers (rather than public servants).
- Advice, as opposed to information, in relation to the make-up of a new government following a general election, and general advice about coalition matters and political relationships, should be provided by political advisers, not public servants.

Ministers (and particularly Ministers in a new government who may have been in Opposition for some time) may expect contestability of advice, ie alternative advice to that provided by the Public Service. This may be symptomatic of a lack of recent familiarity with public servants and a consequent lack of confidence in the ability of the Public Service to work with a new government following a general election. Public servants need to recognise that trust and confidence is earned; that can only be achieved if public servants undertake their work competently and professionally, and maintain their professional ethics, including neutrality of advice and service.

*What arrangements should govern relationships between public servants and political advisers?*

The ways in which Ministers' offices interact with agencies will vary from one office to another. These arrangements, which should be worked out between individual Ministers and chief executives, will:

- ensure that both Minister and chief executive understand the extent of the authority with which political advisers are speaking, and thereby preserve the proper accountability arrangements under the State Sector and Public Finance Acts;
- help avoid incorrect public perceptions about accountability and the neutrality of the Public Service (political advisers, while taxpayer-funded, are not subject to the political neutrality requirement, but the public does not always understand this distinction); and
- help avoid complications in the flow of free and frank advice between the Public Service and Ministers.



There are some general principles that should apply:

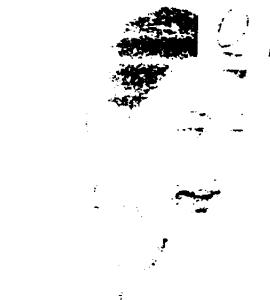
- the Public Service should ensure that all written policy advice and recommendations should be addressed to the Minister, and not to his or her political staff;
- it should be left to the Minister's office to decide whether and when the Minister might read any advice personally, in line with whatever processes the Minister may have in place and any applicable legislative requirement;
- chief executives should normally be involved directly in discussions with the Minister in relation to major policy decisions;
- arrangements for the Minister's political staff to deal directly with public servants below the chief executive should be agreed with the chief executive. In general, such arrangements should ensure that the chief executive is immediately advised on matters of particular sensitivity or significance;
- not every communication with political advisers needs to be noted and filed, but all significant decisions and actions should be adequately documented;
- if there is uncertainty as to whether any response to the Public Service's advice has the full authority of the Minister, or that the authority is based on full information, the matter should be clarified by discussion between the chief executive and Minister.



*Can political advisers issue instructions to agencies?*

No – political advisers do not have any legal authority to direct public servants. However, subject to the particular working protocols and arrangements entered into between Ministers and chief executives (see the above answer), it may be appropriate for a political adviser to convey messages from the Minister (eg pass on Ministerial instructions). Political advisers may also give advice on their interpretation of what the Minister wants.

If there is any uncertainty about this, the matter should be clarified (eg the Minister's instruction could be confirmed in writing and/or the chief executive could discuss the matter with the Minister).



*What if political advisers ask agency staff to change policy advice before it gets to Ministers or Cabinet?*

Public servants are responsible (through their chief executive) to the Minister, not the Minister's staff, and their obligation is to provide free and frank advice to their Minister. Political advisers may not improperly influence this process. If necessary, explicit written instructions should be sought from the Minister (see Free and Frank Advice Q&As above).

Political advisers, however, are in a position to advise and guide public servants in terms of the government's overall policy framework. This advice can be invaluable in ensuring that any policy advice or recommendations provided by the Public Service is sufficiently responsive and useful to the Minister.





**Q** *Do the same considerations apply to public servants who are seconded or appointed to work in their Minister's office, or are they subject to the political neutrality requirements?*

Public servants who are seconded or appointed to work in their Minister's office remain departmental employees, employed by their chief executive and subject to the Public Service political neutrality requirements. As the link between their agency and the Minister's office, these public servants play a key and critical role in the ongoing working relationship between Minister and chief executive and thus help to preserve the boundary between politics and administration.

The specific responsibilities and communication channels that are to apply between the agency, Minister's office and seconded employee should be worked out and agreed between the individual chief executives and Ministers (and seconded employee) at the commencement of the secondment/appointment.

**Day-to-Day Support for Ministers**



**Q** *Is it appropriate for public servants to draft replies to Parliamentary Questions on behalf of their Minister?*

Yes; although Ministers are responsible for the replies that they give. In this respect, Parliamentary Questions are both a constitutional and a political tool. Ministers therefore are responsible for what information is contained in replies to them, and how that information is packaged and/or worded.

Public servants have a duty to provide the Minister with as much information as possible to enable the Minister to answer the Parliamentary Question fully and accurately. Any draft response prepared on behalf of a Minister should be concise, accurate and informed, and be confined to the subject matter of the Question asked. It should not contain any "political" overtone or "spin". The Minister may wish to reword the response – that is his or her prerogative.

**Q** *Is it appropriate for public servants to draft Parliamentary Questions?*

No; public servants are not expected to (and should not) draft the actual Questions to be asked by MPs from either side of the House, and neither should they encourage political advisers to ask a particular Question. That is entirely a political matter. However, public servants may be asked by their Minister to provide information to allow Supplementary Questions to be drafted.



*Should public servants prepare their Minister's speech notes?*

Public servants may properly provide services to their Minister that enable the Minister to meet his or her responsibilities to Parliament and the public, even if these services have political overtones. For example, public servants, if requested by their Minister, may properly assist with the preparation of their Minister's public speeches. Indeed, preparing speeches to be delivered in a Ministerial capacity is core Public Service work.

However, in drafting any speech notes (and for that matter any general correspondence on behalf of their Minister), public servants need to ensure the material they draft is factual and accurate. The material may explain government



policy but it should not promote or protect a particular political party or political interest. It is for the Minister, and his or her political advisers, to add to or change the material. Any concern about the scope of the Minister's instructions and/or proposed content of the speech should be discussed directly between the chief executive and Minister.



**Q** *Is it appropriate for public servants to arrange and/or participate in policy launches or publicity campaigns arranged on behalf of their Minister?*

It is appropriate that particular policies are launched publicly in order to inform target audiences about new policies and/or their legal rights. However, as outlined in the above Question and Answer, public servants must ensure that their contribution (if any) does not compromise their political neutrality. They must also comply with the Government advertising requirements – see the Cabinet Manual, Appendix 2, "Guidelines for Government Advertising".



**Q** *Are public servants who are appointed to a Ministerial taskforce or inquiry subject to the same political neutrality requirements?*

Yes. Public servants who are appointed to any Ministerial taskforce, inquiry or working group should clarify at the outset their role, status and reporting arrangements.



#### General

**Q** *Can (and should) chief executives, and other senior public servants, actively contribute to public debate about "the big issues" facing New Zealand?*

Provided that they do not participate in the actual political process, it is a legitimate role for chief executives, and other senior public servants, to increase public awareness and improve the quality of public debate about the political and policy choices facing the country. Subject to the agreement of their Ministers, it is appropriate for chief executives (or their authorised nominees) to make this wider contribution where:

- the subject matter is primarily factual;
- the contribution is toward a public policy debate, not about profiling the individual making the address or a particular Minister or political party;
- the focus is on opening up the dialogue so as to improve public knowledge (this may involve presenting the "pros and cons" of a particular issue in a factual and neutral way);
- careful judgement is made about the timing and context of the contribution.

Before making any such contribution, the chief executive should discuss the issues involved with their Minister; he or she may also wish to discuss the issues with the State Services Commissioner.

*If a public servant is criticised publicly (eg in the media or by their Minister), can that public servant defend themselves?*

It depends on whether the criticism is "political". For example, if a local newspaper criticises a management or statutory decision made by a regional employee, it may



be appropriate for the regional manager (or his or her chief executive) to publicly defend the actions of the agency. In this respect, it is appropriate for chief executives to defend, in temperate and factual (non-political) ways, ill-informed and unfair attacks on their staff by media, letter writers, lobbyists etc.

However, if the criticism comes from a party-political quarter (eg an Opposition MP), then it is exceedingly difficult for an individual public servant to respond without compromising their political neutrality. They must first discuss the situation with their chief executive who may wish to take the matter up with the Minister and, subject to any views of the Minister, with the MP or other person concerned. If necessary the assistance and advice of the State Services Commissioner can be sought.

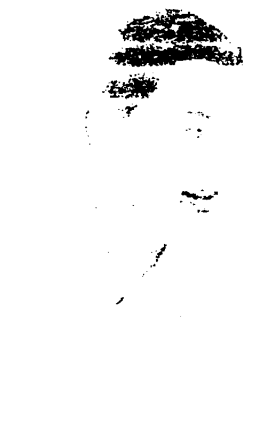
*Q Who can I go to for help if faced with a political neutrality dilemma?*

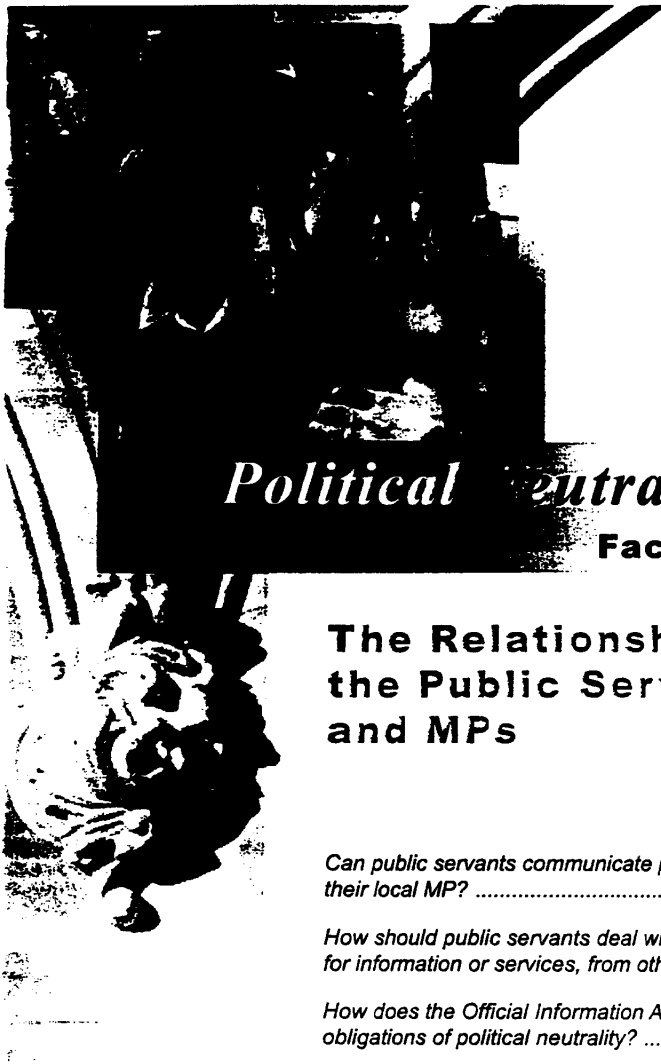
In the first instance, public servants should discuss any issue or concern with their manager and, if necessary, their chief executive. Further assistance and advice can be sought from the State Services Commission.



*Q Further information*

- Public Service Code of Conduct
- Cabinet Manual
- State Services Commission (Ph. 04-495 6600; email [values@ssc.govt.nz](mailto:values@ssc.govt.nz); website [www.ssc.govt.nz](http://www.ssc.govt.nz))





# Political Neutrality

## Fact Sheet No. 4

### The Relationship Between the Public Service and MPs

#### Questions

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**Q** Can public servants communicate privately with Ministers or their local MP?

Public servants generally have the same rights of access to their political representatives as other members of the public and have the same entitlement to information under the Official Information Act 1982. They may therefore communicate privately with any Minister, MP or political party about matters that do not concern their employment or their agency. However, given the requirement for public servants to be (and be seen to be) politically neutral, they should exercise care and judgement about any such contact, particularly if they are senior public servants or if they work closely with Ministers.

**Q** How should public servants deal with inquiries, or requests for information or services, from other Ministers or MPs?

In any dealings with Ministers or MPs (whether Government or Opposition), public servants must comply with their political neutrality obligations. In particular, public servants must:

- remember that their duty is to serve the government of the day, and not the political party represented in that government (sometimes it can be difficult to make this distinction, particularly where there is a coalition or minority government – public servants need to remember that they are serving their Responsible Minister regardless of which political party that Minister comes from);
- avoid commenting on the merits of government policy or alternatives to government policy; and
- avoid commenting on party-political matters.

MPs will often make contact with regional or local offices of agencies, or with public servants directly. If MPs are acting on behalf of their constituents, they should be treated the same as any other duly authorised agent of the agency's client. If MPs are contacting regional or local offices on their own accord, public servants should respond to any requests for information or services in the same way that they would respond to a similar request from any member of the public (ie, MPs are not entitled to special or different treatment by virtue of their position).

The agency concerned may have procedures in place on how to deal with MPs' electorate inquiries – in most cases this will require public servants to refer the request to their manager. If a public servant is uncertain of how to deal with the request, they should contact their senior manager and, if necessary, their chief executive. Depending on the request and any arrangements agreed with the Minister, the chief executive may need to advise the Minister.

Any request by MPs for information or services over and above what would normally be provided to a member of the public must be referred immediately to the chief executive. In general, such requests should be met only as agreed or directed by the Minister – this will avoid any suggestion that the MP was being treated differently because of their political affiliation.

In some regional or local areas, MPs may have established "working relationships" with particular public servants. Caution ought to be exercised in all such dealings to ensure that the Public Service is able to maintain its political neutrality and independence. It would be prudent, for example, for chief executives to establish



specific rules or guidance that is to be followed (this could include a requirement to record and report any such contact to the chief executive).

In addition:

- Public servants should not initiate oral or written contact with MPs, or with any political party, without the prior knowledge and consent of their Minister.
- Public servants should not have discussions with, or tender advice to, other Ministers without the knowledge and consent of their own Minister. The possibility of conveying advice through, or in the name of, the Minister should always be considered.

**Q** How does the Official Information Act affect public servants' obligations of political neutrality?



MPs, and political parties generally, have the same entitlements to information under the Official Information Act (OIA) as any member of the public. For example, information cannot be withheld just because it has been requested by the Opposition or because it has important or sensitive political implications – it may only be withheld on the grounds set out in the OIA.

Should the release of politically sensitive or potentially controversial material be required, the Minister should be informed well in advance of any information release. Where an OIA request comes from an MP or Opposition research unit, public servants should consult with their chief executive and their Minister before releasing the information to ensure that any separate concerns they may have about disclosure are identified and properly assessed under the OIA (some agencies have arrangements in place whereby all OIA requests from MPs or Opposition research units are automatically transferred to the Minister).

Where there is disagreement between the Minister and the chief executive over whether information should be released, the agency should transfer the request to the Minister – this would ensure that the agency is able to meet its constitutional duty to follow the Minister's direction as well as its obligation to comply with the OIA (see para 6.34 of the Cabinet Manual). However, transfer would only be appropriate under the OIA where the information can reasonably be said to "relate more closely to the functions" of the Minister. For further guidance on the requirements for transfer of requests under section 14 of the OIA, see the Ombudsmen's Practice Guidelines ([www.ombudsmen.govt.nz](http://www.ombudsmen.govt.nz)).

*Can (and should) public servants attend caucus committee meetings?*



A party caucus is the full group of all MPs belonging to a particular party. Caucus committees have the same status as any group of citizens and constitutionally have no special powers simply because their members are MPs. Public servants are responsible to their Minister, not to caucus. Therefore public servants may contact a caucus committee and/or attend a caucus committee meeting only if they have the express permission of their Minister (and the agreement of their chief executive). In addition, if called upon to attend a caucus committee meeting:

- public servants should obtain clear instructions from the Minister on whether they will be supporting a policy briefing (eg explaining a policy position) or a process of consultation (eg briefing the attendees about a particular issue and providing them with an opportunity to put forward their thoughts and ideas);



- their role at the meeting is to provide factual information only; they should not offer personal comment on the merits of government or party proposals. Public servants should err on the side of caution before committing themselves or their Minister to a public position – they should seek leave to withhold comment and consult the Minister when that seems prudent. Agreed policy should not be attacked, but a constructive contribution to policy development/improvement or to the review of policy can be helpful;
- they should keep a record of the substance of the meeting, and pass this on to the Minister (and perhaps all attendees at the meeting). It may be sensible for at least two officials to attend;
- they should not undertake work at the direction of caucus – any instructions must come from the Minister only;
- under no circumstances should public servants provide administrative support or services to caucus committees – this would be a clear breach of the political neutrality principle which requires a proper separation between the Public Service and party-political institutions.

*What considerations apply if public servants are asked to attend a select committee meeting?*

Select committees are the main point of contact between public servants and Parliament. Public servants may appear before select committees as advisers (eg when the committee is considering a Bill) or as witnesses (eg when the committee is scrutinising an agency's Estimates, reviewing agency performance, or undertaking an inquiry). In either case, public servants' primary responsibility is to the Minister – they are acting on behalf of the Minister and assisting the Minister to fulfil his or her accountability obligations to Parliament. Public servants therefore are subject to Ministerial direction in terms of questions to be answered and information to be supplied.

Comprehensive guidance about the role of public servants appearing before select committees, and the general rules that apply, is provided in the State Services Commission's publication "Public Servants and Select Committees – Guidelines", on the Commission's website ([www.ssc.govt.nz](http://www.ssc.govt.nz)).

*Can public servants appear before select committees as private individuals?*

Public servants may wish to appear before a select committee in their private capacity, eg to comment on a Bill that is of particular personal interest, importance or concern. Whether this is appropriate in a given case will depend on the issue or Bill and the individual's position in the Public Service – the fundamental requirement is that their attendance is compatible with the need to maintain a politically neutral Public Service. It is most unlikely, for example, that senior public servants, and public servants who work closely with Ministers, could appropriately appear before a select committee in their personal capacity.

Public servants who do appear in a private capacity should comply with their general obligations of political neutrality, and in particular:

- make it clear to the committee that they are appearing in their private capacity;



- avoid commenting on policy issues related to their own agency or with which they have been professionally associated; and
- advise their chief executive (who in turn should inform the Minister) that they will be attending.



**Q** *Is it appropriate for the Public Service to cost political parties' policies?*

Most agencies, routinely, cost government policy options. However, the Public Service sometimes may be asked by Ministers to cost the policies of parties in government, or to cost other parties' policies where Ministers wish to use this information for partisan purposes (eg during election campaigns). Special rules have been designed to cover such requests to protect the Public Service's political neutrality – see "Guidelines for Costing Party Political Policies", Appendix 1, Public Servants, Political Parties and Elections, on the State Services Commission's website ([www.ssc.govt.nz](http://www.ssc.govt.nz)).

In summary, the rules provide that:

- costings may only be provided at the written request of the Minister of Finance or a Responsible Minister;
- Ministers must specify the proposal to be costed, including any assumptions or technical details; and
- public servants must not make broad assumptions about the policies or comment on their merit.

If public servants are uncertain about the application of these rules, they should seek advice from the Treasury or the State Services Commission.



**Q** *Who can I go to for help if faced with a political neutrality dilemma?*

In the first instance, public servants should discuss any issue or concern with their manager and, if necessary, their chief executive. Further assistance and advice can be sought from the State Services Commission.

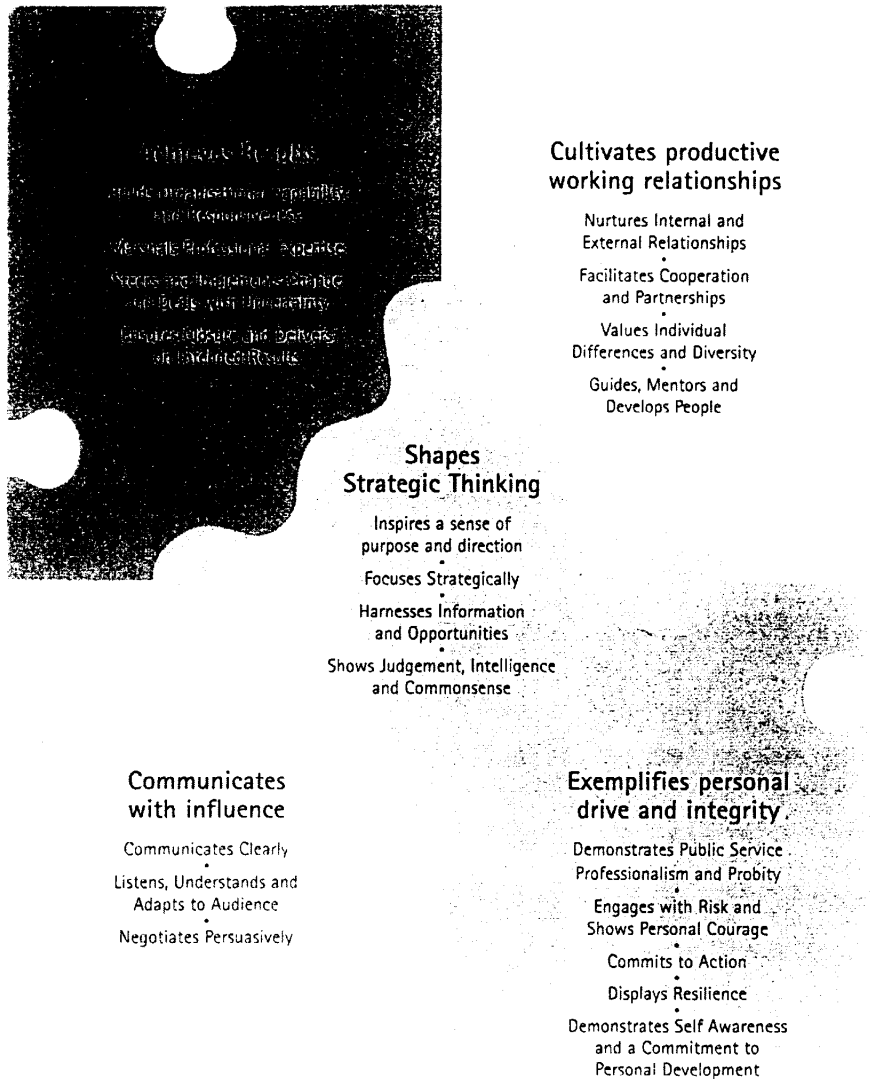


**Q** *Further information*

- Public Service Code of Conduct
- Cabinet Manual
- State Services Commission (Ph. 04-495 6600; email [values@ssc.govt.nz](mailto:values@ssc.govt.nz); website [www.ssc.govt.nz](http://www.ssc.govt.nz))



# Senior Executive Leadership Capability Framework



#### Inspires a sense of purpose and direction

Personally contributes to, shapes and champions the organisation's vision and goals, relating these to government requirements. Translates broad strategy into practical terms for others, and creates a shared understanding of what has to be achieved. Within the overall strategic context, presents others with an integrated picture of the actions and priorities that will be required. Provides them with a clear sense of direction and endeavours to unite understanding among all levels within the organisation.

#### Focuses Strategically

Develops advice to government on potential outcomes, and develops a long term perspective on organisational success. Integrates a 'big picture' view of goals with how to achieve them. Operates on the basis of a 'whole of government' framework and takes the broader context into account. Ensures portfolio effort contributes to cross-government priorities. Envisages what might be and how future possibilities balance with the 'here and now'.

#### Harnesses Information and Opportunities

Seeks to acquire knowledge, and is open to new information and different perspectives. Values finding out about Australian and global best practice (public and private sector) and considers the workings of the organisation within this context. Demonstrates business acumen by thoroughly researching the market that the organisation operates in (and opportunities offered and constraints imposed) to yield greater efficiencies and improve quality of service. Keeps abreast of major technological changes and their impacts.

#### Shows Judgement, Intelligence and Commonsense

Grasps complexity and identifies issues that tend to be overlooked by others. Thinks through problems from various angles, and analyses them dispassionately and objectively. Probes and critically evaluates information before applying both intellect and experience to final judgement. Is willing and able to question traditional assumptions and practices rather than taking things as given. Has the capacity to provide originality of thought and develop innovative solutions.

#### Builds Organisational Capability and Responsiveness

Initiates fluid and flexible resourcing options based on an appreciation of emerging requirements in a constantly changing environment. Looks outside of organisational 'silos' to identify what resourcing combination will deliver the best results, rather than being bound by existing organisational structures and processes. Responds flexibly to various stakeholder requirements and changing circumstances as they arise, varying deployment of resources within imposed constraints. Exploits the advantages offered by information technology. Takes action to ensure sustainability.

#### Marshals Professional Expertise

Values specialist expertise and places emphasis upon creating an environment which facilitates the sharing and effective utilisation of professional knowledge and skills. Ensures relevant professional input from others is obtained.

#### Steers and Implements Change and Deals with Uncertainty

Develops and oversees the implementation of change initiatives in a sometimes uncertain environment. Defines high level objectives and ensures translation into practical implementation strategies. Undertakes both long and short term planning phases and sets timescales for completion.

#### Ensures Closure and Delivers on Intended Results

Engenders a culture of achievement, by ensuring ideas and intended actions become reality and that planned projects actually result in expected outputs. Puts systems in place to establish and measure accountabilities.

#### Nurtures Internal and External Relationships

Builds relationships with Ministers, within the organisation and with key people in external organisations. Proactively creates a professional network and develops mutually beneficial relationships based on respect. Shows commitment to customer service.

#### Facilitates Cooperation and Partnerships

Puts effort into developing a work environment where people pull together and value collaboration and teamwork. Creates a sense of 'interconnectedness' with other departments and agencies, ensuring opportunities to share views and ideas. Personally manifests strong interpersonal relations by role-modelling 'team-player' behaviour, including a willingness to consult and listen.

#### Values Individual Differences and Diversity

Supports and respects the individuality of others and recognises the benefits of diversity of ideas and approaches. Recognises different skill areas and levels of expertise. Understands others and responds to them in an appropriate way.

#### Guides, Mentors and Develops People

Inspires ongoing learning in others. Gives timely recognition for good performance. Motivates others with an enthusiasm to 'give their all' by setting challenging goals, as well as supporting and encouraging them when they need assistance to overcome problems. Helps others to address areas of weakness by encouraging them to take an active role in their own development, and creating a climate with right opportunities to do so. Understands when it is appropriate to confront issues and takes action to deal with difficult performance situations.

## Exemplifies personal drive and integrity

### **Demonstrates Public Service Professionalism and Probity**

Adheres to and promotes the APS Values and ethical framework as set out in the APS Code of Conduct. Serves the government of the day irrespective of personal preferences. Implements policies and programs based on corporate decisions rather than personal views.

### **Engages with Risk and Shows Personal Courage**

Is prepared to be forthright and 'tell it like it is' (and not how people might like it to be). Is independently minded and willing to challenge ideas and confront issues. Is prepared to acknowledge when in the wrong, and learns from mistakes. Is also prepared to ask for help and values advice from others.

### **Commits to Action**

Is determined, highly motivated and action-oriented. Takes personal responsibility for getting things done, and for the success of the organisation. Handles issues proactively and tries to shape events. Doesn't procrastinate. Readily invests energy and initiative into progressing work.

### **Displays Resilience**

Remains focused on the objectives even in difficult circumstances. Bounces back after setbacks and remains positive. Maintains energy and willingly invests extra effort when required.

### **Demonstrates Self Awareness and a Commitment to Personal Development**

Shows strong commitment to continued learning. Actively seeks feedback from a wide range of sources. Takes responsibility for own development and for managing self in a way which enables sustained performance. Looks for opportunities to enhance own skills. Values continuing development.

### **Communicates Clearly**

Produces user-friendly verbal and written communication that is clear and concise. Ensures unambiguous delivery of the message, and checks that it has been understood as intended. Keeps people up to date and fully informed of any changes to the original communication.

### **Listens, Understands and Adapts to Audience**

Listens actively to ensure views and information are properly exchanged. Checks with others to ensure their views have been accurately understood. Uses and adapts style as necessary to meet the requirements of the audience. Creates opportunities to listen to those whose input can add value.

### **Negotiates Persuasively**

Establishes credibility and approaches negotiations persuasively. Offers a convincing rationale which has been thought through in advance and carefully positioned with reference to desired organisational outcomes. Allows for a genuine contest of ideas and pulls disparate views into a coherent position, and finds common ground to facilitate agreement and acceptance of mutually beneficial solutions. Reaches negotiated positions, through compromise, which lead to the achievement of the required outcomes.

The Senior Executive Leadership Capability Framework is an initiative of the Australian Public Service Commission, developed in collaboration with APS agencies.

# Power salaries

Frank Lowy gets  
Bob Carr takes home  
Our chief postie pockets

Value for money for some.  
The big end of town gone mad  
for others.

The Herald compares  
Australia's top paypackets.

MALCOLM MAIDEN Boardroom changes ALAN KOHLER Desire to be No 1

THE GAP ADELE HORIN

# Advancing Australia fair

The Government says we should be smiling because we're all wealthier in real terms than we were 10 years ago. But new figures show that although the pie has got bigger, the slice for the average worker has shrunk.

Australia Post's chief, Graeme John, was paid almost \$3 million last year. At the same time, the starting salary for new posties was \$27,000 and experienced posties, on the top salary scale, were paid \$35,000.

The inequality story at Australia Post is repeated in enterprises across Australia, due to the wages explosion at the top.

The earnings division is most keenly evident among male workers, according to Dr Ian Watson, of the Australian Centre for Industrial Relations Research and Training at the University of Sydney.

The top 10 per cent of male salary earners, including CEOs, managers, lawyers and other professionals, have enjoyed a stratospheric increase in their real earnings over a 12-year period, this analysis of Australian Bureau of Statistics data shows.

Their earnings increased from \$25 an hour in 1989 to \$44 an hour in 2001.

At the same time, the bottom 10 per cent of

male workers, increasingly found in part-time and casual jobs, trod water, their real hourly wage stuck at 58 over the 12-year period.

But the widening discrepancies aren't confined to the extremities of the wage and salary bands.

Dr John Buchanan, co-author with Watson of *Fragmented Futures*, a book about the changing nature of work, says: "For the top 30 per cent of male workers, earnings have surged on a scale not seen before in our lifetime. But the bottom 30 per cent of male workers have gone nowhere."

Big-earners are many, extending well beyond the small band of well-publicised chief executives. For example, the top 10 per cent of male earners includes about 300,000 workers, mostly in professional and managerial jobs. "It's not just a few people," Buchanan says. "That's why we are developing two nations with no common life experience."

Few dispute a huge wages gap has opened



in Australia although there is much debate about what could or should be done about it.

More contentious, however, is to what degree Australia's social security, family payments and tax systems have moderated the earnings chasm. After these transfers are taken into account, what has happened to the gap in disposable income between rich and poor?

In 2001, Prime Minister Howard said that, "contrary to media and other claims", income

inequality had not changed significantly since 1994-95. But new ABS data, released in July, shows income inequality grew significantly over the '90s, especially under the Howard Government.

An analysis of the data by Professor Peter Saunders, of the Social Policy Research Centre at UNSW, shows that in 2000-01, Australians on average were better off in real terms than in 1994-95. The average weekly income had

COMMUNITY LEADERS WHO GETS WHAT

## Serving the people

John Howard, Lucy Turnbull, Phil Koperberg and Ken Marony - all well known names with well-known jobs. But who are the other leaders running our lives and how much do we pay them?



**JOHN HOWARD**  
Prime Minister  
\$26,176



**JOHN ANDERSON**  
Deputy Prime Minister  
\$20,658



**PETER COSTELLO**  
Treasurer  
\$92,575



**SIMON CREAN**  
Leader of the Opposition  
\$90,006



**AMANDA VANSTONE**  
Cabinet Minister  
\$77,261



**HELEN COONAN**  
Junior Minister  
\$16,347



**PETER ANDREN**  
MP  
\$70,750



**BOB BROWN**  
Senator  
\$102,750



**MIKE JEFFERY**  
Governor-General  
\$365,000

**Parliamentary allowances:**  
Unreimbursed domestic airfares (for official business): ConCar (transport, private vehicle), Travelling allowance (room, taxi, cabs), home phone, Telecom, Life Gold Pass, unreimbursed domestic travel for eligible reserves. ELECTORATE: \$27,500-\$37,762. CHAMBERLAINAGE: \$27,500-\$30,000. CHIEF OF STAFF TRAVEL: equivalent to one month's pay for 12 months. CHIEF OF STAFF TRAVEL: equivalent to one month's pay for 12 months. Plus generous superannuation benefits.



**MURRAY GLEESON**  
Chief Justice  
High Court  
\$308,000



**MICHAEL MCHUGH**  
Justice  
High Court  
\$279,600

The same for William Gummow, Michael Kirby, Kenneth Hayne, Ian Callinan, Dyson Heydon



**PETER SHERGOLD**  
Secretary  
Department of Prime Minister & Cabinet  
\$342,000



**KEN HENRY**  
Secretary  
Treasury  
\$40,000-\$420,000



**ASHTON CARTER**  
Secretary  
Department of Foreign Affairs and Trade  
\$360,000-\$370,000



**IAN WATT**  
Secretary  
Department of Finance  
\$380,000-\$390,000



**MARK SULLIVAN**  
Secretary  
Department of Family and Community Services  
\$360,000-\$370,000



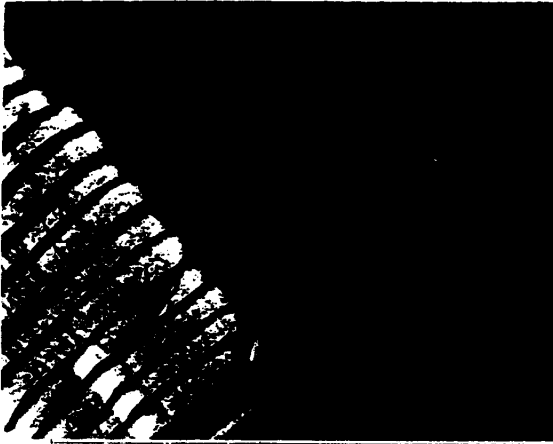
**MICHAEL CARMODY**  
Commissioner  
Australian Taxation Office  
\$370,000-\$380,000



**PAT BARRETT**  
Auditor-General  
\$203,220



**IAN MacFARLANE**  
Governor  
Reserve Bank  
\$500,000-\$509,999



increased by 550 a head. But those at the top gained most.  
 The top 20 per cent were \$1111 a week better off (or 1.4 per cent) while the bottom 20 per cent were \$13 a week better off (or 7.5 per cent).  
 Under the Howard Government, the growth in inequality was particularly dramatic between 1996-97 and 1999-2000.  
 Average income for the bottom one-fifth of the population remained stagnant while it rose

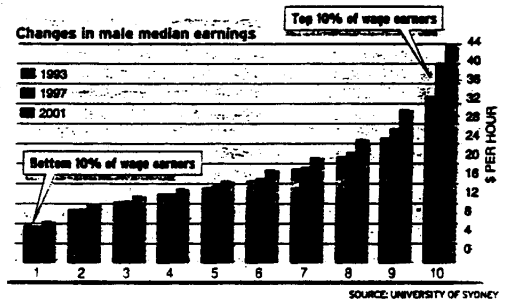
by \$105 a week for the top one-fifth.  
 "Overall, inequality rose very rapidly, by over six per cent in those three years," Saunders says.  
 Almost half the extra income generated by the economic growth under the Howard Government has been of no benefit to the bottom four-fifths of the population.  
 Nowhere is the division more apparent than in NSW. The latest Census reveals a rapidly

growing gap between the incomes of people in Sydney's North Shore and eastern suburbs, and the incomes of those in the western suburbs and regional NSW.  
 For example, in 1996-2001 the median family incomes in suburbs such as Woollahra, Point Piper, Double Bay and Tamarama increased at three times the rate of median family incomes in Cabramatta, Fairfield and Liverpool.  
 In the eastern suburbs, the weekly median family income in 2001 was \$1469 - almost 5000 more than in 1996, a rise of 32 per cent.  
 But in Fairfield and Liverpool, the weekly family income in 2001 was \$714, an increase of 66, or 10 per cent, over the same period.  
 It is true that real incomes for those at the bottom have increased, despite the growing gap between rich and poor. Some argue that economic reforms, which spurred the growth in inequality, were the best way to produce more for those at the bottom.  
 The head of Treasury, Ken Henry, said

recently: "Is anybody seriously suggesting that those [market liberalising] reforms should be reversed in the certain expectation of significant reduced average incomes and the highly speculative hope of a more egalitarian distribution of a smaller cake?"

Data show that income inequality grew significantly in the '90s, especially under the Howard Government.

Stephen Ziguras, acting general manager of social action and research at the Brotherhood of St Laurence, says: "The increasing gap between rich and poor means people can't understand each other's experiences, and that diminishes our sense of belonging to a community."



COMMUNITY LEADERS WHO GETS WHAT

- GRAEME SAMUEL**  
Chairman  
Australian Competition and Consumer Commission  
\$34,960
- NICK KEELLY**  
Commissioner  
Australian Federal Police  
\$103,250
- DENNIS RICHARDSON**  
Chief executive  
ASIO  
\$204,230
- PETER COSGROVE**  
Chief  
Australian Defence Force  
\$142,170
- DAVID KNOTT**  
Chairman  
Australian Securities and Investments Commission  
\$34,960
- JOHN LAKER**  
Chairman  
Australian Prudential Regulation Authority  
\$490,000

- DAVID FLINT**  
Chairman  
Australian Broadcasting Authority  
\$207,200
- DONALD McDONALD**  
Chairman  
ABC  
\$300,000-\$700,000
- RUSSELL BALDING**  
Managing director  
\$390,000-\$400,000
- CARLA ZAMPATTI**  
Chairwoman  
SBS  
\$43,790
- WIGEL MILAN**  
Managing director  
\$330,000-\$340,000
- GRAEME JOHN**  
Managing director  
Australia Post  
\$189 MILLION
- LIONEL WOODWARD**  
Chief executive  
Customs  
\$320,120
- DAWN CASEY**  
Director  
National Museum  
\$200,000-\$220,000

- BRIAN KENNEDY**  
Director  
National Gallery  
\$260,000-\$270,000
- HELEN GARNETT**  
Executive director  
Australian Nuclear Science and Technology Organisation  
\$320,000-\$329,000
- GEOFF GABRETT**  
Chief executive  
CSIRO  
\$430,000-\$440,000
- MARK PETERS**  
Chief executive  
Australian Sports Commission  
\$250,000-\$260,000
- LONISE SYLJAN**  
Chief executive  
Australian Consumers' Association  
\$250,000.  
Left last week, position vacant.
- GAVIN BROWN**  
Vice-Chancellor  
University of Sydney  
\$770,000

- ROY HUME**  
Vice-Chancellor  
University of NSW  
\$200,000-\$209,999
- DI YEBBURY**  
Vice-Chancellor  
Missouri University  
\$490,000
- JANICE ZIDD**  
Vice-Chancellor  
University of Western Sydney  
\$480,000
- JOHN RICKARD**  
Vice-Chancellor  
Southern Cross University  
\$460,000
- ROGER HOLMES**  
Vice-Chancellor  
University of Wollongong  
\$200,000
- INGRID MOSES**  
Vice-Chancellor  
University of New England  
\$200,000

COMMUNITY LEADERS WHO GETS WHAT

Pru Goward gets \$127,800 to fight discrimination. Sharan Burrow takes home \$80,000 to help fight the fight on behalf of Australian workers.



**IAN GOULTER**  
Vice-Chancellor  
Charles Sturt University  
\$30,000



**DON HENRY**  
Executive director  
Australian Conservation  
Foundation  
\$10,000



**PETER MULLINS**  
Chief executive  
Greenpeace Australia Pacific  
\$45,000



**IAN KERINAN**  
Executive global chairman  
Clean Up Australia and the  
World  
\$20,000



**ROSE READ**  
General manager  
Clean Up Australia  
\$8,000



**MARK SPURR**  
Managing director  
Meat and Livestock Australia  
\$330,000-\$340,000



**ROSS TURNBULL**  
President  
HRMA  
\$125,000  
Plus traveling, car, phone  
allowances and entertainment  
expenses.



**PRU GOWARD**  
Sec. Discrimination  
Commissioner  
Human Rights and Equal  
Opportunity Commission  
\$127,800 plus up to \$21,400  
Sydney rent allowance.



**SHARAN BURROW**  
President  
ACTU  
\$86,000



**BOB CARR**  
NSW  
Premier  
\$240,620



**ANDREW REFSHAUGE**  
NSW  
Deputy Premier  
\$217,553



**MICHAEL BEAN**  
Treasurer/Senior Minister  
\$28,332  
**LINDA BIRNEY**  
NSW Sydney backbencher  
\$12,260



**JOHN BROGDEN**  
NSW  
Opposition Leader  
\$17,126



**JOHN AGULINA**  
Speaker  
\$17,126  
**RUSSELL GROVE**  
Clark  
Legislative Assembly  
\$165,500



**MARIE BASHIR**  
NSW  
Governor  
\$18,723 tax free



**STEVE BRACKS**  
Victoria  
Premier  
\$27,886



**JOHN TIMMINES**  
Victoria  
Deputy Premier  
\$102,498



**JOHN BRUMBY**  
Victoria  
Treasurer/Senior Minister  
\$189,979  
**BACKBENCHER**  
\$98,300



**ROBERT DOYLE**  
Victoria  
Opposition Leader  
\$189,979



**JOHN LUNDY**  
Victoria  
Governor  
\$210,000



**GEOFF GALLOP**  
Premier  
Western Australia  
\$241,800

Parliamentary allowances:  
ELECTORAL \$33,725-\$19,295 (Lower House); \$39,495 (Upper House);  
Travel allowance up to \$24,500 for accommodation; TRAVEL of  
10% from certain non-Sydney electoral areas; 50 economy-class  
airfares between electorate and Sydney for members and office  
holders up to \$366.65 a day; LOGISTIC SUPPORT, \$26,000-\$31,150 for  
travel, phone, mail, printing and computer expenses; MAILOUT:  
\$33,000-\$74,000; ELECTORATE CHARTER (Lower House); \$6400-  
\$19,500 (Upper House); 10% contribution 12.5% of their salaries.



**MIKE RANN**  
Premier  
South Australia  
\$105,520



**JIM BACON**  
Premier  
Tasmania  
\$189,166



**PETER BEATTIE**  
Premier  
Queensland  
\$219,225



**JON STANHOPE**  
Chief Minister  
ACT  
\$172,491  
**CLARE MARTIN**  
Northern Territory  
\$187,000



**LUCY TURNBULL**  
Lord Mayor  
Sydney  
\$210,000 of which \$20,000  
donated to charity.  
Does not include chauffeur-  
driven car.



**PETER JENSEN**  
Archbishop  
Anglican Sydney Diocese  
\$70,000



**STEPHEN BLACKADDER**  
General manager  
Warrington Council  
\$228,000  
**DICK PERSSON**  
Administrator  
\$186,160



**GORDON MESSITER**  
General manager  
Randwick City Council  
\$224,000



**GEORGE FANELLO**  
Mayor  
Liverpool  
\$55,045  
**GABRIEL MCCULLY**  
General manager  
\$210,000



**TONY POOLEY**  
Mayor  
South Sydney City Council  
\$170,000 (\$4000 paid to Jenny  
Nixon)  
**MICHAEL WHITTAKER**  
General manager  
\$217,360



**PHIL BLIGHT**  
Mayor  
Sutherland Shire  
\$19,655 (\$2455 paid to  
Jenny Nixon).



**YVONNE WILLIAMS**  
Mayor  
Perth  
**ERROL**  
**CHRIS WEDON**  
General manager  
\$160,025



**PHIL GARRARD**  
Lord Mayor  
Perth  
\$248,000 (NSW paid to deputy  
mayor)  
**JOHN NESH**  
General manager  
\$210,000



**CRAG MURRAY**  
Managing director  
Country Energy  
\$295,000



**JIM HENNESSY**  
Chief executive  
Bakers Electricity  
\$360,032



**RICHARD POWLS**  
Chief executive  
Integral Energy  
\$430,000



**GRANT EVERY-BURNS**  
Chief executive, general  
manager  
Murray's Generation  
\$400,000



**PAUL BROAD**  
Managing director  
Energy Australia  
\$540,226



**ALEX WALKER**  
Managing director  
Sydney Water Corp  
\$440,000



**DAVID EVANS**  
Managing director  
Hunter Water  
\$275,749



**TIM PARRY**  
Chairman  
IPART  
\$295,487



**JAN MCCLELLAND**  
Director-general  
Education Department  
\$242,000

附錄七 紐西蘭各部會執行長年薪一覽表 (2002.7.1-2003.6.30)

TABLE 1

**Annual Remuneration Packages for Public Service Chief Executive Positions as at 30 June 2003, where appointment is made by the State Services Commissioner**

<b>Department</b>	<b>30 June 2003</b>
Archives New Zealand	\$170,000 to \$179,999
National Library of New Zealand <sup>13</sup>	\$180,000 to \$189,999
Ministry of Housing <sup>13</sup>	\$210,000 to \$219,999
Ministry for Culture and Heritage	\$210,000 to \$219,999
Ministry of Youth Affairs <sup>14</sup>	\$220,000 to \$229,999
Ministry of Women's Affairs <sup>15</sup>	\$220,000 to \$229,999
Ministry of Pacific Island Affairs	\$220,000 to \$229,999
Education Review Office	\$240,000 to \$249,999
Department of Child, Youth and Family Services	\$250,000 to \$259,999
Ministry of Fisheries	\$250,000 to \$259,999
Department for Courts <sup>16</sup>	\$260,000 to \$269,999
Ministry for the Environment	\$260,000 to \$269,999
New Zealand Customs Service	\$260,000 to \$269,999
Department of Internal Affairs	\$270,000 to \$279,999
Serious Fraud Office	\$270,000 to \$279,999
Ministry of Transport	\$280,000 to \$289,999
Ministry of Research, Science and Technology	\$280,000 to \$289,999
Ministry of Māori Development	\$290,000 to \$299,999
Statistics New Zealand	\$290,000 to \$299,999
Ministry of Defence	\$300,000 to \$309,999
Department of Conservation	\$300,000 to \$309,999

<sup>13</sup> The Chief Executive served part of 2002/2003.

<sup>14</sup> As at 30/6/2003, the Chief Executive of the Ministry of Youth Affairs was also the Acting Chief Executive of the Ministry of Women's Affairs.

<sup>15</sup> As at 30/6/2003, the Chief Executive of the Ministry of Women's Affairs was an acting chief executive. The sum reflects the remuneration for the previous permanent chief executive.

<sup>16</sup> As at 30/6/2003, the Chief Executive of the Department for Courts was an acting chief executive. The sum reflects the remuneration for the previous permanent chief executive.



<b>Department</b>	<b>30 June 2003</b>
Department of Corrections	\$310,000 to \$319,999
Department of Labour	\$310,000 to \$319,999
Ministry of Agriculture and Forestry	\$310,000 to \$319,999
Department of Work and Income <sup>17</sup>	\$320,000 to \$329,999
Ministry of Foreign Affairs and Trade <sup>13</sup>	\$320,000 to \$329,999
Land Information New Zealand <sup>18</sup>	\$330,000 to \$339,999
Ministry of Justice <sup>19</sup>	\$340,000 to \$349,999
Ministry of Economic Development	\$340,000 to \$349,999
Treasury <sup>13</sup>	\$340,000 to \$349,999
Ministry of Education	\$350,000 to \$359,999
Ministry of Health	\$350,000 to \$359,999
Inland Revenue Department	\$370,000 to \$379,999
Department of the Prime Minister and Cabinet	\$370,000 to \$379,999

<sup>17</sup> Operates under the title of Ministry of Social Development.

<sup>18</sup> As at 30/6/2003, the Chief Executive of Land Information New Zealand was an acting chief executive. The sum reflects the remuneration for the previous permanent chief executive.

<sup>19</sup> As at 30/6/2003, the Chief Executive of the Ministry of Justice was also the Acting Chief Executive of the Department for Courts.