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Daniel F Benson-Guiu

By email: fyi-request-22194-87faf911@requests.fyi.org.nz

Tēnā koe Daniel

Request under the Official Information Act 1982

Thank you for your email of 21 March 2023, requesting the following information from Te Pūkenga – New Zealand Institute of Skills and Technology (Te Pūkenga):

- 1) What advice has Te Pūkenga received to inform the statement that "all of our people are public servants" prior to the email sent to staff on the 9th of March.*
- 2) All correspondence between the Chief Executive of Te Pūkenga and the Te Pūkenga Council regarding political neutrality of staff.*
- 3) All correspondence between Te Pūkenga Council, or its Chief Executive, with MPs, and/or the Prime Minister, and/or the Tertiary Education Commission following the email to staff on the 9th of March.*

This letter provides a formal response to your request under the Official Information Act 1982 (OIA).

Background and contextual information

I assume that you are referring to the internal newsletter that was provided to all Te Pūkenga kaimahi on 9 March 2023 where I provided a reminder about the updated General Election Guidance 2023 by the Public Service Commission (Commission).

It is not uncommon for leaders in the public service to remind their people of their obligations ahead of elections.

Te Pūkenga is an unusual Crown Entity. Our Charter sets out what we must deliver in legislation and we receive a Letter of Expectations from the Minister of Education. That means we do not have institutional autonomy.

However, we do have academic freedom and we must uphold that freedom as well. I acknowledge that is a tight line for our people to walk, which is why we shared the advice of the Commission regarding the elections.

The decision

Te Pūkenga did not receive any advice to inform the statement that “all of our people are public servants” prior to the email sent to staff on 9 March. I do note that the Commission’s election guidance states under the heading ‘Who this guidance is for’ that:

This guidance applies to public sector agencies and their staff. The Public Service Commissioner has issued this guidance under section 19 of the Public Service Act 2020 to provide advice and guidance to the public sector on political neutrality and integrity and conduct during the election period.

In general, this guidance applies to the following agencies...

- *Tertiary education institutions such as universities*

The only correspondence between myself and Te Pūkenga Council regarding the political neutrality of staff was a report to Council titled, Chief Executive’s report to Council – Closed Session, on 1 March stating:

I will be reminding kaimahi of their obligations as public servants, particularly note that the Public Service Commission has released guidance for conduct during the general election process. I have linked that guidance as [Appendix Four](#) which also applies to governors.

I am refusing your request for all correspondence between Te Pūkenga Council, or its Chief Executive, with MPs, and/or the Prime Minister, and/or the Tertiary Education Commission following the email to staff on the 9th of March under section 18(e) of the OIA as it does exist.

You have the right to make a complaint to the Ombudsman under section 28(3) of the OIA if you are not happy with this response. Information about how to do this is available at www.ombudsman.parliament.nz or by calling 0800 802 602.

Ngā mihi



Peter Winder
Tumuaki | Chief Executive

