

Service Delivery and Public Trust in New Zealand Aotearoa: a Discussion Paper

Overview

This paper has been prepared by Pia Andrews to discuss the urgent public sector reform needed to address the increasing gap between the evolving needs of New Zealanders, and the inability for the public sector to adapt and holistically serve those needs. The paper focuses on two problem areas:

1. fractured, inconsistent and confusing service delivery is ineffective at meeting and adapting to the diverse needs of New Zealanders; and
2. trust and truth needed to make successful policy and operate services effectively.

This paper cannot solve the entirety of these complex problems, rather it makes recommendations to create a sustainable pathway that would make meaningful progress.

The public sector in New Zealand has a special role in providing a financial and social platform upon which the community and individuals should be able to economically, socially, culturally and environmentally thrive. In an era of increasing change and rolling emergencies (pandemics, environmental, terrorism, cyber threats, etc), it has become critical and urgent to redefine the public sector to be genuinely holistic, proactive and collaborative. This adaptive public service is needed not just to ensure some semblance of stability in an unstable world, but also to continue to advance the living standards of New Zealanders by realising public policy intent through holistic and effective delivery. To enable this stability and advancement the public must be able to sustain trust in a public sector that provides and builds services on a reliable, referenceable and transparent foundation of truth. Through this foundational embrace of truth, the phenomena of fake news, deep fakes and other technologies that are fast normalizing into daily life as threats to active citizenship and democratic institutions can be prevented from eroding peoples trust in their public service.

This paper considers several operating models for service delivery in Westminster-style public sectors. These models extend traditional machinery of government models in innovative ways drawing on examples from Australia, Canada and New Zealand.

The New Zealand Public service is far from alone in emerging from the COVID19 crisis into a world that has experienced profound changes. Internationally, these changes have led to a clear divergence in strategy between governments who desire a “return to a pre COVID normal” versus governments for whom that presumption is considered either infeasible or unwise as they seek to adjust to new economic, social and climate realities.

Governments in the latter category are prioritising major policy and structural reform to ensure greater policy agility, higher impact and outcomes realisation, and improved quality of life outcomes through public policies and services. This crisis is a key motivator for writing this discussion paper, to encourage the New Zealand Government and public sector to discuss immediate and systemic reforms, and to consciously decide whether New Zealand intends to “return to normal” or to genuinely “build back better”.

The **primary recommendation**:

- That the New Zealand Government use the provisions made in the newly passed Public Service Act (2020) to **establish a new entity named “Service Aotearoa” to serve a Minister with responsibility for the public’s experience with New Zealand Government services**. In New South Wales, this is the *Minister for Customer Service*. In the Australian Government, this is the *Minister for Government Services*. There is no equivalent in New Zealand, which means that the experience of New Zealanders in accessing government services varies with each portfolio and no one is accountable for a holistic and person/whanau centered overall experience with government services. A new entity is important as there is a higher likelihood of failure or partial delivery if Service Aotearoa is simply established as a project or program within an existing department or ministry. This is evidenced by Canadian, NSW and other experiences.
- That the **Government Chief Digital Officer (GCDO) function and mandate be kept separate from Service Aotearoa**, as is the case in other jurisdictions. It should either remain within the Department of Internal Affairs (DIA) or be moved to the Public Service Commission (PSC) and be re-confirmed as providing all of government policy, oversight, assurance and direction on IT, and to support the oversight, vision and benefits realisation of Service Aotearoa.

Secondary recommendations

- That the New Zealand Government **develops proposals to improve and safeguard the trust of New Zealanders in their public sector**.
- That the New Zealand Government **explores the role of the public sector in truth and verification** to support the people and communities of Aotearoa to navigate the 21st century.

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Overview	1
Problem 1: Service delivery is fractured, inconsistent, confusing, and ineffective at meeting policy objectives	3
Comparing government service delivery in Westminster systems	4
Proposal 1: Establish ‘Service Aotearoa’	6
PHASE 1: Getting started	6
PHASE 2: Scaling and extending	9
Levers for service excellence	9
Problem 2: Public Trust in the Public Service is good, but to sustain this trust and prevent its erosion in the age of ‘fake news’ is critical to avoid negative impacts on policy and service effectiveness.	10
Proposal 2a: A programme to explicitly drive public trust in the public sector	11
Proposal 2b: Establish an independent unit to explore ways for the public sector to support citizens with truth	13
Why are these problems urgent now?	14

Problem 1: Service delivery is fractured, inconsistent, confusing, and ineffective at meeting policy objectives

It is very difficult to ensure overarching policy objectives are being met by New Zealand government services so long as citizens continue to be redirected back and forth between myriad applications, identity solutions, processes, websites, apps and departmental staff. This mode of operating creates a citizen experience that is inconsistent, disempowering and deeply frustrating. For government, operating this way creates service gaps, especially for vulnerable people, and lacks any end to end accountability, oversight or ability to innovate.

In this context service delivery refers to the range of transactional, referral or support services provided by government to the public eg booking a bed in a department of conservation hut or applying for a student loan. These transactional services are distinct from communications or pure information services eg www.govt.nz. Consolidated information is common for public sectors (eg www.govt.nz) however, it has not proven sufficient to deliver a cohesive, effective or consolidated service experience to citizens. The three basic models of service delivery outlined in this paper, are:

- **Fully consolidated service delivery** - a single point of contact and service resolution for citizens, with full accountability for end to end citizen experience with gov.
- **Partially consolidated service delivery** - a single point of contact & service resolution that extends beyond one portfolio/department, but not for whole of government.
- **Distributed service delivery** - no single point of contact or service resolution, no single point of accountability for end to end user experience beyond single departments.

Service delivery relies on well defined and supported channels that the public use to seek and receive services from agencies. A “channel” necessarily involves incorporation of all aspects of service delivery from support and assistance in accessing a service, through different delivery methods (eg online or in person), along with the management, continuous improvement and holistic reporting on service performance and effectiveness. Channels are important as they are the face and experience for citizens of public services.

There is at present no single or cross department “channel” for New Zealand Government services today. Each department runs their own channels for their own services, forcing New Zealanders to have to navigate structural, portfolio & policy complexity for even a simple service experience.

The Service X model presents an opportunity to establish a cohesive and integrated omni-channel approach that consolidates digital and non-digital channels across portfolios, and establishes an effective whole of government service for citizens, ranging from those who can help themselves to those requiring a fully supported experience. This would deliver a path to consistent, citizen centred and scalable public services for New Zealanders. This cohesive omni-channel approach has worked extremely successfully in several jurisdictions and is worth considering for New Zealand Aotearoa.

This paper considers three Westminster-based jurisdictions because they translate readily into New Zealand’s public service context, but it is also worth noting that many jurisdictions have shifted to consolidated service delivery models, including Estonia, South Korea and other leading Digital Nations. Canada and Australia are looking to greater service consolidation on the back of the success of Service NSW to provide a consistent quality of well supported and integrated services and omni-channel service delivery. This model provides a means of having a single accountable entity responsible for the experience of citizens with government services, ideally accountable to a single

Minister. This model also maintains vertical portfolio accountabilities whilst enabling horizontal coordination of unified service delivery.

Comparing government service delivery in Westminster systems

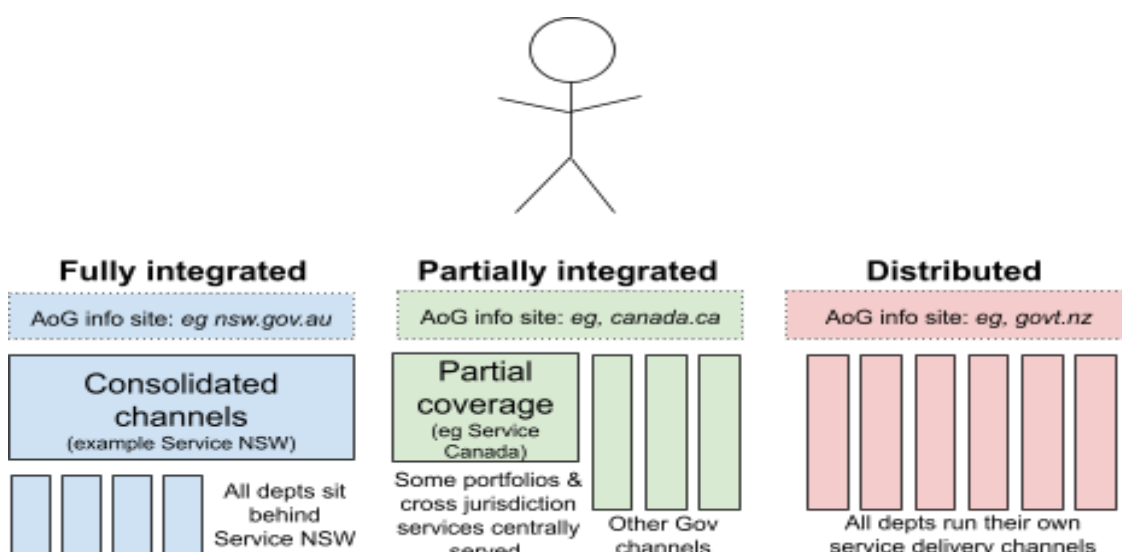
Service NSW provides a consolidated, seamless and user-centric experience for the people of New South Wales to interact with the services provided by the Government of NSW, Service NSW was originally modelled on Service Canada, which was established in 2005. The early business case and documentation around both initiatives recognized the need to have a consistent and common experience of government for citizens. Both examples provide lessons learned and ideas for improving service delivery in New Zealand.

Below is a table contrasting the three jurisdictions:

	New South Wales: Fully integrated services	Canada: Partially integrated services, otherwise decentralised	New Zealand: Decentralised services <i>Note: Smartstart is a counter example in NZ</i>
Service delivery model	Single point of contact and resolution for citizens, full accountability for end to end experience with gov	A single point of contact & resolution that extends beyond one portfolio, but not whole of government (yet)	No single point of contact or resolution, no single point of accountability for end to end user experience
Population	~8 million (NSW)	~38 million (Canada)	~5 million (New Zealand)
Services brand	Service NSW	Service Canada	None. govt.nz for referrals and information only.
High level description	An omni-channel virtual service delivery layer that sits in front of Westminster government structure for a cohesive and integrated citizen experience.	Current state: integrated phone and walk in centre services for ESDC + extras. By end 2022: omni-channel integrated services for ESDC. Future state: AoG omni-channel.	Departmentally based service delivery with a single information website. MyMSD provides integrated services for MSD.
Scope of service	All of Government. Mandated single point of omni-channel service delivery for all NSW Government departments, except Justice systems and some exemptions. Service.nsw.gov.au is distinct from nsw.gov.au .	All of Portfolio plus extras, expanding to AoG. Single point of service delivery for Canada with in-person & phone channels, including AoG identity proofing and some Provincial gov services. Currently no single online Service Canada presence (distinct from Canada.ca).	No AoG service delivery. An AoG website govt.nz but no AoG or cross portfolio service delivery.
Established through	New government owned entity with clear mandate	Program within social service department	N/A

AoG CX maturity	High - consistent, high quality, integrated CX for people with the entire gov of NSW.	Medium - inconsistent CX, some cross departmental gov services, primarily in non-digital channels.	Low - no cross gov delivery (sans SmartStart), no omni-channel services, no CX accountability or strategy.
Number of services currently served	Currently over 1200 transactional services for over 14 departments.	Currently over 60 benefits, programs or services for several Departments (ESDC, IRCC, Provinces)	Single departments served through departmental initiatives like MyMSD .
Single place for service delivery	Single omni-channel presence for all of government (digital channel + call centre + walk in). Complementary to AoG website for Gov of NSW to communicate with citizens.	Single website for AoG (Canada.ca) with AoG call centre (1800-0-Canada) and 400 walk in locations for Service Canada. Single omni channel Service Canada (digital & non-digital) by 2022.	Single website for AoG communications (govt.nz) but no transactional services, no single AoG channel support for service delivery (digital, call centres or walk in).
AoG website	Yes - nsw.gov.au	Yes - canada.ca	Yes - govt.nz
AoG digital channel	Yes - service.nsw.gov.au	Not yet - will have (likely servicecanada.gc.ca)	No
Integrated	Yes	Partial	No
Single owner of CX	Yes	Partial (yes for non digital)	No
Single look and feel	Yes - mandated	Yes - mandated	Optional

For clarity: most AoG websites provide information **about government** (annual reports, structures, legislation, etc) and somewhere to communicate with citizens. Jurisdictions with integrated service delivery models (like NSW and Canada) have **integrated, effective and efficient delivery of services under a unified brand**, to complement but not compete with government communications.



Proposal 1: Establish 'Service Aotearoa'

At a high level it is recommended that the three principles upon which Service Aotearoa should be built could be:

- **Ratonga hiranga** - putting citizen and community needs and values at the heart of a culture of service, where government services don't just aim for efficiency and effectiveness, but also ethical, high trust, helpful, dignified and delightful service delivery.
- **Ratonga taituarā** - the idea that Service Aotearoa provides support and services to agencies and partners to a) consistently and easily onboard government services to a consolidated model, but also b) provide support services to non Central Government (Local Government, non-profit and for profit) service providers. Bringing these service providers around the same table helps to ensure the best holistic outcomes for New Zealanders, an approach pioneered globally by the SmartStart team for collaborative service governance, co-development and co-delivery.
- **Ratonga whakamahi** - a means of using Service Aotearoa infrastructure as part of a reusable framework of Digital Public Infrastructure, upon which the rest of the economy, society and non government sectors can rely upon and innovate. This could include legislation and regulation as code, registers of human services, reusable data and APIs, etc.

PHASE 1: Getting started

Phase 1 of Service Aotearoa could be a three year program funded from underspend or an agency levy, where some proportion of resources could be provided through agency funded secondments, but some would have to be financially supported to secure and embed expertise and experience from outside the current New Zealand public sector. It could leverage structural and operating models from Service NSW, Service Canada and to a lesser degree, Estonia or other public sectors where service delivery has been made more integrated. Service Aotearoa could include in the resourcing plan a set number of FTE allocated to a program of international and cross sector secondments to provide advice, expertise and experience to establish the planning, design and delivery of a modern omni-channel service delivery model for government in Service Aotearoa.

In three (3) years it would be realistic and achievable to establish the following:

- Establish a new entity named **Service Aotearoa**, explicitly mandated to establish a single omni-channel service delivery model for the Central Government through either:
 - forming a new departmental entity; or
 - leveraging the new Public Sector Act to form a new cross government organisation.
- **Clearly define the Service Aotearoa omni-channel approach** including a modern and supported digital channel to help people self-serve, but also provide integrated and high quality non-digital channels where needed or preferred.
- **Establish a Chief Services Officer** as the CE for Service Aotearoa, who is accountable for the entire public experience with government services, across the board. This role would be responsible for designing, delivering and ensuring an all of system reform towards consolidation and integration of services for the purpose of a better end-to-end experience for citizens and businesses, starting with high value and high volume services, as well as centralised responsibility for better line of sight of policy impact and benefits realisation from government services.
- Design options for the **Target Operating Model and Funding Model for Service Aotearoa** including options for beyond the 3 years, taking into consideration where the moving of

capabilities or consolidation efforts could resource and/or fund Service Aotearoa on a permanent basis. This would be done in collaboration with GCDO, Treasury and all service delivery departments.

- **Engage with the public to co-design their experience with Service Aotearoa** as a means of ensuring the operating mode, services design and principles of delivery are aligned with public values and best placed to meet the diversity of needs across Aotearoa whilst establishing public trust at the same time.
- A **Service Aotearoa Framework and Roadmap** to establish the policy, authorities and any necessary legislation needed for Service Aotearoa and to prioritise portfolios for service consolidation, whilst also identifying and clarifying exemptions such as justice and policing.
- A **Service Aotearoa tiered support model** could be established for Service Aotearoa to provide tier 1 (and potentially also tier 2) support to citizens and businesses for services across government, with escalation to line agencies as required. This should provide the opportunity to consolidate tier 1 services across government and provide a friendly, integrated experience for citizens, whether they are dealing with online services, a call centre or a walk in centre, whilst also providing a single point of referral for complicated cases.
- Deliver some early services and value to citizens through early **omni-channel services**:
 - a **Service Aotearoa digital channel** for integrating service delivery across the public sector. Something like services.govt.nz or serviceaotearoa.govt.nz. Self-help tools, life event based services, social services and integrated COVID services might provide a good initial scope for Service Aotearoa. Meanwhile, govt.nz can continue to be where the Government communicates with the people of New Zealand.
 - a **Service Aotearoa call centre** that provides tier 1 support, services and referrals, staffed by a proportion of existing call centres, to provide some initial improvements in quality of service delivery.
 - **Service Aotearoa walk-in services** will need to be carefully planned in coordination with the existing walk in services network, including DIA, MSD, IRD and others.
- A **Service Aotearoa partnership model** could be established for Service Aotearoa to a) provide support and coordination to proxy service providers such as the Citizen Advice Bureau, Iwis and public libraries, and b) provide relevant service components for reuse across the sectors of New Zealand, such as service registers, legislation/regulation as code, data APIs, and other components, delivered in a strict trust framework to ensure high trust systems are only available to high trust partners, with proactive monitoring and escalation models.

An independent and all of government function needs to drive the broader vision, assurance, investment, strategy, standards and oversight for digital transformation for Service Aotearoa and the whole system, so ideally the **GCDO** (from either DIA or PSC) would need to be strengthened to achieve the following in parallel:

- An **effective and assurable Government Services Standard with assurance services** which includes the Digital Service Standard, but also includes SLAs and other levers for consistent service delivery. This standard should be something that all public facing government services should need to prove compliance with for new services to go live and for some proportion of funding to be released. The Minister should be accountable for all public facing services, and service assessments should be publicly available.
- **Establish whole of government monitoring of CX (Customer Experience) and service delivery measures** to get visibility on the experience of citizens with all public facing government services, call centres etc, and to start nudging agencies towards some consistencies in service delivery excellence. In NSW, a Customer Service Commissioner was

established that did public reporting on the CX of all departments, which drove significant culture change across all of government.

- Work with the **Policy Project** in DPMC to consider ways to bridge the currently fragmented policy-delivery continuum, to establish a policy transformation agenda, and to establish common ways of measuring the policy effectiveness of services across the board.
- Establish **modern approaches to funding and managing service delivery** that addresses the limitations of waterfall and project based funding and management approaches, whilst strengthening the overarching programme management levers to ensure services drive programme and policy outcomes. New approaches can be trialled in Service Aotearoa.
- Establish **common approaches to public engagement and public participation** in governance to be trialled and modelled in Service Aotearoa, and rolled out to the broader public service.

It would be worth considering some specific public sector capabilities that might be helpful to bring in to Service Aotearoa or to shift accountability to the services Minister in this period. For example the life events capability and cross agency services from DIA could be part of Service Aotearoa. All call centres and public facing services could be required to provide some common reporting to the Minister in order to a) prioritise areas of service reform and b) start to nudge all agencies towards the same vision and target state from the start.

It is important to note that starting Service Aotearoa from within any existing department would require significant vision, commitment and a way of working outside the departmental norms. Otherwise Service Aotearoa will become a carbon copy of the system as it stands today, shaped by the policies, practices, culture, constraints, perceptions and agenda of the host department. It would have a far better chance at achieving change as a new entity that engages in cross government governance and partnership frameworks, without the constraints therein. This is explicitly what the Public Sector Act (2020) makes provision for.

PHASE 2: Scaling and extending

Phase 2 might include:

- Applying and extending the models designed in Phase 1.
- A consolidation program based on the portfolio prioritisation from Phase 1 to incorporate more services into the Service Aotearoa model.
- Establishment of ongoing funding.I, perhaps through converting the funding into a permanent appropriation.
- Either extending from citizens to businesses, or keeping Service Aotearoa as a citizen only service delivery framework.

Levers for service excellence

The Government needs to consider key levers to assure service excellence. Just a few are below, but many are worth considering.

- All of Government assurance framework built on common Service Standards with
 - a. go live powers reliant upon passing the standard with service compliance reports publicly available; and
 - b. x% funding held until standard is met, to budget early proactive compliance.

- c. Cross government assurance panels, which creates peer review to drive compliance behaviours systemically.
- All of government monitoring of user, service, policy and wellbeing measures, with:
 - a. funding tethered to user, policy and wellness success metrics, not just efficiencies.
 - b. Benefits measurement built into the service delivery model.
 - c. Escalation models for new trends as they emerge (positive or negative).
 - d. Quality of service dashboards that are publicly available to incentivise service excellence.

Problem 2: Public Trust in the Public Service is good, but to sustain this trust and prevent its erosion in the age of ‘fake news’ is critical to avoid negative impacts on policy and service effectiveness.

The Public Sector delivery of an effective partnership with the team of five million New Zealanders has driven public trust to record levels. This trust enabled one of the world’s most effective responses, but if this trust is to be sustained and channeled into adapting to an increasingly uncertain post COVID world trust needs to be consciously addressed and prioritised. Public sectors globally are struggling to shift from simply seeking permission (or social licence), to actually operating in a more trustworthy way, sustained consent environment. This important work to transform the public sector to operate in a more trustworthy way would result in open, engaged, auditable and fair government for the digital age, and a genuine increase in public trust of public institutions. This would position government capabilities as trusted and adaptive foundations of New Zealand’s future.

Governments and public sectors the world over are facing an impending trust and confidence crisis, and must carefully and collaboratively engage on the question of what structures, processes, oversight and forms of transparency and public scrutiny would be considered trustworthy by the public today. Otherwise, public institutions will lose trust, as will the democratic outcomes, social and economic services, policies and laws that they uphold.

A secondary problem is the growing reach and sophistication of fake news and deep fake technologies, in a context of declining trust in information institutions (such as news media, science, academia and public sectors). People tend to believe what they see and are grappling with the way computers can convey misleading information. Deep fake technology can automate the creation of believable videos of *anyone saying anything* - no matter how offensive or outrageous. We are about to enter a very dark age where individuals, governments and communities are increasingly and proactively “gamed” or “played” *en masse* for profit, crime, sabotage or even just for fun. Beyond the authenticity of information, facts, fiction and fakes coexist online, and citizens are increasingly struggling to navigate truth. On one hand, one person’s truth is another’s lie, but there are possibly some better ways to help support citizens and communities to navigate truth in the 21st century, and to help populate the public domain with robust and trustworthy data and facts, where and when they exist.

We can consider misinformation and the dissemination thereof, as two problems:

“At a US Senate intelligence committee hearing in May last year, the Republican senator Marco Rubio warned that deepfakes would be used in “[the next wave of attacks against America and western democracies](#)”. Rubio imagined a scenario in which a provocative clip could go viral on the eve of an election, before analysts were able to determine it was a fake.

“Democracies appear to be gravely threatened by the speed at which disinformation can be created and spread via social media, where the incentive to share the most sensationalist content outweighs the incentive to perform the tiresome work of verification” (Parkin, 2019)¹.

¹ Parkin, S. The Rise of Deepfake the the Threat to Democracy, (2019), The Guardian <https://www.theguardian.com/technology/ng-interactive/2019/jun/22/the-rise-of-the-deepfake-and-the-threat-to-democracy>

The New Zealand Law Society commissioned a report into deepfakes in 2019, which has a range of recommendations worth considering² but it also makes the point that the main threat is from international and machine/AI sources, so domestic laws will not provide much protection.

The issues of truth and trust are integral to the relationship between government and citizens, and as seen from developments in other democracies, and the threats from digital deep fakes, social media misinformation campaigns and similar technologies has become a realised and growing danger. In the past we have relied upon independent media institutions and broadcasting controls to identify and mitigate these risks but with the disruption and bypassing of these channels through self-reinforcing social media echo chambers online, combined with exponential growth in misinformation, it is clear that the implications for future elections, public messaging, public policy and social cohesion are potentially dire. The question for government is what role, if any, should the public sector or the judiciary play in trying to support citizens to navigate these treacherous waters?

It is critical to start this work as soon as possible, so that New Zealand is in a position to have a well supported general public (or at least means to support the general public) prior to the next election, which will likely be rife with deep fakes that will create chaos for public dialogue, civility and perceived electoral integrity. Such misinformation also creates profound security threats, and whilst our intelligence agencies have traditionally provided a degree of protection against such threats, the highly permeable, borderless and individual worlds created by social media suggest that partnership with more community based methods will be required to ensure the sector can continue to meet the challenge of higher order threats to New Zealand's security.

As we enter the age of Artificial Intelligence, public sectors should also be planning what an augmented public sector looks like, one that keeps values, trust and accountability at the heart of what we do, whilst using machines to support better responsiveness, modelling, service delivery and to maintain diligent and proactive protection of the people and communities we serve. The great but often misunderstood opportunity of AI is to better humanise government services. As it stands the incremental and iterative implementations of most AI projects is more likely to deliver a more inhuman and mechanised public services. Without strong ethical service frameworks that are measured in accordance to the Wellness Framework, New Zealand risks missing the opportunity to design a modern public service that gets the best of humans and machines working together for the best public outcomes.

Two proposals for navigating this issue of trust, truth and authenticity are outlined below.

² Distorting Reality: Deepfakes and the Rise of Deception, (2019), The Law Society
<https://www.laneneave.co.nz/distorting-reality-deepfakes-and-the-rise-of-deception/>

Proposal 2a: A programme to explicitly drive public trust in the public sector

To increase and sustain public trust, the public sector needs to be more accessible, transparent, responsive to and engaged with the people and whanau we serve. Generating trust is difficult and complex due to the collective experiences and personal nature of the relationships trust is built from. A way to focus and shape initiatives to be trust building in these relationships is to have the service designer or owner ask four simple and user-centred questions. These help to build systems to be trustworthy, and therefore capable of being trusted.

- How would you audit the process and decisions?
- How would an end user appeal a decision?
- How would you know whether this action/process is having a positive or negative impact?
- What does the public and the participant need for you to be considered trustworthy?

Almost anything government does needs to have a solid, demonstrable answer for **all** of these questions. Mapping the 'user journey' for the first three questions reveals the need for both real time and perpetual decision capture, traceability of authority (i.e legislation, delegation or policy) in making a decision; and, discoverability and communication of decisions to end users. If the service designer/owner understands and designs an optimum user experience for auditing and appealing the decisions or outcomes of the work, then it is likely the process or action will build and sustain trust. These questions represent best practice for creating services, but it is the third question that is unique to and critical for the public sector to be effective – it is vital to ask people what would make a relationship with an agency trustworthy, rather than just asking for (or demanding) trust? Becoming conscious of trust as a vital dimension of relationships and processes is vital to the work of government. Using a user centered design tool like this simple set of questions can help define this trust dimension and in the aggregate help sustain the record trust vested in the public service by New Zealanders.

A user-centred approach would help in the design for how to be seen as trustworthy by the people and communities that need and rely on government every day, noting that this will likely be different for different agencies and public sector functions.

Modern government is complex in any dimension, be it scale, number of services or processes followed. As the public sector seeks to embrace tools like AI to deliver outcomes and greater value to taxpayers it is important to understand how these technologies interact with the institutions of state. In this respect New Zealand would be better served by an informed democracy than a data driven government. In aiming for an informed democracy the explainability and transparency of a decision are key building blocks. Some people who are in the AI or data analytics industries would respond that explainability is too hard, or would compromise the Intellectual Property of the algorithm owner or Privacy of participants in the training set and the work is only a contributing factor to a decision and not the decision itself. However the explainability and transparency of these components is vital to understanding issues of bias, exception and application within these decisionmaking processes. In short it is vital that the advice and actions of the public service derived from these digital tools is able to be clearly seen and explained.

Capturing and assuring the explainability of a decision or action taken by the public service is critical for the ability to audit, appeal, and maintain the integrity of our public institutions. It is also critical for

ensuring the actions and decisions are lawful, permitted, and correctly executed. As such, it is important to ensure and regularly test the end-to-end explainability and capture of that information for the work done in the public sector, especially where it relates to anything that directly impacts people — like service delivery, taxation, justice, regulation, or penalties.

To be the trusted advisor to an informed democracy the public sector has ALWAYS been required to provide explainability in administrative decision-making. Administrative law principles require that decision-makers only make decisions that are within their delegated power, only take into account relevant evidence, and provide their decision together with reasons for the decision and avenue for appeal. The public sector is uniquely experienced and obligated in this respect. The challenge for the public service is to mobilise this experience and ensure the explainability of increasingly complex technological decision making support tools.

There has been precedent on these matters of auditability in the Australian courts. In late 2018 the landmark court case of ([Joe Pinterich v Deputy Commissioner of Taxation](#)) which ruled that an automated piece of correspondence was not considered a ‘decision’ because there was no mental process accompanying it. This creates a question and issue for the legitimacy of all machine-generated decisions, as was stated in substantial detail by the dissenting judge, and should be a major driver for agencies to invest in and mandate explainability to be captured in any significant decision-making so that the relevant and traceable authority is captured for the record, and so that those decisions can’t be easily overturned by this precedent. This makes the creation of a capability like Service Aotearoa more urgent in order to ensure that the benefits of these technological systems can be used to better deliver for New Zealanders, but also remain compliant and trustworthy.

Recommendations for growing and maintaining trust in the public sector in the 21st century are:

Traceability and accountability

- Ensure, agree and document the principles and practices of Administrative Law across government to guide and drive the ethical and transparent use of digital, data and AI practices as they have evolved in recent decades
- Establish a Better Rules approach for all new legislation and regulation, with publicly available reference implementations of all legislation and regulation as code
- Create a public record capturing decisions, based on what rules were invoked and with what authority to drive ease of auditing, records recall and visibility by individual citizens.
- Assure compliance with administrative law internally & externally, with automated monitoring and escalation of decisions and transactive processes.
- Develop active and continuous feedback loops from delivery back into policy/legislative improvement to provide for continuous improvement

Measurably good human outcomes

- Engage with diverse communities to create measurement frameworks and to co-design policy, services and to ensure alignment of programs and delivery to public values and public good
- Implementation of the Wellness Framework across the government, including in service delivery measures, budgets, business cases analysis, prioritisation frameworks, policy assurance
- Create and implement Government Service Standards that embed and normalise human outcomes

- Proactively impact monitor quality of life outcomes at a process and line of business/ service scale
- Link all activities to purpose, human outcomes and policy intent in a publicly accessible framework.

Considering software and AI as users and moving to proactive operating models

- Develop adaptation pathways for the access of services by machine agent users.
- Build on the Government Algorithm Charter with an Algorithmic Impact Assessment approach to actively plan for “good” machine usage and mitigate “bad” machines. The Algorithmic Impact Assessment approach in Canada is worth considering as a pathway that can be implemented with suitable adaptation for Tiriti o Waitangi.
- Assume a level of scale that dramatically outpaces human interventions, which means inclusion of real time monitoring for patterns in government services and policy interventions
- Use agile, test driven & scalable techniques to create a policy-service spectrum that meets the evolving needs of New Zealanders.

Safe & ethically motivated teams and organisational structures

- Create a mandate and time to think and evaluate the best approach, not just the expedient one. Simple tactics like building a ten percent innovation time factor into “business as usual” operations.
- Create a situational awareness of emerging trends and respond strategically and timely in the interests of New Zealanders.
- Evolve proactive and collaborative governance to implement tiriti o waitangi and empower service owners.
- Develop Systemic incentives that drive “good” outcomes, like openness as a principle
- Empower and commission teams to build cultures that value peer review, transparency & purpose.
- Include human measures in executive KPIs and reporting for agencies and drive Accountability, especially for executives, to help nudge good decisions.

Further reading here:

<https://www.themandarin.com.au/118830-trust-infrastructure-for-digital-governance-and-the-21st-century/>

Proposal 2b: Establish an independent unit to explore ways for the public sector to support citizens with truth

Truth is harder than ever to decipher, and mistruth has been weaponised and operationalised at both a state and community scale. In this environment how can the public sector support the public better to support public values, public confidence and social cohesion?

Within New Zealand’s current system of government, the search and determination of the truth has been largely reserved to the judiciary. The justice system has long been the agent of truth, but Royal Commissions and the judicial system are reactive and have high costs of entry for users that make them unsuitable to support people being hit by social media every second.

The public sector could commission a cross sector collaboration, working to the Justice Ministry (to avoid the perception of politics) to investigate options for how to better support New Zealanders to navigate truth in the era of fake news. It is critical to start as soon as possible, so that New Zealand is potentially in a position to have a well supported general public (or at least means to support the general public) prior to the next election, which will be rife with deep fakes that will create chaos for public dialogue and civility. Whilst our intelligence agencies have traditionally provided a degree of protection against threats of this nature, the highly permeable, individual worlds created by social media suggest that a more community based method will be required to ensure these intelligence capabilities can continue to meet the higher order threats to New Zealand's security.

The Privacy Commissioner has an important high trust role in protecting people and would be a useful alternative or partner for investigating this matter.

Why are these problems urgent now?

Public sectors around the world are facing increasing challenges as the speed, scale and complexity of modern life grows exponentially. The 21st century is known as the anthropocene – as large, complex and globalised systems enmesh our societies on a scale unseen in previous history. The 20th century saw a global population rise from 1.6 billion to 6 billion, two world wars that spurred the creation of global power and economic structures, the number of nations rose from 77 to almost 200. The twentieth century also saw the emergence of a global middle class, an enormous rise in living standards and the emergence of the internet and digital technologies. These global megatrends have changed the experience, connectivity, access to knowledge, and empowerment of individual people everywhere. As humanity has bound itself together in integrated global systems this has also integrated the shocks and stresses experienced by those systems into global experiences such as climate change, COVID19 and fundamental restructurings of the global economy. The public sector must continue to serve in this evolving, integrated context leading to new challenges for democracies worldwide.

The public sector has an important role in society to a) serve democracy, b) support a high quality of life for New Zealand, and c) maintain economic and social balance through various types of direct and indirect regulation, services, and public infrastructure. It is therefore critical that we take a moment to consider the role(s) of the public sector in the 21st century, and whether there are any new areas of need that the public service could play a unique role in supporting or regulating.

“Traditional” approaches to policy, service delivery and regulation are too slow, increasingly ineffective and result in increasingly hard to predict outcomes or unintended consequences, making most public sectors and governments unable to meet the changing needs of the people and communities we serve. Decades of austerity, hollowing out expertise, fragmentation of interdependent functions that are forced to compete, outsourcing and the inevitable ensuing existential crisis have left public sectors less prepared than ever, at a time when people most need us. Public sectors have become too reactive, constantly pivoting all efforts to the latest emergency, media release or whim of the Minister, whilst not investing in baseline systems, transformation, programs or services that are needed to be proactive and resilient. Policy and delivery folk should be hand in hand throughout the entire process, and the baton passing between functionally segmented teams must end.

COVID has been a dramatic reminder of the broad ineffectiveness of government systems to respond to rapidly changing need, in three distinct ways. We see (1) the **heavy use of emergency powers**

relied upon to get anything of substance done, demonstrating key systemic barriers, but rather than changing the problematic business as usual processes, many are reverting to usual practice as soon as practical. (2) **superhuman efforts have barely scratched the surface of the problems**. The usual resourcing response to pressure it to just increase resources rather than to change how we respond to the problem, but there are not exponential resources available, so ironically, (3) **inequities have been compounded** by governments pressing on the same old levers with the same old processes without being able to measure, monitor and iterate or pivot in real time in response to the impacts of change.

With COVID driving an unprecedented amount of change in public sectors globally, it makes sense to consider machinery of government assumptions and what “good” looks like in the 21st century.

In late 2020, there was a major [UNDP summit called NextGenGov](#), where all attendees reflected the same sentiment that public sectors need significant reform to be effective and responsive to rolling emergencies moving forward. Dr Sania Nishtar (Special Assistant to the Prime Minister of Pakistan on Poverty Alleviation and Social Protection) put it best:

‘it is neither feasible nor desirable to return to pre-COVID status quo’.

Something to reflect on, for all of us.