

## State Services Commission’s consideration of complaint about Treasury policy paper was not unreasonable

<b>Legislation</b>	Ombudsmen Act 1975
<b>Agency</b>	State Services Commission
<b>Ombudsman</b>	Dame Beverley Wakem
<b>Case number(s)</b>	376980
<b>Date</b>	March 2015

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*Whether the State Services Commission’s consideration of a complaint made by the New Zealand Post Primary Teachers’ Association about a Treasury policy paper, was reasonable—Ombudsman concluded SSC did not act unreasonably when it considered that complaint*

The complaint was made by the New Zealand Post Primary Teachers’ Association (NZPPTA) and pertains to the actions taken by SSC in investigating the NZPPTA’s complaint regarding a briefing paper drafted by the New Zealand Treasury for the Minister of Finance, which the NZPPTA considered breached the Standards of Integrity and Conduct. The briefing paper was entitled ‘Education Policy Priorities’ and dated 3 July 2012.

The complaint made to SSC by NZPPTA about the briefing paper, was made on the basis that Treasury had stepped beyond neutral civil service advice. The Deputy State Services Commissioner advised the complainant that the concerns raised in the complaint ‘*relate to the perceived quality of the advice and its completeness. There is nothing in the information referred to that would suggest any political bias on the part of Treasury officials in fulfilling their policy advice role. Accordingly this is not a matter that warrants my attention*’. NZPPTA believed that SSC misunderstood the legal position with respect to the status of the Code and failed to respond appropriately to the concerns raised.

The SSC reviewed the matter and concluded that NZPPTA’s allegations couldn’t be substantiated.

Following the investigation, the Ombudsman found that SSC had taken relatively comprehensive steps to consider the complaint from NZPPTA and provided an explanation

about why the complaint was not upheld. The Ombudsman concluded that SSC did not act unreasonably in concluding that the briefing paper did not breach the Standards of Integrity and Conduct. Further, in the context of the wide discretion in section 8 of the *State Sector Act*, SSC's decision to decline to undertake a broad based review on the basis of the briefing paper, was reasonable. The Ombudsman considered that it was open to the Deputy Commissioner to conclude that further intervention by SSC was unwarranted in these circumstances. The complaint was not upheld.

*This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman's view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.*