



Who is responsible for tendering free and frank advice?

Ultimately each chief executive is responsible for tendering free and frank advice — this is for them or their delegates to decide, not for other employees to decide independently. However, to achieve this, chief executives rely on free and frank advice being the norm at every level of its development.

Should free and frank advice be given on all Ministerial priorities?

Yes, regardless of how the priorities are agreed, including through coalition arrangement negotiations, directions from other Ministers, and unforeseen events. If officials think Ministers need to hear advice they should find a way to give it, while being cognisant of what Ministers are trying to achieve.

What if the Minister does not accept the advice given?

Final policy decisions are for Ministers. If Ministers decide on a course of action, despite contrary advice from officials, it is important that the Public Service is responsive to that decision. Once the decision is made, it is the duty of public servants to implement the decision within the law. In regard to public comments on government policy, authorised spokespeople for departments may publicly explain government policy, while defending or justifying it is the Minister's role.

When should advice be given on policy decisions that have already been made?

Once a policy decision has been made, it is not expected to be reconsidered by Ministers. However, public servants can exercise judgement to help Ministers reconsider relevant previous decisions if:

- new pertinent information comes to light
- an uncanvassed opportunity or risk becomes apparent
- government policy directions change
- there is a change in government or Minister(s).

What free and frank advice can be withheld from release under the Official Information Act?

The importance of free and frank advice is reflected in [section 9\(2\)\(g\)\(i\)](#) of the Official Information Act 1982. Advice can be withheld if its release may inhibit the future provision of free and frank advice which is necessary for the effective conduct of public affairs and the good government of New Zealand. Section [9\(2\)\(f\)\(iv\)](#) is also relevant and concerns maintaining the constitutional conventions which protect the confidentiality of advice tendered by Ministers and officials. The Ombudsman has released guidance on [free and frank opinions and the OIA](#).

What role do Ministerial staff have in supporting free and frank advice?

Ministers are free to take advice from other sources too, including involving Ministerial staff in policy development. [The Code of Conduct for Ministerial Staff](#), who are not held to the political neutrality standard, specifies that they should be fair, professional, responsible and trustworthy. This includes respecting the authority of the government of the day, the role of Parliament, and the duty of an impartial Public Service to provide free and frank advice and undertake their responsibilities free from inappropriate influence.

How will I, as an advisor at any level in the agency, be supported if the Minister doesn't agree with the advice?

All advice going to the Minister will have gone through internal agency sign-off processes and goes to the Minister as the agency's advice. If you have been involved in providing advice which is not accepted by the Minister, the next steps are to work with your manager and other colleagues to understand and respond to the Minister's feedback. It may be valuable to debrief at an appropriate time to consider what worked well and what has been learned. If you have any outstanding concerns, raise them with your manager.

What kinds of activities constitute policy stewardship?

Policy stewardship activities reveal new knowledge and insights materially relevant to policy. Specific activities vary over time and by agency and sector, and can be:

- internally-led (for example, dedicating resources to futures thinking, systems thinking, science, research, evaluation, data analytics and identifying risks and opportunities for current and future policy)
- collaborative (for example, actively collaborating with other public sector agencies, local government or external organisations to investigate and realise shared opportunities)
- externally-led (for example, supporting NGOs, academia and private organisations who invest in understanding and openly sharing information and views on policy-relevant issues).

What resources are available now to support free and frank advice and effective policy stewardship?

The [Policy Capability Framework](#) describes key components of agency policy capability for producing quality policy advice. It is used by many agencies to test their capability and prioritise improvements, with 'lines of inquiry' and potential indicators across four main dimensions of capability, identified by policy leaders as critical in a high performing policy shop. The stewardship dimension covers leadership and direction, strategy and priorities, culture, and investment in future capability.

The [Policy Quality Framework](#) describes the key characteristics of quality policy advice (what good looks like), as well as the 'enablers' of great advice (like considering multiple perspectives, good commissioning, quality assurance processes and work planning). This is being used by many agencies to peer review draft advice, and to review advice being tendered for quality improvement purposes.

The [Policy Skills Framework](#) sets out the knowledge, applied skills, practices and behaviours required of policy professionals — from those developing their policy craft to more seasoned experts. It is being used for many purposes including both team and individual development planning.

The Policy Project has also implemented the [Policy Methods Toolbox](#), which is a repository of policy development methods that can help policy practitioners select the right approach. There are six main themes in the Policy Toolbox - Start Right, Behavioural Insights, Design Thinking, Community Engagement, Futures Thinking, Treaty of Waitangi Analysis.