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How Can We Make Independent Public Policy Institutions a Less Fragile Species?

Reflecting on the closing of the Productivity Commission

Abstract

In late November 2023 the staff and commissioners of the New Zealand Productivity Commission Te Kōmihana Whai Hua o Aotearoa were shocked to learn that the newly elected coalition government would be abolishing the commission. It was disestablished just three months later, having functioned for 13 years. The commission's primary task was to provide the government with independent policy advice, via inquiries requested by the government of the day. From an historical perspective, the commission's closure was unfortunately par for the course. Few independent government institutions providing economic and social policy advice have survived even that long. This article explores the factors which contribute to these short lives, and the factors which contribute to the effectiveness of such institutions, and suggests ways in which they can be made less fragile.

Keywords independent advisory institutions, designing public institutions, policy advice, governance, politicisation, durability

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In late November 2023 the staff and commissioners of the New Zealand Productivity Commission Te Kōmihana Whai Hua o Aotearoa were shocked to read in a newly released agreement between the ACT and National parties on the formation of the newly elected coalition government that they would be closing down the commission. It was closed down just three months later, at the end of February 2024, 14 years after its establishment by another National-led government in 2010.

From an historical perspective, the commission's closure was unsurprising. Few independent government institutions whose primary role is the provision of economic and social policy advice have survived even that long. This article is not primarily concerned with the particular circumstances surrounding the demise of the Productivity Commission. Rather, it draws on this experience and that of similar institutions in order to explore the factors which contribute to these short lives and, having identified them, propose ways to strengthen the effectiveness and longevity of these institutions. Realistically, however, some factors are impossible to guard against: a government that is determined to sweep away certain institutions or

thinking cannot, in New Zealand's unicameral system, easily be stopped.

The importance of such institutions lies in their ability to address complex, long-term questions that may be controversial or require a specific focus or specialist expertise. Without advice on such questions, governments risk 'flying blind' because they cannot adequately consider the long-term impacts of their decisions. They may not identify looming issues, or the significance of them, before the issues

the government of the day.¹ They can also be free of the vested interests or ideological approaches that are often present in private 'think tanks' either under the influence of their permanent funders or as a result of needing to continue to attract contracts upon which their existence depends.

- Independence needs to be assured in some way. This can be achieved principally through statutory protection, governance arrangements

at work, such as the relatively uncontentious nature of some (not all) of their work, and the public view of such scientists as being research-based and apolitical (a view which unfortunately appears to be changing). I therefore limit the scope mainly to social science research and policy, including economics.

The article proceeds as follows. It first outlines the types of institutional forms available in New Zealand and their pros and cons for IPPIs. It then considers the factors influencing their survival or otherwise. Finally, it considers possible methods for laying a foundation for the success of IPPIs and lengthen their lives. Examples of New Zealand IPPIs, including the Productivity Commission, are used where relevant to illustrate my arguments.

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reach a critical state or become difficult or impossible to address effectively. While government departments address some such issues, their resources tend to be focused on providing advice to ministers on issues of the day, so short-termism is an inherent problem, it is difficult for them to devote substantial time – a year or more – to a single issue, they may lack the required expertise, and their advice can be constrained by silos. Independence, both from private vested interests and from particular ministers, agencies or silos, is valuable in its own right.

Conceptually, such organisations could be public or private and have a range of different forms of ownership and governance. The focus here is on public bodies which have a reasonable degree of political independence, and whose purpose and function is to provide research-based policy advice and analysis to the government, for these reasons:

- Government (public) institutions rather than private ones are the focus because they are expected to have a public purpose and serve the public interest. With sufficient statutory independence, they can be, and can be seen to be, offering analysis and advice that is largely free of the influence of

(including appointment processes) and, as a practical matter, stable funding. Independence is distinct from advice provided from within government departments, which, while required to be 'politically neutral' and 'free and frank' under the principles of section 12 of the Public Service Act, must also, sometimes despite their best advice, carry out their minister's will and often act under pressures of ministers and time.

- The provision of research-based policy advice is distinct from pure research and indicates that the policy advice provided by such bodies is evidence-based.

I refer to such institutions as 'independent public policy institutions' or IPPIs.

While the Productivity Commission had an economic focus to its work, the scope of this article is wider because the interest is in independent policy advice rather than the precise subject matter. In any case, there are relatively few examples of such institutions with an economic focus. On the other hand, I do not wish to stray too far into other subject areas, such as the natural sciences or technology, because there may be other survival factors

Institutional forms of IPPIs

The principal current institutional forms most likely to be considered an IPPi are those specified under the Crown Entities Act 2004, particularly autonomous Crown entities and independent Crown entities, and possibly Crown research institutes (which are Crown entity companies²). All have a responsible minister, and their independence is controlled by the degree to which the minister can direct them, and the ease with which he or she can dismiss board members.

However, there are other possibilities. Officers of Parliament such as the parliamentary commissioner for the environment have considerably more independence, being appointed by and reporting to Parliament (through the Officers of Parliament Committee) rather than a minister.

Arrangements with less statutory independence include research units within government departments or Crown research institutes, Crown agents (also under the Crown Entities Act), departmental agencies (department-like agencies which are hosted within a department, from which they may have some independence), centres within universities, earlier forms of entity used in New Zealand, or a bespoke form perhaps based on an overseas example. Table 1 summarises the advantages and disadvantages of the various forms other

Table 1: Possible institutional forms of IPPIs

Form	Main legal basis	Advantages	Disadvantages	Examples
Crown agent	Crown Entities Act	Under less ministerial control than a department	Must comply with direction by minister to <i>give effect</i> to a government policy; board members, unless elected, ³ can be dismissed at its minister’s discretion.	Accident Compensation Corporation Tertiary Education Commission
Autonomous Crown entity	Crown Entities Act	Under less ministerial control than a Crown agent	May be directed to <i>have regard to</i> a government policy; board members, unless elected, can be dismissed at any time for a reason the minister considers justified.	Infrastructure Commission Retirement commissioner
Independent Crown entity	Crown Entities Act	High degree of statutory independence. May not be directed by minister, unless there are specific provisions in another Act. Board members can be dismissed at any time only by the governor-general for just cause on the advice of the minister in consultation with the attorney-general.	Ministerial appointments to boards may create concerns that the selection is politically biased (true for all Crown entities). Directly subject to government funding decisions Less independence than officers of Parliament	Law Commission Human Rights Commission Climate Change Commission Productivity Commission (before being disestablished)
Officers of Parliament	Specific Acts	Highest degree of statutory independence. Appointed by, report to and can be dismissed only by Parliament	Parliament appears reluctant to create such positions: there are only three.	Ombudsman Controller and auditor-general Parliamentary Commissioner for the Environment
Research unit within government department or Crown research institute	Authority of chief executive	Close to main ‘client’ (the host entity), so relevance to funder is clear. Funding flows from host.	Independence and funding depend on chief executive and financial state of host. May not be seen as independent externally. Unlikely to survive host’s merger or closure.	Research unit in Department of Labour until department’s closure and absorption into MBIE in 2012
Departmental agency	Public Service Act 2020	Similar status to a department	Similar status to a department. Reports to a minister and depends on goodwill of host department.	Ministry for Disabled People (within MSD) Aroturuki Tamariki –Independent Children’s Monitor (within Education Review Office)

than the last three. I go into more detail in the following sections.

Prior to the Crown Entities Act 1992, IPPI-type organisations took a variety of forms. An example is given below (the New Zealand Planning Council) whose board included the relevant minister and the secretary for the Treasury, through which it was funded.

Though not a comprehensive analysis of institutional types, Skilling (2018) surveyed productivity institutions in some small advanced economies. The New Zealand Productivity Commission, an independent Crown entity, was modelled on the Australian Productivity Commission, which has a similar independent status and is a descendant of a series of government bodies beginning in 1921. Ireland’s National Competitiveness and Productivity

Council (established in 1997) is an independent body providing advice to the government, with a ‘balanced’ ministerially appointed council made up of experts, representatives of employer and employee bodies, and heads of three related government bodies. It draws on a related department (which has representation on the council) for research (National Competitiveness and Productivity Council, 2020). Sweden’s agency, Growth Analysis, is also a standing body with its own staff, working by government commission under the supervision of a ministry while taking an independent position, but its institutional characteristics are not clear. Denmark has had a series of expressly time-limited institutions generally made up of representatives from unions, business and experts and including senior ministers (two

were chaired by the prime minister), and one made up solely of experts. Norway had a time-limited commission of experts modelled on Denmark’s experience. Singapore also has convened time-limited institutions, with members including ministers, unions, business and academics. Supported by government officials, they prepared reports to the government using committees which included external experts and stakeholders, and public consultation.

Factors affecting the fragility of IPPIs

When it was being disestablished, the Social Policy Evaluation and Research Unit or ‘Superu’ (another short-lived IPPI, formerly the Families Commission) commissioned David Preston (a former senior Treasury and Department of Social

Welfare official) to provide, with reference to Aotearoa,

A history of agencies, programmes and other initiatives (e.g. reviews of the social sciences) which have attempted to boost the use of research and evidence in social policy. This will not be a history for the sake of history. Rather, it will aim to identify the common reasons why most of the previous attempts have not survived, so as to inform future initiatives.

For Whom the Bell Tolls: the sustainability of public social research institutions in New Zealand (Preston, 2018) (henceforth

small institution to cover in depth. Size is a factor: a larger institution, which larger countries can afford, can maintain specialists whose expertise can assist many areas of inquiry.

Well-identified research priorities

Preston describes this as ‘the need to produce research which meets the needs of its clients, either the government directly or the public sector agency commissioning the research or providing the grants’ (p.67). He comments that this is almost automatic for units within government departments and for agencies which rely on research contracts for most or all of their funding. However, it is a

Effective relations with the departmental policy and service delivery agencies

Preston observes that :

‘Effective’ does not always mean ‘harmonious’, however, even when the research unit is within the department concerned. ‘Effectiveness’ can have several meanings. Policy effectiveness involves being close to the policy action and being able to provide useful information, even if its value is only recognised retrospectively ... When there is a good relationship with a sector department, and the institution is seen as providing valuable research information, the department tends to act as an advocate for the institution.

Approximately half a century ago a statutory body with a mandate to provide economic policy advice to the government was established by a National Party government; fourteen years later it was abolished by another National Party government ...

Reframing the factors

Given this discussion of Preston’s factors for survival, I reframe them for clarity and practicality as follows. They are listed roughly in what I judge is declining order of importance:

1. the ability to respond to the needs of the government of the day without compromising independence;
2. funding models that provide secure baseline support for maintenance of expertise and long-term thinking;
3. political, multi-party acceptance of the need for such long-term institutions despite political risks;
4. a manageable breadth of required expertise given the size of the institution and the resources available to it;
5. independence from other government agencies while maintaining good working relationships with them.

These require a mixture of structural attributes, such as a statutorily independent form, and careful management, particularly by the IPPI itself, ministers and other government agencies. I consider these attributes in more detail after looking at some examples.

Examples

An example from Preston underlines the non-uniqueness of the Productivity Commission’s demise with remarkable parallels. Approximately half a century ago a statutory body with a mandate to provide economic policy advice to the government was established by a National

‘Preston’) provides valuable insights and history, providing many examples of relevant institutions. The analysis is largely of institutions focused on social science, but overlapping with other areas and including economics.

Preston (pp.67–9) identifies the following ‘institutional success factors’, in addition to the general ones of ‘competent professional staff and good management’.

A clearly defined field of research

Preston observes that when operating with too broad a field of interest, it is difficult for staff to maintain the depth of expertise that single sector researchers can provide (p.69). In the context of Aotearoa, this often comes down to focus on a single sector or topic (perhaps risking maintenance of silos), although even education or productivity are sufficiently multifaceted to create difficulties for a

perennial problem for public institutions which must both be seen to maintain their independence and carry out work which the government of the day considers relevant. There is a constant risk that ‘meeting the needs of its clients’ becomes, or is seen as, a euphemism for following the political agenda of the day.

A stable long-term funding model, at least for baseline funding

Preston makes clear that ‘[h]aving a stable and appropriate long term funding model is important to publicly owned social research organisations’. While departmental research units can be funded from the department’s own appropriations, independent institutions require ‘some form of block grant for at least base line funding to recognise the role they performed in providing information and advice to the government’.

Party government; fourteen years later it was abolished by another National Party government with four months notice:

The New Zealand Planning Council (1977–91) was set up as an advisory body to Government in an era when economic planning was in vogue. It commissioned research projects across a wide range of sectors and produced policy reports. By 1991, its long term planning focus was unwelcome to the government of the day and it was abolished. (Preston, 2018, p.15)⁴

For both organisations, it appears that the kind of advice the institutions were providing was no longer welcome. I will return to this example below.

Other examples provided by Preston which are of interest in the present context include the Commission for the Future (1977–82), established at the same time as the Planning Council, and with an even shorter life. The Families Commission/ Superu (2003–18) lasted about as long as the Planning Council and the Productivity Commission. Another entity which had a particularly short life was the New Zealand Institute for Social Research and Development, a Crown research institute for the social sciences, which survived only three years, 1992–95, unable to attract sufficient contract research on which the government required it to depend.

On the other hand, the New Zealand Council for Educational Research (NZCER), an example of a single-sector IPPI (and in practice mainly the compulsory education sector), was established in 1934 and is still going strong. Preston also includes the Health Research Council (established in 1938), although this is predominantly a research funder.

Other commissions with a research and policy advice role and the status of either autonomous Crown entity or independent Crown entity are relevant. Two were relatively recently established: the Infrastructure Commission Te Waihangā (established in 2019, an autonomous Crown entity) and He Pou a Rangi Climate Change Commission (established in 2019, an independent Crown entity). The longer-lived commissions with this role are Te Ara Ahunga Ora Retirement Commission

Table 2: IPPIs since the 1980s, with lead political party of governments responsible

IPPI	Established	Government	Disestablished	Government
Commission for the Future	1977	National	1982	National
Families Commission/Social Policy Evaluation and Research Unit (Superu)	2003	Labour	2018	National/ Labour
He Pou a Rangi Climate Change Commission	2019	Labour		
Infrastructure Commission Te Waihangā	2019	Labour		
Institute for Social Research and Development	1992	National	1995	National
Mana Mokopuna – Children and Young People’s Commission	1989	Labour		
New Zealand Council for Educational Research Rangahau Mātauranga o Aotearoa	1934	United/ Reform		
New Zealand Planning Council	1977	National	1991	National
Parliamentary Commissioner for the Environment Te Kaitiaki Taiao a te Whare Pāremata	1986	Labour		
Productivity Commission Te Kōmihana Whai Hua o Aotearoa	2010	National	2024	National
Te Aka Matua o te Ture Law Commission	1985	Labour		
Te Ara Ahunga Ora Retirement Commissioner	1995	National		
Te Kāhui Tika Tangata Human Rights Commission	1977	National		

(established in 1995, an autonomous Crown entity), Mana Mokopuna – Children and Young People’s Commission (first established in 1989 as the children’s commissioner, taking a number of statutory forms, most recently an independent Crown entity),⁵ Te Kāhui Tika Tangata Human Rights Commission (established in 1977, an independent Crown entity) and Te Aka Matua o te Ture | Law Commission (established in 1985, an independent Crown entity). Of these, Preston looked only at the Law Commission, and then only in passing, limited by the scope of his report.

It is notable that all of these longer-lived commissions except for the Law Commission include among their responsibilities some form of adjudicatory or monitoring function tied to legislation, and in the case of Mana Mokopuna the United Nations Convention on the Rights of the Child, mainly related to human rights. Plausibly, this is a survival factor, but one that is not available to all IPPIs. The Climate Change Commission also has

statutory responsibilities related to the Climate Change Response Act 2002, but it is too soon to tell whether that protects it.

The three officers of Parliament are instances of a different form of independent public body. They are directly responsible to Parliament rather than to a minister, and cannot be dismissed or disestablished other than by a resolution of Parliament. All have been in existence for many decades. The youngest, the parliamentary commissioner for the environment Te Kaitiaki Taiao a te Whare Pāremata (established in 1986) fits the IPPI model well with its relatively broad remit of investigating environmental concerns and producing independent reports and advice.⁶

Table 2 lists the IPPIs I have identified which existed for part or all of the period since the 1980s.

Preston also looks at research units within government departments and agencies, including the Department of Labour, Ministry of Social Development, Ministry of Education, Accident Compensation Corporation and Ministry

of Health. The lives of these units depend on the needs and the nature of the departments. Large departments that are core to government and have existed over many decades tend to have long-lived research units. Others have more uncertain lives, and even well-established units can disappear in organisational restructuring. For example, the Department of Labour had a well-regarded research unit which was lost when the department was merged into the Ministry of Business, Innovation and Employment. They are also subject to ministerial intervention and influence, and, depending on the minister, an expectation of deference towards him or her.

Rather than abolish the [Planning] council, the [National] government could have changed the membership of its board and recast its terms of reference, preserving the expertise of its staff and their collective institutional knowledge.

An example provided by Preston of the hazards of organisational changes and relationships with ministers is the fate of the *Social Policy Journal of New Zealand*. The journal was initiated in 1993 by the Social Policy Agency, a business unit within the Department of Social Welfare, to provide 'a way of disseminating policy and research findings related to the wider social services sector', and attracted external contributions. The Social Policy Agency itself was merged back into a new Ministry of Social Policy (with the Department of Social Welfare's corporate office) in 1999, but the journal survived until 2010.

No official reason was ever given for the closure of the Journal. However, informal sources commented that an article about to be published included information which indicated that a statement made by a Minister was

inaccurate. Publication of the issue was delayed until public interest in the topic died down and it was decided to cease publication of the Journal, apparently to avoid future difficulties with Ministers. (p.31)

Similarly, Preston records that some topics were 'subject to a culture of control about what is publicly released' (p.70).

It is notable that among the IPPIs identified, all the closures were by National-led governments. By contrast, National-led and Labour-led governments each set up about half of the IPPIs (seven and six respectively out of 13).⁷ This record is

despite Labour-led governments seeing some IPPIs as being unsympathetic to them, as discussed below. The only formal exception is Superu, whose closure was begun by a National-led government and completed by an incoming Labour-led one. All the disestablished institutions were set up by National-led governments except for Superu, which, as the Families Commission, had been established by a Labour-led government.

Discarding rather than adapting existing institutions contrasts with the Australian Productivity Commission (a model for the New Zealand Productivity Commission at its establishment). This was formed in 1998 by merging three existing bodies, which in turn had histories of mergers and changed functions of organisations going back to 1921 (Productivity Commission (Australia), 2003).

Further discussion of the survival factors *The ability to respond to the needs of the government of the day without compromising independence*

As already observed, this is a perennial problem for public institutions which must both be seen to maintain their independence and carry out work which is seen as relevant to the government of the day and the public. This dilemma becomes particularly acute when there is a significant change in the philosophical or ideological framework of an incoming government or a powerful government department, particularly Treasury.

As Preston suggests, it is very likely that important factors in the Planning Council's demise were its unwillingness to adopt enthusiastically the new agenda of the neoliberal reformers of the 1984–90 Labour government, the National government elected in 1990, and Treasury, the lead agency in the reforms. Treasury, also responsible for the council's funding and with its secretary on the board, recommended the council's abolition (Kelsey, 1997, p.64).

McKinnon documented in his official history of the Treasury that it was opposed to planning and was 'determined to wean ministers from Keynesian thinking'. For example, Treasury was abandoning the objective of full employment, which was core to the council's work and the post-WWII policy consensus, had fundamental differences with the council over the significance of New Zealand's chronic balance of payments problems, and some within the council favoured a more gradualist approach to economic liberalisation than the lead political and bureaucratic reformers (see, for example, Hawke, 2012, pp.22, 24; McKinnon, 2003, pp.288–9).

The council's demise at the reformers' hands was despite it having published papers which were highly influential among those leading and advocating for the reforms (see, for example, Bertram, 1993, pp.37–9).

An IPPi may put itself at risk if it takes its independence too much to heart. As Fischer put it with reference to the Planning Council:

Perhaps of greater concern is the extent to which a body which is not independently funded can retain an independence in its publications. The right to publish, if not carefully used, could be seen as the right to self-destruct. (Fischer, 1981, p.21)

The National government had other options. Rather than abolish the council, the government could have changed the membership of its board and recast its terms of reference, preserving the expertise of its staff and their collective institutional knowledge. It could also have welcomed – or at least tolerated – the informed advice which the council could have provided, contesting that coming from Treasury. But, as Bertram and Kelsey documented, it was but one of a large number of institutions, including other sources of alternative policy advice, which were shut down during that period – a *modus operandi*.

The Productivity Commission's statute, the New Zealand Productivity Commission Act 2010, mandated its 'responsible minister' to give the commission its inquiry topics (s9). This was arguably designed to tread the narrow path between meeting the needs of the government of the day and maintaining the institution's independence. Yet this was not well understood by some members of the public, and it appears some politicians, who criticised the commission rather than the government for its inquiry topics.

Nonetheless, the commission had a reasonable strike rate in its recommendations being agreed to by the government of the day (between 51% and over 90% depending on the inquiry reviewed), shown in a paper published by the Productivity Commission shortly before its closure, *How Inquiries Support Change: lessons learnt from Productivity Commission inquiries* (Productivity Commission, 2024, p.35).

Grant Robertson was the responsible minister for the commission as minister of finance in the Labour-led governments from 2017 to 2023. When it took office, this government was under pressure from some members of the Labour Party to disestablish the commission. They probably had in mind the pro-market orientation of commission reports in its

first years under the National-led government, and that the commission was established under an agreement between ACT and the National Party. The founding commissioners included an ACT candidate in the 2005 general election and a principal architect of the controversial 1980s–90s reforms described above, former Treasury secretary Graham Scott, with a prominent figure in implementing the reforms, Murray Sherwin, as chair. Robertson said he resisted this pressure because he considered productivity to be important. He took the orthodox route of replacing the original commissioners as their terms expired. The refreshed board changed

or to party-political favouritism. The two are not necessarily the same: an institution which carefully avoids party-political favouritism could produce output that some may see as biased. That is particularly likely when paradigms of thinking change. The real test is whether the bodies competently perform the function intended for them. However, the frequency of such claims suggests that further protection against politicisation would be useful.

ACT made closing the commission a part of its coalition agreement with the National Party, saying that it was to partially fund a new Ministry for Regulation. The two could, of course, have co-existed, or

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direction to the degree that it put a greater emphasis on wellbeing (part of the commission's statutory purpose from its inception), the distributive impacts of productivity, and a broad understanding of productivity that included natural, human and social capital as well as the standard physical capital and labour. This approach was consistent with evolving Treasury, OECD and government thinking on living standards and wellbeing.

A former commission economist and Murray Sherwin considered the commission had been 'politicised' (Heatley, 2023; Tibshraeny, 2023). Of course, in the Labour Party's eyes, and those of some Green MPs too, judging by the parliamentary debate on the closure legislation (for example, Swarbrick, 2024), it was politicised from the start, as Heatley conceded was possible. Claims of politicisation are not unusual for public bodies, referring to either their output or those running them (particularly in senior or governance roles). The claim of bias can refer either to political flavour (ideology)

the commission, which had the skills, could have had the detailed review of regulations added to its work. But the new ministry, unlike the commission, would be under the direct control of its minister.

There is a parallel with the demise of Superu. Its winding up was begun by a National-led government which preferred its new Social Investment Agency, established in 2017 (itself replacing the cross-agency Social Investment Unit established a year earlier). The incoming Labour-led government did not revoke either decision. According to Preston, 'Superu did not provide the type of policy-ready programme evaluation that the government wanted' (p.16). The Social Investment Agency was a departmental agency, with much closer control by ministers than Superu, which was an autonomous Crown entity.⁸

It is a fact of life that most ministers prefer to have policy organisations under their control. Control lies at the heart of the relationship between ministers and public agencies.

Funding models that provide secure baseline support for maintenance of expertise and long-term thinking

Fischer described over 40 years ago the perennial tensions between funding and independence. For the Planning Council, its reliance on funding through Treasury may have added to intensifying tensions over policy directions. It is far from an ideal relationship, though, in the case of Treasury, it will always have some influence over the funding of any government organisation. The Productivity Commission's funding was not increased for its first decade, leading to a running down of its independent

Almost universally, IPPIs will be considering matters that are medium- to long-term rather than of immediate relevance. Even the time needed for a thorough piece of research, including consultation, literature reviews, original work and report writing, means that immediacy is impracticable. Long-term funding is needed for long-term thinking.

Political, multi-party acceptance of the need for such long-term institutions despite political risks

An independent institution which takes its role seriously will at times tread on the

productivity commissions. But this is hardly conclusive, and a more extensive study would be required to be sure. It would need cross-party consensus on the importance of maintaining such institutions despite disagreements about their outputs from time to time, and probably an explicit agreement, to change this unfortunate state of affairs. It will be salutary to watch the fate of two recent additions to the IPPi stable – the Infrastructure Commission and the Climate Change Commission – both of which have produced reports which have not been welcome in some powerful quarters.

Public opinion is difficult to rouse, particularly for institutions such as the Productivity Commission which relatively few people are likely to have heard of, let alone care deeply about. An example of tolerance set by politicians, as described in the previous paragraph, would help signal the value of IPPIs to the public.

I suggest how changes to the structure of institutions could help reinforce the expectation of independence in the next section.

As the New Zealand record shows, institutional structures cannot protect an institution indefinitely, but it is worth considering what might make some structures more effective and resilient than others.

research function and inter-agency work, and reduced inquiry capacity. It eventually received a nominal increase in its funding in 2021.

The short life of the Institute for Social Research and Development as a fully commercial Crown research institute is an extreme example of the consequences of a lack of stable funding. Some successful institutions have been helped by foundational grants (for example, from the Carnegie Foundation to NZCER for its first ten years), by being part of a university (though with mixed results), and, for private institutions, through not-for-profit and charity status. None, other than NZCER, have assurances of ongoing funding and all still rely to some degree on contract income.

There is also the potential for reliance on contracts to weaken the independence of an institution if it worries that its forthrightness will antagonise potential clients. Stability and certainty in funding supports independence while allowing the institution to take risks.

toes of those in power. The response of power holders – who may be politicians and senior officials in government, or powerful or influential private sector interests – determines whether the bruised toes become a danger to the institution. The institution can be protected by institutional structures; conventions that politicians will tolerate such irritations, meaning in practice that they may respond robustly but will not attack the institution's existence or individuals within it; or public opinion in defence of the institution, or at least of a controversial report.

As the New Zealand record shows, institutional structures cannot protect an institution indefinitely, but it is worth considering what might make some structures more effective and resilient than others. I will return to this shortly.

Equally, the record shows that the convention of toleration appears to be weak in New Zealand – perhaps weaker than in Australia, judged by the very different longevity of their respective

A manageable breadth of required expertise

While Preston argues that a sector-specific focus safeguarded NZCER, education is a broad field, so it has done well to manage its resources. The longer-lived commissions could also be said to have a relatively narrow focus (while not a 'sector'), but to greatly varying degrees: the Retirement Commission, the Children and Young People's Commission/children's commissioner (although it has recently travelled a rocky road), the Human Rights Commission, and the parliamentary commissioner for the environment. The Law Commission is an exception, given the broad range of legislation it is asked to review, and the parliamentary commissioner for the environment could be argued to have the same problem of covering a very broad subject area as the Productivity Commission.

By their design, the Productivity Commission and the Planning Council strayed from this criterion. The Planning Council had a very broad remit, covering

social, economic and cultural matters, and its publications cover a wide range of issues (New Zealand Official Yearbook, 1978–92; Fischer, 1981). Fischer wrote just four years after the council was formed that ‘The extremely broad range of functions prescribed for the Planning Council ... creates conflicts for the Council in carrying them out, and also gives rise to high expectations among the Council’s clientele’ (p.9).

While the Productivity Commission’s focus was limited to productivity and its impacts on wellbeing (as described in its statutory purpose),⁹ that in itself is a broad topic when its drivers and impacts are considered, and, adding to those, how the different parts of the economy and society affect or are affected by productivity performance. In practice the commission was driven by its statutory duty to carry out inquiries specified by its responsible minister, which covered a broad range of industries, government services and areas of policy, and this breadth was evident with respect to all three of the ministers it served under (English, Joyce and Robertson).

Preston observes that operating with too broad a field of interest makes it difficult for staff to maintain the depth of expertise that single-sector researchers can provide (p.69). That was a constant challenge for the Productivity Commission, exacerbated by its externally controlled inquiry model, which it resolved in part by contracting in specialist researchers and through its consultation processes. The Planning Council made heavy use of contracting and secondments from other government agencies (Fischer, 1981, p.9). But size is a factor: a larger institution could afford to maintain specialists whose expertise might be applicable across several areas of inquiry. Heavy use of contracting to access expertise can mean that building institutional expertise is forever delayed. The maintenance of expertise is a taonga in itself, given New Zealand’s size and tendency to lose expertise overseas.

While this factor clearly affects the ability of an institution to do its job well, it is possible to manage, as IPPIs such as the long-lived Law Commission and parliamentary commissioner for the

environment have shown despite the broad areas they cover.

Independence from other government agencies while maintaining good working relationships with them

On the face of it, this is in the hands of the IPPI itself. However, in the Planning Council example, there were external factors which led to a deteriorating relationship with its most important agency for both policy and funding purposes, Treasury. Arguably,

received generally good support from Treasury until it was closed down.

How could IPPIs be strengthened?

In this section I propose options to address some of the fragility factors identified above. Table 3 summarises the options. Inevitably, each suggestion must balance pros and cons, and often there is no perfect answer. The context will always be important. It is hoped this will start a discussion that can improve the chances of New Zealand maintaining quality,

Another method to give the government of the day influence over topics is to have the responsible minister or person who is explicitly expected to represent the responsible minister on the IPPI board.

that occurred because it maintained its independence. Sometimes these relationships can be outside the control of the IPPI and it has to do the best it can in the circumstances.

On the whole, the Productivity Commission appears to have had ‘effective’ relationships with departments and agencies in Preston’s sense, demonstrated in its evaluations of each inquiry, and in the evidence collected in *How Inquiries Support Change*. Staff from some departments appreciated that the Productivity Commission was able to think long-term in a way that they were unable to because of the immediate demands upon them. It also helped overcome the difficulty of silos.

The commission’s longer-term view and spanning of silos did create tensions with other agencies at times, shown by them resisting recommendations or showing sensitivity at ‘their’ turf being walked on. But they also appreciated the analysis it produced. In the end the dissatisfaction of any agency was not evident in its closure, and, in particular, it

long-lived independent public policy institutions.

Responding to the needs of the government of the day without compromising independence

While the balance between relevance and independence is in large part an issue of IPPI structure and political attitudes, which are covered below, it is also about how to give the government of the day sufficient influence over where the IPPI allocates its efforts without compromising the IPPI’s independence by influencing the resulting findings and recommendations. While the government of the day is the primary client of the IPPI, other government agencies and the public should not be forgotten. Without their support, changes in policy are unlikely to occur.

The Productivity Commission, similar to some other IPPIs, such as the Law Commission, was required to produce reports on topics (which I refer to as ‘inquiries’) selected by the government through the ‘responsible minister’. This process worked reasonably well, but, as

described further below, it could have been improved by taking a strategic approach to topic selection to create a stream of related topics, while leaving room for topics of more immediate relevance. Terms of reference are critical to success, and need to be negotiated between the minister and IPPI.

Another method to give the government of the day influence over topics is to have the responsible minister or person who is explicitly expected to represent the responsible minister on the IPPI board. This is developed further below.

In either case there must be

Funding models that provide secure baseline support for maintenance of expertise and long-term thinking

Assured baseline funding is required for maintaining expertise and to protect against 'influence by starvation', given that a publicly funded agency is always at risk of a cabinet deciding not to fund it adequately or at all.

The ideal would be an endowment, because it provides the greatest self-sufficiency, stability and independence. It could be partially funded from donors (as is not unusual for public universities, both

there are examples of substantial private gifts to public institutions.

Another mechanism would be to establish an intermediary body (which for brevity I will refer to as the 'independence guardian') between the government of the day and IPPIs as a group. Its own independence would be important, perhaps with it being constituted as an officer or legislative branch department of Parliament. Decisions would need to be made on which institutions it covered. The independence guardian would at minimum report to ministers and Parliament on the IPPIs' financial positions and requirements and negotiate for their funding as a group. It would then make its own decisions, based on criteria agreed with the cabinet (or perhaps in legislation), on how to fund each of them. This is a similar model to the way the Tertiary Education Commission (TEC) funds tertiary institutions, but it would require more independence than the TEC. This would make it conceptually more like the TEC's predecessor, the University Grants Committee, which until 1989 was the intermediary for funding universities, though it is not an exact model.

The independence guardian could do more than intermediate funding: it could recommend candidates for appointment to IPPI boards to their responsible ministers⁹ (or, alternatively, make the appointments), monitor appointments to ensure that processes are consistent with legislative requirements, inform the public and government on the activities and role of the IPPIs, encourage collaboration between them, such as in joint inquiries and sharing expertise, and encourage bequests to support their work. To maintain direct ministerial connection with the IPPIs, the relationship between each IPPI and its responsible minister would remain for the purposes of selection and reporting back on inquiries. Formal accountability requirements with respect to finances and fulfilment of statutory responsibilities would be split between ministers and the independence guardian.

Finally, if neither of these options are feasible, multi-year funding should be considered. This would assure each IPPI of ongoing funding for perhaps five years,

There should be recognition of the need to retain staffing expertise and knowledge in both the size of the institution which is funded (it should be large enough to be able to resource a continuing set of key areas of expertise), and the stability of the funding.

unambiguous protection for the institution – board and staff in the first case, staff in the second case – to decide how to address the chosen topics, and any self-driven research, free from the influence of the government of the day. That independence should be clear in the institution's statute, with the most likely models being autonomous or independent Crown entity (with modifications suggested below) or parliamentary officer.

It may be that government interest in the institution would be strengthened by giving it the mandate and resources to follow up its reports by monitoring and evaluating how the recommendations are implemented, as *How Inquiries Support Change* suggested (p.43). Findings and further recommendations would be made on matters needing to be addressed by ministers or agencies. Some ministers and agencies may find that threatening, while others might welcome ongoing monitoring of the effectiveness of their decisions.

in New Zealand and overseas, taking care that no conditions were attached that compromised independence) or by provision of real assets such as a building. There are options as to its size. For example, the best would be for it to be sufficient for a viable programme of ongoing work of a quantity and quality that is enough to maintain the credibility and reputation of the institution and maintain its expertise. Alternatively, it could cover base funding for the institution's independent work and to maintain a minimum viable level of expertise, accompanied by multi-year funding from the government on agreed work plans. An endowment would require agreement on audit and reporting on the use of the fund. However, I am not aware of any precedents for government-funded endowments in New Zealand other than one to the New Zealand School of Government at Victoria University of Wellington in the mid-2000s, although

with provision for annual adjustments to reflect changes in costs.

There should be recognition of the need to retain staffing expertise and knowledge in both the size of the institution which is funded (it should be large enough to be able to resource a continuing set of key areas of expertise), and the stability of the funding. The more general the scope of the institution, the larger is the pool of expertise that is needed. Elements of contracting, or fundraising outside a baseline, may threaten independence and the ability to maintain sufficient staff with the required expertise and institutional knowledge.

Political acceptance of the need for such long-term institutions despite political risks

Political acceptance is driven by many factors, as with any political decision, and I make no attempt to cover them all here.

One of the critical factors is the governance of the institution, which can take two different forms. One is to make board appointments in a way that as far as possible assures elected governments of all colours that they have not inherited a political partisan. The other is to deliberately give direct influence in the governance of the institution to a minister or their nominee by providing them with a seat on the board, with strong protections for the independence of the inquiry process and hiring of staff within the institution.

In the first model, protection against ministers making overtly political appointments could be strengthened in a number of ways.¹¹ Appointments could require consultation or agreement with opposition parties. It could use an appointments or nominations panel to, respectively, make the appointments or recommend a list to the minister for final decision. A nomination committee is required for the Climate Change Commission under sections 5E to 5H of the Climate Change Response Act 2002. The danger in these kinds of process is blandness of appointments, making it difficult to encourage change in the direction of an IPPI.

One alternative is to give the process of recommending candidates to the minister to the independence guardian described

above. It could go as far as giving the independence guardian the power to make the appointments, but this may be a step too far for ministers. It increases the danger of blandness and concentrates considerable power in the independence guardian.

A further possible step to ensure a balance with the minister's power of appointment is to have some members appointed by a relevant professional body, or nominated or elected by organisations such as central organisations of employers, workers and Māori. Criteria for skill and experience would be required. Ireland's National Competitiveness and Productivity Council mentioned above, NZCER and our tertiary

the parliamentary opposition could also be given the right to a nominee for added balance. It would be even more important than in the first model to ensure that the rest of the board, and in particular the chair, create a credible force to maintain the independence of the institution. The mechanisms described in the first model for these other appointments could be used. A key protection would be the relationship between the board and the staff of the institution. The board should not be able to influence the content of inquiry reports in this model, and equally should not influence the appointment of staff.

The second model would not be

Inevitably, in a small country, a manageable breadth of required expertise pushes the scope of an IPPI towards a single sector or subject area, which means that care must be taken to counter the risk of maintaining silos.

education institutions have models like this.

A further alternative is to make more IPPIs officers of Parliament, where this is appropriate (such as the privacy commissioner), or to extend the officer concept to institutions where their boards are appointed by Parliament. An independent fiscal institution, proposed by the previous Labour-led government, now appears to have support in some form on both sides of Parliament, and one of its proposed forms is as an officer of Parliament or a legislative branch department (Ball, Irwin and Scott, 2024; New Zealand Government, 2018). Funding and accountability would then be through Parliament rather than ministers. This would give them a high degree of independence. However, Parliament has few officers and legislative branch departments, and may be reluctant to have many more.

In the second model, where a minister or their nominee is given a seat on the board,

suitable where an IPPI also has a role in legal adjudication, such as the Human Rights Commission or the privacy commissioner. Public interest in an agency could be strengthened by allowing public input into the selection process for inquiries, or allowing some topics to be selected by public consultation.

A manageable breadth of required expertise

Inevitably, in a small country, a manageable breadth of required expertise pushes the scope of an IPPI towards a single sector or subject area, which means that care must be taken to counter the risk of maintaining silos.

In economic policy a sectoral approach is limiting because of the extensive interactions in the economy. It could instead be limited to a particular policy area, such as macroeconomic policy, productivity, competition or regional development. Management of the scope needs the cooperation of all, including the

How Can We Make Independent Public Policy Institutions a Less Fragile Species? Reflecting on the closing of the Productivity Commission

responsible minister and the IPPI itself – with the clear understanding that increases in scope need to be resourced adequately.

Larger institutions (e.g., 40 or more staff) would make these issues easier to manage because greater size allows the

institution to develop and maintain expertise in a number of areas, giving it the adaptability to address different topics without substantial disruption and outsourcing, and to change direction with a change in the elected government.

Whatever the scope, effectiveness is at a premium in a small institution. A strategic approach to research topics would make more effective and efficient use of staff expertise and resources: an approach that looks ahead to assess what are the most

Table 3: Possible options to strengthen IPPIs

The issue	Possible remedy	Comment
<p>Responding to the needs of the government of the day without compromising independence</p> <p>Direct clients are ministers or the public sector agencies commissioning research. The public is also a client.</p> <p>May be in tension with need to retain independence.</p> <p>Protection is needed against government expectations of following the political agenda of the day.</p> <p>Statutory or institutional structure of institution</p>	<ul style="list-style-type: none"> • Clear statement of independence in the IPPI’s governing legislation • Allow ministers and/or government agencies and/or public to select inquiry topics • Alternatively, the responsible minister or representative is a board member, with other protections in place. • Terms of reference of topics decided in consultation with institution • Strong protections for independence in deciding how the topic, once set, is addressed • Independent capacity to monitor both its subject area and the implementation of its recommendations, and to raise developments that may need to be addressed in more detail or by other agencies • Independent or autonomous Crown entity; or • parliamentary officer; or • new form as suggested below 	<p>Public participation could be through a public consultative process.</p> <p>Further details below.</p> <p>See further below.</p>
<p>Funding models that provide secure baseline support for maintenance of expertise and long-term thinking.</p>	<ul style="list-style-type: none"> • Endowment from either <ul style="list-style-type: none"> - government; or - partially from donors; - possibly including assets such as a building To cover either <ul style="list-style-type: none"> - a viable and credible programme of ongoing work, maintaining the institution’s expertise; or - base funding for ongoing work and a minimum viable level of expertise accompanied by multi-year funding on agreed work plans • An intermediary body (“independence guardian”) that would <ul style="list-style-type: none"> - report to ministers and Parliament on the IPPIs’ resource needs and negotiate funding for them as a group; - fund each IPPI based on objective criteria agreed with the cabinet or in legislation; - optionally: <ul style="list-style-type: none"> □ appoint IPPI board members or recommend candidates to ministers; □ monitor appointments to ensure processes are consistent with legislative requirements; □ inform the public and government on the activities of the IPPIs; □ encourage collaboration between IPPIs; □ encourage bequests - Minister would retain relationship for topic selection and some formal accountability requirements; or • Multi-year funding (e.g., five-year bulk grants) with annual cost adjustments • Recognition of the need to retain staffing expertise and knowledge in <ul style="list-style-type: none"> - the size of institution funded; - the stability of the funding 	<p>Stable funding is an important aspect of the institution’s independence in practice.</p> <p>An endowment is the ideal way to provide stability and independence. Governments’ wish to ensure an endowment is appropriately used can be met by a mixture of governance arrangements and reporting requirements.</p> <p>Elements of contracting, or fundraising outside the baseline, may threaten independence and the ability to maintain sufficient numbers of staff with the required expertise and institutional knowledge.</p> <p>The more general the IPPI’s field, the larger the staffing needed in order to cover and retain a range of expertise.</p>

The issue	Possible remedy	Comment
<p>Political acceptance of the need for such long-term institutions despite political risks</p> <p>Governance which maintains confidence in the institution and supports its independence</p>	<ul style="list-style-type: none"> • Status quo for appointments of commissioners/board; or • Appointment of commissioners/board at arm's length from the government of the day, such as by <ul style="list-style-type: none"> - cross-party consultation or agreement on appointments; and/or - using a nomination or appointment panel; or - using the 'independence guardian' to recommend (or make) appointments; or - appointment by Parliament rather than minister; or • Minister or nominee made ex officio member of the board: <ul style="list-style-type: none"> - possibly nominee of opposition for balance; - other members similar to above with strong mandate, particularly the chair, to ensure balance; - protection against board influencing the contents of inquiry reports or staff appointments; - model not suitable for IPPIs with role in legal adjudication 	<p>Depends on acceptance that while governments led by different political parties may well have different views on the suitability of appointees, there is a public interest in durable IPPIs.</p> <p>There is a risk that these methods of appointment lead to a bland board with little interest in new thinking. A nominations panel is similar to the process for Climate Change Commission: see ss5E–5H of the Climate Change Response Act 2002.</p> <p>Officers or departments of Parliament. However, Parliament has been reluctant to create these positions.</p>
<p>A manageable breadth of required expertise</p> <p>A sector focus helps reduce breadth of expertise needed.</p> <p>But is in tension with a need to reduce silos.</p>	<ul style="list-style-type: none"> • Sectoral focus, with structural encouragement to cross silos <p>In economics this is more difficult, but consider</p> <ul style="list-style-type: none"> • limiting scope (e.g., productivity, macro policy, competition, regional development) • accompanied by requirement for strategic approach to research topics to build expertise. • larger institutions (e.g. 40+ staff) 	<p>Structural encouragement to cross silos could include requirements to consult broadly and to address non-sectoral drivers and impacts.</p> <p>A strategic approach to topics would aim to create a predictable and connected research and policy programme. However, for continued relevance, it must leave room for topics raised by issues of the day (such as recent supply chain disruptions).</p> <p>The size of the institution and the number of topics active at one time are important considerations.</p>
<p>Effectiveness as an IPPI</p>	<ul style="list-style-type: none"> • A strategic approach to selection of major topics for research and policy analysis, agreed with ministers • An internal research and policy analysis capacity to raise public understanding, monitor developments and undertake independent research on topics that may become important • A commitment mechanism that requires responsible ministers to respond publicly within specified time frames to recommendations in reports they have commissioned, including reasons for their decisions and how their government will implement the recommendations • Review and evaluate the implementation of previous recommendations at medium-term intervals (e.g., three to five years) • Require the IPPI to regularly evaluate its own work and publish the results 	<p>Aim is to select topics that</p> <ul style="list-style-type: none"> • matter in the long run; • are relevant to ministers, agencies or the public; • provide the IPPI with some certainty as to what expertise it should build and maintain. <p>But there should be provision for topics of importance that arise unexpectedly.</p> <p>An important role is to raise developments that may need to be addressed in more detail or by other agencies.</p> <p>A mechanism for the Climate Change Commission is in s5U of the Climate Change Response Act 2002.</p> <p>Effectiveness from a public interest viewpoint. It requires additional resources.</p> <p>This was Productivity Commission practice, but evaluating work against long-term outcomes is difficult because causality is usually impossible to establish.</p>
<p>Independence from other government agencies while maintaining good working relationships with them.</p>	<ul style="list-style-type: none"> • Requirement to use broad range of consultation processes with other agencies, those directly affected by a piece of research, and the public • Prioritise topics and research/policy objectives that other agencies may find difficult, such as being long-term, spanning portfolios and/or multidisciplinary • Support agencies in implementing recommendations 	<p>Expertise in good consultation processes is needed. Consultation is important to gather information that may not be otherwise available.</p> <p>The Productivity Commission was not funded for ongoing support, though this may be valuable for both the implementing agencies and the IPPI.</p>

important matters to which the institution should assign its resources. *How Inquiries Support Change* provides an approach. Importance would be judged in consultation with the responsible minister, government agencies and the public, using criteria including the ability of a topic to make a difference in the long run, its relevance, and paucity of research and policy development. The work plan would be formed for the following three to five years in consultation with the responsible minister, allowing the IPPI to build the resources and expertise it anticipates it will need, allowing for some internal research and policy capacity and the ability to respond to emerging issues on which a government might want advice. An important role is to raise developments that may need to be addressed in more detail or by other agencies.

There are other ways that effectiveness can be improved (in addition to generic efficiency measures) which may also be helpful for the government and public. Evaluation of the implementation of previous recommendations at regular three- to five-year intervals would reduce the risk that previous work was wasted, improve the functioning of government, and help the IPPI learn what makes for the most effective recommendations. The IPPI should regularly evaluate its own work and publish the results.

Public confidence that the institution was not wasting public money by reports and recommendations vanishing into the ether, never to be actioned, would be built if there were a commitment mechanism under which the responsible ministers were required to respond publicly to inquiry reports within specified time frames, including their reasons for accepting or rejecting recommendations and how their government would implement recommendations they accept. This would mirror another feature of the Climate Change Commission's legal framework.

The number of topics under investigation at any one time is a key

consideration to maintain quality and avoid overload. It must be related to the size of the institution.

Independence from other government agencies while maintaining good working relationships with them

Maintaining the IPPI's independence and reputation for robust analysis is central to this. Independence, crossing silos, and intruding on what is perceived as another agency's business may create tensions at times, but a reputation for even-handedness and sound analysis should help the IPPI get through. Nevertheless, as the Planning Council found, relationships may be disrupted for reasons beyond the IPPI's control.

Some additional measures may help with these relationships, but would need to be adequately resourced. If IPPIs use a broad and inclusive range of consultation processes, other agencies, those directly affected by an inquiry and the public will more likely have confidence in the IPPI's reports. Good consultation processes benefit the IPPI by gathering information that is not available otherwise. Selecting topics for research and policy advice that other agencies find difficult, such as being long-term, spanning portfolios or being multidisciplinary, may help assure agencies that the IPPI is helpful to them as well as fulfilling its public purpose. Finally, the IPPI could provide support in implementing its recommendations to agencies in a way that does not put its independence at risk. (See *How Inquiries Support Change* for further detail on these measures.)

Conclusion

While it is impossible to prevent a government of the day from sweeping aside institutions whose views it does not like – and that was the case for the Planning Council and the Productivity Commission – it is possible to design IPPIs in ways that encourage governments to take a longer-term and more tolerant view. This article

has suggested a range of methods.

The purpose is not to prevent institutional change, nor a change of thinking within IPPIs, but rather to provide greater durability and certainty to these valuable institutions. Then they can build the expertise that is difficult to amass in a small country, and help New Zealand develop its evidence base, knowledge and public policy for the long term.

1 In this article, the phrase 'government of the day' is used to refer to the cabinet, individual ministers and the elected representatives in Parliament on whose support they depend, as distinct from the standing apparatus of government or state.

2 The government has announced that Crown Research Institutes will be merged and have a new form referred to as 'Public Research Organisations'. At time of writing, their institutional structure is yet to be made public.

3 Elected members of Crown agents or autonomous Crown entities can be dismissed by the responsible minister only for just cause (misconduct, inability to perform the functions of office, neglect of duty, and serious breach of any of the collective duties of the board or the individual duties of members).

4 'In the July 1991 Budget the government announced that the New Zealand Planning Council would be abolished; the Planning Council was disestablished on 25 September 1991' (New Zealand Official Yearbook 1992, p.31). The council's mandate was wider than the Productivity Commission's, covering social, economic, cultural and environmental development, though it was chaired for its first five years by a prominent economist (Frank Holmes) and many of its publications were on economic matters. It had independence from the government in its choice of work and in publishing its reports.

5 The latest change to the children's commissioner was made in 2022 and was contentious. The current government has announced that the change will be reversed, though details are not yet clear.

6 See <https://pce.parliament.nz/about-us/the-commissioner/> and part 1 of the Environment Act 1986.

7 Or, in the case of NZCER, set up by the National Party predecessors, the United Party/Reform Party coalition (1933).

8 From 1 July 2024 the Social Investment Agency became a stand-alone central agency whose work programme is governed by a group of social investment ministers: <https://www.swa.govt.nz/news/were-changing-to-the-social-investment-agency>.

9 The Productivity Commission's principal purpose in section 7 of the New Zealand Productivity Commission Act 2010 was: to provide advice to the Government on improving productivity in a way that is directed to supporting the overall well-being of New Zealanders, having regard to a wide range of communities of interest and population groups in New Zealand society.

10 The UK has a commissioner for public appointments with a number of functions which include 'ensuring that ministerial appointments are made in accordance with the Governance Code and the principles of public appointments': see <https://publicappointmentscommissioner.independent.gov.uk/>.

11 A suggestion not included here is to require all board members to submit their resignation to the minister after each election. In my view this is likely to make the process more political rather than less.

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