Public Service Commission
Te Kawa Mataaho

14 October 2026

9(2)(a) privacy

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Official Information Act Request
Our Ref: OIA 2026-0292

I refer to your Official Information Act 1982 (OIA) request received by the Public Service Commission Te Kawa Mataaho (the Commission) on 7 September 2026 for:

1. *"All advice, briefings and correspondence held by your office since 1 May 2026 concerning the selection or appointment of the reviewers for the rapid review of the Ministry of Justice announced on 5 August 2026, including any options or names considered and any assessment of conflicts of interest.*

2. *All advice, briefings and correspondence held by your office since 1 January 2026 concerning any review of the Crown Law Office or the Crown Solicitor network, including its commissioning, terms of reference, and the selection of any reviewer(s).*

3. *Any advice or correspondence held by your office since 1 January 2026 concerning the management of conflicts of interest by or in respect of the Solicitor-General.*

4. *Records of any meetings or communications between you or your office and the Solicitor-General since 11 May 2026 concerning either of the reviews referred to above."*

On 9 September 2026, the Commission sought and received clarification that you were seeking this information relevant to the Ministry of Justice and the Crown Law Office (Crown Law) reviews only.

For ease of response, we have provided the wording of the parts of your request with our response directly underneath.

Our response

1. All advice, briefings and correspondence held by your office since 1 May 2026 concerning the selection or appointment of the reviewers for the rapid review of the Ministry of Justice announced on 5 August 2026, including any options or names considered and any assessment of conflicts of interest.

We refer you to our response to your request OIA 2026-0278 provided to you today. All information the Commission holds within scope of this part of your request is contained within that response.

Information being released

In scope of part two of your request, please find enclosed the following documents related to the *selection of any reviewer(s)*:

Item	Date	Document Description	Decision
1	12 May 2026	**MEMORANDUM** to Heather Baggott: Appointment of Reviewers to the Performance Improvement Review Panel	Released in full

We are currently finalising consultation and preparing this document for release. We will provide this to you as soon as possible, but no later than **21 October 2026.**

Information does not exist

2. All advice, briefings and correspondence held by your office since 1 January 2026 concerning any review of the Crown Law Office or the Crown Solicitor network, including its commissioning, terms of reference…

The Crown Law PIR commenced in May 2026 and concluded in September 2026. Since your request was received the Performance Improvement Review (PIR) of Crown Law report has been published on the Commission's website and can be found at the following link: https://www.publicservice.govt.nz/assets/PIR_Crown-Law-Office_Sept-24.pdf

Performance Improvement Reviews do not require a term of reference; therefore no term of reference exists for the PIR of Crown Law. Accordingly, I am refusing this part of your request under section 18(e) of the OIA on the grounds the information does not exist.

3. Any advice or correspondence held by your office since 1 January 2026 concerning the management of conflicts of interest by or in respect of the Solicitor-General.

Insofar as PIRs are concerned, the Commission only seeks conflict of interests from Lead Reviewers. No conflict-of-interest declaration was sought from the Solicitor-General for this review.

I am therefore refusing this part of your request under section 18(e) of the OIA on the grounds the information does not exist.

4. Records of any meetings or communications between you or your office and the Solicitor-General since 11 May 2026 concerning either of the reviews referred to above.

Within the period covered by your request, the Commission does not hold any *records of any meetings or communications between* [the Commission] *and the Solicitor-General since 11 May 2026 concerning either the Ministry of Justice or Crown Law Office PIRs*.

I am therefore refusing this part of your request under section 18(e) of the OIA on the grounds the information does not exist.

If you wish to discuss this decision with us, please feel free to contact Enquiries@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this response (with your personal details removed) on the Commission's website.

Yours sincerely



Nicky Dirks
Manager – Ministerial and Executive Services
Public Service Commission Te Kawa Mataaho

MEMORANDUM

Te Kawa Mataaho
Public Service Commission

[IN CONFIDENCE]

To: Heather Baggott

From: Robert Anderson

Copies to: Bethan Streatfield, Andrew Squires

Date: 12 May 2026

Subject: Appointment of Reviewers to the Performance Improvement Review Panel

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1. This memorandum sets out the rationale for appointing Debbie Francis and Michael Hodge to the Performance Improvement Review Panel (the Panel), outside of the 2025 GETS Panel Procurement process. An immediate appointment supports having the appropriate expertise available to undertake upcoming Performance Improvement Reviews (Reviews) of the Crown Law Office (CLO) and of the Ministry for Cities, Environment, Regions and Transport (MCERT).
2. The proposed appointments will ensure these Reviews are supported by individuals with the appropriate seniority, legal expertise and specialist capability to undertake an assessment of the CLO's capability and develop a future excellence horizon. It also enables appropriate expertise in organisational management, strategy and purpose to be used to develop a Future Excellence Horizon for MCERT that provides the chief executive and the agency with an end-state to work towards and a roadmap for getting there from when it operationalised on 1 July 2026.

Context and need for appointment (CLO Performance Improvement Review)

3. CLO operates at the centre of government, providing legal advice and representation across complex, often high-profile and sensitive matters. Its role requires strong system leadership, legal and constitutional judgement, and the ability to operate effectively in environments subject to intense public and political scrutiny. There is a clear appetite to strengthen Crown Law's position as a high-performing, modern government law firm, one that not only delivers consistently high-quality legal services, but also anticipates emerging risks, adapts to changing system demands, and lifts its organisational capability over time.
4. The Review therefore requires reviewers with demonstrated experience in:
    - leading and advising complex public sector organisations operating at system level
    - exercising sound judgement on legal, governance and performance issues in high-risk environments
    - undertaking independent assurance and performance assessments
    - engaging credibly with Chief Executives, senior leaders, and Ministers
    - synthesising complex and sensitive information to reach robust, evidence-based findings

Demonstrated gap in capability, expertise, diversity or availability

5. Performance Improvement Reviews rely on a limited and highly specialised pool of reviewers with the necessary seniority, independence and system-level judgement.

6. While the existing Panel includes strong general public sector experience, it does not fully meet the combination of legal, review, and system assurance capability, nor the availability required within the timeframe for the CLO Review.
7. Additional appointments to the panel are therefore required to ensure:
    - access to reviewers with deep legal and public sector review experience
    - sufficient capacity to commence immediately
    - a credible panel composition for a complex, high-trust agency

Limited market and recent procurement activity

8. The GETS Panel Procurement process (5 September – 10 October 2025) recently tested the market and contracts with successful respondents are still being finalised.
9. Given the recency of that process, re-advertising would not be expected to identify materially different candidates.
10. The market for reviewers with the required combination of legal expertise, system-level judgement and review experience is limited. Further appointments to the Panel are therefore justified to secure the necessary capability within the required timeframe, and is consistent with advice on adding panel members outside of panel refreshes.

Risks and mitigations

11. Appointing to the Panel close to a known review can create risks of challenge from unsuccessful or existing panel members, or OAG scrutiny in terms of any perceptions of circumventing processes.
12. These risks are mitigated by:
    - clear documentation of the capability gap and specialist need
    - the recent completion of a market test
    - the affordability – Panel rates remain lower than All-of-Government alternatives.
13. The Panel is open and must remain flexible, with periodic refreshes to address capability gaps. This appointment aligns with that intention.

Assessment process, including conflict of interest process

14. Debbie Francis and Michael Hodge submitted Request for Proposal response forms as method of application and have been assessed against the same criteria used during the recent RFP. Candidate information has been evaluated and moderated by two of the same assessors to ensure consistency with the original process.
15. A general conflict of interest declaration is required in the Request for Proposal forms in relation to being on the panel, with no conflicts of interest raised by Debbie Francis and Michael Hodge. Further Conflicts of interest declarations, relating to specific PIR reviews (including CLO and MCERT as applicable), will be required through the statement of work process.
16. The following scores were assessed by Robert Anderson, Julie Rushton and Bethan Streatfield as follows:
    - Debbie Francis – 36.3
    - Michael Hodge – 30.8
17. These scores were well within the appropriate range (above 28) to support appointment to the panel.

Recommendations

27. It is recommended that you:

1	**Note** the rationale for appointing Debbie Francis and Michael Hodge to the Performance Improvement Review Panel	Noted
2	**Approve** the appointment of Debbie Francis and Michael Hodge to the Performance Improvement Review Panel	Yes/No
3	**Note** that further information, including specific Statements of Work and Conflicts of Interest declarations, will be provided to support decisions on the Lead Reviewers from the Panel to be appointed for the Reviews of CLO and MCERT.	Noted

Robert Anderson
Manager, Public Sector Performance
Date:

Heather Baggott
Deputy Public Service Commissioner
Date:

Appendix Two: Assessment of proposed reviewers and expert advisors

Debbie Francis

- Debbie Francis is proposed to be appointed to the Panel because of her extensive experience in leading and delivering independent reviews of complex public sector organisations, with a particular focus on system performance, organisational improvement, and assurance in high-risk and high-trust environments.
- Ms Francis has held a range of senior executive and advisory roles across the New Zealand public sector. Her roles have included Lead Partner of PwC's New Zealand Government practice, Chief Executive of The Correspondence School, and Chief People Officer at the New Zealand Defence Force. She has also worked extensively as an independent advisor to Ministers, boards and Chief Executives on performance, risk and organisational change.
- Through these roles, she has direct experience in:
    - leading and delivering a significant number of independent reviews of public sector agencies, including work involving sensitive and high-profile subject matter
    - reviewing organisational performance, governance, risk management and service delivery across a wide range of sectors and agency contexts
    - working with diverse stakeholders to gather insights, assess complex evidence, and develop clear, evidence-based findings, often in environments characterised by ambiguity and competing perspectives
    - advising Ministers, boards and senior executives on performance improvement, organisational culture, and large-scale change programmes.
- Ms Francis's experience closely aligns with the CLO's need to strengthen performance and position itself as a future-focused government law firm. Her proven ability to undertake rigorous, independent assessment and to support senior leaders through organisational change provides confidence she can deliver a credible and forward-looking Review for MCERT as well.

Michael Hodge

- Michael Hodge is proposed to be appointed to the Panel because of his deep expertise in public law, regulatory systems and independent review work, with a particular focus on providing robust legal judgement and analytical rigour in complex and sensitive environments.
- Mr Hodge is an independent barrister and has held senior leadership and governance roles within the New Zealand legal sector. He was previously Chair of the Board and Group Head of the Public and Regulatory Group at Meredith Connell and earlier worked as an Associate Crown Counsel at the Crown Law Office.
- Through these roles, he has direct experience in:
    - providing public law and regulatory advice and representation to a wide range of Crown entities, government departments and statutory bodies
    - acting as counsel and reviewer in inquiries, conduct investigations and agency reviews across public and private sector organisations
    - analysing complex evidence, interviewing participants, and developing well-founded findings in both adversarial and review settings
    - engaging with Ministers and senior decision-makers on sensitive legal and regulatory issues, often in environments subject to public scrutiny.

- Mr Hodge's experience closely aligns with the Crown Law Office's core role as the Government's principal legal advisor. His deep understanding of the Crown legal system, combined with his experience in review and inquiry work, ensures he brings the legal credibility and judgement required to support a rigorous and well-evidenced assessment.