



Te Kawa Mataaho

Public Service Commission

27 March 2023

9(2)(a) privacy

9(2)(a) privacy

Official Information Request

Our Ref: OIA2024-0027

I refer to your official information request received on 28 February 2024 for:

“under the provisions of the OIA please provide me with all communications between the Public Service Commission, including but not limited to Commissioner Peter Hughes, and Productivity Commission Chairman Ganesh Nana. Please cover the period October 14 2023 to the present”.

Information being released

Please find enclosed and listed in the table below communications between Mr Ganesh Nana, the Productivity Commission Chairman and Mr Peter Hughes, the then Public Service Commissioner, during the period 14 October 2023 - 28 February 2024.

These emails do not include responses that other recipients of the emails sent to Mr Nana and copied to the Commission. I have deemed these as out of scope of the request.

I have decided to release the documents listed below, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

- section 9(2)(a) – to protect the privacy of natural persons, including deceased people
- section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions.

In addition, some information has been deleted where there is a duplicate email. In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.

Item	Date	Document Description	Decision
1.	25 November 2023 @10.48am	TEXT MESSAGE: Ganesh Nana to Peter Hughes	Released in part
2.	25 November 2023 @12.11pm 25 November 2023 @10.18am	EMAIL THREAD: Re: Help required - Productivity Commission	Released in part
3.	29 November 2023 @3.13pm 28 November 2023 @11.40am	EMAIL THREAD: PSC/Treasury joint advice to MoF regarding future of Productivity Commission	Released in part

		ATTACHMENT: Memo NZ Productivity Commission	
4.	29 November 2023 @3.28pm 28 November 2023 @4.50pm	EMAIL THREAD: RE: Request for clarification	Released in part
5.	30 November 2023 @11.03am	EMAIL: Re: PSC/Treasury joint advice to MoF regarding future of Productivity Commission	Released in part

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@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 letter (with your personal details removed) and enclosed documents on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



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

12:23



9(2)(a) privacy

Text Message
Sat, 25 Nov at 10:48

Kia ora Peter. Alerting you to email I have sent you re Productivity Commission situation. Need to put on your radar. Pse respond when you can. Ngā mihi, Ganesh.



Text Message



From: [Peter Hughes](#)
To: [Dr Ganesh R Ahirao](#)
Cc: [Caralee.McLiesh](#); 9(2)(a)
Subject: Re: Help required - Productivity Commission
Date: Saturday, 25 November 2023 12:11:06 pm
Attachments: [ATT00001.png](#)
[ATT00002.png](#)
[ATT00003.png](#)

Ganesh,

Thank you for bringing this to my attention. Caralee will be the lead on this with support from PSC. Caralee will come back to as soon as she has more information.

I understand your concerns and we will do our very best to help you manage things with your staff.

Take care,

Peter

Get [Outlook for iOS](#)

From: Dr Ganesh R Ahirao 9(2)(a) privacy
Sent: Saturday, November 25, 2023 10:18:30 AM
To: Peter Hughes 9(2)(a) privacy
Cc: Caralee.McLiesh 9(2)(a) privacy 9(2)(a) privacy
Subject: Help required - Productivity Commission

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Kia ora Peter.

I, and my Board, need assistance following yesterday's announcement that the Productivity Commission is "to be disestablished".

We have had no official notice or communication and were totally blindsided by this public announcement, without any forewarning for my staff. This was an incredibly brutal way for our staff to learn of their own futures. Bluntly, it is a shocking way to treat our people.

Our immediate need is for some clarity/information on the timing of this, so that we can relay to staff the situation and put in place appropriate do our best to look after their wellbeing. As employers, the Board are incredibly concerned that we are unable to discharge our duty to our staff.

I appreciate the assistance of Caralee (as head of our monitoring agency), 9(2)(g)(i) free and frank

Hence I request your assistance too.

In the absence of this basic information, the Board request an urgent meeting with MoF so that the situation can be clarified and appropriate processes can be followed – my staff are owed that at the very least.

Ngā mihi,
Ganesh.

Dr Ganesh R Ahirao | Chair | he/him/ia
New Zealand Productivity Commission | Te Kōmihana Whai Hua o Aotearoa
9(2)(a) | www.productivity.govt.nz



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From: [Dr Ganesh R Ahirao](#)
To: [Caralee.McLiesh](#) 9(2)(a) [Peter Hughes](#)
Cc: [James Beard \[TSY\]](#); [Hannah Cameron](#); [Vicky Robertson](#); [Bill Rosenberg](#); [Diane Ruwhiu](#)
Subject: PSC/Treasury joint advice to MoF regarding future of Productivity Commission
Date: Wednesday, 29 November 2023 3:13:05 pm
Attachments: [ATT00001.png](#)
[ATT00002.png](#)
[ATT00003.png](#)
[20231129 - Board note to PSC and Tsy.pdf](#)
Importance: High

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Kia ora kōrua.

The Board of the Productivity Commission understands that PSC and Treasury are preparing advice to MoF regarding the announced disestablishment of the Productivity Commission.

To assist you, we provided information yesterday to you, Caralee, regarding our workplan to complete work already underway.

Further to that note, I attach a further statement from the Board.

The Board expects this note to be communicated as part of (and/or incorporated in) your advice to MoF.

Ngā mihi,
Ganesh.

From: Dr Ganesh R Ahirao
Sent: Tuesday, 28 November 2023 11:40 am
To: Caralee.McLiesh 9(2)(a) privacy 9(2)(a) privacy
Cc: James Beard [TSY] 9(2)(a) privacy; Kerryn Fowle 9(2)(a) privacy Vicky Robertson
9(2)(a) privacy Bill Rosenberg 9(2)(a) privacy Diane Ruwhiu
9(2)(a) privacy
Subject: Productivity Commission workplan to inform advice to MoF

Kia ora Caralee.

As discussed earlier with yourself and James, attached is a memo to inform your advice to MoF regarding the work programme for the Productivity Commission in light of the Government's decision to disestablish the Commission.

I reiterate our concerns about our ability to fulfil our obligations as a good employer, the difficult circumstances this has created given the method of communication and the timing with Xmas/January holiday period. It would be appreciated that your briefing to MoF reiterate my Board's objectives to fulfil these obligations.

As arranged, I will look to discuss our memo with James later this afternoon to clarify and confirm next steps.

Ngā mihi,
Ganesh.

Dr Ganesh R Ahirao | Chair | [he/him/ia](#)
New Zealand Productivity Commission | Te Kōmihana Whai Hua o Aotearoa
9(2)(a) | [www.productivity.govt.nz](#)

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MEMO

To: **Dr Caralee McLiesh**, Chief Executive and Secretary to the Treasury | Te Tai Ōhanga - The Treasury
Peter Hughes, Public Service Commissioner, Head of Service | Te Kawa Mataaho Public Service Commission

From: **Dr Ganesh Nana**, Chair, Productivity Commission | Te Kōmihana Whai Hua o Aotearoa

Copy to: **James Beard**, Deputy Secretary, Macroeconomics and Growth | Te Tai Ōhanga - The Treasury
Hannah Cameron, Deputy Public Service Commissioner, Strategy & Policy | Te Kawa Mataaho Public Service Commission

Dr Bill Rosenberg, Dr Diane Ruwhiu, and Vicky Robertson, Commissioners, Productivity Commission | Te Kōmihana Whai Hua o Aotearoa

Date: 29th November 2023

Purpose

1. This note is provided to the PSC and Treasury to inform their advice to MoF in light of the Government's announcement that the Productivity Commission is to be disestablished.

Statement

2. We state, for the record, that the Board are being placed in an invidious position of being unable to discharge our duty to staff in line with our obligations under employment law, as well as our values of being a good employer. We will continue to work with yourselves to assist in providing clarity for our staff as to timing and process to be followed.
3. As good employers we need to provide an opportunity to engage in good faith with staff both on the decision, the timing and also on the options for staff should that be redeployment or other options. We estimate, given the Christmas period that this consultation would need to be done over the course of January and February. Ideally we would have the options paper to staff prior to Christmas so they have some certainty as to the options that might be available. We would envisage at least a 3-week consultation period beginning in mid-January and concluding in mid-February.
4. As a good employer, we wish to then ensure that any decisions we make are made in good faith, having first been able to reflect on the feedback of our staff. Also, if the cessation of the

Commission is the outcome, the timing of any end-date of employment for our employees should also have regard to valuable work in progress currently underway. We would not wish to see the investment in that valuable work to date go to waste.

5. We await urgently any information you are able to provide us, which can then assist in our good faith interactions and communications with our staff.

A handwritten signature in black ink, appearing to read "Sarah". The signature is written in a cursive style with a large initial 'S' and a long, sweeping tail.

From: [Hannah Cameron](#)
To: [Dr Ganesh R Ahirao](#)
Cc: [Vicky Robertson](#); [Bill Rosenberg](#); [Diane Ruwhiu](#); [James Beard \[TSY\]](#)
Subject: RE: Request for clarification
Date: Wednesday, 29 November 2023 3:28:00 pm
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Kia ora Ganesh

Thank you for getting in touch. I appreciate that this is a challenging time for you and the team.

I am sure that you are aware that PSC are working closely with the Treasury to provide advice to the Government, and work towards greater clarity of their intentions, including processes and timeframes for disestablishment.

I understand that you have already discussed the matter of legal advice with James Beard. I can confirm his advice that, as the Productivity Commission is separate from the Crown, PSC is not able to provide the Commission with legal advice. The Commission will need to get its own independent legal advice.

While James will continue to be your primary contact, PSC will be happy to work alongside Treasury to provide any information to your lawyers that they might need.

Best wishes
Hannah

Hannah Cameron (she/her)
Kaikōmihana Tuarua | Deputy Commissioner
Te Tohutohu Rautaki me te Kaupapa Here | Strategy and Policy
waea pūkoro: 9(2)(a) **īmēra:** 9(2)(a) privacy



Te Kawa Mataaho Public Service Commission
www.publicservice.govt.nz | www.govt.nz



From: Dr Ganesh R Ahirao 9(2)(a) privacy
Sent: Tuesday, November 28, 2023 4:50 PM
To: Hannah Cameron 9(2)(a) privacy
Cc: Vicky Robertson 9(2)(a) privacy; Bill Rosenberg 9(2)(a) privacy; Diane Ruwhiu 9(2)(a) privacy
Subject: Request for clarification

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Kia ora Hannah.

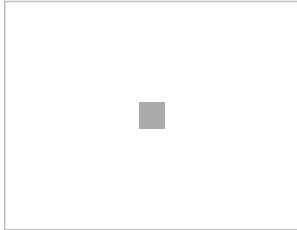
I am requesting clarification as to what supports from PSC we (the Board of the Productivity Commission) will have in terms of accessing legal advice related to our employment obligations in light of the Government's announced decision to disestablish the Productivity Commission.

Your prompt response would be appreciated in order for us to meet our duties to our staff and in line with our

objective to be a good employer.

Ngā mihi,
Ganesh.

Dr Ganesh R Ahirao | Chair | he/him/ia
New Zealand Productivity Commission | Te Kōmihana Whai Hua o Aotearoa
9(2)(a) | www.productivity.govt.nz



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From: [Dr. Ganesh R. Ahirao](#)
To: [Caralee McLiesh](#); [9\(2\)\(a\)](#); [Peter Hughes](#)
Cc: [James Beard](#); [ITSY](#); [Vicky Robertson](#); [Bill Rosenberg](#); [Diane Ruwhiu](#)
Subject: Re: PSC/Treasury joint advice to MoF regarding future of Productivity Commission
Date: Thursday, 30 November 2023 11:03:47 am
Attachments: [ATT00001.png](#)
[ATT00002.png](#)
[ATT00003.png](#)
Importance: High

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Kia ora kōrua.

Following up on my message yesterday (below) the Board requests that we view the advice prepared before it is finalised.

Given our considerable interest in such advice, we need an opportunity to ensure our information is presented appropriately and whether additional information should be included.

We acknowledge this advice will be a joint PSC and Treasury brief and will continue to assist to ensure such advice is fully informed.


We also request your confirmation that the Board is copied into the finalised brief when it is delivered to MoF.

Ngā mihi,
Ganesh.

Duplicate



Duplicate



Duplicate

