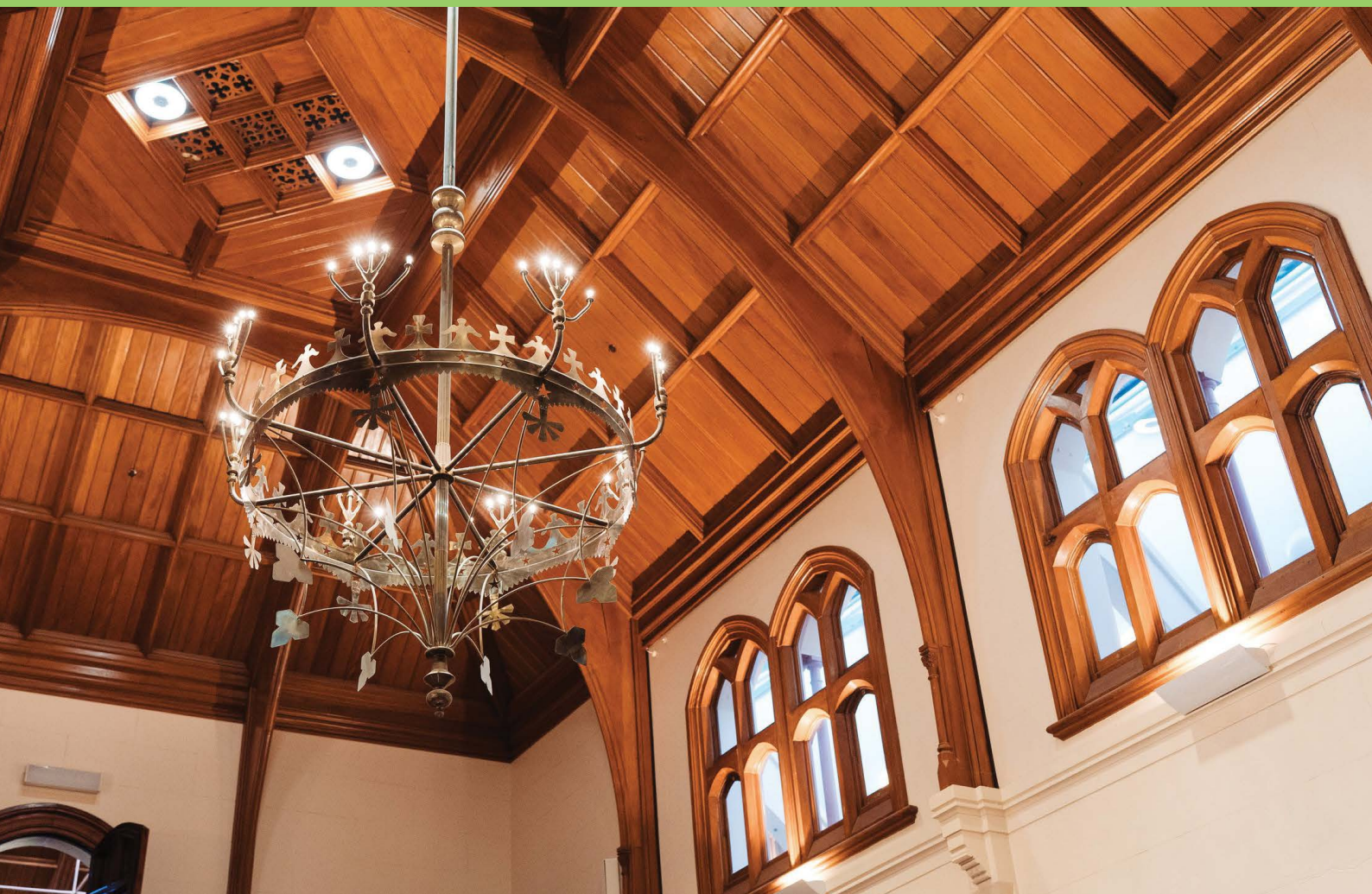
Public Service Commission
Te Kawa Mataaho

Performance Improvement Review of the Crown Law Office

September 2026



Published September 2026

Web address: https://www.publicservice.govt.nz/performance-improvement-review-programme

Crown copyright ©

This copyright work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International licence. In essence, you are free to copy and distribute the work (including in other media and formats) for non-commercial purposes, as long as you attribute the work to the Crown, do not adapt the work and abide by the other licence terms. To view a copy of this licence, visit https://creativecommons.org/licenses/by-nc-nd/4.0/. ***Attribution to the Crown should be in written form and not by reproduction of any such emblem, logo or Coat of Arms.***

Lead Reviewer Acknowledgement

As Lead Reviewers for this Performance Improvement Review, we thank the Solicitor-General and her senior team, together with the staff of Crown Law, for their open and thoughtful input in the review. We also thank them for their prompt and fulsome supply of relevant documents. Crown Law has a key role to play in the New Zealand Public Service. We appreciate the opportunity to assist the agency as it considers how it can deliver value now and in the future.

We appreciate the time that a cross-section of Crown Law's staff, external partners, stakeholders and other Public Service agencies gave us. Their observations and insights were invaluable in helping us to reach our conclusions. We also thank officials from the central agencies who provided insightful advice and support.

Lead Reviewers

Debbie Francis

Debbie Francis is an experienced New Zealand public sector and organisational change leader with a background spanning strategy, workforce transformation and senior executive leadership.
Her previous roles include lead partner for the PwC People and Change practice and head of PwC's central government practice, Chief Executive of The Correspondence School, Deputy Chief Executive at UCOL, and Director of Strategy and Futures at Lincoln University. More recently, she was appointed to the Teaching Council board, bringing extensive experience in organisational change and strategy across the public and private sectors. She holds a Master of Public Policy.

Michael Hodge

Michael Hodge is an experienced New Zealand barrister with a strong background in public law, inquiries, regulatory practice, professional standards and civil litigation. Before joining the independent bar in 2021, he was a partner at Meredith Connell for more than a decade and served as Chair of the firm's Board from 2017 to 2020. He regularly appears in judicial review proceedings and has advised clients on regulatory obligations, risk management and compliance.
His experience includes work across professional discipline, public sector regulation, coronial inquiries and general civil litigation.

Contents

Responding to the challenge 5

Crown Law Commitment 6

Central Agency Support 8

Future Excellence Horizon 9

Strategic Context 10

Performance Challenge 13

What will Crown Law look like in 2030? 23

Strengths and opportunities 28

Ratings Overview 29

Results 30

Organisational Management 48

Appendices 76

Appendix One: About Crown Law 77

Appendix Two: Stakeholders interviewed 81

Appendix Three: Purpose of Performance Improvement Reviews 82

Appendix Four: Performance Improvement Review Model 83

Appendix Five: Performance ratings 85

1

Responding to the challenge

In this section:

- **Crown Law Commitment**
- **Central Agency support**

Crown Law Commitment

I commissioned this review shortly after assuming the roles of Solicitor-General and Chief Executive in May 2026. Its purpose was to provide an independent assessment of Crown Law's capability, performance and readiness for the opportunities and challenges that lie ahead. The review was also intended to inform the direction of the organisation over the next five years and to assist me in shaping a plan to ensure that Crown Law continues to meet the expectations of government and the New Zealand public.

I thank the reviewers, the Public Service Commission, Crown Law staff, the Attorney-General and our clients in government, the judiciary, the Crown Solicitor network and other stakeholders who contributed to the review. Their insights have produced a candid assessment that will serve as a springboard into Crown Law's future.

The review confirms that Crown Law possesses significant strengths. The Office has a venerable reputation for legal quality, a talented workforce, trusted relationships across government and an important constitutional role in New Zealand's legal system. These foundations remain strong.

The review is also constructively critical. Its central conclusion is that Crown Law cannot rest on its laurels because the legal, technological and public sector environment in which it operates is changing. Expectations of government legal services are growing and becoming more strategic. To continue delivering legal professional excellence to the government, Crown Law must adapt. I agree with that assessment.

One of the review's most important findings is that Crown Law should reconsider its operating model. The reviewers conclude that the structures, systems and processes that have served the Office well may not be suited to future demands. The review challenges us to organise ourselves more deliberately around the delivery of value to government, to improve the way we allocate resources, to maintain our high legal standards and support our talent, and to strengthen our ability to respond to emerging legal risk.

That conclusion aligns closely with my own priorities on appointment. I have set a clear goal that Crown Law deliver peak performance as the government's law firm (legal department) and in supporting the Law Officers. Achieving those objectives requires a modern, client-focused and nationally connected legal practice that combines professional excellence with independence, organisational verve and vigour.

I welcome the review's emphasis on client-centred performance. Crown Law exists to serve government and the public. Excellence must therefore be measured not only by the technical quality of our work, but by the extent to which that work assists Ministers and departments to lawfully achieve their objectives, manage legal risk and make informed decisions. In the case of our Law Officer work, particularly prosecutions, our professional independence is key. Overall, the report challenges us to become more aligned with the needs of government as our client.

The review also identifies an opportunity for Crown Law to strengthen its capability in strategic legal risk management. Increasingly, government requires sophisticated analysis of emerging risks. I intend that Crown Law play a leading role in supporting government to identify, understand and manage significant legal risks across the public sector and justice system. Horizon-scanning and system leadership will be important components of that work.

A pillar of the review's findings is that Crown Law must modernise its systems. Individual legal excellence depends on the skill and effort of lawyers, but organisational excellence depends on disciplined processes, modern systems, and continuous investment in technology. Crown Law needs to adopt contemporary systems that will enable us to deploy our people effectively and measure demand and performance. This includes embracing emerging technologies and ensuring that our lawyers are as technologically supported as our adversaries in the private sector.

A theme of the report is the importance of focus on Crown Law's core functions. The reviewers correctly identify that we need clarity of purpose and disciplined prioritisation of work. In my view, Crown Law is at its best when it concentrates on where it can most effectively support government, whether in the lawful implementation of policy, authoritative legal advice, core Crown litigation and the Law Officer responsibilities.

The review encourages Crown Law to be more outward-looking. I strongly support that proposition: we must engage with the wider legal profession and the communities affected by our work. I intend to strengthen our relationships with legal professional colleagues, the government legal network including Crown Solicitors, and those we serve in the justice system around the country. To properly represent the government and support the Law Officer functions, Crown Law must have a national legal practice with a prominent and dynamic presence in Wellington and Auckland.

The reviewers describe an organisation with exceptional strengths and potential. Their challenge is how Crown Law wishes to achieve its ambition of legal excellence and integrity in service of the public. This report will inform my action plan for the next five years. Not every suggestion will be adopted, but the direction of travel is clear. Crown Law must modernise its operating model, strengthen its strategic capability, sharpen its focus on client service while maintaining professional independence, proactively manage Crown legal risk, invest in its people and systems, and engage more actively with the wider legal profession.

My aspiration is clear. Crown Law should be the Government's trusted legal adviser, its most effective advocate, a pillar of support to the Law Officers and a respected leader within New Zealand's legal system. This review provides a valuable foundation for achieving that goal.

Anna Adams KC
Solicitor-General and Chief Executive, Crown Law

Central Agency Support

Crown Law occupies a unique place within New Zealand's constitutional arrangements. Its performance matters not only because it supports the Attorney-General and Solicitor-General in their Law Officer responsibilities, but because its advice, advocacy, independent oversight of public prosecutions and leadership of the Government Legal Network influence how legal risk is understood and managed across government.

The Review confirms that Crown Law remains a strong institution with deep legal expertise, a highly capable workforce and an enduring commitment to Public Service. Those strengths provide a strong platform for the future. The Review's central conclusion is that the challenge facing Crown Law is not one of constitutional role or legal capability, but whether it is configured appropriately for the environment it now faces.

We support the Review's assessment that Crown Law has an opportunity to make better use of its unique perspective across government. Through its legal advice, litigation work, public prosecutions role, and relationships across the Government Legal Network and Crown Solicitor Network, Crown Law has visibility of emerging legal issues and risks that may not be apparent to individual agencies. The Review identifies an opportunity for Crown Law to play a more active role in helping government identify common challenges earlier, learn from experience across the system, and support more consistent management of Crown legal risk.

We also support the Review's focus on strengthening the fundamentals of organisational performance. The findings point to the importance of improving the consistency of client experience, sharpening organisational accountability, investing in leadership and workforce capability, and modernising data, technology and supporting systems. These changes are important if Crown Law is to remain an effective and trusted legal adviser to the Attorney-General, Ministers and Public Service agencies in a more complex and rapidly changing operating environment. We will support Crown Law to consider the necessary prioritisation to ensure resources are directed to areas of greatest strategic value.

The opportunity identified by this Review is significant. By building on Crown Law's existing strengths and addressing the issues identified through the Review, Crown Law can strengthen both its contribution to government decision-making and its wider role within New Zealand's legal system.

Central agencies will support the Solicitor-General and Crown Law as they consider the Review's findings and determine their response. We are confident that under the new Solicitor-General, Crown Law can build the leadership, capability and the professional credibility required to respond successfully to the opportunities and challenges identified in this Review. We will also support the Solicitor-General through the establishment of a Chief Executive Reference Group to inform the implementation of the Review findings and recommendations.

We thank the Solicitor-General, Crown Law staff, clients and stakeholders for the openness and professionalism with which they contributed to the Review.

Sir Brian Roche
Public Service Commissioner and Head of Service

Ben King
Secretary of the Department of the Prime Minister and Cabinet and Chief Executive

Iain Rennie
Secretary to the Treasury and Chief Executive

2

Future Excellence Horizon

This section presents Crown Law's Future Excellence Horizon developed by the Lead Reviewers, in consultation with Crown Law and Central Agencies. It outlines the contributions Crown Law needs to make to meet the expectations of New Zealanders, and the performance challenge that it needs to overcome over the next five years. Ratings and discussion in the rest of this report are framed against the Future Excellence Horizon outlined in this section.

In this section:

- **Strategic Context**
- **The Performance Challenge**
- **What will Crown Law look like in 2030?**

Strategic Context

The Crown Law Office's (Crown Law) two key purposes are to ensure that:

- the operations and responsibilities of the Executive Government are conducted lawfully, including through the Law Officer functions, and
- the Government is not prevented, through legal process, from lawfully implementing its chosen policies and discharging its governmental responsibilities.

Crown Law therefore plays a critical role in ensuring the Government can confidently advance its programme of work within the law. In this respect, it has a role akin to that of the central agencies: it must take a whole-of-government, long-term view while also working in the public interest.

Crown Law's two core functions are:

- supporting the Attorney-General and the Solicitor-General to fulfil their constitutional responsibilities as the non-political Law Officers of the Crown, including the Solicitor-General's independent oversight of public prosecutions[1]
- providing legal advice and representation services to the Government in matters affecting the Executive, particularly in the areas of criminal, constitutional, public and administrative law.[1]

There is an inherent tension between some of these functions, with Crown Law's position as the Government's principal legal advisor and, in many areas, a sole or dominant provider of legal services. We will discuss this, and how the operating model creates different incentives and dynamics compared with private sector legal firms later in the report.

Beyond direct legal services, Crown Law has two system leadership roles. The Solicitor-General is:

- the professional head of more than 900 government lawyers, comprising the Government Legal Network
- responsible for maintaining independent oversight and accountability of all public prosecutions, including through administering the network of Crown Solicitors.[2]

Crown Law has approximately 230 full-time equivalent staff based mainly in Wellington, with a small Auckland presence. This report will discuss the potential for Crown Law to have a greater proportion of its workforce in the Auckland office, both to access a deeper and broader legal labour market and to build a responsive, client-driven legal professional culture.

At present, most staff work in legal roles or roles that directly support legal work, with the rest working in organisational support functions.

Further contextual information on Crown Law is in Appendix One.

1 For more information see Appendix One.
2 For more information see Appendix One.

The operating environment of Crown Law is changing

Several structural, constitutional and technological forces are reshaping Crown Law's operating environment. They intersect with, and compound, the demands on Crown Law's core functions of legal advice, representation and stewardship of the rule of law and sit alongside the increasing complexity and duration of criminal cases which will need consideration over the next few years.

New Zealand Bill of Rights Act 1990 (NZBORA)

The need for NZBORA expertise increasingly permeates all aspects of Crown Law's legal advisory and litigation functions. The s7A declaratory remedy available in the Courts has increased the amount of NZBORA litigation and legal risk. It is placing increased pressure to provide detailed evidential material on policy matters and choices reflected in legislation under scrutiny from NZBORA rights in parliamentary processes and in litigation before the courts.

Māori-Crown relations and the Treaty of Waitangi

Issues and litigation arising under Te Tiriti o Waitangi continue to evolve into new and far-reaching areas. The Supreme Court's increasing recognition of tikanga and international human rights as part of New Zealand's law, informing legal reasoning in areas from tort and environmental law to criminal appeal rights and public law obligations, has major implications for Crown legal strategy and advice.

Climate change and environmental law

Climate change has moved from an abstract risk to a real one that is the subject of major litigation in the courts, most notably in the *Smith v Fonterra and Smith v Attorney-General* proceedings. Other matters, such as the Coronial Inquest into the 2023 extreme weather events, also show the increasing importance of Crown Law expertise in environmental law. This is reinforced by the major resource management reforms undertaken by successive governments.

Public sector trends and transformation

Recent OECD research[3] and Statistics New Zealand's General Social Survey[4] have both recorded declining public trust in Parliament, Police and the courts, compounding the effects of polarisation and economic pressure. This bears directly on jury trials, public confidence in prosecutions that the Solicitor-General oversees, and the perceived legitimacy of Crown decision-making.

Developments across the Public Service have signalled a significant shift in the operating environment. The *State of the Public Service* report in December 2025 and subsequent pre-Budget announcements foreshadowed substantial change, which was confirmed in Budget 2026. Key measures include reducing the Public Service workforce by around 8,700 roles (approximately 14 percent) by 2029, capping core Public Service staffing at 55,000 FTEs, applying ongoing constraints to agency operating budgets, and consolidating agencies, including the establishment of the Ministry for Cities, Environment, Regions and Transport (MCERT) on 1 July 2026. For Crown Law, these changes are likely to increase fiscal pressure on its cost-recovery model across a smaller and more contested government legal market and heighten the need for cross-agency legal risk oversight during organisational transitions.

3 OECD, *Survey on Drivers of Trust in Public Institutions 2024 Results: New Zealand Country Note:* OECD country note.
4 Statistics New Zealand. (2024). *New Zealanders' trust in key institutions declines* (2023 General Social Survey).

Technological change

Technology, misinformation and disinformation are becoming increasingly important factors to consider. Surveys consistently show 80 to 90 percent of New Zealanders are concerned about the societal impact of misinformation and disinformation[5]. At the same time, an ageing and more ethnically diverse population and the need for greater efficiency are increasing demand for multilingual, accessible and technology-enabled justice services, while risking a widening digital divide if not well managed. Other risks for Crown Law include the erosion of jury and public confidence in evidence, and an expanding contempt and suppression jurisdiction.

More specifically, in relation to artificial intelligence (AI) and algorithms, this report will discuss the significant shift Crown Law needs to make to respond to the performance challenge ahead of it. Crown Law's long-term insights briefing identifies AI as a two-sided risk: an opportunity to lift litigation lawyer and legal-adviser productivity, and a source of new evidential risk, including hallucinated authorities, deepfake evidence and eroding assumptions about the reliability of digital evidence. Governance, explainability and cultural oversight are identified as immediate strategic choices.

These themes point to the need for proactive legal analysis, stronger cross-agency working and sustained capability development to respond to evolving legal, social and technological challenges.

Taken together, these external forces suggest that the strategy and operating model that brought Crown Law to this point will not be sufficient for its next chapter. The matters it must address are becoming more complex, and demand for its services is increasing.

In the sections that follow, we unpack the critical areas that require a reset.

5 DPMC (2023-2024), Public Research and Insights into Disinformation. Public Research and Insights into Disinformation DPMC

Performance Challenge

The organisational culture has distinctive strengths but also a shadow side

Crown Law's culture is characterised by a strong intellectual focus, deep technical expertise in the law, pride in working on the most complex and demanding cases in the justice system and a powerful sense of working with the 'best of the best' as colleagues.

Staff are proud of the history and cachet of Crown Law, and view working there as something that will advance their legal careers. Many pointed to the inherent importance of the work and the opportunities this created for professional growth. *"This is the premier law firm in the country,"* said one internal interviewee, *"it's the place lawyers want to be."*

Interviewees also frequently identified the flexible working conditions of the Public Service as a positive element in the culture, in that these enabled those with young families to balance busy careers as litigators or advisors with the ability to be present for their children.

The positive adjectives most often used by interviewees to describe organisational culture are as shown in the graphic below. These provide a strong foundation on which to build the next chapter of Crown Law's development.

However, the shadow side of these strengths was commented on by many respondents, especially external stakeholders. They saw an insular culture that can make it difficult for Crown Law staff to understand the wider context for their advice or litigation. They described a tendency to be reactive rather than strategic, with insufficient focus on client needs.

Some interviewees noted that insularity had a distinctly Wellington quality. They need to be delivering value for all New Zealanders.

In terms of reading the wider context for their advice or litigation, some respondents felt that a focus on the intellectual purity of advice sometimes got in the way of pragmatic and practical solutioning. *"They are sometimes rigid and black letter law"*, said one interviewee, in a comment typical of many, *"...There are times when I don't want a beautiful treatise, and just need workable solutions. I feel like they land on 'the answer' too fast, and then defend it, rather than shaping up a range of options in collaboration with us."* Another interviewee said, *"They often can't read the room, and are slow to adjust to changing client context. Instead of saying 'you can't do that', they need to outline options and risks. Advice without context is of limited usefulness."*

On the perceived lack of client focus, "*They can be poor at listening,*" said one interviewee. "*It's sort of an intellectual echo chamber, in part because the client is not up in their face in the way they would be in a commercial law firm".* Another said, *"The team are technically great, removed from the client in litigation. The client is sort of an aside in their thinking."*

Many interviewees also told us that they felt that internal culture at Crown Law was highly conservative and sometimes, unhelpfully risk averse or unassertive. "*I wish they were less tepid at times.*" Another said, "*I'd like to see them working with us to collaboratively develop litigation management plans or strategies for matters that have implications for the wider justice system. They often leave it too late, put their institutional reputation above testing the boundaries or are reactive as opposed to taking a system stewardship approach.*"

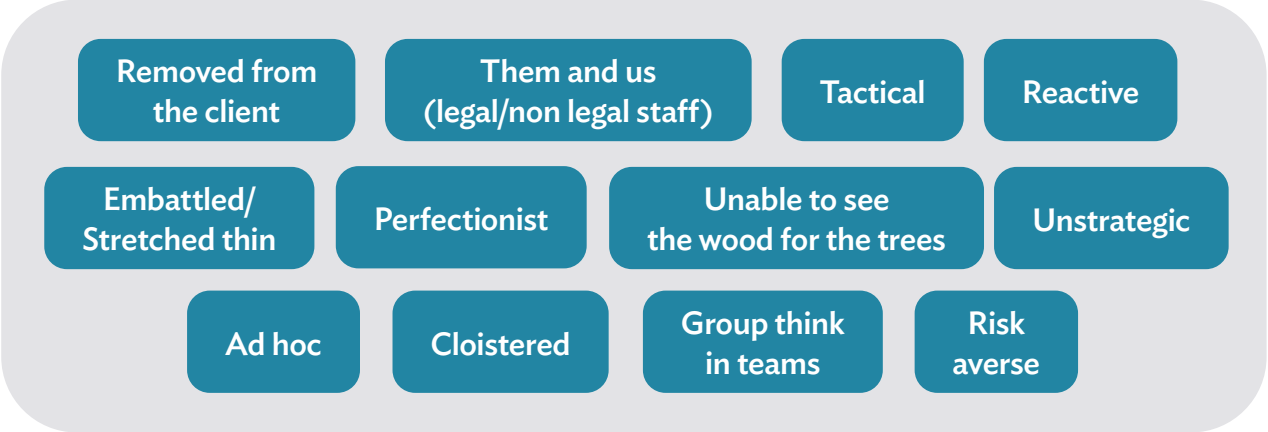
Other interviewees wondered if, as one put it, "*...their appetite might be impacted by some lack of currency in trial work. Unless you're in court all the time you won't always see the bigger implications of an individual matter.*"

It should be noted that these views on risk appetite from external respondents were notably at odds with the internal views of staff, who often described being "*fearless in court*" or "*acting as model litigants.*"

This point is important as Crown Law is, in effect, the only government agency that actively competes with the private sector. As one interviewee said, *"It really matters that they can foot it with the best of the private firms, strategise and win."*

Some interviewees observed that Crown Law currently appeared to be somewhat embattled and stretched thin. This may be partly attributable to the fact that Crown Law is carrying a high level of vacancies. However, one interviewee suggested a cultural shift is needed "*we need to rebuild their confidence and verve. This is the most important legal work in the country.*"

The shadow side adjectives most often used by interviewees are shown in the summary graphic below:



This highlights a significant performance challenge for Crown Law. The gap between Crown Law's self-perception as a premier law firm and how it is perceived by external respondents and in the wider legal services market needs to be addressed. To meet the needs of clients, customers and citizens, and to respond to its strategic context, Crown Law will need to make a deliberate shift in culture. At present, these features of Crown Law's culture are inhibiting the delivery of value.

Crown Law's existing strengths, including technical excellence, pride in the work and commitment to the rule of law, should be protected. The task is to make those strengths work harder for Crown Law's future direction, rather than allowing them to reinforce insularity, caution or uneven client service.

Operational delivery crowds out strategy and system stewardship

In its strategic intentions document, Crown Law outlines three strategic priorities[6]

- leading with a system view
- delivering right-sized, timely services that meet Government needs
- sustaining core services and capabilities.

These goals are high level and generic. They were seldom referred to by interviewees and do not appear to act as a compelling golden thread that links the work of all teams and individuals to the Office's purpose and strategy. The priorities are not supported by outcome-focused performance targets. It is also not clear how Crown Law's leadership reflects both the priorities of the Government of the day and wider justice system trends and risks in its strategy or operating model. Rather than looking across the government and legal system landscape, outward to clients and long-term at possible future scenarios, the senior leadership team appears to look in and down, focusing on the legal matters prioritised by the third-tier Legal Team Managers who allocate and manage legal work in each internal silo. This can make for a reactive, disjointed and tactical mode of operating.

The caseload presented to each Deputy Solicitor-General is significant and risks reducing their ability to focus on the future horizon. However, at times it is needed. Indeed, the Solicitor-General must also directly handle some critical matters as Law Officer for the Government, including making appropriate court appearances.

In this context, Crown Law needs to develop and embed more sustainable ways of exercising system foresight. This will be necessary if it is to give effect to its stewardship obligations, serve the Law Officers and successive governments and take a more anticipatory approach to strategic risks and trends.

This work should be done collaboratively across justice agencies and by drawing more deliberately on the Crown Solicitor and Government Legal networks. Regular scenario planning with network partners, for example, would help Crown Law develop more dynamic strategic priorities and risk frameworks. It would also support more proactive advice to Ministers and the Attorney-General and ensure Crown Law is delivering relevance and value.

This will be discussed in more detail in Purpose, vision and strategy.

System leadership is ad hoc rather than systematic

The current System Leadership Team within Crown Law does excellent legal work but is a small group with a limited mandate. The Team produces guidance and practice notes on key issues across the system which interviewees consistently told us are extremely useful.

However, Crown Law must move from the current notion that the internal System Leadership Team has exclusive responsibility for this area to a core principle that all lawyers at Crown Law should take responsibility for legal system leadership. This goes to Crown Law's fundamental stewardship obligations as a public agency.

The opportunity this provides is considerable and was a consistent theme from interviewees. "*I want them to be less inward-focused and more focused on looking across the entire legal landscape for the really big constitutional, criminal and civil trends, risks and issues*", said one.

[6] In lieu of refreshed government priorities, these have been used as the priorities for the Government Priorities section in this report.

Another said, *"...their work places them in the unique position to provide insights and harness action across the system in the interests of protecting the Crown's long-term interests and the rule of law."*

This equates to, *"...less atomised advice, less timidity in litigation, less passivity and more front-footed leadership and influence. They have the intellectual firepower and the intelligence at their fingertips. They should let it loose on the system. Their insight can help the whole system learn."*

The cases Crown Law does, and the advice it gives, combine to produce a rich source of intelligence, which should translate through not just to high-level written guidance but also more routine discussions, training sessions, and other engagements with Ministers, relevant departments and the Government Legal and Crown Solicitor networks. A central challenge is the need to move from informal intelligence gathering, based largely on personal relationships and ad hoc engagement, to a more consistent system for capturing, analysing and acting on information and insights. Once Crown Law's IT systems have been stabilised and de-risked, Crown Law will be better placed to use improved data capture and AI to support this shift.

Greater maturity in data analytics will be vital

To harness the data and insights held within the Crown Solicitor and Government Legal networks, Crown Law currently uses annual surveys to identify critical issues and risks. These rely on the capacity of those in the network to identify trends and, in our view, should be supplemented by more extensive and strategically targeted analytics gathered from multiple external sources through a range of channels.

Ideally, in a more mature data environment, Crown Law would be using a range of data sources encompassing the circumstances arising before, during and after legal problem-solving exercises (whether advice, litigation or legislation).

To make the best possible prioritisation decisions, Crown Law should consider not only the immediate legal issues, but also potential future scenarios, alternative courses of action, and the consequences of choosing not to invest in particular advisory or litigation activities.

In addition, AI offers Crown Law, with its partners in the Government Legal and Crown Solicitor networks, a significant opportunity to evolve from the current somewhat clunky processes to genuinely intelligent, data-driven systems. The emergence of agentic AI extends this further. Together, these capabilities create the conditions for a substantive shift in how the wider justice sector, including Crown Law, operates and delivers value.

Crown Law has significant opportunities to use data analytics and AI tools to strengthen its system leadership. It needs to identify and analyse the patterns and trends it sees across the legal landscape, decide whether they should translate into formal guidance for system participants, design an intervention, or point to a gap in legislation, regulation or professional practice that needs to be addressed.

Crown Law faces a significant performance challenge in supporting the wider justice sector, including the lawful and appropriate adoption of AI by the courts. Legal guidance is needed on the ethical, privacy and legal considerations that should be addressed before adoption. This guidance should not impede innovation and should acknowledge the fast-moving nature of many AI platforms.

Embedding this capability will support better prioritisation, more targeted system oversight and a more anticipatory approach to the Crown as client.

Client service focus needs to be front and centre

Crown Law is different from a private sector law firm due to its responsibility to serve the Law Officers of the Crown, Public Service departments and the interests of Executive Government as a whole. However, this does not obviate the need for Crown Law to provide (and model) excellent legal professional client service.

The review heard variable and inconsistent reports on the level of client service provided by Crown Law. Some reported good quality service, for example, that provided by the Revenue Team to Inland Revenue and the constructive, collaborative relationship that exists between them.

Other reports were negative, including that Crown Law did not seem to regard individual Public Service departments as a client at all, and was at times unhelpful towards them.

This variability in service has a number of causes, including different approaches by Legal Team Managers or relationship managers within Crown Law and whether the Chief Legal Adviser of the department concerned had previously worked at Crown Law or was well placed through personal relationships to access the right people.

Respondents, including some in the Crown Solicitor Network, described a distant relationship. "*It's definitely not a client relationship or a partnership*", said one interviewee. "*It feels more like a master servant relationship.*" This will be discussed further in the client relationships section.

Crown Law supports the Solicitor-General's Law Officer function of oversight of public prosecutions, conducted in the Crown Solicitor Network. Some in that Network worried that, particularly in criminal appellate work, it could be hard for Crown Law counsel to see through them to the client and whānau who had suffered harm. "*In a rape or sexual assault case*", said one, "*...it's vital they hold a mindset in which they see beyond us to the victim... They must think about people, not files.*"

A cultural and mindset shift is required in how Crown Law treats Ministers and departments as their clients and Crown Solicitors as key partners to remove this variability of experience and ensure that Crown Law is providing, and is seen as providing, premium legal services to the Government. Time is an asset, and Crown Law lawyers need to be using their time wisely, and to deliver the best value for the client. This will be discussed in full through the results.

Crown Law has many exceptional lawyers. Its challenge is to match that technical expertise with a consistently strong service model, so that clients see it not as a constrained alternative to private providers, but as the Government's leading source of legal advice and representation.

Crown Law needs to bring client context and client needs more consistently into its legal work. The current operating model does not yet support this across all teams and matters.

Addressing these gaps will require a consistent engagement, budgeting, risk and client management framework that applies across legal clients of all kinds. The framework should be built with input from key clients and embedded through induction, professional development and everyday management practice. As one interviewee put it, *"...there should be one 'Crown Law Way'."* This will be discussed further in the Results.

Performance and accountability signals are weak

Crown Law's practices also result in an uneconomic approach to the work, which is noticed in litigation and advice that is invoiced to government. As one interviewee expressed it, "*I know it's Crown and so there won't necessarily be clear commercial metrics for the work. But if I ask for a quick, practical bit of advice on something and I get an impractical Magna Carta, it might be partly because they*

aren't thinking about recovery rate and efficiency in the same way as most law firms. They need to find a proxy way of doing so, or they won't invest their efforts in the right stuff."

As noted above, Crown Law measures effort on any given matter in the form of time spent (though there is inconsistency across teams and legal executive support time is not always counted). As discussed, staff have notional 'billable hours' targets. These input measures do not convert to performance metrics such as fees revenue, recovery rates, and overall productivity. Fees targets do not appear front of mind for all staff nor the client's need for the legal time spent. How much time should be spent on relationship and key account management is also unclear.

Engagement management lacks rigour. As noted, engagement letters are not always used or properly templated. Because Crown departmental clients have no choice but to use the services of Crown Law and Crown Law's fees do not reflect market rates, their instructions may also be unclear, given too late in a process or provided in the absence of the wider system context. In the case of litigation matters, litigation management strategy directed at the client's risk assessment and needs is not consistently documented in advance, or communicated to the client.

These factors mean that what success should look like is frequently less clearly defined than it would be in an ordinary professional services context, which includes the wider legal profession.

In addition, the metrics that do exist are not linked to accountability, performance, progression or remuneration. There do not appear to be objective targets to which tier two legal and non-legal leaders and below them, team leaders and counsel, may be held to account.

This lack of transparency around performance and accountability is amplified by the current inability of Crown Law, as a small agency, to develop strategic workforce management approaches such as talent mapping and a performance management system that is cascaded from Office strategy into the work of teams and individuals. Performance conversations appear to be largely coaching based, and highly variable in quality and frequency.

Crown Law's remuneration system is essentially tenure based and, given the long tenure of many expert senior staff, there are challenges in providing junior staff with clear career pathways and opportunities for progression. Both the quantum and structure of remuneration appear at times to be out of touch with the legal professional services sector. Further investigation by the Solicitor-General or finance team would be appropriate to map out this potential discrepancy.

These three issues — limited objective performance data, underdeveloped organisational development capability, and a traditional Public Service remuneration system with weak links to performance — dilute the signals that would ordinarily drive accountability, productivity and professional stretch. The result is a collegial but low contest environment, where performance expectations are not sufficiently visible, differentiated or reinforced through progression and reward.

While staff consider this has cultural upside in that it creates a collegial culture, it also has a downside in that the efficiency and effectiveness strictures that operate in the market setting of a legal professional practice are almost entirely absent. There are opportunities for Crown Law to demonstrate value by proxying some private sector and professional service measures and further developing its strategic workforce management model.

Demand side management is limited and inconsistent

The absence of commercial signals, performance accountability and client focus also appears to impact prioritisation decisions. This issue is discussed in more detail later in the report, in the section on providing legal services to government.

On the demand side, Crown Law's captive market of Government clients means that there is a constant flow of work coming to the Office. Crown Law has begun to develop approaches to prioritisation and demand management. The issue is not whether prioritisation is occurring, but whether it is sufficiently visible, consistent and connected to Crown-wide value.

Most of this activity sits with third tier Legal Team Managers, who appear to apply different approaches. The more detailed implications for triage, resource allocation and the treatment of Crown Law time as a strategic asset are discussed later in the report.

The main issue at this stage of the report is therefore not the pricing policy itself, but the lack of sufficiently consistent prioritisation and triage. The pricing and fee implications are addressed later, where the report considers the delivery of legal services to government and the recommendation on pricing policy.

Enabling functions are underinvested, particularly people and technology

The corporate enabling functions at Crown Law appear not to have been explicitly designed as a part of the overall operating model for Crown Law, but rather, to have accreted over time. Core systems, including the financial and legal practice management systems, are extremely fragile and require at least an 18-month period of stabilisation before any replacement or supplementation can be considered. Hardware, such as phones and laptops, appeared very dated.

Corporate staff report high levels of frustration with highly manual systems. OIA and ministerial management, for example, is managed via spreadsheets rather than by using modern document management systems. HR systems for recording leave and time off in lieu (TOIL) are time-consuming and non-intuitive. Systems to support high-volume legal disclosure and discovery are manual, old-fashioned and labour intensive.

As new systems and technologies are being considered, such as the new Legal Practice Management system that is currently in the early stages of procurement, it will be important that:

- Crown Law staff find mechanisms for understanding what good looks like, given their current dependence on systems that are well past their supported lives.
- Processes are redesigned *prior* to scoping new technologies and tools, in order that these enablers support the Crown Law of the future, as opposed to the one of today.
- Opportunities to co-invest in shared systems – with partner agencies, or with the Crown Solicitor Network for example – are considered, prior to green-lighting Crown Law-only investment.

The HR team, as noted above, has neither the mandate nor resource to deliver anything more than a tactical service offering, although strategic workforce management at every stage of the employee lifecycle is now an urgent requirement.

For example, Crown Law's overall recruitment proposition needs work. It is possible to envisage a model in which talented lawyers are recruited after a few years in private practice, see Crown Law as a career rite of passage for a period and are then decanted back into the commercial

sector. Careful talent and alumni management could then be employed to sustain these relationships and cycle commercially experienced senior lawyers and leaders back into Crown Law later in career.

This more porous approach to the workforce would greatly assist with the currency of legal skills (including courtroom and trial practice), ensure that staff have a range of viable career pathways and, more broadly, assist with system leadership. Under such a model, Crown Law would be a talent magnet and centre of excellence for the legal profession in New Zealand, perhaps as mentioned with a greater Auckland presence.

Given the extent of investment and change required in the enabling functions, Crown Law should consider whether it is suitable to continue with its own in-house functions or whether it should share these with the central or similar independent legally focused agencies. There may be considerable benefits, particularly in the context of the coming public sector reforms, to being part of a bigger machine, if only for some functions.

The organisational design of Crown Law does not appear fit for future

Crown Law's current organisational design reflects a combination of functional and sector-based approaches that has evolved over time in response to changing needs and priorities. While the structure has supported the organisation to deliver its core functions to date, feedback gathered during the review suggests there may be opportunities to strengthen alignment, collaboration and information flows across the Office.

Some staff highlighted challenges arising from the current arrangements, including instances where work and information can become disconnected across organisational boundaries. As Crown Law continues to deliver on its strategy and respond to an evolving operating environment, there is an opportunity to consider whether the current design remains the best fit for the organisation's future needs.

In considering any future organisational design work, Crown Law may wish to reflect on:

- whether closely related activities are organised in ways that maximise collaboration, efficiency and accountability
- whether a functional, sector-based or blended approach provides the strongest foundation for the organisation's future operating model
- whether spans of control are appropriately calibrated, taking into account team size, work complexity and leadership responsibilities
- opportunities to increase organisational agility by enabling resources to be deployed more flexibly across teams, including consideration of the balance between specialist and generalist capability
- how information, knowledge and lessons can most effectively flow across organisational boundaries.

Should Crown Law decide to undertake further organisational design work, clear and transparent design principles will be important in helping staff understand both the rationale for change and the basis on which decisions are made.

The critical challenge now is to develop a new operating model for the future

Crown Law has many strengths and attributes which must be protected. The deficiencies identified in this review are not because of a lack of hard-working and talented lawyers. They reflect structural and cultural issues with Crown Law that, judging by past reviews,[7] are longstanding.

The trends and pressures facing Crown Law point to a clear opportunity to redesign its operating model around four connected disciplines:

- **client service:** Crown Law must consistently deliver responsive, practical and high-quality legal services to Ministers, departments and other government clients, as well as to the independent Law Officers
- **lawyer performance:** as the Government's law firm, Crown Law's lawyers must be held clearly to account for consistently delivering quality advice, managing Crown legal risks, winning cases and developing robust legal strategy
- **system leadership:** Crown Law must hold, communicate and act on a dynamic picture of Crown legal risk, drawing on its work and the insights of the Government Legal and Crown Solicitor networks
- **model practice:** Crown Law should model the standards expected of the Government's principal legal office, including professionalism, judgement, efficiency and stewardship of the rule of law.

An explicitly designed operating model should bridge an Office's 'why' (strategy) with its 'how' (implementation). Developing it in an intentional manner will be a critical contributor to successful implementation.

Any new operating model for the future Crown Law must clearly define the logic of the organisation: how it is organised, how it operates, and how it creates value for Ministers, departmental clients and the wider Crown legal system.

A good operating model will make the link between strategy and day-to-day work clear for staff. It should show the 'golden thread' between Crown Law's purpose, priorities, accountabilities and performance measures, while supporting the culture Crown Law needs for its next phase.

We caution in this work against excessive reliance on consultants for the design of the new operating model. Crown Law's lawyers need to reflect on each element of the model and how it needs to work in future to ensure good client service delivery and strategy implementation. Once agreed, it should, as with the strategy, be expressed as a practical, easily understood one pager.

The change leadership challenge will be more than usually demanding

The changes we suggest throughout this report should not be planned or executed as a set of one-off initiatives. They should be explicitly designed and monitored as a single, coherent, time-bound programme.

This will create a significant leadership challenge. The culture at Crown Law appears change-hesitant, and the case for change, centred as it is on the future needs of clients and the need to lift current client and stakeholder perceptions of performance and credibility, does not appear well understood or accepted by staff.

7 For more information on past reviews, see Appendix One.

We also note that our suggestions in this report are not dissimilar from many of those made in earlier external reviews, including as far back as the 2012 Performance Improvement Framework review. Senior leadership will need to think carefully about how to remove or mitigate the barriers to change that have obstructed past implementation efforts. We discuss this in more detail in the section on strategy and execution below. It is imperative that Crown Law has the courage to disrupt themselves in order to change for the better over the coming years.

It is also important to note that the wider Public Service reform context discussed earlier will have substantial impacts on Crown Law, whether directly or indirectly. This will also affect Crown Law's partner agencies and its clients. The Office will need to get its own house in order to support Ministers and departmental chief executives through the coming changes.

We suggest that there are some specific change leadership matters that warrant particular attention by the Solicitor-General and her senior team:

1. The journey is more important than the destination

The improvements we recommend are not about producing a strategy document. They are about working with staff and stakeholders to develop a clear roadmap that sets priorities, aligns effort and provides a compelling direction for the future.

The process will be as important as the outcome. Done well, it will build commitment, create momentum and lay the foundations for successful implementation.

The reset should be time-bound. We believe a refreshed strategy and operating model can be developed within six months, with implementation occurring over a longer period. Crown Law cannot afford a prolonged inward focus that distracts from its stewardship responsibilities and core legal work.

2. The right team at the top is critical

Successful transformation requires a unified and committed senior leadership team who are all invested in the change. Leaders must personally articulate a clear case for change, communicate consistently and maintain momentum throughout implementation.

Crown Law's leaders should resist the temptation to seek perfect solutions before acting. In many areas there will be no single right answer, and the organisation must be brave. Progress will depend on exercising judgement, making timely decisions and adapting as lessons emerge.

3. Balancing business as usual and change

The senior leadership team must be wholly aligned in its mission, and strike the right balance between delivering today's work and preparing for tomorrow's challenges.

Leaders need to remain connected to operational realities while creating the space to think strategically, identify emerging risks and reflect on lessons from implementation.

This balance will require deliberate choices, including careful prioritisation, disciplined agenda management and support for key change leaders. Progress should be monitored openly so that course corrections can be made early.

4. Strategic and client-driven change

The changes outlined in this report should be driven by the outcomes Crown Law seeks to achieve, rather than by technology or process improvement alone.

The starting point should be the needs of Ministers, Public Service agencies and the wider justice system, alongside Crown Law's strategic responsibilities for protecting and strengthening the rule of law. Technology, structures and processes should support these objectives, not define them.

5. Bring stakeholders and partners on the journey

Successful change will depend on Crown Law taking stakeholders with it.

Justice sector agencies, the Crown Solicitor Network, the Government Legal Network and other key partners should be actively engaged throughout the design and implementation process. Strong engagement will build understanding, increase confidence in Crown Law's future direction and support a shared commitment to improving outcomes across the legal system.

What will Crown Law look like in 2030?

By 2030, Crown Law will have transformed its strategy and operating model to sustain its core role as the Government's principal legal office and as a trusted steward of the rule of law. It will be recognised not only for the quality of its legal advice and advocacy, but also for the influence it has across the wider legal and justice system. This future state rests on a small number of connected shifts: clearer direction, stronger client service, more deliberate system leadership, better use of data, sharper accountability and modern enabling capability. It will be regarded as an indispensable constitutional institution that strengthens public trust and confidence in government, the justice system and the rule of law.

Crown Law should achieve this through a more disciplined future-state framework that connects constitutional purpose, professional services delivery and organisational capability. In practice, this means:

- strengthening public trust and confidence in the rule of law by supporting the Attorney-General and Solicitor-General to perform their constitutional functions and by partnering proactively with other justice system stakeholders
- delivering legal professional excellence for the public, enhancing the credibility and reputation of the government in the legal system
- reducing crime and crime-related harm by ensuring the continuing operation of effective and efficient criminal prosecutions and appeals, undertaken in the public interest and overseen by the Solicitor-General as an independent Law Officer
- managing and mitigating legal risks to the Crown and acting as an influential steward of the government legal system, enabling current and future governments to achieve their objectives lawfully and effectively
- providing system-wide leadership that helps Public Service agencies, Ministers and the wider legal profession anticipate and respond to emerging constitutional, legal and justice sector challenges.

Strategy and operating model are clear and distinctive

Crown Law should work collaboratively with staff and stakeholders to refresh its vision, purpose and strategic direction. It will have clarified both its unique value proposition and core functions, while reflecting the latter in a new, professional services operating model. These have been communicated widely to stakeholders and clients.

Its strategy should articulate a small number of clear choices about where Crown Law creates the greatest value for New Zealand. It should provide a strong and unifying sense of purpose for staff, making explicit the link between individual work, organisational priorities and system outcomes.

Crown Law should monitor strategic execution through a balanced performance framework that balances legal excellence and credibility, client service, organisational performance, stewardship and system impact, and will be open about its progress, learnings and areas for improvement.

System leadership and impact

Crown Law should have completed a fundamental shift from a primarily advisory and litigation-focused organisation to a confident and influential steward of the government legal system, addressing legal risks to the Crown and on leading the legal system improvements that will deliver the greatest value for New Zealand.

Drawing on insights from litigation, prosecutions, inquiries, the Crown Solicitor Network and the Government Legal Network, Crown Law will actively shape learning, capability and consistency across government legal practice. It will use its unique position across the system to identify emerging trends, influence responses to significant issues and strengthen public trust and confidence in the rule of law.

It should have shifted from being primarily a responder to legal issues to being a recognised source of foresight, insight and influence across the legal system. It will maintain a live understanding of the Crown's most significant legal and constitutional risks, helping Public Service agencies identify, manage and respond to emerging issues before they materialise.

Its guidance on legal trends will be both well-evidenced and practical. It will deliberately prioritise impact over activity, resisting the pull of low-value work.

Government agencies, Ministers, Crown Solicitors and members of the Government Legal Network will routinely look to Crown Law for leadership on emerging legal risks, system performance and matters affecting public confidence in the rule of law.

While its choices and priorities may not always be universally agreed, they will be widely understood and respected for their clarity, independence and long-term stewardship focus.

Crown Law will help promote stronger connections across the justice sector, building alignment, capability and credibility while supporting more consistent and effective outcomes. It will be widely respected as the Government's foremost source of expertise on constitutional, public and administrative law, and trusted for its leadership in identifying, understanding and managing Crown legal risk.

Leadership, accountability and execution

In order to reach the necessary change by 2030, the Crown Law senior leadership team will need to operate as a cohesive and high-performing unit, collectively accountable for strategy execution, delivery of high-quality legal professional services and achievement of system outcomes ahead of time.

Its leaders should see themselves first and foremost as organisational leaders and stewards of the legal system, rather than solely leaders of individual practice groups. They will be highly visible across the legal system and respected as both lawyers and leaders.

The senior leadership team's strategic planning will need to be outward-facing, future-focused and informed by a deep understanding of government client needs, emerging system risks and shifts in government priorities.

Leadership attention should be deliberately balanced between operational delivery and long-term stewardship to ensure immediate demands do not crowd out longer-term priorities.

Agile operating model focused on excellence and results

Crown Law will be recognised for its commitment to delivering results through legal professional excellence. It will have moved away from overly rigid processes and embraced practical, intelligent and professional approaches to problem solving, delivery and system learning.

Staff will be adept in distinguishing between matters that require deep technical intervention and those where Crown Law's value lies in strategic judgement, coordination and influence across the system. Its operating model will be centred on client service delivery, legal professional performance and system leadership.

Relentless client focus

Crown Law should be known for providing timely, practical and trusted legal services that help Ministers and Public Service agencies navigate complexity and achieve their objectives lawfully and effectively. It will combine technical excellence with a deep understanding of client context, providing advice that is legally robust, strategically informed and capable of being implemented in practice. In its role supporting the Solicitor-General in overseeing public prosecutions as a Law Officer independent from the Executive Government, Crown Law will demonstrate legal professional integrity and exceptional expertise in criminal legal advocacy, partnering with the Crown Solicitor Network.

Client relationships ought to be proactive rather than transactional, with Crown Law regarded as a trusted partner that understands the operating environment, risks and priorities of those it serves. Client engagement will be rigorous, client service expectations will be consistently high across the organisation, and client feedback will drive continuous improvement. A strengthened client relationship model will enable a more sophisticated approach to the management of key accounts.

Data-driven, insight-led decision making

Crown Law's strategy and engagement model will be supported by sophisticated data and intelligence capabilities. Using modern technology and advanced analytics, Crown Law will generate proactive, actionable insights into both criminal and civil legal systems and the Crown risk landscape.

Data and intelligence will be treated as strategic assets. Crown Law will combine information from across government, the courts, the Government Legal Network and the Crown Solicitor Network to identify emerging trends, model future risks and target intervention where it can have the greatest impact.

Evidence, learning and adaptive delivery

Crown Law will systematically capture lessons from litigation, prosecutions, inquiries and legal advice, using them to improve its own performance and strengthen the wider legal system. It will monitor progress against its strategic priorities and use evidence, data and feedback to refine its approach.

Staff will be confident, curious and courageous in how they use data to inform scenarios, identify priority cases and matters, make decisions and shape interventions. Leaders will be supported by predictive analytics and scenario modelling, enabling faster, evidence-based decisions and continuous improvement.

The workforce will become increasingly data-literate, working in partnership with AI and combining human judgement and tacit knowledge with machine execution for routine tasks. Strong governance and ethical controls will ensure trusted advice.

People capability and legal talent

Crown Law will develop a strong Public Service brand and will increasingly be seen as a preferred destination for high-calibre legal talent.

Crown Law will develop a people capability plan that connects to the organisation's vision, purpose and business strategy. It will be regarded as a small agency exemplar for its approach to talent attraction, retention and development. The workforce will become increasingly outward-facing. Inward and outward secondments with the profession will become common.

This will strengthen capability and broaden perspectives.

A period at Crown Law will be regarded as a defining stage in the development of legal careers, attracting and developing exceptional talent from across the profession. The organisation will actively exchange talent with government, the Crown Solicitor Network and the wider profession, creating a more intellectually diverse and connected legal workforce. Crown Law's reputation for excellence, public service and professional development will continue to attract people and help retain critical capability. The agency's talented people will attract other talented people.

Staff will have a clear understanding of how their work contributes to system-level outcomes.

Performance culture

Crown Law will intentionally build an organisational culture anchored in legal professional excellence, stewardship, client focus, curiosity and accountability.

It will retain the strengths that have made it successful, including intellectual rigour, professionalism, courtroom craft and commitment to the rule of law, while deliberately addressing behaviours that contribute to insularity, excessive caution or inconsistent client experiences.

Staff will think and act as members of one Crown Law, working across organisational boundaries to deliver outcomes for the Crown, rather than focusing solely on individual practice areas or legal disciplines.

As the Government's law firm, Crown Law will hold itself to the highest standards of efficiency, effectiveness, institutional performance and system stewardship. A cascade of performance measures, from strategic outcomes down into targets for teams and individual staff, will ensure a high-accountability culture. People's performance will be judged on both agency and system contributions.

Performance will be measured not only by the quality of legal work produced, but also by contributions to client and justice system outcomes, legal system leadership, organisational improvement and stewardship of the rule of law.

Modern, agile, enabling functions

Crown Law's enabling functions will be modern, trusted and strategically focused. They will provide the systems, information, technology and organisational capability needed to support high performance, informed decision-making and continuous improvement. Corporate services will help leaders understand demand, manage risk, develop capability and execute strategy. Modern platforms, data capability and AI-enabled tools will improve productivity and allow lawyers and support staff to focus on work that creates the greatest value for the Crown and the legal system.

Crown Law's corporate functions will support the vision, strategy and operating model. The Solicitor-General will be supported by an experienced Deputy Chief Executive, who will be respected within Crown Law and highly regarded for government management capability, freeing up each Deputy Solicitor-General to focus on professional excellence, client relationships, litigation and core legal work.

3

Strengths and opportunities

In this section:

- Ratings Overview
- Results
- Organisational Management

Ratings Overview

The Future Excellence Horizon in this report sets out Crown Law's performance challenge for the future. These ratings indicate the preparedness to meet that future challenge.

Key Leading Embedding Developing Weak

Results

	Rating	Rating
Government Priorities		
Core functions	**Deliver effectively**	**Deliver efficiently**
Supporting the Law Officers of the Crown		
Leading the government legal profession		
Overseeing public prosecutions		
Providing legal services to government		

Organisational Management

	Rating
Leadership and direction	
Purpose, vision and strategy	
Leadership	
Values, behaviour and culture	
Governance	
Delivery	
Services to customers, clients, and citizens	
Performance and accountability	
Engagement	
Engagement with Ministers	
Māori-Crown relationship	
Engagement with stakeholders	
Workforce	
Talent management and workforce development	
Workforce performance	
Staff engagement	
Financial management, data and risk	
Investment and asset management	
Strategic financial management and accountability	
Data, analytics and digital technologies	
Risk and assurance	

Results

Government priorities

	Rating
How well positioned is the agency to deliver on the Government's Priorities?	

What we found

As discussed in the performance challenge, we are concerned that Crown Law, as currently configured and with its current internal culture, is not well placed for an environment in which greater volume and complexity in Crown cases will combine with fiscal constraint, technology disruption and the most consequential set of public sector reforms in a generation. To deliver government priorities, including leading with a system view, delivering right-sized, timely services that meet government needs, and sustaining core services and capabilities, Crown Law will need to change how it leads, prioritises and delivers its work.

Leading with a system view

Crown Law plays an important role across government through its support of the Law Officers, leadership of the Government Legal Network and oversight of both Crown legal risk and independent public prosecutions. These responsibilities give it visibility of issues emerging across government and place it in a strong position to support more consistent legal practice and decision-making across the public sector.

We found examples of effective system leadership. Stakeholders recognised the value of Crown Law's work to connect government lawyers, share practical guidance and build capability through professional networks. The Government Legal Network, including its support for Chief Legal Advisors and wider capability-building initiatives, was regularly described as a valuable contribution to the public sector legal system. Shared guidance developed for the Government Legal Network also helps agencies address common issues without seeking separate advice, reducing demand on Crown Law and improving consistency across the system.

Across the Government Legal Network and other stakeholders, we heard that there was appetite for Crown Law to spend more time identifying emerging issues, drawing together insights from across the system and helping agencies respond to common challenges before they become larger problems. Crown Law has a unique vantage point across government, but it does not always translate that position into coordinated action.

Many stakeholders described Crown Law as effective at responding once issues emerge, but less effective at identifying risks and opportunities before they become system problems. Staff noted that system-level work often follows a court decision, inquiry finding, complaint or emerging issue, rather than being driven by active horizon-scanning. Several people described the organisation as constrained by workload, with immediate legal work often taking priority over broader stewardship activity.

Staff in Crown Law acknowledged this and described seeing recurring issues across agencies but not always having the capacity or mandate to support a wider response. Some stakeholders noted that Crown Law "*identifies problems but then leaves implementation to others*", which limits its influence on improving public sector performance. Others saw missed opportunities to use insights from litigation, inquiries and client work to reduce legal risk, develop practical guidance and support broader system improvement.

Operational demands continue to absorb much of Crown Law's attention. As a result, stewardship activity can be crowded out by immediate legal work. To better position itself for the future, Crown Law will need to strengthen its approach to foresight, make better use of the information available through its networks and take a more active role in shaping responses to emerging legal and constitutional issues. Crown Law has many of the foundations it needs, but its system leadership capability remains at a developing stage.

Delivering right-sized, timely services that meet government needs

Crown Law is widely respected for the quality of its legal advice. Stakeholders consistently highlighted the expertise and judgement of its lawyers, particularly on complex, high-profile and sensitive matters. Crown Law has also recognised the need to better manage demand and has taken steps to direct specialist resources towards areas where they add the greatest value.

There are some examples of strong client relationships and responsive support. However, experiences were again not consistent across government. While some agencies described highly effective partnerships with Crown Law, others reported delays, uncertainty about priorities and a lack of clarity about the level of support they could expect.

Stakeholders also identified opportunities for Crown Law to better reflect client needs and operating contexts when prioritising work. As discussed in the performance challenge, feedback pointed to the need for stronger client relationship management, more regular mechanisms for gathering client feedback and greater transparency in how competing demands are assessed. Questions were raised about whether sufficient opportunities are being pursued to improve efficiency in the briefing out process. Some stakeholders considered that a more consistent approach to briefing external counsel could reduce duplication, build subject matter expertise and improve value for government. In one setting, three different members of the Bar were briefed on three very similar cases.

We also heard concerns that at times, Crown Law takes a cautious or risk-focused approach when supporting Ministers and agencies. Representatives from government departments noted that advice does not always assist with the development of options for Ministers and can be perceived as focused on legal constraints rather than practical pathways forward. This is a critical gap for Crown Law.

More broadly, concerns centred on responsiveness, practicality and client focus. Although legal quality is generally considered high, advice can be perceived as overly legalistic and insufficiently tailored to support operational decision-making. Stakeholders described advice that clearly articulates legal risks and principles, but does not always provide sufficient guidance on implementation, trade-offs or practical options. This can require agencies to undertake further work to translate advice into actionable recommendations for Ministers, or risk Ministers receiving advice that does not appropriately consider their environment.

There remains a perception that Crown Law does not always invest enough effort in understanding the broader pressures, priorities and operating environments of the agencies it serves. While some clients described Crown Law as a trusted adviser with a strong

understanding of their organisation and objectives, this experience was not consistent across government. Variability in service delivery and limited capacity for proactive engagement continue to affect the overall client experience, for government departments and Ministers.

Crown Law is aware of these challenges and has begun introducing new approaches to prioritisation and demand management. Stakeholders acknowledged improvement over time. However, performance systems and client insights are not yet mature enough to support consistently delivering the right service, at the right time, across government. Further progress will be required for Crown Law to fully achieve its ambition of delivering right-sized, timely services that meet government needs.

Sustaining core services and capabilities

Crown Law continues to deliver its core responsibilities effectively and is generally well positioned to sustain these services over the medium term. Stakeholders consistently recognised the depth of legal expertise across the organisation, the professionalism of its people and its important role in supporting the Law Officers. Crown Law retains a strong reputation for legal excellence and remains trusted to advise on matters of significant importance to government.

Crown Law has a clear understanding of the pressures facing the organisation. Stakeholders and staff pointed to increasing workloads, ageing technology and the challenge of attracting and retaining specialist legal talent. These issues are well understood by the Solicitor-General and aspects of the leadership and there is evidence that work is underway to strengthen capability, modernise systems and improve organisational performance.

Interviewees generally expressed confidence in Crown Law's ability to continue delivering its core functions. While concerns were raised about future sustainability, particularly in relation to workforce resilience and enabling systems, these risks are recognised and are being actively managed. The review found that Crown Law has the capability, awareness and foundations needed to sustain and strengthen its core services. Continued investment and attention will be required, but the organisation is largely well positioned to meet its future challenge in this area.

Recommendations

To improve Crown Law's ability to deliver government priorities, we recommend Crown Law:

- develop new prioritisation and demand management approaches to incoming legal work, to ensure that Crown Law can sustainably achieve excellence in delivery of core legal services in the areas that matter most to government, including system-wide advice and strategy and address supply and demand imbalances.
- modernise legal professional performance and client engagement systems to support the delivery of the above.

Core function – Supporting the Law Officers of the Crown

	Rating
How well positioned is the agency to effectively deliver the contributions expected of it?	
How well positioned is the agency to be able to efficiently deliver those contributions?	

What the agency needs from this core function

This function covers the provision of legal advice, representation and legal administrative support to the Principal Law Officers of the Crown, the Attorney-General and the Solicitor-General, to assist them in the exercise of their independent and non-political functions, including the oversight of public prosecutions. It also covers the provision of legal and constitutional advice to the Government, Ministers and members of the judiciary. As such, the Law Officer role of the agency goes directly to its overall leadership of the system.

New Zealand needs the performance of Crown Law to be authoritative and technically exceptional in this aspect of core business. Crown Law must ensure the Law Officers are supported with high-quality, independent legal advice and representation in the execution of their constitutional responsibilities and in the administration of the law.

The implication of this is that Crown Law's people are some of New Zealand's leading technical experts and have real depth of experience in constitutional, public and criminal law.

Crown Law must also demonstrate sound working relationships with the Cabinet Office and the Ministry of Justice to ensure that New Zealand's constitution and the conventions that support it are maintained.

What we found

The Solicitor-General is relentlessly focused on the core mission to uphold the rule of law and support the government to implement its policies lawfully.

However, the Law Officer function is currently diffused across multiple DSG portfolios and teams, which blurs overall strategy for this element of core business, makes it hard to see patterns and weakens accountability.

There is room for Crown Law to step into a more active, strategic and data-driven system leadership role, elevating the role of Law Officer and system leadership to tier two responsibility. This would help develop a more strategic and less tactical approach to these functions, as well as providing a single point of accountability for the relevant outcomes.

This system leadership function should cover oversight of both public prosecutions and Crown civil litigation and advice. Senior managers within this group would include experienced civil and criminal advocates who could continue to do advocacy work in appeals or other cases from time to time as necessary or desirable to maintain the currency of their knowledge and experience in key areas.

Responsibility for Crown Law's service to Cabinet and individual Ministers, including responsibility for Ministerial support, should for the most part be integrated with a system

leadership function. The review heard that human rights law (particularly NZBORA matters) and Te Tiriti o Waitangi advice, cases and issues now permeate throughout Crown Law's legal practice. Elevating system leadership, would allow for the most important human rights and Te Tiriti cases and advice with major system-wide implications to be centralised. Otherwise, those cases can be dealt with as appropriate by the civil and criminal practices (and some cases may be in a category that can be briefed out).

Critical in all this will be the need to retain and develop the deep technical capability in Law Officer functions that can support both the Solicitor-General and Attorney-General in this foundational aspect of their responsibilities.

Recommendations

To lift the performance of this core function, we recommend that Crown Law considers the necessary shifts to increase accountability for the government legal system (system leadership) and Law Officer functions – encompassing both civil and criminal elements - to ensure:

- a more strategic approach to system leadership
- a cohesive approach to, and responsibility, for the Law Officer functions across Crown Law (civil and criminal elements)
- greater emphasis is placed on service to Ministers and Cabinet, placing Ministerial services (including those previously dealt with by non-lawyers elsewhere in Crown Law) within this function
- tighter focus on building capability and succession in the Law Officer functions
- clear accountability for system leadership delivery and outcomes.

Core function – Leading the government legal profession

	Rating
How well positioned is the agency to effectively deliver the contributions expected of it?	
How well positioned is the agency to be able to efficiently deliver those contributions?	

What the agency needs from this core function

The Government Legal Network's objectives are to provide high-quality legal advice, services and value to the Crown, enable the delivery of more efficient and effective public services to New Zealanders and ensure that Crown legal risks are collaboratively and actively managed and mitigated.

This networked approach enhances the depth of the Crown's legal capability and facilitates the Law Officers' constitutional functions. It should also support the formation of coherent and consistent Crown positions on key legal issues and risks.

From a people perspective, Government Legal Network members represent both a critical client group for Crown Law – as departmental agencies are required to use Crown Law for their specialist legal advice – as well as something of an extended workforce, with regular collaboration on significant matters. It is also not uncommon for Government Legal Network lawyers to move to Crown Law and vice versa.

The Government Legal Network is also a vital source of Public Service system intelligence and insight. It should support Crown Law's important role in identifying and managing legal risk across government. Crown Law is required to report six monthly to the Attorney-General on significant and systemic legal risks across the Crown. This work helps the Solicitor-General, Ministers and senior officials understand legal risk across the system, identify trends and connections, and discuss how legal implications should be managed.

What we found

The review found that currently, departmental Chief Legal Advisors are an underutilised data and insight asset. Going forward, more regular and strategic engagement with this group to identify future problems and to try to get ahead of Crown legal risk is essential. As one interviewee put it, "*I would like them to be a bit more apparent in the legal system. They are in a unique position to see trends and patterns in the legal landscape and act on them strategically. Given the quality of their people, more proactivity would be respected by the system.*" Another said, "*The conferences and things like the recent 'Litigation 101' training programme they held for in house lawyers are great. But we had to ask for the latter. They should lean in more proactively.*"

The cases Crown Law takes and the advice it gives produce a rich source of intelligence, which should translate through not just to high-level guidance but also more routine discussions, training sessions, and other engagement with relevant departments and the Government Legal Network.

For example, it is a vital plank of a neutral Public Service providing free and frank advice that decision making options provided to Ministers are supported by a proper evidential

foundation and are described consistently with that objective evidence. Should Crown Law see evidence that this is not consistently the case, then this is a pattern on which it will likely want to devise some form of intervention, in conjunction with the relevant Public Service leaders and Ministers.

We also have concerns that the regular risk assessments to which the Government Legal Network contributes and which form the basis of reporting to the Law Officers, are not sufficiently dynamic or strategic. Completion of the risk register appears somewhat pro forma, and it was not clear to Government Legal Network members how the material was then being used. One interviewee commented that, *"The risk thing seems a bit ossified. More creative scenario stuff, or joint scanning exercises and the like would bring it all to life more and enable us to better understand the different risk appetites of the various agencies."*

As noted elsewhere, network members find the regular guidance produced by Crown Law's small system leadership team to be useful, and there was near universal appreciation for the regular Network conferences – but departmental leads also wanted more joined up guidance, more regular after action reviews and a more collaborative approach that would better support whole of network learning and consistency of practice. One respondent said, *"It's all a bit formal and 'you submit your stuff to the mothership, and we will pronounce on it' style, rather than genuinely collaborative, informed by context, practical and solution focussed. I think more joint problem solving would benefit all parties."* Another said, *"...the conferences are great, and Crown Law puts heaps of effort into them. But we need more collaborative work – and way more regularly - to drive more efficient and consistent approaches. Crown Law's aim should be to build muscle across the whole system."*

One of the frustrations expressed by Government Legal Network members is that departments are often given no choice and have little visibility as to which provider gets briefed, if Crown Law decides to brief out a file, but they are responsible for any poor results achieved in the case and for paying the external provider's fees, even if they are unhappy with the service provided.

Departmental Chief Legal Advisors are incentivised to manage their legal budgets and are accountable if they fail to do so properly. While Cabinet directions on Crown legal business require Crown Law involvement in core Crown litigation, the system does not need to be rigid or ignore client needs. Provided that Crown Law has worked with the Department to identify a suitable group of external providers to choose from for the workstreams they have and principles of allocation of work, it should be left for the Departments to decide who they brief and as to what fee arrangements are made.

There may be advantages in a procurement process undertaken by the Crown as a whole to use the purchasing power of the Crown. That is precisely what happens through the All-of-Government Legal Services tender process managed by MBIE for work that is not covered by Cabinet directions.

Recommendations

To lift the performance of this core function, we recommend that Crown Law work with the Government Legal Network to identify opportunities for:

- a more dynamic approach to system risk identification, management and reporting, moving beyond the current largely pro forma risk register process towards a more dynamic, scenario-based and future focused risk assessment and joint scanning exercises with Government Legal Network members
- a shared lessons learned framework using data, and where appropriate AI tools, to mine Crown Law's case and advice records for cross-system patterns and insights for the benefit of the Network
- developing a more efficient and effective approach to the procurement of external legal services to the Network
- more systematic approaches to workforce exchanges and secondments, such as developing a talent management framework with online tools to enable easier sharing of opportunities.

Core function – Overseeing public prosecutions

	Rating
How well positioned is the agency to effectively deliver the contributions expected of it?	
How well positioned is the agency to be able to efficiently deliver those contributions?	

What the agency needs from this core function

As a Law Officer the Solicitor-General is responsible for the independent, non-political oversight of the conduct of public prosecutions under sections 185 – 188 of the Criminal Procedure Act and has significant statutory powers and accountability for prosecutions generally. The Criminal Group within Crown Law supports the statutory responsibility of the Solicitor-General in representing the Crown in the Court of Appeal and Supreme Court on all criminal appeals.

The Solicitor-General, supported by Crown Law, has responsibility for the supervision and funding of Crown prosecution services provided by the Crown Solicitor Network, which comprises 17 Crown Solicitor warrants held by partners in private law firms around the country. Crown Law's stewardship objective is to ensure that the Crown Solicitor Network continues to provide effective and efficient high-quality independent Crown prosecution services around New Zealand and is sustainable in the medium and long term.

Like the Solicitor-General, Crown Solicitors deliver public prosecution functions as legal professionals, independent from political actors. Crown Solicitors are bound by the Terms of Office for Crown Solicitors. These set out the Solicitor-General's requirements of Crown Solicitors and outline the funding arrangements and requirements for periodic reviews. Crown Solicitors are currently funded through a bulk-funding model.

Crown Solicitors must also comply with all directions and instructions and observe guidelines issued by the Solicitor-General. These include, for example, the Solicitor-General's Prosecution Guidelines, which were last updated in 2024. These guidelines are intended to ensure that core prosecution values underpin the practices of prosecutions in New Zealand. These values aim to achieve consistency and common standards in key decisions and trial practices, supporting open, fair and even-handed processes.

Oversight and supervision of Crown prosecutions and public prosecutions more generally is delivered by the Public Prosecutions Unit (PPU) within Crown Law. The PPU was formed in response to the 2011 Review of Public Prosecutions Services and the 2012 Review of the Role and Functions of the Solicitor-General and the Crown Law Office.

Both reviews found that Crown Law lacked mechanisms required to effectively manage or understand the costs of Crown prosecutions and there was even less understanding of the costs and quality of public prosecutions conducted by any of the many government agencies with a prosecution function.

For non-Crown prosecutions, the PPU maintains the In-House Public Prosecutors classification framework, which determines the level of experience needed to conduct prosecutions. The PPU carries out periodic quality assurance reviews of Crown Solicitors and prosecuting agencies such as Police, Customs and others.

What we found

On the criminal law side, the work in the Senior Courts is among the most important and high-profile work that Crown Law does. It is the yardstick by which many judge the effectiveness of Crown Law as courtroom advocates.

It is therefore imperative that the most significant cases are seen by key stakeholders –victims of crime, the judiciary, the defence bar, and Crown Solicitors – as being argued by the leader of Crown Law's criminal law practice as a top tier criminal advocate.

The particular need for visibility in this area of Crown Law's work suggests that more of its workforce could be based in Auckland. Approximately half of New Zealand's Crown prosecution cases originate and are conducted in the Upper North Island, with approximately a quarter in the Lower North Island and a quarter in the South Island. In relation to the location of appeal hearings, for the 2026 calendar year there are approximately 23 scheduled sitting weeks in the Auckland Criminal Appeal Division (CAD), and 22 scheduled sitting weeks of appeals in Wellington and Christchurch combined (three weeks in Christchurch, the remainder in Wellington divided between CAD, the permanent Court of Appeal, and the Supreme Court).

Growth in Auckland should be considered as a deliberate part of Crown Law's future workforce model. A stronger Auckland presence would also support Crown Law's long-term capability, resilience and workforce sustainability. Beyond providing access to a deeper legal labour market and greater exposure to private sector litigation practice (including civil and criminal trials), Auckland offers opportunities to strengthen recruitment, development and retention by creating alternative Public Service career pathways for talented legal professionals who may not wish to be based in Wellington. A larger Auckland footprint could also contribute to a more porous workforce through secondments, rotations and leadership development opportunities across the public and private sectors, while enhancing organisational resilience through a more geographically distributed workforce.

If there is growth in Crown Law's Auckland office, there will be a need for more senior leadership to be based in Auckland.

The criminal team has some outstanding lawyers, and it is essential that they have the time and space to focus on their core function of criminal appellate work and mutual assistance cases. Their trial experience should be maintained to an appropriate level. There is also scope for these high-quality advocates to become more involved in human rights and international law cases.

We have noted earlier in this report that the caseload presented to each Deputy Solicitor-General is significant and impacts on their ability to get above the fray and focus on the future horizon and system leadership. This tension is particularly acute in Crown Law's criminal law practice group where, as above, there is an expectation on the leader of the group appearing in significant cases.

For these reasons, we consider there is an opportunity for Crown Law to move the PPU function to the corporate side of the enterprise and the system leadership function for public prosecutions to a new Law Officer and Government Legal System group. One interviewee put it this way, "*Criminal trial lawyers are like surgeons, they need to be doing it all the time to be really up to speed with the crime science and with the issues on the mind of the Court*." The same applies to top-tier criminal appellate advocacy and the need to maintain connectivity with trial work. Another interviewee suggested, *"Their seniors should be doing more trials."*

We also received consistent messages from interviewees that they would like to see a more coherent approach to criminal litigation strategies and a higher risk appetite in this team to take on critical appeals or test the law where problems are emerging.

On the former point, one interviewee, said "*They aren't pushing the boat out enough in the appellate work in my view. Their risk appetite is low, and they can be unstrategic about a case that might have considerable system impact. They concede too readily.*" Another commented, "*I think they need to stand up more in the criminal work. They also seem to me to be too happy to lose in court. To have real professional leadership credibility, they need more nous. They need to win more.*"

Some interviewees also felt that Crown Law's litigation oversight and post-trial appellate strategies would benefit from more collaborative discussions up front. "*Sometimes they admire the technical legal point*", said one interviewee. "*Have they really collaborated well enough in advance about the system and victim implications as they devise litigation strategy*?"

Regarding the need to identify and act on problematic criminal justice system issues, interviewees made several specific suggestions about current system issues that would repay collaborative attention and a system wide approach from both the Crown Solicitor Network and Crown Law's criminal team, including:

- the rules governing counter intuitive evidence
- pre-recording witness and victim interviews
- matters regarding medical evidence about injuries to children in alleged abuse cases
- increasing rates of jury trial election
- the planned introduction of High Court discovery guidelines into the District Courts.

As with the Government Legal Network, the intelligence available from the Crown Solicitor Network is presently an underused resource. There should be much closer cooperation and collaboration between Crown Law, the Crown Solicitor Network and other justice sector agencies, including Police, on a more regular basis, to identify:

- learnings for the benefit of the Crown prosecution system as a whole
- areas for potential law reform or that should be tested in the courts
- areas within the Crown Solicitor Network that may need improvement or closer supervision.

This can be done in various ways (suggestions included assigning managers for different areas of the country meeting regularly with Crown Solicitors in their respective areas and/or a committee structure with both a standing and rotating membership of Crown Solicitors and a senior system leader within Crown Law) and, once Crown Law's IT systems have been stabilised and de-risked, by taking advantage of the opportunities that better data capture and AI present.

Interviewees suggested that there is also a need for a degree of greater oversight of Police and Departmental prosecutions, including by better joining up leaders of these prosecution services with the Crown Solicitor Network to ensure dialogue and consistency of practice for the benefit of the justice system (for example, in relation to disclosure).

It may be helpful to bring together Crown Solicitors and Police to share insights on a more regular basis. An example of a current matter which might reward such joint working is the spike in jury trial election rates in some regions, which could suggest some gaming of the justice system by defence counsel and may require a system intervention[8]. It is inefficient for Police prosecutors to address an issue such as this when they can only work with individual warrant holders.

Some prosecuting departments also wanted a higher level of engagement from Crown Law. "*How can Crown Law support a more coordinated approach to prosecutions across the system*", asked one interviewee. "*Surely it would benefit all our practice and hence the Crown.*"

Although there is a capacity issue here, with Police, for example, undertaking around 90,000 prosecutions a year compared to the Crown's approximately 10,000, the Solicitor-General is ultimately responsible for the independent oversight of all public prosecutions. Crown Law therefore likely needs a more active and prominent leadership role in this space.

Some in the Crown Solicitor Network felt that there was an opportunity to improve the quality of the relationships between firms and Crown Law. "*It does not really feel authentically collaborative,*" said one interviewee. Another felt, "*It sometimes feels like they think we private sector people are too commercial ... We are partners and they need to understand our operating pressures. Sometimes they interpret rules in an unhelpfully literal way. Flexibility is needed.*"

8 We heard that in some areas defence counsel seek to shift cases away from the Crown Solicitor Network as they fear additional charges being added. In other areas, they seek to shift cases to the Crown Solicitor Network as they believe the quality of discovery will be better.

We are also not certain that Crown Law is focused on the right issues in its current management oversight of the Crown Solicitor Network. We heard from some interviewees that oversight tended to focus on engagement efficiency (in our view matters for the firm holding the warrant) as opposed to more strategic issues. This is another reason to relocate this system leadership function to a new group.

With regard to the PPU, the review heard that some firms find that Crown Law's insistence on strict literal compliance with lawyer classification deployment rules forces them into some inefficient practices, while noting that the agency itself takes a less stringent approach to its own use of more junior staff.

Recommendations

To lift the performance of this core function, we recommend Crown Law:

- consider the optimal location of the functions of Crown Law's Criminal Team, including whether certain functions would be better placed elsewhere in the Office structure
- consider increasing the Criminal Team's presence in national criminal practice, half of which is in the Upper North Island, then as needed consider whether senior leadership needs to be represented in Auckland
- while retaining input into prosecutorial oversight, the Criminal Team should focus on its core role of leading criminal appellate advocacy, maintaining practical trial experience, and delivering high-quality advocacy in mutual assistance, human rights, and related regulatory cases
- consider the necessary shifts needed to provide more regular, proactive and systematic engagement with the Crown Solicitor Network on matters of criminal justice system importance, outside the biennial conferences and with a strategic, system stewardship focus connected to other justice agencies
- develop more formal arrangements for the Crown Solicitor Network aimed at data sharing and system learning
- join up the leaders of Police and departmental prosecution services with the Crown Solicitor Network, to ensure dialogue and consistency of practice on matters such as the approach to charging and disclosure
- use improved data capture and analytics (including AI tools where appropriate), once core IT systems are stabilised, to identify trends across public prosecution files and target oversight and support accordingly.

Core function – Providing legal services to government

	Rating
How well positioned is the agency to effectively deliver the contributions expected of it?	
How well positioned is the agency to be able to efficiently deliver those contributions?	

What the agency needs from this core function

Because of the Law Officer's role (by convention) in providing authoritative legal advice to the Crown and representing the Crown in the courts, Crown Law provides legal advice and representation to government departments and agencies on core Crown legal matters.

Legal advice and representation covers a wide variety of subject areas including the protection of revenue and the exercise or scope of constitutional powers or duties of the Crown including the Treaty of Waitangi and the Crown/Māori relationship, citizenship and immigration, health, gambling, resource management (including specific areas such as fisheries and Crown minerals), biosecurity, food safety, education, land law (including issues relating to the conservation estate, other land of the Crown, and public works), earthquake recovery, privacy, transport, social services, family law, and the application of Treaty principles in administering legislation.

Crown Law also provides expertise in relation to the powers and functions of government, judicial review of executive action, legislative and parliamentary processes, conduct of large-scale civil litigation, statutory appeals, common law claims against the Crown and government-led inquiries.

What we found

On the supply side, most client departments reported that the legal advice they received was of excellent quality. Concerns were less about legal quality and more about the client experience and degree of client focus and practical assistance. This means that the quality of the legal advice is undermined by the variability, and in some instances poor quality, of the client service provided. Common themes included:

- In some cases, the lack of a clear and appropriate relationship management arrangement between Crown Law and the client. One interviewee said, *"My relationship manager is junior, I don't really feel there is any strategy around me as client."* Other respondents were very happy with their relationship management arrangements. This inconsistency is problematic.
- A tendency by Crown Law to focus on the presenting issue for the client, as opposed to the client's wider context, which sometimes meant advice was overly narrow or lacking in practicality. *"I try to brief them on the bigger picture"*, said one interviewee, *"... but sometimes they home in on the technicalities, so it's not always helpful."* Another said, *"I just wish they'd be a bit more co-creative with me. They tend to adopt a position and then not want to budge from it when I introduce operational realities. A more flexible approach would be great."*

- Lack of engagement and commercial discipline. Clients reported inconsistent use of engagement letters, limited visibility of budget overruns, and occasional work being undertaken without clear agreement. *"I try to instruct really tightly"*, said one interviewee, *"...as our budget is under pressure. But I don't always get an engagement letter, or a heads up the budget's going to be exceeded. Once I even got an opinion I hadn't asked for, because they thought I should have it. As the accountable budget holder, who's going to have to explain the overspend, it hurts to pay for something like that."*
- Practicality of advice. While legal analysis was generally regarded as excellent, some clients considered it overly academic or cautious. *"I don't want common law back to 1640," said one respondent. "Sometimes I just need a couple of pragmatic options as to what to do."*
- In a few cases, clients perceived Crown Law as operating from a deficit perspective towards them. "I'm an experienced lawyer and public servant", said one, suggesting this was not always recognised.
- Some clients felt Crown Law could be inflexible in its approach to risk, with insufficient recognition that departments and Ministers are ultimately responsible for determining the level of risk they are prepared to accept. *"The clue is in the name"*, said one client. *"It's advice, not the stone tablets. And they may be Crown, but so are we. I and my leadership will make the choice about the risk we'll tolerate. That's our core job."*
- Lack of collaboration about briefing out decisions. *"I'd appreciate some input into where a case they want to brief out should go"*, said one respondent. "I *know they want to spread the work across the Crown Solicitor Network, but why put six cases on the same matter to six different Crown Sols? Inefficient, and surely it might be more strategic to concentrate things in centres of excellence."*

These issues point to variability in client experience and bringing a practical focus rather than concerns about technical legal competence. Few respondents questioned the quality of Crown Law's legal advice, which was widely regarded as technically excellent. Many clients felt very well supported. However, several suggested that Crown Law's service model did not consistently match the standards expected of a premium legal services provider. As one interviewee reflected, *"I'd get a faster, more client friendly and possibly cheaper experience somewhere else, and sometimes that's frustrating. They are good, so they ought to be able to foot it with the best commercial firms."*

The review heard similarly mixed views about service delivery across government departments. Some departments reported highly constructive and collaborative relationships, for example, the service provided by the Revenue Team to Inland Revenue. Clients also pointed to strong client-facing practice in senior relationship roles, including the Deputy Solicitor-General, Crown Legal Risk Group, who was described as highly regarded, trusted, constructive and responsive. Others described experiences where Crown Law appeared not to regard the department as a client and could at times be unhelpful or adversarial.

These differing experiences appeared to reflect both variations in management approach and the extent to which departmental Chief Legal Advisors had established networks and relationships within Crown Law. Access to the right people and expertise often depended on these personal connections rather than a consistently applied service model. The positive examples indicate that Crown Law already has some of the relationship management, judgement and client confidence needed in its future service model. The issue is that those behaviours and disciplines are not yet consistently experienced across teams, clients and matters.

A more mature service model would make these expectations explicit. It would include consistent engagement letters, agreed approaches to scoping and costing work, clearer relationship management arrangements, client account planning, routine feedback mechanisms and regular review of whether legal advice is practical, timely and fit for purpose. These disciplines should apply across legal clients of all kinds, while allowing enough flexibility to reflect the nature and risk of the matter.

The model should also give Crown Law standard ways to listen to clients and act on what it hears. Client feedback should inform enterprise performance measures and lawyer accountability at team and individual levels. Stronger feedback channels, analysis of recurring themes and capability in client experience and service analytics would help Crown Law move from variable relationship-based practice to a more consistent professional services model.

Addressing this variability will require a stronger and more consistent client-service culture across the organisation. Crown Law must be seen as providing premium legal services to Ministers and departments, while maintaining its broader constitutional responsibilities and independence. This is where the client-service diagnosis becomes an operating model issue: Crown Law needs a clear, repeatable way of managing relationships, setting expectations and testing whether its advice is useful in practice.

The strongest version of that model would retain legal independence and constitutional judgement, while making client engagement more deliberate. It would clarify who owns each key client relationship, how work is scoped and prioritised, when matters should be briefed out, how costs and risks are discussed, and how feedback changes future practice.

As the organisation develops a more client-centred and data-informed operating model, there is an opportunity to deliver a more consistent client experience, make better use of technology and data to identify system-wide issues, adopt a more dynamic approach to Crown legal risk, and strengthen mechanisms for organisational and system learning.

More systematic workforce exchanges between Crown Law and the Government Legal Network could also deepen capability, create clearer career pathways, and foster greater mutual understanding.

On the demand side, the captive market of government clients under the Cabinet directions means that there is a constant firehose of work coming to Crown Law. Crown Law has recognised this challenge and has begun developing approaches to prioritisation and demand management. This is important progress. The opportunity now is to strengthen, make more visible and consistently apply those disciplines across the Office.

A significant proportion of Crown Law's workload is driven by constitutional responsibilities, statutory obligations, Cabinet Directions and the requirements of litigation. The scope for discretionary reprioritisation is therefore more limited than in many Public Service agencies. The challenge is not whether Crown Law can choose all of its work, but whether it is making the best use of the areas where judgement and discretion do exist, including the allocation of expertise, decisions to brief out work, the balance between reactive and proactive activity, and the prioritisation of system stewardship functions.

Although we have viewed the prioritisation framework developed by Crown Law relatively recently, it is not clear to us that it is applied consistently. The framework is at such a high level that it appears to provide a broad guide rather than clear criteria for determining which matters Crown Law should undertake itself and which could be managed through other arrangements.

Crown Law should treat time as a strategic asset. Legal expertise, leadership attention and client time are finite public resources. They should be allocated to the matters where Crown Law's involvement is most necessary and most likely to create value for the Crown and the wider legal system. This requires clearer choices about which work Crown Law undertakes itself, which work is supported through guidance or oversight, and which work can sit with departmental legal teams or external providers.

On the civil side of Crown Law's legal practice, there is an opportunity to take a more strategic approach to allocating work between Crown Law, departmental legal teams and private sector providers. Crown Law should work collaboratively with client departments to identify key workstreams and determine which activities are best delivered by Crown Law, which can be undertaken within departments and which may appropriately be sourced externally. This would enable decisions about briefing work to be made within a clearer strategic framework while retaining flexibility to brief individual matters externally where appropriate.

Current systems and processes do not appear to support this approach as effectively as they could. Teams do not have clear revenue and expenditure targets that would help shape demand and support decisions about the appropriate balance between internal and external delivery. Similarly, risk analysis does not appear to form a routine part of the initial engagement management phase. While a Crown-wide risk management plan exists, it is not linked to specific matters, limiting its usefulness in assessing system-wide impacts and developing a comprehensive view of risks to the Crown.

Expectation setting and instruction taking also appear variable across both Crown Law and its clients. In some cases, work is requested within very tight timeframes, reducing opportunities for the types of discussions that would typically occur in a professional services environment about scope, priorities, risks and delivery expectations.

Crown Law staff consistently described significant workload pressures. At the same time, there appears to be a substantial volume of work that could potentially be undertaken by alternative providers without materially increasing risk to the Crown. To the extent that the current Cabinet Directions limit the ability to make such decisions in a more systematic and strategic manner, consideration should be given to whether those Directions remain fit for purpose.

Any redesign of work allocation arrangements should be assessed from a whole-of-Crown perspective. Reducing activity within Crown Law does not necessarily reduce overall Crown expenditure if costs are transferred to departments, prosecuting agencies or external providers. Decisions about the location of legal work should therefore be informed by overall value to the Crown, service quality, risk management and system capability, rather than agency-level cost considerations alone.

A related concern raised by departments is that they may have limited influence over the selection of external providers when Crown Law decides to brief out a matter, despite remaining accountable for both the outcome and the associated costs. Departmental Chief Legal Advisors are responsible for managing legal budgets and are held accountable for doing so effectively. Where Crown Law and departments have jointly identified suitable external providers for particular workstreams, there may be value in allowing departments greater discretion over provider selection and fee arrangements, while ensuring Crown Law and the Solicitor-General retain sufficient oversight of risk and significant Crown-wide issues. There may also be advantages in considering a coordinated procurement approach across the public sector to maximise the Crown's collective purchasing power.

In practice, much of the demand side management activity is in the hands of third tier Legal Team Managers, who appear to apply inconsistent approaches to these matters.

Given the volume of work and the difficulty of maintaining visibility of demand across the organisation, Crown Law should consider a more centralised approach to triage and resource allocation, at least for a transitional period. Greater oversight, supported by improved data capture, would enable demand to be assessed more consistently and aligned more effectively with available resources. It would also help Crown Law make explicit choices about the best use of legal expertise, leadership attention and client time, treating each as a scarce public resource rather than an unlimited input.

In relation to fees charged by Crown Law, this must reflect the reality of Crown Law's operating model and funding. Currently, the incentives are such that departments wish to minimise the fees they have to pay Crown Law and may simultaneously prefer to pay Crown Law's relatively low rates rather than commercial rates, even at a level procured through a process like the AOG legal services tender, as discussed earlier.

Recommendations

To lift the performance of this core function, we recommend Crown Law:

- improve the rigour of client engagement management, including the development and implementation of consistent methods, guidance, training and tools for client leads
- design and embed a Crown Law-wide client-service model 'the Crown Law way', supported by training and capability development for all staff
- establish a coherent pricing policy that reflects the true cost of Crown Law's services and supports efficient demand management across the Crown legal system
- complete a client-by-client review of legal workstreams to determine which work should be undertaken by Crown Law, departments, or external providers
- assess and, if appropriate, implement a central triage function for a defined period to improve demand management and resource allocation, so that legal expertise, leadership attention and client time are directed to matters where they create the greatest value
- in light of the above, consider whether any amendments to the Cabinet Directions for the Conduct of Crown Legal Business are required.

Organisational Management

Leadership and direction

	Rating
Purpose, vision and strategy • How well do the agency's staff and stakeholders understand and support its purpose, vision and strategy? • How well does the agency use long-term thinking and its strategy to plan and drive delivery?	
Leadership • How well does the senior leadership team collectively lead and direct the agency and implement change? • How well does the agency take accountability for and lead the improvement of relevant system or sector level results?	
Values, behaviour and culture • How well does the agency develop and promote the organisational culture it needs to achieve its strategic direction?	
Governance • How well does the agency use governance arrangements to drive performance and deliver value-for-money?	

Purpose, vision, and strategy

We suggest there is an opportunity to develop a revised purpose, vision and strategy for Crown Law. This does not need to be complex or lengthy, but it does need to capture the distinctive value proposition or 'why' of Crown Law. Crown Law's people feel the uniqueness of the agency and can be quite emotional on the subject, but they do not articulate it in any consistent way. A refreshed vision and strategy must capture both the heads and hearts of staff and will assist in:

- unifying across internal silos and teams
- helping leaders and staff better discriminate between priorities and options and help ensure they invest effort where it matters most to the Crown's interests
- help galvanise the discretionary effort that often makes the difference between winning and losing in court, or between staying in the organisation and leaving
- identifying Office and system-level outcomes to which the agency aspires and against which it can measure its progress and performance.

Developing a refreshed purpose, vision and strategy should be a collaborative exercise, with both staff and stakeholders. It will be important not to overthink or overcomplicate the work.

Vision and purpose

While Crown Law's people are passionate about their work and feel a strong personal sense of mission, they do not appear to feel a shared vision, or 'light on the hill' inspiring their service.

The current absence of an ambitious, yet concrete and measurable, statement of vision and purpose to guide staff is also making it difficult for people in Crown Law to prioritise their work.

The vision is also insufficiently galvanising to unify an agency characterised by deeply embedded organisational silos.

This means that Crown Law's people are more likely to default to statutory mandates and to individuals' personal interpretation of their missions for their 'why'. This, in turn, risks adversely impacting the development of a client-led, systems-based and holistic view of Crown Law's role, consistently applied across the agency.

A refreshed vision and purpose will be vital to create aspiration, inspiration, and shared focus for the next phase of Crown Law's journey. It will need to be clearly and succinctly communicated through the organisation. As noted, it will need to act as the 'golden thread' through the development and delivery of strategy and operating model and so provide the consistency, coherence and commitment needed for an effective and successful reset.

Strategy

Relatively few of the staff we interviewed believed the organisation had a clear vision of where it is going and how it will get there. Staff told us that while they had a passion for the law and strong loyalty to the organisation, they felt that the future direction and priorities of Crown Law were often overly implicit.

As always, the process of developing the strategy will be important and, in such a small organisation, could easily be undertaken on a highly inclusive basis to strengthen a shared sense of direction and purpose.

Crown Law cannot analyse its way to the new strategy. Nor should its strategy be confused with the required compliance and accountability documentation. It should develop a simple, one page framework with plain language objectives and measurable targets that those in Crown Law, in the legal networks and in partner agencies can readily understand and support. The document can then iterate over time.

Strategic objectives should be clear, simple and measurable, with a balanced scorecard, or similar, at a whole-of-enterprise level to monitor progress against outcomes. This simple strategy should be the document against which the agency is led and managed day to day.

The approach to developing and setting organisational strategy should also be thought of as posing and answering the question 'where do we want to be in five or ten years and how should we work back from that?' It should not simply be about 'where we are now and what will we do next?'. It should not be a list of things to do, but an opportunity to work through a set of choices about where the agency can have most impact in delivering its purpose and vision.

Greater attention is needed on how the strategy is cascaded and communicated into the agency so that people at all levels understand how what they do supports delivering the vision.

At present, the link between employees' roles and responsibilities and the strategy and the vision it is designed to deliver is unclear to many. Difficulties we saw across the agency in staff prioritising activity may also reflect the current lack of granularity in both organisational strategy and the current vision and how these relate to their own responsibilities.

This is an area in which we believe the Solicitor-General should act with urgency to ensure the organisation is well placed to respond to the changing environment. There is a real opportunity to build and communicate a more explicit and energising sense of purpose and direction.

Leadership

Internal agency leadership

It is not yet clear how Crown Law's strategic planning and operating model systematically reflect both the priorities of the Government of the day and emerging trends, opportunities and risks across the wider justice system, including in independent public prosecutions. The review observed that leadership attention is necessarily drawn to the significant volume of operational legal work managed across the organisation. This may limit opportunities to consistently maintain an external and system-wide perspective, including engagement with clients, future scenarios, and the evolving needs of the Crown legal system.

The substantial case responsibilities carried by Deputy Solicitors-General also affect the capacity available for strategic stewardship and longer-term organisational leadership. In addition, the Solicitor-General has unique responsibilities as a Law Officer, including direct involvement in significant legal matters and court appearances.

Taken together, these factors raise questions about whether the current leadership structure provides sufficient capacity and focus for both strategic stewardship and operational delivery. In particular, careful consideration may be required to ensure the Chief Executive responsibilities of the Solicitor-General role are appropriately balanced alongside its constitutional and Law Officer functions.

System leadership

A dominant theme in our review was the perceived lack of system leadership carried out by Crown Law. This has been addressed at multiple points in this report. One interviewee described the opportunity now before the agency, "*They are smart people. But they have barely any system influence. They need to move from tactical and institutional thinking and into strategic systems thinking.*"

As for how to make this critical shift, another interviewee suggested that Crown Law needed to, "*...take the systems leadership mandate by utilising the insight available to them through their eyes and ears: the Crown Solicitor Network, and the Government Legal Network. Then, rather than being academic about things, they need to lean in, coordinate responses, issue guidance and respond to the big system issues with constitutional, public trust or risk implications for the overall justice system.*"

In taking up this challenge, Crown Law must move from the current notion that the internal System Leadership Team has responsibility for this area to a core principle that all lawyers at Crown Law should take responsibility for system leadership. The cases Crown Law does and the advice it gives combine to produce a rich source of intelligence, which should translate through not just to high-level guidance but also more routine discussions, training sessions, and

other engagements with relevant departments and the Government Legal and Crown Solicitor networks.

Adopting a more active and influential systems role will also require Crown Law to deepen and extend its relationship with the Ministry of Justice in particular. As one interviewee put it, they should get together and ask themselves, *"How could Crown Law support Justice to take a more connected approach to the system risks that undermine public trust and confidence in the rule of law? They don't do policy or have the operational levers. But they do see where the pressure points are across both civil and criminal law."*

Some respondents also saw system leadership as having important workforce implications for Crown Law. *"...they could contribute to a capability plan for the Government legal profession"*, said one. *"There are opportunities around a combined workforce strategy with the Government Legal Network and Crown Solicitor Network groups, with public private rotations and secondments."*

A more active system leadership role should include structured engagement with senior policy leaders across agencies responsible for major reform programmes. Crown Law's unique position across government provides an opportunity to understand emerging policy initiatives before legal issues crystallise. While relationships with Chief Legal Advisers are important, there is an opportunity for Deputy Solicitors-General and other senior leaders to establish more regular and structured engagement with Deputy Secretaries responsible for major policy and reform programmes. This would provide earlier visibility of government priorities, policy intent and implementation challenges, enabling Crown Law to identify emerging legal risks sooner and contribute as a more strategic partner in helping Ministers achieve their objectives lawfully and effectively.

Values, behaviour, and culture

Organisational culture

We discussed the internal culture at Crown Law in detail above in the section on the future excellence horizon, including its undoubted strengths and its shadow sides. Going forward, it will be vital for the senior leadership team to actively and explicitly model the culture they want in the future agency and which they believe will support effective strategy execution.

Cultural change will be critical if Crown Law is to achieve the future state described in this review, including becoming more client-focused, more strategically oriented, more connected across government and more proactive in identifying and responding to emerging issues.

Edgar Schein's work on organisational culture is helpful in understanding this challenge. Schein[9] argued that culture exists at several levels, from the visible systems, behaviours and symbols of an organisation, through to its stated values and, most importantly, the underlying assumptions that shape how people think and act. While organisations often focus on the more visible aspects of culture, the deeper assumptions are usually the most influential and the most difficult to change.

For Crown Law, this means that setting a new strategy or articulating a future vision will not by itself shift organisational culture. Staff will look for evidence that the organisation's systems, priorities and leadership behaviours support the desired future direction. For example, if stronger client relationships, greater system leadership and more strategic thinking are priorities, staff will expect to see these reflected in performance expectations, promotion decisions, professional development, work allocation and leadership behaviour.

9 Schein, Edgar H, with Peter Schein, Organizational Culture and Leadership, John Wiley and Sons, 2016. (Originally published in 1985). Also useful is Schein, E. H. (1990). Organizational culture. American Psychologist, 45(2), 109–119.

The review also suggests that some of the behaviours limiting Crown Law's future performance may be linked to underlying assumptions that have developed over time. These include perceptions of risk aversion, perfectionism, a tendency towards reactive rather than proactive engagement, and an emphasis on technical excellence that can sometimes come at the expense of broader client and system perspectives. These characteristics are not inherently negative. Indeed, many are closely linked to the strengths that underpin Crown Law's reputation. However, they may require conscious management if the organisation is to operate successfully in a more complex and rapidly changing environment.

Successfully shifting culture will require sustained leadership attention over several years. The strongest signal leaders can send is to consistently model the behaviours they wish to see across the organisation and to align organisational systems, processes and incentives with the future direction. Over time, this will help reinforce new expectations and challenge assumptions that may no longer serve the organisation well.

Internal values and behaviours

Most of the staff with whom we spoke knew the core values and had some sense of what they meant and how they were to be applied.

The process towards a refreshed vision, purpose and strategy for Crown Law we suggest above also provides an opportunity to review and update the values. Once again, it will be important to take both an inclusive and a top-down approach to the work.

As part of the update, consideration should be given to including the need to work as a single team ('One Crown Law') to address an apparent silo mentality we observed across the agency.

Once a refreshed set of organisational values has been agreed, clear examples of good (and not so good) behaviours should be communicated through and workshopped across the agency. These examples should be sufficiently specific to be used in performance management, coaching and development conversations between managers and staff.

As we discuss in more detail below, it is our impression that Crown Law's performance management systems are focused on technical skills rather than behaviours and attributes. It also appears that some managers are deeply uncomfortable engaging with their people on the latter. Bringing the values to life and talking about them in tangible terms will encourage these conversations to happen naturally.

Members of the Leadership Team will play a vital role in embedding any revised values. They must ensure they set the right tone at the top, align with the Solicitor-General and lead by example in modelling the desired, future-focused values and behaviours.

Steps should also be taken to ensure the refreshed values are reflected in each element of the employee lifecycle; from hiring and induction, through development and promotion. They should play a central and transparent role in performance assessments and decisions about progression.

Governance

Given the size of the agency and the singular role of the Solicitor-General, governance in Crown Law has been undertaken on a largely personalised basis, in which intellectual capability and force of personality rather than systematic organisational management practices and processes have driven organisational performance.

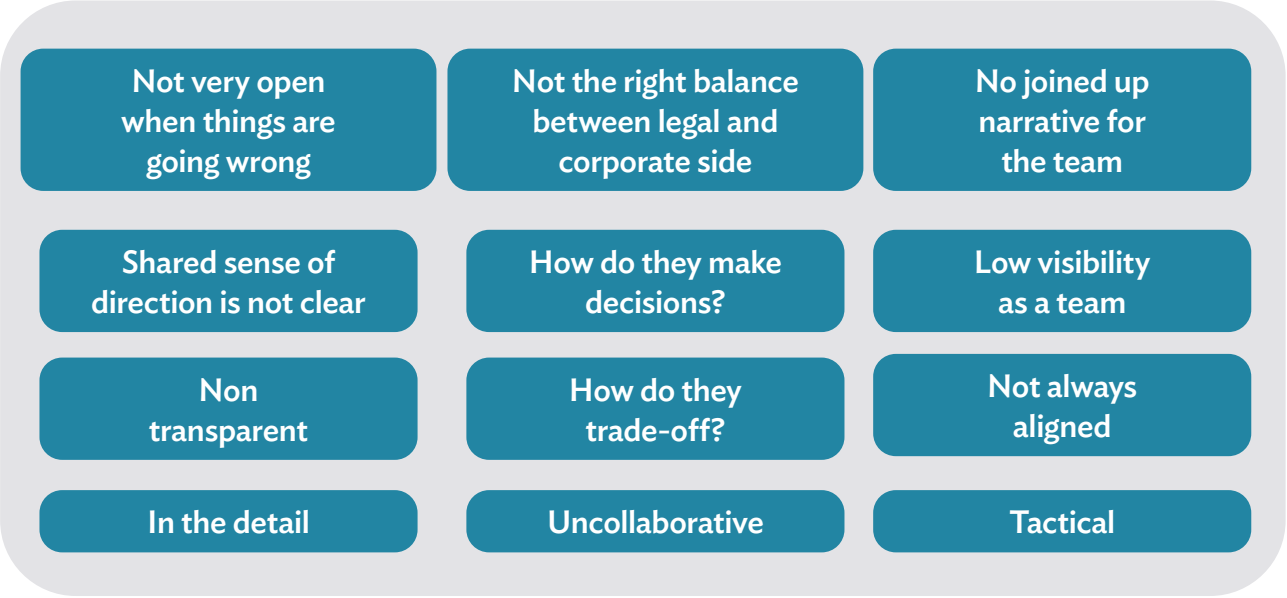
While this has been largely effective to date, as Crown Law steps-up to a position of greater system leadership, and operates within a more volatile environment, we suggest a more systematic approach to governance, based on organisational best practice, will be required.

The decision-making and governance arrangements for Crown Law must also support the revised vision and strategy. Current arrangements are likely to impede Crown Law's ability to deliver the vision and strategy in an efficient, effective and agile way.

Currently, the role of the Leadership Team is also not well understood across the agency. For instance, we had a sense that staff were unclear whether it is a decision-making body, a body advising the Solicitor-General or, simply a discussion forum.

We commented earlier on opportunities to reflect on the structure and composition of the groups and teams within Crown Law.

It is worth noting here that the top team is also seen by staff as a group of individuals, rather than as a truly collaborative team. At present, it appears to be more a collection of legal leaders than a tight group of corporate leaders collectively accountable for the performance of the agency. When we asked internal interviewees about how they saw the team currently, their responses included those in the graphic below.



The Leadership Team's role and decision-making accountabilities should also be clarified, documented and communicated across Crown Law. These should then be reflected in a formal Charter. Such a Charter would recognise the different roles that the Solicitor-General and Crown Law carry and how these are reflected in the senior team, and provide the basis for regular self-review by that team to support ongoing growth and cohesion.

As Crown Law enters its next chapter, its leaders also need to see themselves as collectively accountable for the system and organisational outcomes, thinking outside their own areas of responsibility. Its Deputy Solicitors-General must be on the business, rather than in it. They must operate as a group, not as a collection of individuals who prioritise their legal work over their roles to secure successful enterprise-level outcomes for the agency.

A responsibility assignment matrix (commonly known as a RACI[10]) also does not appear to have been clearly articulated for the senior team.

[10] A RACI sets out responsibilities ('who does'), accountabilities ('who approves'), who is consulted ('who has input') and who is informed ('who sees the output') in relation to activities in cross-functional projects and processes.

Crown Law should consider developing (and publishing) accountability statements for all staff. These statements should be designed to ensure that leaders at every level are clear about their accountabilities, and that staff, stakeholders and clients are also clear about where accountability for decisions lies within the organisation. The process of developing the statements will provide Crown Law with the opportunity to carefully reflect on who should be accountable for what, and why.

There were also comments on the perceived rigidity of the current delegations framework and a sense of relatively senior staff feeling disempowered. At present, many key decisions are made at either the Leadership Team or Legal Team Manager levels, creating bottlenecks and risking slower than desirable decision-making. The work on the RACI and Charter should go hand in hand with a review of the current delegations framework.

In addition to executive governance, Crown Law should consider enhancing the scope of its external Risk and Assurance Committee, with representation from the wider system and 'lay' members, who can assist the executive to reflect on cross cutting, strategic or high-risk matters by bringing a wide range of perspectives and experiences to bear.

Recommendations

We recommend Crown Law:

- work collaboratively with staff and stakeholders to develop a refreshed vision and strategy, supported by a balanced set of outcome measures that can be cascaded to team and individual performance expectations
- consider what options may need to be explored around the composition and ways of working of leadership to better support execution of the new vision and strategy
- pivot the agency to focus on a more expansive and proactive system leadership role
- refresh organisational values and, with staff, translate these into clear behavioural expectations that can be embedded in leadership practice, coaching and performance conversations
- consider developing a Charter and RACI for the senior leadership team and aligning delegations accordingly.

Delivery

	Rating
Services to customers, clients, and citizens • How well does the agency understand the needs of customers, clients, and citizens, and use these to innovate and deliver better services and outcomes? • How well does the agency integrate services with its partners and providers to deliver value to customers, clients and citizens?	
Performance and accountability • How well does the agency use performance information to drive continuous improvement and accountability for results?	

Services to customers, clients, and citizens

Understanding client needs

If Crown Law is to lift its service performance to customers, clients and citizens, it will need to do the work to understand the client base, key segments within it and the needs and wants of each. Then it should consider the optimal approach to priority account management and ongoing client relationships.

As noted, this will require a shift in mindset, from thinking from the law out to the world of the client and citizen to thinking from the needs and preoccupations of the client and citizen into the law, including with Law Officer functions.

While this will be a highly nuanced shift, Crown Law's people are well placed to make it, as one interviewee noted. "*They are elite technical experts, but that shouldn't preclude them being out and about and alert to signals about what the courts want or what victims want or what partner agencies want. While sometimes their role is to stand firm on black letter law, there are times we want their big brains to do the hard intellectual work of thinking outside the boundaries in the interests of a customer group or future citizens or the long-term health of the system. They are really capable thinkers. They need to bring the relational, service delivery side in more.*"

A critical first step in this area will be the development of a client and stakeholder map, which clearly stratifies priority or high-risk clients or stakeholder and assigns relationship management arrangements accordingly. For all priority one clients or stakeholders, an explicit relationship management strategy should be proactively developed. This should take full account of the client's expectations, operating context and key risks, and should be available to all lawyers working with that client.

The skills and attributes required by all Crown Law relationship managers should be clear, and these managers should drive and regularly monitor dynamic account management plans for priority clients. Outside specific engagements, proactive efforts should be made to work alongside clients to understand their context and concerns. "*They simply must be able to put themselves in my shoes,*" said one interviewee. This will ensure a well targeted and coherent service offering.

As noted in the section on workforce, client feedback should also be sought as an input into all performance management conversations with staff.

Bringing client service to the heart of the Crown Law Operating Model

In a law firm, or indeed any professional services organisation, there tends to be three functions:

- **Function A:** bringing in / accepting the work - assessing client demand and accepting the work that can reasonably be done by the organisation
- **Function B:** transacting the work – allocating work to the right people, and managing the process of doing the work
- **Function C:** assuring delivery to client need – ensuring that the transacted work is delivered to the client in a way that is valuable / meets their needs.

In most professional services settings, all three functions are overseen by one senior lawyer for any one client or project and at most two.

The alignment of these is what maintains professional standards, productivity, efficiency, client service and motivation in a professional services organisation. There is no point doing work that clients do not need.

In Crown Law, these three functions have drifted apart. They are regularly performed for a client by three different lawyers, if function C is even considered at all.

There is such a high volume of incoming instructions that accepting work appears to be an ad hoc process and largely depends on capacity and individual lawyer disposition at present. At times, we heard that very junior client relationship managers are playing this role and passing it on to Legal Team Managers for formal work allocation.

Strategy and meeting client or stakeholder needs often get lost in the mix. The cost of delivering Crown Law's services and the value those services provide are unmeasured, including both direct economic value and intangible whole-of-government legal system value. This needs to be recognised in the expectations placed on senior lawyers and relationship managers.

Our view of Crown Law is that any future operating model needs to bring the functions back together in one leader per client (or sector), to reflect that high-quality lawyering is a mix of technical and interpersonal skills, motivation and effort.

Senior leadership will need to supply leadership, strategic development and oversight to enable this shift.

Balancing Crown Law's obligations to the Crown and to the client

Crown Law can also sometimes suffer a balancing problem. This arises when there is a possible tension between its wider obligations to the Crown as a whole and the instructions and intentions of a specific Minister, Department or other client.

All lawyers are required to follow their clients' instructions unless they conflict with other ethical or legal requirements. All lawyers face the challenge from time to time of having to discuss with their client instructions that the lawyer considers are wrong or cannot be followed, to seek to find options by which the difficulty may be resolved. It is possible the lawyer may ultimately have to decline to follow the instruction but only after all relevant issues have been worked through with the client to see if there is a solution.

The same applies to Crown Law if it considers it is being instructed in a way that conflicts with the interests of the Crown in the exercise of the Law Officer function (a relatively rare occurrence in practice and, where the Law Officer function is being exercised independently, tends not to arise at all). It is not a question of disregarding the client's views and proceeding in the manner the Crown lawyer sees fit, but of working with the client in a collaborative way to seek to find a satisfactory solution.

All Crown Law lawyers spoken to on this topic agreed that this is the correct process, as did clients who spoke positively of the service they received, giving examples where this type of process had been appropriately followed. In this way, even if the ultimate outcome was one where the client's original instructions did not prevail, the client still considered that their interests had been properly recognised and respected.

Performance and accountability

Organisational performance

Crown Law lawyer performance targets and measures – both progress based and summative – need further refinement. These targets and measures are overly input focused at present, being largely concerned with hours worked. While small agencies such as this face difficulty in attributing efforts directly to outcomes, this should not preclude the development of a cascade of metrics, from those relating to the vision and purpose, through to those related to specific system or organisational capability outcomes and objectives.

In addition to a whole of Office balanced scorecard linked to the refreshed vision and strategy, senior leaders should also consider adopting rolling quarterly or 90-day plans to drive focus, prioritisation and pace. These should clearly assign accountable owners to each objective.

These 90-day plans should be monitored and managed through regular performance conversations about progress. There should be formal reviews at the end of each 90-day sprint to review how implementation of the strategy is progressing, to consider and reflect on learnings, to identify emerging issues and opportunities, and to reset priorities for the next period.

Such ongoing performance and accountability monitoring will ensure that the Attorney-General and Government have the information they need to consider whether Crown Law's overall approach to achieving the vision and strategy is appropriate (for instance, whether the balance between managing Crown risk while also testing the limits of some laws, is right).

This approach will require active administration but is in our view, essential to improve the focus on strategy, reduce ad hoc and tactical activity and drive performance and value.

Accountability

As we noted in the performance horizon section above, overall performance and accountability signals at Crown Law are weak, at enterprise level, team levels and for individual staff. At enterprise level the agency should consider developing a simple balanced scorecard to demonstrate progress on strategy execution to a range of audiences.

At team and individual lawyer level, the agency must mirror private legal professional practices and tighten accountability for client service performance. Besides the 90-day plans related to strategy execution, at the day-to-day level performance metrics could include:

- a requirement to provide strategic advice to the client at an early stage of a case, to be updated regularly. Currently Crown Law uses litigation management plans. The feedback received from external stakeholders was that these tend to be more useful for Crown Law than for them as the client

- a requirement to provide an estimate as soon as possible in the lifecycle of a file for the client's consideration and approval, and whether the lawyer has adhered to the estimate or, if justified in the circumstances, has updated the estimate in consultation with the client
- assessment of the lawyer's client management and responsiveness (with Crown Law seeking client feedback at the end of all files as well as at key milestones during a long proceeding)
- 'After action' assessment of the quality of their work, including whether it was practical and solutions focused for the client.

Recommendations

We recommend Crown Law focus on the following:

- develop an overall client and stakeholder map and account strategies for key clients and tie accountability for this to client relationship managers, with clear escalation processes visible to all
- redesign the Crown Law operating model to ensure that all functions related to a single client are, as far as possible delivered, by a consistent team
- monitor Crown Law strategy execution, with the development of 90-day plans to drive focus, prioritisation and urgency
- consider whether it would be appropriate to include client service metrics in staff performance agreements.

Engagement

	Rating
Engagement with Ministers • How well does the agency provide advice and services to Ministers?	
Māori-Crown relationship • How well does the agency develop and maintain the capability to engage with Māori and to understand Māori perspectives to drive better outcomes?	
Engagement with stakeholders • How well does the agency engage with stakeholders, in ways that are effective, open, transparent, and accessible?	

Engagement with Ministers

The quality of the advice provided by Crown Law to the Attorney-General and other Ministers in the justice sector is generally held in high regard. However, there appears to be room to strengthen risk identification and system leadership as a part of business-as-usual advice.

Over the last few years, there have at times been some challenges in ensuring that the work of Crown Law is fully aligned to the needs of the Government of the day. As an example, the agency has at times been perceived as taking a different approach to Treaty issues than the Government of the day and less active on wider justice system issues. One of the core pillars of a neutral Public Service is that while officials must provide a range of options for the consideration of Ministers, once the Government has decided on the matter, officials will proceed to implement that decision without delay or obstacle.

Looking forward, the Crown Law will need to:

- Ensure that its advice consistently reflects a strong understanding of the broader policy goals and risks facing the Government, and not just the Crown's legal risk. Advice on legal options that recognise and respond to the policy trade-offs the Government needs to make is essential. As one interviewee expressed it, "*...they need to talk to Ministers like lawyers talk to clients.*"
- Improve its proactive and evidence-based system advice capability, including with respect to what the data is showing in terms of system trends and the need for potential treatments. While Crown Law is not a policy agency, it needs to work alongside the Ministry of Justice, New Zealand Police, the Department of Corrections, Serious Fraud Office and others to ensure joined up advice on critical matters.

- Ensure that it is not leaving the Attorney-General to resolve any differences of view between individual Ministers but rather work across the system to ensure shared understanding of legal issues and risks and to promote coherent and consistent Crown positions. As one interviewee put it, "*It's really important they aren't just leaving things to Ministers to sort out.*"
- Ensure it has calibrated relationship management strategies in place when interfacing with Ministers only on a periodic basis and that it understands and reflects the wider portfolio interests of those Ministers in its advice, accepting that it must take a whole-of-government approach.
- Provide the legal system leadership that is vital to achieve Government priorities and establish robust Crown Solicitor Network and Government Legal Network KPIs and accountabilities to support the achievement of system outcomes. (For the avoidance of doubt, this is not to suggest that Executive Government becomes involved in individual prosecution decisions, which are conducted independently.)
- Shift the nature of engagement with the Attorney, Ministers, the judiciary, the legal profession and the public as priorities change.
- Shift the focus from advice on legislative change to advice on operational implementation and thereby focus more intensively on applying the capability of Crown Law staff to realising Government expectations.

In the near term, particularly in the context of Public Service reform, Crown Law has a specific opportunity to improve its regular reporting on Crown legal risks. This reporting can be simplified, made more dynamic and used to support more proactive ministerial discussions. This would help develop a more preventive approach to risk management and controls.

The Attorney-General, and all Ministers, should always have a clear picture about what the key system concerns are and how they are being managed and mitigated.

Māori-Crown relationship

For Crown Law lawyers, navigating the Māori-Crown relationship comes with inherent challenges that must be navigated carefully and differs from other Public Service agencies. They are required at times to represent the Crown's interests in often complex and contested matters, including litigation and claims brought by iwi and hapū against the Crown, while supporting the Crown's wider objective of maintaining strong, durable and trusted relationships with Māori.

While Crown Law's Treaty teams are well respected in terms of the quality of their advice, we have discussed above the likely need, going forward, to ensure that, in the words of one interviewee, "*Everyone at CLO should be a Treaty lawyer, because it now infuses all our work.*"

Crown Law staff have also worked hard, over recent years, to ensure that the cultural competence of the agency is being built, with regard to tikanga and te reo.

The agency engages well with the rōpū of Māori lawyers in the Public Service, including representation through the Government Legal Network.

However, some interviewees suggested that Crown Law also has an opportunity to think more broadly about the Māori Crown space than simply through Treaty law matters. One interviewee suggested, "*The Crown-Māori area is all about relationships. It's about influencing and working*

collaboratively as opposed to defending a position in a matter. Crown Law can be a bit sharp elbowed and want to take a firm view early. In this space they need to engage early, hui around multiple options and think really long run. That will help build mutual trust and, ultimately, reduce the Crown's time in court."

Another said, "*While it can vary by individual counsel, they don't always naturally include Crown Māori perspectives in advice or litigation strategy.*"

Crown Law lawyers must of course act on their instructions, as all lawyers are required to do, but there is an opportunity for Crown Law to take into account wider context and bring a more practical, options and solutions-based approach to their work.

The agency appears to be on a positive pathway to increased cultural competence and confidence. Strengthening the relationship in future is likely to be less about what advice Crown Law provides and more about how it works with Māori interests to develop it.

Engagement with stakeholders

An important aspect of delivering the revised vision, purpose and strategy will be ensuring that Crown Law understands its stakeholder landscape and works to keep critical stakeholders – including other Government agencies - informed of its priorities and desired outcomes.

To date, stakeholder engagement has not been a particular strength of Crown Law. As we have noted, stakeholders see Crown Law advice as being of high quality and its people as trustworthy, talented and capable. They do not see it as a proactive communicator about the state of the system or as collaborative and solution focused.

The formal stakeholder engagement model currently in place is also somewhat dated and overly dependent on the efforts of a small number of well-regarded experts.

The current engagement framework should be reviewed, with a view to ensuring it is more scalable and sustainable. Consideration should be given to reviewing how Crown Law prioritises and engages with stakeholders beyond its advisory and litigation work. Feedback mechanisms should also be reviewed, with a view to ensuring broader and more systematic and structured feedback is provided to the judiciary and legal profession.

Engagement responsibilities should be shared among a broader cohort of senior staff across and deeper into the organisation. A toolkit and training for all staff to support the operation of the revised stakeholder engagement framework could also be developed.

Crown Law could also consider the establishment of a standing stakeholder reference group and the development of a toolkit of methods for advisory co-design with representatives in the Crown Solicitor Network and Government Legal Network.

It should also engage effectively, constructively and robustly with other parts of Government and the justice sector in its role as a steward of the Crown legal risk and legal position.

While the Solicitor-General engages regularly and constructively with the justice sector working groups, the work appears more transactional than strategic and is not spread across the agency's leaders and experts. A tight focus on results – both for Crown Law and the system - will be important going forward.

An increased focus on improved engagement with other agencies will be enhanced by inculcating a stewardship mindset and systems thinking in all staff. As noted, proactive systems thinking is at present somewhat confined to a few key individuals in Crown Law.

Recommendations

We recommend Crown Law focus on the following:

- refine the current approach to regular reporting to the Government on Crown legal risks to allow for a more dynamic and strategic approach to management and mitigation
- proactively reflect on its approach to Māori Crown engagement to allow for more proactive joint working on matters of common concern
- develop a revised stakeholder engagement plan, including with other Government agencies, and revise feedback mechanisms, to ensure more systematic and regular feedback is provided to the Government, the judiciary and the legal profession.

Workforce

	Rating
Talent management and workforce development • How well does the agency identify, develop and manage its talent? • How well does the agency anticipate and respond to future workforce capacity and capability requirements?	
Workforce performance • How well does the agency encourage and drive high performance and continuous improvement in its workforce? • How well does the agency address performance that is not meeting expectations?	
Staff engagement • How well does the agency develop and maintain a highly committed and engaged workforce? • How well does the agency manage its employee relations?	

Talent management and workforce development

The HR team, as noted above, has neither the mandate nor resource to deliver anything more than a tactical service offering, although strategic workforce management at every stage of the employee lifecycle is now an urgent requirement.

Changes in the vision, strategy and operating model will also necessitate changes in how Crown Law resources and manages its workforce. In this regard, many interviewees were keen to see greater investment in workforce planning and development. *"We'd get a long way with a bit more investment in some basic HR frameworks,"* said one.

Clarifying Crown Law's recruitment proposition

The new operating model will likely require a greater concentration of staff in Auckland, particularly regarding its litigation and criminal law practice, given this is where the concentration of court work and prosecutions lies. An extended Auckland presence will assist in terms of accessing a deeper legal labour market, help ensure that new hires have recent litigation and private practice currency and, over time, develop a more diverse workforce.

In the enabling functions, whether operated in future as a shared service or not, Crown Law will need to be able to access additional capability in data analytics, strategic foresight and client service. Many of these skills are in short supply. Crown Law will, therefore, need to continue to develop an attractive recruitment brand and a refreshed employee value proposition that reflects the new vision.

It will also need to explore creative approaches to talent acquisition. For instance, two-way secondment and exchange arrangements with the legal profession and sharing specialist data analytics resources with other agencies should be considered.

Over time, it is possible to envisage a model in which talented lawyers are recruited after a few years in private practice, see Crown Law as a career rite of passage for a period and are then decanted back into the commercial sector. Careful talent and alumni management could then be employed to sustain these relationships and cycle experienced senior lawyers and leaders back into Crown Law later in career.

This more porous approach to the workforce would greatly assist with the currency of legal skills, ensure that staff have a range of viable career pathways and, more broadly, assist with system leadership. Under such a model, Crown Law would be a talent magnet and centre of excellence for the legal profession in New Zealand.

Crown Law will also need to be vigilant in ensuring its recruitment decisions consider not only technical skills, but also attributes and behaviours aligned to the refreshed values. It will also need to ensure that its current culture recognises, accepts and is both willing, and able, to work with this more diverse workforce.

Given the inevitable challenge in accessing specialist skills from the market, Crown Law should also work to cross-skill current staff with the knowledge needed to work across multiple areas of the agency's business. This will improve the fungibility of staff and allow for surge capacity on significant matters and difficult cases.

A client service mindset in all parts of the agency

It will be imperative that, in future, every staff member understands and applies a client or stakeholder service mindset in performing their role. This client-centred orientation should not be seen as the primary responsibility of a particular position holder.

In the short term, consideration should be given to working with external advisors to help design and roll out new programmes that support the development of this mind-set.

As noted above, in future, Crown Law's hiring decisions, the setting of performance goals and promotions processes should take into account whether and how effectively a client or stakeholder focus is being applied in decision-making by all staff.

Leadership development

There is an important opportunity for the senior leadership team at Crown Law to clarify its expectations of all managers and leaders. The balance between leading people and doing the work, particularly at senior levels, must change. Current arrangements are not sustainable.

At tier three, leaders may not be giving appropriate time to managing and coaching their people. We sense this may be having an adverse impact on several aspects of Crown Law's operations, including workflow, efficiency, the empowerment of junior staff and teams' understanding of strategy.

In addressing this issue, the senior team will have to reflect on the current model whereby some senior counsel are technically focused, while others – the Legal Team leaders – focus primarily on people management. It could be argued that all senior counsel should have people management obligations, or at the least, that all Team Leaders managing their people in a consistent manner.

There is also an opportunity to support leaders, through carefully planned investment in coaching initiatives, to model and communicate the refreshed vision and strategy and how the responsibilities and accountabilities of their teams align to them. We think all leaders need a basic coaching toolkit and should be incentivised to develop these skills. In most modern professional services settings, such skills are a prime requirement, even for deep technical experts.

In addition to a shared base level of competency and confidence in coaching skills, we suggest that Crown Law leaders should participate in Public Service leadership development experiences and that this should be calibrated to the talent mapping discussed in the next section.

Talent management

Crown Law's current approach to talent management is immature and thinly resourced. A more transparent and rigorous approach to talent mapping and succession planning processes is needed to enrich career pathways for staff and build deeper bench strength for key positions.

This should entail the application of an evidence-based talent framework for the assessment of current performance and future potential, along with training for all managers in how to use this framework objectively. This should be supported by robust moderation to test the evidence behind any resulting allocation and progression decisions.

The talent model should group staff into categories that help identify where there are capability gaps, and the strength of the succession pipeline.

Currently, in Crown Law's internal culture, much is implicit and inferred rather than explicit and evidenced. Staff exit interview commentary also suggests that internal progression decisions are viewed as less than transparent. This needs to change.

In identifying and assessing talent, Crown Law should ensure a focus on developing not only technical expertise in niche areas but also the ability of staff to operate across a range of domains, and ensuring an appropriate balance is struck between the two.

This is of some importance as there do appear to be significant key person risks in some niche areas requiring technical expertise. Deeper succession pools should be planned in these areas. This should be supported by investment through targeted, quality assured and employer initiated (rather than ad hoc or staff initiated) professional development interventions.

Diversity

Currently there is an internal narrative in Crown Law about the fact that the flexibility of the work allows for a more family friendly working environment than can be found in commercial firms. Litigators often told us they could not have remained at their level in a professional firm while undertaking litigation in the Senior Courts. Female staff pointed to the lack of diversity in the legal profession generally and suggested that Crown Law acted as something of a system incubator for female talent.

If this narrative is based on fact, and talent incubation is indeed a strategic priority for the agency, then this aspect of the workforce strategy should be explicitly articulated, tracked and measured, rather than, as now, being something that is happening implicitly.

The agency should also consider whether such an approach is sufficient to produce a truly diverse workforce, and whether there are other forms of diversity – beyond gender – it should explore.

Career pathways

The review heard that progression opportunities for junior lawyers at Crown Law are limited. But if Crown Law is to function as the elite legal services provider for the government that it should be, the reality is that the types of cases it does will be at a level where the opportunity for junior lawyers to lead cases will be limited. This implies that junior lawyers wishing to gain experience running their own cases need to look elsewhere.

It is preferable for there to be transparency and honesty with junior lawyers about the opportunities Crown Law affords. It provides an opportunity to work with some of New Zealand's best lawyers on some of New Zealand's biggest cases. The role involves assisting those senior lawyers rather than leading cases.

While there may be opportunities for progression within Crown Law, the more typical pattern will be for junior lawyers to get trial support experience and then go elsewhere for different experiences, with some of those lawyers returning to Crown Law as seniors.

This makes it all the more important that Crown Law operates a sophisticated, porous workforce model, with secondments that compensate for limitations in internal pathways and high quality alumni management to ensure a pipeline of returning staff.

Non legal staff also told us they felt that career progression decisions were sometimes opaque and that upwards movement was difficult as, *"the bases are loaded".*

Health safety and wellbeing

Health, Safety and Wellbeing policies and governance arrangements at Crown Law appear generally sound. However, the latest Public Service Census shows that 90 per cent of staff 'sometimes, often or always' experience workplace stress. Those staff who feel they are 'at or above capacity' total 58 per cent of the workforce.

Related to this, the agency's people dashboards show high levels of untaken leave and high accumulations of TOIL.

Filling the current vacancies should assist in these areas but they also go to the opportunities described here to improve basic people management practices and better prioritise work.

Work allocation

As noted earlier, Crown Law's captive market creates a constant stream of work. This reinforces the need for clearer prioritisation, criteria for briefing out work, engagement risk assessment, assessment of system impacts and clearer client instructions. In each of these areas, there appears to be considerable opportunity to better control demand and ration services on a principled basis.

This goes directly to the sustainability of the Legal Team Leader role. The work allocation functions of these roles may need to be supported, or temporarily replaced, by a central triage function in the short term so senior leaders can see the total workflow and test new approaches to allocation and prioritisation.

It is also our view that there is a substantial amount of work being done by Crown Law that could be done by alternative providers without significant increased risk to the Crown. To the extent the present Cabinet Directions pose a barrier to this being done in a systemic and strategic way for the benefit of the Crown, the Directions should be amended.

Legal support staff

The 'join' between professional legal work and corporate legal support activity is also unclear at present. While on the one hand legal support staff appear to be doing work that in any other modern professional services context would likely be done by lawyers, this is in part a function of clunky systems and tools. As IT system stabilise and once the proposed new Legal Practice Management system is implemented, the agency will need to consider whether its split of activities between lawyers and legal support staff is appropriate and efficient.

The review heard that a legal support review has been underway for an extended period, with frequent deferral of a final decision. This is creating prolonged uncertainty for these staff and creating capability leakage. This should be addressed with urgency.

Organisational design

Crown Law's current organisational design does not serve it well. There appears to be no single, clear design logic – with the current design mix of a functional and sectoral approaches that appears to have grown organically over time.

There is also evidence that current arrangements, and sub-optimal information flows between what have become silos, is impeding Office performance. As one interviewee said, "*They live in silos and I worry that that means they can get a bit blinkered. It stifles variety and doesn't necessarily ensure they keep on learning. A changed organisational design might help with freshness and energy levels.*"

In particular, the senior team should reflect on the following aspects of the current design:

- Similar types of activities are being carried on in different parts of Crown Law (with the risk of inconsistent approaches being applied). Different approaches to engagement management, costing, prioritisation and risk have been noted above.
- Related, interdependent activities are being carried on in different parts of Crown Law, with the links between the activities not always working as efficiently as they might. For example, it could be argued that Treaty and NZBORA issues are now so much a part of all legal activity that skills in these areas should not be confined to specialist teams. In future they might be expected as an essential part of the skillset of all lawyers in Crown Law.
- Some critical functions are buried too deeply in Crown Law. System leadership is buried in the Constitution and Human Rights area. Its head, responsible for a key Crown Law activity, is not a member of the senior leadership team and operates at tier three.
- Certain Divisions combine a range of activities and responsibilities, challenging the relevant Deputy Solicitor-General to stay on top of often diverse activities for which he or she has responsibility.
- We are not sure that the critical position of Legal Team Leader – which allocates work and manages people - is sustainable in its present form in any future operating model. Inconsistency of practice at this third-tier position can have outsized impacts on organisational health and productivity. This position should be reviewed.
- Indeed, there appears to be considerable fragility at tier three throughout the agency. This cohort is both the meat in the sandwich between senior leaders and the frontline – getting pressure in both directions - and very busy operationally. Yet this should be the critical cohort from which to grow leadership succession. Job sizing and additional support for this cadre would repay attention.
- Getting the balance right between the corporate and legal functions may necessitate the appointment of a Chief Operating Officer or similar, if only on a short-term basis.
- The Criminal Law team appears particularly siloed from the rest of Crown Law, which may reduce the overall senior leadership team's ability to see a joined-up picture of system performance.
- Third tier teams – referred to in general terms, e.g. 'Treaty 1 or 2' do not appear to have much design logic behind their composition, which may represent a missed opportunity to promote more diverse internal career pathways.

A refresh of organisational design and structure – and with it accountabilities – should, therefore, be considered with a view to ensuring Crown Law can deliver on its strategy efficiently and effectively and adapt to changes in its operating environment on an ongoing basis.

Transparent organisational design principles should also be applied in selecting the preferred future design, to ensure staff know what is being done and why.

Workforce performance

Performance management and accountability

As discussed at various points above, Crown Law has some highly experienced and talented lawyers as part of its workforce, but the performance management system in place at Crown Law is relatively light touch, appears to be applied inconsistently between managers and does not take the kind of evidence based approach to lawyer or support staff performance assessment that would generally be seen in a modern professional services firm. As one interviewee put it, *"Performance management does happen at Crown Law. But in pockets."*

As a result, while many individuals at Crown Law do excellent work, high performance is not maintained across the organisation in all groups and teams. Going forward, there is considerable scope to work with staff to develop a multi-dimensional and holistic view of lawyer performance, including factors that proxy commercial metrics for efficiency and effectiveness (such as recovery rates and billable hours) with client service-related metrics.

For leaders, it would be useful to include key account feedback from priority clients or stakeholders and upwards feedback surveys from staff.

Once an appropriate set of metrics has been identified, it will also be important that performance discussions are consistent and of good quality. Managers at all levels could, as suggested above, have joint professional development in basic coaching skills to ensure that performance conversations are undertaken authentically and that they balance technical skills and the behaviours that derive from the values.

In our view, high quality, objective and holistic coaching discussions would help unlock the potential of this talented workforce. It will help increase productivity and improve client service.

In addition, all leaders will need training in how to address poor performance. While this is a relatively rare occurrence at Crown Law, it is clear to us that not all managers have the skills and inclination to address it.

Remuneration

There appear to be issues at Crown Law with both the quantum of remuneration for lawyers and with the structure of the remuneration system. With regard to the former, it appears that current rates are out of alignment with those paid in the private sector. This will need to be addressed as part of the work on refreshing the recruitment proposition. The current quid pro quo is the opportunity provided at Crown Law to work on complex, interesting and important cases. But as one interviewee told us, *"I love it here, but it gets to the point where all my peers are way ahead of me in terms of lifestyle and you have to think about how that student loan will ever actually get paid off."*

Remuneration structure was a pain point for some staff. Because the workforce skews senior, the bases are loaded at the higher end of the remuneration scale, which creates a lack of opportunity for junior and mid-level staff. This also means that beyond the top step, senior counsel have no more room for salary movement.

The performance incentive-based remuneration structures common in private sector law firms are not in place at Crown Law.

Going forward, there is opportunity to review remuneration and reward strategy and structure at Crown Law. If the workforce is to be truly porous, as suggested above, remuneration will need to be more closely aligned with that of the wider profession. There may also be scope for a performance-based remuneration structure.

Staff engagement

Crown Law is highly engaged with the intellectual work they produce. They are proud of their workplace and its reputation for technical excellence. Lawyers on staff told us they valued the collegiality of the culture, as well as the opportunity to work on complex legal matters with important consequences or implications.

Non legal support staff appear to be slightly less engaged. Some describe a 'us and them' culture, in which they feel less valued than legal counsel.

Crown Law's results for the latest Te Taunaki Public Service Census show an overall engagement score of 83 per cent, which is considerably above the Public Service average. The survey shows particularly high scores for trust in colleagues and integrity. These are scores to be proud of.

Areas of weaker performance on the census included use of technology (which we address in the relevant section below), wellbeing (in that 44 per cent of respondents reported feeling stressed at work often or always), and innovation (in terms of a perceived disconnect between being asked to find innovative ways of working and then these ideas not being acted upon by leadership).

Exit interview data for the last two years shows recurring themes as follows:

- a strong positive foundation in terms of the inherent meaningfulness of the work
- lack of opportunity for career progression is a key driver of attrition
- there are inconsistent people experiences across teams
- transparency in regard to progression and development opportunities is lacking
- performance feedback is delivered with inconsistent quality and regularity
- workflows and resourcing are lumpy and inconsistent
- processes are inefficient and manual
- remuneration structure creates lack of flexibility and opportunity.

However, we observed that engagement generally at Crown Law tends to be with the importance and inherent challenge of the work, as opposed to being engaged with Crown Law as an agency. There appears to be less engagement with and focus on serving the Crown as client and providing system stewardship and insight. Some counsel tended to view the work as a means of readying themselves for progressing their personal legal careers, as opposed to contributing value to the justice system, the Crown and the legal profession.

It seems to us that this is the product of an operating model in which strategy and meeting client needs often get lost in the press of the immediate task. It also derives from the lack of a mature performance management system and low accountability for conventional professional services metrics – both those that pertain to direct economic value and to intangible whole-of-government system value.

As the agency repositions itself in the wake of this review and rethinks it operating model, we suggest that regular use of short, targeted pulse surveys may be a useful tool for tracking change readiness and testing staff engagement in the change programme.

Recommendations

Alongside other recommendations that will have an impact on aspects of the workforce and talent management, we recommend Crown Law focus on the following:

- review and refresh its employee value proposition, recruitment approach and talent attraction strategies to improve its ability to attract and retain high-calibre staff
- work with an external provider to put in place a simple but rigorous talent management and succession framework
- secure training in coaching skills for leaders at all levels and require greater consistency and regularity in performance management conversations with staff.

Financial management, data and risk

	Rating
Investment and asset management • How well does the agency manage its assets and balance sheet, to support service delivery, reduce operational risks and drive performance management?	
Strategic financial management and accountability • How well does the agency plan, direct and control financial resources to drive efficient and effective delivery? • How well does the agency integrate financial information into its decision-making and manage its cost drivers to achieve fiscal sustainability?	
Data, analytics and digital technologies • How well does the agency manage and use data, analytics and digital technologies to drive decision-making and effective delivery?	
Risk and assurance • How well does the agency identify and manage agency, Crown, and system risks to integrate risk awareness into its current operations and future opportunities? • How well does the agency use assurance to effectively manage organisational risks and prioritise improvements to the internal control environment?	

Investment and Asset Management

Crown Law's financial assets are largely office fittings, hardware, its art collection and ICT systems. Asset management is therefore not a major focus, outside of IT projects and digital asset management programmes undertaken from time to time. These are discussed in full under data analytics and technologies and so largely reflect the rating of this section.

Strategic financial management and accountability

Financial management and reporting at Crown Law appear sound, although this is possibly more a matter of having a skilled Chief Financial Officer than reflective of a collective, sustained focus by the senior leadership team. As in many small public agencies, monthly variance analysis, reforecasting and budgeting appear to be managed by the finance team, as opposed to budget holders within the business being accountable for financial planning and performance.

Strategic management of high-risk areas, such as the capped bulk fund that applies to the Crown Solicitor Network, appears good and it has generally supported the efficient delivery of Crown prosecution services. However, increasing case complexity, growing evidential requirements, longer case durations and changing demand patterns raise questions about whether the model will remain sustainable over the medium-term. Crown Law should work with Ministers and central agencies to periodically assess whether the model remains fit for purpose

and continues to support the Crown Solicitor Network to deliver high-quality independent prosecution services efficiently and effectively.

The major issues in this area relate to core legal advisory and litigation services and have been canvassed earlier in this report. The current lack of efficiency, effectiveness and productivity metrics for Crown Law staff and teams means that costs and risks can, to some degree, be passed on to clients, who are ultimately responsible for the costs of litigation and advice.

The current lack of efficiency and effectiveness metrics at Crown Law also precludes a shared understanding of the 'profitability' (or sufficient cost recovery) of different elements within the overall service portfolio. This means the agency has little sense of where its 'loss leader' work is, what cross subsidisation may be occurring and what the actual cost-to-serve in critical areas is.

More strategically, there is little sense, on the delivery side of the enterprise, of benefits identification or tracking. At the engagement stage of litigation or advice, the benefits to the Government and the system are not generally considered or assessed. Nor is future avoided cost evaluated. If Crown Law moves, even temporarily, to a central triage function and a more consistent approach to engagement management, this provides an opportunity to build a benefits and investment mindset into the planning of work for Crown clients.

For example, if Crown Law sees a pattern of increasing jury trial elections in the District Court, it may wish to work with the Ministry of Justice to understand the issue and quantify its potential fiscal impacts under different scenarios. An intervention could then be designed by the courts, Police or the Ministry of Justice to mitigate those impacts, without compromising the independence of the prosecuting Crown Solicitor warrants.

Such a mindset shift is fundamentally a matter of leadership and culture at Crown Law, rather than a matter for the Finance function. Such new ways of thinking about benefits to the system and the client will be very important as Crown Law considers its why (and the refreshed vision and strategy that reflect it). All public agencies should be thinking about how they demonstrate and measure value, particularly in the current context of fiscal constraint and potentially large-scale public-sector reforms.

Taken together, the factors in this review suggest that Crown Law has plenty of opportunity to improve its effectiveness and efficiency. It will likely need to realise these opportunities to be able to deliver on its goals within future funding tracks. While some of the required efficiencies have already been identified, such as via new technology, others remain to be identified and sized. It must be recognised that the current fiscal environment has limited room for new spending, so alongside central agencies, Crown Law would need to consider the necessary trade offs or cost implications for any such opportunities.

Data analytics and digital technologies

Technology

As noted earlier, core IT systems at Crown Law, including the financial and legal practice management systems, are extremely fragile and require at least an 18-month period of stabilisation before any replacement or supplementation can be considered. Hardware, such as phones and laptops, is very dated.

Staff report frustration with highly manual systems. OIA and ministerial management, for example, is managed via spreadsheets rather than by using modern document management systems. HR systems for recording leave and TOIL are time consuming and non-intuitive. Systems to support discovery are manual and old fashioned.

As new systems and technologies are being considered, such as the new Legal Practice Management system that is currently in the early stages of procurement, it will be important that:

- Crown Law staff find mechanisms for understanding what good looks like, given their current dependence on systems that are well past their supported lives
- Processes are redesigned prior to scoping new technologies and tools, in order that these enablers support the Crown Law of the future, as opposed to Crown Law of today, and
- Opportunities to co invest in shared systems – with partner agencies, or with the Crown Solicitor Network for example – are considered, prior to green lighting sole Office investment.

Data analytics

As we touch on elsewhere in this report, it is neither effective nor efficient for Crown Law to develop its own enhanced data analytics function. It will need to consider whether a data analytics team is developed as part of a shared services function with the wider justice sector and if so, how the system leadership role and independence of Crown Law can be maintained within such a system.

In addition, AI offers Crown Law, with its partners, a significant opportunity to evolve from digitised processes to genuinely intelligent, data-driven systems. As discussed, the emergence of agentic AI extends this further, enabling systems not only to analyse and inform decisions, but to autonomously plan, decide, and execute workflows. Together, these capabilities create unprecedented conditions for a substantive shift in how the wider justice sector – including Crown Law - operates and delivers value.

This evolution would enable Crown Law to move beyond fragmented, transaction-based service delivery toward integrated, proactive and outcome-focused services. It will introduce a credible new facet to the operating model, centred on a human - AI workforce, in which AI absorbs the dull, routine and repetitive tasks while materially expanding Office capacity. In a fiscally constrained environment, this will become a critical lever for productivity, cost discipline and improved organisational responsiveness.

The strategic inflection point for Crown Law will lie in progressing from task automation to the delivery of end-to-end outcomes. In time, agentic AI would represent a further step-change, moving beyond decision support to coordinated execution across systems and processes. This would be a non-incremental improvement, in that it would signal a unique structural transformation in how work is performed and how public value is created.

Progress will require careful attention to trust, transparency and sound governance. Ministerial and public confidence will depend on Crown Law maintaining visible integrity in how AI-supported decisions are made and applied with the appropriate guardrails.

Crown Law has opportunities to use data analytics and AI to strengthen its system leadership role. It needs to identify patterns and trends across the legal landscape, decide when guidance or intervention is required, and point to gaps in legislation, regulation or practice that need attention.

Embedding this capability would support better prioritisation, more targeted oversight and a more proactive approach to the Crown as client and to the Law Officer functions.

More thought is also needed on how Crown Law will realise the benefits of planned improvements in functional support and, over time, more intelligence-driven ways of working.

Realising these benefits will require managers – most of who have never been supplied the information and analysis required for systematically superior performance – to be given the training, leadership and discretion to use this information and analysis to its full potential. That is also likely to require a change in the relationship between the corporate support functions and the business lines. That is, a business partnership that is clear about who is best placed to do what.

Risk and assurance

Risk management is immature, especially outside the area of operational risk (although even here risk management is typically focused on compliance and process rather than outcomes). As noted previously, while strategic and system legal risks to the Crown are identified, they are not consistently sized, mitigated or actively monitored. Reporting is complex and confusing. It obfuscates rather than illuminates the key patterns and themes.

The result is that Ministers and Public Service leaders do not always know what they should be worrying about in terms of the strategic, operational and financial dimensions of the Crown's legal risks.

Nor is there a well-developed and repeatable escalation process when risks materialise. The risk culture across the Public Service is uneven and the overall approach to risk still too ad hoc, rather than systematically managed and embedded across the system. Within Crown Law, the senior leadership team also appears to have struggled to express a risk appetite that will guide investment and prioritisation in mitigation.

As with strategic financial management, risk management should be a matter of culture and mindset, as opposed to spreadsheets, process and compliance. Thinking about risk in a dynamic way should be a fundamental element of leading in a public agency. The obligation of public servants is to identify, advise on and manage risks, not to try and bury or eliminate them.

From an internal Crown Law risk management perspective, risk assessment also needs to more clearly drive the audit and assurance plan, with oversight from the Risk and Assurance Committee.

We commented earlier on the opportunity to enhance the existing Risk and Assurance Committee with further external members.

Recommendations

Alongside related recommendations elsewhere in the report, including the development of a coherent pricing policy, we recommend Crown Law focus on the following:

- consider exploring options for shared services for corporate functions at Crown Law and decide a preferred direction of travel
- consider assessing the long-term sustainability and fitness for purpose of the Crown Solicitor Network funding model, taking account of changing demand patterns, case complexity, service expectations and fiscal pressures
- ensure that governance arrangements for the proposed Legal Practice Management System are appropriate and proportionate
- devise a data and digital plan that reflects the refreshed strategy
- reset the leadership culture on strategic financial and risk management
- consider the enhancement of the Risk and Assurance Committee with external membership.

4

Appendices

In this section:

- About Crown Law
- Stakeholders interviewed
- Purpose of Performance Improvement Reviews
- Performance Improvement Model
- Ratings descriptions

Appendix One: About Crown Law

About Crown Law

Established in 1873, Crown Law is the government's principal legal office. It supports the Attorney-General and the Solicitor-General in their roles as Law Officers of the Crown.

Crown Law helps the Government understand and apply the law, conduct litigation properly, and carry out its responsibilities within New Zealand's constitutional settings, including the Solicitor-General's independent Law Officer functions. Crown Law provides legal advice and representation to the Executive Government, particularly in criminal, public, constitutional, and administrative law matters.

Previous performance reviews of Crown Law were completed in 2011, 2013 and 2017. A review of the Solicitor-General's role in 2012 found that the Solicitor-General should continue to be both Chief Executive of Crown Law and the Government's senior legal adviser and advocate.

Structure of Crown Law

Crown Law is a relatively small Public Service department, with 231.6 full-time equivalent staff based mainly in Wellington, with a small Auckland presence co-located with the Serious Fraud Office. Most staff work in legal roles or roles that directly support legal work, with the rest working in organisational support functions.

Crown Law is organised into four groups:

- the Attorney-General's Group covers constitutional, human rights, te Tiriti o Waitangi/ Treaty of Waitangi and system leadership work
- the Criminal Group covers criminal appeals, mutual assistance and extradition matters, oversight of independent public prosecutions and the Crown Solicitor Network
- the Crown Legal Risk Group covers public inquiries, general public and civil litigation and advice and revenue matters
- the Strategy and Corporate Group supports organisational performance through finance, people and capability, information technology, governance, executive services, legal operations, and organisational change and improvement

Funding

Crown Law Office administers Vote Attorney-General through which all its functions are funded. Crown Law's baseline operating expenditure is authorised by Parliament through a single appropriation: the Law Officer Functions Multi-Category Appropriation. In 2025/26, estimated actual expenditure through this appropriation totalled $130.607 million, with the largest components being $77.753 million on Crown prosecution services (the bulk fund for the Crown Solicitor Network), and $32.109 million for advice, representation and capacity building across government. Of this expenditure, $101.317 million was funded by Crown revenue and $29.290 million was funded by third party revenue, primarily collected from government agencies for legal advice and representation services. Crown Law incurred $1.086 million of departmental capital expenditure that year, reflecting its low capital intensity.

Aside from the Government savings targets at Budget 2024 (a $2 million annual average baseline reduction), Crown Law Office's baseline funding has not substantially changed since decisions made through the multi-year Justice cluster project at Budget 2022 when it received a $26.515 million annual baseline uplift to support Crown prosecution services, as well as funding for remuneration pressures and several small initiatives including funding to strengthen its system stewardship role. In 2025/26, a $422.066 million one-off litigation settlement for the Stafford Litigation Settlement Costs was expensed through a non-departmental appropriation in Vote Attorney-General.

Mandate and responsibilities

The Cabinet Directions for the Conduct of Crown Legal Business (CO (16) 2) guide how core Crown legal work is conducted and help ensure that important legal matters are managed consistently across government.

The Attorney-General is the Senior Law Officer of the Crown and has responsibility for determining the Crown's view of the law, ensuring Crown litigation is conducted properly, and supporting the administration of the criminal law. The Solicitor-General is the Junior Law Officer, the Chief Executive of Crown Law, and the Government's chief legal adviser and advocate. The Solicitor-General also exercises many Law Officer functions independently, which helps protect legal decision-making from any appearance of political influence.

Crown Law's key responsibilities include supporting the Attorney-General and Solicitor-General, providing legal advice and representation to government, overseeing public prosecutions, administering and assuring the Crown Solicitor Network, providing constitutional advice, supporting New Zealand Bill of Rights Act section 7 reporting, supporting senior court appointment processes, and leading the Government Legal Network, which includes more than 900 lawyers across Government.

As the office of the Solicitor-General, Crown Law oversees independent public prosecutions through the Public Prosecutions Unit. The Crown Solicitor Network around the country is responsible for prosecuting the most serious crimes on behalf of the Crown. Crown Law funds the network through a bulk and flexi-funding model and reviews Crown Solicitors on a triennial cycle through in-depth and survey-based reviews.

Crown Law also plays an important role in identifying and managing legal risk across government. It reports twice a year to the Attorney-General on significant and systemic legal risks across the Crown. This work helps the Solicitor-General, Ministers and senior officials understand legal risk across the system, identify trends and connections, and discuss how legal implications should be managed.

Current strategic priorities

Crown Law's Strategic Intentions 2024–2029 set three priorities: leading with a system view, delivering right-sized and timely services that meet government needs, and sustaining core services and capabilities.

Leading with a system view requires Crown Law to strengthen legal capability, judgement and consistency across government, including through the Government Legal Network and its role in shaping coherent Crown positions on legal risk. Delivering right sized and timely services requires Crown Law to focus specialist effort where it adds most value, particularly on matters of constitutional significance, public law risk, major litigation, criminal appeals and public prosecutions. Sustaining core services and capabilities means maintaining the people, systems

and organisational disciplines needed to support the Law Officers, provide high-quality legal advice and oversee public prosecutions.

These priorities are mutually reinforcing. Crown Law cannot lead the government legal system without strong core capability, and it cannot sustain that capability without clearer choices about the work it takes on and the value it provides. Over the next five years, success will depend on Crown Law using its constitutional authority and specialist expertise in a more strategic way, strengthening the legal system around it while continuing to provide trusted, independent and high-quality advice to the Government.

The strategic challenge is to make clearer choices about where Crown Law should lead, advise, assure or step back, while protecting the independence, quality and authority expected of the government's principal legal office.

The Crown Law Office (Crown Law) is a constitutional construct with two key purposes in New Zealand's Public Service system:

- to ensure that the operations and responsibilities of the executive government are conducted lawfully
- to ensure that the Government is not prevented, through legal process, from lawfully implementing its chosen policies and discharging its governmental responsibilities.

Crown Law therefore plays a critical role in ensuring the Government can confidently advance its programme of work within the law. In this respect, it has a role akin to that of the central agencies: it must take a whole-of-government, long-term view while also working in the public interest.

More specifically, Crown Law supports the Attorney-General and the Solicitor-General to fulfil their constitutional responsibilities, as the Law Officers of the Crown. It provides legal advice and representation services to the Government in matters affecting the Executive, particularly in the areas of criminal, public and administrative law.

Crown Law focuses on core Crown legal work, as defined in the *Cabinet Directions for the Conduct of Crown Legal Business 2016*. This includes the legal matters for which the Attorney-General and Solicitor-General have constitutional responsibility, as well as oversight of how that work is carried out across government.

Beyond direct legal services, Crown Law undertakes two distinct system leadership roles. The Solicitor-General is the professional head of more than 900 government lawyers, comprising the Government Legal Network.

The Government Legal Network is a collaborative initiative by departmental Chief Legal Advisors and the Solicitor-General to promote across-government collaboration in the delivery of quality legal services to the Crown. This networked approach enhances the depth of the Crown's legal capability and facilitates the Law Officers' constitutional functions.

The Solicitor-General also maintains oversight and accountability of all public prosecutions[11] and through this administers the network of Crown Solicitors[12]. Crown Solicitors are funded through a capped bulk-funding model.

For non-Crown prosecutions the Solicitor-General maintains the In-House Public Prosecutors classification framework, which determines the level of experience needed to conduct prosecutions. Through Crown Law, the Solicitor-General carries out periodic quality assurance reviews of Crown Solicitors and prosecuting agencies such as the New Zealand Police, New Zealand Customs Service, the Department of Corrections and others.

11 Section 9A of the Constitution Act 1986 and sections 185 -188 of the Criminal Procedure Act 2011 together provide for the public prosecution functions of the Law Officers. These include the Attorney-General's overall responsibility for the administration of the criminal law, the Solicitor-General's statutory exercise of the Attorney-General's powers, functions and duties, and the Solicitor-General's responsibility for overseeing the conduct of public prosecutions.
12 In its capacity as the office of the Solicitor-General, Crown Law supervises and funds Crown prosecution services provided by the Crown Solicitor Network (Crown Solicitor Network). There are 17 Crown Solicitor warrants held by partners in private law firms around the country, with responsibility to prosecute the most serious crime in New Zealand, including prosecutions initiated by the Serious Fraud Office (the Serious Fraud Office Panel is constituted with Crown Solicitors and Barristers).

Appendix Two: Stakeholders interviewed

Attorney-General (current and former)

Solicitor-General (current and former)

Minister of Justice and Minister for the Public Service and Digitising Government

Minister of Police

Representatives from the Crown Law Office, including focus groups of staff at various levels of tenure.

Members of the Judiciary

Members of the Bar

Representatives from a range of Crown Solicitor firms

Former and current Crown Solicitor warrant holders

Representatives from across Public Service departments, including Chief Executives and members of the Government Legal Network:

- Inland Revenue Department
- Department of Corrections
- Ministry of Justice
- Te Tari Whakatau
- New Zealand Police
- Parliamentary Counsel Office
- Serious Fraud Office
- Ministry for Primary Industries
- Ministry for Cities, Environment, Regions and Transport
- Department of the Prime Minister and Cabinet
- The Treasury.

Appendix Three: Purpose of Performance Improvement Reviews

Performance Improvement Reviews are an investment in lifting agency performance

The Performance Improvement Review Programme (the Programme) is an initiative to lift agency and system performance across the Public Sector, advance the Government's priorities, drive value for money, and achieve better results and outcomes for New Zealanders.

The key feature of the Programme is the independent future-focused reviews that inform the direction and performance of public sector agencies and drive a culture of continuous improvement. These reviews are sequenced to complement other performance initiatives, and to support chief executives when they are relatively new to an agency. As more reviews are completed, the Programme will also provide robust insights on where system-level improvements are required.

Performance Improvement Reviews are undertaken by experienced independent Lead Reviewers (mostly former chief executives and governance experts), who have a deep understanding of the Public Service operating environment and expertise in building high-performing organisations. Reviews drive discussions on an agency's desired future state, identify capability gaps impacting on its performance, and highlight opportunities to address these gaps over the medium term. They also provide a lever for Ministers to shape the long-term direction, focus, and performance of their agencies.

Appendix Four: Performance Improvement Review Model

Future Excellence Horizon	
What is the contribution that New Zealand needs from the agency and what is its performance challenge?	
Results	
Government priorities	How well positioned is the agency to deliver on the Government's priorities?
Core functions	For each of the agency's core functions: • How well positioned is the agency to effectively deliver the contributions expected of it? • How well positioned is the agency to be able to efficiently deliver those contributions?

Organisational management			
	Element	**Lead question**	
Leadership and direction	Purpose, vision and strategy	1	How well do the agency's staff and stakeholders understand and support its purpose, vision and strategy?
		2	How well does the agency use long-term thinking and its strategy to plan and drive delivery?
	Leadership	3	How well does the senior leadership team collectively lead the agency and implement change?
		4	How well does the agency take accountability for and lead the improvement of relevant system or sector level results?
	Values, behaviour and culture	5	How well does the agency develop and promote the organisational culture it needs to achieve its strategic direction?
	Governance	6	How well does the agency use governance arrangements to drive performance and deliver value-for-money?
Delivery	Services to customers, clients and citizens	7	How well does the agency understand the needs of customers, clients, and citizens, and use these to innovate and deliver better services and outcomes?
		8	How well does the agency integrate services with its partners and providers to deliver value to customers, clients and citizens?
	Performance and accountability	9	How well does the agency use performance information to drive continuous improvement and accountability for results?

Engagement	Engagement with Ministers	10	How well does the agency provide advice and services to Ministers?
	Māori-Crown relationship	11	How well does the agency develop and maintain the capability to engage with Māori and to understand Māori perspectives to drive better outcomes?
	Engagement with stakeholders	12	How well does the agency engage with stakeholders, in ways that are effective, open, transparent and accessible?
Workforce	Talent management and workforce development	13	How well does the agency identify, develop and manage its talent?
		14	How well does the agency anticipate and respond to future workforce capacity and capability requirements?
	Workforce Performance	15	How well does the agency encourage and drive high performance and continuous improvement in its workforce?
		16	How well does the agency address performance that is not meeting expectations?
	Staff engagement	17	How well does the agency develop and maintain a highly committed and engaged workforce?
		18	How well does the agency manage its employee relations?
Financial management, data and risk	Investment and asset management	19	How well does the agency manage its assets and balance sheet, to support service delivery, reduce operational risks and drive performance management?
	Strategic financial management and accountability	20	How well does the agency plan, direct, and control financial resources to drive efficient and effective delivery?
		21	How well does the agency integrate financial information into its decision making and manage its cost drivers to achieve fiscal sustainability?
	Data, analytics and digital technologies	22	How well does the agency manage and use data, analytics and digital technologies to drive decision making and effective delivery?
	Risk and assurance	23	How well does the agency identify and manage agency, Crown, and system risks to integrate risk awareness into its current operations and future opportunities?
		24	How well does the agency use assurance to effectively manage organisational risks and prioritise improvements to the internal control environment?

Appendix Five: Performance ratings

Ratings help to clarify the agency's relative strengths and highlight the priority areas given the challenges, risks, and opportunities in the medium term. Ratings are applied in terms of the future the agency is preparing for and how well it is positioned to deliver this over the medium term.

Rating/Indicator	What it indicates
Leading	**Best practice/excellent** • High level of capability and sustained and consistently high levels of performance • Systems in place to monitor, forecast and build capability to meet future demands • Organisational learning and external benchmarking used to continuously evaluate and improve performance • Strong capability to deliver on the Future Excellence Horizon.
Embedding	**Capable** • Delivering to expectations with examples of high levels of performance • Comprehensive and consistently good organisational practices and systems in place to support effective management • Evidence of attention given to identifying and addressing current and future demands and capability needs • Mostly aligned to delivering the Future Excellence Horizon.
Developing	**Needing development** • Adequate current performance but concerns about future performance • Areas where there is underperformance and/or capability gaps are recognised by the agency • Some current and future capability gaps are not clearly identified • Concerns for the agency having the ability to deliver on the future state.
Weak	**Unaware or limited capability** • Significant area(s) of critical weakness or concern in terms of delivery and/or current capability • Agency has limited or no awareness of critical weaknesses or concerns • Strategies or plans to respond to areas of weakness are either not in place or not likely to have sufficient impact • Very limited or no view of future opportunities and challenges for the agency.
Unable to rate /not rated	**There is either:** • No evidence on which a judgement can be made; or • The evidence available does not enable a credible judgement to be made.

New Zealand Government
Te Kāwanatanga o Aotearoa