

Document 4

Membership

6. Grant Illingworth KC is proposed as the Phase 2 Chair, and Judy Kavanagh and Anthony Hill are proposed as members of Phase 2. Agreement to their respective daily fees is also sought. None of the proposed appointments have any identified conflicts of interest.

7. The Amendment Order notes that Professor Antony Blakely and John Whitehead will conclude the roles upon the delivery of the Phase 1 report, and that Grant Illingworth will commence his role as the Phase 2 Chair the day after that report is delivered.

8. The appointments of Judy Kavanagh and Anthony Hill will come into effect on 26 September 2024, when the Amendment Order comes into force.

Appendix A: Suggested talking points for the Cabinet Social Outcomes Committee

Phase 2 membership

- Grant Illingworth KC is proposed as the Phase 2 Chair. He was recently appointed to the Royal Commission and is supporting work on the Phase 1 report.
- Judy Kavanagh and Anthony Hill are proposed as members of Phase 2.
- Collectively, the three proposed appointments will have the right skills and attributes to deliver on the Phase 2 terms of reference.
- Agreement to their respective daily fees is also sought: \$1,680 for the Chair, and \$1,620 for the members.

Document 5

Membership matters

10. On 22 July 2024, Cabinet agreed to appoint Grant Illingworth KC to the Royal Commission [CAB-24-MIN-0260 refers]. Cabinet had previously noted, on 24 June 2024, your intention to appoint a new Commissioner to Phase 1 as soon as practicable, and that this Commissioner would continue into Phase 2 [CAB-24-MIN-0212.01 refers].
11. We have previously provided you with information about Judy Kavanagh, who will bring economic skills and expertise to Phase 2, as well as an understanding of the public sector.
12. We have also confirmed the interest of Mr Anthony Hill for consideration. Mr Hill has a background in health and disability sectors, having held senior positions at the Ministry of Health for 15 years, and as a Health and Disability Commissioner for 10 years. He is a practicing barrister and is currently serving as the Chancellor of the Anglican Church Diocese of Wellington.
13. We have undertaken due diligence on all candidates. There are no concerns to note. While Ms Kavanagh has made some public postings or had minor involvement in research relevant to the COVID-19 response, her commentary has been largely neutral. Mr Hill was the Health and Disability Commissioner until September 2020, in a period covering New Zealand's early responses to COVID-19. He did not make any public statements, and this period is outside the scope of Phase 2.

Released under the Official Information Act 1982

Document 6

From: [Anthony Hill](#)
To: [Anita Balakrishnan](#)
Subject: RE: Forms for Royal Commission member nomination
Date: Wednesday, 31 July 2024 10:10:19 am
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Appointment Disclosure form - Inquiry Member - AMH.pdf](#)
[Candidate CV form - AMH.pdf](#)

Kia ora Anita,

Further to our conversation yesterday please find attached the two forms duly completed.

Please do not hesitate to contact me if any queries.

Kind regards
Anthony

[Anthony Hill](#)
Barrister
P: 9(2)(a)
E: [REDACTED]

This e-mail is intended for the use of the addressee only and may contain confidential and legally privileged information. Any dissemination, distribution or copying by anyone other than the intended recipient of this e-mail is strictly prohibited. If this e-mail has been received in error, please send an e-mail in response, or telephone me immediately on the number above, and destroy the original message.

From: Anita Balakrishnan <Anita.Balakrishnan@dia.govt.nz>
Sent: Tuesday, July 30, 2024 1:15 PM
To: 9(2)(a)
Subject: FW: Forms for Royal Commission member nomination
Importance: High

Attempting again – this time I have removed any words in the attached forms that might be blocking them from going through (seemail words).

I remain apologetic if you receive many emails with the same forms.

Anita

From: Anita Balakrishnan
Sent: Tuesday, July 30, 2024 9:20 AM
To: 9(2)(a)
Subject: Forms for Royal Commission member nomination

Importance: High

Tēnā koe Mr Hill,

The Minister's office has advised me that you are interested in being considered for the upcoming second phase of the Royal Commission of Inquiry into COVID-19. Thank you for considering this opportunity and for your positive indication.

We are currently working with the Crown Law Office and the Parliamentary Counsel Office on crafting the terms of reference, and undertaking the necessary checks on the potential members for the Royal Commission. To support this process, I have attached two forms for your attention and action.

I regretfully will need to put some time pressure on you. If you are able to consider the forms and send them back to me by tomorrow (Wednesday) 10am, this will enable us to provide a draft Cabinet paper to the Minister by Thursday this week so that the next stage of the Cabinet paper process can commence in time.

I am very happy to discuss any aspect of the Royal Commission, the two phases and some of the steps necessary to protect evidence between phases, and the process for appointment. My contact details are at the foot of this message.

Ngā mihi nui
Anita

Anita Balakrishnan (ia/she/her)

Director Inquiries

Toi Hiranga | Regulation and Policy Branch

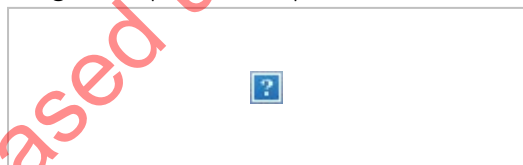
Te Tari Taiwhenua | Department of Internal Affairs

45 Pipitea Street | PO Box 805, Wellington 6140, New Zealand

īmera: xxxxx.xxxxxx@xxx.xxxx.xx

nama waea: 9(2)(a)

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APPOINTMENT DISCLOSURE FORM INQUIRY MEMBER

Potential members of the *Royal Commission of Inquiry into New Zealand's preparedness for a future pandemic* (the Inquiry) are requested to complete this *Appointment Disclosure Form* so that all relevant information is recognised and disclosed before an appointment is confirmed.

The Inquiries Act 2013 specifies three types of inquiry: Royal Commission, public inquiry, and Government inquiry. The three types of inquiry have identical powers, and differ only in status, how they are established, and the way they report back.

Inquiries are established to inquire into a matter of public importance. There is often heightened media and political interest in the issue at the centre of an inquiry. All aspects of an inquiry, including the Terms of Reference and the appointment of the members of the Inquiry, can come under intense public scrutiny. It is important that the appointment process and the members appointed to an inquiry are able to withstand that public scrutiny, and uphold the integrity of an inquiry's processes and findings.

This *Appointment Disclosure Form* is part of the appointment process. Along with ensuring that members of an inquiry have the requisite skills and expertise, the appointment process also needs to ensure that any conflicts of interest and other matters are dealt with appropriately.

Potential, actual or perceived conflicts of interest need to be recognised, disclosed and managed in a detailed, considered, and effective manner to support the credibility and overall success of an inquiry. The Inquiry must be seen and believed to be fully independent and free from undue influence. Principles of independence, impartiality and fairness are also required under the Inquiries Act 2013.

INSTRUCTIONS FOR COMPLETING THE APPOINTMENT DISCLOSURE FORM

Before a person is considered for appointment as a member of the Inquiry, the person should:

- consent in writing to being considered for membership (**Part 1** of the form)
- disclose to the Appropriate Minister the nature and extent (including monetary value, if quantifiable) of any actual, potential and/or perceived conflict of interest in matters relating to the Inquiry (**Part 2** of the form)
- disclose all other matters that might impact on the Inquiry or would make appointment to the Inquiry undesirable or unsuitable (**Part 3** of the form)
- authorise the Department of Internal Affairs to check the accuracy of the information provided (**Part 4** of the form).

APPOINTMENT IN-CONFIDENCE

Please read this information sheet carefully and complete the form fully.

If in doubt, always err on the side of openness and note that any disclosure will not necessarily preclude you from being appointed if it is recognised, disclosed and appropriately managed.

Contact Anita Balakrishnan, Acting Director Inquiries, Department of Internal Affairs, if you have any questions (contact details are on page 4 of this form).

Conflict of Interest (Part 2)

Conflicts of interest arise in a number of settings. The most important thing is to recognise if they exist (or could exist), disclose them, and consider how they can be managed in an appropriate way.

A conflict of interest is where:

A member's duties or responsibilities could be affected by some other interest or duty that the member or official may have.¹

There are many different types of conflicts, from financial conflicts of interest to a conflict in roles or duty. They may also arise in the context of inquiries where a person has worked for, represented, or has otherwise been connected to another person or organisation affected by the Inquiry's terms of reference. In a place like New Zealand, some connections are to be expected. In every case, it is best to identify the connection and list it.

When considering how to approach actual or perceived conflicts of interest, whether past, present, or future, the Department relies upon the 2016 guidance provided by the Office of the Auditor-General (OAG Guidance). The guidance below, about identifying and managing conflicts, is taken from the OAG Guidance.

Part 4.4 of the OAG Guidance states: "Those in governance roles need to manage their interests in a way that is transparent and does not compromise the decision that is being made by the public entity", and provides three steps that need to be taken:

1. recognising that there is a conflict of interest;
2. disclosing the conflict of interest; and
3. managing the risks associated with the conflict of interest.

The Chair and members of the Inquiry will be required to be independent, impartial, and fair while dealing with highly sensitive issues of significant public interest. The Chair and members have a key role in upholding the integrity of the Inquiry's work.

You are required to disclose any current or potential conflict of interest you have or may have in future in any matter relating to the Inquiry. This includes a perceived conflict of interest, i.e., a situation where others think you may have a conflict of interest, irrespective of whether or not you do. This disclosure is to safeguard you, the Appropriate Minister and, ultimately, the Inquiry itself. You should therefore provide all information in that regard, even if you are unsure whether it actually establishes a conflict of interest or not.

If in doubt – declare.

Please note even if you have a conflict of interest, **it will not necessarily preclude you from being appointed**. Any such interest would be carefully assessed by the Department. This

¹ <https://www.oag.govt.nz/2016/reflections/part4.htm>

APPOINTMENT IN-CONFIDENCE

assessment may also involve discussion with you, to ensure that all issues are understood and considered in an appropriate way.

An essential step once an actual or potential conflict of interest issue has been recognised and disclosed is to develop a careful and effective management plan. The information you provide should include full details of any conflict of interest, how it relates to the Inquiry and how you consider it can be managed best (including any steps you may have taken already to address the risk).

The Office of the Auditor-General provides helpful and detailed guidance about conflicts of interest in New Zealand. The OAG Guidance includes a section on managing conflicts (Part 4.4), as well as a comprehensive list of specific options for mitigating and managing such conflicts.

The Office of the Auditor General has information about conflicts of interest at:

<https://www.oag.govt.nz/2007/conflicts-public-entities>

You can find advice on managing conflicts of interest here:

<https://www.oag.govt.nz/2016/reflections/part4.htm>

Disclosure of any other matters (Part 3)

You are requested to disclose any other matters that the Appropriate Minister should be aware of when considering your appointment. If you are in doubt whether a matter might be relevant or not, you should provide that information.

The work of the Inquiry is a significant undertaking. It represents an opportunity to investigate and ultimately make positive changes to the lives of New Zealanders. The trust and confidence of the New Zealand public will be essential to the Inquiry's overall success.

The nature of the Inquiry means that actual or perceived connections to the matters under investigation have a heightened importance. Central to the Inquiry's success is that the Chair and members act, and are seen to act, in ways that will ensure the integrity of the Inquiry and its work.

Given the Inquiry's purpose and the skills and expertise required of members, it is expected that members will have matters that should be provided in this section. This may include, but not be limited to, any public statements on your position on New Zealand's COVID-19 response, your connection to any public sector agencies and their international partners. Disclosure of relevant matters may also include any personal or family members' connections to individuals involved in New Zealand's COVID-19 response.

Please note that there are matters that may make your appointment to the Inquiry undesirable. These include if you are;

- an undischarged bankrupt
- prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993
- a person subject to a property order under the Protection of Personal and Property Rights Act 1988
- a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's –
 - competence to manage his or her own affairs in relation to his or her property; or
 - capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare

APPOINTMENT IN-CONFIDENCE

- a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person
- a Member of Parliament (unless the person is elected, rather than appointed, to office as a member under any Act)
- a person who is disqualified under another Act.

Your completed disclosure form (Part 4)

The Department of Internal Affairs will keep the information you disclose in the *Appointment Disclosure Form* secure. You have the right of access to and correction of all your personal information under the Privacy Act 1993. Please note that at the conclusion of the appointment process the Department of Internal Affairs will retain only the disclosure forms completed by the successful appointees, and will destroy securely all the disclosure forms submitted by unsuccessful candidates.

Please note that if you do not complete the declaration form your appointment will not be able to be progressed.

Please return the completed form to:

Anita Balakrishnan, Acting Director Inquiries

The Department of Internal Affairs | Te Tari Taiwhenua

By one of the following methods:

- Email a scanned copy of the signed document as an attachment to:
- statutoryinquiries@dia.govt.nz
- Post to PO Box 805, Wellington 6140.

Contact number for queries:

- Anita Balakrishnan, 9(2)(a) [REDACTED]

APPOINTMENT DISCLOSURE FORM

Before you complete this form, please ensure you have carefully read and considered the document "Instructions for Completing the Appointment Disclosure Form".

You may use further pages, if necessary, to provide the information requested in this form.

1. Consent to appointment

I, Anthony Murray Hill
(full legal name)

Date of birth: 9(2)(a)

consent to being appointed to the Royal Commission of Inquiry into COVID-19 Lessons
(name of Inquiry)

as a Member
(position)

I understand that although I have been nominated for appointment, this is not a guarantee that I will be appointed.

If you have previously been known by another name, please disclose this below, together with the date of the change and the reason for the change.

Name
Date of Change
Reason for Change

2. Conflict of Interest

If you have no conflicts at all to declare complete this section

I,

(full legal name)

declare that I **do not** have, or am not aware of, **any** conflict of interest (whether actual or perceived, and past, present, or future) relevant to my potential appointment as a member of the *Inquiry into New Zealand's preparedness for a future pandemic*

[If you have ticked this box, please go to Section 3 – Other matters]

OR

If you have a conflict to declare complete this section

I, Anthony Murray Hill

(full legal name)

declare that I **do**, or **may have**, the following conflict of interest (whether actual or perceived, and past, present, or future) in relation to my potential appointment as a member of the *Inquiry into New Zealand's preparedness for a future pandemic*

Please **note below** any conflicts of interest (actual or perceived, and past, present, or future) and **explain** how you propose to manage, or have managed, these.

Health and Disability Commissioner term ended September 2020, covering New Zealand's early responses to COVID-19. Complaints about access to and delivery of health services during that period. No public statements made about New Zealand's COVID-19 strategic approach. Not aware of any conflict.

Chancellor to the Diocese of Wellington, and to Te Pihopatanga o Te Upoko o Te Ika, each part of the Anglican Church in Aotearoa, New Zealand and Polynesia.

Not aware of conflict arising. A range of views expressed within the Church, not aware of any official positions likely to cause a conflict

3. Disclosure of other matters relating to appointment

When completing this section please be as open as you can. It is better to raise an issue now and for it to be considered before your appointment than to leave this section blank and for matters to be raised at a later date.

- 3.1 Do you have any other matters to declare that the Department should be aware of, as it supports the Minister in considering her final appointment proposal to Cabinet? Candidates are asked to carefully consider this section. Please contact the Department if you have an issue but are unsure as to whether an issue should be noted in this section.

YES NO

If yes, please give details:

- 3.2 Do you have, or have you ever had, a medical condition caused by injury, illness, disability or any gradual process that may be aggravated by, or affect your ability to carry out, the tasks expected of a member of the Inquiry?

YES NO

If yes, please give details

- 3.3 Have you ever been convicted of a criminal offence (including traffic offences)?

For details about whether you are required to declare your convictions (if any) you need to determine your eligibility under the Criminal Records (Clean Slate) Act 2004, details of which can be found under <https://www.justice.govt.nz/criminal-records/clean-slate/>

Please note that, if you are not required to disclose your conviction(s), that does not mean that you were never convicted of any offences, instead it just means for the purpose of this application you are regarded as, and can state that you are, conviction free.

YES NO

If yes, please give details (including any penalty imposed) and include any additional information you consider to be relevant.

3.4 Are you involved, or likely to be involved, or have you in the past been involved, in any legal action (including any criminal proceeding) that might be connected to, or have some bearing on this role?

YES NO

If yes, please specify the nature of the legal action and possible implications for this role.

4. Authorisation – please read carefully

I, Anthony Murray Hill

(full legal name)

confirm that the information I have given in this disclosure form is complete, true and correct.

I authorise the Department of Internal Affairs to verify, at any time, the accuracy of the information I have provided in this disclosure form and my application materials. In addition, I consent to the Department of Internal Affairs:

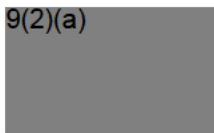
- obtaining a copy of any criminal records I may have, held by Police or Ministry of Justice
- checking my educational or other qualifications with the relevant institutions
- carrying out checks on my financial position, including credit and insolvency history
- making any other necessary enquiries with government agencies or other bodies relevant to assessing my candidacy
- discussing the details of this application and all information provided with the Minister or Inquiry Chair.

If I am appointed, I agree to promptly declare any actual or potential conflict of interest or probity issue that arises to the Chair who will decide how the conflict or probity issue can best be managed. I also agree to abide by any decisions about the management of that conflict or probity issue.

I acknowledge that, in the event that a conflict or probity issue cannot be managed, I will inform the Appropriate Minister and that the Minister may reconsider the suitability of me continuing to be a member of the Inquiry.

I acknowledge that, in the event I am appointed to the Inquiry, the Department of Internal Affairs will inform the Chair of any interests and/or issues I have disclosed.

Signature:

9(2)(a)


Date:

31-7-24

Document 9

From: [Anita Balakrishnan](#)
To: 9(2)(g)(ii)
Subject: FW: Forms for Royal Commission candidate nomination
Date: Wednesday, 24 July 2024 4:41:10 pm
Attachments: [image001.jpg](#)
[image002.png](#)

Are you 9(2)(g)(ii) happy for me to make a time for a chat with Judy?

From: Judy Kavanagh <x@xx>
Sent: Wednesday, July 24, 2024 4:40 PM
To: Anita Balakrishnan <x@xx>
Subject: RE: Forms for Royal Commission candidate nomination

Hi Anita

Your email is timely because I was wondering what was happening with the process and whether you have other candidates for the commissioner roles available.

As for me, I am genuinely torn. On the one hand, 9(2)(g)(i) [redacted]
[redacted]
[redacted]
[redacted] On the other hand, 9(2)(g)(i) [redacted]
[redacted] Perhaps we should talk about that a little more?

Kind regards
Judy

From: Anita Balakrishnan <x@xx> >
Sent: Wednesday, July 24, 2024 12:19 PM
To: Judy Kavanagh <x@xx> >
Subject: RE: Forms for Royal Commission candidate nomination

Kia ora, Judy

My apologies if I didn't acknowledge receipt of your email immediately – 9(2)(a) [redacted], and while I can see I took the necessary actions internally, I can't see that I responded to you.

We are providing the Minister with further information to support the process, and I just wanted to check that you are still interested. If you would like a time to discuss the role and expectations further, I am happy to make a time for us to meet. It may need to be online so that I can involve the other necessary members of the Inquiries Directorate who are not Wellington-based.

Please let me know if you are still keen and if you think a further meeting would be useful.

Nga mihi
Anita

From: Judy Kavanagh <jx@xxx>
Sent: Thursday, July 4, 2024 11:33 AM
To: Anita Balakrishnan <jx@xxx>
Subject: RE: Forms for Royal Commission candidate nomination

Kia ora, Anita

Please find attached my disclosure form and a current cv, both in PDF format. I have left the candidate cv form in word, because there are sections relating to the term and payment I will need you to fill in. Do let me know if you need anything clarified or altered.

Kind regards
Judy

From: Anita Balakrishnan <jx@xxx>
Sent: Tuesday, July 2, 2024 12:02 PM
To: Judy Kavanagh <jx@xxx>
Subject: RE: Forms for Royal Commission candidate nomination

Kia ora, Judy

My team has just reminded me that I forgot to add one more thing to my request. If you could also please provide your updated CV when you send the forms, that would be appreciated.

9(2)(a)

Ngā mihi
Anita

From: Judy Kavanagh <jx@xxx>
Sent: Monday, July 1, 2024 4:20 PM
To: Anita Balakrishnan <jx@xxx>
Subject: RE: Forms for Royal Commission candidate nomination

Dear Anita

Forms received, thank you. I notice we have the same job title! Thank you for taking the time to talk me through the process.

Ngā Mihi | Kind regards

Judy



Judy Kavanagh (she/her)

Director Inquiries | **New Zealand Infrastructure Commission, Te Waihanga**

Phone: 9(2)(a) | **Email:** judy.kavanagh@tewaihanga.govt.nz

Visit us online at <https://tewaihanga.govt.nz/>

From: Anita Balakrishnan <Anita.Balakrishnan@dia.govt.nz>

Sent: Monday, July 1, 2024 4:03 PM

To: Judy Kavanagh <Judy.Kavanagh@tewaihanga.govt.nz>

Subject: Forms for Royal Commission candidate nomination

Kia ora, Judy

Thank you so much for your time on the phone this afternoon, 9(2)(a)

As mentioned, please find attached the two forms that I mentioned in our discussion for your attention and action. If you have any questions or issues with the forms or their content, please contact me by phone or email and we can talk through it.

Kind regards

Anita

Anita Balakrishnan (she/her)

Director Inquiries

Toi Hiranga | Regulation and Policy Branch

Te Tari Taiwhenua | Department of Internal Affairs

45 Pipitea Street | PO Box 805, Wellington 6140, New Zealand

Imera: anita.balakrishnan@dia.govt.nz

nama waea: 9(2)(a)

dia.govt.nz | [Facebook](#) | [LinkedIn](#)

Document 10

From: [Anita Balakrishnan](#)
To: [Nick Williamson](#)
Cc: [9\(2\)\(g\)\(ii\)](#); [Suzanne Doig](#); [Karen Hope-Cross](#); [9\(2\)\(g\)\(ii\)](#)
Subject: COVID-19 RC candidate for second phase Judy Kavanagh
Date: Wednesday, 24 July 2024 4:39:38 pm
Attachments: [COVID-19 RC candidate for second phase Judy Kavanagh.docx](#)
[image001.png](#)

Kia ora, Nick

As discussed in a few conversations today, attached is the assessment for Judy Kavanagh against due diligence and skills and attributes for upcoming COVID-19 Royal Commission. As requested, it is in a simple format to assist the Minister to commence negotiations, and we have not repeated the details relating to Grant Illingworth KC. If you advise that we can contact further candidates, we will undertake the necessary checks and provide you with a similar update.

A consolidated assessment will also be provided in the Cabinet papers later in August.

Please let me know if you have any questions or if there is a need to review the format.

Ngā mihi
Anita

Anita Balakrishnan (ia/she/her)
Director Inquiries
Toi Hiranga | Regulation and Policy Branch
Te Tari Taiwhenua | Department of Internal Affairs
45 Pipitea Street | PO Box 805, Wellington 6140, New Zealand
īmera: [xxxxx.xxxxxxxxxxx@xxx.xxxx.xx](#)
nama waea: [9\(2\)\(a\)](#)
[dia.govt.nz](#) | [Facebook](#) | [LinkedIn](#)



Released under the Official Information Act 1982

Document 12

From: [Inquiries Directorate](#)
To: 9(2)(g)(ii)
Subject: FW: Second Phase Covid Royal Commission - Expression of Interest - [REDACTED]
Date: Wednesday, 17 July 2024 11:53:10 am
Attachments: [image001.png](#)
[image002.png](#)
[image005.png](#)

FYI

From: Anthony Hill 9(2)(a)
Sent: Tuesday, July 16, 2024 1:22 PM
To: Inquiries Directorate <statutoryinquiries@dia.govt.nz>
Subject: FW: Second Phase Covid Royal Commission - Expression of Interest - [REDACTED]

You don't often get email from 9(2)(a) [Learn why this is important](#)

Kia ora

Please find attached an expression of interest for the above, as sent to the Minister today.

Ngā mihi nui,
Anthony

Anthony Hill

Barrister

p: 9(2)(a)

E: [REDACTED]

This e-mail is intended for the use of the addressee only and may contain confidential and legally privileged information. Any dissemination, distribution or copying by anyone other than the intended recipient of this e-mail is strictly prohibited. If this e-mail has been received in error, please send an e-mail in response, or telephone me immediately on the number above, and destroy the original message.

From: Anthony Hill 9(2)(a)
Sent: Tuesday, July 16, 2024 11:57 AM
To: B.vanVelden@ministers.govt.nz
Subject: Second Phase Covid Royal Commission - Expression of Interest

Kia ora Minister

A brief note to signal my interest in your recently announced second phase for the above Royal Commission.

First appointed by Hon Tony Ryall in 2010, I served as Health and Disability Commissioner for a decade. I have extensive experience and expertise in the health system in New Zealand, including overseeing funding and performance of the health system 2005-2010 as

a Deputy Director-General of Health.

9(2)(a)



I wish you well in your considerations, and every success for the work ahead.

Ngā mihi nui,
Anthony Hill

[Anthony Hill](#)

Barrister

P: 9(2)(a)

E: 

This e-mail is intended for the use of the addressee only and may contain confidential and legally privileged information. Any dissemination, distribution or copying by anyone other than the intended recipient of this e-mail is strictly prohibited. If this e-mail has been received in error, please send an e-mail in response, or telephone me immediately on the number above, and destroy the original message.

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Conflicts of interest arise in a number of settings. The most important thing is to recognise if they exist (or could exist), disclose them, and consider how they can be managed in an appropriate way.

A conflict of interest is where:

A member's duties or responsibilities could be affected by some other interest or duty that the member or official may have.¹

There are many different types of conflicts, from financial conflicts of interest to a conflict in roles or duty. They may also arise in the context of inquiries where a person has worked for, represented, or has otherwise been connected to another person or organisation affected by the Inquiry's terms of reference. In a place like New Zealand, some connections are to be expected. In every case, it is best to identify the connection and list it.

When considering how to approach actual or perceived conflicts of interest, whether past, present, or future, the Department relies upon the 2016 guidance provided by the Office of the Auditor-General (OAG Guidance). The guidance below, about identifying and managing conflicts, is taken from the OAG Guidance.

Part 4.4 of the OAG Guidance states: "Those in governance roles need to manage their interests in a way that is transparent and does not compromise the decision that is being made by the public entity", and provides three steps that need to be taken:

1. recognising that there is a conflict of interest;
2. disclosing the conflict of interest; and
3. managing the risks associated with the conflict of interest.

The Chair and members of the Inquiry will be required to be independent, impartial, and fair while dealing with highly sensitive issues of significant public interest. The Chair and members have a key role in upholding the integrity of the Inquiry's work.

You are required to disclose any current or potential conflict of interest you have or may have in future in any matter relating to the Inquiry. This includes a perceived conflict of interest, i.e., a situation where others think you may have a conflict of interest, irrespective of whether or not you do. This disclosure is to safeguard you, the Appropriate Minister and, ultimately, the Inquiry itself. You should therefore provide all information in that regard, even if you are unsure whether it actually establishes a conflict of interest or not.

If in doubt – declare.

Please note even if you have a conflict of interest, **it will not necessarily preclude you from being appointed**. Any such interest would be carefully assessed by the Department. This

¹ <https://www.oag.govt.nz/2016/reflections/part4.htm>

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assessment may also involve discussion with you, to ensure that all issues are understood and considered in an appropriate way.

An essential step once an actual or potential conflict of interest issue has been recognised and disclosed is to develop a careful and effective management plan. The information you provide should include full details of any conflict of interest, how it relates to the Inquiry and how you consider it can be managed best (including any steps you may have taken already to address the risk).

The Office of the Auditor-General provides helpful and detailed guidance about conflicts of interest in New Zealand. The OAG Guidance includes a section on managing conflicts (Part 4.4), as well as a comprehensive list of specific options for mitigating and managing such conflicts.

The Office of the Auditor General has information about conflicts of interest at:

<https://www.oag.govt.nz/2007/conflicts-public-entities>

You can find advice on managing conflicts of interest here:

<https://www.oag.govt.nz/2016/reflections/part4.htm>

Disclosure of any other matters (Part 3)

You are requested to disclose any other matters that the Appropriate Minister should be aware of when considering your appointment. If you are in doubt whether a matter might be relevant or not, you should provide that information.

The work of the Inquiry is a significant undertaking. It represents an opportunity to investigate and ultimately make positive changes to the lives of New Zealanders. The trust and confidence of the New Zealand public will be essential to the Inquiry's overall success.

The nature of the Inquiry means that actual or perceived connections to the matters under investigation have a heightened importance. Central to the Inquiry's success is that the Chair and members act, and are seen to act, in ways that will ensure the integrity of the Inquiry and its work.

Given the Inquiry's purpose and the skills and expertise required of members, it is expected that members will have matters that should be provided in this section. This may include, but not be limited to, any public statements on your position on New Zealand's COVID-19 response, your connection to any public sector agencies and their international partners. Disclosure of relevant matters may also include any personal or family members' connections to individuals involved in New Zealand's COVID-19 response.

Please note that there are matters that may make your appointment to the Inquiry undesirable. These include if you are;

- an undischarged bankrupt
- prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993
- a person subject to a property order under the Protection of Personal and Property Rights Act 1988
- a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's –
 - competence to manage his or her own affairs in relation to his or her property; or
 - capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare

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- a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person
- a Member of Parliament (unless the person is elected, rather than appointed, to office as a member under any Act)
- a person who is disqualified under another Act.

Your completed disclosure form (Part 4)

The Department of Internal Affairs will keep the information you disclose in the *Appointment Disclosure Form* secure. You have the right of access to and correction of all your personal information under the Privacy Act 1993. Please note that at the conclusion of the appointment process the Department of Internal Affairs will retain only the disclosure forms completed by the successful appointees, and will destroy securely all the disclosure forms submitted by unsuccessful candidates.

Please note that if you do not complete the declaration form your appointment will not be able to be progressed.

Please return the completed form to:

Anita Balakrishnan, Acting Director Inquiries

The Department of Internal Affairs | Te Tari Taiwhenua

By one of the following methods:

- Email a scanned copy of the signed document as an attachment to:
- statutoryinquiries@dia.govt.nz
- Post to PO Box 805, Wellington 6140.

Contact number for queries:

- Anita Balakrishnan, 9(2)(a) [REDACTED]

APPOINTMENT DISCLOSURE FORM

Before you complete this form, please ensure you have carefully read and considered the document "Instructions for Completing the Appointment Disclosure Form".

You may use further pages, if necessary, to provide the information requested in this form.

1. Consent to appointment

I, Judy Margaret Kavanagh
(full legal name)
Date of birth: 9(2)(a)
consent to being appointed to the Royal Commission of Inquiry into COVID-19 Lessons
(name of Inquiry)
as a Member
(position)

I understand that although I have been nominated for appointment, this is not a guarantee that I will be appointed.

If you have previously been known by another name, please disclose this below, together with the date of the change and the reason for the change.

9(2)(a)



2. Conflict of Interest

If you have no conflicts at all to declare complete this section



I,

(full legal name)

declare that I **do not** have, or am not aware of, **any** conflict of interest (whether actual or perceived, and past, present, or future) relevant to my potential appointment as a member of the *Inquiry into New Zealand's preparedness for a future pandemic*

[If you have ticked this box, please go to Section 3 – Other matters]

OR

If you have a conflict to declare complete this section



I, Judy Margaret KAVANAGH

(full legal name)

declare that I **do**, or **may have**, the following conflict of interest (whether actual or perceived, and past, present, or future) in relation to my potential appointment as a member of the *Inquiry into New Zealand's preparedness for a future pandemic*

Please **note below** any conflicts of interest (actual or perceived, and past, present, or future) and **explain** how you propose to manage, or have managed, these.

I was Dave Heatley's manager at the time he wrote the Productivity Commission research paper [A cost benefit analysis of 5 extra days at COVID-19 alert level 4 - Research note 2020/02 | The Treasury New Zealand](#). I have an ongoing professional relationship and personal friendship with Dave.

I contributed to [Pandemic-economics blog](#) – a blog by Productivity Commission staff over the course of 2020 to generate ideas and promote debate about policy responses to COVID-19 (see attached cv).

Like all New Zealanders, I have a "Covid story". My family's story was written up in an article by my daughter in the Spinoff <https://thespinoff.co.nz/society/04-04-2020/a-send-off-in-the-age-of-social-distancing>

3. Disclosure of other matters relating to appointment

When completing this section please be as open as you can. It is better to raise an issue now and for it to be considered before your appointment than to leave this section blank and for matters to be raised at a later date.

- 3.1 Do you have any other matters to declare that the Department should be aware of, as it supports the Minister in considering her final appointment proposal to Cabinet? Candidates are asked to carefully consider this section. Please contact the Department if you have an issue but are unsure as to whether an issue should be noted in this section.

YES NO

If yes, please give details:

- 3.2 Do you have, or have you ever had, a medical condition caused by injury, illness, disability or any gradual process that may be aggravated by, or affect your ability to carry out, the tasks expected of a member of the Inquiry?

YES NO

If yes, please give details

- 3.3 Have you ever been convicted of a criminal offence (including traffic offences)?

For details about whether you are required to declare your convictions (if any) you need to determine your eligibility under the Criminal Records (Clean Slate) Act 2004, details of which can be found under <https://www.justice.govt.nz/criminal-records/clean-slate/>

Please note that, if you are not required to disclose your conviction(s), that does not mean that you were never convicted of any offences, instead it just means for the purpose of this application you are regarded as, and can state that you are, conviction free.

YES NO

If yes, please give details (including any penalty imposed) and include any additional information you consider to be relevant.

3.4 Are you involved, or likely to be involved, or have you in the past been involved, in any legal action (including any criminal proceeding) that might be connected to, or have some bearing on this role?

YES

NO

If yes, please specify the nature of the legal action and possible implications for this role.

4. Authorisation – please read carefully

I, Judy Margaret KAVANAGH

(full legal name)

confirm that the information I have given in this disclosure form is complete, true and correct.

I authorise the Department of Internal Affairs to verify, at any time, the accuracy of the information I have provided in this disclosure form and my application materials. In addition, I consent to the Department of Internal Affairs:

- obtaining a copy of any criminal records I may have, held by Police or Ministry of Justice
- checking my educational or other qualifications with the relevant institutions
- carrying out checks on my financial position, including credit and insolvency history
- making any other necessary enquiries with government agencies or other bodies relevant to assessing my candidacy
- discussing the details of this application and all information provided with the Minister or Inquiry Chair.

If I am appointed, I agree to promptly declare any actual or potential conflict of interest or probity issue that arises to the Chair who will decide how the conflict or probity issue can best be managed. I also agree to abide by any decisions about the management of that conflict or probity issue.

I acknowledge that, in the event that a conflict or probity issue cannot be managed, I will inform the Appropriate Minister and that the Minister may reconsider the suitability of me continuing to be a member of the Inquiry.

I acknowledge that, in the event I am appointed to the Inquiry, the Department of Internal Affairs will inform the Chair of any interests and/or issues I have disclosed.

Signature: 9(2)(a)

Date: 4/7/2024

APPOINTMENT DISCLOSURE FORM INQUIRY MEMBER

Potential members of the *Royal Commission of Inquiry into New Zealand's preparedness for a future pandemic* (the Inquiry) are requested to complete this *Appointment Disclosure Form* so that all relevant information is recognised and disclosed before an appointment is confirmed.

The Inquiries Act 2013 specifies three types of inquiry: Royal Commission, public inquiry, and Government inquiry. The three types of inquiry have identical powers, and differ only in status, how they are established, and the way they report back.

Inquiries are established to inquire into a matter of public importance. There is often heightened media and political interest in the issue at the centre of an inquiry. All aspects of an inquiry, including the Terms of Reference and the appointment of the members of the Inquiry, can come under intense public scrutiny. It is important that the appointment process and the members appointed to an inquiry are able to withstand that public scrutiny, and uphold the integrity of an inquiry's processes and findings.

This *Appointment Disclosure Form* is part of the appointment process. Along with ensuring that members of an inquiry have the requisite skills and expertise, the appointment process also needs to ensure that any conflicts of interest and other matters are dealt with appropriately.

Potential, actual or perceived conflicts of interest need to be recognised, disclosed and managed in a detailed, considered, and effective manner to support the credibility and overall success of an inquiry. The Inquiry must be seen and believed to be fully independent and free from undue influence. Principles of independence, impartiality and fairness are also required under the Inquiries Act 2013.

INSTRUCTIONS FOR COMPLETING THE APPOINTMENT DISCLOSURE FORM

Before a person is considered for appointment as a member of the Inquiry, the person should:

- consent in writing to being considered for membership (**Part 1** of the form)
- disclose to the Appropriate Minister the nature and extent (including monetary value, if quantifiable) of any actual, potential and/or perceived conflict of interest in matters relating to the Inquiry (**Part 2** of the form)
- disclose all other matters that might impact on the Inquiry or would make appointment to the Inquiry undesirable or unsuitable (**Part 3** of the form)
- authorise the Department of Internal Affairs to check the accuracy of the information provided (**Part 4** of the form).

APPOINTMENT IN-CONFIDENCE

Please read this information sheet carefully and complete the form fully.

If in doubt, always err on the side of openness and note that any disclosure will not necessarily preclude you from being appointed if it is recognised, disclosed and appropriately managed.

Contact Anita Balakrishnan, Acting Director Inquiries, Department of Internal Affairs, if you have any questions (contact details are on page 4 of this form).

Conflict of Interest (Part 2)

Conflicts of interest arise in a number of settings. The most important thing is to recognise if they exist (or could exist), disclose them, and consider how they can be managed in an appropriate way.

A conflict of interest is where:

A member's duties or responsibilities could be affected by some other interest or duty that the member or official may have.¹

There are many different types of conflicts, from financial conflicts of interest to a conflict in roles or duty. They may also arise in the context of inquiries where a person has worked for, represented, or has otherwise been connected to another person or organisation affected by the Inquiry's terms of reference. In a place like New Zealand, some connections are to be expected. In every case, it is best to identify the connection and list it.

When considering how to approach actual or perceived conflicts of interest, whether past, present, or future, the Department relies upon the 2016 guidance provided by the Office of the Auditor-General (OAG Guidance). The guidance below, about identifying and managing conflicts, is taken from the OAG Guidance.

Part 4.4 of the OAG Guidance states: "Those in governance roles need to manage their interests in a way that is transparent and does not compromise the decision that is being made by the public entity", and provides three steps that need to be taken:

1. recognising that there is a conflict of interest;
2. disclosing the conflict of interest; and
3. managing the risks associated with the conflict of interest.

The Chair and members of the Inquiry will be required to be independent, impartial, and fair while dealing with highly sensitive issues of significant public interest. The Chair and members have a key role in upholding the integrity of the Inquiry's work.

You are required to disclose any current or potential conflict of interest you have or may have in future in any matter relating to the Inquiry. This includes a perceived conflict of interest, i.e., a situation where others think you may have a conflict of interest, irrespective of whether or not you do. This disclosure is to safeguard you, the Appropriate Minister and, ultimately, the Inquiry itself. You should therefore provide all information in that regard, even if you are unsure whether it actually establishes a conflict of interest or not.

If in doubt – declare.

Please note even if you have a conflict of interest, **it will not necessarily preclude you from being appointed**. Any such interest would be carefully assessed by the Department. This

¹ <https://www.oag.govt.nz/2016/reflections/part4.htm>

APPOINTMENT IN-CONFIDENCE

assessment may also involve discussion with you, to ensure that all issues are understood and considered in an appropriate way.

An essential step once an actual or potential conflict of interest issue has been recognised and disclosed is to develop a careful and effective management plan. The information you provide should include full details of any conflict of interest, how it relates to the Inquiry and how you consider it can be managed best (including any steps you may have taken already to address the risk).

The Office of the Auditor-General provides helpful and detailed guidance about conflicts of interest in New Zealand. The OAG Guidance includes a section on managing conflicts (Part 4.4), as well as a comprehensive list of specific options for mitigating and managing such conflicts.

The Office of the Auditor General has information about conflicts of interest at:

<https://www.oag.govt.nz/2007/conflicts-public-entities>

You can find advice on managing conflicts of interest here:

<https://www.oag.govt.nz/2016/reflections/part4.htm>

Disclosure of any other matters (Part 3)

You are requested to disclose any other matters that the Appropriate Minister should be aware of when considering your appointment. If you are in doubt whether a matter might be relevant or not, you should provide that information.

The work of the Inquiry is a significant undertaking. It represents an opportunity to investigate and ultimately make positive changes to the lives of New Zealanders. The trust and confidence of the New Zealand public will be essential to the Inquiry's overall success.

The nature of the Inquiry means that actual or perceived connections to the matters under investigation have a heightened importance. Central to the Inquiry's success is that the Chair and members act, and are seen to act, in ways that will ensure the integrity of the Inquiry and its work.

Given the Inquiry's purpose and the skills and expertise required of members, it is expected that members will have matters that should be provided in this section. This may include, but not be limited to, any public statements on your position on New Zealand's COVID-19 response, your connection to any public sector agencies and their international partners. Disclosure of relevant matters may also include any personal or family members' connections to individuals involved in New Zealand's COVID-19 response.

Please note that there are matters that may make your appointment to the Inquiry undesirable. These include if you are;

- an undischarged bankrupt
- prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993
- a person subject to a property order under the Protection of Personal and Property Rights Act 1988
- a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's –
 - competence to manage his or her own affairs in relation to his or her property; or
 - capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare

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- a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person
- a Member of Parliament (unless the person is elected, rather than appointed, to office as a member under any Act)
- a person who is disqualified under another Act.

Your completed disclosure form (Part 4)

The Department of Internal Affairs will keep the information you disclose in the *Appointment Disclosure Form* secure. You have the right of access to and correction of all your personal information under the Privacy Act 1993. Please note that at the conclusion of the appointment process the Department of Internal Affairs will retain only the disclosure forms completed by the successful appointees, and will destroy securely all the disclosure forms submitted by unsuccessful candidates.

Please note that if you do not complete the declaration form your appointment will not be able to be progressed.

Please return the completed form to:

Anita Balakrishnan, Acting Director Inquiries

The Department of Internal Affairs | Te Tari Taiwhenua

By one of the following methods:

- Email a scanned copy of the signed document as an attachment to:
- statutoryinquiries@dia.govt.nz
- Post to PO Box 805, Wellington 6140.

Contact number for queries:

- Anita Balakrishnan, 9(2)(a) [REDACTED]

APPOINTMENT DISCLOSURE FORM

Before you complete this form, please ensure you have carefully read and considered the document "Instructions for Completing the Appointment Disclosure Form".

You may use further pages, if necessary, to provide the information requested in this form.

1. Consent to appointment

I, Grant Maxwell ILLINGWORTH

(full legal name)

Date of birth:

9(2)(a)

consent to being appointed to the

Royal Commission of Inquiry into COVID-19 Lessons

(name of Inquiry)

as a

Member

(position)

I understand that although I have been nominated for appointment, this is not a guarantee that I will be appointed.

If you have previously been known by another name, please disclose this below, together with the date of the change and the reason for the change.

Name

Date of Change

Reason for Change

2. Conflict of Interest

If you have no conflicts at all to declare complete this section



I, Grant Maxwell ILLINGWORTH

(full legal name)

declare that I **do not** have, or am not aware of, **any** conflict of interest (whether actual or perceived, and past, present, or future) relevant to my potential appointment as a member of the *Inquiry into New Zealand's preparedness for a future pandemic*

[If you have ticked this box, please go to Section 3 – Other matters]

OR

If you have a conflict to declare complete this section



I,

(full legal name)

declare that I **do**, or **may have**, the following conflict of interest (whether actual or perceived, and past, present, or future) in relation to my potential appointment as a member of the *Inquiry into New Zealand's preparedness for a future pandemic*

Please **note below** any conflicts of interest (actual or perceived, and past, present, or future) and **explain** how you propose to manage, or have managed, these.

3. Disclosure of other matters relating to appointment

When completing this section please be as open as you can. It is better to raise an issue now and for it to be considered before your appointment than to leave this section blank and for matters to be raised at a later date.

- 3.1 Do you have any other matters to declare that the Department should be aware of, as it supports the Minister in considering her final appointment proposal to Cabinet? Candidates are asked to carefully consider this section. Please contact the Department if you have an issue but are unsure as to whether an issue should be noted in this section.

YES NO

If yes, please give details:

I wrote an article that was published in the NZ Herald on 31 March 2020 which expresses some personal views on observance of the rule of law during the Covid emergency. The article can be accessed at:

<https://www.nzherald.co.nz/nz/covid-19-coronavirus-grant-illingworth-the-need-for-legal-clarity-in-a-pandemic-world/GWIJU6NY6A2JGZOU66WTZPMN6Y/>

- 3.2 Do you have, or have you ever had, a medical condition caused by injury, illness, disability or any gradual process that may be aggravated by, or affect your ability to carry out, the tasks expected of a member of the Inquiry?

YES NO

If yes, please give details

9(2)(a)

- 3.3 Have you ever been convicted of a criminal offence (including traffic offences)?

For details about whether you are required to declare your convictions (if any) you need to determine your eligibility under the Criminal Records (Clean Slate) Act 2004, details of which can be found under <https://www.justice.govt.nz/criminal-records/clean-slate/>

Please note that, if you are not required to disclose your conviction(s), that does not mean that you were never convicted of any offences, instead it just means for the purpose of this application you are regarded as, and can state that you are, conviction free.

YES NO

If yes, please give details (including any penalty imposed) and include any additional information you consider to be relevant.

3.4 Are you involved, or likely to be involved, or have you in the past been involved, in any legal action (including any criminal proceeding) that might be connected to, or have some bearing on this role?

YES NO

If yes, please specify the nature of the legal action and possible implications for this role.

18(c)(i)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

4. Authorisation – please read carefully

I, Grant Maxwell ILLINGWORTH

(full legal name)

confirm that the information I have given in this disclosure form is complete, true and correct.

I authorise the Department of Internal Affairs to verify, at any time, the accuracy of the information I have provided in this disclosure form and my application materials. In addition, I consent to the Department of Internal Affairs:

- obtaining a copy of any criminal records I may have, held by Police or Ministry of Justice
- checking my educational or other qualifications with the relevant institutions
- carrying out checks on my financial position, including credit and insolvency history
- making any other necessary enquiries with government agencies or other bodies relevant to assessing my candidacy
- discussing the details of this application and all information provided with the Minister or Inquiry Chair.

If I am appointed, I agree to promptly declare any actual or potential conflict of interest or probity issue that arises to the Chair who will decide how the conflict or probity issue can best be managed. I also agree to abide by any decisions about the management of that conflict or probity issue.

I acknowledge that, in the event that a conflict or probity issue cannot be managed, I will inform the Appropriate Minister and that the Minister may reconsider the suitability of me continuing to be a member of the Inquiry.

I acknowledge that, in the event I am appointed to the Inquiry, the Department of Internal Affairs will inform the Chair of any interests and/or issues I have disclosed.

Signature:

9(2)(a)
[Redacted Signature]

Date: 24 June 2024