

13 February 2020

[REDACTED]

Ref: [REDACTED]
H202000144

Dear [REDACTED]

Response to request for official information

Thank you for your request of 14 January 2020 to the Ministry of Health (the Ministry) under the Official Information Act 1982 (the Act) for:

"For each of the Ministerial committees (including DHB boards) administered by the Ministry of Health, please provide information on:

- *how many members are Māori?*
- *how many members are non Māori?*
- *how many members are disabled Māori?*
- *how many members are disabled non-Māori?*

This request is a repeat of a OIA request you responded to on 8 February 2019. A link to that response is available here:

[REDACTED]

Please also provide all advice (in any form) provided to Ministers or the director general of health on the recent DHB board appointments, including advice on:

- *Māori membership of Boards,*
- *conflicts of interest,*
- *mana whenua representation,*
- *Māori with lived experience of disability*
- *equity expertise of members."*

A recent survey of all boards, committees and authorities appointed by the Minister indicates there are a total of 539 members of those groups. There are approximately 40 members for whom the Ministry does not hold any information relating to ethnicity. Of those who indicated ethnicity, 103 indicated Māori and 397 non-Māori. Note that where members have indicated Māori combined with other ethnicity, we have counted them as Māori. On that basis, Māori form about 20.5 per cent of total membership.

The Ministry does not hold information relating to the number of members who are disabled, for either Māori or non-Māori, or information related to mana whenua.

As advised, one document in the scope of your request is more closely associated with the functions of the Office of Hon David Clark and has been partially transferred to the Office of Hon Dr David Clark to respond to.

Two documents have also been found within scope of the second part of your request for advice provided on recent district health board (DHB) appointments. These documents are attached as Appendix One. Detailed information regarding the decisions on release is outlined in Appendix Two.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made in this response.

Please note that this response, with your personal details removed, may be published on the Ministry website.

Yours sincerely



Sarah Turner
Deputy Director-General
Office of the Director-General

Appendix Two

#	Date	Document Title	Decision on Release
1	21-25 October 2019	1.1 DHB Board Appointments	Some information is withheld under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons.
2	20 November 2019	Health Report: District Health Board (DHB) Board Appointments or Reappointments	<p>Some information is withheld under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons.</p> <p>Note that this Health Report is related to a cabinet paper which is captured in the partial transfer to Hon Dr David Clark's Office.</p>

21-25 October 2019

1.1 DHB Board Appointments

Action: Commence consultation on proposed appointments this week.

Item: Following the result of the local body elections and discussion with officials on 16 October 2019, documents have been prepared to support consultation on your proposed candidates for appointment to DHB Boards. This consultation should commence on 22 October to be completed by 5 November to meet the appointment timeline.

Milestones for the upcoming DHB Board appointments are:

- **12 October** - Local Body Election results (provisional)
- **16 October** - Meeting with officials to finalise candidates for progression
- **21 October** - Consultation documents provided to your office
- **7 November** - Appointment (APH) documents lodged with Cabinet Office
- **13 November** - Appointment and Honors Committee meeting (APH)
- **18 November** - Cabinet and Gazette notification- following which public announcements can be made
- **9 December** - Incoming Boards take office.

Contact: Sarah Turner, Deputy Director-General, Office of the Director-General,
s 9(2)(a)

29 October – 1 November 2019

1.2 DHB Board Appointments

Action: Complete consultation on appointments and advise on any changes.

Approve and sign out APH papers for lodging on 7 November to meet the Cabinet office deadline for APH on 13 November.

Item: Following the initial consultation documents we provided to you on Friday 18 October, you have received draft APH papers to enable final consultation before submitting the complete set of candidates for APH on 13 November.

Milestones for the upcoming DHB Board appointments are:

- **5 November** – Minister complete consultation and advise officials of any final changes.
- **7 November** - Appointment (APH) documents lodged with Cabinet Office
- **13 November** - Appointment and Honors Committee meeting (APH)
- **18 November** - Cabinet and Gazette notification- following which public announcements can be made
- **9 December** - Incoming Boards take office.

Contact: Sarah Turner, Deputy Director-General, Office of the Director-General,
s 9(2)(a)

4 – 8 November 2019

1.3 DHB Board Appointments

Action: Complete consultation on appointments and advise on any changes by Friday 8 November.

Approve and sign out APH papers for lodging on 14 November to meet the Cabinet office deadline for APH on 20 November 2019.

Item: Following the initial consultation documents, we provided updated documents to your office on Friday 18 October. You will receive draft APH papers to enable final consultation before submitting the complete set of candidates for APH on 20 November. This is the latest possible APH date to ensure your appointed member take office alongside elected members on 9 December 2019. The date has been pushed out a week, in consultation with your office, in order to provide the best information on candidates for each board.

Milestones for the upcoming DHB Board appointments are:

- **5 November** – Minister complete consultation and advise officials of any final changes.
- **14 November** - Appointment (APH) documents lodged with Cabinet Office
- **20 November** - Appointment and Honors Committee meeting (APH)
- **25 November** - Cabinet and Gazette notification- following which public announcements can be made
- **9 December** - Incoming Boards take office.

Contact: Sarah Turner, Deputy Director-General, Office of the Director-General,
s 9(2)(a)

11 – 15 November 2019

1.4 DHB Board appointments

Action: Complete consultation on appointments and advise on any changes by Tuesday 12 November.

Approve and sign out APH papers for lodging on 14 November 2019 to meet the Cabinet office deadline for APH on 20 November 2019.

Item: Following the initial consultation documents, we provided updated documents to your office on Friday 18 October 2019. You received draft APH papers to enable final consultation on 8 November 2019. You will receive the final papers for lodging on 14 November 2019. These will include 19 APH papers (noting a Board will not be appointed to Waikato DHB in this electoral cycle) and a single cover paper that outlines context and approach. These documents are to be considered at APH on 20 November, which is the latest possible APH date to ensure your appointed members take office alongside elected members on 9 December 2019.

The date has been pushed out a week, in consultation with your office, in order to provide the best information on candidates for each board.

Milestones for the upcoming DHB Board appointments are:

- 12 November – Minister completes consultation and advises officials of any final changes
- 14 November – Appointment (APH) documents lodged with Cabinet Office
- 20 November – Appointment and Honours Committee meeting (APH)
- 25 November – Cabinet and Gazette notification – following which public announcements can be made
- 9 December – Incoming Boards take office.

Contact: Sarah Turner, Deputy Director-General, Office of the Director-General,
s 9(2)(a)

25 – 29 November 2019

1.5 DHB Board Appointments

Action: Complete the calls to outgoing Chairs and sign the Gazette notice and appointment letters.

Item: Following the Appointment and Honours Committee meeting on 20 November 2019, final documents with the agreed changes have been sent to your office for Cabinet on 25 November 2019. Following Cabinet, you will receive the Gazette notice and the appointment letters for your signature.

The timing of the Gazette notice will be agreed with your office and the appointment letters will be issued at the same time as the Gazette notice is published.

Milestones for the upcoming DHB Board appointments are:

- 22 – 24 November 2019 – calls to outgoing Chairs
- 25 November 2019 – Cabinet
- 26 – 27 November 2019 – Gazette notification – following which public announcements can be made
- 9 December 2019 – Incoming Boards take office
- 11 & 12 December 2019 – Chair induction

Contact: Sarah Turner, Deputy Director-General, Office of the Director-General,
s 9(2)(a)

Health Report

District Health Board (DHB) Board Appointments or Reappointments 2019

Date due to MO: 15 November 2019 Action required by: 20 November 2019

Security level: IN CONFIDENCE Health Report number: 20192238

To: Hon Dr David Clark, Minister of Health

Contact for telephone discussion

Name	Position	Telephone
Lisa McPhail	Chief Advisor, Office of Director-General	s 9(2)(a)
Sarah Turner	Deputy Director-General, Office of Director-General	

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Date dispatched to MO:



District Health Board (DHB) Board Appointments or Reappointments 2019

Purpose of report

This report provides you with the papers required for the Cabinet Appointments and Honours Committee (APH) to consider the appointment or reappointment of a Chair, Deputy Chair and members you are proposing to 19 DHB boards.

Attached to this report as Appendix One is the APH paper. The appendices to the APH paper including candidate CV forms, potential conflicts of interest and a full list of appointed and elected members for each DHB's board will be provided to your office on 19 November.

Key points

- Appropriate processes have been followed in considering the proposed (re)appointees in accordance with State Services Commission (SSC) Board Appointment and Induction Guidelines.
- The (re)appointment of the proposed board members will support strengthened governance, stronger financial acumen and enhanced representation of Māori on DHB boards.
- Your approval is required to reappoint several board members who will be serving more than six consecutive years on a DHB board.
- The proposed (re)appointments will be considered by APH on 20 November 2019 and, if approved, by Cabinet on 25 November 2019.
- It is intended that (re)appointees take office alongside their elected colleagues on 9 December 2019 for three-year terms ending on 5 December 2022.

Recommendations

The Ministry recommends that you:

- a) **Sign** the APH paper attached as Appendix One.

Yes/No

- b) **Agree** to the reappointment of s 9(2)(a) [redacted] and s 9(2)(a) [redacted] who will be serving more than six consecutive years on a DHB board, pursuant to clause 2(1)(b) of Schedule 3 to the NZPHD Act, by signing this report.

Yes/No


 Sarah Turner
 Deputy Director-General
 Officer of the Director-General


 Hon Dr David Clark

Minister of Health

Date: 19/11/19

District Health Board (DHB) Board Appointments or Reappointments 2019

Background

1. As per section 29(1) of the New Zealand Public Health and Disability Act 2000 (the NZPHD Act), DHBs are governed by boards comprising seven members elected triennially at the time of local government elections, and four members appointed by the Minister of Health.
2. Final results for the 2019 DHB board elections have been declared, and elected members will come into office on 9 December 2019. It is intended that (re)appointees take office alongside their elected colleagues on 9 December 2019 for three-year terms ending on 5 December 2022.
3. (Re)appointments to DHB boards are made pursuant to section 29(1)(b) of the NZPHD Act and section 28(1)(a) of the Crown Entities Act 2004 (the CE Act). Appointed members are appointed for terms of three years or less (section 32(1)(a), CE Act) and can serve up to a maximum of nine consecutive years on a DHB board (clause 2(1)(b), Schedule 3, NZPHD Act). There is no limit to the number of times an elected member may be re-elected. The Minister must also appoint a Chair and Deputy Chair from among each board's elected and appointed members (clause 10, Schedule 3, NZPHD Act).

Appointment process and consultation

4. Appropriate processes have been followed in considering the proposed (re)appointees in accordance with State Services Commission (SSC) Board Appointment and Induction Guidelines. This has included receiving conflict of interest declarations, criminal record checks and other due diligence, as required.
5. As you will be aware, candidate nominations were sought from nominating agencies (e.g. the Ministry for Women, Te Puni Kōkiri, the Office of Ethnic Communities etc), and from your ministerial colleagues. Nominations and expressions of interest from organisations and members of the public were also received.
6. Your office has conducted cross party consultation and any feedback received has been considered and incorporated.

Approval of extended terms for particular board members

7. Clause 2(1)(b) of Schedule 3 to the NZPHD Act requires the Minister to consent in writing before reappointing a member for more than six consecutive years on a DHB board, but not exceeding nine. In addition, the SSC appointment guidelines suggest that Ministers can reappoint individuals for more than two terms if they agree there are sound reasons for doing so.
8. s 9(2)(a) [REDACTED] will be serving over six consecutive years on s 9(2)(a) [REDACTED] DHBs' boards. Given the desire for continuity of experience and the continuing valued contributions these members make, there is cause to support these reappointments. You can confirm these reappointments by signing this report.

Crown Monitors

9. Out of scope

10.

Representativeness of appointments

11. A wide range of candidate nominations were received, and full consideration has been given to achieving appropriate gender, age, geographic and ethnic balance on all DHB boards. It is important to note that members have been appointed to support an appropriate level of Māori representation on DHB boards, in accordance with section 29(4) of the NZPHD Act (i.e. proportional to the number of Māori in the DHB's resident population, with at least two Māori members on each DHB board).
12. (Re)appointed members were also selected based on their relevant skills (e.g. financial, legal, business etc), including work, governance or leadership experience. A mix of new appointments and reappointments are being proposed to ensure that there is continuity of experience, as well as a chance to bring new skills and ideas into governance decisions.
13. The (re)appointment of the proposed members will enhance board governance and ensure board membership is well balanced, representative and that members have a wide range of skills and experiences.

Conflicts of interest

14. Appropriate enquiries concerning conflicts of interest have been carried out, in accordance with the SSC appointment guidelines, to identify any conflicts of interest that could reasonably be identified. Potential conflicts of interest, and how they will be mitigated, are outlined in the candidate CV forms that will be attached to each APH paper (to be provided to your office on 19 November 2019).
15. The management of any conflicts of interest will also be a key focus of the Ministry of Health's DHB Board Induction work programme.

Remuneration

16. Fees consistent with the Cabinet-approved Fees Framework (Cabinet Office Circular CO (12) 6, *Fees Framework for members appointed to bodies in which the Crown has an interest*) are payable to board appointees. Fees are met from within existing funding received by DHBs. Members also receive fees for serving on the DHB board's three statutory advisory committees and the board's audit committee (should they be members of these committees). You received advice on the appropriate fees for board

Chairs, Deputy Chairs and members for the 2019 election cycle in October 2019 (HR20191402 refers).

17. Appointees that are in full-time employment in the state sector will be advised that, under the Fees Framework, they are not to retain both the fee payable to board members and their ordinary pay (where duties of the DHB board are undertaken during ordinary department or Crown body working hours [paragraph 59 of the Fees Framework refers]). Appointees will be asked to make the necessary arrangements to give full effect to this provision.

Next steps

18. Following APH approval, the (re)appointments will be considered by Cabinet on 25 November 2019.
19. Following Cabinet approval, a media statement will be drafted for you to release announcing the (re)appointed board members. In addition, notice of these (re)appointments will be published in the *New Zealand Gazette* as soon as practicable.
20. The Ministry is drafting letters to send to (re)appointed members to confirm their appointments. Letters will be provided to your office for your signature in the week beginning 25 November 2019.
21. Talking points to support your attendance at APH and Cabinet will be provided to your office in the week beginning 18 November 2019.

ENDS.

