

Briefing

Mental Health and Wellbeing Commission | Te Hiringa Mahara Appointment Process

Date due to MO: 28 February 2024 **Action required by:** 13 March 2024

Security level: IN CONFIDENCE **Health Report number:** H2024036088

To: Hon Matt Dooney, Associate Minister of Health

Consulted: Health New Zealand: Māori Health Authority:

Contact for telephone discussion

Name	Position	Telephone
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Minister's office to complete:

- | | | |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <input type="checkbox"/> Noted |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn | |

Comment:

Mental Health and Wellbeing Commission | Te Hiringa Mahara Appointment Process

Security level: IN CONFIDENCE

Date: 28 February 2024

To: Hon Matt Dooney, Associate Minister of Health

Purpose of report

1. This report provides you with an overview of the process for appointing a member to the Board of the Mental Health and Wellbeing Commission | Te Hiringa Mahara (the Commission), and seeks your agreement to the relevant skill requirements that will be targeted in the recruitment for the role.

Summary

2. On 7 December 2023, Taimi Allan, resigned as a member of the Board effective 31 December 2023. Her resignation has left one vacancy on the Board.
3. The Ministry of Health | Manatū Hauora (the Ministry) will undertake a standard Crown entity recruitment and appointment process for filling the vacancy. The Public Service Commission | Te Kawa Mataaho outlines the statutory appointment process appointing agencies should follow in its *Board Appointment and Induction Guidelines*. A summary of the process and indicative timeframes for this appointment is attached for your noting as **Appendix A**.
4. The Ministry also seeks your agreement to the required skills that will be targeted in the recruitment and the current Board skills matrix attached at **Appendix B**, and position description attached at **Appendix C**.
5. Ministry officials are due to discuss the appointments process in general at the next officials' meeting. We would be happy to meet with you to discuss this process in more detail as it relates to the Mental Health and Wellbeing Commission and to ensure your views are incorporated into the recruitment activity and skills assessment of potential candidates.

Recommendations

We recommend you:

- a) **note** the indicative recruitment and appointment timeframes set out in **Appendix A**
- b) **agree** to the skill requirements as outlined in the skills matrix attached as **Appendix B** **Yes/No**
- c) **approve** the duties and responsibilities for members of the Board attached as **Appendix C** **Yes/No**
- d) **agree** to meet with Ministry officials to discuss the recruitment and appointment process in more detail **Yes/No**
- e) **indicate** whether you would like the Ministry to provide letters for you to seek nominations from your party caucus and the other Coalition Government parties. **Yes/No**



Sarah Turner
Deputy Director-General
Government and Executive Services |
Te Pou Whakatere Kāwanatanga
Date: 26 February 2024

Hon Matt Doocey
Associate Minister of Health
Date:

Mental Health and Wellbeing Commission | Te Hiringa Mahara Appointment Process

Background

1. The Mental Health and Wellbeing Commission | Te Hiringa Mahara (the Commission) was established under section 7 of the Mental Health and Wellbeing Commission Act 2000 (MHWC Act) and is an independent Crown Entity for the purposes of section 7 of the Crown Entities Act 2004 (the CE Act). The CE Act applies to the Commission except to the extent that the MHWC Act expressly provides otherwise.
2. The objective of the Commission is to contribute to better and equitable mental health and wellbeing outcomes for people in New Zealand. The Commission has a variety of functions and is involved in a wide range of activities. These functions are set out in section 11 of the MHWC Act.
3. The members of the Board are appointed under section 29 of the CE Act. According to section 8(1) of the MHWC Act, the Commission's Board must comprise of 3 to 7 members.
4. The Governor-General appoints members on the recommendation of the responsible Minister as per section 28(1)(b) of the CE Act. Members can serve up to 5 years or for a shorter period as specified in their appointment notice. They can also be reappointed under Section 32 of the CE Act. As members of an independent Crown entity, remuneration arrangements for the Chair and members of the Board are set by the Remuneration Authority.

Process for recruiting and appointing a member

5. The process for recruiting and appointing a member to the Board should align with the standard appointment process for Crown entity board appointments in line with the Public Service Commission | Te Kawa Mataaho *Board Appointment and Induction Guidelines*, and also needs to meet the requirements set out in the Cabinet Manual, the MHWC Act, and the CE Act. **Appendix A** provides an outline of the process and indicative timeframes.
6. The key steps in this process involve:
 - a. the Ministry providing you with advice on the current make up and skills of the Board and seeking your input into the skills matrix and position profile to be used for recruitment (included in this paper)
 - b. recruitment of appropriate candidates which will include an opportunity for you (and your party caucus and Government Coalition parties if you wish) to put forward nominees
 - c. evaluation of candidates, including shortlisting
 - d. confirmation of your preferred candidates
 - e. completion of due diligence checks

- f. preparation of papers for the Cabinet Appointments and Honours Committee (APH), and ministerial consultation
 - g. consideration of appointments by APH and confirmation by Cabinet
 - h. appointments advice and associated instruments of appointment considered and signed by the Governor-General after Cabinet consideration
 - i. appointees notified and publication of appointments in the *New Zealand Gazette* once the Governor-General has signed the instruments of appointment
 - j. induction of the successful candidate.
7. Timing will be dependent on the quality of candidates received and the achievement of the milestones set out in the timeline attached as **Appendix A**.

Required skills and experience

8. A skills matrix for the current Board is attached as **Appendix B**. Section 8 of the MHWC Act requires that when recommending a person for membership of the Board, the Minister must have regard to the need for members to collectively:
- a. have knowledge, understanding and experience of:
 - i. te ao Māori, tikanga Māori, and whanau-centred approaches to wellbeing
 - ii. the cultural, economic, educational, spiritual, societal, environmental, and other factors that impact people's mental health and wellbeing
 - iii. mental health services and addiction services
 - iv. public health approaches and population health approaches improving health outcomes
 - v. improving overall system performance
 - b. have personal experience of mental distress
 - c. have personal experience of addiction.
9. Taking into account the required skills of the Board, and the skill makeup of current members, the Ministry recommends that the new member has the following key expertise and skills.
- a. Significant board governance experience in public sector and/or private sector entities, including an understanding of public sector accountability and the role of a Crown entity, and demonstrated ability to contribute to robust decision-making processes.
 - b. Financial governance experience.
 - c. The ability to lead strategically.
 - d. Demonstrated experience working in areas with a focus on promoting people's wellbeing.
 - e. Knowledge of and/or experience with the health system.
10. The Ministry also notes that during the last recruitment round, the only pacific member was not reappointed to the Board. This raised some concerns from the sector, particularly amongst the pacific community. We think it would be helpful to take this into consideration, in conjunction with assessing candidates' skills and experience.

11. The duties and responsibilities document for members is attached as **Appendix C** for your review and approval. The duties and responsibilities have been drafted to reflect the key and desirable skills outlined above.

Recruitment approach

12. In line with the key steps outlined in the *Board Appointment and Induction Guidelines*, the proposed recruitment approach for the vacant member role will include recruitment through the following channels.
 - a. Public advertising on the Ministry's website and the New Zealand Government Jobs website.
 - b. Seeking nominations from the following nominating agencies:
 - i. Ministry of Māori Development | Te Puni Kōkiri
 - ii. Ministry for Pacific People
 - iii. Ministry for Women | Manatū Wāhine
 - iv. Ministry of Disabled People | Whaikaha
 - v. Ministry for Ethnic Communities.
 - c. Seeking nominations from you, and your party caucus and the Coalition Government parties if you wish. Letters seeking nominations will be provided directly to your office if you wish to seek nominations from your party caucus and the other Coalition Government parties.

Candidate assessment

13. Upon application, all candidates will be required to complete and sign conflict of interest and Privacy Act 2020 declaration forms. These are an important mechanism for ensuring the integrity of the eventual appointment made as they document up front any real, potential or perceived conflicts of interest that candidates may have in relation to the role. These will also include commentary on how the candidates intend to manage any conflicts of interest identified if they are successful in their application.
14. The Ministry will process and carry out an initial assessment of applications. Following that initial assessment, the Ministry will provide you with recommended and shortlisted candidates in a candidate selection paper for your approval.
15. After you have selected your preferred candidate, the Ministry will undertake due diligence checks, which will include:
 - a. Ministry of Justice criminal record checks
 - b. verification of education/qualifications
 - c. conflict of interest checks
 - d. disqualified or banned directors on the Companies Register checks
 - e. referee checks
 - f. a due diligence interview of your preferred candidate.

Appointment process

16. Once all due diligence checks are completed, the Ministry will provide you with a briefing and relevant documentation to take to the Cabinet Appointments and Honours Committee (APH) for consideration, in line with Cabinet Manual requirements.
17. A covering letter, appointments advice sheet and associated instruments for the Governor-General for the appointment will also be provided.
18. APH will consider the appointment paper and the minute will be confirmed at the following Cabinet meeting.
19. Once the appointment is confirmed by Cabinet, the covering letter and appointments advice sheet will require your signature before it is provided to the Governor-General, but the instruments are not counter-signed by you until the Governor-General has signed them.
20. Once the Governor-General has considered and signed the instruments of appointment, your office will send a letter of appointment, with attached terms and conditions of appointment, and a position description to the successful candidate. The Ministry will inform unsuccessful candidates.
21. A notice of appointment will be published in the *New Zealand Gazette* and a public announcement of the appointment can be made via press release from your office if you wish.

Post-appointment

22. Following confirmation of appointment, the new member will be inducted, and expectations and responsibilities will be outlined. The induction will be a joint effort between the Ministry's Regulation and Monitoring | Te Pou Whakamaru directorate and the Mental Health and Wellbeing Commission, and will include:
 - a. Input from the Public Service Commission on the expectations and responsibilities of Crown entity board members
 - b. a Ministry of Health overview of the core relationships and responsibilities within the health system, including the roles of the responsible Minister, monitoring agency, and the Commission
 - c. an in-house induction from the Commission on the structure of the organisation, Board operating procedures and core work programmes.

Equity

23. The recruitment and appointment process will be focused on identifying candidates with the specific skills and experience needed to deliver on the Commission's mandate, and on ensuring a varied range of perspectives on the Board. This will also help to ensure better governance of equity issues.

Next steps

24. Appointments to fill the vacant member role can be progressed at your chosen level of urgency. If you agree to the recommendations in this paper, recruitment for the member role will commence in March 2024.

Appendix A: Next steps and timeframes

Process Step	Indicative Timeframe
Minister confirms MHWC Board skills profile, duties and responsibilities, and notes recruitment approach (this briefing)	§ 9(2)(f)(iv) [REDACTED]
Recruitment underway	§ 9(2)(f)(iv) [REDACTED]
Candidate Selection Paper provided to the Minister	§ 9(2)(f)(iv) [REDACTED]
Minister identifies preferred candidate	§ 9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED]
Due diligence (background checks are completed on selected candidate and candidate is interviewed)	§ 9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Ministry of Health provides memo for consideration at the Cabinet Appointments and Honours (APH) Committee	§ 9(2)(f)(iv) [REDACTED] [REDACTED]
APH considers paper and minute is confirmed at the following Cabinet meeting	§ 9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED]
Associated documents provided to the Governor-General	§ 9(2)(f)(iv) [REDACTED]
Minister's office sends letters of appointment to successful candidate	§ 9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED]
Ministry of Health informs unsuccessful candidates	§ 9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Induction of new member	§ 9(2)(f)(iv) [REDACTED] [REDACTED]

Appendix B: Skills matrix of current members

Te Hiringa Mahara Mental Health and Wellbeing Commission		First Appointed	Term expiry	Ethnicity, other than NZ/European	Location	Gender	Age range	*Governance	Te Ao Māori/Tikanga Māori/Whānau-centred Approaches	Social Determinants/ Factors that Affect Mental Health and Wellbeing	Mental Health Services and Addiction Services – Professional Experience	Public and Population Health Approaches to Improving Health Outcomes	Improving System Performance	Personal Experience of Mental Distress or Addiction	Health system experience	*Finance
Current Members	Hayden Wano (Chair)	9 February 2021	9 July 2026	s 9(2)(a)				s 9(2)(a)								
	Kevin Hague (Deputy Chair)	9 February 2021	8 February 2025													
	Alexander El Amanni	9 February 2021	8 February 2025													
	Tuari Potiki	9 February 2022	8 February 2025													
	Professor Catherine (Sunny) Collings	9 February 2021	9 July 2025													
	Dr Barbara Disley	10 July 2023	9 July 2026													
	VACANT	N/A	N/A													

*The assessment of these skills is based on members governance experience rather than management experience in these areas.

Appendix C: Mental Health and Wellbeing Commission | Te Hiringa Mahara board member – Roles and Responsibilities

Mental Health and Wellbeing Commission | Te Hiringa Mahara

Dated February 2024

Member – Roles and Responsibilities

About the Mental Health and Wellbeing Commission | Te Hiringa Mahara

The Mental Health and Wellbeing Commission | Te Hiringa Mahara (the Commission) was established to provide system-level oversight, and is kaitiaki of mental health and wellbeing in Aotearoa.

The Commission aims to contribute to better and equitable mental health and wellbeing outcomes for all people in Aotearoa and perform an enduring role in transforming Aotearoa's approach to mental health and wellbeing.

The Mental Health and Wellbeing Commission as a Crown entity

The Commission is established through the Mental Health and Wellbeing Commission Act 2020 (MHWC Act) and is an independent Crown entity for the purposes of section 7 of the Crown Entities Act 2004 (the CE Act).

The Crown Entities Act provides a framework for Crown entity governance and accountability, including responsibilities of board members, disclosure of interests, and the role of Ministers. It is available at: [Crown Entities Act 2004](#)

The Minister of Health or their delegate, in this case the Associate Minister of Health, is the responsible Minister for the Commission. Under the CE Act, the responsible Minister has powers in relation to all entities on matters of strategic direction, indicators, funding, performance, reporting and reviews.

Appointments to the Commission are made by the Governor-General on the recommendation of the responsible Minister.

The Mental Health and Wellbeing Commission Board

Under section 8 (1) of the MHWC Act, The Commission Board (the Board) consists of 3 to 7 members.

Further information on The Commission and the Board can be found on its website: [The Mental Health and Wellbeing Commission](#).

Collective and individual duties of Board members

Board members are subject to the collective and individual duties of members set out in sections 58 and 59 of the CE Act.

The collective duties of board members are to ensure the Board's functions are performed efficiently, effectively and consistently in the spirit of the public service, and in a financially responsible manner.

The role of a member of The Commission, in conjunction with the rest of the Board:

- providing effective leadership and direction to the entity, consistent with the purpose of the entity and the Minister's expectations
- ensuring effective accountability and governance of the entity, consistent with the requirements of relevant legislation, including the MHWC Act and the CE Act
- communicating and engaging with other Board members in a constructive manner

- preparing in advance for meetings and other duties
- attending all board and committee meetings (where relevant) and participating fully in board discussions, including constructively challenging the views of other board members while being collegial and supportive
- complying with the Board's code of conduct or operating principles, and upholding the Board's vision and values
- being informed about The Commission and its operating environment
- being committed to the Board's continual improvement through participating in member self-assessment processes
- undertaking ongoing professional development and education (where relevant).

Section 9 of the MHWC Act sets out additional collective duties of the Board. The Board must ensure The Commission maintains systems and processes to ensure that, for the purpose of carrying out its functions, it has the capability and capacity to:

- uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles
- engage with Māori and understand the perspectives of Māori.

Sections 53 to 57 of the CE Act require individual members to:

- comply with the MHWC Act and the CE Act
- act with honesty and integrity
- act in good faith and not at the expense of The Commission interest
- act with reasonable skill, diligence and care
- not disclose information gained in their capacity as a member.

Board members are bound by the *Code of Conduct for Crown Entity Board Members* issued under the Public Service Act 2020. The Code of Conduct can be found on Te Kawa Mataaho | Public Service Commission's website: [PSC Code of Conduct](#)

Specific skills and attributes relevant to a member role

When recommending a person for membership on the Board, the Minister must have regard to the need for members to collectively:

- have knowledge, understanding, and experience of:
 - te ao Māori (Māori world view), tikanga Māori (Māori protocol and culture), and whānau-centred approaches to wellbeing
 - the cultural, economic, educational, spiritual, societal, environmental, and other factors that affect people's mental health and wellbeing
 - mental health services and addiction services
 - public health approaches and population health approaches to improving health outcomes
 - improving overall system performance
- have personal experience of mental distress
- have personal experience of addiction.

In addition to these key skills, other desirable expertise that would be beneficial for members to have include:

- significant board governance experience in public sector and/or private sector entities, including an understanding of public sector accountability and the role of a Crown entity, and demonstrated ability to contribute to robust decision-making processes
- financial governance experience
- the ability to lead strategically
- demonstrated experience working in areas with a focus on promoting people's wellbeing
- knowledge of and/or experience with the health system.

Term of appointment

The term of appointment of a member may be for up to 5 years or any shorter period as determined by the Governor-General.

Section 32(3) of the Crown Entities Act 2004 states that a member continues in office despite the expiry of their term, until either reappointed, or a successor is appointed, or the member is informed in writing by the Governor-General that they are not to be reappointed and that no successor is to be appointed at that time.

While there is provision for reappointment, there should be no expectation that a member will be offered a subsequent term of office on the expiry of their term.

Remuneration

Remuneration is set by the Remuneration Authority. Actual and reasonable travel and other expenses incurred in the performance of the role will be paid in accordance with the Cabinet Office Circular [CO \(22\) 2: Revised Fees Framework for members appointed to bodies in which the Crown has an interest](#)

The Board will meet as often as is necessary to carry out its role. Board members are expected to attend and participate regularly in meetings consistent with general fiduciary standards and the governance requirements under the Crown Entities Act 2004.

Criteria for appointment

Under section 29 of the Crown Entities Act, a Governor-General:

- may only appoint a person who, in the responsible Minister's opinion, has the appropriate knowledge, skills, and experience to assist the statutory entity to achieve its objectives and perform its functions
- subject to the above, in making an appointment, must take into account the desirability of promoting diversity in the membership of Crown entities.

The following people are disqualified from being a member under Section 30 of the Crown Entities Act:

- a person who is an undischarged bankrupt
- a person who is 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 Financial Markets Conduct Act 2013, or the Takeovers Act 1993
- a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988
- 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
- a person disqualified under another Act.

Appointment Process

For an appointment to the Board of the Commission, the process consists of the following stages.

- Upon application, candidates will be required to complete and sign a conflict of interest and Privacy Act 2020 declaration. This also includes commentary on how candidates intend to manage any conflicts of interest identified if they are successful in their application.
- Evaluation and shortlisting of candidates.
- Detailed background checks, which will include:
 - Ministry of Justice criminal record checks
 - verification of education/qualifications
 - public profile and online presence and social media checks
 - detailed conflict of interest checks
 - disqualified or banned directors on the Companies Register checks
 - referee checks.
- Candidate interviews.
- Minister selection of the candidate who they consider best meets the needs of the Board, and consultation with their ministerial colleagues as appropriate.
- Consideration of the appointment by the Cabinet Appointments and Honours (APH) Committee and Cabinet.
- Instruments of appointment considered and signed by the Governor-General following Cabinet consideration.
- Letter of appointment sent to the successful candidate.
- Public notification of appointment.

Disclosure of interest

Section 31 of the Crown Entities Act requires that before a person is appointed as a member of a Crown entity, the person must:

- consent in writing to being a member
- certify that they are not disqualified from being a member under section 30(2) of the Act; and
- disclose to the responsible Minister the nature and extent (including monetary value, if quantifiable) of all interests that the person has at that time, or is likely to have, in matters relating to the entity.

As part of the appointment process, candidates are required to complete a disclosure form (the conflict of interest and Privacy Act 2020 declaration noted above). This form meets the requirements set out above, and the information that is disclosed by candidates enables the responsible Minister to know the relevant interests and any conflicts that a person may have in relation to an appointment to an entity. The information is used to assess whether a candidate would be able to contribute effectively to the entity's affairs, and where conflicts are identified, to ensure that these can be managed appropriately.

Minister's notes

PROACTIVELY RELEASED