

In confidence

Office of the Minister of Health

Cabinet Legislation Committee

Pae Ora (Iwi-Māori Partnership Boards) Order 2022**Proposal**

- 1 This paper seeks authorisation for submission to the Executive Council of the Pae Ora (Iwi-Māori Partnership Boards) Order 2022 (the Order in Council). The Order in Council recognises the first tranche of Iwi-Māori Partnership Boards (IMPBs) under section 31 of the Pae Ora (Healthy Futures) Act 2022 (the Pae Ora Act) by amending Schedule 4 of the Act. This approach has been previously agreed by Cabinet [CAB-21-MIN-0378].

Summary

- 2 IMPBs and localities are a fundamental part of the transformed health system.
- 3 Under the Pae Ora Act, the Māori Health Authority (Te Aka Whai Ora) must, once satisfied that organisations have met the criteria for recognition, advise the Minister of Health. The Minister of Health must then recommend an Order in Council so that these organisations can be listed as IMPBs in Schedule 4 of the Pae Ora Act. The Board of Te Aka Whai Ora (the Board) is now satisfied that the first tranche of 11 IMPBs have met the criteria for recognition under the Pae Ora Act.
- 4 As a result, this paper seeks authorisation to submit the Order in Council to the Executive Council.

Policy

- 5 In designing the Pae Ora health reforms, the Department of the Prime Minister and Cabinet Transition Unit consulted and partnered with Māori stakeholders and the Māori health sector in the design of system settings for hauora Māori.
- 6 Māori Partnership Boards (also known as Māori Relationship Boards) were a part of the previous health landscape and have existed for more than 20 years as partners to District Health Boards but had no formal role. They were not consistently resourced or recognised in legislation and their impact was highly variable.

The transformed health system

- 7 The Pae Ora Act requires me, as the Minister of Health, and all health entities to be guided by the health sector principles which include engaging with Māori to develop and deliver services and programmes that reflect their needs and aspirations.
- 8 As part of the transformed health system, IMPBs will have a statutory role to engage with whānau and to agree local priorities and locality plans with Health New Zealand (Te Whatu Ora) and Te Aka Whai Ora.
- 9 IMPBs are therefore a vital part of the new health system. They will ensure whānau have a voice in developing services tailored to reflect those who need and use them. They will help Te Aka Whai Ora and Te Whatu Ora understand the health needs of the communities in their area and they will have critical input into local health plans.

Purpose of IMPBs

- 10 Section 29 of the Pae Ora Act sets out the purpose of IMPBs to represent local Māori perspectives on:
- a) the needs and aspirations of Māori in relation to hauora Māori outcomes;
 - b) how the health sector is performing in relation to those needs and aspirations; and
 - c) the design and delivery of services and public health interventions within localities.

Statutory functions of IMPBs

- 11 Section 30 of the Pae Ora Act sets out that an IMPB has the following functions:
- a) to engage with whānau and hapū about local health needs, and communicate the results and insights from that engagement to Health New Zealand and the Māori Health Authority;
 - b) to evaluate the current state of hauora Māori in the relevant locality for the purpose of determining priorities for improving hauora Māori;
 - c) to work with Health New Zealand and the Māori Health Authority in agreeing to locality plans for a relevant locality;
 - d) to monitor the performance of the health sector in a relevant locality;
 - e) to engage with the Māori Health Authority and support its stewardship of hauora Māori and its priorities for kaupapa Māori investment and innovation;
 - f) to report on the activities of the Māori Health Authority to Māori within the area covered by the Iwi-Māori Partnership Board;
 - g) to nominate members for appointment to the Hauora Māori Advisory Committee.

Recognition criteria for IMPBs

- 12 Section 31(1) of the Pae Ora Act sets out the criteria for recognition of an organisation as an IMPB. The criteria are intended to ensure IMPBs are representative of all Māori within the relevant area. The criteria are as follows:
- a) the boundaries of the area covered by the organisation (the area) do not overlap with the boundaries of any area covered by any Iwi-Māori Partnership Board; and
 - b) the organisation has taken reasonable steps to engage with Māori communities and groups that—
 - (i) are present in the area; or
 - (ii) have interests in the area; and
 - c) the organisation's constitutional and governance arrangements demonstrate that—
 - (i) the organisation has the capacity and capability to perform its functions as an Iwi-Māori Partnership Board; and
 - (ii) the organisation will engage with, and represent the views of, Māori within the area; and
 - (iii) Māori communities and groups in the area can hold the organisation accountable for the performance of its functions in relation to the area; and
 - d) the area is consistent with the effective functioning of Iwi-Māori Partnership Boards as a whole.
- 13 Under the Pae Ora Act, Te Aka Whai Ora must advise the Minister of Health if satisfied that these criteria have been met. The Pae Ora Act then stipulates that the Minister must recommend the making of an Order in Council to list the IMPBs in Schedule 4 of the Pae Ora Act.
- 14 Once organisations are listed in Schedule 4, they are then recognised and can carry out their statutory functions (as listed at paragraph 12). The Pae Ora Act does not impose any time limits on listing IMPBs in Schedule 4.

Progress on the establishment and recognition of IMPBs

- 15 The Department of the Prime Minister and Cabinet Transition Unit and the interim Māori Health Authority undertook extensive engagement with the Māori health sector from April 2021. This took place in the context of successive iterations of the Pae Ora (Healthy Futures) Bill and my aspiration that IMPBs would be stood up in 2022.
- 16 The organisations seeking to be recognised as IMPBs then submitted Terms of Reference setting out how they meet the criteria in the Act. These were assessed by an oversight group from Te Aka Whai Ora and the Ministry of Health (Te Manatū Hauora). Independent legal advice was also sought.
- 17 Te Aka Whai Ora is satisfied that the following 11 organisations have met the criteria in section 31 of the Act:
1. Te Taumata Hauora Te Kahu o Taonui IMPB
 2. Te Moana a Toi IMPB
 3. Tairāwhiti Toitū Te Ora IMPB
 4. Te Taura Ora o Waiariki IMPB
 5. Tūwharetoa IMPB
 6. Te Punanga Ora IMPB
 7. Te Mātuku IMPB
 8. Tihei Tākitimu IMPB
 9. Te Pae Oranga o Ruahine o Tararua IMPB
 10. Te Karu o te Ika Poari Hauora IMPB
 11. Ātiawa Toa IMPB.
- 18 A map showing the agreed boundaries of these 11 organisations, as well as areas where a further tranche of organisations are in progress, is provided in Appendix 1.
- 19 I will update you once Te Aka Whai Ora advises me that a second tranche of organisations have met the criteria in the Pae Ora Act. I anticipate this will be in 2023.

Timing and 28-day rule

- 20 Subject to Cabinet's approval, I propose that the Order in Council be submitted to the Executive Council on 12 December 2022 and notified in the New Zealand Gazette on 15 December 2022. The Order in Council will come into force on 13 January 2023, in compliance with the 28-day rule.

Compliance

- 21 The Order in Council will comply with:
- 21.1 the principles of Te Tiriti o Waitangi;
 - 21.2 advice from the Treaty Provisions Officials Group on any Te Tiriti o Waitangi provisions;
 - 21.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 21.4 the principles and guidelines set out in the Privacy Act 2020;
 - 21.5 relevant international standards and obligations; and
 - 21.6 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Financial Implications

- 22 Financial implications have been met within the baseline funding provided in Budget 2022.

Regulations Review Committee

- 23 I do not consider there are grounds for the Regulations Review Committee to draw the Order in Council to the attention of the House of Representatives.

Certification by Parliamentary Counsel

- 24 Parliamentary Counsel have certified the Order in Council as being in order for submission to Cabinet.

Impact Analysis

- 25 A regulatory impact assessment was undertaken to inform Cabinet's decisions on the principal Act [CAB-21-MIN-0378].

Publicity

- 26 The Order in Council will be published on Parliamentary Counsel's New Zealand Legislation website. A communications plan is being prepared by Te Aka Whai Ora including public announcements.

Proactive Release

- 27 I propose to proactively release this Cabinet paper following the publication of the signed Order in Council in the New Zealand Gazette, subject to any necessary redactions under the Official Information Act 1982.

Consultation

28 Manatū Hauora, Te Whatu Ora, Te Puni Kōkiri, Ministry of Education, Ministry of Justice, Oranga Tamariki, Department of Corrections, Te Puna Aonui, Treasury, Ministry for Pacific Peoples, Ministry for Women, Ministry of Housing and Urban Development, Ministry of Social Development, Te Arawhiti and Whaikaha were consulted on the drafting of the paper. The Parliamentary Counsel Office was informed of its contents.

Recommendations

The Minister of Health recommends that the Cabinet Legislation Committee:

- 1 **note** that the Pae Ora (Healthy Futures) Act 2022 (the Pae Ora Act) provides for recognised Iwi-Māori Partnership Boards to represent Māori interests in their local area [CAB-21-MIN-0378];
- 2 **note** that in order for Iwi-Māori Partnership Boards to be recognised, they must meet the criteria in section 31 of the Pae Ora Act;
- 3 **note** that if satisfied an organisation meets the criteria in the Act, Te Aka Whai Ora - Māori Health Authority must advise the Minister of Health, who must recommend the making of an Order in Council to recognise the Iwi-Māori Partnership Boards;
- 4 **note** that Te Aka Whai Ora - Māori Health Authority is satisfied that the following 11 organisations meet the criteria to be recognised as Iwi-Māori Partnership Boards:
 - a) Te Taumata Hauora Te Kahu o Taonui IMPB
 - b) Te Moana a Toi IMPB
 - c) Tairāwhiti Toitū Te Ora IMPB
 - d) Te Taura Ora o Waiariki IMPB
 - e) Tūwharetoa IMPB
 - f) Te Punanga Ora IMPB
 - g) Te Mātuku IMPB
 - h) Tihei Tākitimu IMPB
 - i) Te Pae Oranga o Ruahine o Tararua IMPB
 - j) Te Karu o te Ika Poari Hauora IMPB
 - k) Ātiawa Toa IMPB;
- 5 **note** the Pae Ora (Iwi-Māori Partnership Boards) Order 2022 will recognise the Iwi-Māori Partnership Boards referred to in recommendation 4 above;
- 6 **authorise** the submission to the Executive Council of the Pae Ora (Iwi-Māori Partnership Boards) Order 2022; and

- 7 **note** the Pae Ora (Iwi-Māori Partnership Boards) Order 2022 will commence on 13 January 2023.

Authorised for lodgement

Hon Andrew Little

Minister of Health

Appendix 1: Map of IMPB boundaries

To protect information subject to an obligation of confidence where making the information available would be likely to prejudice the supply of similar information or information from the same source / To protect the confidentiality of advice tendered by officials

