



Joint briefing

Hon Dr David Clark
Minister of Health

Title: Cabinet paper for Ministerial consultation: Establishing the Government Inquiry into Mental Health and Addiction

Date: 12 January 2018

Key issues

On 4 December 2017, Cabinet agreed in principle, subject to a report back, to establish a Government Inquiry (the Inquiry) into Mental Health and Addiction [CBC-17-MIN-0029 and CAB-17-MIN-0520 refers].

The attached draft Cabinet paper reports back, and seeks Cabinet approval to the intended appointment of up to five members to the Inquiry; confirms the Inquiry's final Terms of Reference; and requests an increase to Vote Internal Affairs to cover the costs of the Inquiry.

Action sought

Timeframe

The Minister of Health **forward** the Cabinet paper to Cabinet Business Committee Ministers for comments by 16 January 2018.

12 January 2018

The Minister of Health **sign and send** the letter to the Minister of State Services seeking agreement to the level of fees for the Chair and Members of the Inquiry. Agreement to the fees is required by the Minister of State Services before the Cabinet Business Committee meets on 25 January 2018.

15 January 2018

Contact for telephone discussions (if required)

Name	Position	Direct phone line	After hours phone	Suggested 1 st contact
Gina Smith	Manager, Policy Capability and Leadership, Department of Internal Affairs	Details withheld under s(9)(2) (g)(cii)		✓
Amanda Burgess	Senior Policy Analyst, Strategy and Policy, Ministry of Health			
John Crawshaw	Director, Mental Health, Ministry of Health			✓

Return to	Sara Taylor, Level 9, 45 Pipitea Street, Wellington
Cohesion reference	Briefing Cabinet paper for Ministerial consultation Inquiry into Mental Health and Addiction.docx
Ministerial database reference	IA201800007

Purpose

1. This briefing provides a copy of the draft Cabinet paper *Establishing the Government Inquiry into Mental Health and Addiction* (Appendix A) for circulation to Cabinet Business Committee (CBC) Ministers on Friday, 12 January 2018, for comments by Tuesday, 16 January 2018.

Background

2. Cabinet recently agreed in principle to establish a government inquiry into mental health and addiction in New Zealand under the Inquiries Act 2013 (the Act) [CBC-17-MIN-0029 and CAB-17-MIN-0520 refers]. This is a coalition commitment under the Government's 100-Day Plan [CAB-17-Min-0486 refers].
3. The Inquiry into Mental Health and Addiction (the Inquiry) will commence on 31 January 2018, following notification in the *New Zealand Gazette*, and report back to the Minister of Health by 31 October 2018.

Comment

Terms of Reference

4. A draft Terms of Reference (ToR) for the Inquiry was considered by Cabinet on 4 December 2017.
5. The proposed Chair, Professor Ron Paterson, has provided feedback on the ToR. Feedback from agencies, Māori mental health experts, and some sector groups have also been incorporated into the updated ToR.
6. The purpose of the Inquiry is to:
 - hear the voices of the community, people with lived experience of mental health and addiction problems, people affected by suicide, and people involved in preventing and responding to mental health and addiction problems, on New Zealand's current approach to mental health and addiction, and what needs to change
 - report on how New Zealand is preventing mental health and addiction problems and responding to the needs of people with those problems
 - recommend specific changes to improve New Zealand's approach to mental health, with a particular focus on equity of access, community confidence in the mental health system and better outcomes, particularly for Māori and other groups with disproportionately poorer outcomes.
7. The scope of the Inquiry is to consider:
 - mental health problems across the full spectrum from mental distress to enduring psychiatric illness
 - mental health and addiction needs from the perspective of both:
 - identifying and responding to people with mental health and addiction problems
 - preventing mental health problems and promoting mental well-being
 - activities directly related to mental health and addiction undertaken within the broader health and disability sector (in community, primary and secondary care),

as well as the education, justice and social sectors and through the accident compensation and wider workplace relations and safety systems

- opportunities to build on the efforts of whānau, communities, employers, people working in mental health and others to promote mental health.

Panel

8. The draft Cabinet paper notes the intention for the Minister of Health to appoint the following proposed members to the Inquiry:
 - Professor Ron Paterson, ONZM (Chair);
 - Dr Barbara Disley, ONZM;
 - Sir Mason Durie, KNZM, CNZM; and
 - Dr Jemaima Tiatia-Seath.
9. The draft Cabinet paper seeks agreement for a fifth panel member to be appointed by the Minister of Health, prior to the membership of the Inquiry being published in the Gazette. It is intended that the fifth panel member has lived experience and/or been a consumer of mental health services. The inclusion of a panel member with this background is integral to the credibility and public acceptance of the panel.
10. If you are able to confirm the fifth panel member prior to 25 January the Cabinet paper can be amended before final Cabinet confirmation on 30 January. In the event more time is required it is also possible to take an oral item to Cabinet on 30 January to confirm the fifth panel member.
11. The appropriate enquiries concerning conflicts of interest have been carried out for candidates in accordance with the Act, the Cabinet Office and State Services Commission Guidelines. The Department and the Ministry of Health have identified no matters of concern. The appointment of the fifth panel member will be contingent on any actual conflicts of interest being manageable.
12. Some of the proposed candidates have declared what they consider to be actual, potential or perceived conflicts of interest through their involvement in organisations. These candidates have also confirmed that they will manage these conflicts in accordance with guidelines. The planned management of all potential conflicts is outlined in the draft Cabinet paper's CV summary forms.

Budget

13. The draft Cabinet paper includes costings for a five-member Inquiry panel. The panel membership will be confirmed before the Gazette notice is published.

Timeline

14. The following timeline is proposed:

Date	Action
12 January 2018	Minister of Health circulates the Cabinet paper to Cabinet Business Committee (CBC) members
16 January 2018	CBC members comments due

17 January 2018	Final Cabinet paper provided to the Minister of Internal Affairs and the Minister of Health
18 January 2018	Cabinet paper lodged
25 January 2018	CBC meeting
30 January 2018	Cabinet meeting

Letter to Minister of State Services

15. All fees for government inquiries must be referred to the Minister of State Services for approval. A letter seeking the Minister of State Services' agreement to fees of \$1800 per day for the Inquiry Chair and \$1200 per day for Members' fees is attached for the Minister of Health to consider (Appendix B). Agreement to the fees by the Minister of State Services is required prior to the CBC meeting.
16. The fees proposed are consistent with the Cabinet Office Circular CO (12) 6, *Fees framework for members appointed to bodies in which the Crown has an interest* (the Fees Framework). The Fees Framework provides that if the proposed fees do not exceed the daily fee payable to a High Court Judge (currently \$1,942.60), and the rationale for fees at this level is strong, the Minister of State Services may recommend to the responsible Minister(s) that the fees can be decided between them without referral to the Appointments and Honours Committee and Cabinet.

Recommendations

17. We recommend that the Minister of Health:
 - a) **forward** the draft Cabinet paper to Cabinet Business Committee Ministers on 12 January 2018, for comments by 16 January 2018; and Yes/No
 - b) **sign and send** the letter to the Minister of State Services seeking agreement to the fees for the proposed Chair and Members of the Inquiry Panel; and Yes/No
 - c) **confirm** a fifth panel member by 25 January 2018. Yes/No



Hannah Cameron
Deputy Chief Policy Officer
Ministry of Health



Gina Smith
Manager, Policy Capability and Leadership
Department of Internal Affairs

Hon Dr David Clark
Minister of Health

/ /

Appendix A: Draft Cabinet Paper *Establishing the Government Inquiry into Mental Health and Addiction*

Appendix B: Letter to the Minister of State Services

Hon Chris Hipkins
Minister of State Services
Parliament Buildings
Wellington

Dear Minister

Government Inquiry into Mental Health and Addiction – members' fees

On 4 December 2017, Cabinet agreed in principle to establish a Government Inquiry into Mental Health and Addiction (the Inquiry) under the Inquiries Act 2013 [CBC-17-MIN-0029 and CAB-17-MIN-0520 refers]. A report back to formally establish the Inquiry will take place by 25 January 2018 which will confirm the Chair and members I intend to appoint and members' fees.

As the appointing Minister for the Inquiry, I write to seek your agreement to Inquiry members' fees. Cabinet Office Circular CO (12) 6, *Fees framework for members appointed to bodies in which the Crown has an interest (the Fees Framework)*, guides the payment of fees to, amongst others, the Chair and members of Government Inquiries. All fees for such inquiries must be referred to you as Minister for State Services for consideration as an exception.

I seek your approval to agree fees of \$1800 per day for the Inquiry Chair and \$1,200 per day for Members' fees.

In proposing these fees I have taken into account a number of factors:

- i. the inquiry is likely to attract considerable domestic attention and potentially international attention;
- ii. the inquiry will involve analysing complex material, sensitive issues and needs a range of members with diverse and high calibre skills;
- iii. the inquiry members' expected workload, operating timeframes and the extensive personal demands involved with a complex inquiry; and
- iv. that the fees are broadly consistent with those paid to members of previous inquiries.

Declarations of candidate availability, interests and probity have been undertaken for each member. If any proposed members are public servants that will be managed in accordance with guidance set out in *the Fees Framework*.

I seek your agreement to the proposed fees, and welcome your prompt reply.

Yours sincerely

Hon Dr David Clark
Minister of Health