

Security classification: In-Confidence

File number: AD62-2017
Action required by: 14 November 2017

Cabinet paper: Establishing an inquiry into mental health and addiction

To: Hon Dr David Clark, Minister of Health

Purpose

This report seeks your feedback on the (attached) draft Cabinet paper and draft Terms of Reference on the establishment of an inquiry into mental health and addiction. You are meeting with officials at 8.25am on Tuesday 14 November to provide your comments.

Discussion

Key matters previously discussed

1. On Thursday 9 November you met with officials to discuss the establishment of the inquiry. We note that you provided the following direction:
 - The inquiry is to be established as a Government Inquiry under the Inquiries Act 2013 (the Act) with the Minister of Health as the Appointing Minister.
 - The Department of Internal Affairs (DIA) will be the administering agency (and as such the Minister of Internal Affairs will be the appropriate Minister under the Act and will be responsible for appropriation of budget for the inquiry).
 - The inquiry will report back in October 2018.
 - The inquiry will have a broad focus on both meeting the needs of people with poor mental health and addiction issues as well as prevention. It will have a particular focus on achieving equitable mental health and addiction outcomes for all New Zealanders
 - The inquiry will take a whole of system view and will focus not only on services provided by the health sector but will include the wider drivers of mental health and addiction.
 - The inquiry will inform the subsequent re-establishment of a Mental Health Commission.
2. You have undertaken to consult with your Māori caucus colleagues on the implications of the scope and purpose of the inquiry for Māori.

Content and further choices for draft Cabinet paper (attached)

3. Based on your direction, the Ministry has prepared a draft Cabinet paper, for your comment, which covers:
 - purpose, scope and timing of the inquiry
 - arrangements for the inquiry
 - draft terms of reference
4. We are currently seeking agency feedback on the draft and writing an executive summary.

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	John Crawshaw, Director of Mental Health, Protection, Regulation and Assurance	[REDACTED] Contact details withheld under s9(2)(g)(ii)

Proposed inquiry Chair

5. You may choose to identify a proposed Chair in the Cabinet paper or you may wish to take this matter to your Cabinet colleagues as an oral item.

Suicide prevention strategy

6. You have had initial discussions with officials about progressing a suicide prevention strategy alongside implementing immediate actions. You may choose to specifically include this work within the scope of the inquiry into mental health or progress it separately and in alignment within the inquiry.

Second Cabinet paper

7. A second Cabinet paper will be led by DIA as administering department and will be a joint paper from the Minister of Health and the Minister of Internal Affairs. It will cover:
 - final terms of reference for the inquiry
 - inquiry membership
 - fees for Chair and members
 - inquiry budget and appropriations.

Risks for inquiry

The inquiry takes too long

8. The inquiry is to be completed by October 2018. Given the broad scope and complexity of the inquiry there is a risk that this timeframe will not be met. Typically, government inquiries do not meet initial proposed timeframes for a range of reasons, including availability of Chair and members and that the work programme is independently set by the inquiry, once established. Delays may incur criticism from the sector that the inquiry is taking too long and that more immediate outcomes are needed. This can be managed by consulting with the Chair to ensure that the Terms of Reference are feasible; as well as referring to ongoing work to address immediate service gaps and pressures.

The inquiry does not produce robust results and tangible recommendations and actions

9. There is a risk that the inquiry meets the timeframe but, because of its breadth and complexity, does not result in robust recommendations, tangible solutions and measurable actions. This can be mitigated by being explicit about the purpose and scope in the draft Terms of Reference and by having sufficient resource, appropriate panel members and a well-resourced secretariat.

Managing conflicting sector and public expectations

10. Sector and public expectations are wide ranging around the need for an inquiry, the scope of the inquiry, how long it should take and the nature of recommendations. There is a consistently strong voice for immediate, considered action to address critical issues. This can be managed by emphasising the immediate actions that will be undertaken alongside the broad based scope of the inquiry.

Key dates for process to establish an inquiry by mid-December 2017

11. In order for the inquiry to be established by mid December 2017 the final Cabinet paper needs to be lodged with Cabinet Office by 10am Thursday 16 November for consideration by Cabinet on Monday 20 November. The key steps ahead of Cabinet paper lodgement are:
 - comments from you on this Cabinet paper to be provided to officials at your meeting at 8.25am on Tuesday 14 November
 - your comments, and comments from agency consultation, will be incorporated into the draft Cabinet paper and returned to you by close of play on Tuesday 14 November
 - you are required to consult with the Prime Minister and the Attorney-General

- you should also consult with the Minister of Internal Affairs as the appropriate Minister for the Inquiries Act 2013 and because you are recommending that DIA is the administering department under the Act
 - you may wish to consult with other Ministerial colleagues
 - your office needs to liaise with Cabinet Office to request that the Cabinet paper be considered directly by Cabinet without prior consideration by a Cabinet Committee
12. There is a small window of opportunity in the week of 20 November to consult more widely with selected stakeholders on the terms of reference. The most efficient way to seek Māori perspectives is through your Māori caucus colleagues.
13. The second Cabinet paper will need to be considered by Cabinet on Monday 4 December 2017.

Recommendations

The Ministry recommends that you:

- a) **Note** that the first of a suite of two Cabinet papers on establishing a mental health inquiry is attached for your consideration
- b) **Provide** comments on the attached draft Cabinet paper to officials at your meeting at 8.25am on Tuesday 14 November
- c) **Note** that an amended draft, including agency consultation, will be provided to you by close of play on Tuesday 14 November
- d) **Note** that in order for the inquiry to be established by mid December 2017 the final Cabinet paper needs to be lodged with Cabinet Office by 10am Thursday 16 November for consideration by Cabinet on Monday 20 November

Hannah Cameron
Deputy Chief Policy Officer
Strategy and Policy

Minister's signature:

Date:

END.