

In Confidence

Office of the Minister of Health

Cabinet Legislation Committee

Pae Ora (Iwi-Māori Partnership Boards) Order 2023

Proposal

1. This paper seeks authorisation for submission to the Executive Council of the Pae Ora (Iwi-Māori Partnership Boards) Order 2023 (the Order in Council). The Order in Council recognises the second 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 Pae Ora Act.

Summary

2. IMPBs and localities are a fundamental part of the transformed health system.
3. The purpose of IMPBs, as set out in section 29 of the Pae Ora Act, is to represent local Māori perspectives on the needs and aspirations of Māori in relation to hauora Māori outcomes, how the health sector is performing in relation to those needs and aspirations, and the design and delivery of services and public health interventions within localities.
4. The functions of IMPBs, as set out in section 30 of the Pae Ora Act, include to engage with whānau and hapū about local health needs, determine local priorities for improving hauora Māori, and agree locality plans with Health New Zealand (Te Whatu Ora) and the Māori Health Authority (Te Aka Whai Ora).
5. Under the Pae Ora Act, the Board of Te Aka Whai Ora must, once satisfied that organisations have met the criteria for recognition, advise the Minister of Health accordingly. The Minister of Health must then recommend the making of an Order in Council so that those organisations can be listed as IMPBs in Schedule 4 of the Pae Ora Act.
6. On 8 December 2022, the Cabinet Legislation Committee authorised the submission to the Executive Council of an Order in Council to recognise the first tranche of 11 IMPBs [LEG-22-MIN-0224]. On 13 January 2023, the Pae Ora (Iwi-Māori Partnership Boards) Order 2022 commenced.
7. The Board of Te Aka Whai Ora has advised me that it is now satisfied that the second tranche of four organisations have met the criteria for IMPB recognition under the Pae Ora Act. Therefore, in accordance with section 31(5) of the Pae Ora Act, I recommend the making of an Order in Council to recognise these organisations as IMPBs.
8. Accordingly, this paper seeks authorisation to submit the Order in Council

(attached as Appendix 2) to the Executive Council recognising the second tranche of IMPBs.

Policy

The transformed health system

9. The Pae Ora Act requires me, as the Minister of Health, and all health entities to be guided by the health sector principles. These principles include engaging with Māori to develop and deliver services and programmes that reflect their needs and aspirations.
10. IMPBs are a vital part of the new health system. They will ensure that 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 locality plans.
11. Localities are geographic areas that will form the basis for service delivery planning at a local level. Each locality will have a locality plan that must be agreed by Te Whatu Ora, Te Aka Whai Ora and the relevant IMPB(s). Locality plans will set out the priority outcomes and services for the locality, for a specific duration (which must be at least three years), and give effect to the relevant requirements of Te Pae Tata (the New Zealand Health Plan).

Purpose of IMPBs

12. 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

13. 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 Te Whatu Ora and Te Aka Whai Ora;
 - 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 Te Whatu Ora and Te Aka Whai Ora 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 Te Aka Whai Ora and support its stewardship of hauora

- Māori and its priorities for kaupapa Māori investment and innovation;
- f) to report on the activities of Te Aka Whai Ora to Māori within the area covered by the IMPB; and
 - g) to nominate members for appointment to the Hauora Māori Advisory Committee.

Recognition criteria for IMPBs

14. 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 IMPB; 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 IMPB; 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.
15. 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.
16. Once organisations are listed in Schedule 4, they are then recognised and can carry out their statutory functions (as listed at paragraph 13). The Pae Ora Act does not impose any time limits on listing IMPBs in Schedule 4.

Progress on the establishment and recognition of IMPBs

Tranche 1 of recognised IMPBs

17. On 8 December 2022, the Cabinet Legislation Committee agreed for the then Minister of Health, Hon Andrew Little, to recommend the Governor-General make an Order in Council to formally recognise a first tranche of 11 IMPBs in Schedule 4 of the Pae Ora Act [LEG-22-MIN-0224].
18. On 13 January 2023, the Pae Ora (Iwi-Māori Partnership Boards) Order 2022 commenced, recognising the first tranche of IMPBs:
 1. Te Taumata Hauora o Te Kahu o Taonui IMPB (Tai Tokerau - Tāmaki);
 2. Te Moana a Toi IMPB (Mataatua);
 3. Tairāwhiti Toitū Te Ora IMPB (Tairāwhiti);
 4. Te Taura Ora o Waiariki IMPB (Te Arawa);
 5. Tūwharetoa IMPB (Tūwharetoa);
 6. Te Punanga Ora IMPB (Taranaki);
 7. Te Mātuku IMPB (Whanganui);
 8. Tihei Tākitimu IMPB (Tākitimu Hawke's Bay);
 9. Te Pae Oranga o Ruahine o Tararua IMPB (Manawatū);
 10. Te Karu o te Ika Poari Hauora IMPB (Wairarapa); and
 11. Ātiawa Toa IMPB (Te Upoko o te Ika Greater Wellington/Hutt).
19. The first tranche of 11 recognised IMPBs are currently setting up their infrastructure, support teams and operating models.
20. They have resources in place to understand the needs of their communities and to help translate those needs into service design and delivery. Some of the IMPBs have fed into the development of health strategies, such as wānanga on the interim Hauora Māori Strategy.

Tranche 2 of IMPBs seeking recognition

21. Four further organisations have since submitted Terms of Reference setting out how they meet the criteria under section 31 of the Pae Ora Act to be recognised as IMPBs. Te Aka Whai Ora has completed an assessment of those Terms of Reference against the criteria in the Pae Ora Act. Independent legal advice was also sought.
22. Consequently, the Board of Te Aka Whai Ora is now satisfied that the following four organisations have met the criteria in section 31 of the Pae Ora Act:
 1. Ngaa Pou Hauora oo Taamaki Makaurau (South Auckland);
 2. Te Tiratū (Waikato-Tainui);
 3. Te Kāhui Hauora o Te Tau Ihu (Nelson/Marlborough); and

4. Te Tauraki (Ngāi Tahu).

23. A map showing the agreed boundaries of these four organisations is provided in Appendix 1. That map also indicates the area covered by the first tranche of recognised IMPBs (light grey area) and the areas that would be remaining without recognised IMPBs (hatched areas).

Areas remaining without recognised IMPBs

24. If these four organisations are successfully recognised as IMPBs under an Order in Council, then there will be two areas in Aotearoa that are not covered by an IMPB. Withholding of the information is necessary to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations
[REDACTED] Officials from Te Aka Whai Ora are in discussions with iwi in those areas about establishing IMPBs.
25. However, I note that many of the specific functions for IMPBs, as set out at section 31 of the Pae Ora Act, can be covered by other engagement and many of the activities in which IMPBs are to be involved (such as agreeing locality plans) do not need to be completed until 2024. Te Aka Whai Ora will continue to engage with Māori in these regions regarding hauora Māori. This ongoing engagement is part of its statutory role as set out in section 20 of the Pae Ora Act (engaging with and reporting to Māori).
26. I will update you if the Board of Te Aka Whai Ora advises me it is satisfied that additional organisations have met the criteria in the Pae Ora Act.

Timing and 28-day rule

27. Subject to Cabinet's approval, I propose that the Order in Council be submitted to the Executive Council on 26 June 2023 and notified in the New Zealand Gazette on 29 June 2023. The Order in Council will come into force on 27 July 2023, in compliance with the 28-day rule.

Compliance

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

Financial Implications

29. Financial implications will be met within the baseline funding.

Regulations Review Committee

30. 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

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

Impact Analysis

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

Publicity

33. 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

34. 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

35. Kāinga Ora, the Office for Māori Crown Relations - Te Arawhiti, Ministry for Women, Ministry for Pacific Peoples, Department of Corrections, Ministry of Justice, Ministry of Social Development, Ministry of Housing and Urban Development, Te Puna Aonui, Manatū Hauora, Ministry for Primary Industries, Te Puni Kōkiri, Ministry of Education, NZ Police, Whaikaha / Ministry of Disabled People, the Social Wellbeing Agency, The Treasury, Accident Compensation Corporation (ACC), Oranga Tamariki / Ministry for Children, Ministry of Youth Development, Stats NZ, and Te Whatu Ora were consulted on the drafting of this paper and their feedback reflected accordingly.
36. 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 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 (Healthy Futures) Act 2022;
- 3 **note** that, if satisfied an organisation meets the criteria in the Pae Ora (Healthy Futures) Act 2022, 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, on 13 January 2023, the Pae Ora (Iwi-Māori Partnership Boards) Order 2022 commenced, recognising the first tranche of 11 iwi-Māori partnership boards;
- 5 **note** that Te Aka Whai Ora - Māori Health Authority is now satisfied that the following four organisations meet the criteria to be recognised as the second tranche of iwi-Māori partnership boards:
 - a) Ngaa Pou Hauora oo Taamaki Makaurau (South Auckland);
 - b) Te Tiratū (Waikato-Tainui);
 - c) Te Kāhui Hauora o Te Tau Ihu (Nelson/Marlborough); and
 - d) Te Tauraki (Ngāi Tahu).
- 6 **note** that a map is provided in Appendix 1 showing the agreed boundaries of these four organisations (as well as those areas with recognised iwi-Māori partnership boards and the two areas that would be remaining without recognised iwi-Māori partnership boards);
- 7 **note** that the Pae Ora (Iwi-Māori Partnership Boards) Order 2023 is provided in Appendix 2, which will recognise the iwi-Māori partnership boards referred to in recommendation 5 above;
- 8 **authorise** the submission to the Executive Council of the Pae Ora (Iwi-Māori Partnership Boards) Order 2023; and
- 9 **note** the Pae Ora (Iwi-Māori Partnership Boards) Order 2023 will commence on 27 July 2023.

Authorised for lodgement

Hon Dr Ayesha Verrall
Minister of Health

Appendix 1: Map showing the boundaries of the four organisations (tranche 2)

Withholding of the information is necessary to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations



Appendix 2: Final version of Pae Ora (Iwi-Māori Partnership Boards) Order 2023

PROACTIVELY RELEASED