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John Luke

By email: fyi-request-20995-f9eab33f@requests.fyi.org.nz
Ref: H2022016137

Tēnā koe John

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) received by Manatū Hauora (the Ministry of Health), which was transferred from the New Zealand Blood and Organ Service (NZBOS) on 2 November 2022. You requested information regarding the July 2022 appointments to the NZBOS Board. Each part of your request is responded to below.

May I ask how did you call for public nomination and on what platform you have call for public nominations, e.g. govt.jobs website.

Also, how many applications you have received from the public...

Manatū Hauora supports responsible ministers and the Governor-General to make appointments to a range of statutory health roles. Manatū Hauora support the appointment of over 500 statutory health roles and undertakes a tailored approach for each recruitment depending on the varying nature and requirements.

Given the very specific clinical and financial expertise required for these particular roles, candidates were sourced through targeted networks and did not call for public nominations. As a result, Manatū Hauora did not receive any applications from the public.

How many you have received from other nominating agencies such as TPK.

Manatū Hauora did not seek or receive any nominations from other nominating agencies. Agencies are consulted during the public recruitment drives. As suitable candidates were identified, it was not necessary to consult for these roles.

Further, how many you have shortlisted.

Three candidates were shortlisted for these positions.

I am also requesting the position description of this role

The 'Candidate Information on the Terms and Conditions of Appointment to the NZBOS Board' outlines the expectations, roles, and responsibilities as a board member. This document is attached to this letter as Appendix 1 and is released to you in full.

and the pay rate.

NZBOS board members are paid \$16,000 per annum, and the Deputy Chair is paid \$20,000 per annum.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'S. Turner', is positioned above the typed name.

Sarah Turner
Deputy Director-General
Government and Executive Services | Te Pou Whakatere Kāwanatanga

Appendix 1: List of documents for release

#	Date	Document details	Decision on release
1	2004	Candidate Information on the Terms and Conditions of Appointment to the NZBOS Board	Released in full

Candidate Information on the Terms and Conditions of Appointment to the New Zealand Blood and Organ Service | Te Ratonga Toto O Aotearoa Board Crown Entities Act 2004

Introduction

This document provides information for prospective members of the New Zealand Blood and Organ Service | Te Ratonga Toto O Aotearoa (NZBOS) Board. It sets out the:

- expectations of the NZBOS Board
- role and responsibilities of a member
- statutory basis for appointment
- relevant legislation and duties
- remuneration.

Expectations of the NZBOS Board

New Zealanders have high expectations in relation to the healthcare they receive. They want hospital services they can rely on. They want a smarter public health system that provides maximum value for each tax dollar.

These expectations, and the challenging fiscal environment New Zealand continues to face, reinforce the need to ensure the different parts of the health system are working in unison. As New Zealand's sole supplier of blood and associated products and services, including some tissues and responsibility for deceased organ donation, NZBOS is expected to think as part of the system and work in co-operation and co-ordination with the Ministry of Health, Health New Zealand and other Crown entities and agencies.

NZBOS Board members are involved in a wide range of governance activities. Their duties are set out in the New Zealand Public Health and Disability Act 2000 (NZPHD Act) and the Crown Entities Act 2004 (the CE Act) and include requirements to act in good faith, with reasonable care, diligence and skill, and with honesty and integrity.

The NZBOS Board is expected to maintain a high level of public confidence in the services it delivers. The NZBOS Board is expected to find an appropriate balance in the provision and purchase of services at all necessary levels. Services also need to represent good value-for-money and be delivered in a timely manner.

The NZBOS Board also owes a number of collective duties to the Minister of Health. These are described in the 'Relevant legislation and duties' section.

Role and responsibilities of a member

This section sets out the Minister of Health's expectations regarding the role and responsibilities of a person appointed as a member to the NZBOS Board. The intention is to aid members of the NZBOS Board to work effectively by providing them with a common set of principles for appropriate conduct and behaviour, and enable the NZBOS Board to protect itself and its members from being exposed to legal challenges.

As Crown entity Board members, members of the NZBOS Board are directly accountable to the Minister of Health for their performance. Appointment as a member is made pursuant to section 56(1) of the NZPHD Act and section 28(1)(a) of the CE Act.

As a member of the Board, you will be expected to:

- communicate and engage with other Board members in a constructive manner
- support the Chair
- prepare in advance for meetings and other duties
- demonstrate your commitment to the Board by attending all Board and committee meetings (where relevant)
- comply with the Board's code of conduct or operating principles, and uphold the Board's vision and values
- be informed about the NZBOS and its operating environment
- be committed to the Board's continual improvement through participating in member self-assessment processes
- undertake ongoing professional development and education (where relevant).

There is also a 'no surprises' policy when serving on the NZBOS Board. This is a critical component of maintaining Ministerial trust and confidence in the NZBOS. To this end, please provide your Chair or Deputy Chair with early warning of any relevant issues before they arise so that these can be dealt with further if necessary.

A 'no surprises' way of working is not intended to interfere with NZBOS's independent functions, nor with the NZBOS Board's operational responsibilities. Rather, it covers circumstances where it is prudent for the NZBOS to disclose to the Minister issues that may require a Ministerial response, are possibly considered contentious, or which may attract wide public interest (be it positive or negative). Open and effective communication between the Board, the Ministry and the Minister of Health is vital to building strong relationships, while maintaining clear lines of accountability.

Statutory basis for appointment

This appointment does not create any contract of service or contract for services between you and the Minister of Health, or between you and the NZBOS. Reappointment at the completion of your current term is not automatic, nor should it be expected. Reappointments are only made after a careful consideration of the NZBOS's performance and the particular skills and experience needed by the NZBOS Board going forward.

You may resign at any time by written notice to the Minister of Health, or Associate Minister with delegated responsibility for NZBOS, signed by you, with a copy to the NZBOS. Your resignation must state the date on which the resignation takes effect (clause 3, Schedule 5, CE Act).

Your services as member may be terminated by me at any time during the period of your appointment (clause 4, Schedule 5, CE Act). This may be done by written notice to you (with a copy to the Board) after consultation with you.

You are not entitled to any compensation or other payment or benefit relating to your ceasing, for any reason, to hold office (section 43, CE Act).

Relevant legislation and duties

General

As a member it is important to ensure that you are familiar with both the NZPHD Act and the CE Act. In particular, I draw your attention to section 55 of the NZPHD Act and to sections 25-26 and 49-61 of the CE Act. These provisions describe the objectives and functions of the NZBOS, the NZBOS Board's role, accountability of members to the Minister of Health, and the collective and individual duties of NZBOS Board members.

It is also important that you read and understand Schedule 5 to the CE Act. This schedule details Board procedure.

A member must also keep themselves fully familiar with the duties and obligations of the position at all times (sections 53-57, CE Act). At present, these duties include requirements for members to:

- comply with the NZPHD Act and the CE Act
- act with honesty and integrity
- act in good faith and not at the expense of the NZBOS's interests
- act with reasonable skill, diligence and care
- not disclose information gained in their capacity as a member (see also the 'Conflicts of interest and the duty not to disclose information' section below).

In addition, the NZBOS Board is also subject to several collective duties (sections 49-51, CE Act). Under these, the NZBOS Board must ensure that the NZBOS:

- acts consistently with its objectives, functions, current Statement of Intent and Output Agreement
- performs its functions efficiently and effectively and in a manner consistent with the spirit of service to the public
- operates in a financially responsible manner (ie, that it prudently manages its assets and liabilities, and endeavours to ensure its long-term financial viability and that it acts as a successful going concern).

In addition to the above, the NZBOS must also endeavour to cover all its annual costs (including the cost of capital) from its net annual income (section 66, NZPHD Act).

Conflicts of interest and the duty not to disclose information

Per the disclosure of interest provisions in section 62 of the CE Act, it is important for all members to have a thorough working knowledge of these provisions.

Please ensure that the conflict of interest statement you provided in your declaration form is entered into the NZBOS Board's interest register. You must also ensure that any relevant change in your circumstances that affects a matter disclosed in the statement is entered into the NZBOS Board's interest register as soon as practicable after the change occurs. Should you become interested in any transaction of the NZBOS in the future, it is expected that you disclose to the NZBOS Board the nature of that interest as soon as is practicable.

In undertaking the appointment process for this role, it is expected you to have fully evaluated the extent of your conflicts of interest (if any) and considered how you intend to manage them in a legal, ethical and good practice sense. It is important that any conflicts of

interest you may have are not so great that they compromise the confidence placed in you, or prevent you from making an effective contribution to the NZBOS Board.

It is absolutely essential that conflicts of interest are appropriately declared and managed. Simply declaring a conflict of interest in itself does not amount to the effective and appropriate management of that conflict. It is expected you will assist in ensuring an environment exists around the NZBOS Board table where conflicts of interest can be discussed and managed both transparently and effectively. Failing to manage conflicts of interest in this way reduces New Zealanders' trust and confidence in the health system.

Conflicts of interest (either real or perceived) can be exacerbated by the inappropriate use of information. A member who wrongly uses or discloses information that they have access to through their position on the NZBOS Board jeopardises the confidence in the NZBOS Board and ultimately the confidence of the public. As outlined earlier, the duty not to disclose information is one of the individual duties owed by members (section 57, CE Act). Members who fail to comply with their duties may be removed from office.

Indemnity

There is an exclusion of liability provision in section 90 of the NZPHD Act that applies to you where you have acted in good faith and with reasonable care in pursuance of your duties as a NZBOS Board member. To the extent that you consider it necessary in light of section 90, you should make your own arrangements for professional indemnity insurance to cover your work as a member of the NZBOS Board.

Remuneration

Fees consistent with the Cabinet Office Circular CO (19) 1, *Fees framework for members appointed to bodies in which the Crown has an interest* for a Level 3, Group 3a body are payable to NZBOS board members. Fees are met from the existing NZBOS budget and have been determined at \$16,000 per annum for a member.

The payment of fees will be arranged through the office of the NZBOS's Chief Executive. Taxation matters depend on personal circumstances. In general, fees are classed as 'honoraria' for the purposes of income tax regulations and are not subject to GST.

Members are entitled to be reimbursed by the NZBOS for actual and reasonable travelling and other expenses incurred while carrying out your duties (section 48, CE Act). Such reimbursement is to be in accordance with Cabinet Office Circular CO (09) 5, *Fees framework for members appointed to bodies in which the Crown has an interest*.