**[Security classification – minimum of In Confidence required]**

Office of the Minister of Examples

Cabinet Appointments and Honours Committee

# Cabinet appointments paper template

## Proposal

1. In a sentence, outline the purpose of the paper. Clearly summarise who is being appointed or reappointed, name the entity (i.e. the organisation, board, panel, etc), and note the expected length of the appointment term. If the term does not begin on a set date, note that it will commence “on the date of appointment”.

For example, ‘This paper outlines my intention to reappoint Professor Jane Smith as Chair of the Board of the New Zealand Examples Board for a further three-year term, commencing on 1 July 2024 and expiring on 30 June 2027’.

1. Note also that Cabinet papers are written in first person, as they are the Minister’s papers and are written from their perspective.

## Background

1. This section should be used to briefly explain the role of the organisation and its membership - clearly indicating how each member is appointed and any requirements for membership, including the following:
	1. the legislative provisions or government decisions that give rise to appointments to the particular organisation, and who makes the appointment;
	2. the size of the organisation and the minimum and/or maximum number of members prescribed;
	3. any relevant statutory or other consideration;
	4. any recent consideration by APH or a recent appointment that might affect the decision;
	5. whether the proposed appointee has been nominated by a particular entity.

For example, ‘The New Zealand Examples Board (the Board) was established under section 5 of the Examples Act 2018 (the Act). The Board exercises statutory powers to make examples, administer the register of examples, and manage a portfolio of examples.

Under section 6 of the Act, the Board is made up of:

* a Chair appointed by the Minister for Examples;
* three members elected by the members of the Board, in accordance with regulations made under the Act;
* three members appointed by the Minister for Examples.

## A list of the current Board membership is attached’.

## Comment

1. This section should outline:
	1. why the appointment is necessary;
	2. whether the person is being appointed or reappointed, and if so:
		1. for an appointment, who is being replaced and why (e.g. the current member has served for six years, did not seek reappointment, or the Minister has decided not to reappoint them).
		2. for a reappointment, note the number of terms that the candidate has already served. For example, ‘I intend to reappoint Professor Jane Smith as Chair of the Examples Board for a second three-year term. This will be her second term as Chair. She has been a member since 2018’.
	3. whether the proposal involves the appointment of an additional member to the organisation;
	4. any other matters that may impact on the suitability of the proposed appointee, such as other positions they may have been appointed to (which may be more appropriately discussed in the conflict of interest section below if those positions are closely aligned with the entity they are now proposed to be appointed to), any public perception issues, or whether they have criminal convictions;
	5. whether there is outstanding information required before the appointment can be made (such as background or reference checks that are still being undertaken). If this is the case, then the finalisation of the appointment may need to be subject to the provision of further advice, and the satisfactory resolution of any issues. The Minister should report-back to APH or Cabinet on the outcome of those enquiries if necessary.
2. If a large number of appointments are being made at one time, it is often helpful to summarise the details and attach a table indicating the people being appointed and the people leaving.
3. After noting the person who will be appointed/reappointed, the paper should include a brief summary of the key skills that the person will bring to the role. This paragraph does not need to be more than a few sentences long. It might include details of academic qualifications and previous work experience relevant to the position. A background paragraph should be included for each appointment/reappointment, regardless of whether the person is a current member or an ex-officio appointment.

For example, ‘Professor Smith's reappointment will be enhanced by the experience she has gained in her first term as Chair, and her long experience as a member of the Examples Board. She is a highly respected scholar specialising in example history and has many contacts in the field of example research. This work has culminated in her appointment as a Distinguished Professor in Example Studies at Otago University.’

1. Note that an Organisation Form, which briefly summarises the functions, responsibilities, and membership of the organisation, and Candidate CV Form must be attached for every appointment/reappointment. Combine the [Organisation Form and all the Candidate CV Form(s)](https://www.dpmc.govt.nz/publications/appointment-paper-organisation-and-cv-form-template) in one attachment per organisation. It is important that the Candidate CV Form is accurate and up to date.

## Representativeness of appointment

1. This section should include a statement from the Minister confirming that full consideration has been given to the need to achieve a balanced representation for the relevant organisation, for matters such as gender, age, geographical representation, and ethnic balance, of the proposed appointee.

For example, ‘I am satisfied that the reappointment of Professor Smith as Chair of the Board will provide for a well-balanced board in terms of gender, age, ethnicity and geographic representation, and an appropriate mix of skills and experience.’

## Remuneration

1. Appointments papers must note the fees to be paid, and how these fit in with the Cabinet Fees Framework (set out in Cabinet Office Circular [CO (22) 2](https://www.dpmc.govt.nz/node/3336)). This section should note the group and level that the organisation fits within under the Fees Framework. If the fees are not within the applicable Fees Framework range, the paper should explain why.
2. If the Minister intends to set a fee outside the parameters of the Fees Framework, consultation is required with the Minister for the Public Service and, in some cases, exceptions will need to be considered by APH. The paper should include the outcome of the consultation with the Minister for the Public Service and, if required, should seek APH’s approval for the exceptional fee. In these instances, officials should first discuss the proposed fees with Te Kawa Mataaho the Public Service Commission (PSC).
3. A standard remuneration for an appointment based on the Fees Framework section may look like this, ‘The Board is classified as a Group 3a Level 5 Governance Board under the Cabinet Fees Framework. The fee for the Chair is $19,000 per annum, which is consistent with the Framework.’
4. Additionally, if fees are set by a different process outside of the Framework, then outline what this is (e.g. ‘Member fees are drawn from the remuneration approved for the panel by Shareholding Ministers’).

## Appointment process and consultation

1. Ministers must provide a certification that an appropriate appointment process has been followed. This includes outlining the steps taken during that process (these are usually broad), and indicating how this complies with the PSC Guidelines, or the guidelines for Treasury Board appointments if appropriate.
2. This section should also list the consultation that has been undertaken with agencies, other groups, or individuals with a legitimate interest. It should also note whether there are any statutory consultation requirements, including nominations.

For example:

‘I can confirm that an appropriate process has been followed in selecting the proposed appointee, in terms of the Public Service Commission [or the Treasury] appointment guidelines. In summary, that process comprised [outline the steps taken, e.g. consulting the Treasury/ Ministry for Women/ Te Puni Kōkiri databases, discussions with the organisation chair, consulting specified stakeholders, public advertising, interviewing candidates, reviewing the candidate’s CV].

This process was appropriate because [e.g. the proposed appointee will chair the board of a Crown entity with a $100 million budget and a comprehensive selection process was, therefore, warranted; or this vacancy arose suddenly because of the death of a panel member, and an abridged appointment process was, therefore, necessary]’.

1. Note that all Cabinet papers should be well consulted across agencies, Ministers, and Government parties. When uploading the Cabinet paper into CabNet, make sure that the information in the consultation section is the same as the consultation information in the paper. Refer to the CabGuide consultation guidance for more information about the consultation requirements for APH papers.

## Conflicts of interest

1. This section should confirm that enquiries have been made regarding conflicts of interest, and note whether or not conflicts have been identified. If conflicts (actual, potential, or something that could be potentially perceived to be a conflict) have been identified, then it should be explained how that will be managed. The content of this section should be very clear, and not leave Ministers with questions about how the situation will be handled.
2. If a conflict has been identified in the Candidate CV Form, then it must also be acknowledged and addressed in this part of the Cabinet paper.
3. If conflicts of interest checks are still being undertaken, then the appointment will be provisional on those enquiries being completed, and a recommendation should be included which notes this (e.g. ‘note that the proposed appointment is subject to the satisfactory competition of conflict checks’). It should also outline the next steps that will be followed if any conflicts are identified, including noting that the Minister will report back to Cabinet on the outcome of those queries if a problem arises.

**EITHER** [if conflicts of interest enquiries have been carried out]:

For example:

‘I can confirm that appropriate enquiries concerning conflicts of interest have been carried out, in accordance with the Public Service Commission [or the Treasury] appointment guidelines, to identify any conflict of interest that could reasonably be identified,

**and**: no conflicts of interest have been identified’.

**or**: the following conflict of interest has been identified [explain the nature of the conflict]. The following steps are proposed to manage the conflict
[e.g. The Board's Terms of Reference require that members declare any conflicts of interest before a meeting and leave for the discussion]’.

**OR** [if conflicts of interest enquiries have not yet been completed]:

‘Information concerning conflicts of interest is still outstanding because [explain why]. The appointment will not be finalised before appropriate enquiries concerning conflicts of interest have been carried out in accordance with the Public Service Commission [or the Treasury] appointment guidelines. I will report to Cabinet on the outcome of these enquiries should any issues arise.’

## Communications

1. This section should identify whether any publicity is intended in relation to the appointment, and if so, what will be done and by whom (e.g. ‘A press statement will be issued by the Minister once the reappointment has been approved and Professor Smith has been notified.’). Also note in this section if there are any publicity requirements or timing constraints in relation to the announcement of the appointment.

## Recommendation

1. The recommendations should set out who is making the appointment/reappointment (i.e. the Minister, recommended by the Minister to be made by the Governor-General, or made by the Minister on the recommendation of others), the appointee's full name, the position and organisation they are being appointed to, the term of appointment (including specific dates, if known), and who the person is replacing (if applicable).
2. As noted in the conflict of interest and comment sections above, it may be necessary to include a recommendation noting that conflict of interest checks are still being undertaken, if applicable, or make the appointment subject to agreement to further work being undertaken (e.g. ‘note that the above appointment is subject to the satisfactory competition of background checks’).

For example, ‘It is recommended that the Committee note my intention to reappoint Professor Jane Smith as Chair of the New Zealand Examples Board for a further three-year term of office commencing on 1 July 2024 and expiring on 30 June 2027.’

Once the Minister has approved the draft Cabinet paper for lodgement for Cabinet or a Cabinet committee, this section should be updated to state ‘Authorised for lodgement’.

Hon John Jones

Minister for Examples