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Sustaining a collaborative approach to support the whole-of-government response to eliminate family violence and sexual violence

Date of Issue: 8 December 2021

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SWC-21-MIN-0197 Minute

SWC-21-SUB-0197 Summary

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In Confidence

Office of the Minister for the Public Service

Office of the Minister for the Prevention of Family and Sexual Violence

Chair, Cabinet Social Wellbeing Committee

Sustaining a collaborative approach to support the whole-of-government response to eliminate family violence and sexual violence

Proposal

- 1 This paper proposes formal arrangements to sustain the Government's collaborative approach to eliminate family violence and sexual violence.
- 2 Specifically, this paper seeks agreement to:
 - 2.1. establish the Joint Venture for Family Violence and Sexual Violence as an interdepartmental executive board under section 26 of the Public Service Act 2020
 - 2.2. establish a Tāngata Whenua Rōpū to advise the Minister for the Prevention of Family and Sexual Violence on achieving improved outcomes for Māori.

Relation to Government priorities

- 3 The elimination of family violence and sexual violence provides one of the most significant opportunities to improve the wellbeing of people in Aotearoa, and is a priority for this Government. It forms a core part of the Child and Youth Wellbeing strategy, as well as several other government strategies to ensure wellbeing for population groups in Aotearoa, and is now the subject of the new National Strategy to Eliminate Family Violence and Sexual Violence – Te Aorerekura.

Executive summary

- 4 In 2018, Cabinet acknowledged that responses to family violence and sexual violence do not fit neatly into individual agency boundaries and require collaborative responses between agencies that can be sustained over time. It agreed to establish the Joint Venture for Family Violence and Sexual Violence (the Joint Venture), to join up policy, strategy, and funding for the elimination of family violence and sexual violence [CAB-18-MIN-0442]. Cabinet invited a report back on the form of the Joint Venture, including consideration of new legislative models for collaborative working now possible under the Public Service Act 2020 (the Act).
- 5 Cabinet also committed to working with Māori on the whole-of-government response. In 2018, Te Rōpū was set up on an interim basis to support government to work in partnership with the family violence and sexual violence sector, while future arrangements were to be formalised. Te Rōpū was also tasked with supporting the Joint

Venture to develop a National Strategy for the Elimination of Family Violence and Sexual Violence (the National Strategy).

- 6 The Public Management system put in place in the late 1980s means that collective approaches within government have been difficult to maintain. The clear vertical accountabilities of chief executives to individual Ministers mean that individual agency work is often prioritised over cross-cutting and complex issues. The current Joint Venture is not immune to the strength of these vertical accountabilities, and has not been operating as intended. The Office of the Auditor-General recently observed that agencies were struggling to establish roles and responsibilities for collective action.
- 7 This report back provides an opportunity to review what is needed to further strengthen and sustain a collective approach for the elimination of family violence and sexual violence, both between government agencies, and between Māori and government.
- 8 In 2020, Parliament enabled more formal collaborative arrangements through the Act. We propose the Joint Venture is established as an interdepartmental executive board (the Executive Board for the Elimination of Family Violence and Sexual Violence) under the Act. This new model will help strengthen a collective approach to work on family violence and sexual violence. It creates joint accountability from the Executive Board to the Minister for the Prevention of Family and Sexual Violence. It will also clarify financial accountability and reporting arrangements under the Public Finance Act.
- 9 It is important to note that organisational arrangements alone cannot fully achieve a collaborative approach to addressing family violence and sexual violence. An intentional culture change towards true collaborative working across agencies and with communities, which harnesses structural and operational changes, will be crucial to success.
- 10 Alongside the sustainable arrangements for collective action within the Public Service, there is a need for an enduring mechanism to ensure Māori can input into decision-making at the right level. This will help strengthen Māori voices and leadership in the Government's effort to eliminate family violence and sexual violence. Work is also underway to improve operating models, culture and practice for all agencies involved.
- 11 We therefore propose that Cabinet agree to the establishment of a Tāngata Whenua Rōpū and its terms of reference. The role of the Tāngata Whenua Rōpū will be to provide advice directly to the Minister for the Prevention of Family and Sexual Violence. This aligns with feedback we are hearing from the family violence and sexual violence sector, and through a Tāngata Whenua Rōpū working group. To support the enduring nature of this arrangement, appropriate support arrangements will be funded for the Tāngata Whenua Rōpū on an ongoing basis.

Background

- 12 New Zealand experiences high rates of family violence and sexual violence. We know that this results in serious intergenerational harm, sometimes perpetuating a cycle of violence, and has negative implications for the wellbeing of New Zealanders. This violence is often defined as complex, as many factors can influence the type and nature

of the violence. It means that solutions are not easily replicable and multiple solutions are likely to be needed.

- 13 Responses to these issues do not fit neatly into individual agency boundaries and often cannot be separated out from the provision of basic needs, such as housing, safety responses or income support. A range of government agencies are involved in work responding to family violence and sexual violence – providing a spectrum of interventions that range from prevention to recovery and healing. This means that family violence and sexual violence issues require collaborative responses, with clear roles and responsibilities across agencies and at multiple levels and areas of expertise that can be sustained over time.
- 14 Collaboration has been difficult for agencies to sustain, given the clear vertical accountability of a chief executive to a Minister - introduced by reforms of the late 1980s. This vertical accountability ends up being prioritised over other cross-cutting priorities. Departments have not been incentivised to work with each other to provide advice to Ministers on trade-offs, costs, and opportunities across the whole system, or to tackle complex inter-generational problems.

Cabinet mandated Joint Venture

- 15 In 2018, Cabinet agreed to establish the Joint Venture to join up policy, strategy and funding for family violence and sexual violence [CAB-18-MIN-0442]. The Joint Venture brings together the relevant chief executives of departments that hold the levers, services and policy settings needed to eliminate family violence and sexual violence. These chief executives operate as a board, making decisions together and setting priorities across the system. They are supported by a business unit that coordinates collaborative activity.
- 16 At the time the Joint Venture was established it was not possible to set it up formally, as the Public Service Act was still being developed. Cabinet instead agreed to arrangements that sought to mimic the interdepartmental executive board now available under the Act, through certain work-arounds. For example, the Joint Venture had to be established within the Ministry of Justice, with legal accountability for the work of the Joint Venture business unit, its staff, and its funding sitting solely with the Chief Executive of Justice, rather than being jointly owned by the Board.

Interim Te Rōpū

- 17 In 2018, Cabinet also committed to working with Māori on the whole-of-government response to eliminate family violence and sexual violence. Te Rōpū was set up on an interim basis to give effect to this relationship. Its role was to work with the Crown, Ministers and Joint Venture to deliver these shared goals. Te Rōpū was also tasked with supporting the Joint Venture to develop the National Strategy for eliminating family violence and sexual violence.
- 18 Cabinet invited a report back to the Cabinet Social Wellbeing Committee on the effectiveness of the joint venture approach and the ongoing form by December 2020. This was extended to June 2021. This report back is an opportunity to review government's approach to eliminating family violence and sexual violence.

Progress is being made but the approach needs strengthening

- 19** The Joint Venture approach is designed to support agencies to better collaborate and create joint incentives in the form of a joint reporting line to a dedicated Minister. As noted above, the current Joint Venture was established using work-arounds to mimic a collective approach, but was not able to create legal accountability between the Board and through to the Minister. This meant that individual agency work programmes continued to be prioritised over the collective work of the Joint Venture, due to the direct accountability between chief executives and their respective portfolio Ministers. Currently, we lack clarity and visibility of how each agency is contributing to the whole-of-government approach to eliminate family violence and sexual violence. This has meant the Joint Venture has not been working as intended. However, through a strengthened framework, we will build on our efforts to date, using the learnings of the past three years to deliver organisational, integrated and cultural improvements.

Office of the Auditor-General's report

- 20** The Office of the Auditor-General completed an audit, looking at how effectively the Joint Venture is set up to support the prevention of family violence and sexual violence. The audit report *'Working in new ways to address family violence and sexual violence'* considered that agencies did not have a shared understanding of roles and accountabilities. The Report also noted that, although the Joint Venture approach resulted in more collaboration and co-ordination, agencies did not yet have a common sense of ownership, responsibility, and accountability for the Joint Venture's work.
- 21** On the relationship between the Joint Venture and interim Te Rōpū, the Report comments that they did not have a shared understanding of their partnership. It also suggests more could have been done to agree their respective roles and how they would work together.
- 22** The Report made five overall recommendations. It recommends that:
- 22.1. the Board of the Joint Venture continue work to ensure that all parties to the Joint Venture, from Ministers to staff in individual agencies, understand their roles and the roles of others in the Joint Venture;
 - 22.2. the Board of the Joint Venture continue work to clarify, affirm, and communicate the role, authority, and function of the Director and the Joint Venture's business unit;
 - 22.3. the Joint Venture, led by the Board and the Director, continue its work with Ministers and Māori to agree what partnership looks like in the context of the Joint Venture;
 - 22.4. the Joint Venture, led by the Board and the Director, work with stakeholders from the family violence and sexual violence sector to consider and agree how they will work together;
 - 22.5. the Board of the Joint Venture ensure that the Joint Venture has sufficient and appropriate resources to deliver the transformational change it was set up to achieve. This will include ensuring:

- 22.5.1. that the Joint Venture business unit is able to access people with the appropriate skills, knowledge, and experience to support and lead collective work; and
- 22.5.2. that staff within each Joint Venture agency have the capacity to prioritise Joint Venture work.
- 23** Within the last year, the Joint Venture board has been working to address concerns in the Report. It has initiated a new operating model that defines the role of the Joint Venture and the Director and agreed a new Charter. It continues to communicate with agencies on the role of the Joint Venture, so that agencies can better understand their role and relationship relative to the Joint Venture. It also developed Te Aorerekura - the National Strategy to eliminate family violence and sexual violence, recently agreed to by Cabinet [CAB-21-MIN-0430 refers] - which provides a shared goal for agencies to work towards, and continues to work with agencies on an action plan with clear actions delegated to joint venture agencies.
- 24** The proposals in this paper strengthens and supports these improvements by bringing the Joint Venture into alignment with the Act, enabling a framework that clarifies roles and responsibilities and solidifies the commitment needed for the collective action to deliver Te Aorerekura – the National Strategy to eliminate family violence and sexual violence at ministerial, board and agency levels.

We need to take a collective approach

- 25** Work to address family violence and sexual violence requires a sustained, collaborative approach across government, where tangata whenua and communities are engaged in decision-making. This is reflected in the enabling shift, ‘commissioning and sustained collaborative relationships’ in Te Aorerekura – the National Strategy. It also relies on enduring relationships between agencies, and between government and the sectors.

Interdepartmental executive boards – Public Service Act 2020

- 26** Parliament has since enabled a more formal collaborative arrangement through the Act – the interdepartmental executive board. This is a new model which uses the same accountability mechanisms that exist between a chief executive and a Minister, but enables joint responsibility for collective work. This means that chief executive board members have joint responsibility for the operation of the board. It helps strengthen the collective commitment of chief executives to priorities that span multiple agencies’ responsibilities. Like a departmental chief executive, an interdepartmental executive board can appoint an executive director and staff to enable the board to deliver on its function. This model is now being used to drive assurance at the border in relation to COVID-19 with the Border Executive Board. It is also being used to join up complex strategic policy as part of the resource management reforms through the Strategic Planning Reform Board.

Joining up agencies to work on family violence and sexual violence

- 27** Realising the full benefits of collaboration is not easy across a number of cross-cutting issues, particularly given the strength of individual agency priorities. Collaboration requires sustained collaborative leadership, clear direction as well as the development

of trusted relationships (at all levels) to be effective over time. A key part of the success in collaborative arrangements lies in a common sense of purpose or a common goal.¹ This clarity of purpose also supports the common sense of ownership, responsibility and accountability referred to in the Auditor-General's report. The Joint Venture and contributing agencies are responsible for the delivery of Te Aorerekura – the National Strategy. This provides the clarity of shared purpose that is necessary to make real progress to eliminate family violence and sexual violence.

- 28** The interconnected nature of this work means that a single agency cannot be made responsible for eliminating family violence and sexual violence. The policy, strategy and funding elements cannot be separated from home agencies without causing significant disconnects, both between policy programmes, and between policy development and service delivery. For example, taking curriculums aimed at growing the social and emotional skills of children and young people (a protective factor against committing violence) out of the Ministry for Education and transferring it into a new family violence and sexual violence agency would not be feasible. It would create huge disconnects between the development of this specific curriculum, and staff who have the relevant skills and knowledge who would still sit within the Ministry of Education. Likewise, a new separate agency couldn't redesign how the courts support participation in family violence and sexual violence proceedings – this needs to sit within the Ministry of Justice.
- 29** Agencies need to be supported to work together and share skills and knowledge to address family violence and sexual violence as a system. They also need to collectively take responsibility across this work, including strengthening the focus on prevention. This will require Joint Venture chief executives to make trade-offs between resourcing and prioritising work on family violence and sexual violence, and work that sits within each individual agency. Key to sustaining a collaborative approach is the need to continuously view the system as a whole to advise on how we can best make collective progress, without duplicating the work underway in individual agencies.

Working with Māori

- 30** Alongside sustainable arrangements for collective action within the Public Service, we need to put in place an enduring mechanism to ensure Māori are able to input into decision-making at the right level. This will ensure family violence and sexual violence interventions are developed and designed in a way that work for Māori.
- 31** In designing these interventions, we have an opportunity to learn from the experiences of some of those affected by violence and from experts in the family violence and sexual violence sector, as well as to incorporate whānau-centred approaches and holistic frameworks for government interventions. By providing an avenue for Māori to genuinely input into thinking and decision-making on family violence and sexual violence issues, we can ensure that Government is meeting its obligations to Māori.

¹ Scott, R. J., & Merton, E. R. K. (2021). When the going gets tough, the goal-committed get going: overcoming the transaction costs of inter-agency collaborative governance. *Public Management Review*, 1-24

Working with the community

- 32** Lastly, we need to ensure there is high trust and enduring relationships built between communities, NGO providers and government. This will enable the knowledge, aspirations, and needs of the people from the communities most impacted by violence to inform government decision-making, and collectively monitor and learn together and from each other. Existing relationships have largely been built on good faith and volunteered time from communities, and the voices heard by government are not always representative. The evidence shows us that often provider and NGO views are mistaken for community views.
- 33** Therefore, the existing relationship model that relies on good faith and volunteered time from communities is ineffective for government and unsustainable for communities. As mentioned, Cabinet recently approved Te Aorerekura - the National Strategy which addresses this issue by describing a partnership model between government and communities. Action 5 and 9 in the Action Plan will further support community groups to be resourced to mobilise as advisory groups and work alongside government, and develop mechanisms for communities to come together, alongside tangata whenua, the specialist sectors and government to monitor how Te Aorerekura – the National Strategy is working.

An interdepartmental board – preferred approach

- 34** Changes in organisational form, while not sufficient on their own, provide greater formality and stability for collaborative working and addresses issues outlined in this paper, such as the vertical accountabilities of the public management system. We know that for collaborative arrangements to be effective, we need:
- 34.1. strength of joint ownership;
 - 34.2. sustainability over time;
 - 34.3. mandate to lead the collective effort of government;
 - 34.4. accountability to Parliament and the public; and
 - 34.5. control of resource.
- 35** An assessment of the options considered against these criteria is set out in Appendix 1. Our view is that the interdepartmental executive board model is the most appropriate model for the Joint Venture. The evolution of the Joint Venture to an interdepartmental executive board is part of a maturation of the organisational form arrangements that, alongside a clear common purpose as set out in Te Aorerekura – the National Strategy, will support an improved collaborative approach to eliminating family violence and sexual violence.
- 36** The interdepartmental executive board model enables chief executives to share accountability, direct work and priorities inside and across their agencies in ways that other models would not be able to. In particular this model incentivises:
- 36.1. chief executives to work together to reprioritise baselines to refocus the activities of multiple agencies in alignment with Ministers' direction;

- 36.2. chief executives to quickly direct joint policy development in small clusters to harness expertise across multiple agencies; and
 - 36.3. agencies to share data and insights to support wider government activity, for example, stakeholder mapping, scoping gaps and opportunities in cross cutting issues that will improve government's capability and coordination of community partnerships and engagement.
- 37** We propose that Cabinet agree to establish the Joint Venture as an interdepartmental executive board – the Executive Board for the Elimination of Family Violence and Sexual Violence (Executive Board), with the functions outlined in paragraph 38.

Role and functions of the interdepartmental board

- 38** To achieve this collective approach, the role and function of the Executive Board chief executives should be focused on aligning strategy, policy, and budgeting functions across relevant agencies. This will enable Ministers to receive whole-of-government advice to support decision-making that takes a system-wide perspective. The Executive Board therefore needs to collaborate with and engage the agencies within its remit. The specific functions of the Executive Board should be to:
- 38.1. provide whole-of-government strategy, policy, and budgeting advice to Ministers on eliminating family violence and sexual violence, including future iterations of the National Strategy;
 - 38.2. provide analysis and evidence to support Ministers to make decisions on specific interventions;
 - 38.3. provide Ministers with an oversight of interventions and outcomes within the whole family violence and sexual violence sector, and identify any linkages, gaps, or opportunities;
 - 38.4. monitor, support, and coordinate implementation of the National Strategy, and other priority and cross-agency initiatives; and
 - 38.5. manage relationships between government and the family violence and sexual violence sectors.
- 39** While the Executive Board will monitor progress on implementing Government policy on family violence and sexual violence, agencies will remain responsible to their individual portfolio Ministers for delivering services and implementing Cabinet decisions – including progressing actions in the National Strategy. Funding for interventions will continue to flow through to individual agencies who will remain responsible for contracting specific services in accordance with the Social Sector Commissioning principles and maintaining relationships with those delivering these services.

Establishing the Joint Venture as an interdepartmental executive board

What will change under an interdepartmental executive board?

- 40** Under the Public Service Act, chief executive members of the Executive Board will be jointly responsible to the Minister for the Prevention of Family and Sexual Violence for the operation of the Executive Board. This shifts the legal responsibility for carrying out the Board's functions, and for the funding and staff of the Board, from the Chief Executive of Justice to the Executive Board. Establishing this Executive Board creates clear accountability that operates in the same manner as the individual responsibilities that departmental chief executives currently owe to their respective portfolio Ministers.
- 41** Replicating this legal responsibility jointly across chief executives strengthens the collective ownership of the whole-of-government response. It also enables chief executives to prioritise cross-cutting family violence and sexual violence work and resourcing, rather than being legally obligated to prioritise work within their individual departmental responsibilities.
- 42** The Executive Board will also be responsible to the Minister for the Prevention of Family and Sexual Violence for developing and maintaining the capability of the Board and its staff to engage with Māori and to understand Māori perspectives, so that it may best support the Crown in its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi).
- 43** Establishing the Executive Board under the Public Service Act also has the impact of requiring the Prime Minister to appoint a Minister to hold this portfolio. Currently there is no requirement to have a Minister with responsibility in this area. The Minister for the Prevention of Family and Sexual Violence will be formally accountable to the House of Representatives for the financial performance of the Executive Board. This is in contrast to the current financial and accountability mechanisms that operate through the Minister of Justice, as the responsible Minister for the host agency. This helps to ensure transparency and clear accountability for this work.
- 44** To ensure clarity of roles and responsibilities, the Executive Board is also required to develop operating procedures. This can include agreements on how decisions are made, the role of any advisory members (including associate-members of the current Joint Venture), and how they commit to work together to effectively carry out their functions – including monitoring and coordinating implementation of the National Strategy.

New way of working also required

- 45** While these structural changes will strengthen and enable collective ownership of work on family violence and sexual violence, it is also imperative that chief executives and agencies learn to work differently. This is an iterative process, and success will likely rely on the Executive Board continuing to evaluate how it is working. Regular assessment of the charter and operating procedures will focus on how the joint responsibility of chief executives works in practice. Processes and principles will guide the Executive Board in providing collective advice to Ministers (for example, what procedures will be followed where consensus cannot be reached, or how disagreements will be addressed). These processes will be important to ensure clarity of roles and responsibilities (a concern raised in the Office of the Auditor-General's report).

The Executive Board will oversee implementation of Te Aorerekura - National Strategy for the Elimination of Family violence and Sexual Violence

- 46** The Executive Board will be accountable to the Minister for the Prevention of Family Violence and Sexual Violence for monitoring implementation and providing free and frank advice on delivery (including any specified actions) by agencies against the National Strategy. The Executive Board will confirm an operating model that ensures the actions in the National Strategy are successfully implemented and the role and responsibility of each agency is clearly identified. Departments will be responsible for updating the Executive Board on how they are tracking against each action and delivery against the National Strategy, as well as how they are aligning their existing work to the Strategy.
- 47** Chief executives (including chief executives who are not board members) remain accountable for their departments' delivery (including any specified actions) against the National Strategy to their respective Ministers (i.e. the appropriate portfolio Ministers).

Specifics of the Executive Board – remit, membership and servicing department

- 48** An interdepartmental executive board is established by Order in Council under section 26 the Public Service Act. The Order in Council specifies the agencies with responsibilities in the subject matter area in which the Executive board will work (the remit of the board). We propose that the departments within the remit of the Executive Board are the Department of Corrections, Ministries of Education, Health, Justice, and Social Development, New Zealand Police, Oranga Tamariki, Te Kawa Mataaho Public Service Commission, and Te Puni Kōkiri. This is based on the current chief executives on the board of the Joint Venture.
- 49** Members of an interdepartmental executive board (including the chairperson) are selected by the Public Service Commissioner in accordance with section 29 of the Public Service Act, from the chief executives of the agencies within the remit of the Executive Board. The Commissioner has indicated that he intends to appoint the Chief Executive of the Accident Compensation Corporation as an independent adviser² to the Executive Board under section 29(3), given chief executives of Crown agents cannot be members of interdepartmental executive boards. This reflects the important role ACC has in eliminating family violence and sexual violence, and will ensure the ongoing involvement of ACC in this work at a governance level.
- 50** The involvement of ACC can be reinforced through the operating procedures that the Executive Board will be required to develop. A memorandum of understanding (MoU) will also be agreed between the Executive Board and the Board of ACC, to ensure ACC remains appropriately involved. This MoU will outline how the two agencies will work with each other, and what their roles and responsibilities will be. The Minister for the Prevention of Family and Sexual Violence and Minister for ACC will be consulted on relevant matters to take into account when developing the MoU.
- 51** The Executive Board will also work with the Social Wellbeing Board, current 'associate members' of the Joint Venture, and other relevant agencies as appropriate. Current associate members include the Chief Executives of the Ministries for Pacific

² Independent advisers do not have any decision-making authority on an interdepartmental executive board (section 30, Public Service Act 2020).

Peoples, Ethnic Communities and Women, and the Chief Executive of the Department of the Prime Minister and Cabinet. These associate members will not be formal members of the Board, but will be consulted on papers and may raise matters with the chair or attend meetings where there is an issue of relevance.

- 52 The Order in Council must also name a servicing department to the Executive Board. We propose that the Ministry of Justice service the Executive Board initially, in the interests of stability while it is focused on finalising and implementing the National Strategy. However, officials will consider hosting arrangements for the longer-term and report back on any suggested changes to arrangements.

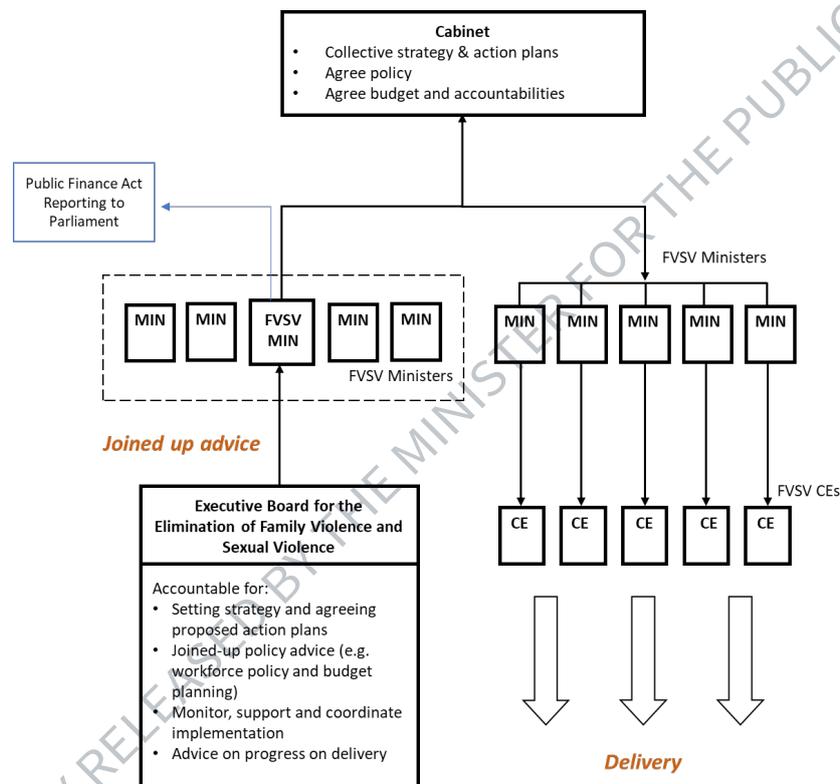
Responsibility to Ministers

- 53 Executive Board members will be jointly responsible to the Minister for the Prevention of Family and Sexual Violence for performance of the Board's functions. The Minister for the Prevention of Family and Sexual Violence will be accountable to the House of Representatives for ensuring the Executive Board carries out its functions properly and efficiently, and for the financial performance of the Board (and related accountability reporting under the Public Finance Act 1989).
- 54 The Minister for the Prevention of Family and Sexual Violence will work with Ministers of departments within the remit of the Executive Board to coordinate and align advice. Ministers will consider advice on progress against Te Aorerekura – the National Strategy, assess possible trade-offs (across the Strategy, and where necessary, for individual agencies), and agree collective priorities.
- 55 Executive Board members will work together to provide a single source of collective advice to Ministers, through the Minister for the Prevention of Family and Sexual Violence. The Executive Board will develop protocols on how joint and (where appropriate) separate advice will be provided to Ministers. These will be presented to family violence and sexual violence Ministers for agreement three months after formal establishment of the Executive Board, before being circulated to the wider Joint Venture Ministers for agreement. As Ministers we will also need to agree on how we will work together.
- 56 Executive Board members will also agree protocols within their operating procedures to use in the event that members disagree on the advice to be put to Ministers. Where members are unable to agree, their advice should draw the Minister's attention to the dissenting view or differing perspectives, so that the Minister can consider the advice (alongside relevant Ministers) from all Executive Board members.
- 57 Executive Board members will retain their usual chief executive responsibilities and reporting lines to their individual portfolio Ministers for matters falling *outside the scope* of the Board's functions. The joint responsibility of Executive Board members means that they will be expected to raise any concerns or dissenting views on family violence and sexual violence matters transparently and in accordance with agreed protocols. Advice related to matters within scope of the functions of the Executive Board are subject to joint responsibility and would operate through the Board, rather than as a separate independent stream of advice to individual portfolio Ministers. Family violence and sexual violence Ministers can expect that advice on family violence and sexual violence matters, being a joint responsibility of Executive Board

members, will be provided collectively rather than individually outside the Board process.

58 The chief executives will still be responsible for updating their individual Ministers on the work of the Board (which should align with any advice they have presented to the Board), and any implications for their department, as well as for the delivery of specific work through their own departments (for example, delivering on specific actions in the National Strategy). Critical to effective operation of the Executive Board will be transparency in relation to advice and where trade-offs might be made, surfacing trade-offs to Ministers where necessary. Departmental Ministers will remain accountable to the House for the performance of their departments.

59 These relationships are outlined in the diagram below:



Review of organisational arrangements

60 Given this is a relatively new organisational arrangement, it is important that we monitor progress to ensure it is working well. A review of arrangements will be undertaken, and we will report back to Cabinet in 12 months on the outcome of this review, and with any changes required. This will include any recommended changes to the servicing department of the Executive Board, as outlined above, and any improvements to the protocols referred to in paragraph 56 above. As above, the Executive Board will also regularly assess its own charter and operating procedures. This assessment can include whether these procedures are enabling and sustaining collaborative decision-making and action at all levels.

Technical matters

- 61 This paper proposes the current Joint Venture is established as an interdepartmental executive board, and that the Joint Venture business unit and staff hosted by the Ministry of Justice report to the new Executive Board. This will mean the reporting line of the Director of the Joint Venture shifts to reporting directly to the Executive Board.
- 62 Until the review of this organisational arrangement has taken place, the Ministry of Justice will act as the servicing department to the Executive Board. This allows the Chief Executive of the Ministry of Justice to remain the legal employer of Board staff. This will allow current arrangements to continue seamlessly in the interim and reduce any costs and disruption while the Executive Board is focused on the National Strategy.
- 63 The Executive Board will have certain employment responsibilities related to individual employees delegated to it under sections 68 and 69 the Public Service Act. These delegated employment responsibilities will no longer sit with the Chief Executive of the Ministry of Justice.

Establishing a Tangata Whenua Rōpū as a ministerial advisory committee

- 64 Alongside the proposal in this paper for a sustainable arrangement for collective action within the Public Service, we need to put in place an enduring mechanism to ensure Māori are able to input into decision-making at the right level. It is also important that we are clear on the roles each of us play, as noted in the Auditor-General's report.
- 65 The terms of reference for the interim Te Rōpū, established by Cabinet in 2018, expired on 30 June 2020. However, we remain committed to ensuring the work on family violence and sexual violence is informed by Māori views and experiences. The Joint Venture has since been working alongside iwi and Māori service providers in the family violence and sexual violence sectors as well as working with a Tāngata Whenua Rōpū of Māori family violence and sexual violence leaders from across Aotearoa New Zealand. This Rōpū have played a central role in informing the development of the National Strategy. Te Aorerekura presents a significant shift in the way government works with tāngata whenua and communities. This Rōpū has also been advising on what an ongoing relationship with Māori could look like for this work.

An enduring relationship

- 66 To achieve this enduring relationship, the Tāngata Whenua Rōpū have suggested a ministerial advisory committee be established to strengthen Māori voices and leadership in government's efforts to eliminate family violence and sexual violence by directly advising the Minister for the Prevention of Family and Sexual Violence. We support this proposal and have considered how to establish this Rōpū.
- 67 It is important in establishing this Rōpū that we are taking a collective approach and are agreed as Ministers on the role and mandate of the Rōpū. We have also considered the need to progress work on the Strategy with urgency. We consider the strongest and most sustainable form at this time is establishing this Rōpū as a ministerial advisory committee, through Cabinet mandate, which we believe will give the Rōpū the mana it needs to carry out its role. We are therefore seeking Cabinet agreement to the Terms of Reference for the Tāngata Whenua Rōpū attached in **Appendix 2**.

- 68 We propose that the suitability of these arrangements is reviewed in 12 months to consider whether further strengthening is needed, including, if necessary, through a statutory mechanism.

Roles and responsibilities

- 69 The Tangata Whenua Rōpū will be responsible for providing advice to the Minister for the Prevention of Family and Sexual Violence. This will be a separate stream of advice to the Minister, rather than input into officials' advice. This will allow the Rōpū to provide free and frank advice on progress being made by the Executive Board, and raise concerns where they see gaps or a lack of progress. We note this is a different role than that held by the previous interim Rōpū, which had a dual role – both working with the Joint Venture on a whole-of-government response and advising Ministers on the effectiveness of that response (which may have contributed to the lack of clarity on roles and responsibilities).
- 70 In providing its advice, the role of the Tāngata Whenua Rōpū will be to:
- 70.1. provide an independent voice on the design and implementation of the strategies and policies that impact on whānau, hapū, iwi and hāpori Māori.
 - 70.2. monitor and provide regular advice to the Minister on progress in implementing the National Strategy.
- 71 As part of its monitoring role, the Tāngata Whenua Rōpū will hold regular hui with the Executive Board and officials to discuss progress in implementing the National Strategy. Executive Board officials will also provide the Tāngata Whenua Rōpū with regular implementation updates to support it in this monitoring role.

Membership of the Rōpū

- 72 The Minister for the Prevention of Family and Sexual Violence will publicly invite nominations to the Tāngata Whenua Rōpū. The composition of the group membership will include sector leaders and experts in all forms of family violence and sexual violence, te ao Maori tōhunga and other rangatira with relevant skills and experience, as well as survivors.
- 73 A Kaitiaki group will be established to facilitate the nomination and selection process for inaugural members of the enduring Tāngata Whenua Rōpū. The Executive Board will fully resource this Kaitiaki group to support the nomination process. The Minister for Family and Sexual Violence will seek agreement to final appointments to the Tāngata Whenua Rōpū by the Cabinet Appointments and Honours Committee.

Support mechanism

- 74 To support the enduring nature of the Tāngata Whenua Rōpū, it will need suitable support arrangements to carry out this role. The Executive Board will work with the Rōpū on an appropriate form of a secretariat for the Rōpū and will provide advice to the Minister for the Prevention of Family and Sexual Violence on the proposed form. The secretariat will be funded by the Executive Board from within existing funding.

Financial implications

- 75 The proposals in this paper have no significant financial implications and no further funding is being sought.

Change of appropriation administrator

- 76 The Joint Venture is currently funded through the appropriation 'Reducing Family Violence and Sexual Violence', which is administered by the Ministry of Justice. Given that interdepartmental executive boards can administer appropriations under the Public Finance Act 1989, we recommend that this appropriation is instead administered by the Executive Board from 1 July 2022 at the start of the new financial year.
- 77 This would create greater transparency and clearer accountability for the use of this funding, with financial reporting directly accessible within the Executive's Board accountability reporting, rather than subsumed into the reporting by the Ministry of Justice. This appropriation will be used to meet the costs borne by the servicing department for servicing the Executive Board, resourcing the Board's work and its staff, and to meet the costs of the Tāngata Whenua Rōpū. Making the Executive Board the appropriation administrator also opens up possibilities in the future for the Board to hold funding for joint initiatives on behalf of agencies within its remit.
- 78 As servicing department for the Executive Board, the Ministry of Justice will manage the appropriation on behalf of the Board. Any additional costs created through this change in appropriation administrator are minor and can be met within baselines. An administration and use agreement will be put in place to allow the Ministry of Justice to charge costs for provision of corporate services against the appropriation, which will avoid the need for any new appropriations to be established.

Tangata Whenua Rōpū

- 79 Members of the Tangata Whenua Rōpū will be paid in accordance with the Cabinet Fees Framework. The secretariat for the Rōpū will be funded by the Executive Board from the 'Reducing Family Violence and Sexual Violence' appropriation.

Legislative implications

- 80 The establishment of an interdepartmental executive board requires Orders in Council. The Orders will:
- 80.1. establish the Joint Venture as an interdepartmental executive board (Executive Board for the Elimination of Family Violence and Sexual Violence) by naming it in Schedule 2 Part 3 of the Public Service Act 2020;
 - 80.2. specify the servicing department for the Executive Board, and the agencies within the Board's remit; and
 - 80.3. add the Executive Board to Part 1B of Schedule 1 of the Ombudsmen Act 1975.
- 81 The Minister for the Public Service will instruct Parliamentary Council Office to draft Orders in Council to establish an interdepartmental executive board that will be named 'Executive Board for the Elimination of Family Violence and Sexual Violence'.

Impact analysis

- 82 Treasury's Regulatory Impact Analysis team has determined that these proposals are exempt from the requirement to provide a Regulatory Impact Statement. They involve changes to the internal administrative or governance arrangements of the New Zealand government and are expected to have no or minor impacts on businesses, individuals, or not for profit entities. Any future regulatory changes proposed by the interdepartmental executive board that require Cabinet decisions will be subject to Cabinet's impact analysis requirements.

Population implications

- 83 This paper proposes establishing organisational arrangements aimed at reducing family violence and sexual violence in Aotearoa New Zealand.
- 84 Family violence and sexual violence impact on all groups in New Zealand. The data available on family violence and sexual violence does not tell a complete story, and the majority of sexual assaults and family violence incidents are not reported, which makes it difficult to establish a true picture of the harm experienced. However, the data we have indicates that family violence and sexual violence disproportionately impacts women, tangata whenua, Pacific peoples, disabled people, older people, children and young people, LGBTQIA+ communities, and those experiencing compounding forms of disadvantage and discrimination. This is because experiencing violence serves to maintain and reinforce existing inequalities around gender, ethnicity, sexuality, age and ability. Key statistics from this data are included in the National Strategy, which was drafted through consultation with representatives from each of these groups.
- 85 The Executive Board will continue to engage these groups and work to ensure that suitable and accessible family violence and sexual violence interventions are available for all New Zealanders. The Tangata Whenua Rōpū will also work to provide an independent voice on the design and implementation of the strategies and policies that impact on whānau, hapū, iwi and hāpori Māori.

Human rights

- 86 The proposals in this paper are consistent with the requirements of the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 and are a positive contribution to securing the human rights of New Zealanders.

Consultation

- 87 This paper was prepared by Te Kawa Mataaho, working closely with the Joint Venture for Family Violence and Sexual Violence. The following agencies were consulted: Ministries of Education, Health, Justice, Social Development, Women, Department of Corrections, Department of the Prime Minister and Cabinet, Te Puni Kōkiri, Oranga Tamariki, Accident Compensation Corporation, New Zealand Police, and the Treasury.
- 88 The Green Party has been consulted and the caucus is supportive of the proposals in this paper.

Proactive release and communications

- 89 Subject to Cabinet agreement, the establishment of the Executive Board for the Elimination of Family Violence and Sexual Violence will be announced alongside the launch of Te Aorerekura, in December 2021.
- 90 This Cabinet paper will be proactively released at that time, in accordance with proactive release requirements and guidelines.

Recommendations

The Minister for the Prevention of Family Violence and Sexual Violence and the Minister for the Public Service recommend that the Committee:

- 1 **note** that responses to family violence and sexual violence do not fit neatly into individual agency boundaries, meaning they require collaborative responses that can be sustained over time;
- 2 **note** that in 2018 Cabinet [CAB-18-MIN-0442]:
 - 2.1. established a Joint Venture for Family Violence and Sexual Violence to lead a whole-of-government response to family violence and sexual violence;
 - 2.2. established an interim Te Rōpū to work with government on the whole-of-government response;
 - 2.3. invited a report back on the effectiveness of the Joint Venture as a collaborative approach, and on the ongoing form of the Venture;
- 3 **note** that at the time, the Joint Venture was not able to be established as an interdepartmental executive board, as the Public Service Act 2020 that establishes this model was still being developed;
- 4 **note** that the Office of the Auditor-General commented in its report that the establishment of the Joint Venture has enabled a more collaborative approach, but that agencies have not yet developed sense of common ownership, responsibility and accountability for the Joint Venture's work;
- 5 **note** that because the Joint Venture has not yet been established as an agency under the Public Service Act 2020, it is having to use work-arounds in order to function as it should, which has created additional complexity;
- 6 **note** we have considered options for organisational forms that could improve a collective commitment and responsibility for family violence and sexual violence, and these are summarised in Appendix 1;
- 7 **note** an interdepartmental executive board is the preferred approach;

Establishment of an interdepartmental executive board

- 8 **agree** to establish the Joint Venture as an interdepartmental executive board under the Public Service Act 2020, with the following details:
- 8.1. The name of the Board will be the ‘Executive Board for the Elimination of Family Violence and Sexual Violence’ (Executive Board)
 - 8.2. The departments within the remit of the Executive Board are:
 - 8.2.1. Department of Corrections
 - 8.2.2. Ministry of Education
 - 8.2.3. Ministry of Health
 - 8.2.4. Ministry of Justice
 - 8.2.5. Ministry of Social Development
 - 8.2.6. New Zealand Police
 - 8.2.7. Oranga Tamariki
 - 8.2.8. Te Kawa Mataaho Public Service Commission
 - 8.2.9. Te Puni Kōkiri
 - 8.3. The servicing department for the Executive Board will be the Ministry of Justice;
- 9 **agree** that the functions of the new Executive Board for the Elimination Family Violence and Sexual Violence will be to:
- 9.1. provide whole-of-government strategy, policy, and budgeting advice to Ministers on eliminating family violence and sexual violence;
 - 9.2. provide analysis and evidence to support Ministers to make decisions on specific interventions;
 - 9.3. provide Ministers with an oversight of interventions and outcomes within the whole family violence and sexual violence sector, and identify any linkages, gaps, or opportunities;
 - 9.4. monitor, support and coordinate implementation of the National Strategy, and other priority and cross-agency initiatives, and lead the development of future iterations of the National Strategy; and
 - 9.5. manage relationships between government and the family violence and sexual violence sector;
- 10 **note** the Public Service Commissioner will select the members of the Executive Board from the chief executives of the departments listed in 8.2 and designate one of those members as chairperson;
- 11 **note** that the Chief Executive of the Accident Compensation Corporation cannot be designated a member of the Executive Board, given the Accident Compensation Corporation is a Crown agent, and that the Public Service Commissioner instead

intends to appoint the Chief Executive of the Accident Compensation Corporation as an independent advisor to the Executive Board;

- 12 **note** a memorandum of understanding will be agreed between the Executive Board and the Board of the Accident Compensation Corporation, to ensure the Accident Compensation Corporation remains appropriately involved, and that the Minister for the Prevention of Family and Sexual Violence and Minister for the Accident Compensation Corporation will be consulted on relevant matters to take into account when developing the memorandum of understanding;
- 13 **note** the Executive Board for Eliminating Family Violence and Sexual Violence will be responsible to the Minister for the Prevention of Family and Sexual Violence for the operation of the board and delivering its functions;
- 14 **note** that as the servicing department, the Ministry of Justice will continue to employ current Joint Venture staff, but that the Executive Board will have deemed delegation of specified employment responsibilities related to individual employees under the Public Service Act;
- 15 **note** that current Joint Venture staff will report directly to the Executive Board via the Director;
- 16 **note** that three months after formal establishment, the Executive Board will agree with Joint Venture Ministers a set of protocols on how it provides joint and (where appropriate) separate advice to Ministers;
- 17 **agree** that from 1 July 2022, the Executive Board will administer the appropriation 'Reducing Family Violence and Sexual Violence';
- 18 **invite** the Minister for the Public Service to instruct Parliamentary Counsel Office to draft Orders in Council under the Public Service Act 2020 and the Ombudsmen Act 1975 to give effect to the decisions of Cabinet;

Establishment of the Tangata Whenua Rōpū

- 19 **note** the term of the interim Te Ropū established by Cabinet in 2018 expired on 30 June 2020;
- 20 **note** that alongside an interdepartmental executive board, a sustainable arrangement is needed to ensure Māori are able to input into decision-making at the right level;
- 21 **note** the Joint Venture has since been engaging with a Tāngata Whenua Rōpū working group, which has suggested that a group be established to directly advise the Minister for the Prevention of Family and Sexual Violence;
- 22 **agree** to establish a Tāngata Whenua Rōpū to advise the Minister for the Prevention of Family and Sexual Violence;
- 23 **agree** to the Terms of Reference for this advisory group as set out in Appendix 2;

- 24 **note** that suitable support arrangements will need to be established for this advisory group, and that the Joint Venture has already identified existing funding for these arrangements;

PROACTIVELY RELEASED BY THE MINISTER FOR THE PUBLIC SERVICE

Review of current arrangements

- 25 **note** officials will review these arrangements over the next 12 months, including:
- 25.1. which department should service the Executive Board
 - 25.2. the form of the Tangata Whenua Rōpū, including whether further strengthening of arrangements through a statutory mechanism is needed;
- 26 **invite** the Minister for the Prevention of Family and Sexual Violence and the Minister for the Public Service to report back to Cabinet in 12 months on the outcome of this review and any recommended changes.

Authorised for lodgement

Hon Chris Hipkins

Minister for the Public Service

Hon Marama Davidson

Minister for the Prevention of Family and Sexual Violence

Minita mō te Ārai I te Whakarekerekere
Whānau me te Koeretanga

PROACTIVELY RELEASED BY THE MINISTER FOR THE PUBLIC SERVICE

Appendix 1 – Detailed options analysis

There are three options that have been considered for the ongoing form of the Joint Venture. These are:

- Cabinet mandated CE group (status quo)
- Interdepartmental executive board
- Government department

Voluntary collaboration has not been considered at this time, as it has failed to deliver results in this area in the past. It proved an unsustainable approach, with cross-agency priorities being trumped by the vertical accountabilities of each agency.

To assess the merits and suitability of these options, a set of criteria have been used. These criteria are:

Strength of joint ownership	To lead the collective efforts of government, it is agreed that there needs to be a collective approach that is underpinned by joint responsibility. In order to make progress on shared goals, the ability to make trade-offs between individual and collective interests is key.
Sustainability over time	A constraint of cross-agency working has been a lack of stability of arrangements, with too much reliance on the commitment of key individuals. Ensuring that focus does not wane over time is key, especially as the approach matures to address complex and difficult decisions, but this must be balanced with flexibility to learn and adapt as more is learnt.
Mandate to lead the collective effort of government	Clarity over the responsibility to lead government's efforts and the levers to fulfil this role.
Accountability to Parliament and the public	Clear and transparent reporting to Parliament and the public on the collective efforts can drive commitment through stronger accountability. Collective accountability ensures every member is accountable, and allows reporting around the issue, not the administrative boundaries.
Control of resource	The allocation of decision rights over resources (whether funding, people or contracts) affects the collaborative potential of an approach. Retaining individual control of resources can constrain the level of collective working and the range of possible initiatives, while the ability to control resources as a collective can reduce the transaction costs of collaboration by shifting incentives.

In addition, for each option a commentary is provided on how the forms can:

- support our commitment to strengthening our relationship with Māori and a partnership approach; and,
- involve Accident Compensation Corporation, as a Crown agent, in the governance structures.

Criteria	Cabinet mandated CE group (status quo)	Interdepartmental executive board	Government department
Sustainability over time	Relies on ongoing Cabinet commitment and CEs embracing the intent. Likely to be less sustainable in the face of ongoing complexity and the need to make trade-offs between agencies. Higher coordination costs in the long run.	Sustainable over time as changes require Order in Council. More sustainable in face of complexity and able to make considerable trade-offs. Lower coordination costs in the long run.	Sustainable over time as changes require Order in Council. Incurs coordination costs across agencies in the long run.
Strength of collective ownership	Board is considered collectively responsible and strong collective ownership is possible. Tension remains between agencies' collective accountability through the Board and their individual accountabilities to their Ministers	Board is collectively accountable by law to the appropriate Minister, strengthening joint ownership of the work. Appropriate Minister is designated for the Board.	No model of collective ownership. Ownership of the work falls on the chief executive of the lead agency.
Mandate to lead collective effort of government	Board collectively provides leadership and has the mandate to make change across all relevant areas.	Board collectively provides leadership and has the mandate to make change across all relevant areas.	Agency where functions are integrated has the mandate to lead agencies. Collaboration with relevant chief executives would still be required.
Accountability to Parliament and the public	Reports indirectly as part of lead chief executive's departmental reporting under the PFA. This may only indirectly include financial information about resourcing.	Board carries out reporting directly on FVSV under the PFA (e.g. annual reports and Strategic Intentions documents).	Agency carries out reporting directly on functions and resources within remit. Functions and resources that remain with other agencies are reported on separately.
Control of resource	An agency can act on behalf of the Board and control funding to support the work and directly employ staff, accounting for this funding through PFA reporting. Joint Operational Agreements can formalise joint arrangements.	Board can control funding to support the work and directly employ staff, accounting for this funding through PFA reporting.	Agency can control funding to support the work and directly employ staff, accounting for this funding through PFA reporting.

Appendix 2

FAMILY VIOLENCE AND SEXUAL VIOLENCE TĀNGATA WHENUA RŌPŪ: TERMS OF REFERENCE

Foundation Statement

The family violence and sexual violence Tāngata Whenua Rōpū recognises:

- the protection and preservation of whakapapa is central to Te Ao Māori
- the violation of wāhine me ngā tamariki is not traditional
- wāhine and tamariki mokopuna are the primary victims of violence
- tāne toiora enables our tamariki mokopuna to thrive
- mana motuhake pathways are meaningful and sustainable for whānau, hapū, Iwi and hāpori.

Background

Tāngata whenua expect the Crown to fulfil its obligations under Te Tiriti o Waitangi through enduring and authentic relationships and enabling them to have mana motuhake over their wellbeing. To eliminate family violence and sexual violence, tāngata whenua have shown they want a whānau-centred focus on wellbeing. This requires a platform that includes support for basic needs, legislation and policies that address the historical and contemporary impacts of colonisation and institutional, systemic and social racism and discrimination.

Purpose

These Terms of Reference provide a foundational platform from which a commitment between the family violence and sexual violence Tāngata Whenua Rōpū, Ministers and Chief Executives of the Joint Venture can be developed to address the harm caused by family, whānau and sexual violence in Aotearoa New Zealand. It provides absolute clarity of responsibility and the required level of confidence to work collaboratively to make contributions of consequence to Māori and all peoples of Aotearoa New Zealand.

The overarching purpose of this Tāngata Whenua Rōpū is to provide the Minister for the Prevention of Family Violence and Sexual Violence with independent advice on family violence and sexual violence. It is established as a Ministerial advisory group in line with this purpose.

The Joint Venture on Family Violence and Sexual Violence is the government's lead for implementing the National Strategy to eliminate family violence and sexual violence. It will work alongside the Tāngata Whenua Rōpū to advise government on these matters.

Pūmanawatanga

The Tāngata Whenua Rōpū will uphold a relationship of real reciprocity through the exemplification of the principles of Te Tiriti o Waitangi (including Tino Rangatiratanga, Mana Motuhake, Katiakitanga), underpinned by the following core values:

- I. **Mana Tangata** – Is the integration and coexistence of law and customary lore that informs all equity decision making that achieves equitable outcomes for Māori and all peoples of New Zealand. Lore, is the knowledge that our actions reflect integrity and are both moral and ethical.
- II. **Kaitiaki** - Nothing in this agreement shall diminish the rights of the Tāngata Whenua Rōpū to exercise their Rangatiratanga over those matters that are agreed to give effect to this relationship. These values underpin all the matters outlined in these terms of reference to enable a partnership between the Tāngata Whenua Rōpū and Crown of good faith, trust and confidence.
- III. **Manaaki** - When giving effect to the values within these Terms of Reference, accept that each must work within statutory frameworks and tikanga Māori.
- IV. **Toiora** - The Tāngata Whenua Rōpū will guide decision making for the development of crisis, wellbeing, healing and early intervention and prevention opportunities that provide certainty of outcomes for whānau.

The Tangata Whenua Rōpū recognises that as part of the Crown's kāwanatanga role created under Te Tiriti o Waitangi, the government has responsibilities that it owes equally towards all Aotearoa New Zealand citizens, including to whānau Māori. The Minister, in turn, recognises that the Tāngata Whenua Rōpū has responsibilities to ensure the voices of whānau, hapū, iwi and hāpori Māori are represented and are heard by government.

Statement Position

1. Tangata Whenua Rōpū will provide a transformative vision and leadership that gives movement to iwi, hapu and community aspirations towards Toiora
2. Tangata Whenua Rōpū have a collective responsibility and obligation to preserve the whanau, hapuu, iwi and haapori voice at all decision-making levels
3. TSngata Whenua Rōpū is committed to support and advocate the many strategies that exist within whanau, hapū, iwi and hāpori throughout Aotearoa, so that those local initiatives are seen as equal to any national initiative.

Functions

As part of its role as an independent advisor to the Minister on family violence and sexual violence, the Tangata Whenua Rōpū will carry out the following functions:

- Provide strategic advice on the design and implementation of the strategies and policies that impact on whanau, hapu, iwi and hāpori Māori.
- Monitor and provide regular advice to the Minister on progress in implementing the Family Violence and Sexual Violence National Strategy.

The Tangata Whenua Rōpū will be supported by a secretariat to carry out these functions. This secretariat will be fully resourced by the Joint Venture.

As part of its monitoring role, the Tangata Whenua Rōpū will hold regular hui with the Joint Venture chief executives, and with the Joint Venture's business unit, to discuss progress in implementing the Family Violence and Sexual Violence National Strategy. The Joint Venture's business unit will also provide the Tangata Whenua Rōpū with regular implementation updates to support it in this monitoring role.

Membership

The Minister will publicly invite nominations to the Tangata Whenua Rōpū, with a view to ensuring its membership can reflect a broad range of tāngata whenua voices. The composition of the group membership should include specialist family violence and sexual violence sector leaders, te ao Māori tōhunga and other rangatira with relevant skills and experience, as well as survivors.

A Kaitiaki group will be established to facilitate the nomination and selection process for inaugural members of the Tangata Whenua Rōpū. The Joint Venture will fully resource this Kaitiaki group to support the nomination process. The Minister commits to have regard to the Kaitiaki group's recommendations when confirming membership for the Tangata Whenua Rōpū. The Minister may also consider nominations made by people outside the sector.

The Minister will seek agreement to final appointments to the Tāngata Whenua Rōpū by the Cabinet Appointments and Honours Committee. The Minister commits to publicly announce appointments in partnership with sector representatives.

Meetings

The Tangata Whenua Rōpū commits to wānanga with the Minister every two months in Wellington. Further or more regular meetings may be necessitated depending on particular work priorities.

Remuneration

Travel, accommodation and associated expenses will be paid by the Joint Venture for Family Violence and Sexual Violence for members to attend all wānanga.

Remuneration for attendance at wānanga will be paid to members in accordance with the Cabinet Fees Framework.

Duration of TWR

Ko te ao Māori he waimanawa whenua tuhatuha mutunga kore.

The Minister commits to work with the Tangata Whenua Rōpū to ensure its role and contribution is enduring.

This will include working with the Tangata Whenua Rōpū to consider how its role and voice can be strengthened, for example through legislation. Both parties note their intention for this relationship to endure and grow stronger beyond the next 25 years.

Term of Appointment

When appointed, members are committing to contribute to the Tangata Whenua Rōpū for three years. The sector may recommend to the Minister that individual members be reappointed to the Tangata Whenua Rōpū. If so, the Minister commits to have regard to these recommendations. .

Tikanga Wānanga (Rōpū to determine)

1. Quorum will be attendance of more than fifty percent of the members.



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Sustaining a Collaborative Approach to Support the Whole-of-Government Response to Eliminate Family Violence and Sexual Violence

Portfolio **Public Service / Prevention of Family and Sexual Violence**

On 24 November 2021, the Cabinet Social Wellbeing Committee (SWC):

Background

- 1 **noted** that responses to family violence and sexual violence do not fit neatly into individual agency boundaries, meaning they require collaborative responses that can be sustained over time;
- 2 **noted** that in 2018, Cabinet:
 - 2.1 established a Joint Venture for Family Violence and Sexual Violence to lead a whole-of-government response to family violence and sexual violence;
 - 2.2 established an interim Te Rōpū to work with government on the whole-of-government response;
 - 2.3 invited a report back on the effectiveness of the Joint Venture as a collaborative approach, and on the ongoing form of the Venture;
[CAB-18-MIN-0442]
- 3 **noted** that at the time, the Joint Venture was not able to be established as an interdepartmental executive board, as the Public Service Act 2020 that establishes this model was still being developed;
- 4 **noted** that the Office of the Auditor-General commented in its report that the establishment of the Joint Venture has enabled a more collaborative approach, but that agencies have not yet developed sense of common ownership, responsibility and accountability for the Joint Venture's work;
- 5 **noted** that because the Joint Venture has not yet been established as an agency under the Public Service Act 2020, it is having to use workarounds in order to function as it should, which has created additional complexity;

- 6 **noted** that the Minister for the Public Service and Minister for the Prevention of Family and Sexual Violence have considered options for organisational forms that could improve a collective commitment and responsibility for family violence and sexual violence, as summarised in Appendix 1 of the paper under SWC-21-SUB-0197;
- 7 **noted** that an interdepartmental executive board is the preferred approach;

Establishment of an interdepartmental executive board

- 8 **agreed** to establish the Joint Venture as an interdepartmental executive board under the Public Service Act 2020, with the following details:
- 8.1 the name of the Board will be the 'Executive Board for the Elimination of Family Violence and Sexual Violence' (the Executive Board);
- 8.2 the departments within the remit of the Executive Board are:
- 8.2.1 Department of Corrections;
 - 8.2.2 Ministry of Education;
 - 8.2.3 Ministry of Health;
 - 8.2.4 Ministry of Justice;
 - 8.2.5 Ministry of Social Development;
 - 8.2.6 New Zealand Police;
 - 8.2.7 Oranga Tamariki;
 - 8.2.8 Te Kawa Mataaho Public Service Commission;
 - 8.2.9 Te Puni Kōkiri;
- 8.3 the servicing department for the Executive Board will be the Ministry of Justice;
- 9 **agreed** that the functions of the Executive Board will be to:
- 9.1 provide whole-of-government strategy, policy, and budgeting advice to Ministers on eliminating family violence and sexual violence;
 - 9.2 provide analysis and evidence to support Ministers to make decisions on specific interventions;
 - 9.3 provide Ministers with an oversight of interventions and outcomes within the whole family violence and sexual violence sector, and identify any linkages, gaps, or opportunities;
 - 9.4 monitor, support and coordinate implementation of the National Strategy, and other priority and cross-agency initiatives, and lead the development of future iterations of the National Strategy;
 - 9.5 manage relationships between government and the family violence and sexual violence sector;

- 10 **noted** that the Public Service Commissioner will select the members of the Executive Board from the chief executives of the departments listed in paragraph 8.2 above and designate one of those members as Chairperson;
- 11 **noted** that:
- 11.1 the Chief Executive of the Accident Compensation Corporation (ACC) cannot be designated a member of the Executive Board, given that ACC is a Crown agent;
- 11.2 the Public Service Commissioner instead intends to appoint the Chief Executive of ACC as an independent advisor to the Executive Board;
- 12 **noted** that:
- 12.1 a Memorandum of Understanding will be agreed between the Executive Board and the Board of ACC, to ensure ACC remains appropriately involved;
- 12.2 the Minister for the Prevention of Family and Sexual Violence and Minister for ACC will be consulted on relevant matters to take into account when developing the Memorandum of Understanding;
- 13 **noted** that the Executive Board will be responsible to the Minister for the Prevention of Family and Sexual Violence for the operation of the board and delivering its functions;
- 14 **noted** that as the servicing department, the Ministry of Justice will continue to employ current Joint Venture staff, but that the Executive Board will have deemed delegation of specified employment responsibilities related to individual employees under the Public Service Act 2020;
- 15 **noted** that current Joint Venture staff will report directly to the Executive Board via the Director;
- 16 **noted** that three months after formal establishment, the Executive Board and Joint Venture Ministers will agree a set of protocols on how it provides joint and (where appropriate) separate advice to Ministers;
- 17 **agreed** that from 1 July 2022, the Executive Board will administer the appropriation 'Reducing Family Violence and Sexual Violence';
- 18 **invited** the Minister for the Public Service to issue drafting instructions to the Parliamentary Counsel Office for Orders in Council under the Public Service Act 2020 and the Ombudsmen Act 1975 to give effect to the above decisions;

Establishment of the Tangata Whenua Rōpū

- 19 **noted** that the term of the interim Te Rōpū expired on 30 June 2020;
- 20 **noted** that alongside an interdepartmental executive board, a sustainable arrangement is needed to ensure Māori are able to input into decision-making at the right level;
- 21 **noted** that the Joint Venture has since been engaging with a Tāngata Whenua Rōpū working group, which has suggested that a group be established to directly advise the Minister for the Prevention of Family and Sexual Violence;
- 22 **agreed** to establish a Tāngata Whenua Rōpū to advise the Minister for the Prevention of Family and Sexual Violence;

- 23 **agreed** to the Terms of Reference for the Tāngata Whenua Rōpū as set out in Appendix 2 of the paper under SWC-21-SUB-0197;
- 24 **noted** that suitable support arrangements will need to be established for the Tāngata Whenua Rōpū, and that the Joint Venture has already identified existing funding for these arrangements;

Review of arrangements

- 25 **invited** the Minister for the Prevention of Family and Sexual Violence to report back to SWC on:
- 25.1 the size, membership, roles and accountabilities of the Executive Board;
- 25.2 whether a broader Te Rōpū membership is required;
- 26 **noted** that officials will review the above arrangements over the next 12 months, including:
- 26.1 which department should service the Executive Board;
- 26.2 the form of the Tangata Whenua Rōpū, including whether further strengthening of arrangements through a statutory mechanism is needed;
- 27 **invited** the Minister for the Public Service and Minister for the Prevention of Family and Sexual Violence to report back to SWC in 12 months on the outcome of the above review and any recommended changes.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Kelvin Davis
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Poto Williams
Hon Kris Faafoi
Hon Peeni Henare
Hon Dr Ayesha Verrall
Hon Aupito William Sio
Hon Meka Whaitiri
Hon Priyanca Radhakrishnan
Hon Marama Davidson

Officials present from:

Office of the Prime Minister
Office of the Chair
Ministry of Social Development
Ministry of Justice
Oranga Tamariki
Officials Committee for SWC



Cabinet Social Wellbeing Committee

Summary

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Sustaining a Collaborative Approach to Support the Whole-of-Government Response to Eliminate Family Violence and Sexual Violence

Portfolio **Public Service / Prevention of Family and Sexual Violence**

This paper seeks agreement to establish an interdepartmental executive board, serviced by the Ministry of Justice, to oversee the Joint Venture for Family Violence and Sexual Violence and administer the 'Reducing Family Violence and Sexual Violence' appropriation. Board members will be Chief Executives appointed by the Public Service Commissioner.

Agreement is also sought to establish a Tāngata Whenua Rōpū to ensure a Māori voice in decision-making. The Rōpū terms of reference are attached as **Appendix 2**.

The Minister for the Public Service and Minister for the Prevention of Family and Sexual Violence recommend that the Committee:

Background

- 1 note that responses to family violence and sexual violence do not fit neatly into individual agency boundaries, meaning they require collaborative responses that can be sustained over time;
- 2 note that in 2018, Cabinet:
 - 2.1 established a Joint Venture for Family Violence and Sexual Violence to lead a whole-of-government response to family violence and sexual violence;
 - 2.2 established an interim Te Rōpū to work with government on the whole-of-government response;
 - 2.3 invited a report back on the effectiveness of the Joint Venture as a collaborative approach, and on the ongoing form of the Venture;

[CAB-18-MIN-0442]
- 3 note that at the time, the Joint Venture was not able to be established as an interdepartmental executive board, as the Public Service Act 2020 that establishes this model was still being developed;

- 4 note that the Office of the Auditor-General commented in its report that the establishment of the Joint Venture has enabled a more collaborative approach, but that agencies have not yet developed sense of common ownership, responsibility and accountability for the Joint Venture's work;
- 5 note that because the Joint Venture has not yet been established as an agency under the Public Service Act 2020, it is having to use workarounds in order to function as it should, which has created additional complexity;
- 6 note that the Minister for the Public Service and Minister for the Prevention of Family and Sexual Violence have considered options for organisational forms that could improve a collective commitment and responsibility for family violence and sexual violence, as summarised in Appendix 1 of the paper under SWC-21-SUB-0197;
- 7 note that an interdepartmental executive board is the preferred approach;

Establishment of an interdepartmental executive board

- 8 agree to establish the Joint Venture as an interdepartmental executive board under the Public Service Act 2020, with the following details:
- 8.1 the name of the Board will be the 'Executive Board for the Elimination of Family Violence and Sexual Violence' (the Executive Board);
- 8.2 the departments within the remit of the Executive Board are:
- 8.2.1 Department of Corrections;
- 8.2.2 Ministry of Education;
- 8.2.3 Ministry of Health;
- 8.2.4 Ministry of Justice;
- 8.2.5 Ministry of Social Development;
- 8.2.6 New Zealand Police;
- 8.2.7 Oranga Tamariki;
- 8.2.8 Te Kawa Mataaho Public Service Commission;
- 8.2.9 Te Puni Kōkiri;
- 8.3 the servicing department for the Executive Board will be the Ministry of Justice;
- 9 agree that the functions of the Executive Board will be to:
- 9.1 provide whole-of-government strategy, policy, and budgeting advice to Ministers on eliminating family violence and sexual violence;
- 9.2 provide analysis and evidence to support Ministers to make decisions on specific interventions;

- 9.3 provide Ministers with an oversight of interventions and outcomes within the whole family violence and sexual violence sector, and identify any linkages, gaps, or opportunities;
- 9.4 monitor, support and coordinate implementation of the National Strategy, and other priority and cross-agency initiatives, and lead the development of future iterations of the National Strategy;
- 9.5 manage relationships between government and the family violence and sexual violence sector;
- 10 note that the Public Service Commissioner will select the members of the Executive Board from the chief executives of the departments listed in paragraph 8.2 above and designate one of those members as Chairperson;
- 11 note that:
- 11.1 the Chief Executive of the Accident Compensation Corporation (ACC) cannot be designated a member of the Executive Board, given that ACC is a Crown agent;
- 11.2 the Public Service Commissioner instead intends to appoint the Chief Executive of ACC as an independent advisor to the Executive Board;
- 12 note that:
- 12.1 a Memorandum of Understanding will be agreed between the Executive Board and the Board of ACC, to ensure ACC remains appropriately involved;
- 12.2 the Minister for the Prevention of Family and Sexual Violence and Minister for ACC will be consulted on relevant matters to take into account when developing the Memorandum of Understanding;
- 13 note that the Executive Board will be responsible to the Minister for the Prevention of Family and Sexual Violence for the operation of the board and delivering its functions;
- 14 note that as the servicing department, the Ministry of Justice will continue to employ current Joint Venture staff, but that the Executive Board will have deemed delegation of specified employment responsibilities related to individual employees under the Public Service Act 2020;
- 15 note that current Joint Venture staff will report directly to the Executive Board via the Director;
- 16 note that three months after formal establishment, the Executive Board and Joint Venture Ministers will agree a set of protocols on how it provides joint and (where appropriate) separate advice to Ministers;
- 17 agree that from 1 July 2022, the Executive Board will administer the appropriation 'Reducing Family Violence and Sexual Violence';
- 18 invite the Minister for the Public Service to issue drafting instructions to the Parliamentary Counsel Office for Orders in Council under the Public Service Act 2020 and the Ombudsmen Act 1975 to give effect to the above decisions;

Establishment of the Tangata Whenua Rōpū

- 19 note that the term of the interim Te Ropū expired on 30 June 2020;
- 20 note that alongside an interdepartmental executive board, a sustainable arrangement is needed to ensure Māori are able to input into decision-making at the right level;
- 21 note that the Joint Venture has since been engaging with a Tāngata Whenua Rōpū working group, which has suggested that a group be established to directly advise the Minister for the Prevention of Family and Sexual Violence;
- 22 agree to establish a Tāngata Whenua Rōpū to advise the Minister for the Prevention of Family and Sexual Violence;
- 23 agree to the Terms of Reference for the Tāngata Whenua Rōpū as set out in Appendix 2 of the paper under SWC-21-SUB-0197;
- 24 note that suitable support arrangements will need to be established for the Tāngata Whenua Rōpū, and that the Joint Venture has already identified existing funding for these arrangements;

Review of arrangements

- 25 note that officials will review the above arrangements over the next 12 months, including:
- 25.1 which department should service the Executive Board;
 - 25.2 the form of the Tangata Whenua Rōpū, including whether further strengthening of arrangements through a statutory mechanism is needed;
- 26 invite the Minister for the Public Service and Minister for the Prevention of Family and Sexual Violence to report back to Cabinet in 12 months on the outcome of the above review and any recommended changes.

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