

Report



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATU WHAKAHIAO ORA

Date: 12 November 2025 **Security Level:** IN CONFIDENCE
To: Hon Louise Upston, Minister for Social Development and
Employment
File Reference: REP/25/11/887

Appointment process for the role of Children's Commissioner

Purpose of the report

- 1 The Children's Commissioner's (Commissioner's) current term ends on 31 July 2026. We propose beginning the appointment process as soon as practicable to enable the process to be completed before the current term ends. This report outlines key aspects of the appointment process, to support a discussion with officials on the approach you may wish to take for the role.

Recommended actions

It is recommended that you:

- 1 **note** the statutory appointment process for the Children's Commissioner set out in this report
- 2 **discuss** the proposed appointment approach at the next officials' meeting.

Sacha O'Dea
Deputy Chief Executive
Strategy and Insights

12/11/25

Date

Hon Louise Upston
Minister for Social Development
and Employment

2025/11/14

Date

Background

- 2 The Commissioner's current term expires on 31 July 2026, following the changes to the Oranga Tamariki oversight system enacted earlier this year.
- 3 Under section 32(3) of the Crown Entities Act 2004 (the CE Act), a member of a Crown entity continues in office despite the expiry of their term until:
 - a. they are reappointed
 - b. their successor is appointed, or
 - c. they are informed by written notice that they are not to be reappointed and no successor is to be appointed at that time.
- 4 The last option is not viable for the Commissioner. Under section 25 of the CE Act, an entity needs to have a board in place to make, or delegate the authority to make, decisions relating to the operation of the entity. As a corporation sole, a Commissioner must be in office to fulfil the requirement to have a board.

There are statutory requirements that may involve significant time for the appointment process

- 5 As an independent Crown entity, the Commissioner is appointed by the Governor-General on your recommendation as responsible Minister.
- 6 When making a recommendation to the Governor-General, section 12 of the Children's Commissioner Act 2022 (the Act) imposes specific elements to the process when you are considering:
 - a. a candidate who has applied to be appointed as Commissioner, or
 - b. the reappointment of a Commissioner who has had continuous service of six years or more.
- 7 When one of the situations in paragraph 6 applies, the standard Cabinet appointment process (securing applications, reviewing candidates, selection of preferred appointee, Ministerial consultation, and Cabinet consideration ahead of making a recommendation to the Governor-General) must include the following specific elements, as set out in sections 12 and 13 of the Act.

Applications must include endorsement from a relevant organisation

- a. As part of their application, candidates must have the endorsement of one of the relevant agencies specified in the Children's Commissioner (Relevant Agencies) Regulations 2023, namely:
 - a national organisation that represents Māori, particularly Māori welfare
 - an organisation that has the mandate to represent an iwi
 - an organisation that works with or for children and young people
 - an organisation focused on services or support of children and young people

- an organisation led by children or young people
- an organisation that represents the views and ideas of children and young people.

Applications must be reviewed by a panel with particular expertise

b. The Ministry of Social Development's Chief Executive needs to convene a nominations panel to assess candidates and make a recommendation to you. While the Act uses the term 'nomination panel', the panel's purpose is to review applications to recommend a candidate rather than nominate new candidates. The panel must consist of persons who collectively have expertise and experience in:

- working with children and young people
- governance
- appointment and recruitment
- Māori leadership.

Having regard to certain experience and the panel recommendation

c. In reaching a decision on who to recommend to the Governor-General for appointment, you must then have regard to:

- candidates' knowledge and experience in children's and young people's rights and issues, knowledge and understanding of the Treaty, Māori knowledge and experience in tikanga Māori
- the required skills and leadership experience to carry out the role
- the recommendation from the nominations panel.

8 The specific process elements outlined above are not required when you are considering the reappointment of a Commissioner with less than six years of continuous service. The incumbent Commissioner would meet this test. Reappointment could be completed in a shorter timeframe than the full appointment process.

We will need to consider the timing of the 2026 general election

- 9 The next general election is due in 2026. As noted in the Cabinet Manual, successive governments have generally chosen to exercise restraint in making significant appointments in the pre-election period, generally regarded as the three months before a general election.
- 10 The appointment of the Commissioner is highly likely to be considered significant. This is due to the public profile of the role and the Commissioner's statutory functions related to independent advocacy and fulfilling one of New Zealand's commitments under an international convention.

- 11 The Commissioner's term expires on 31 July 2026, which could fall within the period of restraint if the general election is held in October 2026. We therefore recommend the appointment process is completed by the end of June 2026 to reduce the risk of being affected by the restraint period.

Given timing considerations, discussion is sought on the appointment approach

- 12 Public Service Commission guidance notes that appointment processes for senior positions such as the Commissioner, particularly with specific statutory requirements, can take from six to nine months to complete. A high-level timeline for a full appointment process follows, reflecting the statutory process and recommended approach to the period of restraint.

Date	Step
Early December 2025 – early February 2026	Advertising and invitations for applications (noting required endorsement).
February 2026	Nomination panel reviews applications, conducts interviews and background checks, and identifies a recommended candidate or candidates.
March 2026	Report on recommended candidate(s) provided for your consideration. Potential for you to meet with preferred candidate(s) to assist in your determination.
April 2026	You determine the candidate to progress. Draft Cabinet Appointments and Honours Committee (APH) material provided to support Ministerial consultation.
May 2026	APH material finalised, for APH and Cabinet consideration.
June 2026	Appointment material submitted to and completed by the Governor-General.

- 13 At the next available Officials' meeting, we would like to discuss the appointment process and the potential approach you may wish to take for the Commissioner role. Following discussion, we will promptly provide you with a detailed appointment plan, timetable and supporting documents.