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Report



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATU WĀKAMATU ORA

Date: 21 November 2025 **Security Level:** IN CONFIDENCE
To: Hon Louise Upston, Minister for Social Development and
Employment
File Reference: REP/25/11/917

Detailed Children's Commissioner appointment process

Purpose of the report

1. This report seeks your agreement to the detailed appointment process for the Children's Commissioner (the Commissioner), following earlier advice and discussion on the high-level process elements required for the Commissioner role.

Recommended actions

It is recommended that you:

- 1 **note** that with the Commissioner's term expiring on 31 July 2026 we proposed commencing the appointment process as soon as practicable to enable it to be completed before the current term ends [REP/25/11/887 refers]
- 2 **note** that in discussion about the Commissioner appointment, it was highlighted that an open, transparent process should be undertaken to support public confidence in the process and the appointee
- 3 **note** the incumbent Commissioner can apply as part of an open application process and will be given appropriate advance notice about the approach as part of the no surprises principle and to help manage messaging to the entity
- 4 **note** your feedback is sought, via your office, on the draft position description for the Commissioner role (attached as Appendix 1)
- 5 **agree** to an open application process (as set out in paragraphs 13–15) to seek candidates to be considered for the Commissioner role

Agree / Disagree

- 6 **note** the proposed timeline (as set out in paragraph 17) aims to confirm an appointment by 29 May 2026 to reduce the risk of the process being impacted by the convention of self-restraint in the pre-election period.



Sacha O'Dea
Deputy Chief Executive
Strategy and Insights



Date



Hon Louise Upston
Minister for Social Development
and Employment



Date

Background

2. The Commissioner's current term expires on 31 July 2026. As an independent Crown entity, the Commissioner is appointed by the Governor-General on your recommendation as responsible Minister.
3. An initial report outlining the statutory appointment process was provided to your office on 12 November 2025 [REP/25/11/887 refers] to support a discussion on the approach you wish to take for the Commissioner role. In the report, we proposed beginning the appointment process as soon as practicable to enable it to be completed before the current term ends.
4. The Commissioner role went through structural change in July 2025 as part of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (the Amendment Act). The current Commissioner's one-year appointment was part of transitional provisions in the Amendment Act.
5. Given the transitional nature of the current term and the series of changes the entity has been through over the last three years, it was noted in discussion with officials that a full, transparent appointment process should be undertaken to support public confidence in the process and the appointee.
6. The incumbent Commissioner, Dr Claire Achmad, can apply for the role as part of the open process. We will give Dr Achmad advance notice about the approach, both as part of no surprises and to help manage messaging to her staff about the appointment process to minimise disruption for the entity.

Detailed appointment process

7. The overall appointment follows the standard process set out in the Public Service Commission appointment guidelines: securing applications, reviewing candidates, your selection of a preferred appointee, Ministerial consultation, Cabinet consideration, and then a recommendation to the Governor-General.
8. As noted in the previous report [REP/25/11/887 refers], the Children's Commissioner Act 2022 (the Act) imposes specific elements into the overall process. In summary, the elements are:
 - a. applications must include an endorsement from a relevant organisation specified in the Children's Commissioner (Relevant Agencies) Regulations 2023
 - b. applications must be reviewed by a nomination panel (convened by the Ministry of Social Development's Chief Executive), who will make a recommendation to you
 - 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, the required skills and leadership experience to carry out the role, and the panel's recommendation.

9. The following sections set out recommended approach to the detailed appointment process for your consideration.

Confirming the skills and experience sought for the role

10. A position description reflecting the role's functions, nature as a corporation sole, statutory considerations, and high-level conditions has been drafted and is attached as Appendix 1.
11. The draft position description references the Act's knowledge and experience requirements. It also includes an expanded 'person profile' that outlines proposed advocacy and leadership experience and skills that would be needed to effectively carry out the role.
12. Your feedback is sought, via your office, on the proposed experience and skill set, along with any other aspects of the position description you want amended. A final version of the position description can then be provided for use by your office in inviting applications.

Seeking applications through broad advertisement and invitation

13. Given the significance and public profile of the Commissioner role, we recommend a broad approach to seeking applications. This will support the intended transparency, provide fair opportunity for potential candidates to apply and provide assurance the search process is robust. We recommend the following channels to promote the role:
- a. you invite applications from the National Party Caucus and Coalition parties
 - b. website advertising on Government Jobs and Seek
 - c. advertisements in the major daily newspapers (the New Zealand Herald, The Post, The Press, and the Otago Daily Times)
 - d. we engage with key sector groups for suggested candidates (for example, other oversight agencies, social services representative bodies, and child welfare experts)
 - e. we engage with government nomination agencies for suggested candidates.
14. Advertisements and invitation letters will need to highlight the endorsement requirement (per paragraph 8.a) to try to avoid receiving applications lacking an endorsement. This will minimise the follow-up effort needed to advise candidates to seek endorsement or, if time did not permit, having to discard the application.
15. A draft invitation letter to the National Party Caucus and Coalition parties is attached as Appendix 2 and a draft advertisement for use on websites and in newspapers is attached as Appendix 3. Following review by your office, a final version of the invitation letter will be provided.

16. We will need 48 hours' notice before information is sent out to advise Dr Achmad about the process.

Proposed timeline

17. As noted above, the Commissioner's term expires on 31 July 2026. This could fall within the convention of the period of self-restraint, if the general election is held in September or October 2026.
18. A proposed timeline for the appointment is set out below, with the aim of having the process completed by 29 May 2026 to reduce the risk of it being impacted by the restraint period.

Date	Step
1 December 2025	You approve the proposed appointment approach
By 5 December 2025	MSD advises the incumbent Children's Commissioner of the appointment process
8 December 2025 – 2 February 2026	Advertising and invitations for applications
4 – 27 February 2026	Nomination panel: - reviews applications and develops a shortlist - interviews shortlisted candidates, as needed - conducts conflict of interest and probity checks
3 March 2026	Report on recommended candidate provided to your office
10–17 March 2026	Potential for you to meet with preferred candidate(s) to assist in your determination
20 March 2026	You agree the candidate to progress
23 March 2026	Draft Cabinet Appointments and Honours Committee (APH) pack provided to your office
24 March – 14 April 2026	Ministerial consultation (allowing three weeks due to Easter)
16 April 2026	APH paper lodged
21 April 2026	APH notes proposed appointments
28 April 2026	Cabinet notes APH decision
30 April 2026	Appointment pack delivered to your office
11 May 2026	Appointment pack delivered to Governor-General, following the Governor-General's signing the appointment instrument is sent to the appointee, Gazette notice lodged

19. The proposed timeframe is relatively tight, with key points (such as Ministerial consultation on the draft APH paper) requiring prioritisation by your office. The timeline will need to be reviewed once the APH schedule for 2026 is finalised by the Cabinet Office.

Next steps

20. Subject to your agreement to the approach and any feedback you wish to provide:
 - a. the position description and invitation letter will be finalised and provided to your office
 - b. we will speak with Dr Achmad by 5 December, ahead of advertising and invitation starting, to advise her of the open process and that she is able to apply for the role
 - c. we will launch the advertising and engage with key sector groups and nomination agencies.
21. We are preparing a list of potential nomination panel members for consideration by our Chief Executive, to help confirm and schedule the panel as promptly as possible to support the proposed timeline. We are considering suitable senior officials and external experts that would fulfil the collective skills required under the Act (expertise in working with children and young people, governance, appointment and recruitment, and Māori leadership), and help provide confidence in the candidate assessment and eventual recommendation to you.
22. There may be a high level of political, public or media interest in the appointment process given the visibility of the Commissioner role. We will work closely with your office throughout the process to support communications or respond to queries as needed.

Appendices

Appendix 1: Draft Children's Commissioner position description 2026

Appendix 2: Draft Children's Commissioner application invite letter

Appendix 3: Draft Children's Commissioner application advertisement

Children's Commissioner

Position Description, 2026

The Commissioner role

The Children's Commissioner (the Commissioner) is a highly visible and significant advocate and champion for the children and young people of New Zealand.

The Commissioner's role is set out in the [Children's Commissioner Act 2022](#) and can be grouped into three areas:

- promoting the interests and well-being of children and young people
- promoting and advancing the rights of children and young people
- encouraging children and young people's participation and voices.

The Commissioner is also a 'National Preventative Mechanism' under the [Crimes of Torture Act 1989](#). This means the Commissioner has responsibilities under the Optional Protocol to the United National Convention Against Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) to examine places where children are detained and make any recommendations it considers appropriate.

The Commissioner is a corporation sole and an independent Crown entity for the purposes of the [Crown Entities Act 2004](#). Being a corporation sole means the Commissioner holds the responsibilities of a crown entity board under that Act as well as being its administrative head.

Workload and remuneration

The Commissioner is a full-time role. As a corporation sole, the Commissioner cannot, without the prior approval of the responsible Minister, hold any office of trust or profit or engage in any occupation for reward outside their responsibilities as a member of the corporation sole.

The [Remuneration Authority](#) is responsible for determining and reviewing the remuneration for the Commissioner. The level of remuneration will reflect the nature of the role, and the skills and experience of the appointee.

Actual and reasonable travel and other expenses incurred in carrying out the Commissioner role are paid in accordance with the [Cabinet Fees Framework](#).

Term of office

As an independent Crown entity, under the Crown Entities Act the Commissioner is appointed for a term of up to five years by the Governor-General on the recommendation of the Minister for Social Development and Employment (the Minister).

Appointment process

In reaching a decision on who to recommend to the Governor-General, the Children's Commissioner Act requires the Minister to have regard to:

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

The nominations panel is convened by the Ministry of Social Development's Chief Executive to assess candidates and make a recommendation to the Minister. The panel must consist of persons who collectively have expertise and experience in working with children and young people, governance, appointment and recruitment, and Māori leadership.

The Children's Commissioner Act requires candidates to have, as part of their application, 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, including (without limitation) any organisation focused on advocacy for children and young people, and their rights
- an organisation focused on services or support of children and young people, including (without limitation) any organisation focused on their health and well-being, and disability services or support
- an organisation led by children or young people
- an organisation that represents the views and ideas of children and young people, including (without limitation) the views and ideas of children or young people with experience of care.

Mana Mokopuna

Under the Crown Entities Act and the Children's Commissioner Act, the 'Children's Commissioner' refers to both the Commissioner role and the entity they lead. However, the entity is generally referred to as [Mana Mokopuna](#), previously the Office of the Children's Commissioner, to help avoid confusion.

An Executive Director provides the day-to-day management of Mana Mokopuna, which is based in Wellington and has approximately 40 staff providing monitoring, advocacy, policy, corporate and communications expertise to support the Commissioner in fulfilling their statutory functions and duties. Funding is through a dedicated appropriation in Vote Social Development.

Oversight of the Oranga Tamariki system

Under the [Oversight of Oranga Tamariki System Act 2022](#), the Commissioner has common duties with the [Independent Children's Monitor](#) and [Ombudsman](#) duties when carrying out work relating to children and young people in the Oranga Tamariki system.

The three entities work together closely to provide oversight of the Oranga Tamariki system, through three core functions:

- system-level advocacy for all children and young people – provided by the Commissioner
- strong, independent monitoring – provided by the Independent Children's Monitor
- an independent complaints and investigation function – provided by the Ombudsman.

Guidance and induction

The Public Service Commission has general guidance for [Crown entity board members](#) on the frameworks, duties and expectations that apply (noting that the Commissioner is a board of one). A specific induction programme is provided for an appointee to the role of Commissioner.

Information on the person appointed as Commissioner is collected and securely held by the Public Service Commission in a specialist system, 'AppointNet'. For more details, please see the [AppointNet privacy statement](#).

Disqualification

Certain people are disqualified from being the Commissioner under section 30 of the Crown Entities Act 2004.

- A person who is an undischarged bankrupt.
- A person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Financial Markets Conduct Act 2013, or the Takeovers Act 1993.
- A person who is subject to a property order under the Protection of Personal and Property Rights Act 1988 or a personal order under that Act that reflects adversely on the person's competence to manage their affairs in relation to their property or capacity to make or communicate decisions relation to their personal care and welfare.
- A person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person.
- A member of Parliament.

Person profile

The Commissioner must have senior-level experience in advocacy and leadership and be able to build relationships with children and young people, Ministers, iwi, Māori organisations, government agencies, national and international organisations, and a range of experts and advocates.

Advocacy

- A commitment to championing children's interests.
- The ability to positively influence opinions and behaviours of stakeholders and the public.
- The ability to understand and engage with complex issues and situations and use research and data to reach informed decisions.
- Outstanding communication skills, including the ability to speak on sensitive and nuanced topics with the media, public and senior leaders.
- Knowledge of, and experience in, children's and young people's rights and issues, including knowledge of New Zealand and international law on children's rights
- Knowledge and understanding of the Oranga Tamariki system.
- An understanding of the Treaty of Waitangi and knowledge of, and experience in, tikanga Māori.
- Knowledge and recognition of the social, cultural, and religious values of different cultural and ethnic groups in New Zealand.
- The ability to exercise sound judgement at all times while remaining both politically neutral and being an independent advocate.

Leadership

- Experience in providing strategic leadership, engaging others in a common vision, and setting clear policies and priorities.
- The ability to develop, lead and maintain effective relationships with Ministers, other senior public service officials, and stakeholders.
- Knowledge of public sector accountability processes and an understanding of the relationship between Ministers, Crown entities and Parliament.
- The ability to lead and communicate in a clear, persuasive, and impactful way, to convince others to embrace change and take action.
- Being able to connect with and inspire people, to build a highly motivated, engaged and respectful team.



Minister for the Community and Voluntary Sector
Minister for Disability Issues
Minister for Social Development and Employment
Minister for Tourism and Hospitality
Minister for Child Poverty Reduction
Deputy Leader of the House

[Coalition party leader] OR [National Party Caucus]

Dear [Caucus members] OR [Party Leader],

I am writing to seek applications for the position of Children's Commissioner. This is a critical, highly visible advocacy role, championing the rights, interests and participation of New Zealand's children and young people.

Following legislative changes in July 2025 that restored the Commissioner as a corporation sole to ensure a single, clear advocate, I consider it important to run an open, transparent appointment process for the role.

I am seeking candidates with senior experience and expertise in advocacy and leadership. They must be able to understand and clearly articulate complex issues, engage with a wide range of groups and the public and help influence opinions and behaviours to improve the wellbeing of the nation's children and young people.

The Commissioner position description is attached to assist you in considering suitable potential candidates. Public advertisements will be placed shortly.

Please note there is a statutory endorsement requirement for candidates, which is outlined in the position description. In summary, each candidate needs to be endorsed by a relevant organisation from one of a range of categories such as those providing children and young people's services and supports.

Applications for the role can be made to my office by Monday 2 February 2026. The application should include a CV and a cover letter noting the endorsement and any other items to highlight about the candidate.

Sincerely

Hon Louise Upston

Minister for Social Development and Employment

Advertisement

Application for appointment as the Children's Commissioner

The Children's Commissioner (the Commissioner) is New Zealand's most senior independent advocate for the rights, interests and wellbeing of children and young people. The Commissioner is a critical and highly visible role with a range of duties under both New Zealand and international children's rights law.

The Commissioner is established under the Children's Commissioner Act 2022 and is an independent Crown entity for the purposes of the Crown Entities Act 2004. The Commissioner is appointed by the Governor-General on the recommendation of the Minister for Social Development and Employment.

Applications are sought from individuals with senior advocacy and leadership experience and expertise, who are able to effectively deliver the on the role's statutory functions.

The Commissioner position description – available at [insert link] – provides details on the role, statutory appointment process, and experience and expertise sought.

Please note there is a statutory endorsement requirement for candidates, which is outlined in the position description. In summary, a candidate needs to be endorsed by a relevant organisation from one of a range of categories.

To apply

To be considered for appointment please apply by providing the following:

- a cover letter, which includes details on the required endorsement
- a current curriculum vitae
- contact details, including email address and phone number.

Applications are due by **5.00pm** on **2 February 2026** via email to appointments@msd.govt.nz