

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



Jane Searle

§ 9(2)(a)

Dear Jane,

I am pleased to advise the Governor-General has appointed you as Children's Commissioner (the Commissioner) for a five-year term commencing on 1 August 2026 and ending on 31 July 2031.

Enclosed is your appointment instrument. An appointment notice will shortly be published in the *New Zealand Gazette*.

In accordance with section 28(2) of the Crown Entities Act 2004, a copy of this letter is provided to the Executive Director of Mana Mokopuna, Sonya Marshall.

The Children's Commissioner

The Commissioner is a corporation sole and an independent Crown entity for the purposes of the Crown Entities Act 2004. The Commissioner's functions, duties and powers are set out in sections 20–25 of the Children's Commissioner Act 2022 (the Commissioner Act), and can be grouped into three areas:

1. promoting the interests and well-being of children and young people
2. promoting and advancing the rights of children and young people
3. 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 includes responsibilities under the Optional Protocol to the United Nations Convention Against Cruel, Inhuman or Degrading Treatment or Punishment to examine places where children are detained and make any recommendations the Commissioner considers appropriate.

The Commissioner is one of three agencies that comprise the oversight of the Oranga Tamariki system. The other two agencies are the Independent Monitor of the Oranga Tamariki System and the Ombudsman. Section 7 of the Oversight of Oranga Tamariki System Act 2022 sets out the duties the Commissioner has in common with the other two oversight agencies.

Legislative framework for the appointment

Your appointment is made under, and in accordance with, sections 11 to 13 of the Commissioner Act, and sections 28 to 35 of the Crown Entities Act. Copies of the Acts can be found online at www.legislation.govt.nz.

In the following sections I refer to certain key provisions of the Crown Entities Act which apply to your role as a corporation sole.

Term of office

Section 32(3) of the Crown Entities Act relates to the term of office of a member of a statutory entity. Under this section, you continue as a member despite the expiry of your term, until you are reappointed or your successor is appointed.

Resignation

Section 44 of the Crown Entities Act states a member of a statutory entity may resign from office by written notice to the responsible Minister (with a copy to the entity) signed by the member.

Removal

Section 39 of the Crown Entities Act allows the Governor-General to remove a member of an independent Crown entity at any time for just cause (as defined in section 40 of the Crown Entities Act), on the advice of the responsible Minister given after consultation with the Attorney-General.

Key duties

As a corporation sole, you are required to comply with the collective duties of a board and the individual duties of a member of a statutory entity as set out in the Crown Entities Act.

The collective duties are to ensure that the entity acts consistently with:

- section 49: objectives, functions, current accountability documents (such as the Statement of Intent and Statement of Performance Expectations)
- section 50: that the statutory entity performs its functions efficiently and effectively, in a manner consistent with the spirit of service to the public, and in collaboration with other public entities where practicable
- section 51: that the entity operates in a financially responsible manner
- section 52: ensure the entity complies with sections 96 to 101 of the Crown Entities Act relating to any subsidiaries it acquires or forms and other interests.

The individual duties of a member of a statutory entity are to:

- section 53: comply with the Crown Entities Act and the entity's enabling Act
- section 54: when acting as a member act with honesty and integrity
- section 55: act in good faith and not pursue their own interests at the expense of the entity's interests
- section 56: exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances
- section 57: not to disclose or make use of, or act on information that would not otherwise be available to them, except in certain circumstances.

Disclosure of interests

In accordance with the conflict-of-interest disclosure rules under sections 62–72 of the Crown Entities Act, you must continually disclose your interests in matters relating to the Commissioner to ensure that any perceived, potential or actual conflicts are managed appropriately during your term.

I also expect you to raise with the Ministry of Social Development, and me as responsible Minister, any issues that could affect your ability to act as Commissioner or could cause embarrassment to the role of Commissioner and/or the Government.

The Enduring Letter of Expectations from the Minister of Finance and Minister for the Public Service underscores the importance of the 'no surprises' principle and giving effect to the Code of Conduct for Crown Entity Board Members. Copies of the Enduring Letter and Code of Conduct will be provided as part of your induction.

Remuneration

As an independent Crown Entity, remuneration for the Commissioner is set through the Remuneration Authority. The Remuneration Authority will be in contact with you directly to make a determination on your annual remuneration.

Acknowledgement of the appointment

I would be grateful if you could formally acknowledge your appointment by signing the attached letter and returning it to the Ministry of Social Development by email, who will record your acceptance on my behalf.

Ministry of Social Development contact

Your contact at the Ministry of Social Development regarding your appointment is Brian McMillan, Principal Advisor Crown Entities § 9(2)(a)

[REDACTED] Alternatively, the team that supports appointments can be contacted at appointments@msd.govt.nz.

In conclusion

As you are aware, the Commissioner is a significant role, involving vital advocacy for our nation's children and young people. It provides a unique opportunity for you to make a major contribution to their wellbeing. The knowledge, skills and experience you bring are a considerable asset, and I wish you well as you take up the role.

Sincerely



Hon Louise Upston

Minister for Social Development and Employment

cc Sonya Marshall, Executive Director, Mana Mokopuna

Hon Louise Upston
Minister for Social Development and Employment
Parliament Buildings
WELLINGTON 6160

Dear Minister,

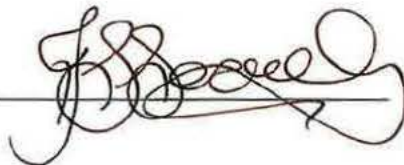
I acknowledge receipt of your letter advising me of my appointment as Children's Commissioner for a term of five years, commencing on 1 August 2026 and ending on 31 July 2031. I confirm my acceptance of the appointment.

I will ensure that I keep myself familiar with the obligations and responsibilities of the position. I am aware of the need to disclose and manage any conflicts of interest as they arise.

I undertake to advise you and the Ministry of Social Development of any change in my circumstances that may have an impact on my ability to continue to serve as Children's Commissioner.

Yours sincerely

Jane Searle:

A handwritten signature in dark ink, appearing to read 'Jane Searle', written over a horizontal line.

Date: 06 July 2026

Please return via email to appointments@msd.govt.nz



Appointment of the Children's Commissioner

A handwritten signature in blue ink, reading 'Cindy Kiro'.

Governor-General

Pursuant to section 11 of the Children's Commissioner Act 2022 and section 28(1)(b) of the Crown Entities Act 2004,
I, the Right Honourable Dame Cindy Kiro, GNZM, QSO, Governor-General of New Zealand,
hereby appoint:

Jane Suzanne Searle

as Children's Commissioner for a term of five years commencing on 1 August 2026 and ending on
31 July 2031.

Given under the hand of Her Excellency the Governor-General of New Zealand and issued
this ~~third~~ day of July 2026.

A handwritten signature in blue ink, appearing to read 'Louise Upston'.

Hon Louise Upston
Minister for Social Development and Employment