



Commission for Financial Capability - Retirement Commissioner

Purpose

The Retirement Commissioner leads the National Strategy for Financial Capability and is tasked with promoting education about financial matters, and to advise on financial capability issues. This includes the provision of financial education tools such as www.sorted.org.nz and the delivery of financial education programmes in schools, workplaces and in communities throughout New Zealand.

The Retirement Commissioner is tasked with monitoring the effects of New Zealand retirement income policies, reviewing these policies at three yearly intervals and providing the Minister of Commerce and Consumer Affairs with advice relating to retirement income. The terms of reference for the 2019 review have been established and are available at <https://www.cffc.org.nz/reviews-and-reports/retirement-income-policy-review/>.

The Retirement Commissioner has advisory, monitoring, education, and appointment of disputes panel functions under the Retirement Villages Act 2003, and reports to the Minister of Housing and Urban Development on these.

Role of the Commissioner

The Retirement Commissioner was established by Part 5 of the Retirement Income Act 1993 and continued by Part 4 of the New Zealand Superannuation and Retirement Income Act 2001. The Commissioner is an autonomous Crown entity that has functions and requirements under the New Zealand Superannuation and Retirement Income Act 2001, and functions under the Retirement Villages Act 2003. These functions and requirements are detailed in Appendix One.

The Commissioner is a corporation sole. This means that the Commissioner has both a governance and a managerial role. In effect, the Commissioner acts as both the Board and chief executive of the Commission for Financial Capability (CFFC).

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.

Role of CFFC

To support the Commissioner in their role, CFFC employs 25 full-time equivalent employees, delivering the corporate, communications, advocacy, monitoring, research and policy functions. The head office is located in Auckland and the successful applicant will be required to spend a significant amount of time in Auckland.

Funding of \$8,622,000 (ex GST) is currently provided through a Vote Business, Science and Innovation appropriation for the Commissioner to carry out their functions.

Priorities

At least once every three years the Commissioner is required to produce a Statement of Intent (SOI) setting out how CFFC intends to:

- meet its strategic intentions
- manage its functions and operations to meet its strategic intentions
- manage its organisational health and capability
- assess its performance.

In addition, the Commissioner is required to produce each year a Statement of Performance Expectations (SPE) setting out:

- the outputs to be produced that year
- what these outputs are intended to achieve
- how CFFC's performance will be assessed
- forecast financial statements for that year.

Copies of the current SOI and SPE are available at <https://www.cffc.org.nz/reviews-and-reports/corporate-reports/>

Remuneration and Meetings

Remuneration

Remuneration is set by the Remuneration Authority. For more information on the setting of remuneration for independent statutory officers and boards by the Remuneration Authority, see:

- Remuneration Independent Officers and Boards: <http://remauthority.govt.nz/clients-remuneration/independent-officers-and-boards/>
- Role of Remuneration Authority in Setting Remuneration for Individuals Appointed to Statutory Bodies and Other Positions: <https://www.dpmc.govt.nz/publications/co-11-7-role-remuneration-authority-setting-remuneration-individuals-appointed>

Actual and reasonable travel and other expenses incurred carrying out the role of the Commissioner may be paid in accordance with the Cabinet Fees Framework: <http://www.ssc.govt.nz/fees>.

Meeting commitments

The Retirement Commissioner is expected to collaborate with a network of national and international stakeholders, as well as being involved in cross-government networks and national events to promote financial capability.

The Retirement Commissioner represents New Zealand in the Organisation for Economic Cooperation and Development's (OECD) International Network on Financial Education (INFE).

Term of appointment

Under section 32(1)(a) of the Crown Entities Act 2004, a member of an autonomous Crown entity may be appointed for up to three years or any shorter period stated in the notice of appointment. Generally, individuals are appointed to the role of Retirement Commissioner for a maximum of two terms.

Ideally this appointment will commence from 1 July 2019 to coincide with the end of the current Commissioner's second term.

Skills and Experience

The Minister is looking for candidates with the following specific skills and experience:

- a working knowledge of the critical issues relating to retirement income and financial capability
- a commitment to improving retirement outcomes for all New Zealanders
- the ability to keep up-to-date with industry trends and political and commercial developments
- proven ability to create and develop strategy
- experience in dealing with ministers, senior public sector officials, industry and consumers.

Governance, management and leadership skills and experience required are:

- an understanding of public accountability and the relationships between Government and a Crown entity
- the ability to provide strategic leadership, setting clear policies and priorities and motivating staff
- the ability to foster a positive, respectful workplace culture where people feel valued, and unwelcome behaviours are less likely to occur
- a sound knowledge of good management practices and experience in applying these effectively to achieve organisational goals and objectives.

Other general qualities and experience required are:

- the ability to work effectively in a collegial decision-making environment
- extensive experience working collaboratively across government and/or with other stakeholders
- knowledge and recognition of the social, cultural and religious values of different cultural and ethnic groups in New Zealand
- a working knowledge of government processes and the machinery of government
- excellent communication skills
- a record of sound judgement and integrity
- an ability to analyse and understand complex issues
- professional and results oriented.

Appointment Considerations

In making appointments, the Minister is guided by criteria set out in various pieces of legislation.

Government expects that part of the reward for serving on the board of a statutory body is the performance of public service that advances the interests of New Zealand. Appointments to statutory boards are predicated on the values and ethos of public service. Members must be aware of the importance of personal integrity and the need to declare conflicts of interest, either potential or actual. Members must also be sure that they have the interest and enthusiasm needed to contribute effectively to the performance of the statutory entity throughout their term of membership.

Note that Cabinet has agreed that, as a general rule, public servants should not be appointed to statutory boards.

Under section 29 of the Crown Entities Act 2004, a responsible Minister:

- may only appoint a person who, in the responsible Minister's opinion, has the appropriate knowledge, skills, and experience to assist the statutory entity to achieve its objectives and perform its functions
- subject to the above, in making an appointment, must take into account the desirability of promoting diversity in the membership of Crown entities.

The following people are **disqualified** from being a 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 Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993
- a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988
- a person who has been convicted of an offence punishable by imprisonment for a term of two 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
- a person disqualified under another Act.

Appendix One: ROLE AND FUNCTIONS OF THE RETIREMENT COMMISSIONER

Functions under the New Zealand Superannuation and Retirement Income Act 2001 (Section 83)

The functions of the Commissioner are as follows:

- (a) to develop and promote methods of improving the effectiveness of the retirement income policies from time to time implemented by the Government of New Zealand, including the promotion of education about retirement income issues and the publication of information about those issues
- (b) to monitor the effects of retirement income policies that are being implemented in New Zealand
- (c) to review the retirement income policies being implemented by the Government and to report to the Minister by 31 December 2007 and at 3-yearly intervals thereafter, in accordance with section 84
- (d) to advise on retirement income issues, when requested to do so by the Minister
- (da) to promote education, and publish information, about financial matters to assist individuals to make financial decisions confidently and informedly
- (db) to advise on financial capability issues, when requested to do so by the Minister
- (e) to monitor the effectiveness of persons (whether referred to as ombudsmen or by any other term) who have been appointed (other than under statutory authority) to consider complaints and disputes about savings and investments; and to consider any issues addressed to the Commissioner by any such person and, if appropriate, to make recommendations to any person
- (f) to collect and publish information for the purpose of enabling the fulfilment of any of the functions referred to in this section
- (g) to perform such other functions as are conferred on the Commissioner by this Act or any other enactment
- (h) to perform any additional function that the Minister directs under section 112 of the Crown Entities Act 2004.

Three yearly reviews of Retirement Income Policies (section 84)

- 1) For each review to be conducted under section 83(c), the Minister must, not later than 12 months before the date on which the review is required to be completed, specify, by notice in writing addressed to the Commissioner—
 - a. the aspects of retirement income policies being implemented by the Government of New Zealand that the review is required to address; and
 - b. the topics to be discussed in the Commissioner's report.
- 2) Before giving a notice under subsection (1) the Minister must consult with the Commissioner about the matters to be included in it.

Discretion in relation to performance and exercise of functions and powers (Section 85)

- (1) Subject to the provisions of this Part and of any other enactment, the Commissioner has complete discretion in the performance or exercise, and the manner of the performance or exercise, of any function or power of the Commissioner.
- (2) Without limiting subsection (1), the Commissioner may at any time, if he or she considers it appropriate—
 - (a) comment publicly on any matter relating to his or her functions; or
 - (b) deliver to the Minister a report in writing on any retirement income issues that he or she considers the Minister should be advised of.

Functions under the Retirement Villages Act 2003 (section 36)

- (1) The functions of the Retirement Commissioner in relation to this Act are as follows:
 - (a) to monitor the effects of this Act and the regulations and code of practice made under this Act
 - (b) to advise on issues relating to retirement villages when requested to do so by the Minister or required by this Act
 - (c) to promote education about retirement village issues and to publish information about such issues
 - (d) to collect and publish information relating to any of the functions referred to in this section
 - (e) to perform any other function conferred by this Act or regulations made under this Act.

Retirement Villages Disputes Panel (section 58)

- (1) The Retirement Commissioner must maintain and publish a list of persons whom the Commissioner has approved for appointment as a member of a disputes panel.
- (2) The Retirement Commissioner's approval may be—
 - a) general, for appointment to any disputes panel; or
 - b) specific, for appointment to a particular disputes panel; or
 - c) on the terms and conditions that the Commissioner thinks appropriate.
- (3) The Retirement Commissioner's approval may be for a limited period, but in any event not longer than 5 years.
- (4) The Retirement Commissioner must remove the name of a person from the list if that person—
 - a) in the Commissioner's opinion, is unable to perform the duties of a member of a disputes panel; or
 - b) has died; or
 - c) had been adjudicated bankrupt; or

- d) has requested the removal of his or her name; or
 - e) has been on the list for more than 5 years; or
 - f) for any other sufficient reason should not, in the Commissioner's opinion, be appointed to a disputes panel.
- (5) The Retirement Commissioner may restore a person to the list whose name has been removed under subsection (4) if the Commissioner again approves that person for appointment as a member of a disputes panel.