

Memorandum of Understanding

PARTIES TO THE MEMORANDUM

The Cancer Control Agency (Te Aho o Te Kahu)

133 Molesworth Street

Wellington 6011

AND

Pharmac – Te Pātaka Whaioranga

Level 9, 40 Mercer Street

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1. Rationale

Te Aho o Te Kahu (the Cancer Control Agency) and Pharmac – Te Pātaka Whaioranga (Pharmaceutical Management Agency) are both committed to delivering better health outcomes for people with cancer in Aotearoa New Zealand.

This Memorandum of Understanding (Memorandum) is intended to formally record how the parties will work together. Te Aho o Te Kahu and Pharmac – Te Pātaka Whaioranga have a constructive and collaborative working relationship. The formulation of this Memorandum is motivated by a desire to maintain the relationship and to ensure that the parties continue to work together effectively and efficiently for the benefit of all New Zealanders.

2. Fundamental principles

The principles that underpin our relationship under this Memorandum are as follows:

- both parties recognise the central importance of Te Tiriti o Waitangi¹ and including achieving equity for Māori. Each agency will uphold their obligations as individual entities, and as a partnership (see Section 3)
- we will work together to focus on achieving equity, recognising that different people with different levels of advantage require different approaches and resources to get equitable health outcomes
- we are committed to a long term, cooperative and collaborative relationship
- we will act with honesty and in good faith
- we will work in a constructive manner, recognising each other's values and viewpoints and respecting differences
- we will communicate openly with each other on a regular basis
- we recognise that we are both guided by our respective statutory objectives, but that we have a common desire to promote improved cancer outcomes for New Zealanders
- we will ensure that our work together is underpinned by the Pae Ora Healthy Futures Act 2022 (Pae Ora) and the [New Zealand Cancer Action Plan 2019-2029](#).

Notwithstanding our common interests and desire for a cooperative relationship, Te Aho o Te Kahu and Pharmac – Te Pātaka Whaioranga are independent entities, with unique stakeholder relationships, and different statutory objectives. This Memorandum does not affect the

¹ The text of Te Tiriti, including the preamble and the three articles, along with the Ritenga Māori declaration.

independence of Te Aho o Te Kahu or Pharmac – Te Pātaka Whaioranga.-

Te Aho o Te Kahu and Pharmac – Te Pātaka Whaioranga acknowledge that each entity receives certain information in confidence and makes decisions in confidence, and in certain instances it may not be possible or appropriate to share information which may be sensitive, commercial or private information.

We will endeavour to resolve any disputes or disagreements between us constructively and expeditiously. However, in cases of differing agency functions where differences of opinion cannot be resolved, the agencies will respect each other’s opinion and continue to work together in a professional manner for the benefit of all New Zealanders.

3. Te Tiriti o Waitangi and Achieving Equity

The parties will work together to realise the objectives of the [Whakamaua: Māori Health Action Plan \(2020-2025\)](#) which describes the four key goals the health and disability sector should achieve. These are:

- Mana whakahaere: effective and appropriate stewardship or kaitiakitanga over the health and disability system. This goes beyond the management of assets or resources.
- Mana motuhake: Enabling the right for Māori to be Māori (Māori self-determination); to exercise their authority over their lives, and to live on Māori terms and according to Māori philosophies, values and practices including tikanga Māori.
- Mana tangata: Achieving equity in health and disability outcomes for Māori across the life course and contributing to Māori wellness.
- Mana Māori: Enabling Ritenga Māori (Māori customary rituals) which are framed by te ao Māori (the Māori world), enacted through tikanga Māori (Māori philosophy & customary practices) and encapsulated within mātauranga Māori (Māori knowledge).

These goals are an application of principles described below that are applicable to the wider health and disability system and apply to all our work:

- Tino rangatiratanga: The guarantee of tino rangatiratanga, which provides for Māori self-determination and mana motuhake in the design, delivery, and monitoring of health and disability services.
- Equity: The principle of equity, which requires the Crown to commit to achieving equitable health outcomes for Māori.
- Active protection: The principle of active protection, which requires the Crown to act, to the fullest extent practicable, to achieve equitable health outcomes for Māori. This includes ensuring that it, its agents, and its Treaty partner are well informed on the extent, and

nature, of both Māori health outcomes and efforts to achieve Māori health equity.

- Options: The principle of options, which requires the Crown to provide for and properly resource kaupapa Māori health and disability services. Furthermore, the Crown is obliged to ensure that all health and disability services are provided in a culturally appropriate way that recognises and supports the expression of hauora Māori models of care, including Rongoā Māori.
- Partnership: The principle of partnership, which requires the Crown and Māori to work in partnership in the governance, design, delivery, and monitoring of health and disability services. Māori must be co-designers, with the Crown, of the primary health system for Māori.

4. Roles

Te Aho o Te Kahu

Te Aho o Te Kahu (the Cancer Control Agency) is a departmental agency reporting directly to the Minister of Health and hosted by the Ministry of Health. The Agency was created in recognition of the impact cancer has on the lives of New Zealanders and provides a sharp focus on this important health issue.

Te Aho o Te Kahu provides strong central leadership and oversight of cancer control and unites efforts to deliver better cancer outcomes for Aotearoa New Zealand. Te Aho o Te Kahu is also accountable for ensuring transparency of progress towards the goals and outcomes in the National Cancer Action Plan 2019 - 2029.

In practice, this leadership and oversight is delivered through:

- supporting the Māori Crown Relationship
- providing advice to Government and the Ministry of Health about system inequities, the future design and function of cancer services and options for resolving medium- to long-term strategic and operational issues
- enabling system improvements through the development of knowledge products, decision support and change management tools, evidence-based and person-centred models of care, advice on health workforce and resource planning, quality measurement and improvement, and recommendations to address inequities
- developing and sustaining strong partnerships between health entities and supporting them to develop policy, planning and delivery related to cancer

- assembling and disseminating cancer data and information to inform decision making and service delivery
- providing support for cancer service providers when service is, or is likely to be, disrupted or is not meeting demand or expectations.

Te Aho o Te Kahu has a vision to achieve fewer cancers, better survival and equity for all. The strategic direction and work programme are underpinned by the values of being equity-led, knowledge-driven, outcomes-focused and person- and whānau-centred.

Pharmac – Te Pātaka Whaioranga

Pharmac – Te Pātaka Whaioranga is a Crown entity whose statutory objective is to secure for eligible people in need of pharmaceuticals, the best health outcomes that are achievable from pharmaceutical treatment (including medicines, vaccines, medical devices and related products) and from within the amount of funding provided.

Pharmac’s core functions are set out in section 69 of [Pae Ora \(Healthy Futures\) Act 2022](#) (the Pae Ora Act). In conducting its core functions, Pharmac is guided by the Pae Ora Act health sector principles and must give effect to health sector outcomes outlined in the Government Policy Statement and other key government health plans and strategies.

5. Exchange of Information

To give effect to this Memorandum, Te Aho o Te Kahu and Pharmac – Te Pātaka Whaioranga both commit to:

- exchange information about various matters where such information is relevant to the performance of each party’s statutory functions unless that information is subject to confidentiality or privacy considerations.
- ensure each party is kept informed of matters and developments that are relevant in a timely manner, to ensure that the parties can coordinate their responses in matters of mutual interest, including those outlined in Schedule One. Schedule One is a list including, but not limited to, examples of interactions between the two parties.
- meet as required, at least quarterly, to discuss operational matters of mutual interest.

There may be circumstances in which either party, under urgency, is unable to proactively coordinate and/or collaborate. In these instances, the parties will endeavour to share relevant information as soon as practicable.

6. Key relationship contacts

This section identifies key personnel at each party who are responsible for implementing this Memorandum and facilitating effective lines of communication between the parties.

Te Aho o Te Kahu	Pharmac – Te Pātaka Whaioranga
<ul style="list-style-type: none"> • Manager, Knowledge Translation and Implementation • Principal Advisor (Pharmacy) • Chief Advisor – Clinical • Chief Advisor - Māori • Deputy Chief Executive 	<ul style="list-style-type: none"> • Manager, Policy • Manager, Pharmaceutical Funding • Manager, Devices Funding • Director, Pharmaceuticals • Director, Advice and Assessment
<ul style="list-style-type: none"> • Chief Executive & National Director of Cancer Control 	<ul style="list-style-type: none"> • Chief Executive

It is expected that most communication arising from this Memorandum will be between the key personnel listed above and their teams. If necessary, any differences may be escalated to the Chief Executive & National Director of Cancer Control, Te Aho o Te Kahu and the Chief Executive, Pharmac – Te Pātaka Whaioranga for determination.

7. Confidentiality and Privacy Considerations

In carrying out the purpose of this Memorandum, the parties to this Memorandum will comply with the law, including provisions of the Privacy Act 2020 and the Official Information Act 1982 (OIA).

For the avoidance of doubt, this Memorandum does not require either party to disclose information where such disclosure may:

- be in breach of the relevant privacy legislation
- give rise to liability for defamation
- give rise to liability for breach of confidence
- give rise to public disclosure of commercially sensitive information or any other information that would otherwise be refused or withheld under the OIA
- give rise to civil liability for any other reason

- otherwise be unlawful.

8. Resolving issues

Te Tiriti Articles and principles can help Te Aho o Te Kahu and Pharmac – Te Pātaka Whaioranga to understand and fulfil their duties and responsibilities towards each other, while upholding the dignity and mana of each party.

Te Aho o Te Kahu and Pharmac – Te Pātaka Whaioranga agree that issues or disputes that arise between the parties or in connection with this Memorandum will be resolved in the first instance kanohi ki te kanohi (face to face) by personnel of each party directly involved with the issue.

If the issue is unable to be resolved in this manner, the matter can be referred for discussion at the next regular operational Te Aho o Te Kahu and Pharmac – Te Pātaka Whaioranga meeting. If the matter is urgent, either party may request an ad-hoc or urgent meeting to address the issue.

Issues can be escalated, as required, to the Chief Executive, Te Aho o Te Kahu and the Chief Executive, Pharmac– Te Pātaka Whaioranga.

9. Review and Renewal or Termination

The parties agree to review this Memorandum as required over the first three years. The parties further agree to commit to reviewing the substance of this Memorandum at the end of each three years' term to ensure that this Memorandum remains current and attuned to changing conditions.

The parties further agree that this Memorandum may be terminated at any time by either party giving a notice in writing to terminate this Memorandum to the other party.

10. No Legal Effect

This Memorandum is not intended to create legal relations between the parties and is of no binding legal effect. However, the parties agree to apply their best endeavours to implement this Memorandum in good faith. Where parties share information under this Memorandum they do so as representatives of their respective organisations.

Schedule One: Matters of Mutual interest

The following is a list of some of the actions or areas of collaboration in which Te Aho o Te Kahu and Pharmac – Te Pātaka Whaioranga commonly interact. The parties:

- collaborate on issues of mutual interest and share evidence and data relating to the treatment of cancer, specifically as it relates to:
 - equity for Māori and other populations experiencing health inequities (health outcomes and access)
 - the individual and population health need associated with specific cancers
 - service planning and implementation requirements affecting cancer care
 - health system costs and healthcare resource utilisation associated with specific cancers and/or interventions
 - improved access to, experience of and outcomes from medicines used in the prevention and treatment of cancer
- share connections and relationships with the sector and other stakeholders to support work programmes
- share information that we plan to make public, prior to publication, where it may directly affect or refer to the other party
- where possible, provide support or information in relation to relevant research projects
- provide information and advice about the requirements of relevant legislation, when requested
- where it is agreed a consistent approach is necessary, collaborate on joint public statements to ensure consistency and acceptable timing
- work together to provide effective response to government policy directives and requests for advice, as required and where appropriate
- collaborate to ensure public responses (whether that be individuals or media etc) are accurate, wherever required, appropriate and possible.

Execution

Te Aho o Te Kahu

Name: Rami Rahal

Title: Chief Executive & National Director of Cancer Control

Date:

Signature:

Pharmac – Te Pātaka Whaioranga

Name: Sarah Fitt

Title: Chief Executive

Date: 27 May 2024

Signature:

Sarah Fitt
