

Appendix One – Draft Terms of Reference for the Ministerial Advisory Committee to help develop the Government Response Strategy

(to be finalised by Ministers after consultation)

1 Background

The Hauraki Gulf / Tīkapa Moana is a taonga of environmental, cultural and economic significance. Utilisation and modification of the Hauraki Gulf has impacted the quality of the marine environment and associated marine life.

With funding and advice from councils and central agencies, a multi-sector Stakeholder Working Group was established. The group worked collaboratively over four years to develop proposals to reverse the decline in the mauri (life force), environmental quality and abundance of resources in the Hauraki Gulf. The result of this work was the release of the Sea Change Plan (the Plan) which was released at the end of 2016.

The Plan is aspirational, non-binding and non-statutory. It is designed to act as a guidance framework for agencies with statutory functions in the Gulf's environmental and economic management. Responsibility for progressing these proposals fall to a variety of organisations, primarily central government, Auckland Council and Waikato Regional Council.

Agencies support the overall aspirations of the Plan. However, they do not believe it can be fully implemented in its current form, because:

- The proposals have not been prioritised and there is a lack of detail about how they could be practically implemented.
- There has been insufficient stakeholder input and the level of wider support is unknown.
- There would be significant impacts on Iwi and stakeholders within and outside of the Hauraki Gulf.
- Some of the proposals could have significant impacts on Treaty Settlements.
- There are potentially high resource implications for central and local government.
- Some of the proposals are novel and have precedent implications.

The Ministerial Advisory Committee (the Committee) has been established by the Ministers of Conservation and Fisheries to help resolve any outstanding issues, progress the Plan, assist with buy-in from Iwi and a wide range of stakeholders, and help bring together disparate and often-conflicting groups.

The Committee will provide independent analysis, help shape the proposals and facilitate engagement with stakeholders and expert advice to the Ministers of Conservation, of Fisheries, and for the Environment (Ministers), and act as a sounding board for Crown agencies (agencies), as agencies develop a Government Response Strategy (the Strategy) on how to best deliver on the Plan's aspirations. Decisions on progressing proposals will remain at the discretion of the Minister responsible for the relevant portfolio.

2 Purpose and functions of the Committee

2.1 Purpose of the Committee

- a. To provide Ministers with assistance in facilitating the process, provide independent analysis and recommendations to progress the vision and aspirations developed in the Sea Change process thus far.

2.2 Function of the Committee

- a. Provide independent expert advice to agencies as agencies develop the Strategy for progressing Sea Change.
- b. Provide advice to Ministers in the form of interim reports as agencies develop the milestones of the Strategy over the span of 12 months (which may be extended if required).
- c. Regularly engage and provide input into the Senior Officials Group.
- d. Help engagement with key Iwi, industry, and other stakeholders, and help resolve any outstanding issues between groups and interests where required.
- e. Provide a final report to Ministers on how the final Strategy meets the aspirations of the Sea Change process, and advice to help the implementation of the Strategy.

2.3 Role of Agencies

- a. The agencies will develop the Strategy, by undertaking the following analysis on the issues and proposals that are within scope:
 - i. Existing Treaty obligations and interests.
 - ii. Economic and social analysis.
 - iii. The expected environmental, economic, social and cultural benefits versus the estimated costs.
 - iv. Targeted consultation where previous consultation has been lacking.
 - v. Align proposals with the government's wider legislative work programme and develop alternative options where appropriate to ensure operability of the changes.

- vi. Prioritisation of Plan proposals or alternatives where appropriate.
 - vii. Fiscal and resourcing implications.
- b. This will be delivered through a series of milestone reports and updates to Ministers, the final milestone being the final Strategy report.
 - c. The Committee will be involved in workshops, stakeholder engagement and consulted on the key milestone reports, so they can provide advice and recommendations to Ministers and agencies.

3 Subject Matter

3.1 The Sea Change plan

- a. The plan contains more than 180 interrelated recommended actions contained within five categories, including:
 - i. Mahinga Kai – Fish Stocks and Aquaculture.
 - ii. Biodiversity and Habitat Restoration (including Biosecurity).
 - iii. Water Quality.
 - iv. Ahu Moana (localised marine co-management).
 - v. Kaitiakitanga (Guardianship).

4 Scope

4.1 In Scope – [indicative, subject to consultation]

- a. Consider information and reports provided by agencies.
- b. Consider agencies' advice on relevant Legal and Policy frameworks.
- c. Provide support to agencies through the engagement process, help facilitate the resolution of outstanding issues and provide input into the development of options.
- d. Provide recommendations to agencies on agencies' work during the development of the Strategy.
- e. Communicate and meet with the Senior Officials Group, when required; and
- f. Provide advice to Ministers on the Strategy.

4.2 Out of Scope

- a. Independent consultation with stakeholders/Iwi on governance matters (i.e. governance in relation to harbour negotiations and the Hauraki Gulf Forum). The Committee shall not undermine the Crown's commitment to hold Treaty negotiations over harbours with Iwi.

5 Membership and participation

5.1 Composition of the Committee

- a. The Committee will be composed of [5-8] members.
- b. The Minister of Conservation and Fisheries will jointly appoint Committee members.
- c. Collectively, the Committee should have experience in providing Government with advice and expertise in key subject areas such as Tikanga Māori, negotiation, science, environmental issues, law, economics, and fisheries management.
- d. Committee members will also include mana whenua and Te Ohu Kaimoana, and where possible members representative of sectors with strong interests in the proposals (such as fisheries).

5.2 Expectations of members

- a. Committee members are expected to
 - i. Attend Committee meetings and stakeholder meetings (as appropriate), unless extenuating circumstances provide otherwise.
 - ii. Prepare adequately prior to each meeting by reading all papers provided to them.
 - iii. Provide detailed solutions-focused advice based on members' experiences and expertise on each topic.
 - iv. Declare any conflict of interest, or potential conflicts of interest, that may arise.
- b. Committee deliverables:
 - i. Provide regular reports to Ministers, alongside agencies' milestone reports and updates.

- ii. Provide updates to Ministers, when requested.

6 Chairperson, Senior Officials Group and Secretariat

6.1 Chairperson

- a. Will chair meetings and organise the agenda, with the assistance of the secretariat.
- b. Maintain an effective working relationship with agencies and Senior Officials Group.
- c. Meet with Ministers and the Senior Officials Group to report on the activities of the Committee as required.

6.2 Senior Officials Group

- a. Consist of Tier Two officials from the Department of Conservation, Fisheries New Zealand and the Office of Treaty Settlements (and others when necessary); and
- b. Be regularly updated by agencies and liaise with the Committee Chair to:
 - i. Ensure timeliness.
 - ii. Make strategic decisions (such as interagency resourcing).
 - iii. Resolve potential issues (such as disagreements concerning overlapping agency jurisdictions).

6.3 Secretariat

- a. The Secretariat will coordinate policy, science and technical support between agencies, to the Senior Officials Groups and the Committee.
- b. Provide organisational support to the Committee, including circulation of relevant information, the agenda and papers, preparation and circulation of meeting minutes and arrangements for travel.

7 How the Committee operates

- a. The Committee will meet regularly.
- b. Members are appointed for 1 year. This may be extended by Ministers if considered necessary.

8 Confidentiality

- a. Members must maintain the confidence of the Committee including maintaining confidentiality of matters discussed at meetings, and any information or documents (not otherwise publicly available) provided to the Committee. Ministers may decide whether to publicly release reports or other information.

9 Media

- a. Members must refrain from representing the group, or commenting on the business of the group, to the media.
 - b. The Chairperson may seek agreement from the Ministers for the Committee to release a media statement on any matter related to these terms of reference.
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