

Terms of Reference for the RM Reform Expert Advisory Group

Purpose and role of the RM Reform Expert Advisory Group (EAG)

1. The purpose of the EAG is to advise Ministers and officials on matters related to Resource Management Act 1991 (RMA) Reform.
2. The primary role of the EAG is to prepare a workable blueprint to replace the RMA, based on the objectives and legislative design principles agreed by Cabinet.
3. The EAG can consider matters beyond the legislative design principles to complete the blueprint if any such matters remain consistent with Cabinet's intended direction.
4. If the EAG considers an aspect of the direction set by the Phase 3 Cabinet paper is unworkable or cannot be implemented, it should recommend appropriate alternatives.
5. The EAG has no formal decision-making powers or accountabilities, and its advice is not binding.
6. The EAG will cease once the recommended blueprint for replacing the RMA has been submitted.

Form of advice

7. The EAG should work through the legislative design principles and related policy questions in a series of meetings.
8. The EAG should consider reform proposals developed by other groups over the last 10 years where relevant and aligned with the legislative design principles. Consideration of the principles should include an assessment of the extent to which the existing architecture of the RMA is adequate or can be improved.
9. The EAG should recommend how to structure resource management legislation in accordance with Cabinet's agreed approach to reform. This includes building on the RMA Phase 2 work programme, enabling a rapid transition, minimising uncertainty and disruption and retaining aspects of the RMA that are working well.
10. The secretariat will support the EAG to prepare a summary of its discussion for the Minister Responsible for RMA Reform as soon as possible after each meeting. As the EAG is not required to reach consensus, meetings summaries may identify areas where advice may differ.
11. The EAG's final deliverable is a recommended blueprint for replacing the RMA that is consistent with Cabinet's agreed objectives and legislative design principles. The blueprint should include advice on any relevant implementation considerations.
12. The secretariat can support the EAG to prepare its blueprint if required.
13. The EAG is not required to conduct its own consultation and engagement.

Ensuring alignment with the Going for Housing Growth work programme and the work of the Housing Expert Advisory Group

14. The following processes will be used to ensure alignment between the EAG, the Going for Housing Growth work programme and the Housing Expert Advisory Group:
 - a. The Housing Expert Advisory Group will be given the opportunity to comment on the Phase 3 Cabinet paper to inform the work of the EAG
 - b. The Housing Expert Advisory Group will be given the opportunity to comment on relevant policy papers prepared by the secretariat
 - c. The secretariat will help facilitate joint meetings with the Housing Expert Advisory Group on key system design issues, with the agreement of the EAG Chair.

Members of the Expert Advisory Group

15. All members and the Chair will be appointed in accordance with the terms and conditions of their appointment letter signed by the Secretary for Environment.
16. The EAG will have up to 6 members, plus the Chair. The Chair will have the responsibility of ensuring the delivery of advice, assisting in the co-ordination of meetings alongside Ministry officials, and chairing meetings.
17. Members will be selected based on their collective knowledge and expertise in the natural environment, urban and infrastructure, planning, law, economics, local government, and the Treaty of Waitangi.
18. EAG members will participate in their individual capacity as subject matter experts, not as representatives of any organisations.
19. The initial appointments are until the end of 2024, or upon the submission of their recommended blueprint for replacing the RMA. Decisions may be made to extend appointments or end them earlier.
20. Additional experts may be invited to participate in the Group as necessary.
21. The EAG may be disestablished by the secretariat at any time.

Time Commitment

22. EAG members are expected to attend as many meetings as possible.
23. The estimated time commitment for each member will be 1-2 days per week.
24. For practicality, members will generally be able to join meetings remotely. However, members may be asked to attend in-person from time to time.

Secretariat support

25. Ministry for the Environment officials will provide secretariat support to the group, supplemented with input from subject matter experts contributing from other agencies.
26. The secretariat will prepare short policy papers to identify key legislative design questions for the EAG to consider and resolve during a regular series of meetings. These papers will be framed by Cabinet's agreed reform objectives and principles.
27. The Chair may commission the secretariat to prepare additional material to supplement policy papers if needed to help them prepare their advice. The scope and timing for

preparing and delivering additional material will be agreed between the Chair and the secretariat manager.

28. The secretariat will be responsible for ensuring accountability, record-keeping, and official information requirements are met.
29. The secretariat will also support the EAG to engage directly with Ministers at any stage during the EAG process as required.

Confidentiality

30. The work of the Group is confidential. Members of the Group will:
 - a. be discreet in all matters relating to the work of the Group. This includes matters relating to the Ministry, the Minister, and the affairs of the New Zealand Government
 - b. keep confidential all information relating to the matters they obtain or become aware of through their work with the Group (the “information”)
 - c. not, other than as required by law, disclose, or discuss the information with any person:
 - i. who is not part of the Group or
 - ii. who is not employed by the Crown, or an officer or authorised agent of the Ministry or
 - iii. who has not signed an appropriate confidentiality undertaking.
31. All work and communications related to the work are potentially discoverable under the Official Information Act 1982.

Principles

32. The members of the Group will adhere to the following principles:
 - a. Members will contribute their experience as subject matter experts.
 - b. Members will seek to take a cross-sectoral and system view.
 - c. Members recognise that the Group is advisory in nature and there is no requirement for members to reach a consensus view on any topic.

Compensation

33. EAG members who are not public sector employees (as defined by Cabinet Office Circular CO (22) 2) are eligible for a daily rate of up to \$1600. The EAG Chair is eligible to receive a daily rate of up to \$1800.
34. The secretariat will cover the reasonable travel and accommodation costs (if any) for attending meetings. The secretariat will organise flights and accommodation.
35. The EAG will not have an independent budget.