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Kia ora

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We are writing in response to your 3 August 2018 request under the Official Information Act 1982 (the Act), for:

TAXING WATER FOR EXPORT - May 2016

Ref: Article in the Press July 19th 2018.

Under the Official Information Act could you please forward a copy of following:

- A copy of the terms of reference for this "group of experts."*
- The membership of this Committee.*
- The number of meetings this group met. Mr Cagill is reported as saying the committee met between 6 and 12 times.*
- The remuneration for each member attending meetings was \$500. Please advise me of the total remuneration for the Committee. In addition to this \$500 fee were committee members paid expenses (travel and accommodation) and if so what was the total amount.*
- After 8 months of deliberations and meetings the Committee did not furnish a report to your Government. Could you advise me the reason for the failure to report?"*

On 14 August 2018, your request was transferred to us from the office of Hon David Parker, Minister for the Environment.

The group mentioned in your request is the Water Allocation Technical Advisory Group (TAG). The TAG was appointed by the previous Government to provide expert advice to officials on a range of water issues. The TAG was established to assist officials developing options for allocation of water resources (a wide programme, not just taxing water for export).

The TAG was not initially asked to look specifically at taxing water for export. However, it was subsequently advised by the then Ministers for the Environment and Primary Industries that it would be useful for the public debate for exported water to be considered explicitly within the broader context of water allocation that the TAG was working on. When the TAG discussed the role of water bottling and water export in the wider work programme, it concluded that "price-based approaches to managing water (including water bottling) is already part of the work programme, and does not warrant a separate work stream."

Please find our response to each of the parts of your request for information below:

- *A copy of the terms of reference for this "group of experts."*

As noted below, the terms of reference for the Fresh Water Allocation work programme is published on the Ministry's website.

A copy of a separate terms of reference prepared by the TAG itself is attached.

- *The membership of this Committee.*

This information is publicly available. The names of the nine members of the TAG are:

David Caygill (Chair)
Suzie Greenhalgh
Catherine Harland
Chris Keenan
Craig MacKenzie
Jim Truesdale
Elizabeth Soal
Adele Whyte
Roger Young

The names of the TAG members are in the document *Fresh Water: Allocation work programme*, published on the Ministry for the Environment's website: <http://www.mfe.govt.nz/sites/default/files/media/Legislation/Cabinet%20paper/Freshwater%20Allocation%20Work%20Programme%20Terms%20of%20Reference%20and%20Appointment%20of%20Technical%20Advisory%20Group.pdf>

- *The number of meetings this group met. Mr Caygill is reported as saying the committee met between 6 and 12 times.*

The TAG met 10 times.

- *The remuneration for each member attending meetings was \$500. Please advise me of the total remuneration for the Committee. In addition to this \$500 fee were committee members paid expenses (travel and accommodation) and if so what was the total amount.*

Fees for the TAG members' time were set (by Cabinet) at \$500 per day (plus GST, if registered) for members and \$625 per day (plus GST) for the Chair - the Chair did not claim fees. Members could also charge for meeting preparation time, at the same daily rate. The total expenditure on TAG was: \$80,733.

The breakdown of expenditure is:

- Fees: \$48,988
 - Expenses: \$7,213
 - Flights: \$24,532
- *After 8 months of deliberations and meetings the Committee did not furnish a report to your Government. Could you advise me the reason for the failure to report?"*

The TAG met over a 14-month period, from 1 June 2016 to 1 August 2017. The main reason it did not provide a report is because this was not its role. As noted above, the reason that the TAG was established was to provide assistance to officials.

As set out in the terms of reference, the role of the TAG was to provide advice to officials in the allocation team, test the practicality of policy proposals, and ensure that all critical policy areas were addressed. The TAG's role was technical, to advise officials. Officials were expected to report to Ministers, and to take the TAG's advice into account when doing so.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602. If you wish to discuss this decision with us, please feel free to contact me.

Ngā mihi nui



Martin Workman
Director, Water

Freshwater Allocation Project – Technical Advisory Group

Terms of Reference

Context

1. Cabinet has commissioned a phased programme of work over the next three years to develop, test, consult on and implement proposals to reform freshwater allocation. Cabinet has decided that the work programme will be led by a team (the 'Allocation Team'). This team comprises officials from the Ministry for the Environment (MfE), the Ministry for Primary Industries and the Treasury, along with two experts nominated by the Freshwater Iwi Leaders Group.
2. Cabinet has decided that the Allocation Team will be supported by a Technical Advisory Group (TAG).

Role of the TAG

3. The purpose of the TAG is to provide expert advice to the Allocation Team. The TAG will be requested by the Allocation Team to test the practicality and the robustness of policy options developed by the Allocation Team. The TAG may make recommendations to the Allocation Team but does not have a decision-making function.

The Protocols for the TAG

4. The TAG will operate under a set of protocols. These follow. They set out agreed ways of working and the relationships of the TAG with other stakeholders.

Information provision

- a. All information provided by the Allocation Team to the TAG will be treated as confidential, and will be made available to all TAG members on a timely basis.
- b. Official information related to the TAG, such as papers developed by officials and the TAG's advice to the Allocation Team, is subject to the Official Information Act 1982.
- c. All information requests and questions by TAG members will be conveyed through the TAG Chair to the Manager of the Allocation Team. The Manager in consultation with the Chair will decide how to ensure the TAG receives the information it needs to carry out its role.

TAG deliberations and decision-making

- d. The TAG is an advisory body, so is not expected to reach consensus on all issues, and will not be required to deliver a formal report.
- e. The free and frank advice of the TAG will be carefully considered by the Allocation Team in its formulation of advice to Ministers.

- f. Where there are divergent views within the TAG, and where the issues are considered material by members of the TAG, these different views within the TAG will be conveyed to Ministers along with any advice on policy options.
- g. The TAG will be provided the opportunity to review summaries of the members' advice developed by the Allocation Team for including in advice to Ministers, to ensure that the summaries are accurate.
- h. TAG members attend meetings and participate as independent persons and not as representatives of particular organisations they may be associated with.
- i. TAG members shall actively participate and perform their role in good faith, honestly and impartially, avoiding situations that might compromise their integrity or otherwise lead to conflicts of interest.

TAG meetings

- j. TAG meeting dates/times will be agreed with one of the aims being to maximise attendance by members.
- k. If requested by the Chair, the TAG may meet on its own without officials present.
- l. The Allocation Team will summarise the TAG's discussions and specific advice provided at each meeting for the TAG to review and approve.

Communications within Government

- m. The TAG's primary relationship will be with the Allocation Team.
- n. It is not expected that the TAG will need to enter into discussions with Ministers regarding the Freshwater Allocation Work Programme, but if requested to do so, TAG members will make themselves available.

Communications outside Government

- o. If approached by the media for an interview or for comment on the Freshwater Allocation Work Programme, TAG members may use key messages provided for that purpose by the Allocation Team and refer to information in the public domain (such as that published on the MfE website). Any media inquiries should be referred through the TAG Chair to the Allocation Team.
- p. Should TAG members be approached for comment about their work by individuals or organisations outside the media, these enquiries should be referred through the TAG Chair to the Allocation Team. TAG members may be open about the nature of the work but should be guided by what is already in the public domain. However, TAG members may not disclose the details of any policy options that are under consideration.