

Ashleigh Watson

From: Rebecca Perrett <Rebecca.Perrett@mfe.govt.nz>
Sent: Wednesday, 14 August 2024 12:26 pm
To: Natalie Pike; Jane Tier; Kevin Guerin; Kate Mitchell; Oliver Sangster
Cc: Martyn Pinckard; Ilana Miller; Thomas O'Flaherty
Subject: RE: Panel remuneration RE: classification [redacted] Fwd: Gerard Willis independent adviser report

Kia ora, the Bill as introduced does include at sch 3 cl 15 Delegation of cost-recovery function by Minister. A like clause needs to be reinstated as subsequent decisions removed this clause .

Rebecca

From: Natalie Pike <Natalie.Pike@mfe.govt.nz>
Sent: Wednesday, August 14, 2024 12:18 PM
To: Jane Tier <Jane.Tier@mfe.govt.nz>; Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Kate Mitchell <Kate.Mitchell@mfe.govt.nz>; Oliver Sangster <Oliver.Sangster@mfe.govt.nz>
Cc: Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Ilana Miller <Ilana.Miller@mfe.govt.nz>; Rebecca Perrett <Rebecca.Perrett@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>
Subject: RE: Panel remuneration RE: classification [redacted] Fwd: Gerard Willis independent adviser report

Ok, so the normal way we cost recover for the panel is that the Minister pays based on a per diem as per the cab fees framework, and then there is a clause that states the Minister can recover the costs of the Panel (but ONLY) the costs the Minister paid. Then we have always provided in statute the ability for the Minister to delegate this cost recovery to the EPA.

We need a policy approval to enable the Minister to delegate his cost recovery function to the EPA in the cab paper too.

From: Jane Tier <Jane.Tier@mfe.govt.nz>
Sent: [Wednesday, August 14, 2024 11:33 AM](#)
To: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Natalie Pike <Natalie.Pike@mfe.govt.nz>; Kate Mitchell <Kate.Mitchell@mfe.govt.nz>; Oliver Sangster <Oliver.Sangster@mfe.govt.nz>
Cc: Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Ilana Miller <Ilana.Miller@mfe.govt.nz>; Rebecca Perrett <Rebecca.Perrett@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>
Subject: RE: Panel remuneration RE: classification [redacted] Fwd: Gerard Willis independent adviser report

No, it will be covered in the Cabinet paper. The focus of the 'briefing' is the key issues we need Ministers to direct us on via the meeting

From: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>
Sent: Wednesday, August 14, 2024 11:32 AM
To: Natalie Pike <Natalie.Pike@mfe.govt.nz>; Kate Mitchell <Kate.Mitchell@mfe.govt.nz>; Jane Tier <Jane.Tier@mfe.govt.nz>; Oliver Sangster <Oliver.Sangster@mfe.govt.nz>
Cc: Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Ilana Miller <Ilana.Miller@mfe.govt.nz>; Rebecca Perrett <Rebecca.Perrett@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>
Subject: RE: Panel remuneration RE: classification [redacted] Fwd: Gerard Willis independent adviser report

Is that in the cost recovery briefing to be signed out tonight?

From: Natalie Pike <Natalie.Pike@mfe.govt.nz>
Sent: Wednesday, August 14, 2024 11:30 AM
To: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Kate Mitchell <Kate.Mitchell@mfe.govt.nz>; Jane Tier <Jane.Tier@mfe.govt.nz>; Oliver Sangster <Oliver.Sangster@mfe.govt.nz>
Cc: Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Ilana Miller <Ilana.Miller@mfe.govt.nz>; Rebecca Perrett <Rebecca.Perrett@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>
Subject: RE: Panel remuneration RE: classification [redacted] Fwd: Gerard Willis independent adviser report

What I have not seen is an ability for the Minister (who will presumably be paying the panel members) to explicitly recover the costs of the panel from the applicant. If such a policy decision is not sought the panel members will be paid, but their costs will not be able to be recouped.

From: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>
Sent: Wednesday, August 14, 2024 8:00 AM
To: Kate Mitchell <Kate.Mitchell@mfe.govt.nz>; Jane Tier <Jane.Tier@mfe.govt.nz>; Oliver Sangster <Oliver.Sangster@mfe.govt.nz>
Cc: Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Ilana Miller <Ilana.Miller@mfe.govt.nz>; Rebecca Perrett <Rebecca.Perrett@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>; Natalie Pike <Natalie.Pike@mfe.govt.nz>
Subject: Panel remuneration RE: classification [redacted] Fwd: Gerard Willis independent adviser report

I thought this was covered by the drafting and decisions below – panel can be given **remuneration not within paragraph (b)** in a way **determined by the Minister in accordance with the fees framework?**

8 Remuneration of panel convener and panel members

- (1) The panel convener and members of the panel are entitled—
- (a) to receive remuneration not within paragraph (b) for services as the panel convener or a member at a rate and of a kind determined by the Minister in accordance with the fees framework; and
 - (b) in accordance with the fees framework, to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out their office as the panel convener or as a panel member as if the convener and members were members of a statutory board for the purposes of the Fees and Travelling Allowances Act 1951.

This was covered in delegated briefing #1:

Remuneration of panel convener and panel members	It is important that the calibre of persons sitting on expert panels is high. Accordingly, officials recommend that the panel convener, panel chairs and members should be entitled to receive	1. agree that the panel convener and members of the panel are entitled to: <ul style="list-style-type: none">(i) receive remuneration for their services at an appropriate rate; and	Yes No
---	--	--	-----------------

	<p>remuneration for their services at an appropriate rate.</p> <p>Officials also recommend that the panel convenor, the panel chair and panel members are reimbursed for actual and reasonable travelling and other expenses incurred in carrying out their duties in accordance with the fees framework, as if they were members of a statutory board for the purposes of the Fees and Travelling Allowances Act 1951.</p>	<p>(ii) in accordance with the fees framework, be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out their duties as a panel convenor or member, as if they were members of a statutory board for the purposes of the Fees and Travelling Allowances Act 1951.</p> <p>2. agree that ‘fees framework’ means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest</p> <p>3. note that officials will provide further recommendations on remuneration for the panel convenor and panel members in delegated briefing #2</p>	<p>Yes No Yes No</p>
--	---	--	--------------------------------------

From: Kate Mitchell <Kate.Mitchell@mfe.govt.nz>

Sent: Wednesday, August 14, 2024 6:28 AM

To: Jane Tier <Jane.Tier@mfe.govt.nz>; Oliver Sangster <Oliver.Sangster@mfe.govt.nz>; Kevin Guerin <Kevin.Guerin@mfe.govt.nz>

Cc: Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Ilana Miller <Ilana.Miller@mfe.govt.nz>; Rebecca Perrett <Rebecca.Perrett@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>; Natalie Pike <Natalie.Pike@mfe.govt.nz>

Subject: RE: classification Fwd: Gerard Willis independent adviser report

Full commentary on this is at page 13, recommendation 9. Note that although this advice is provided to the SC, my understanding is that it **will not** be addressed through the DR because we don't have Ministers decisions on costs - [@Kevin Guerin](#) can you please confirm?

Ngā mihi

Katarina Mitchell

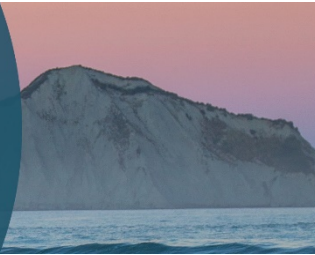
*Kaitohutohu Ture Mātāmua | Principal Legal Advisor
Legal (Ōtautahi)*

Ministry for the Environment | Manatū Mō Te Taiao
9(2)(a) [redacted] | kate.mitchell@mfe.govt.nz | mfe.govt.nz

Ministry staff work flexibly by default. For me, this means I work remotely from Ōtautahi.



**A flourishing environment
for every generation.**
He taiao tōnui mō ngā
reanga katoa.



From: Kate Mitchell

Sent: Wednesday, August 14, 2024 6:13 AM

To: Jane Tier <Jane.Tier@mfe.govt.nz>; Oliver Sangster <Oliver.Sangster@mfe.govt.nz>

Cc: Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Ilana Miller <Ilana.Miller@mfe.govt.nz>

Subject: FW: [IN-CONFIDENCE]Fwd: Gerard Willis independent adviser report

Please note the recommendation re the expert panel being paid commercial rates – suggest this needs to be considered as part of briefing to Ministers. Either way we need to clarify in the briefing how the Panel members and Panel convenor is intended to be paid.

Ngā mihi

Katarina Mitchell

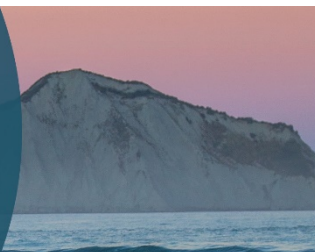
*Kaitohutohu Ture Mātāmua | Principal Legal Advisor
Legal (Ōtautahi)*

Ministry for the Environment | Manatū Mō Te Taiao
9(2)(a) | kate.mitchell@mfe.govt.nz | mfe.govt.nz

Ministry staff work flexibly by default. For me, this means I work remotely from Ōtautahi.



**A flourishing environment
for every generation.**
He taiao tōnui mō ngā
reanga katoa.



From: Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>

Sent: Tuesday, August 13, 2024 10:02 AM

To: Kate Mitchell <Kate.Mitchell@mfe.govt.nz>

Cc: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Veronika Munro <Veronika.Munro@mfe.govt.nz>; Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>

Subject: Re: classification Fwd: Gerard Willis independent adviser report

Hi Kate,

We have received Gerard Willis' independent adviser report to Select Committee.

We had a couple of questions for legal that we it would be great if you would be able to consider before Thursday in case we are asked to comment on them.

Kevin has summarised the report (which has a one page executive summary) as below and has asked for advice on points 3), 4), and 6).

Cheers,
Tom

From: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>

Sent: Tuesday, 13 August 2024 9:55 am

To: Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>; Veronika Munro <Veronika.Munro@mfe.govt.nz>;

Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>

Subject: RE: classification Fwd: Gerard Willis independent adviser report

Critical things are:

1. He wants to add assessing environmental effects to the purpose or make conditions only on the basis of underlying legislation rather than FTAB purpose. This is a no based on policy intent.
2. Add an ineligibility criteria based on significant adverse effects on the environment – again a no based on policy intent.
3. Clarify re scope of the record of consultation – maybe?
4. Clarify re fees – is this needed?
5. Not give the purpose greater weight in 32(4) - again a no based on policy intent.
6. Amend 35(1 and 5) of schedule 4 re listed projects and not automatically declining under 104D and 107 of RMA – maybe?

Could we ask legal about c, d and f?

Kevin

From: Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>

Sent: Tuesday, August 13, 2024 9:49 AM

To: Veronika Munro <Veronika.Munro@mfe.govt.nz>; Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>

Subject: Re: classification Fwd: Gerard Willis independent adviser report

It has a one page executive summary. I think most attendees could probably make time for that.

But I agree, there is an unfortunate confluence of two deliverables before Select Committee.

From: Veronika Munro <Veronika.Munro@mfe.govt.nz>
Sent: Tuesday, 13 August 2024 9:46 am
To: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>
Subject: RE: classification Fwd: Gerard Willis independent adviser report

Not really – maybe you three have a quick read through and see if there is anything critical the rest of the team need to know about before Thursday so we are not blind-sided.

V

Veronika Munro

*NPF Programme Manager | Kaiwhakahaere Kaupapa Matua
Resource Management Reform/ Programme Management Office*

Ministry for the Environment | Manatū Mō Te Taiao

9(2)(a) | veronika.munro@mfe.govt.nz | mfe.govt.nz

Ministry staff work flexibly by default. For me this means you may receive emails from me outside normal working hours – and I may be away from my desk at times during the day. This works for me. Please respond at a time that is convenient to you.



Ministry for the
Environment
Manatū Mō Te Taiao



From: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>

Sent: Tuesday, August 13, 2024 8:57 AM

To: Veronika Munro <Veronika.Munro@mfe.govt.nz>; Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>

Subject: RE: classification [REDACTED]wd: Gerard Willis independent adviser report

Do we have any resourcing to actually review these recs?

From: Kevin Guerin

Sent: Tuesday, August 13, 2024 8:37 AM

To: Veronika Munro <Veronika.Munro@mfe.govt.nz>; Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>

Subject: RE: classification [REDACTED] Fwd: Gerard Willis independent adviser report

Yes that can be circulated. Hopefully we get the PCE advice too.

A short meeting to hopefully cover both sounds sensible.

Kevin

From: Veronika Munro <Veronika.Munro@mfe.govt.nz>

Sent: Monday, August 12, 2024 5:43 PM

To: Martyn Pinckard <Martyn.Pinckard1@mfe.govt.nz>; Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>

Subject: classification [REDACTED] Fwd: Gerard Willis independent adviser report

Evening

The Independent Advisors report has arrived. Martyn, Please confirm that I can circulate it to everyone attending SC. May be useful to have a quick meeting on Wed to discuss anything arising from the report that may come up at SC.

V

Get [Outlook for Android](#)

From: Isobel Tannock <Isobel.Tannock@parliament.govt.nz>

Sent: Monday, August 12, 2024 4:00:05 PM

To: Jo Gascoigne <Jo.Gascoigne@mfe.govt.nz>; RMReform <RM.Reform@mfe.govt.nz>; Veronika Munro <Veronika.Munro@mfe.govt.nz>; Matt Paterson <matthew.paterson@pce.parliament.nz>; Rebecca Thornley <Rebecca.Thornley@pce.parliament.nz>

Cc: Stephen Rivers-McCombs [EXTERNAL] (PCO) <Stephen.Rivers-McCombs@pco.govt.nz>

Subject: Gerard Willis independent adviser report

Kia ora all

See attached Gerard's independent report for your consideration.

Thanks

Izzy

Isobel Tannock

Clerk of Committee

Environment Committee

Office of the Clerk of the House of Representatives
Te Tari o Te Manahautū o Te Whare Māngai

Parliament Buildings | Private Bag 18041 | Wellington 6160

T: 9(2)(a) W: www.parliament.nz

Please consider the environment before printing this email.

The content of this email, including any attachment, is intended for the named recipient only and is not necessarily the official view or communication of the Office of the Clerk. It may contain privileged material and/or confidential information.

If you are not the intended recipient of this email, you must not copy it, distribute it or take any action in reliance on it. If you have received this email in error, please notify the sender immediately and delete this email. Although this email has been scanned for viruses, this email is not guaranteed to be free of viruses and should be checked by your own security mechanisms. No liability is accepted for any loss or damage arising from the use of this email or its attachments.