



s 9(2)(a)

Thank you for your email of 5 September 2022 requesting the following under the Official Information Act 1982 (the Act):

*Request 1 - Waste Strategy ropu review In answer to PWQ 20302(20222), Hon David Parker stated that MfE's Chief Executive has asked MfE's 'Principal Risk and Assurance Advisor to review the internal process of appointing the Waste Strategy ropu, with the purpose of exploring whether the process of appointing advisory groups can be improved'. I understand this review has now been completed. Please may I request the review's output/outcome? For clarity and specificity this includes:*

- 1. the document setting out the review's Terms of Reference, its analysis, findings and recommendations.*
- 2. MfE leadership's response to the review. E.g. its response to any recommendations/findings and any action it intends to take in response to it.*

*Request 2 - engagement with Puna Consultants Ltd / Thomas (Tame) Malcolm Please may I confirm if MfE has utilised the services of Mr Thomas (Tame) Malcolm and/or his Puna Consultants Ltd company in any matters since 23 September 2017? If the answer is 'yes', please confirm:*

- 1. the financial value of the contract(s) (if a contract was awarded).*
- 2. a summary of the overall nature/scope of the work or project.*
- 3. Mr Malcolm and/or Puna Consultant Ltd's involvement or role in the work.*

In response to part one your first request, on 16 September 2022 the Ministry for the Environment (the Ministry) provided you with the following link to the internal review, as this was proactively released on the Ministry's website at:

[environment.govt.nz/publications/waste-strategy-ropu-review-of-appointment-process](https://environment.govt.nz/publications/waste-strategy-ropu-review-of-appointment-process).

Regarding your request for the internal review's terms of reference, the review was commissioned by the Chief Executive of the Ministry via email. After initial work on the review had been conducted, further work was requested to ensure that information which had subsequently been collated was incorporated. No formal terms of reference for the review have been developed. Accordingly, this part of your request is refused under 18(e) of the Act, as the information requested does not exist. The Ministry is releasing to you the emails that commissioned the internal review, and these are referenced in the document schedule below.

In response to part two of your first request, the Ministry's leadership's response to the internal Waste Rōpū review is that the Ministry has made a number of improvements since the Waste Rōpū procurement, and these are set out in the aforementioned internal review. The Ministry's leadership also intends to adopt the other initiatives that are identified in that report and work is already underway on these. As the review notes, once these initiatives

and improvements are fully implemented, it is considered that the likelihood of similar issues identified in that report arising again will be reduced.

In response to your second request, the Ministry has provided the requested information in the attached table.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Yours sincerely



Pepi Batsos  
**Director – Organisational Strategy and Performance**

### Document schedule

Document no.	Document date	Content	Decisions
1	17 May 2022	Email Re: appointment timeline	Released in full
1.1	17 May 2022	Email attachment waste ropu establishment summary	Released in full
2	27 June 2022	Email Fwd: Conflict of interest processes	Released in full

Released under the provision of the Official Information Act 1982

Summary of the overall nature/scope of the work or project	Total value of contract (excluding GST)	Mr Malcolm's and/ or Puna Consultant Limited's involvement or role in the work
<p>(Contract #24818)</p> <p>Interim Mātauranga Science and Insights Panel (IMSIP)</p> <p>Contract with Tame Malcolm 25 November 2021</p>	<p>\$5,230</p>	<p>Mr Malcolm is a member of the Interim Mātauranga Science &amp; Insights Panel (IMSIP). IMSIP furthers the Ministry's vision of bringing Te Ao Māori into our work every day by raising any trends, strategic risks and opportunities that the Ministry should be cognisant of in support of the functions of, and at the request of, the Secretary for the Environment.</p> <p>This is a current contract.</p>
<p>Contract (#25088)</p> <p>Workforce support for the Ministry for the Environment</p> <p>Contract with Te Tira Whakamātaki Ltd</p>	<p>Up to \$154,320</p>	<p>Mr Malcolm was part of a wider team contracted to supply te ao Māori and engagement content, Māori rights, interests and policy advice and framework development, Māori research and science policy and protocols design. The contract deliverables were split across five areas:</p> <ul style="list-style-type: none"> <li>▪ Science</li> <li>▪ Māori engagement</li> <li>▪ Māori performance and delivery</li> <li>▪ Māori rights and interests, and</li> <li>▪ Treaty partnerships.</li> </ul> <p>Mr Malcolm's work was focused on science and engagement.</p>

Summary of the overall nature/scope of the work or project	Total value of contract (excluding GST)	Mr Malcolm's and/ or Puna Consultant Limited's involvement or role in the work
<p>(Contract #22519)</p> <p>Interim Climate Change Commission – Māori engagement</p> <p>Contract with Te Tira Whakamātaki Ltd</p>	<p>Up to \$57,000</p>	<p>In 2018, Te Tira Whakamātaki was contracted to deliver Services in two phases. Mr Malcolm was part of the team delivering the second phase from August 2019 which covered developing the high-level Māori Engagement Plan into a detailed Māori Engagement Plan for the Interim Climate Change Commission's (ICCC) use:</p> <ul style="list-style-type: none"> <li>▪ delivering the detailed Māori Engagement Plan at various locations around the country, in accordance with that Plan</li> <li>▪ coaching ICCC members on Māori cultural protocol</li> <li>▪ developing culturally appropriate collateral for ICCC member use, as required</li> <li>▪ advising on, and supporting, the Māori media component of the ICCC's media strategy, as required, and</li> <li>▪ evaluating the success of the ICCC's implementation of the new detailed Māori Engagement Plan.</li> </ul>

**From:** [Amanda Moran](#)  
**To:** [Vicky Robertson](#)  
**Cc:** [John O'Connell](#)  
**Subject:** Re: appointment timeline  
**Date:** Tuesday, 17 May 2022 5:25:54 pm  
**Attachments:** [image001.png](#)

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Discussed with John and think we can have the report with you on Monday. John had a quick first convo with Sam today and has the material.

I understand WPQ are going to MO tomorrow but review not needed for these to go.

Amanda

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**From:** Vicky Robertson <Vicky.Robertson@mfe.govt.nz>  
**Sent:** Tuesday, May 17, 2022 3:35 PM  
**To:** Sam Buckle  
**Cc:** Amanda Moran  
**Subject:** Re: appointment timeline

Thank you Sam, appreciate you looking into this. Amanda, as discussed could you please ask John O'Connell to do a review of processes and provide any recommendations to me. Ideally this review would not take too long, however could you provide me with a date when it is possible for this to be completed please.

Thanks  
Vicky

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**From:** Sam Buckle <Sam.Buckle@mfe.govt.nz>  
**Sent:** Tuesday, May 17, 2022 3:27:16 PM  
**To:** Vicky Robertson <Vicky.Robertson@mfe.govt.nz>  
**Cc:** Amanda Moran <amanda.moran@mfe.govt.nz>  
**Subject:** appointment timeline

**LINKED DOC ATTACHED - KIM**

Vicky, as you had requested, below is a timeline relating to the establishment and appointment of the ropu that was involved in development of the draft waste strategy. As you will see, the first internal discussions around the ropu were roughly two years back and they finished up their role in August last year. As you know, there has been some social media discussion around the ropu's appointment, along with an OIA and just yesterday some WPQs. In that context, and now looking back over the timeline and refreshing the memory, I have a couple of reflections / observations as the responsible Dep Secretary.

First, and importantly, there was no Ministerial or political involvement in appointment of the ropu. It was an MfE idea, the names of potential ropu members were generated internally and the appointments were made by MfE. At most, Ministers may have been informed of the names of the members. Second, looking back over it now, I remain very comfortable with Gannin

Ormsby's appointment to the ropu. He was appropriately qualified, bringing both waste sector experience and expertise in Te Ao Maori. Further, the conflict was disclosed and tested with PSC.

But given the additional involvement of Tamoko and Waimirangi (under a separate contract), the level of interest, and need to make sure we identify any learnings from how we managed the appointment process, I'd support having somebody undertake a review. The timeline the team prepared I've attached would be a useful starting point for that.

[waste ropu establishment summary.docx](#)

Sam

**Sam Buckle (he/him)**

*Deputy Secretary | Tumuaki Tuarua  
Waste and Resource Efficiency, Water and Land Use Policy*

EA: Davinia Gazzard-Steele – [davinia.gazzard-steele@mfe.govt.nz](mailto:davinia.gazzard-steele@mfe.govt.nz)

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## Summary timeline of how the waste strategy advisory rōpū was established and contracts signed

Date (2020)	Step
<b><i>Early project planning for a new waste strategy</i></b>	
16 June	Notes from early project planning discussions include the idea of an advisory group to help with Māori-led framing, bringing together Māori values, circular economy, and waste hierarchy concepts as the underpinning conceptual framework for the new strategy.
25 June	Update email from Denise Lievore (contracted senior advisor leading the project establishment) setting out notes from a meeting on a draft Project Initiation Document. It includes the comment “Propose to partner with Māori to develop strategy... - Marianna and Ben leading this conversation to determine interest and possible way forward”.
26 June	Kylie Brown, Ben Wynyard-Terry and Marianna Tyler meet with Teina Boasa-Dean and Gannin Ormsby to discuss possibilities.
29 June	Email from Marianna to Sam Buckle (cc Melanie Mark-Shadbolt, Shaun Lewis) setting out the results of that meeting: both Teina and Gannin are interested, discussed the opportunity to demonstrate partnership in the strategy development process, suggested shared decision-making throughout the process, noted the importance of regional and local engagement. Email also set out Teina and Gannin’s background and relevant experience, and proposed that they work with MfE at a governance level to help set up a partnership approach, lead the discussion, and co-design the vision.
30 June	Email from Sam to Marianna, suggesting she connect with Denise and the strategy team planning on engagement.
Early July	Across the following weeks, a lot of work across the waste division to discuss and map stakeholders to assess who to propose for the overall advisory group. Para Kore and Jacqui feature highly in the discussions. Also ongoing discussions and refinement of overall project process, approach, and timing.
22 July	Email from Marianna to Denise on the separate Māori rōpū discussions – by this stage the people proposed for it are Gannin, Teina, and Jacqui.

14 August	Nicola White (team manager) learns that Gannin is married to Minister Mahuta in conversation with Marianna and Ben, and flags the need to consider carefully how that is managed in an email to Marianna.
21 August	Nicola emails team administrator asking her to start to prepare procurement and contract documents for Gannin, Teina and Jacqui as expert consultants, directly chosen for their expertise and availability. Competing priorities on all sides, and the rapidly evolving discussions on the approach, meant that engagement with the formal procurement process did not begin.
22-24 August	Ben circulates a draft agenda for the initial hui being proposed with the potential rōpū to relevant senior people across the waste division. Nicola replies all, asking why it includes two extra people (Waimirirangi and Tāmoko Ormsby), noting that if they are also related to Minister Mahuta then that increases the risk. Ben responds explaining they work closely with Gannin in a family consultancy business, rangatahi presence is very important to the rōpū, and this is how rōpū wants to operate.
25 August	Ben emails to advise that proposed rōpū members have agreed to hold the initial hui without payment for their time – as part of the exploration and planning phase as all parties assess whether to work together. MfE will pay expenses.
3-4 September	Two day hui at Taupiri (Waikato-Tainui Endowment College), with all proposed rōpū members and many MfE staff attending by video for particular sessions. Extremely fruitful discussion, resulting in significant enthusiasm to proceed on all sides. Agreement to progress finding an appropriate formal basis for the relationships and contracts that would allow payment for the time and expertise that the rōpū members would be contributing to the project. NB: For the sake of completeness, the College was established by Minister Mahuta's father, Sir Robert Mahuta, and is close to her home. She joined us for breakfast one day, showed us around and explained some of the history of the Tainui settlement and the establishment of the college. She was explicit that she was there in her personal and family capacity, as host/manā whenua, and that this had nothing to do with her ministerial responsibilities.
20 September	After a process of internal discussion and development, Nicola emails an outline of suggested contract elements to the proposed rōpū members for discussion.
Sept-October	A period of extensive discussion, drafting suggestions, and exchanges of views internally and with the proposed rōpū, to develop draft contracts to capture the proposed relationship, likely process and nature of the work. This was taking place alongside ongoing development of the overall project approach.

<b>Finalisation of project approach, rōpū involvement, underlying contracts</b>	
1 October	Nicola emails the proposed rōpū members with a draft of the proposed core contract terms. The email outlines a larger contract for Ka Awatea covering Gannin, Wai and Tā, and smaller contracts for each of Teina and Jacqui.
5-7 October	Email response from Gannin provides an initial response and alternative proposed approach, then a response from Nicola, and a discussion. As a result, a revised approach is agreed, to be captured in draft contracts.
12-13 October	Glenn Wigley (director) approves a first draft contract for Ka Awatea. The other contracts are to be the same but with smaller amounts. Nicola sends the draft to Gannin for reaction. Rōpū members indicate they are happy to proceed on this basis.
13 October and following days	Nicola emails the procurement team, giving a quick explanation of how we have got to this point and attaching the draft procurement plan for the three contracts and the draft Ka Awatea contract. Alice King responds on behalf of procurement and legal, copying in Sam and Kirsty Millard, advising that the contract cannot go ahead without procurement and legal involvement. The next few days are occupied by some intense work to rework the procurement plan and draft contracts, to take account of the various points raised by the procurement and legal review. Procurement and legal eventually sign off the procurement plan and proposed contracts, so long as they go to Vicky Robertson for approval. The main contract with Ka Awatea is for over \$100K, given that it covers Gannin, Tāmoko and Waimirangi, who will do the bulk of the work. The contracts for the other two members are much smaller.
19 October	Nicola emails revised procurement plan and contracts to Glenn, for passing on to Sam and Vicky. The covering message records Gannin's offer to withdraw if his presence is too big a problem. Sam responds by email advising that he cannot sign yet, as it contains information that is new to him (ie, the personal relationship with Minister Mahuta).
20 October	Discussions with Sam, Glenn, Marianna, Nicola. Glenn talks to Public Service Commission and summarises their advice in an email (relationship not a reason not to proceed, if appropriately managed).

21 October	Sam asks for the contracts to be re-organised to separate the “kaumatua” role from the supporting work to be done by Wai and Tā. Nicola talks this through with Gannin and he agrees to it.
22 October	Sam advises by email that we can proceed with the three kaumatua contracts, so long as the appropriate contract management systems are in place. The other contract is to be separately scoped and addressed.
23 October	<p>Nicola rewrites all documents, works the new versions through with procurement and legal, and sends the revised plans through for approval by Vicky, Sam, Glenn as appropriate. Further discussion at SLT level on who from Te Purengi should sign the procurement plans, given relevant responsibilities, availability etc.</p> <p>There are various further minor refinements to the documents over the next few days. Time is now very pressured, because of the desire to have contracts in place so that the rōpū members can attend a major workshop with the general advisory group in Wellington, scheduled for 29-30 October. Gannin/rōpū make clear they are very reluctant to not have Wai and Tā’s role signed off in time so they can attend as well, as an integral part of the team.</p>
28 October	<p>Sam approves the procurement plans for both the rōpū “kaumatua” members and the support work.</p> <p>Contracts are also approved by all parties. Logistical challenges mean it takes some time to get the hard copies themselves countersigned and filed into the contract system.</p>
29-30 October	Most rōpū members (not Teina) come to Wellington and participate in 2 day workshop with the full advisory group, where they play a major role in the discussions and early thinking.

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**From:** [Amanda Moran](#)  
**To:** [John O'Connell](#)  
**Subject:** Fwd: Conflict of Interest processes  
**Date:** Monday, 27 June 2022 8:29:25 am

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Morning John

As briefly discussed on Thursday.

Amanda

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**From:** Vicky Robertson <Vicky.Robertson@mfe.govt.nz>  
**Sent:** Wednesday, June 22, 2022 8:58:52 PM  
**To:** Amanda Moran <amanda.moran@mfe.govt.nz>  
**Subject:** Conflict of Interest processes

Kia ora Amanda

Thank you for the work that has been done on the initial review into the waste ropu appointment process and the follow up work on conflict of interest processes.

I'd like to ask John if anything needs to be updated in his initial review now that some time has passed and further work has been done by Ministerials and the Waste team on analysing the emails and other documentation from the time period. Can he please consolidate his work into one report (updated where necessary) which notes the next steps to be followed on the recommendations, including the establishment of central oversight of advisory groups. Please work with my office on finalising. I will then provide an update to the Minister, as we have committed to do.

Thanks again for the work on this

Vicky

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