

Freshwater Leaders Group

Terms of Reference

7 March 2019

Background

1. The Freshwater Leaders Group (the Group) has been established to provide independent advice to the government on freshwater management policy development.
2. The Group is a Ministerial advisory group for the purposes of the Cabinet guidelines on committees and appointments. It will be comprised of up to 16 members, led by a Chair. The Group will be supported by a secretariat based at the Ministry for the Environment (the Ministry).
3. Freshwater is a precious and limited resource, as well as a taonga of huge significance to all New Zealanders. Many of the issues that need to be addressed to improve water quality are challenging – technically, legally, economically, socially and culturally. The Group will help the Government navigate these challenges and find enduring solutions.

Functions of the Group

4. The Group has the following functions:
 - a) Provide an independent sounding board on policy; that is, test and provide feedback on proposals and options;
 - b) Identify emerging and future freshwater management issues, opportunities and challenges for the Minister for the Environment and the Ministry of the Environment to consider;
 - c) Undertake any other advisory function on the water programme agreed between the Minister for the Environment and the Group.
5. The Group does not hold decision-making powers on government policy and decisions will remain with Ministers or Chief Executive as appropriate.
6. The Group will be established for an initial period of one year from 1 October 2018 to 30 September 2019, with a review of progress to determine whether to extend its term.

Membership

Chair

7. The Minister for the Environment will appoint a Chair of the Group.
8. The Chair is appointed on the terms and conditions specified in their letter of appointment and this Terms of Reference.

9. The Chair may resign at any time by notifying the Minister for the Environment in writing.

Members

1. Members' appointments are on the terms and conditions specified in the letter of appointment and this Terms of Reference.
2. Members' may be reappointed or have their terms extended.
3. A Member's appointment may be terminated at any time for good reason by the Minister for the Environment. Good reason includes, but is not limited to, failure to attend more than two consecutive Group meetings, and failure to act in accordance with the standards of conduct in Appendix 2;
4. A Member may resign from the Group at any time by notifying the Chair and the Minister for the Environment in writing.

Meetings of the Group and subgroups

Meetings

5. Meetings will be held in Wellington, usually for full days unless the Chair has received prior approval from the Ministry for the Environment (the Ministry) to hold a meeting in another location.
6. The Group must meet a minimum of monthly, with more regular meetings to be set up by the Chair and the Ministry if needed throughout the Term.
7. The Chair and the Ministry may agree to amend the frequency of meetings for a reasonable period.
8. The Chair will determine the meeting procedures and meeting frequency for subgroups on a case-by-case basis.
9. Members may not send proxies to attend Group meetings in their place unless prior approval has been obtained from the Chair and the Minister for the Environment.
10. The Chair or Acting Chair and the Ministry, may cancel or defer a meeting if insufficient members are able to attend.
11. The Chair or Acting Chair and the Ministry, may invite any non-member individuals or groups to attend Group meetings.

Use of subgroups to progress work

12. The Chair and the Ministry may establish, for a term they consider appropriate, subgroups of Group members to progress specific deliverables or consider specific topics.

13. The Chair and the Ministry will appoint a lead Group member to run the subgroup.

Roles and Responsibilities

The Chair

14. The Chair will:

- a) Agree a forward work programme with the Ministry and oversee the progression of the work in conjunction with the Ministry secretariat;
- b) Set meeting agendas, with the assistance of the Ministry secretariat, and approve meeting minutes;
- c) Co-Chair and facilitate meetings with the Ministry, encouraging and modelling open communication where all members contribute effectively;
- d) Determine, with assistance from the Ministry secretariat, what action is appropriate if a member has a potential conflict of interest; Represent the Group in any meetings with the Minister for the Environment, the Ministry or other stakeholders, as required; and
- e) Seek written approval from the Secretariat before incurring any expenditure or financial commitment on behalf of the Group.

15. If the Chair is absent from a meeting, the Chair may designate an Acting Chair for that meeting. If the Chair does not designate an Acting Chair, then the Acting Chair shall be elected by simple majority of those members present at the next meeting when an election is required.

Members

16. All Group members have the following roles and responsibilities:

- a) Make every effort to attend each meeting and report anticipated absences to the Ministry secretariat;
- b) Prepare adequately prior to each meeting and participate actively in meetings, contributing to actions when agreed;
- c) Bring matters of significance to the attention of the Group and use professional perspectives to undertake analysis or prepare advice as required;

- d) Maintain a broad knowledge of the issues and interests that relate to the operations of the Group, not regarding themselves as representatives or advocates for particular sectors or interests;
- e) Comply with the Standards of Conduct in Appendix 2; and
- f) Complete the conflict of interest declaration form in Appendix 2 and return it to the Ministry secretariat at the first Group meeting, and at any time during the Term if a new conflict arises. In the event of a conflict of interest being identified the secretariat will provide guidance on the appropriate response.

Secretariat

17. The Secretariat will:

- a) Support the Chair and subgroup leads to prepare meeting agendas;
- b) Record meeting minutes and action point from Group meetings;
- c) Circulate meeting packs (agenda, minutes and any papers required);
- d) Creating or commissioning papers for Group meetings as required;
- e) Procure research and guest speakers on behalf of the Group if required;
- f) Book travel, accommodation, catering and venues as required; and
- g) Administer expenditure requests, member remuneration and reimbursement as required.

Access to policy material

18. The release of Cabinet material, whether draft or final, to the Group is subject to approval from the Minister for the Environment or other relevant portfolio Ministers.

Appendix 1 to Freshwater Leaders Group terms of reference:

Remuneration and expenses

Daily rates

10. The Group is classified as a Group 1 Level 4 Board under the Cabinet Fees Framework. Group members are entitled to a daily rate of \$500, and \$1,000 for the Chair as specified in each letter of appointment.
11. With the prior approval of the Chair and the Ministry, members may receive payment of the daily rate for additional days' work that is required outside of Group meetings.

Expenses

12. The Secretariat will, as a general rule, book all accommodation and travel for Members and the Chair.
13. Where a Member and the Chair book their own accommodation or travel, that person is entitled to have the actual and reasonable costs of Expenses for travel and accommodation (Expenses) to attend Group meetings, Subgroup meetings and other Group events reimbursed by the Ministry if:
 - 13.1. the Expense is charged at actual and reasonable cost; and
 - 13.2. the claim for Expenses is supported by GST receipts.

Appendix 2 to Freshwater Leaders Group Terms of reference: Freshwater Leaders Group Standards of Conduct

All members and observers are expected to adhere to the following principles:

Conflicts of interest

A conflict of interest will occur when a member's or an observer's private interest interferes, or appears to interfere, with an issue that faces the Group. A conflict of interest will also occur when there is a possibility that a benefit may apply to a sector, industry or organisation that they represent. A conflict of interest may be real or perceived.

Any situation that involves or may be expected to involve any real or potential conflict of interest must be declared immediately to the Chair, as soon as the conflict arises, using the form in Appendix 2.

At the discretion of the Chair, members and observers may participate in discussions about issues in which they have declared a conflict of interest.

Confidentiality and media

In order for the Group to operate effectively, members must maintain the confidence of the group, including maintaining confidentiality of matters discussed at meetings, and any information or documents provided to the group.

Where information is already in the public domain (through no fault of a member or observer), the confidentiality requirements do not apply to that information.

Where information is not already public;

1. The Chair may seek agreement from the Minister for the Environment for the Group to release a media statement.
2. A Member may only participate in a media interview or public statement about the business of the Group if they have obtained the prior written approval of Chair and the Minister for the Environment.

Privacy Act 1993

Members and observers must at all times comply with the requirements of the Privacy Act 1993 and keep information about identifiable individuals confidential.

Official Information Act 1982

All information provided to the Group will be treated as official information under the Official Information Act 1982 and, subject to the requirements of that Act, may be released to the public if there are no grounds for withholding it.

If information is required to be released under the Official Information Act 1982 it will only be released to the extent necessary.

If the Ministry for the Environment is considering releasing information under the Official Information Act 1982, the Ministry will consult with the person who provided the information before making a final decision on release.

Corporate opportunities

Members must not exploit any opportunity that is discovered through access to information within the Group for their own personal gain or that of any industry, sector or organisation that they represent.

Respect for others

Members will treat each other and the opinions of others with respect at all times. Members will not take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts or any other unfair dealing practices.

Advocacy

Members must avoid actively promoting a standpoint or cause of their industry and will participate in meetings with the aim of reaching an outcome that is acceptable to all participants.

I declare the following situation(s) that may be perceived as a conflict of interest

Please describe how this conflict of interest will be managed:

Date:

Signed: