

Terms of Reference

(Te Kōmiti Whakahaere mō Tēnei Wā)

(This name is a placeholder and will be decided once the Interim Committee are appointed).

This Terms of Reference sets out the key functions for the interim Ministerial advisory committee (Interim Committee). The Interim Committee will lead the design phase of the Māori climate platform (the platform).

The Interim Committee will work collaboratively with the Crown, local government, iwi, hapū and Māori to design proposals on how to enable Māori-led climate action and support communities to plan and respond to climate change.

Alongside this collaborative leadership role, the Interim Committee can also provide future focussed, independent advice to Ministers across priority areas of the climate policy response.

Interim Committee members will work collaboratively and weave together their diversity of knowledge, experience and relationships to lead the design process for the Māori climate platform.

Background

1. Climate change and its impacts raise a distinct set of issues for Māori in relation to natural resources, the environment, land, and spiritual and cultural identities.
2. The response to this challenge is an opportunity to develop our society and economy to be much more productive, sustainable, and inclusive.
3. We also have the opportunity to prepare for and adapt to the unavoidable impacts of climate change.
4. Throughout recent engagement on national climate response policy, Māori have been clear and consistent regarding the importance of a holistic, Crown-Māori partnership-based approach to working on climate action.
5. The Climate Change Commission's recommendations 6, 26 and 27 support these themes, articulating a view of how the Government should support an equitable transition and give effect to its obligations under Te Tiriti o Waitangi in the climate response¹.
6. Cabinet agreed in principle with these three recommendations, within the scope of the climate policy response, and subject to ongoing engagement with Māori. This engagement will be supported by the Māori climate platform (the platform), the establishment of which is an action in both the emission reduction plan and national adaptation plan.

Māori Climate Platform

7. The aim of the platform is to embed a partnership approach in our climate response and provide dedicated funding that enables Māori-led climate action planning and solutions which are well supported by the Government's climate policy response.
8. The platform has two phases:
 - a. the first phase is a design-phase which will be led by the Māori climate interim Ministerial advisory committee (Interim Committee). The output will be advice to Cabinet
 - b. the second phase is the implementation phase, which will be informed by the proposals of the Interim Committee and decided on by Cabinet.
9. The purpose of the two phases is to provide:
 - a. time for a broad engagement process during phase one, both within Māori and between Māori and the Crown, to design proposals for Cabinet to consider; and
 - b. an immediate mechanism for Māori to provide independent advice as the public service shifts focus to the implementation of the first emissions reduction and national adaptation plans.
10. The following areas provide the foundations that should guide what is designed by the Interim Committee:
 - a. **embedding partnership and representation** – to uphold Te Tiriti principles, processes and mechanisms that enable Māori to actively participate in the climate response
 - b. **supporting Māori-led strategy and enabling alignment** to help elevate te ao Māori within the climate response

¹ See *Ināia tonu nei: a low emissions future for Aotearoa*, first Climate Change Commission advice to Government on climate action in Aotearoa (pages 228, 350 and 352), accessible [here](#). A summary of the Climate Change Commission's recommendations can also be accessed [here](#) (pages 4, 16 and 17).

- c. **activating kaupapa Māori, tangata Māori solutions** – to enable community action, kaupapa Māori, tangata Māori actions and solutions for the climate emergency.
11. For the purposes of the work of the Interim Committee, the climate policy response is defined as the implementation of the current emission reduction plan and national adaptation plan, and the development of future emission reduction and national adaptation plans.

Interim Committee functions

12. The Interim Committee will lead phase one, the design phase, of the platform. These Terms of Reference relate only to phase one. There are two roles for the Interim Committee:
- a. A *collaborative leadership role*, alongside the Ministry for the Environment, to design proposals for the platform
 - b. An *independent advisory role* to provide advice on priorities and approach to support an equitable transition for Māori and to guide the implementation of phase two.

Collaborative leadership role

13. The primary role of the Interim Committee is their collaborative leadership² role for phase one of the platform. This role will require them to work with iwi, hapū and other Māori representatives, and central and local government to co-design proposals for platform.
14. The proposals for the platform should:
- a. recommend to the Minister of Climate Change and Cabinet a framework and mechanisms to embed Te Tiriti through the climate response and support the allocation of funding at-place to enable communities to plan and respond to climate change
 - b. recommend to the Minister of Climate Change and Cabinet the appropriate structure, governance and representation to support allocation and administration of \$18M, as well as possible future funding, to enable Māori climate action.
15. Deliverables are a workplan to develop proposals (**Appendix 1**) and a final report (**Appendix 2**). **Appendix 3** provides an indicative timeline for the design phase, deliverables and future phases of the platform

Independent advisory role

16. The Interim Committee have a secondary role to provide independent advice to the Minister of Climate Change and Climate Response Ministers Group on the priorities and approach to support an equitable transition for Māori and to guide the implementation of phase two.
17. The Interim Committee may work with the Climate Change Chief Executives Board to reflect collective views on advice where appropriate.
18. This role is within the scope of the climate policy response and may include, but is not limited to, providing advice to:
- a. Support equitable outcomes for Māori through implementation of actions in the emission reduction plan and national adaptation plans

² The term collaborative leadership recognises that the nature of a ministerial advisory committee and their lack of strong formal accountability will require them to work in partnership with the Ministry for the Environment, who hold the responsibility for funding through phase one of the platform [MOG-Supp-guidance-note-ministerial-advisory-committees.pdf \(publicservice.govt.nz\)](#)

- b. Embed Te Tiriti principles in the approach to future emission reduction plans and national adaptation plans
 - c. Provide a strategic, system-level perspective that helps inform phasing and alignment for Māori-facing communications and engagement through the climate response.
19. The Interim Committee's advice is not intended to replace direct engagement between the Crown, iwi, hapū and Māori through the climate policy response.

Membership

20. This is an Interim Committee established to support phase one of the Māori climate platform. The term of appointment will be until 1 February 2024.
21. If Cabinet has not agreed to the design phase of phase two of the platform, an extension of appointment can be agreed between the Minister of Climate Change, Co-Chairs and members.
22. The Interim Committee will be led by Co-Chairs. The Co-Chairs will be the primary engagement point with Ministers, on behalf of the Interim Committee.
23. There should be at least five and no more than ten members (including Co-Chairs).
24. A rangatahi advisory function will be established alongside the committee membership.
25. A member of the Interim Committee may resign their position at any time by giving seven days notice to the Minister of Climate Change.
26. A member of the Interim Committee may be removed from his or her position by the Minister of Climate Change if that member is not performing their duties satisfactorily.
27. The Interim Committee members' conduct should be guided by the principles underpinning the State Services [code of conduct](#).

Nominations and Appointment

28. The membership of the Interim Committee has been informed through a two-step nomination process. Each nomination round was bespoke in nature, reflecting the importance that the Interim Committee has mandate from Māori, Ministers, and other communities across Aotearoa New Zealand.
- a. *First nominations round*: an initial nomination process, informed by Ministers, public service agencies, Iwi, hapū and Māori. This process identified the Co-Chairs for the Interim Committee. An independent Māori nominating panel provided leadership through the process.
 - b. *Second nominations round*: A second, targeted nomination round to expand the Interim Committee size and address gaps in the experience and representation of the Interim Committee. Māori Ministers and officials provided leadership through the process.
29. Nominations and appointments were guided by the following criteria:
- a. Individually, nominees are expected to demonstrate Rautakitanga, Mana, Māramatanga, Pūkengatanga, community activation, and climate change knowledge.
 - b. Collectively, the Interim Committee will need to weave together a diversity of skills and expertise across Māori rights and interests, Māori governance, climate change, mātauranga and Māori science, and the Māori economy, as well as the ability to engage with Māori audiences.
 - c. Collectively, the Interim Committee should reflect the diversity of Iwi and hapū katoa and experience related to the impacts of climate change for Māori.

30. The replacement of members (including the Co-Chairs) will be undertaken using an expression of interest process approved by the Minister of Climate Change and Co-Chairs.

Secretariat

31. Secretariat services for the Interim Committee will be supported by the Ministry for the Environment.
32. The role of the Secretariat is to prepare materials at the direction of the Interim Committee, provide advisory and administrative support, and support the implementation of the workplan (**Appendix 1**)
33. Others may be seconded or contracted to the Ministry for the Environment to supplement secretariat support to the Interim Committee, subject to budgetary constraints.

Time requirements

34. A minimum time required from members in developing the work plan and supporting the groups' independent advisory role and development of proposals is 40-45 days over the 16-month appointment period.
35. Expected time required for members involved in leading the implementation of the work plan and engagement is an additional 15-20 days. This takes the total indicative time commitment to 55-65 days over the 16-month appointment period.

Meetings and decision making

36. How the Interim Committee meets and conducts their work will be confirmed through the workplan. Meetings are expected to occur monthly, at a minimum.
37. Consensus-based decision making is preferred. However, where not possible quorum requirements are agreement by a majority of the standing Interim Committee.

Engagement

38. The Interim Committee will be established and supported by the Ministry for the Environment.
39. When appropriate, the Interim Committee and the Climate Change Chief Executives Board may meet to discuss matters of mutual interest.
40. The Climate Response Ministers Group (CRMG) and the Minister of Climate Change may request specific, independent advice from the Interim Committee to inform decision in priority areas of the climate policy response.
41. The Interim Committee can suggest areas or approaches for providing advice through their workplan deliverable (**Appendix 1**).
42. The Interim Committee Co-Chairs are expected to be the primary engagement points with Ministers.
43. The Interim Committee will be responsible for engaging a broad range of Māori perspectives to inform their collaborative leadership role.
44. Specifics of engaging broader Māori perspectives will be discussed with the Interim Committee and described in the draft workplan.

Fees

45. As a Ministerial Advisory Committee, remuneration is set in accordance with the Cabinet Fees Framework.
46. The Interim Committee has been assessed as Group 4 Level 1 and remuneration set at the top of the band. Co-Chairs will receive a daily rate of \$1150 per day. Members will receive \$865 per day.

Reporting

47. The Interim Committee will propose reporting mechanisms through their work plan.
48. The reporting mechanisms proposed must be consistent with what is required by the Public Finance Act and other relevant legislative requirements.
49. The Official Information Act 1982 applies to the Interim Committee – including any independent advice.

Conflicts of Interest

50. Through the appointment process, Interim Committee members declared any relevant interests related to the work of the Interim Committee.
51. Co-Chairs are responsible for ensuring that a conflict of interest register and management plan is established and maintained. The secretariat will support this role.
52. If members of the Interim Committee develop new, relevant conflicts of interest, whether real, potential or perceived, they will inform the Co-Chairs and secretariat as soon as is reasonably practicable.

Provision to Amend Deliverables

53. The deliverables under this Terms of Reference can be changed by the Minister of Climate Change after discussion with the Co-Chairs. Any change must be communicated in writing.

Appendix 1 - Specifications for deliverable one: a work plan to develop a pilot and proposals for the Māori climate platform

The workplan provides an opportunity for Interim Committee members to shape how they work with each other, central and local government, and Māori to design the Māori climate platform.

The workplan should include:

- A name for the 'Interim Committee' and 'design phase of the Māori climate platform'
- A process and mechanism(s) to bring rangatahi voices into the work of the Interim Committee
- Specific outcomes and objectives to guide development and assessment of a \$1M community activation pilot programme in phase one – this pilot is expected to support and inform the development of the Interim Committee's proposals
- Milestones and associated key activities, deliverables, and dates to support the design phase, including delivery of proposals and the final report. This should include the delivery of an engagement plan that includes consideration of:
 - o Hapū, iwi and other Māori representatives
 - o The National Iwi Chairs Forum, Pou Take Āhuarangi and Ihirangi
 - o Other advisory groups whose role relates to the Māori climate platform (e.g. Māori Economic Development Advisory Board, expert working group on managed retreat)
 - o The Climate Change Chief Executives Board (IEB) and climate policy response agencies
 - o Local government
 - o Others likely to be significantly impacted by the proposals for the platform
- Direction for secretariat support through the implementation of the workplan
- Appropriate reporting mechanisms between the Interim Committee and Ministers
- Any other matters that are appropriate to seek Minister direction or decision on before the workplan is implemented

A final workplan should be delivered to the Minister of Climate Change by 8 December 2022 for consideration.

Appendix 2 - Specifications for deliverable two: proposals for the Māori climate platform and final report

The design of the platform and supporting recommendations should be delivered to the Climate Response Ministers Group no later than 1 August 2023.

The proposals for the platform should:

- Recommend a framework and mechanisms to embed Te Tiriti in the climate policy response and support the allocation of funding at-place, that helps communities plan and respond to climate change.
- Include appropriate structure, governance and representation recommendations to support allocation and administration of \$18M, as well as possible future funding to enable Māori climate action.

These proposals should be supported by a final report that provides supporting detail on how the proposals:

- Reflect feedback from Māori through engagement across the climate policy response so far, and consider the following areas:
 - **embedding partnership and representation** – to uphold Te Tiriti principles, processes and mechanisms that enable Māori to actively participate in the climate response
 - **supporting Māori-led strategy and enabling alignment** to help elevate te ao Māori within the climate response
 - **activating kaupapa Māori, tangata Māori solutions** – to enable community action, kaupapa Māori, tangata Māori actions and solutions for the climate emergency to be funded.
- Provides a role for rangatahi in its implementation approach
- Could be implemented, including a roadmap for the phasing and implementation of the proposals
- Demonstrates how engagement has been provided for through the development of the proposals³, including:
 - Identifying those who will be affected by the proposal
 - Giving them a reasonable opportunity to express their view
 - Providing sufficient time and information about the proposal
 - Making sure those who engaged in the process were informed about the proposals
 - That the proposals have been developed with an open mind and genuinely consider opinions of those engaged.

³ Providing this information will support Cabinet to make decisions on the proposals without requiring further public consultation