

Sea Change Tai Timu Tai Pari Ministerial Advisory Committee Terms of Reference

1. Background

- 1.1. The Hauraki Gulf / Tīkapa Moana is a taonga of environmental, cultural and economic significance. Its national significance has been recognised through the area being designated as a Marine Park under the Hauraki Gulf Marine Park Act 2000.¹ The health of the Hauraki Gulf is under significant pressure, and its communities have seen a marked decline in its mauri, environmental quality and abundance of resources.
- 1.2. To address these pressures and support integrated management, the Sea Change Tai Timu Tai Pari Project was established in 2013 to develop a Marine Spatial Plan (the Plan) for the Hauraki Gulf Marine Park. The project was a partnership between Mana Whenua, Auckland Council, Waikato Regional Council, Department of Conservation, Ministry for Primary Industries and the Hauraki Gulf Forum. The Plan was developed collaboratively by a Stakeholder Working Group and was released at the end of 2016.
- 1.3. The Plan is aspirational, non-binding and non-statutory. It is designed to act as a guidance framework for agencies with statutory functions in the Hauraki Gulf's environmental and economic management. It includes over 180 proposals covering a range of issues such as marine protection, fisheries, habitat restoration, social and cultural wellbeing and opportunities for regional economic development.
- 1.4. These Terms of Reference outline the approach that the Ministers of Conservation and Fisheries have agreed upon for reviewing and progressing the proposals that fall within their portfolios.

2. Central Government agencies will develop a Government Response Strategy

- 2.1. The Department of Conservation and Fisheries New Zealand, in consultation with other agencies (collectively Central Government agencies), will develop a Government Response Strategy that outlines how those parts of the Plan that fall within the portfolios of the Minister of Conservation/Department of Conservation and the Minister of Fisheries/Fisheries New Zealand will be progressed.
- 2.2. The Government Response Strategy will consider the following topics:
 - a. Fisheries
 - b. Conservation and biodiversity, including marine protected areas and habitat restoration

¹ The Hauraki Gulf Marine Park includes the coastal marine area covering the Hauraki Gulf, Waitemata Harbour, Firth of Thames and the east coast of the Coromandel Peninsula, its islands, and includes contributing land catchments, estuaries, rivers and streams. References to the Hauraki Gulf in this document refer Hauraki Gulf Marine Park.

- c. The Ahu Moana co-management proposal, and
 - d. Governance issues, including issues relating to the Hauraki Gulf Forum (subject to 2.7).
- 2.3. To develop the Government Response Strategy, Central Government agencies will:
- a. Assess the expected environmental, economic, social and cultural costs and benefits of relevant proposals (including any implications for surrounding areas)
 - b. Test buy-in by stakeholders and the community (recognising that the Plan was not consulted on publicly and its level of wider support is uncertain)
 - c. Assess options for implementation, taking into account relevant policy and legislative frameworks
 - d. Assess resource implications
 - e. Identify what proposals (or alternative options for meeting the Plan's aspirations and the Government's objectives where appropriate) should be prioritised, and
 - f. Assess how to align and coordinate action with other Government and community initiatives, including Treaty Settlement agreements, legislation and negotiations.
- 2.4. This will be delivered through a series of milestone reports and updates to the Committee and ministers, the final milestone being the final Response Strategy report.
- 2.5. Final decisions on how to progress the Government Response Strategy (or parts of it) will remain at the discretion of the relevant minister.

Relationship with Harbour Treaty negotiations

- 2.6. The Crown is in negotiations with a number of iwi to settle their historical Treaty of Waitangi claims. The Crown has agreed with iwi that redress in relation to harbours, including the Hauraki Gulf, will be developed in separate negotiations. The focus of these harbours negotiations is likely to be governance arrangements (including the Hauraki Gulf Forum) for the Gulf and areas within it. Central Government agencies will work together to ensure that the Government Response Strategy and the Ministerial Advisory Committee do not undermine the Crown's obligations to hold Treaty negotiations over harbours with iwi.
- 2.7. The Government's Response Strategy and the Ministerial Advisory Committee may discuss governance matters, provided that:
- a. The purpose of discussions is to gather information and views about governance, including identifying issues and seeking views on how to resolve those issues
 - b. They are treated as preliminary discussions only that would inform Treaty negotiations over harbours

- c. Any governance reform is to be undertaken through Treaty settlement.

Relationship with parts of the Plan for which the Auckland Council and Waikato Regional Council are responsible

- 2.8. The Auckland Council and Waikato Regional Council have undertaken processes to assess proposals for which they have responsibility and have started implementation activities. Some of the themes and proposals in the Plan will be considered through plan change processes under the Resource Management Act 1991, including water quality, aquaculture and infrastructure development.
- 2.9. To support integrated management, Central Government agencies will consult with the Auckland Council and Waikato Regional Council during the development of the Government's Response Strategy and take into account implementation activities that are planned or underway.
- 2.10. However, specific recommendations on implementation activities being undertaken by Councils are out of scope of the Government Response Strategy, except to the extent that:
 - a. It may include an overview of implementation activities being undertaken by councils
 - b. It may address how Central Government agencies or ministers may participate in or provide support to council implementation activities
 - c. It may discuss implications that the activities being undertaken by councils may have for parts of the Plan that fall within the portfolios of the Minister of Conservation/Department of Conservation and the Minister of Fisheries/Fisheries New Zealand.

3. Ministerial Advisory Committee

- 3.1. The purpose of the Committee is to progress the vision and aspirations developed in the Sea Change process thus far. The Committee will:
 - a. Provide the Ministers of Conservation, Fisheries and Environment with independent, solution-focused expert advice on the Government Response Strategy and its development
 - b. Act as a sounding board for Central Government agencies during the development of the Government Response Strategy
 - c. Help facilitate engagement with iwi and stakeholders during the development of the Government Response Strategy.

Membership of the Committee

- 3.2. The Committee is composed of 11 members jointly appointed by the Ministers of Conservation and Fisheries. This consists of:
 - a. Two co-chairs, one of whom will be a Mana Whenua representative

- b. Nine members with the skills and experience set out in 3.3. Four of these members will be Mana Whenua representatives.

Skills and experience

- 3.3. When appointing members, ministers have taken into account that that the Committee should:
 - a. Have key characteristics and skillsets necessary to work effectively and collaboratively across sector groups; engage with stakeholders, mana or community standing; conflict resolution and connection to the Hauraki Gulf
 - b. Collectively have experience in providing the Government with advice and expertise in key subject areas such as tikanga Māori, negotiation, science, environmental issues, law, economics and fisheries management
 - c. Include a minority of members that have background in the Sea Change Project in order to provide a level of continuity, alongside people independent of the previous Sea Change Project that can provide new perspectives.
- 3.4. When appointing the co-chairs, ministers have also taken into account the need for strong governance and facilitation skills.

Functions and expectations of the Committee

- 3.5. To achieve its purpose, the Committee will be provided with analysis by Central Government agencies, milestone reports and the final Government Response Strategy.
- 3.6. The Committee will:
 - a. Be appointed for one year. This may be extended by ministers.
 - b. Meet regularly within the Hauraki Gulf. It is anticipated that there will be approximately 12 full day meetings over the one year, and the forward work programme will be discussed with agencies at the first meeting
 - c. Provide advice to ministers on the milestone reports and final Government Response Strategy
 - d. Consider information and reports provided by agencies (including on relevant legal and policy frameworks)
 - e. Provide recommendations to agencies on agencies' milestone reports during the development of the Strategy
 - f. Provide support to agencies with stakeholder engagement. A plan for this engagement will be provided to the Senior Official's Group for approval before engagement occurs
 - g. Work together to seek agreement on their advice where possible. If agreement cannot be reached on any matter(s), the Committee will indicate the respective positions of members on the issue and the reason for these positions.

3.7. Committee members are expected to:

- a. Attend all Committee meetings and relevant stakeholder meetings (as appropriate), unless extenuating circumstances provide otherwise
- b. Prepare adequately prior to each meeting by reading all papers provided to them
- c. Provide detailed solutions-focused advice based on members' experiences and expertise on each topic. Members should not regard themselves as advocates for particular sectors or interests
- d. Declare any conflict of interest, or potential conflicts of interest, that may arise.

Role of the co-chairs

3.8. The co-chairs are also expected to work together in good faith to:

- a. Chair meetings and determine the agenda, in consultation with officials and with the assistance of the secretariat (refer 5 below)
- b. Maintain an effective working relationship with agencies and the Senior Officials Group
- c. Meet with ministers and the Senior Officials Group to report on the activities of the Committee as required.

3.9. Should there be a disagreement between the co-chairs about the operation of the Committee that cannot be resolved through good faith discussions, the matter will be referred to the Senior Officials Group. The Senior Officials Group will provide advice on the matter and obtain ministerial direction if its advice does not resolve the matter.

4. Senior Officials Group

4.1. A Senior Officials Group has been established to provide oversight of the development of the Government Response Strategy and the operation of the Committee.

4.2. The Senior Officials Group consists of relevant tier two officials from the Department of Conservation and the Ministry for Primary Industries/Fisheries New Zealand. The Ministry for the Environment and the Office for Māori Crown Relations: Te Arawhiti will participate in a support role. The Senior Officials Group will engage with other agencies as required.

4.3. When necessary, the Senior Officials Group will liaise with the co-chairs to:

- a. Ensure timeliness
- b. Make strategic decisions (such as interagency resourcing)
- c. Resolve potential issues (such as disagreements concerning overlapping agency jurisdictions).

5. Secretariat

- 5.1. The Committee will be supported by a secretariat that will:
 - a. Provide organisational support, including circulation of relevant information, the agenda and papers, preparation and circulation of meeting minutes and arrangements for travel.
 - b. Coordinate policy, science and technical support between central government agencies, to the Senior Officials Groups and the Committee.

6. Confidentiality

- 6.1. For the Committee to operate effectively, members and observers must maintain the confidence of the group, including maintaining confidentiality of matters discussed at meetings, and any information or documents provided to the group. These confidentiality requirements do not apply to material that is already in the public domain.
- 6.2. Where the Committee needs to release material or discuss the workings of the Committee to facilitate engagement with iwi and stakeholders, the co-chairs will seek permission from the Senior Officials Group/Ministers.
- 6.3. All information provided to the Committee 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.

7. Media

- 7.1. Committee members must refrain from representing the Committee or commenting on the business of the Committee to the media.
- 7.2. The co-chairs may seek agreement from the Ministers for the Committee to release a media statement on any matter related to these Terms of Reference.

8. Amendments

- 8.1. These Terms of Reference may be amended by the Ministers in consultation with the co-chairs and Senior Officials Group.