



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

# TERMS OF REFERENCE FOR THE FRESHWATER SCIENCE AND TECHNICAL ADVISORY GROUP

November 2018

Version 1  
Status: Adopted by Group  
Document: TP 10133284

Not government policy

## 1. Purpose of the Document

This document defines the Terms of Reference (TOR) for the Freshwater Science and Technical Advisory Group (the Group). The document provides:

- contact details of key Water Taskforce staff for freshwater policy development
- information on the role of the Group and standards of conduct (Appendix 1)
- Conflict of Interest declaration (Appendix 2).

## 2. Contacts for Freshwater Science and Technical Advisory Group members

### Director

- Martin Workman – Director – Water. Email: [Martin.Workman@mfe.govt.nz](mailto:Martin.Workman@mfe.govt.nz)

### Managers

- Lucy Bolton – Manager Freshwater Policy – Responsible manager for the Group. Email: [Lucy.Bolton@mfe.govt.nz](mailto:Lucy.Bolton@mfe.govt.nz)
- Jo Burton – Manager Freshwater Policy. Responsible manager for the Group. Email: [Jo.Burton@mfe.govt.nz](mailto:Jo.Burton@mfe.govt.nz)

### Freshwater Science and Technical Advisory Group Secretariat

- Jennifer Price – Senior Analyst. Email: [Jennifer.Price@mfe.govt.nz](mailto:Jennifer.Price@mfe.govt.nz)

## 3. Background

The Freshwater Science and Technical Advisory Group (STAG) has been established to support the work of the Water Taskforce at the Ministry for the Environment (MfE).

The Water Taskforce is comprised of officials from MfE, the Ministry for Primary Industries (MPI) and other central and regional government organisations.

Since early 2018, the Water Taskforce has been examining options for broad and narrow reform of the National Policy Statement for Freshwater Management (Freshwater NPS) and on furthering the guidance available on the Freshwater NPS. To inform advice to Ministers on these matters, the Taskforce is building a scientific evidence base for freshwater policy options.

The Group has been established to support the Water Taskforce for the next two years.

## 4. Purpose and functions of the Freshwater Science and Technical Advisory Group

The purpose of the Group is to support officials on the Water Taskforce with science and technical advice on the Water Taskforce work programme, as requested by Water Taskforce officials throughout 2018 - 2020.

This supporting role is critical to ensuring the interpretation of science for policy development is accurate and to help improve Taskforce protocols to better manage the incorporation of science into the policy process.

The Group will:

- have a solid understanding of the fundamental purpose of the Freshwater NPS and the guiding principles of policy development
- advise on scientific evidence for freshwater policy development by:
  - reviewing science that underpins Freshwater NPS National Objectives Framework (NOF) attributes and other freshwater policy options
  - identifying any gaps in the science

- improving the NOF attribute development process
- improving protocols to better manage incorporating science into the policy process
- providing overarching scientific advice and guidance as it relates to freshwater policy development.
- contribute to science and technical related guidance for councils to implement the Freshwater NPS
- provide science advice on issues raised in public submissions on proposed Freshwater NPS Appendix 2 attributes and wider freshwater policy.

Final decisions on policy advice, working with Ministers, management and provision of funding, budgets and financial aspects of the programme and the management of procurement processes remain the sole responsibility of the Water Taskforce and not the Group.

The Group will be supported by a secretariat from the Water Taskforce, who will:

- lead all administrative actions associated with the smooth operation of the Group including:
  - leading communication with the Group
  - organising meetings, including catering and arranging reimbursement of travel expenses for non-government members
  - distributing papers to members prior to meetings and minutes after the meeting.

Officials from the Water Taskforce will provide feedback to the Group on how science advice is integrated into policy.

## **5. Freshwater Science and Technical Advisory Group Membership**

The Group includes members with varied expertise across a range of fields including data, science and technical matters related to freshwater and estuarine water quality, ecosystem health and processes.

Members and the Chair will be appointed by the Water Taskforce managers responsible for the Group. Members will be appointed until 2020, and may be reappointed for a subsequent term/s.

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.

The Chair or another member may resign from the Group by notifying the Water Taskforce managers responsible for the Group in writing.

A member will lose their position if they miss two consecutive meetings without prior approval of the Chair.

Because members and observers are appointed in their personal capacity rather than as representatives of organisations, no proxies will be permitted to attend in place of members, except at the discretion of the Chair.

Water Taskforce officials may co-opt expertise for particular meetings at their sole discretion.

The Group members for 2018 - 2020 (the Members) are:

- Ken Taylor (Agresearch) (Chair)
- Dr Adam Canning (Fish & Game NZ)
- Dr Bev Clarkson (Landcare Research)
- Dr Bryce Cooper (NIWA)
- Dr Clive Howard-Williams (NIWA)
- Dr Chris Daughney (GNS)
- Dr Dan Hikuroa (University of Auckland)
- Graham Sevicke-Jones (Environment Southland)
- Prof. Ian Hawes (University of Waikato)
- Prof. Jenny Webster-Brown (University of Canterbury, Lincoln University)
- Dr Joanne Clapcott (Cawthron Institute)
- Dr Jon Roygard (Horizons Regional Council)
- Dr Marc Schallenberg (University of Otago)
- Dr Mike Joy (Victoria University of Wellington)
- Rawiri Smith (Kahungunu ki Wairarapa)
- Prof. Russell Death (Massey University)

## 6. Meetings

Face to face Group meetings will be one or two days long, held in Wellington, at least six times per calendar year, with catering provided. Water Taskforce officials will attend all meetings. If required additional meetings will be held on an ad hoc basis; these meetings may be face to face or held via telephone/video conference.

The secretariat will endeavour to organize meetings on a day that suits most Members. Members are asked to keep the secretariat informed if they are unavailable for particular dates. If a Member is unavailable for a meeting they may provide advice on a topic via email – preferably prior to the meeting.

The deliberations of the group will be recorded as meeting minutes and with the agreement of the Chair made available publically on the Ministry for the Environment website, to increase transparency.

## 7. Roles and responsibilities

### **Chair**

The Chair has the following roles and responsibilities:

- a) set meeting agendas, with the assistance of the secretariat, and approve meeting minutes
- b) chair meetings, encouraging and modelling open communication where all members contribute effectively
- c) determine, with assistance from the Water Taskforce managers, what action is appropriate if a member has a potential conflict of interest
- d) seek written approval from the Water Taskforce before incurring any expenditure or financial commitment on behalf of the Group.

### **Members**

All Group members have the following roles and responsibilities:

- a) make every effort to attend each meeting and report anticipated absences to the Secretariat

- b) prepare adequately prior to each meeting, review any papers provided prior to meetings 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) contribute to email discussion amongst the Group about relevant technical issues
- e) approve minutes of meetings
- f) comply with the Standards of Conduct in Appendix 1
- g) complete the conflict of interest declaration form in Appendix 2 and return it to the secretariat.

## **8. Interaction with other advisory groups**

Cabinet recently agreed to establish a Freshwater Leaders Group. This group will be appointed by Ministers to test freshwater policy as it is developed. Cabinet has also agreed to establish Kahui Wai Māori as a key forum for engagement with Māori on freshwater issues.

Conversations and engagement with the Freshwater Leaders Group and Kahui Wai Māori are encouraged. However, Freshwater Leaders Group and Kahui Wai Māori will not direct or commission work from the Group. Freshwater Leaders Group and Kahui Wai Māori may pose questions to the Group in relation to their consideration of freshwater policy.

Communication between Science and Technical Advisory Group, Freshwater Leaders Group and Kahui Wai Māori will be facilitated by:

- Water Taskforce officials will provide an online portal allowing information sharing between the groups
- minutes from all the groups will be circulated to members of all groups
- there will be a regular newsletter update sent to the three groups
- meetings will include a standing agenda item allowing for updates from the other groups.

## **9. Remuneration and reimbursement of expenses**

No remuneration is payable to members, and where members are employees of central government their employer is responsible for meeting all cost associated with their membership on the Group.

For university and non-central government employees or members not in paid employment, all reasonable travel costs will be paid for by the Ministry for the Environment. The Ministry for the Environment will, as a general rule, book all accommodation and travel for members. Where members book their own accommodation or travel, that person is entitled to have the actual and reasonable costs of Expenses for travel and accommodation (Expenses) reimbursed by MfE, if:

- MfE has given prior written consent to the Supplier incurring the Expense
- the Expense is charged at actual and reasonable cost
- the claim for Expenses is supported by GST receipts.

## **10. Confidentiality**

Members are expected to maintain confidentiality of matters discussed at meetings, where specified by Water Taskforce officials. After Ministers have made and announced decisions on issues considered by the Group, then members may comment as they see fit.

## 11. Conflict of Interest

The Freshwater Science and Technical Advisory Group members will be asked to formally declare real or possible conflicts of interest with the development of freshwater policy (see Appendix 2). These will be noted in the members' records and will be reviewed and accepted by the Water Taskforce Manager responsible for the Group.

Disclosure of interest can be:

- self-initiated
- raised by the Water Taskforce
- raised by other members.

Members should operate on the understanding that "if in doubt, disclose the interest". The appearance and perception of a conflict is just as important to manage as an actual conflict. The Water Taskforce Manager responsible for the Group will decide if there is a relevant interest and determine appropriate action.

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## **Appendix 1 to Freshwater Science and Technical Advisory Group Terms of Reference:**

### **The Freshwater Science and Technical Advisory Group Standards of Conduct**

All members are expected to adhere to the following principles:

#### **Conflicts of interest**

A conflict of interest will occur when a member'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 Water Taskforce Manager responsible for the Group, as soon as the conflict arises, using the form in Appendix 2.

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

#### **Guidelines for completing the Conflict of Interest Declaration Form:**

Members of the Group may have direct or indirect dealing with organisations or persons, both commercial and other, which could lead to a perceived or actual conflict of interest. By disclosing interests, members ensure that they are accountable and that the integrity and public confidence in the Group is maintained.

Members should be pragmatic about disclosing interests and are not required to include an interest that is remote or insignificant so that it cannot reasonably be regarded as likely to influence the member from carrying out his or her responsibilities. In deciding whether a member is interested he or she should consider whether it would be reasonable to see the interest as likely to influence decision-making.

As a guide, an interest may be financial, professional, personal, direct or indirect and may include:

- you or your spouse, de facto partner, child, or parent may derive a financial benefit from the matter
- you may have a financial interest in a person to whom the matter relates
- you are a partner, director, officer, council member, or trustee of a person who may have a financial interest in a person to whom the matter relates
- *you are otherwise directly or indirectly interested in the matter.*

For example, the following types of interest might be relevant:

- employment/directorship within an institution applying to MfE or the Water Taskforce for funding
- interests in business enterprises or professional practices
- sharing ownership/beneficial interests in a trust
- existing professional or personal associations with MfE or the Water Taskforce
- professional and personal associations with organizations in the environmental sector
- a family relationship (including member with shares/ benefits in trusts etc).

Members may be concerned about the privacy of such information. Information held by the Water Taskforce is subject to the Official Information Act. Officials from the Water Taskforce the Water Taskforce will consult with the person who provided the information before making a final decision on release. If that person cannot be located, the Water Taskforce will consult with the Chair on behalf of that person. Other members of the Group will be aware of disclosed interests and have a duty to notify the Water Taskforce of any failure of any member to comply with obligations to disclose interests.

#### **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. Water Taskforce staff will identify whether Information provided to the Group is confidential. With the agreement of the Chair, members and observers may share information about the business of 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.

Members and observers must refrain from representing the Group, or commenting on the business of the Group, to the media.

Where information is not already public;

1. The Chair may seek agreement from the Water Taskforce 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 the Water Taskforce.

### **Privacy Act 1993**

Members 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 or by the Group to the Secretariat 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 the Water Taskforce is considering releasing information about Group meetings or Group-authored documents under the Official Information Act 1982, the Water Taskforce will consult with the person who provided the information before making a final decision on release. If that person cannot be located, the Water Taskforce will consult with the Chair on behalf of that person.

### **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 and observers 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.

### **State Services Standards of Integrity and Conduct**

State servants have statutory demands under the State Services Standards of Integrity and Conduct. In the case of any conflict between the obligations outlined there and the ones in this document, those of the Standards and Integrity of Conduct shall preside.

## Appendix 2 to Freshwater Science and Technical Advisory Group Terms of Reference:

### Conflict of Interest Declaration Form

An actual conflict of interest arises in a situation where a candidate's private interest interferes or appears to interfere with an issue that faces the Freshwater Science and Technical Advisory Group (the Group). Perceived or potential conflicts of interest exist in situations where a candidate of the Group, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Group (see Appendix 1 for further information).

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	
<input type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist	
Please describe how this conflict of interest will be managed:	
<input type="checkbox"/> 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:

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