

Implementing the new national direction for freshwater – Freshwater Implementation Group Terms of Reference

26 August 2020

Purpose of the document

1. This document defines the Terms of Reference (TOR) for a Freshwater Implementation Group (the Group). The document sets out the purpose and membership of the Group, the approach to its work, and the scope of the implementation programme.

Purpose of the Group

2. In August 2020, new national direction was introduced by the Government to protect and restore New Zealand's freshwater. This comprises a new National Policy Statement for Freshwater Management (NPS-FM), new National Environmental Standards for Freshwater (NES-F), and new section 360 regulations on stock exclusion and real-time reporting for water takes data.
3. These instruments are supplemented by amendments made in June 2020 to the Resource Management Act 1991, to provide for freshwater farm plans and nitrogenous fertiliser sales reporting.
4. The overall objectives of the new national direction are to:
 - **Stop further degradation** of New Zealand's freshwater resources and start making immediate improvements so that water quality is materially improving within five years
 - **Reverse past damage** to bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation.
5. The purpose of the Group is to work together to deliver expeditiously an implementation programme that meets the requirements set out in this new freshwater national direction, achieves national consistency, and delivers on the overall objectives of the new national direction. The Group will:
 - a. Oversee and sponsor the development of recommendations for implementation and monitoring of the new national direction. Recommendations will be made to the Government or the regional sector as appropriate
 - b. Oversee and sponsor the joint design, support and refinement of work programmes that seek to implement the new national direction
 - c. Oversee the development and provision of joint advice on options for strengthening central oversight of the freshwater management system
 - d. Ensure that the overall objectives of the new national direction are being achieved. Key to this is ensuring that Te Mana o te Wai is appropriately implemented, in particular for plan-making
 - e. Ensure that all instruments to achieve the new national direction, both regulatory and non-regulatory, are implemented within the timeframes set by the Government
 - f. Report to the Government regularly on progress towards delivery of the implementation programme.

6. Accordingly, it is necessary for central government to work together with the regional sector and Te Kāhui Wai Māori, and the primary sector and ENGOs, to ensure that the implementation is rolled out as efficiently and effectively as possible. This approach reflects the interdependencies and complementary roles the parties have in developing and administering legislative, regulatory and non-regulatory programmes.

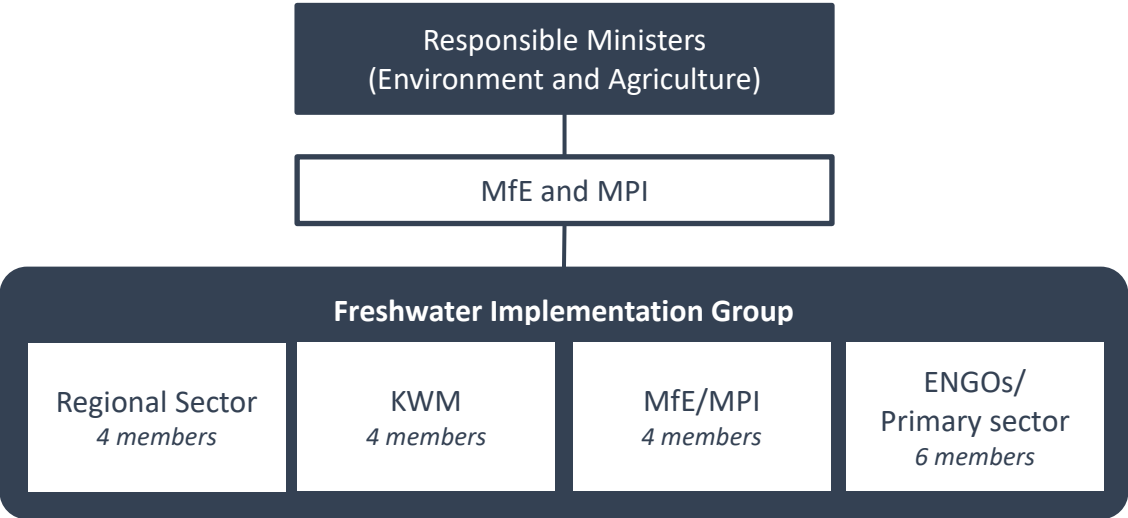
Membership of the Group

7. The Group will be made up of senior members of the following organisations:
- Regional sector – four members, being two regional council chairs and two regional council chief executives
 - Te Kāhui Wai Māori (KWM) – four members
 - Ministry for the Environment (MfE) – two officials including the chief executive
 - Ministry for Primary Industries (MPI) – two officials including the chief executive
 - ENGOs – three representatives
 - Primary sector – three representatives.

See Figure 1 for a diagrammatic representation of structure and membership.

8. Given the breadth of the implementation programme, officials from MfE and MPI will engage with the various parties on different areas of interest as follows:
- Local government: engagement on all aspects of the implementation programme with particular focus on the regulatory measures
 - KWM: engagement with KWM with a focus on Te Mana o te Wai, the mahinga kai compulsory value, and involvement of iwi and hapū. KWM will also have an interest in other aspects of implementation and monitoring
 - Primary sector and ENGOs: engagement will include guidance for land owners to transition to environmentally friendly practices. The primary sector and ENGOs will also have an interest in other aspects of implementation and monitoring.

Figure 1: Structure



Approach to work

9. The Group will work together to ensure the implementation programme is rolled out as efficiently and effectively as possible. This will involve:
 - Jointly designing an implementation plan and determining priority projects
 - Working in good faith to agree to implementation priorities
 - Being outcome focused within policy parameters, with the aim of successful policy implementation and not relitigating policy decisions
 - Where agreement cannot be reached, the different views being clearly communicated to Ministers as part of any advice
 - MfE and MPI making recommendations as needed to their Ministers on aspects of the programme and being accountable to the Ministers. MfE and MPI will ensure the Group is advised where officials' advice to Ministers differs from that of the wider Group. Decisions impacting on MfE and MPI budgets will be the responsibility of the respective Ministries
 - Decisions impacting on regional council budgets being the responsibility of the relevant regional council.

Scope of implementation programme

10. The Group will aim to ensure the implementation programme delivers:
 - The requirements of the NPS-FM, NES-F and section 360 regulations, consistently across regions, giving effect to the intent of the overall objectives of the new national direction
 - Implementation of Te Mana o te Wai
 - Visibility of freshwater work across central and local government sectors
 - Advice and support for central and local government on engaging with iwi, hapū and Māori
 - Identification of best practice approaches that can be utilised to facilitate and support implementation
 - Improved co-ordination within central government, and among regional councils, recognising all the strategic drivers that interact with freshwater
 - Identification of impediments, and opportunities to progress faster toward the objectives of the new national direction
 - Joint development of advice to Ministers on options for strengthening central oversight of the freshwater management system.
11. While resolving Māori rights and interests, especially water allocation, is important, it is acknowledged that resolution of these matters goes beyond the scope of this Group. Where the Group encounters allocation matters as part of the implementation programme, it will of course be able to express its views.
12. Alongside the Group's work as described above, there are several other workstreams with their own steering group structures, such as He Waka Eke Noa, Jobs for Nature, Three Waters Reform

Programme, other water infrastructure policy and projects, forestry policy, and work on the farm planning system. The Group may choose to seek information about those workstreams in an effort to align outcomes, but will not have responsibility for those workstreams.