**Terms of Reference: Local Water Done Well Technical Advisory Group**

**Background**

1. New Zealand’s drinking water, wastewater and stormwater systems are failing in too many places. Failures cause pollution, wastage, and significant bills for ratepayers. The Government is committed to addressing the longstanding challenges this country is facing with our water services infrastructure through Local Water Done Well.
2. The Local Water Done Well approach recognises the importance of local decision making and flexibility for communities and councils to determine how their water services will be delivered in future. We will do this while ensuring a strong emphasis on meeting rules for water quality and investment in infrastructure. This approach is designed to provide reliable infrastructure to all New Zealanders, and to ensure that water services are financially sustainable.
3. In December 2023 Cabinet agreed to the establishment of a Technical Advisory Group (TAG) hosted and supported by the Department of Internal Affairs (the Department). The TAG will support the Minister of Local Government and the Department in the development of policy to deliver Local Water Done Well.
4. The role of the TAG is to provide access to specialist and technical knowledge to the Department, as well as independent assurance and advice to the Minister.

**Role of the TAG**

1. The Department will lead the development of policy and legislative advice to deliver Local Water Done Well.
2. The purpose of the TAG is to provide specialist and technical expertise to the Department and the Minister, to ensure that this advice is provided to the highest standard.
3. The focus of the TAG will be to provide advice and assurance on:

* Vehicles, mechanisms, and policy and legislative settings that enable councils to appropriately cost recover and access long term debt to fund inter-generational water infrastructure;
* Options for an appropriate model to provide financial independence for Watercare from Auckland Council in the first instance; and
* Options for the transitional and future economic regulatory environment.

1. The TAG will:

* Test options and proposals to inform the development of policy, regulations, and legislation to deliver Local Water Done Well;
* Advise on the financial and practical impacts of options and proposals; and
* Support the Department’s engagement with key stakeholders.

1. The Minister may request additional advice from the TAG on other aspects of Local Water Done Well as he sees fit.
2. TAG members are solely appointed in an advisory capacity. The policy, regulations, and legislation to deliver Local Water Done Well will ultimately reflect the Government’s views and positions, and not those of individual TAG members.

**Membership**

|  |  |  |
| --- | --- | --- |
| Name | Role | Organisation |
| Raveen Jaduram | Director | New Zealand Infrastructure Commission |
| Former Chief Executive Officer | Watercare Services |
| Andreas Heuser | Managing Director | Castalia Limited |
| Wendy Walker | Chief Executive | Porirua City Council |
| Mark Reese | Partner | Chapman Tripp |
| Simon Weston | Chief Executive | Whangārei District Council |

1. The TAG will have a chair. The Department will provide secretariat and administrative services to the TAG. From time to time, the TAG may need to appoint a convening member to serve as chair for meetings.
2. The TAG will consist of up to six members. Should a TAG member withdraw from the group, the Minister may choose to appoint one or more new members to replace them. The Ministry of Business, Innovation and Employment, the Commerce Commission, and the Treasury will be consulted during the appointments process.
3. All TAG members have completed a conflicts of interest declaration and background checks (including criminal records check), to the satisfaction of the Department. All actual or perceived conflicts of interest will be lodged with the Deputy Chief Executive, Local Government Branch, at the Department. In the event of a potential conflict, the Deputy Chief Executive at the Department will determine how best to manage it.

**TAG meetings**

1. The TAG will participate in a meetings and workshops with the Department on priority policy areas for Local Water Done Well, and may be asked to review and provide comment on policy papers. The TAG may also be asked to provide short reports or papers with their advice.
2. These workshops will be supplemented with meetings with the Department to share status updates on the progress of advice and policy development as required.
3. Meetings will be either in person, at the Department, or via video conference, depending on the circumstances.

**Protocols for the TAG**

1. The TAG will operate under a set of protocols and standards of conduct, attached in Appendix A. They set out agreed ways of working and the relationship of the TAG with the Department
2. Members will be expected to:

* Ensure group processes and discussions are inclusive;
* Treat other members and the Department, and their views, with respect;
* Act in good faith in all aspects;
* Act in their personal capacity and not be representing their organisation; and
* Treat commissions from the Department or Minister as a high priority to be completed in a timely manner.

1. Members of the TAG will work collaboratively with the Department to provide the best quality advice to the Minister.

**Decision making**

1. The TAG will be an advisory body only and will not have decision making powers. Any recommendations of findings will not be binding on the Government.
2. The TAG members will not be required to reach consensus on any issues raised.
3. The TAG may choose to provide advice to the Department or the Minister either as individual members, or as a collective.

**Deliverables**

1. The TAG will not have specific deliverables and is not expected to develop options or policy positions independently of the Department.
2. Ideas and analysis from meetings and workshops will inform the development of Government policy, regulation, and legislation.
3. The Department or the Minister may commission the TAG or individual members of the group to:

* Provide technical analysis or advice on a specific topic; or
* Peer review the Department’s analysis or advice; or
* Undertake any other work as required.

1. The TAG may also provide independent commentary to the Minister on advice provided by the Department.

**Engagement**

1. The TAG will primarily deliver its advice to the Minister through briefings from the Department, some of which they will be involved in developing, or which they will review and provide feedback on.
2. The TAG may meet with the Minister on an ad hoc basis on specific matters, at the request of either the TAG or the Minister.

**Secretariat**

1. The Department will provide secretariat support for the TAG, including organising meetings, providing any relevant supporting materials, responding to TAG questions and correspondence, and other administrative tasks required by the TAG.
2. The work of the TAG will be commissioned primarily by the Department. The Minister may also commission advice from the TAG directly.

**Duration**

1. The TAG will be established from 30 January 2024 to 30 June 2024 initially. The Minister may review the term of TAG and extend it if required.

**Remuneration**

1. TAG members will be reasonably compensated for their time based on their progressional expertise. Daily fees will be set in accordance with the Cabinet Fees Framework.

**Budget**

1. The Department will provide funding, including fees and travel expenses, to the TAG. The budget will be capped and tracked by the Department over the five-month duration. Should the Minister decide to extend the term of the TAG, funding will be considered as part of the review.

**Confidentiality**

1. The TAG may be privy to confidential and market sensitive information. Discussions and analysis from TAG meetings should also be treated as sensitive and confidential.
2. TAG members will adhere to the standards of confidentiality in Appendix A and are required to sign the confidentiality agreement in Appendix B

**Conflict of interest**

1. TAG members will declare any actual or perceived conflicts of interest with their appointment to this group. If conflicts arise during the TAG’s work, members must notify the Deputy Chief Executive, Local Government, at the Department.
2. Members will adhere to the standards for identifying and managing conflicts of interest in Appendix A
3. Members are required to sign a conflict of interest declaration form as part of the nomination process.

**Appendix A: Standards Conduct**

All members are expected to adhere to the following principles:

*Confidentiality*

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. Only with the agreement of Department officials can members 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 not represent the group, or comment on the business of the group, to the media.

Where information is not already public:

* 1. Members may seek agreement from Department officials for the group to release a media statement.
  2. Members 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 Department.

*Conflicts of interest*

A conflict of interest will occur when a member’s private interest interferes, or could appear 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.

At the discretion of the Minister’s officials, members may participate in discussions about issues in which they have declared a conflict of interest.

*Privacy Act 2020*

Members must at all times comply with the requirements of the Privacy Act 2020 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/when the Department is considering releasing information about group meetings or group-authored documents under the Official Information Act 1982, the Department 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.

*Treatment of others and participation*

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.

Members will generously share practice and learnings and actively participate in constructive discussion and debate. Members will show respect for other participants and alternative ideas.

**Appendix B: Confidentiality Agreement**

I, [NAME]

1. Agree and undertake that as an essential condition of my participation in the Local Water Done Well – Technical Advisory Group (TAG), I will:
   1. be discreet in all matters relating to the review of policy and legislation work to deliver Local Water Done Well, the Department of Internal Affairs (the Department) and the affairs of the New Zealand Government generally;
   2. keep confidential all information relating to the matters referred to in paragraph 1(a) above which I obtain or become aware of through my role with the TAG (the “Information”);
   3. not, other than as required by law, disclose or discuss the Information with any person who is not employed by the Department without the prior written consent of the Deputy Chief Executive, Local Government, at the Department;
   4. limit discussion or disclosure of the Information to those who have expertise I consider would be helpful and ensure they keep any information provided to them confidential;
   5. not use any Information to gain personal advantage or for the benefit of any person or organisation other than in accordance with the performance of my role with the TAG;
   6. not discuss any matters referred to in paragraph 1(a) or any Information with any member of the media or submit articles for publication or dissemination outside the Crown without the prior authorisation of the Deputy Chief Executive, Local Government, at the Department; and
   7. take all reasonable care to ensure that all Information in my possession is kept secure and I will immediately return, destroy, or otherwise deal such Information as directed by the Deputy Chief Executive, Local Government, at the Department.
2. I acknowledge that:
   1. I will continue to honour the promises I make in signing this confidentiality agreement, even after my involvement with the TAG has ceased; and
   2. my obligations under paragraphs 1(a) above shall survive until the Information in question becomes publicly available (other than through a breach of my obligations under this Undertaking of Confidentiality), or until the Department of Internal Affairs gives written approval for the disclosure or use of particular information.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_