

Terms of Reference for the Biodiversity Collaborative Group

These terms of reference will be reviewed at appropriate intervals at the discretion of the facilitator/governance group.

Purpose

To ensure that Aotearoa/New Zealand's unique biodiversity is protected and supported to thrive through the collaborative efforts of iwi, landowners, stewards, the Government and advocates.

Role of the group

The role of the Biodiversity Collaborative Group is to:

- i. develop a draft National Policy Statement on Indigenous Biodiversity and;
- ii. make recommendations on supporting and complementary measures to address agreed issues and opportunities for biodiversity.

Deliverables

The Biodiversity Collaborative Group will deliver:

- i. Quarterly progress updates to relevant Ministers including updates on policy direction/decisions, key tasks, delivery dates and budget expenditure.
- ii. A draft National Policy Statement on Indigenous Biodiversity and accompanying report setting out the underpinning analysis and reasons for the recommended policies by 31 July 2018.
- iii. A report which recommends supporting and complementary measures to a National Policy Statement including analysis of options and reasons for the recommendations.
- iv. The deliverables will reflect consensus to the extent possible but where dissenting views remain, the basis for these differences will be set out with reasons.
- v. The timing of final delivery of advice on a National Policy Statement and supporting/complementary measures may be independent of one another.

Scope

- i. The group will consider biodiversity in terrestrial and freshwater ecosystems. The group may also consider coastal ecosystems.
- ii. Marine biodiversity in water beyond the coastal area is considered out of scope for this process.
- iii. While the group will consider biodiversity on public and private land, it will ensure that the issues of private property interests, and public interests and intrinsic values of biodiversity, are addressed.

National Policy Statement

- iv. In considering the role of a National Policy Statement, the group may consider and propose the specific design and provisions of the instrument.
- v. In providing this advice, the group agrees to work within the parameters of the purpose of the Resource Management Act 1991 and in particular, the provisions relating to biodiversity.

Supporting/Complementary Measures

- vi. The group will consider supporting/complementary measures for biodiversity, the scope of which will be agreed through the process.

Membership

The process will be iwi and stakeholder led.

- i. The 'core' members of the group will include:
Royal Forest and Bird Protection Society of New Zealand Inc, Federated Farmers of New Zealand Inc, New Zealand Forest Owners Association, Environmental Defence Society Incorporated and Iwi Chairs Forum, through the Conservation and Freshwater Iwi Leadership Group and a representative from the extractive/infrastructure industries.
- ii. Local and central government representatives will be involved in the process as active observers.
- iii. Other relevant experts and representatives will be invited to participate in group discussions throughout the process. These other participants may be invited at the discretion of the facilitator/governance group.
- iv. Members are expected to represent the views of their respective organisations and associated sectors.
- v. Groups may select their representatives (and alternatives should the primary representative not be available). Organisations should endeavour to have a consistent attendee.
- vi. A maximum of two persons representing an organisation may attend any meeting.
- vii. If a member leaves the group, they will provide their reasons for doing so.

Role of Central and Local Government

- i. Local and central government officials will take an active part in the collaborative group discussions but will not be asked to join the consensus recommendations/decisions.
- ii. Local and central government officials and relevant Crown Research Institute officers will meet reasonable requests for information within a jointly agreed timeframe.
- iii. Central government officials will provide relevant Ministers with progress updates and may provide independent advice to relevant Ministers.
- iv. Local and central government officials will advise the group of relevant government work that is likely to impact on the group's work and may continue to make decisions that affect biodiversity management while the group is undertaking this piece of work.
- v. Government will give due consideration to proposals but will not be bound by the advice, options, proposals and/or recommendations of the group.

Principles around recommendations and process

- i. Members agree to participate in good faith. They are encouraged to have a national perspective where possible.
- ii. Members agree to respect the principles of the Treaty of Waitangi in processes, decision making and when adopting methods to achieve the purpose of the group¹.

¹ This would mean that when we are talking about the issues of biodiversity we undertake to ensure that Maori are a core part of that conversation. That we are ensuring that they are consulted with early and their issues are explored respectfully. That we are advocating where we can to ensure that the Maori issues are portrayed fairly in the issues we discuss and the decisions we make. That we continue to understand the partnership between the Crown and iwi and that given that so much of the biodiversity in NZ is on Maori land that we reflect that in

- iii. Timeframes will allow for consultation with representative groups' constituents.
- iv. The group will seek technical advice when necessary to make informed decisions and will seek appropriate feedback when the group considers it necessary.
- v. The group will take an evidence-based approach using best available information to inform their decisions and recommendations.
- vi. The group will encourage a free and frank exchange of views.
- vii. Where there are disagreements, appropriate dispute resolution will be undertaken by the group.

Iwi engagement

- i. The Iwi Chairs Forum and specifically the Conservation Iwi Leadership Group and the Freshwater Iwi Leadership Group has a direct Te Tiriti o Waitangi (Treaty of Waitangi) based relationship with the Crown and will continue to advance these conversations in parallel with engaging in this collaborative group.

Decision making

- i. Decisions and recommendations of the group will be made by its members and reached by consensus.
- ii. If agreement cannot be reached by consensus, the facilitator will assist the parties to narrow differences and where differences are not able to be resolved, the parties' respective positions will be recorded with reasons.

Confidentiality

- i. In keeping with the separate confidentiality undertaking (see attached), members agree that they will not comment publicly on the proceedings of this group or its working documents. Any media commentary on the group's proceedings will come from the group's appointed spokesperson.
- ii. It is recognised that group members will need to discuss issues and/or decisions with peers, nominating organisations and representative groups in order to gain feedback and assess consensus. Material identified as confidential may only be shared with the approval of the governance group.

Meetings

- i. Members will meet for two days per month over an approximate 18 month timeframe.
- ii. This may be reconsidered throughout the process.

Per diems

- iii. Core member organisations may claim reasonable travel disbursements
- iv. A per diem will be provided for core group members at \$300.00 per meeting day (GST is not payable)
- v. It is acknowledged by the parties agreeing to this TOR that this does not represent an ongoing arrangement for any future Government work.

our conversations around our table. This is about giving effect to the partnership approach, between ourselves together as individuals that make up the collaborative group.

Group Support / Governance

- i. The group will be facilitated by an independent facilitator and be supported by a secretariat.
- ii. The Trustees will facilitate and administer the collaborative process but do not have the power to amend or approve the wording of the Policy or supporting and complementary measures without the consent of the Stakeholders.