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MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI



TE MANATŪ WAKA
MINISTRY OF TRANSPORT



Department of
Conservation
Te Papa Atawhai

Departmental Briefing

In Confidence

GS ref: 22-B-0624
DOCCM7160361
MBIE:2223-1139
MOT:OC220836

To: Minister of Conservation
Minister of Tourism
Associate Minister of Transport

Date: 23 September 2022

Subject: **Milford Opportunities Establishment Board draft terms of reference**

**Action
sought:**

Approve the attached Milford Opportunities Establishment Board draft Terms of Reference. Sign the attached draft letters to the Chair of the Board, and the chief executives of the Department of Conservation; Ministry for Business, Innovation and Employment and Ministry of Transport.

Time Frame: 30 September 2022

**Risk
Assessment:**

Terms of Reference are necessary to ensure the Milford Opportunities Establishment Board fully understands its responsibilities and the scope of its work programme.

**Department's
Priority:**

High

Level of Risk:

Medium

Contacts

| Name and position | Cellphone | First contact | Principal author |
|---|-----------|---------------|------------------|
| Marie Long, Deputy Director-General National Programmes and Regulatory Services, Department of Conservation | s9(2)(a) | ✓ | |
| Heather Kirkham, General Manager, Tourism Labour, Science and Enterprise, Ministry of Business, Innovation and Employment | | ✓ | |
| Jessica Ranger, Manager, Placemaking and Urban Development, Ministry of Transport | | ✓ | |
| Claire Spencer, Regional Visitor Planning Manager, Department of Conservation | | ✓ | |
| John Arathimos, Principal Advisor (Policy) Milford Opportunities Project, Department of Conservation | | ✓ | |

Proactively rele

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. Draft Terms of Reference (TOR) for the Milford Opportunities Establishment Board (the Board) are attached for your approval. The TOR will ensure that the Board understands the scope of its work programme and core accountabilities. Officials have noted in the TOR that the Board is a ministerial advisory committee to better represent its function and statutory limitations. Draft letters concerning the TOR and ex-officio representation on the Board are also attached for your approval and signature.

We recommend that you ... (Ngā tohutohu)

- | | Decision |
|--|----------------------------|
| a) <u>Approve</u> the Milford Opportunities Establishment Board Terms of Reference | See below <u>Yes/No</u> |
| b) <u>Note</u> that the Establishment Board is an advisory committee | |
| c) <u>Sign</u> the letter to the Chair of the Milford Opportunities Establishment Board | <u>Yes/No</u> |
| d) <u>Sign</u> letters to the Chief Executives of the Department of Conservation; Ministry for Business, Innovation and Employment and Ministry of Transport | <u>Yes/No</u> |

** Please share Terms of Ref with MOP Board for discussion and approval. Setup opportunity to discuss with Board prior to my sign off.*

[Signature] Date: / /

[Signature] Date: / /

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 Labour, Science and Enterprise,
 Ministry of Business, Innovation and
 Employment

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Date: / /

Marie Long
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For Director-General of Conservation
Department of Conservation



Date: 9/10/22

Hon Poto Williams
Minister of Conservation

Date: / /

Hon Stuart Nash
Minister of Tourism

Date: / /

Hon Kieran McNulty
Associate Minister of Transport

Proactively released

Purpose – Te aronga

1. This briefing requests you approve draft terms of reference for the Milford Opportunities Establishment Board (the Board), and sign letters to the Board Chair and chief executives from the Department of Conservation (DOC); Ministry of Business, Innovation and Employment (MBIE) and Ministry of Transport (MOT).

Background and context – Te horopaki

2. In June 2021, Cabinet agreed to the formation of an 'Establishment Board' and dedicated Unit, so that Stage Three, Phase One of the Milford Opportunities Project (MOP) could commence. This phase entails detailed planning and feasibility assessment of the recommendations in the Milford Opportunities Project Masterplan. [CAB 21-MIN-0237 and DEV-21-MIN-0135 refer]. The Board and Unit provide advice to you concerning the viability of recommendations in the MOP Masterplan.
3. The Board has recently been appointed. The MOP Unit is currently developing its work programme.

Terms of Reference

4. Attached for your approval (Appendix One refers) are Terms of Reference to provide clear direction to the Board on:
 - the Board's purpose, role, and key responsibilities
 - your expectations of Board members
 - Board procedures
 - the timeframe for delivery of Phase One of Stage Three.
5. The Terms of Reference are compliant with Public Service Commission guidance on ministerial advisory committees. Care has been taken to ensure that the Board understands the scope of its work programme and that this should be focussed on feasibility assessments and progression of initiatives where possible, not implementation (22-B-0618 refers).
6. Attached for your approval (Appendix Two) is a draft letter from you to the Board Chair advising him that:
 - the Terms of Reference for the Board have been approved
 - the Terms of Reference be made publicly available on the Milford opportunities website
 - you expect the Board will work collaboratively with all partner agencies when developing its advice

s9(2)(a)

The 'Establishment Board' is a Ministerial Advisory Committee

7. The new entity established to advise you on the feasibility of MOP Masterplan recommendations was described by Cabinet as an 'Establishment Board' (DEV-21-MIN-0135 refers). The Board however is a Ministerial Advisory Committee. This is because:
 - The 'Establishment Board' does not have statutory authority
 - The primary purpose of the Board is to provide advice to you on feasibility assessments required to enable MOP Masterplan recommendations, and to manage the MOP Unit.

Ex officio central government Board members

8. You have agreed that three senior officials from the Department of Conservation; the Ministry of Business, Innovation and Employment, and the Ministry of Transport respectively, would sit on the Board as ex-officio members. This is provided for in the Terms of Reference.
9. However, the Public Service Commission has advised that if you wish to have departmental officials present as ex officio non-voting members, then you should make that request to your respective chief executives. Letters have been drafted for your approval and signature accordingly (Appendix Three).

Risk assessment – Aronga tūrarū

10. Terms of Reference are necessary to ensure that the Board operates within its intended scope and to ensure appropriate ministerial oversight of the Group.

Consultation – Kōrero whakawhiti

11. The Board, DOC, MBIE and MOT have been consulted on the proposed terms of reference.

Next steps – Ngā tāwhaitanga

12. Draft Terms of Reference and ministerial correspondence will be dispatched pending your approval and signature.

Attachments – Ngā tāpiritanga

Attachment One – Draft Terms of Reference for the Board.

Attachment Two – Draft letter to the Chair of the Board.

Attachment Three – Draft letter to chief executive of DOC

Attachment Four – Draft letter to chief executive of MBIE

Attachment Five – Draft letter to chief executive of MOT

ENDS