

Ministry for Primary Industries
Manatū Ahu Matua



Growing and Protecting New Zealand

TERMS OF REFERENCE FOR

Climate Change Forestry Reference Group

Authorised by Stuart Anderson
Director, Spatial, Forestry, and Land Management
Ministry for Primary Industries

14 October 2016

Definitions of terms

- Group*: Climate Change Forestry Reference Group established under these terms of reference;
- MPI*: the Ministry for Primary Industries;
- MfE*: the Ministry for the Environment;
- Officials*: Policy analysts or others from Central Government agencies (including MPI and MfE).

Background

- New Zealand has signed the Paris Agreement, which commits Parties to transition to a low emissions global economy to keep temperatures under the agreed limits.
- As part of this commitment, New Zealand is expected to submit a target to reduce emissions to 30% below 2005 levels by 2030 (equivalent to 11% below 1990 levels). This target can be met through reducing emissions, increasing forestry removals, or purchasing abatement credits from other countries. This target follows New Zealand's current target to reduce emissions to 5% below 1990 levels by 2020.
- New Zealand is also required, as part of the Paris Agreement, to communicate progressively more ambitious targets over time.
- New Zealand has a gazetted target to reduce emissions by 50% below 1990 levels by 2050 (but this is not associated with any international commitment). New Zealand is expected to submit a 2050 low-emissions development strategy under the Paris Agreement.
- The Emissions Trading Scheme is New Zealand's primary policy tool for reducing greenhouse gas emissions and meeting its international climate change targets.
- Forestry in the Emissions Trading Scheme and other carbon forestry programmes (including the Afforestation Grant Scheme and the Permanent Forest Sink Initiative) is currently our most important source of domestic emission reductions.
- Decisions made to NZ ETS forestry policy could have a material impact on the scheme's function as a whole, due to the large amount of forestry sector participants.
- Forestry is materially important to meeting New Zealand's climate change obligations in the short and long term.

Purpose

The purpose of the Group is to explore and test evidence, analysis, and policy options with experts to inform and support officials to develop climate change policy that enables forestry to contribute meaningfully to New Zealand's international climate change targets, taking into account the range of benefits that forests provide. The Reference Group will be used by officials to test analysis being undertaken as part of the current review of the New Zealand Emissions Trading Scheme (NZ ETS) (e.g. harvested wood products, averaging, and operational improvements), as well as issues such as the interaction and coherence of forestry and climate change policy and programmes.

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The Group will also help to build trust and confidence between officials and sector experts. Policy development is an iterative process, and the Group will enable Government climate change policy development to be tested as it progresses. This will help ensure best policy outcomes are achieved.

This Group will not get involved with international negotiations, investigate alternative approaches to carbon pricing (such as a carbon tax), or develop policy.

This Group will not replace or be recognised as forestry sector engagement/consultation.

Membership and participation

Composition of the Group

The Group includes individuals with strong experience and expertise in the forestry sector, carbon forestry, post-89 forestry participation in the NZ ETS, permanent carbon forestry, farm-forestry, and Māori forestry.

All members will act in their personal capacity and will not be representing their organisation or company.

The Group will consist of the following members:

- i. Peter Clark
- ii. Peter Weir
- iii. Howard Moore
- iv. Murray Parrish
- v. Ollie Belton
- vi. Dr. Murray McClintock
- vii. Edwin Jansen

Officials from MPI and MfE or other agencies will be observers at the discretion of the Chair.

Addition of members

Members and observers may be added to this Group at the discretion of the Chair. This may be for discrete discussions (e.g. on Harvested Wood Products) or on a longer-term basis.

Attendance and substitutions

Members are expected to treat meetings of the Group as a high priority and attend as often as possible.

Members who are not able to attend a meeting may seek the agreement of the Chairperson in advance of the meeting to be represented by a substitute or proxy. Any substitute or proxy will be required to agree to these Terms of Reference.

Members are responsible for fully briefing any substitute or proxy prior to the meeting.

Replacement of Members

A member may resign from the Group by notifying the Chairperson of the member's resignation in advance of any meeting.

If an individual decides to leave the Group, the Chair will seek a replacement. This may occur with or without consultation of the exiting member or other members of the Group.

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Any substitute or replacement should have a similar level of knowledge and expertise in the area of the departing member.

Any serious breach of any of these terms of reference or Standards of Conduct may result in the Chair removing a member from this Group at their sole discretion. Serious breaches of the Terms of Reference include, but are not limited to, a breach of confidentiality, unauthorised communication with media about the Group, or a failure to declare a conflict of interest.

The Chair may remove members from the Group at their absolute discretion.

Membership rights and obligations

Nothing contained within this agreement creates or gives rise to a partnership, any fiduciary duty, agency, joint venture or any relationship of employment.

Each party shall remain independent of any obligations that do not appear in this Terms of Reference.

Observers

The Chairperson may, with the agreement of the Group, permit observers to participate in meetings of the Group.

The role of observers will be determined by the Chairperson, including whether observers may participate in discussions, or make presentations to the Group.

Observers are required to comply with these Terms of Reference, including the requirements around confidentiality and conflicts of interest.

The Chairperson may at any time ask observers to withdraw from a meeting of the Group.

Chairperson and Secretariat

Chairperson

The Chairperson is the Director of Spatial, Forestry & Land Management at the Ministry for Primary Industries, who is Stuart Anderson at present.

Secretariat

MPI will provide reasonable secretariat services to the Group, including circulation of the agenda and papers, preparation and circulation of meeting minutes and arrangements for travel arrangements.

How the Group operates

Topics for discussion

The Group will be able to discuss potential future agenda items in consultation with the Chair.

Agenda items will be proposed by Officials and reviewed by the NZ ETS Review Governance Board. Members of the public will have the opportunity to make suggestions for agenda items via an MPI email address. The Chair will have final say on what items the group discusses or not. Agendas will be published on MPI's website.

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Meeting Times and Frequency

The Group will meet at least once every quarter, at a time and place determined by the Chairperson in consultation with the members.

Standards of conduct

Members and observers are expected to comply with the standards of conduct set out in Appendix I.

Confidentiality and information

In order for the Group to operate effectively, members and observers must maintain the confidence of the Group, including maintaining confidentiality of matters discussed at meetings, and any information or documents provided to the Group.

Any person presenting information to the Group, whether written or oral, may request that that information be treated as confidential by the members and observers.

At the request of a member, the Chairperson may seek agreement from MPI and anyone who supplied confidential information to the Group for confidentiality in that information to be waived.

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 of the Group must not use the Group to signal pricing intentions or share other market-sensitive information that would ordinarily be kept confidential to businesses or organisations they are associated with.

Privacy Act

Members and observers must at all times comply with the requirements of the Privacy Act 1993 and keep information about identifiable individuals confidential.

Official Information Act

All information provided to and from 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 information is required to be released under the Official Information Act 1982 it will only be released to the extent necessary.

If MPI is considering releasing information under the Official Information Act 1982, MPI will attempt to consult with the person(s) who provided the information before making a final decision on release.

Media

Members and observers must not represent the Group, or comment on the business of the Group, to the media.

The Chairperson may agree for the Group to release a media statement on any matter related to these terms of reference.

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With the prior agreement of the Chairperson, a member may participate in a media interview or make some other public statement about the business of the Group.

Conflicts of Interest

Definition of a conflict of interest

A conflict of interest occurs when a member's or observer's private interest or professional obligation interferes, or appears to interfere with an issue that is before the Group.

A conflict of interest may also occur when there is a possibility that a benefit may apply to the sector, industry or organisation connected to a member or observer.

A conflict of interest may be real or perceived.

Declaration of conflict

Members and observers are responsible for declaring any real or potential conflict of interest to the Chairperson, as soon as the conflict arises.

Management of conflict of interest

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

Members and observers may not participate in any vote or decision on an issue in which they have a conflict of interest, whether it has been declared or not.

Review of terms of reference

The Group must review these terms of reference and the operations of the Group and provide a report to MPI on the operations of the Group, recommending any necessary changes to the Terms of Reference, by January 2018 in the event that the group is still operating.

If the Group has not met once in the space of six months, the Chairperson shall call a meeting to discuss whether the Group is required to continue, and recommend to MPI accordingly.

Finance and Budget

Members will be compensated for the costs of their travel (e.g. Flights and taxi's, excluding accommodation and meals) from cost code 1431 (Climate, Land & Water A). Overnight accommodation will not be required or expected.

Invoices for the costs of travel must be submitted promptly and before the end of the financial year. Members must use 'MPI Expense Claim Form for External Parties' available from the Secretariat.

Any expenditure of financial commitment by the Group must have prior approval from the Chair and/or MPI.

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Reference Group Membership

I agree to participate in the Climate Change Forestry Reference Group and to these Terms of Reference, including the confidentiality agreement detailed within. I also confirm that I have disclosed any conflicts of interest relating to my involvement in the Reference Group in the Conflicts of Interest Register.

Peter Clark

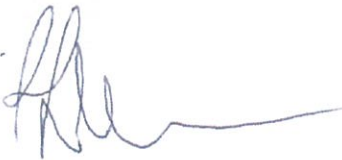


18/10/16

Signature

Date

Peter Weir



2/11/16

Signature

Date

Howard Moore



28.10.16

Signature

Date

Murray Parrish



28/10/16

Signature

Date

Ollie Belton



4 November 2016

Signature

Date

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Dr. Murray McClintock

Signature 

1 NOVEMBER 2016
Date

Edwin Jansen

Signature 

31 OCT 2016

Signature

Date

Ministry for Primary Industries
Stuart Anderson, Director

Signature 

23/11/16

Signature

Date

Appendix: Expected Standards of Conduct

All members and observers are expected to adhere to the following principles:

- *Diligence* – Members will use their best endeavours to attend meetings and to prepare thoroughly. Members are expected to participate fully, frankly and constructively to discussions and to bring the benefit of their particular knowledge, industry perspective and skills to the table.
- *Conflicts of Interest* – See Terms of Reference above.
- *Corporate Opportunities* – Each member must not exploit any opportunity that is discovered through access to information or discussion within the Group for their own personal gain or that of the industry, sector or organisation that they are connected to.
- *Transparency* – All information should be provided in a manner that is timely, precise and easily understandable.
- *Fair Dealing* – Members shall deal fairly with each other and shall not take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts or any other unfair dealing practices.
- *Advocacy* – Members should avoid promoting a standpoint or cause of their industry and should rather participate in meetings with the aim of reaching an outcome that is acceptable to all members.
- *State Services Standards of Integrity and Conduct* – Officials from government departments 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 Terms of Reference, those of the Standards and Integrity of Conduct shall preside.
- *Alternative Obligations* – Any alternative rules or statutes that govern members standards of conduct shall continue to do so, however in any case of conflicting duties the Chairs must be notified as soon as reasonably possible.
- *No Surprises* – Members shall endeavour to the best of their ability to brief other members of the Group with pertinent information before public announcements are made.
- *Communications & Media* - Only the Chair will speak to or release statements to the media on behalf of the Group with agreement from members.
- *Commerce Act obligations* — Members must comply with obligations and restrictions contained in the Commerce Act and refrain from engaging in any conduct that could be interpreted as a restrictive trade practice.