

Terms of Reference

Environment Canterbury Commissioners

1. Background

In November 2009, the Minister for the Environment and the Minister of Local Government appointed an independent Review Group to investigate the performance of the Canterbury Regional Council (known as Environment Canterbury) under the Local Government Act 2002 and the Resource Management Act 1991. The Review Group report and recommendations were publicly released on 19 February 2010. The report identified serious organisational failure within the council and inability to effectively manage water resources in the Canterbury region. The Government considered the report and the views of Environment Canterbury, Canterbury mayors, councils and stake holders and considered there was an over-riding and immediate need for central government intervention and leadership.

2. Establishment of the Commissioners

On 13 April 2010 legislation came into force that provides for the replacement of Environment Canterbury's governing body with Commissioners. The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 enables the Minister for the Environment and the Minister of Local Government to appoint 4 to 7 Commissioners to become the governing body of Environment Canterbury with all the powers and duties under the Resource Management Act 1991 and Local Government Act 2002.

The term for the Commissioners will commence on the replacement day as determined under section 8 of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010.

The Commissioners appointments will, unless otherwise advised by Ministers, expire on the day before the resumption day (as specified in the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010).

The Commissioners comprise:

Dame Margaret Bazley (chairperson)

David Caygill (deputy chairperson)

Donald Couch (member)

Tom Lambie (member)

Rex Williams (member)

David Bedford (member)

Peter Skelton (member)

3. Role of Environment Canterbury Commissioners

The role of the Commissioners is to govern Environment Canterbury and to provide Canterbury with leadership on resource management matters, in particular freshwater, and in particular to focus on the urgent need for improvements in freshwater management around water quality, allocation and opportunities for storage.

The Commissioners will carry out all the functions and powers of Environment Canterbury councillors provided for under the Local Government Act 2002 and the Resource Management Act 1991 and any other Act which imposes powers, duties or obligations on Environment Canterbury. Commissioners must exercise their

functions in accordance with the purpose and principles of the Local Government Act 2002 and the Resource Management Act 1991.

The Commissioners will be responsible for addressing institutional problems identified in Environment Canterbury, including those identified in the Review Group's report and for ensuring that the organisation is capable of delivering its functions in an efficient and effective manner.

The Commissioners will be responsible for ensuring that decisions on the Natural Resources Regional Plan are approached with urgency so the plan can provide clarity and direction on the management of water and other resources in the region.

The Commissioners will be responsible for the timely consideration of applications for amendments to water conservation orders and any applications for new water conservation orders in the Canterbury region.

The Commissioners will also provide advice to Ministers on possible long term institutional arrangements and requirements for achieving the Government's objectives for water management in Canterbury.

4. Outcomes

The Government intends to set specific outcomes and goals, with measurable milestones, for the Commission to achieve. A letter from the responsible Ministers to the Chair of the Commission, detailing these outcomes and milestones, will be provided by 1 June 2010. The Commission will be expected to report progress against these outcomes and milestones quarterly as part of regular reporting.

5. Specific expectations

In addition to complying with the requirements of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010, the Local Government Act 2002, the Resource Management Act 1991 and any other Act which imposes powers, duties or obligations on Environment Canterbury, the Commissioners will be expected to:

- (a) effectively govern Environment Canterbury and ensure that the Council effectively carries out its functions and meets all its statutory obligations
- (b) assess the scope of matters to be dealt with and determine the priority of the tasks and decisions they are required to make
- (c) use opportunities provided in the statutes to deal with matters in an integrated and expeditious manner
- (d) build effective and long term relationships with the Canterbury territorial authorities and seek their advice on issues that impact on their roles, functions and powers
- (e) build on the collaborative work of the Canterbury Water Management Strategy including reviewing and addressing matters as necessary for sound policy development and continue the engagement with key stakeholders and the public on improving the management of water in Canterbury
- (f) seek advice from Te Runanga o Ngai Tahu on issues that impact on Ngai Tahu
- (g) ensure that any delegations including any delegations already in place or delegations proposed to be put in place are made to appropriately skilled and experienced persons and in particular, when delegating any decision making powers in relation to the Resource Management Act 1991, have regard to the

need for experience in conducting hearings and making decisions under the Resource Management Act

- (h) ensure that the structure, roles and membership of council committees effectively support their functions and duties as Commissioners
- (i) consider issuing draft decisions on the Natural Resources Regional Plan and giving submitters an opportunity to comment on the draft decision before a final decision is made
- (j) contribute to Government's consideration of the long term governance and institutional arrangements for Local Government, by providing advice on the governance and institutional arrangements in Canterbury necessary to achieve the efficient and effective delivery of Environment Canterbury's functions, including measures to promote durable resolution of the issues raised in the Review Group's report – particularly relating to freshwater management
- (k) regularly communicate lessons learnt during this temporary period of intervention to government officials (including officials from the Ministry for the Environment and the Department of Internal Affairs), particularly relating to freshwater management.

Government's expectation is that the remuneration of Commissioners will be paid for by Environment Canterbury and will not exceed the current level of funding approved for the remuneration of the governing body of Environment Canterbury. Members will be paid a daily rate for their work as Commissioners. The Chairperson will be responsible for ensuring Commissioners' remuneration stays within approved levels.

6. Advice and Administrative support to the Commissioners

As the governing body of Environment Canterbury the Commissioners will be supported by its Chief Executive. The Commissioners will also have the ability of any local authority to engage such other support or advice it may require.

7. Reporting Requirements

The Commissioners will report quarterly to the Minister for the Environment and the Minister of Local Government on progress towards addressing the organisational capability and performance of the organisation – particularly relating to freshwater management

The Commissioners will provide a report as soon as practicable and no later than the first quarterly report, about its priorities for dealing with the matters it has before it.