MINUTES OF BOARD MEETING ONE: 23 FEBRUARY 2017

Background
1. The first meeting of the Board was held on Thursday 23 February 2017, commencing 12.15pm at the Best Western Ellerslie International, Auckland.
2. Present were: Dr John Priestley (chair), Alan Bickers (member), Michael Parsonson (member), Sheena Tepania (member).
3. EPA staff in attendance were: Stephanie Frame (Proposal Manager), Glen Cooper (Project Leader), Jennie Smeaton (Senior Advisor).

Introduction
4. Welcome by the Chair.
5. Each Board member briefly outlined their professional backgrounds and experience. The EPA made a presentation introducing the EPA Proposal team and providing a high level overview of the Board of Inquiry process.
EPA Roles and Responsibilities

6. The Board noted the paper outlining the EPA’s roles and responsibilities as a guide for the Board.

Powers of the Board

7. The Board noted the paper outlining the powers of the Board including a summary of the key provisions within the Resource Management Act 1991 (RMA) that confer powers on the Board.

Board Procedures and Delegations

8. The Board adopted the procedures and delegations as detailed in Appendix 1.

9. The Board agreed to appoint member Alan Bickers as deputy chairperson.

10. The Board agreed to delegate the following decisions to the chairperson subject to consultation with the Board members:
   a. approving a brief for any reports the Board may want to commission;
   b. deciding administrative and procedural matters relating to pre-hearing and inquiry processes, including requests for additional presentation time, leave to cross-examine, keeping submission material confidential and similar matters;
   c. functions which fall under section 37 of the RMA to waive compliance with requirements to extend time limits including in relation to time between close of submissions and the start of the hearing, and for late submissions.

11. The Board agreed to the draft Inquiry Procedures subject to minor edits. The Inquiry Procedures will be released separately as Board Memorandum No.1 and made available on the EPA’s website at www.epa.govt.nz/eastwest. The Board noted that from time to time the Inquiry Procedures may need to be reviewed.

12. The Board agreed to maintain a conflict of interest register and that each member of the Board will complete a declaration of interest statement to be placed on the EPA’s website.

Proposal timeline and Board scheduling

13. The Board noted the paper providing an indicative proposal timeline and proposed Board meeting schedule.

14. The Board instructed the EPA to prepare a more detailed proposal timeline based on the Board’s directions, including the dates for evidence exchange and, summary of submissions report, and hearing start date. These dates are to be included in Section 1 (Inquiry Timetable) of the Inquiry Procedures.
Publication of Information

15. The Board noted the paper on the publication of information and directed the following be made publicly available on the EPA website:
   - Board meeting minutes (edited)
   - Board directions and minutes

Hearing venue

16. The Board noted the paper outlining hearing venue options. The Board instructed the EPA to secure the preferred hearing venue.

Closure and next meeting

17. Meeting closed at 2.55pm.

18. Next meeting: Tuesday 11 April in Auckland.

For the Board:

Dr John Priestley CNZM, QC
Chairperson
Appendix One: Standard Board Procedures and Delegations

**Board meetings (other than hearings and deliberations)**

1. A quorum for a Board meeting will be more than half the membership (i.e. three members).
2. The Board will set their own meeting schedule. In addition any Board member may call a meeting of the Board by advising the Chairperson.
3. Each meeting will have an agenda prepared by EPA staff in consultation with Chairperson. The agenda will be pre-circulated to members (and to relevant support staff), as far in advance as possible, and no less than three days prior to the meeting, unless a meeting is called under urgency.
4. Board meetings will be in Auckland, unless otherwise advised. Agenda details and meeting location will be confirmed by staff when the agenda is circulated.
5. The Board may hold meetings by teleconference or videoconference.
6. Board meetings (other than hearings or other public forums as decided by the Board from time to time) will not be open to the public or media. By direction of the Board, minutes of the Board meetings will be made available on the EPA website.
7. As far as possible, decision making will be by consensus.
8. Meeting notes will be kept by the EPA for all meetings (including teleconferences and videoconferences). Meeting notes will be circulated with papers for the next available meeting, for acceptance. The notes will record:
   - The time and place of the meeting, and those present;
   - The reports and other documents referred to or tabled at the meeting;
   - Any conflicts of interest that are declared at the meeting;
   - Identification of the key matters discussed;
   - Action points; and
   - All decisions of the Board.
9. The meeting notes will not provide a comprehensive record of the various contributions to discussions at the meeting to ensure free and frank discussion.

**EPA Support to the Board**

10. The Board will be supported by the EPA. Communications to the Board from external parties will be via the EPA. The EPA will provide support including technical support to the Board.
11. At the request of the Board, the EPA can arrange technical support or the provision of information for the Board. It will provide secretarial services (such as agendas, meeting notes, meeting arrangements) and will provide or procure any advice the Board requires.
12. EPA staff will attend meetings of the Board. Other personnel may attend to assist (i.e. EPA advisors, consultants engaged to assist the Board), at the Board’s request.

13. The Board’s media releases, other media dealings, and public notifications will be managed by the EPA on the Board’s behalf.

Public dealings

14. The Board will act collegially. Members should avoid engagement with interested parties or the media without a mandate from the Board, especially about anything that may be construed as expressing an opinion on, or receiving representations on, issues the Board will be considering. The chairperson will be the spokesperson for the Board, unless the chairperson or the Board delegates that responsibility in any instance.

15. Hearings will be open to the public, except when section 42 of the RMA (Protection of sensitive information) applies.

Conflicts of Interest

16. The Board must maintain a conflict of interest register and complete a declaration of interest statement, even if there are no interests to declare. The EPA will usually publish these statements on its website.

17. Conflicts of interest will be a standing item on future Board meeting agendas. If any member has a conflict of interest in respect of any matter being considered by the Board at any meeting, that member should initially seek advice from the chairperson, and if appropriate then seek advice from the Board’s legal advisor (should you appoint one) as to an appropriate way to manage the conflict.

18. Further guidance on interests, conflicts and other due diligence checks can be found in the State Services Commission Board Appointment and Induction Guideline, 29 October 2015, available at www.ssc.govt.nz/board-appointment-guidelines.

Delegations

19. The Board may delegate functions to be carried out on its behalf. For transparency purposes, any such delegations should be recorded in the Board minutes and any functions undertaken under such delegation should be reported to the Board as soon as is practicable.

Inquiry procedures

20. Inquiry procedures will be released via a Board memorandum once approved by the Board. The purpose of the Inquiry Procedures is to set the rules and timeframe by which the inquiry will run.