

Marlborough Marine Futures

DRAFT Stakeholder Working Group Terms of Reference

23 March for consideration of stakeholders, iwi and agencies.

The following document is a first draft for potential terms of reference for the Stakeholder Working Group (SWG) for Marlborough Marine Futures. It has been developed taking into account:

- Kay Booth paper (see website);
- Terms of Reference for implementation committee;
- Te Korowai o te Marokura (Kaikoura) outputs;
- Hauraki Gulf Sea Change Stakeholder Working Group terms of reference;
- Queries and comments from SWG workshop 8 March; and
- Trustee's consideration and comments.

The draft Terms of Reference are proposed by Trustees to inform prospective stakeholder engagement and will not be finalised until the Steering Group and the SWG has been convened and been consulted with.

Stakeholders' comments are welcomed and will be provided to the Steering Group and the Stakeholder working group once convened.

A broad indication of timing (subject to the Steering Group and SWG being formed and confirming this timeline) is as follows:

- Formation of SWG - December 2014 - June 2015
- Information collation and interpretation - July 2015 to June 2016
- Issues definition and solutions creation - July 2016 to June 2018

STAKEHOLDER WORKING GROUP TERMS OF REFERENCE

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1. Marlborough Marine Futures Strategy

1.1. Overview

Marlborough Marine Futures (MMF) is a marine spatial strategizing process that gives everyone with an interest in the Marlborough Marine Area an opportunity to help safeguard its future. We all share the common goal of “A rich and healthy marine environment that meets the economic, recreational, social and cultural requirements of our community.” Marine spatial strategising is seen as a new approach towards achieving this goal.

1.2. Purpose

Marlborough Marine Futures aims to develop a spatial strategy that will achieve sustainable management of the Marlborough, including a Marlborough Marine Area that is vibrant with life and healthy mauri, is increasingly productive and supports thriving communities. It aims to provide increased certainty for the economic, cultural and social goals of our community and ensure the ecosystem functions that make those goals possible are sustained.

The spatial strategy will provide guidance and vision for the sustainable management of the Marlborough Marine Area, including locations set aside for various human related activities, and areas for protection of the natural environment. It will do this using an integrated community approach through the formation of a collaborative stakeholder forum who will work together across relevant agencies to plan for the Marlborough Marine Area’s future.

The core purposes of MMF include:

- To achieve the vision of a rich and healthy Marlborough marine environment;
- Community leadership and responsibility. To increase local engagement, understanding and ability to make good decisions;
- Joining dots and filling gaps: To provide an integrative function in relation to everything that affects the sea.

2. Marlborough Marine Stakeholder Working Group (SWG)

2.1. SWG Core Functions

The role of the SWG is to compile information and evidence, analyse, represent all points of view, debate and resolve conflicts and work together as a group to develop a future vision for a healthy and productive Marlborough Marine Area. The future vision will be manifested as a physical document - the Marlborough Marine Futures Strategy.

The SWG will work to achieve consensus on a Marlborough Marine Futures Strategy that will be presented to the relevant statutory and regulatory authorities for adoption and implementation.

The Marlborough Marine Futures Steering Group (MMFSG) consisting of members of the community, Trust, consortium agencies and resourcing entities and mana whenua, have responsibility for scope, administration and resourcing of the spatial strategy within a pre-defined budget. Part of this resourcing includes agency staff who are available to assist the SWG through the provision of information, advice and guidance when requested.

The SWG will be assisted by the appointment a Facilitator (appointed by the Steering Group). The overall structure of the project is outlined in the diagram below.

[Insert diagram of structure: See separate attachment]

2.2. SWG Membership

The SWG consists of individuals who represent a wide range of different stakeholders and mana whenua with an interest in the Marlborough Marine Area. The group will receive and provide information, discuss and debate issues and aspirations, resolve conflicts and seek consensus to produce the Marlborough Marine Futures Strategy.

Members of the SWG will work towards a shared understanding of the issues faced by the Marlborough Marine Area and identify agreed solutions to these issues. This does not mean that stakeholders necessarily agree about the issues, but that they understand each other's positions well enough to have constructive discussions and exercise their collective intelligence to identify unbiased best practicable solutions.

The marine spatial strategy process is new and evolving. Members will need to be adaptable and have a proactive approach to achieving successful outcomes for the Marlborough Marine Area.

2.3. SWG Membership Selection

[Members were selected by a two-stage process of stakeholder engagement. [xx] stakeholders participated in the appointment process undertaken in Picton March - May 2015].

[The membership selection is now complete.]

If for any reason a member of the SWG is unable to continue in the role then the Chair in conjunction with the member and the interest group or groups they represent will identify a potential replacement for the member. There must be consensus support for the replacement candidate by the other members of the SWG and the replacement must also be confirmed by the MMFSG.

This process does not apply to the mana whenua members. Any change in the mana whenua members will be managed by mana whenua.

No substitution of members is permitted for occasions when a member is unable to attend a meeting.

2.4. Key SWG Member Attribute Requirements

Key attributes for the SWG member(s) should include:

- a) Experience with working across sectors and with diverse groups
- b) Ability and commitment to work collaboratively, seeking to integrate the interests of a broad range of stakeholders
- c) Experience with decision making by groups and resolving diverse opinions
- d) Understanding of the regulatory and legislative environments and planning requirements of local and central government
- e) Able to balance a regional perspective with localised knowledge
- f) Experience with maps

Comment [RE1]: Given the scale and commitment to efficient resourcing, the proposed governance structure is lean – the Steering Group are responsible for normal governance functions (setting scope, obtaining resourcing, ensuring accountability). The Coordination Team led by the Facilitator is responsible for project management.

- g) Ability to commit time and expertise for the duration of the project
- h) Committed to completing all aspects of the Marlborough Marine Futures Strategy
- i) Experience with using the internet, email and computer
- j) Be of a high standing and integrity within our iwi, hapu or stakeholder group
- k) Ability to think strategically and consider the big picture.

2.5. Representation

The values and principles for the SWG reflect the importance of their representation and role. The SWG will represent the interests of recreational users, community groups, environmental groups, industry, business, mana whenua and the past and future people of the Marlborough Marine Area.

Where representation cannot or has not been mandated (e.g. due to the diversity of stakeholders in one sector), the sector representative will put forward the widest possible interests and views of the sector without prejudice or favour to any one part of the sector.

2.6. Commitment to Collaboration

The Stakeholders' Working Group will strive for productivity, respect, creativity and clarity. As representatives of their respective groups, the Stakeholders' Working Group members will come prepared and committed to an open collaborative process with a view towards sharing relevant information, taking opportunities to learn from other interest groups and seek new solutions to potential conflicts. All members will work towards the greater good of the Marlborough Marine Area and make every effort to reach consensus with decision making. Consensus for this purpose means that every member either supports or does not actively oppose (can live with) the decision.

3. **Facilitator**

A Facilitator will be appointed to the SWG to assist with the overall management and functioning of the group. The Facilitator will be independent from the funding agencies, from the MMFSG and from any interest, business or other relationship that could interfere with independent judgment, other than interests associated with completing the marine spatial strategy within its chosen framework.

The Facilitator is accountable to the MMFSG and will act as a direct liaison between the SWG and the MMFSG.

3.1. Facilitator Functions

Duties and responsibilities of the Facilitator include, but are not limited to:

- a) Act as liaison between the SWG and the MMFSG
- b) Provide advice and counsel the SWG members
- c) To maintain oversight of the SWG throughout the strategy development process.
- d) To assist in resolving disputes
- e) To achieve consensus amongst the different stakeholder groups.

Comment [RE2]: The MMF proposed structure does not recommend that an Independent Chair be appointed as well as a Facilitator given the resourcing requirements, the scale of the issues and the size of the population base. It is proposed that the Facilitator be responsible for the functions as listed. The Facilitator will work with a Coordination Team to achieve these functions.

- f) To develop and set agendas for meetings of the SWG
- g) To facilitate SWG meetings
- h) To review notes from SWG meetings
- i) To provide progress reports on the development of the strategy
- j) Brokering outcomes where required
- k) Provide and manage a Coordination Team including facilitation, strategic, analytical, networking, fundraising and administrative services
- l) Dealing with media subject to agreed communications plan.

In the event the Facilitator is unable to continue in the role then the MMFSG will appoint a replacement Facilitator.

4. Stakeholder Working Group Roles and Responsibilities

4.1. SWG Specific Roles

To achieve the core SWG functions the specific roles of the Stakeholder Working Group include:

- a) Develop the Marlborough Marine Futures Strategy for implementation within the scope defined by the MMFSG and within the mandate of the participating agencies (Marlborough District Council, Department of Conservation, Ministry for Primary Industries and Ministry for the Environment) while accepting that some recommendations may be outside those mandates.
- b) Develop the Marlborough Marine Futures Strategy addressing the integrated management of the Marlborough Marine Area and high level policy relating to marine space to inform future changes to statutory plans and policy statements, other non-regulatory plans/strategies, and implementation in accordance with the Marlborough Marine Futures Strategy.
- c) Champion the Marlborough Marine Futures Strategy, by advocating the importance of the project to stakeholders, interested parties and the community.
- d) Provide stakeholder representation for the Marlborough Marine Futures Strategy and articulate the views and experience of the stakeholders that they represent without prejudice or favour.
- e) Broker relationships with other stakeholders and interest groups.
- f) Pursue and promote stakeholder co-operative working relationships to achieve integrated management of resources in the Marlborough Marine Area.
- g) Engage in a thoughtful, thorough discussion to seek win/win solutions.
- h) Integrate a broad range of stakeholder interests to reach consensus solutions.
- i) Provide stakeholder engagement for the Sustainable Seas national science challenge for the focal area.
- j)

4.2. SWG Responsibilities

The SWG will be committed to preparing the strategy with the assistance of the Facilitator and Coordination Team in a timely, open, and fair process. The group will be dedicated to thorough examination of materials prepared during the strategy process; thoughtful dialogue about community values and their bearing on the strategy; and carefully crafted statements of advice that will result in SWG's best collective thinking.

The recommended marine futures strategy prepared by the SWG must be:

- a) Supported and able to be formally adopted by statutory agencies
- b) Implementable by statutory agencies
- c) Acceptable to stakeholder groups.

The SWG may receive advice from the MMFSG, Expert Advisory Group (EAG), agency officers, stakeholder groups and the public at large, to assist it in meeting these criteria.

Responsibilities of the SWG include:

- a) Share relevant information with the other group members
- b) Keep their groups/communities informed and involved throughout the strategy process including reporting back findings or decisions to stakeholders/sectors
- c) Keep other group members informed about the their groups/community's perspectives
- d) Agree on the priorities for the Marlborough Marine Futures Strategy
- e) Work to accommodate the agencies' statutory requirements for public process and their statutory requirements to have specific topics in a strategy
- f) Work to identify promising options and openly discuss and evaluate those options
Seek consensus on the content of the Marlborough Marine Futures Strategy, and other advice to be offered to decision-makers
- g) Approve the formation and membership of any working group formed to support the SWG
- h) To request and receive advice, reports and information from expert advisors and others, Facilitator and Coordination Team to assist in the development of the strategy
- i) The SWG will be expected to come to a consensus on all issues. If the SWG is unable to come to a consensus on any matter, and only as a last resort, then the MMFSG may provide additional guidance, or if necessary will make the final decision.
- j) Ensure that all confidential or draft papers are kept confidential, or shared in confidence with stakeholders with agreement, unless there is agreement otherwise.
- k) To acknowledge and accept that the process by necessity has budget, resourcing and time constraints, and to work to the best of their ability within those constraints.
- l) To submit the strategy to participating agencies and decision makers.

5. Principles Of Operation

5.1. Types of Meetings

- a) *Hui*.
- b) *Public meetings*. Some SWG meetings will be formal, public meetings. These meetings will engage and report back to stakeholders and include the opportunity for public comment. The meetings may be simultaneously webcast. If practicable, audio and video archives of the meetings will be made available on the Marlborough Marine Futures website a few days after each meeting.
- c) *Work sessions*. Some SWG meetings will be informal work sessions. The purpose of work sessions is to provide SWG members with focused, face-to-face opportunities to pursue their role of developing the Marlborough Marine Futures Strategy. SWG work sessions are not formal public meetings; they will not be webcast. Work sessions may be open to the public, who may participate as observers, but there will not be opportunities for formal public comment.
- d) *Working groups*. SWG members may elect to form working groups to develop constructive, integrative work products during and between SWG meetings and work sessions. The aim of such working groups is to encourage integrative options rather than work products put forward by a single sector or interest group. Working groups can be a subset(s) of SWG members, or specially constituted to provide the required expertise to address a particular topic.

5.2. Conduct of Meetings

- a) The SWG will elect a member to serve as an elected Chair.
- b) There is a quorum of three-quarters of the members in attendance at meetings for any substantive discussion or decision making.
- c) All members will endeavour to attend all meetings, replacements are not an option. If there is expected to be less than 75% attendance by SWG members the meeting will be rescheduled.

Unless otherwise arranged with the agreement of all members:

- a) Meetings will be chaired by the elected chair of the SWG and the Facilitator.
- b) Administrative support (including notice of meetings, agenda preparation and minutes) will be provided by the Facilitator and Coordination Team.
- c) SWG meetings will occur on a monthly basis, or as needed. Working group meeting will occur as often as needed by the working group.
- d) Meetings may be attended by the project board, relevant agency staff, contractors or other persons invited by members of the SWG.
- e) Meetings will be conducted in general accordance with standing orders and operating procedures for committees, incorporating Māori protocol where appropriate.

5.3. Methods of holding meetings

A meeting may be held either:

- a) by the number of members of the SWG who constitute a quorum being assembled together at the place, date, and time appointed for the meeting; and/or

- b) by means of audio, or audio and visual, communication by which all members of the SWG participating and constituting a quorum, can simultaneously hear each other throughout the meeting.

5.4. Decision Making

The decision-making autonomy of member organisations is not limited by this Terms of Reference.

The preferred method of reaching decisions in meetings will be to reach consensus agreement wherever possible.

SWG members will be invited to indicate whether they support, or not, an item under discussion. In the interests of reaching consensus, 'support' is defined as 'may not agree but can live with'.

SWG members will strive to achieve a high level of agreement in developing and advancing proposals for the Marlborough Marine Futures Strategy. The intent here is to strive for solutions that earn broad-based, cross-interest support from SWG members. The SWG is not intended to function as a representative voting body.

Once agreement is reached on a particular step in the strategy process, the SWG will not revisit it in subsequent meetings (in the interest of keeping on track with the strategy process). However, at the conclusion of the project the group will re-examine all the findings to ensure that they are consistent and properly represent the group's desired outcomes for the strategy.

Consensus is a person agreeing, or abstaining from agreement but won't hold up the decision. If consensus cannot be reached then step back to where all can agree or continue to work at the issue until consensus is achieved.

5.5. Information Sharing and Joint Fact-Finding

Information gathering and sharing. The Marlborough Marine Futures Strategy Coordination Team intend to create multiple opportunities for data sharing and joint fact-finding within the Marlborough Marine Futures Strategy. Joint fact-finding refers to a process where stakeholders are able to provide their cultural knowledge, needs, and questions for analysis; deliberations of expert advisors are transparent; data are pooled to support better informed recommendations; and a serious effort is made to identify and narrow sources of scientific disagreement. SWG members are encouraged to be as specific as possible in identifying types of information they believe will support the development of the Marlborough Marine Futures Strategy. This information may include a mix of peer-reviewed studies, other scientific studies, field notes from researchers, and firsthand knowledge from resource users. Accordingly, SWG members are encouraged to contribute their own firsthand knowledge to support the work of the SWG.

Best readily available information. SWG members recognise that the Marlborough Marine Futures Strategy relies on using the best readily available information. Tentative information will be treated as such. Development of the Marlborough Marine Futures Strategy will not be delayed in order to fill any perceived data gaps.

Transparency and Confidentiality. Marlborough Marine Futures is committed to acting with as much transparency as is possible. That said, SWG members will refrain from sharing specific information outside of the SWG that was explicitly provided in confidence by other SWG members. This includes information on traditional uses by mana whenua, and any confidential fishing data.

Handling apparently conflicting data or analysis. In the event that two or more data sets or interpretations appear to conflict, SWG members will work collaboratively with expert advisors and the Coordination Team to narrow or clarify the basis of disagreement.

The statutory agencies will assist the SWG process by providing information, any guidance, facilitation and advice, but it is the decision of the SWG as to how, or whether, the material is integrated into the strategy.

5.6. Media Contact

For clarity no member shall speak on behalf of the SWG as a whole other than the elected SWG Chair or the Facilitator subject to the communications plan.

All media requests to SWG members are to be directed to the elected SWG Chair or the Facilitator. Mana Whenua representatives will also advise the SWG Chair or the Facilitator of any media requests they receive and work with the SWG Chair and the Facilitator in formulating a response.

Media contacts regarding the project from a “big picture” perspective will be handled by the Chair, the Facilitator and the Coordination Team.

On occasion, reporters may contact individual SWG members for comment about a particular issue. Members who are contacted by the media will first contact the elected Chair or Facilitator for guidance. After commenting, the member will provide the media organisation with contact information for the Facilitator and elected Chair and request that the media organisation contact those people for any further information.

SWG members recognise the need to maintain a balance between providing timely information to constituents and making statements to the media that could undermine the success of the Marlborough Marine Futures Strategy project. SWG members agree to avoid:

- a) making statements to the media that may discredit, misrepresent or prejudice the project's outcome,
- b) representing another group's point of view or characterising others' motives, or
- c) stating positions on preliminary proposals while they are still being developed or refined by work teams or the SWG. Failure to abide by this agreement may result in replacement of the member.

Media statements are to be based on the SWG minutes and any factual publicly available material presented at the meetings. If members are unsure they should contact the Facilitator for advice and guidance.

Members are accountable to the SWG for their comments to the media.

6. Resourcing

Information, advice and support will be given to the SWG to ensure it is informed of the participating agency's statutory requirements for the Marlborough Marine Futures Strategy. A Facilitator will be provided to assist the SWG in the consensus decision making process. Administrative support will also be provided to book meeting rooms and take notes. The Coordination Team (managed by the Facilitator) will also provide strategic and analytical services.

Costs for participation and attendance by Stakeholder Working Group members will lie where they fall. The MMFSG will provide reasonable and actual reimbursement to meet the

reasonable time and travel costs of particular representatives who can demonstrate a need. A schedule of costs and resourcing needs is expected to be agreed upon between the parties.

7. Review

The Terms of Reference will be reviewed on an annual basis or following receipt of a request from a member if earlier.

Definitions:

EAG - Expert advisory group

Marlborough Marine Area - Marlborough District Council boundaries from MHWS to 12 nautical miles

MMF - Marlborough Marine Futures

MMFSG - Marlborough Marine Futures Steering Group

Trust - Marlborough Sounds Integrated Management Trust

[Ends]

DRAFT

STAKEHOLDER WORKING GROUP ROUND TABLES

[DRAFT TERMS OF REFERENCE - PROVIDED AT THIS STAGE AS INFORMATION ONLY.
WHETHER ROUND TABLES WILL BE SET UP, AND IF SO HOW MANY AND WHAT
CONSTITUTION AND SCOPE, WILL BE DECIDED BY THE SWG AND MMFSG ONCE
CONVENED TAKING INTO ACCOUNT THE NEEDS, OPTIONS, COSTS AND BENEFITS.]

TERMS OF REFERENCE

1. Purpose of the round tables (RTs)

Roundtables are a way of the SWG breaking down the task of building understanding of the issues affecting the Marlborough Marine Area into specific areas of enquiry. They allow leverage as not all SWG members can be on every RT and they also provide a broader group outside the SWG to engage in the information gathering and problem solving stages.

Stakeholder representatives on the RTs allows the SWG to build deeper relationships and engagement with interest groups so they are directly engaged in the process. These interest groups will be on the RT or RTs that they are most concerned or impacted by. This relationship is the platform for the collaborative strategy building process, the creation of innovative solutions and the understanding and acceptance of proposed final strategy.

2. Membership

The RTs will have at least 3 SWG members on the round table and will be supported by the officials who may assist in convening the meetings. The names of others who may be invited to join the RT will be signed off by the SWG before the RT proper starts its work. Continued membership of RTs is purely at the discretion of the SWG.

Two of the SWG members will be nominated as co-chairs of the RT

3. RT Modus operandi

The RTs will follow and be respectful of the protocols and vision of the SWG (attached).

Roundtables consist of individuals who represent a range of different stakeholders and mana whenua with an interest in the topic areas and in the Marlborough Marine Area. The group will receive and provide information, discuss and debate issues and aspirations, resolve conflicts and seek consensus to assist the SWG fulfill its obligation to produce the Marlborough Marine Futures Strategy.

The RT input will be used by the SWG in meeting their obligation to develop a marine spatial strategy that is supported and able to be formally adopted by statutory agencies, implementable by statutory agencies and acceptable to stakeholder groups

Members of the roundtables will work towards a shared understanding of the issues faced by the Marlborough Marine Area and identify agreed solutions to these issues. This does not mean that stakeholders necessarily agree about the issues and the proposals, but that they understand each other's positions well enough to have constructive discussions and exercise their collective intelligence to identify unbiased best practicable solutions.

The marine spatial strategy process is new and evolving. Members of the RTs will need to be adaptable and have a proactive approach to achieving successful outcomes for the Marlborough Marine Area.

The roundtables will strive for productivity, respect, creativity and clarity. As representatives of their respective groups, the RT members will come prepared and committed to an open collaborative process with a view towards sharing relevant information, taking opportunities to learn from other interest groups and seek new

solutions to potential conflicts. All members will work towards the greater good of the Marlborough Marine Area and make every effort to reach consensus with decision making. Consensus for this purpose means that participants either support or do not actively oppose (can live with) the decision.

Evaluation of issues facing the Marlborough Marine Area will be based on the best available knowledge whether science based, matauranga Maori, community knowledge and opinion and spiritual and cultural values.

For clarity no member shall speak on behalf of the RT as a whole and all enquiries by the media are to be channeled through the Facilitator of the SWG

RT members recognise the need to maintain a balance between providing timely information to constituents and making statements that could undermine the success of the Marlborough Marine Futures Strategy project. RT members agree to avoid: a) making statements to the media that may discredit, misrepresent or prejudice the project's outcome, b) representing another group's point of view or characterising others' motives, or c) stating positions on preliminary proposals while they are still being developed or refined by the RTs or the SWG. Failure to abide by this agreement may result in replacement of the member.

Summaries of the information gathered (in all its forms) will be presented to the SWG who has the ability to access any of the information directly. Any proposals from the RT will be taken to the SWG to form part of their collaborative decision-making and RT conclusions (or lack of conclusion) on their own have no authority.

4. Role of the co-Chairs

The co-Chairs will:

- a) Ensure the RT will follow and be respectful of the protocols and vision of the SWG
- b) Receive and provide information to the greater RT group, guide discussion and debate on issues and aspirations and help the facilitator to resolve conflicts.
- c) Assist members of the roundtables to work towards a shared understanding of the issues faced by the Gulf and identify potential solutions to these issues
- d) Ensure each meeting is focused and outcomes driven by advocating for collaboration, productivity, respect, creativity and clarity.
- e) Ensure summary meeting notes are kept and report back to the SWG after each RT
- f) Take opportunities to learn from other interest groups and seek new solutions to potential conflicts
- g) Guide the group to consensus decisions to assist the SWG fulfill its obligation to produce the Marlborough Marine Futures Strategy.

The co-Chairs will be supported by a facilitator (who will be their principal point of support) a technical lead and an administrator.

[Ends]