



Biological Emissions Reference Group

Terms of Reference



Ministry for Primary Industries
Manatū Ahu Matua



Purpose

To collaboratively build a robust and agreed evidence base on the opportunities available now and in future to reduce biological greenhouse gas emissions (methane and nitrous oxide) in New Zealand's primary industries, and what the costs, benefits, and barriers to doing so are.

Background

- New Zealand has a unique emissions profile for a developed country: biological emissions account for almost half of New Zealand's greenhouse gas emissions.
- 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.
- Consideration of introducing surrender obligations for biological emissions in the Emissions Trading Scheme was not within the scope of the Scheme's 2015 review.
- Current and future technologies and practices are unlikely to reduce total New Zealand biological emissions below 1990 levels if production increases continue. Therefore, if the primary sector does not reduce or offset emissions, New Zealand's overall emissions targets will become more challenging to meet in future.
- Any significant reduction in New Zealand's agricultural emissions, even in the long-term, may require trade-offs between different economic, social, and environmental objectives.

Objectives

- Build trust and confidence between the primary industries and government departments.
- Increase the understanding across industry, Government, and the public of the current and future sources and drivers of biological emissions and their mitigation potentials.
- Build an agreed and robust understanding of what can be done to reduce biological emissions, and what the costs and opportunities of doing so are.

Outcomes

- A project plan which outlines the key deliverables, milestones, and timeframes of analysis to be commissioned. A staged approach will be taken to ensure the most critical analysis is undertaken first.
- An agreed and robust evidence base to inform future policy development in the form of a series of reports commissioned by the Reference Group from third party experts.
- A quality-assured synthesis report of this evidence base.
- Brief Ministers on this analysis and publish a synthesis report of it.

Scope

The Reference Group will not develop policy or make recommendations. However, discussion of hypothetical policy options may be required to inform the development of the evidence base. These scenarios would be examined in the context of the need to:

- Address New Zealand's absolute greenhouse gas emissions, including biological emissions.
- Examine where the liability for the primary industries' greenhouse gas emissions sit over the longer term.
- Develop an economy-wide emissions reduction pathway over the longer term, which includes examining measures to address biological greenhouse gas emissions.

Timeframes & Commitment

The Reference Group is expected to meet on a regular basis until the end of 2017. On average, this is likely to be a full-day meeting every month. The Group will meet at a time and place determined by the Chairs in consultation with the members.

Participants will be expected to read preparatory materials as well as share the commissioning of evidence, and review the resultant evidence and analysis.

Chairs

The Reference Group will be co-chaired by Kara Lok and Chris Kerr. Any changes to the Chairs must be made by consensus of the Reference Group if possible, and by the majority of this Group if consensus is not possible. There should always be two Chairs, one representative from Government and one from industry.

In the absence of either of the Co-Chairs, the Reference Group may choose an acting Chair by majority.

Membership

The Biological Emissions Reference Group includes the following members:

- Beef + Lamb New Zealand
- DairyNZ Limited
- Deer Industry New Zealand
- Federated Farmers of New Zealand
- The Fertiliser Association of New Zealand
- Fonterra
- Horticulture New Zealand
- Ministry for Primary Industries
- Ministry for the Environment

Membership is held by the organisation and, in the event a participant no longer represents the organisation or cannot continue to be a member of the Group, the organisation is responsible for appointing a replacement participant.

In addition to a representative on the Reference Group, each member organisation will also appoint a different representative for the Governance Board.

A member organisation may resign from the Reference Group at any time by notifying the Chairs and the Governance Board in writing. Any serious breach of any of these Terms of Reference may result in the Governance Board removing a member from this Reference Group via consensus minus one. Serious breaches of the Terms of Reference include, but are not limited to, a breach of confidentiality, unauthorised communication with media about the Group, and a failure to declare a conflict of interest.

Note: A broad range of third party experts will be consulted and commissioned by the Reference Group to undertake much of the necessary analysis. This includes the New Zealand Agricultural Greenhouse Gas Research Centre, Pastoral Greenhouse Gas Research Consortium, and Crown Research Institutes.

The Reference Group's membership has been restricted to government departments and sector organisations because, in the first instance, these organisations are mandated to represent both Government and agricultural and horticultural processors and producers.

Observers

The Chairs may, with the agreement of the Group, permit observers to participate in meetings of the Group. Observers:

- Are required to comply with these Terms of Reference, including the requirements of confidentiality and conflicts of interest.
- Have the same rights, duties and obligations that Reference Group members have unless otherwise stated in these Terms of Reference.
- Do not count towards a quorum and do not have a vote on the Reference Group.
- Do not have a representative or vote on the Governance Board.

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

The following organisations are observers of the Biological Emission Reference Group:

- Climate Change Iwi Leaders Group
- Meat Industry Association of New Zealand
- Ministry of Business, Innovation and Employment
- Ministry of Foreign Affairs & Trade
- The Treasury

Attendance & 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 Chairs in advance of the meeting to be represented by a substitute or proxy. Members are responsible for fully briefing any substitute or proxy prior to the meeting.

Decisions & Quorum

Decisions will be made by consensus where possible. In the event consensus is not possible on issues the Group does not consider to be material, decisions will be made via majority, with dissenting positions noted to the Governance Board. In the event consensus is not possible on issues the Group considers to be material, the decision will be escalated to the Governance Board for a majority decision, with dissenting positions noted.

Meetings and decisions of the Reference Group must have a quorum/be made by a quorum. A quorum is half the Reference Group's participants, and at least two representatives from industry and both the Ministry for the Primary Industries and the Ministry for the Environment.

Reporting & Accountability

The individual appointed by their organisation to the Reference Group will represent their respective organisation and will be responsible for:

- Managing their organisation's financial contribution to the Group's work.
- Keeping their organisation updated, subject to the confidentiality obligations set out below, on the Group's progress, including their organisation's representative on the Governance Board.

The Reference Group will report to the Governance Board. The Governance Board will be updated by email periodically by the Chairs on the progress of the Reference Group.

The Governance Board must approve the publication of any reports and the Group's synthesis of these reports. The Governance Board will make this decision by consensus in the first instance, but by majority if consensus is not possible (with dissenting positions noted).

Standards of Conduct

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

Conflict of Interest

Definition of a conflict of interest

A conflict of interest occurs when a member's or observer's private interest(s) or professional obligation(s) 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 that is represented by 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 Chairs and in the conflict register in this Terms of Reference, as soon as the conflict arises. Each meeting will open with a request to update any new conflicts of interest.

Management of conflict of interest

At the discretion of the Chairs (in consultation with Reference Group members, excluded the member(s) who hold a conflict of interest), members and observers may participate in discussions in which they have a conflict of interest. If not agreed by the Chairs, members and observers who hold a conflict of interest may not participate in discussions about issues in which they have a conflict of interest.

Confidentiality

In order for the Group to operate effectively, participants 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 which are deemed confidential. With the agreement of the Chairs, members and observers may share information about the business of the Group with their respective organisations.

Only action items (not minutes) will be recorded at meetings, and meetings will be held in confidence to encourage free and frank dialogue and debate between participants.

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 Chairs may seek agreement from 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.

Any publication of documents or reports must be agreed to by the Reference Group and the Governance Board.

Privacy Act

Participants and observers must comply with the requirements of the Privacy Act 1993 and keep information about identifiable individuals confidential.

Official Information Act

As the Reference Group includes government departments, all information provided to 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 member organisations that are also government departments are considering the release of information under the Official Information Act 1982, they will consult with the person who provided the information and the Reference Group before making a final decision on its release.

Secretariat

There will be no secretariat and members of the Group will be expected to share the necessary administrative support, including the commissioning of analysis, development, and quality assurance of the synthesis report.

Fees & Reimbursement

Members will not be paid or reimbursed for their time or expenses.

Resourcing & Commissioning

Resourcing

Member and observer organisations have offered to make financial contributions to the commissioning of independent analysis. These contributions will be based on each organisation's capacity and the relevance of the analysis. Participant organisations can opt to separately fund pieces of analysis and/or more than one participant organisation can opt to co-fund pieces of analysis. Participant organisations may decline to contribute, or contribute to a lesser extent, where analysis is not of relevance to them.

Commissioning

Each piece of analysis the Group decides to undertake will be commissioned by the Reference Group, and will include agreement by the Group on the following:

- The procurement plan and project brief
- Review of proposals and decision on preferred provider
- Any necessary scenarios, assumptions and input data
- Participation in any scoping workshop
- Review the draft product
- Sign off the final product

Participant organisations will share the administrative burden of procuring this analysis (i.e. share the management of the procurement process).

Each contract for procuring analysis will include provision for a third-party review.

In addition to analysis commissioned through the Group, participant organisations have the right to commission or undertake analysis independently of the Reference Group, including analysis the Group chooses not to undertake.

For example, the Crown has a number of existing work streams dedicated to the mitigation of biological emissions from agriculture, including through: the Agricultural Greenhouse Gas Research Centre; the Global Research Alliance; in partnership with the sector through the Pastoral Greenhouse Gas Research Centre; the Sustainable Land Management and Climate Change Research Fund; and other departmental funding.

Whether additional analysis commissioned outside the Reference Group is included in the synthesis report will be a decision for the organisation commissioning the analysis and for the Reference Group.

Intellectual Property

All intellectual property that is relevant to this project in existence prior to the commencement of this project will remain the property of its owner.

The ownership of new intellectual property created after the commencement of this project and as part of this project will remain the property of the organisation/s that created the new intellectual property.


All member organisations agree that any intellectual property created as part of this process, or that information from the Group that is required to inform the creation of new intellectual property, will be shared with and licensed to the Reference Group and the Governance Board to use for the furtherance of the aims of the Group free of charge.

Any intellectual property shared with the member organisations will be subject to the confidentiality clauses laid out in the project's Terms of Reference signed as part of the commencement of this project.

Reference Group Membership

On behalf of my organisation, I agree to participate in the Biological Emissions 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 and my organisation's involvement in the Reference Group in the Conflicts of Interest Register.

Beef + Lamb New Zealand
Victoria Lamb, Senior Environmental Policy Advisor

Signature 

Date 5/9/2016

DairyNZ Limited
Kara Lok, Acting Policy Manager

Signature 

Date 29/08/2016

Deer Industry New Zealand
Lindsay Fung, Environmental Policy Manager

Signature 

Date 2/9/2016

Federated Farmers of New Zealand
Debbie Bidlake, Senior Regional Policy Advisor

Signature 

Date 9 September 2016

The Fertiliser Association of New Zealand
Greg Sneath, Executive Manager

Signature 

Date 15th SEPTEMBER 2016

Fonterra
Francesca Eggleton, Group Environment Manager

Signature  Date 13 Sept 2016


Horticulture New Zealand
Damien Farrelly, Quality Systems Manager

Signature  Date 26/8/16

Ministry for Primary Industries
Chris Kerr, Team leader

Signature  Date 24/08/2016

Ministry for the Environment
Cameron Smith, Senior Policy Analyst

Signature  Date 24 August 2016


Reference Group Observers

On behalf of my organisation, I agree to participate as an observer in the Biological Emissions 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 and my organisation's involvement in the Reference Group in the Conflicts of Interest Register.

Climate Change Iwi Leaders Group
Whaimutu Dewes, Lead Advisor

Signature  Date 25 August 2016

Meat Industry Association of New Zealand
Paul Goldstone, Policy Manager

Signature  Date 23/09/16

Ministry of Business, Innovation and Employment
Andrew Millar, Principal Policy Advisory

Signature  Date 23/09/16

Ministry of Foreign Affairs & Trade
Anna Broadhurst, Lead Advisor

Signature  Date 29/8/16

The Treasury
Kate Hodgkinson, Analyst

Signature  Date 26/8/16

Governance Board Membership

On behalf of my organisation, I agree to be a member of the Governance Board of the Biological Emissions 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 and my organisation's involvement in the Reference Group in the Conflicts of Interest Register.

Beef + Lamb New Zealand
Sam McIvor, Chief Executive

Signature

Date

6/9/16

DairyNZ Limited
Dr Tim Mackle, Chief Executive

Signature

Date 30/08/2016

Deer Industry New Zealand
Dan Coup, Chief Executive

Signature

Date

2/9/16

Federated Farmers of New Zealand
Graham Smith, Chief Executive

Signature

Date 9 September 2016

The Fertiliser Association of New Zealand
Dr Phillip Mladenov, Chief Executive

Signature

Date

15/09/16

Fonterra
Carolyn Mortland, Director, Social Responsibility

Signature  Date 13 Sept 2016

Horticulture New Zealand
Mike Chapman, Chief Executive

Signature  Date 25 August 2016

Ministry for Primary Industries
Deborah Roche, Deputy Director-General, Policy & Trade

Signature  Date 29/8/16

Ministry for the Environment
Penny Nelson, Deputy Secretary, Sector Strategy

 30/8/16
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 within the Group for their own personal gain or that of the industry, sector or organisation that they represent.
- *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* – staff 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 chairs will speak to or release statements to the media on behalf of the Group with agreement from members.

Conflicts of Interest Register

I declare the following interests relevant to my, and my organisation's, participation in the Biological Emissions Reference Group:

[illegible]

