

MINUTES
NEW ZEALAND WALKING ACCESS COMMISSION
BOARD MEETING
21st February 2019
Wellington

Members: J Forbes (Chair), H Allison, P Brown, L Chase, P Henare, H Mexted, R Tipene and R McNeill.

In attendance: R Cullinane (Chief Executive), P Culling (Corporate Services Manager), A Wilson-Goldman (Communications Manager), P Tait (Kaumatua), E Morris (minutes).

Opening Comments

The meeting commenced at 1.00pm

The Chair welcomed Board members and staff

1. Apologies

Apologies were received from L Chase.

Conflicts of Interest

No conflicts of interest were declared.

Confirm Agenda

The Board confirmed the agenda for the meeting.

2. Confirm Minutes

The minutes of the meeting held in Wellington on 28th November 2018 were circulated and read.

Action: The Board

- a) **confirmed** the minutes of the 28th November 2018 meeting as being a true and correct record of the meeting.

Moved R. McNeill **Seconded** H. Allison **Carried**

Matters arising from the minutes

There were no matters arising from the minutes

3. Chief Executive's report

The Board discussed the Chief Executive's report for February 2019.

R Cullinane reported on Overseas Investment Office mediation on Kawakawa Station dispute; the review of the Walking Access Act; development of a Memorandum of Understanding with the Department of Conservation; the new Connecting Franklin to North Waikato project; health and safety; progress on the Pūhoi to Pākiri Tracks and Trails project; review of the Hunter Valley Station Access agreement; and upcoming events.

R Cullinane also noted that the Commission will be making a submission around access issues to the upcoming review of Crown Pastoral leases; and he will be communicating with QEII National Trust and Te Araroa Trust as the Act Review progresses to discuss common interests and the future shape of the Commission.

The Board commented on the importance of the opportunity for the Commission to work on the Franklin to North Waikato project.

The Board discussed the review of the Walking Access Act and whether the review panel should be invited to make a site visit to one of the Commission's projects. If a visit went ahead it would include meeting with the Councils and local groups involved in the project.

Board members will be notified of dates and locations of the 2019 Outdoor Access award ceremonies in their local areas so that they can attend if they are available.

Action: The Board

- a) **noted** the Chief Executive's report for February 2019;
- b) **directed** the Chief Executive to add a section on issues the Board needs to be alerted to.

Moved R. Tipene **Seconded** P. Henare **Carried**

Part A

4. Kawakawa Station Caveat

The Board was updated on legal proceedings relating to Kawakawa Station and invited to consider the unbudgeted legal costs associated with the case.

Following the failure to resolve a dispute over access conditions through mediation in December 2018 and the subsequent signing of a sale and purchase agreement by Kawakawa Station Ltd, the Commission registered a caveat on the Kawakawa Station title to protect our interest in the recommended access. Kawakawa Station Ltd filed a notice of opposition and sought a judicial review in the High Court. The estimated costs associated with the current process are in the order of \$20,000 and it is estimated that the cost to defend the caveat in the High Court are in the order of \$50,000. These costs have not been budgeted and would increase the 2018/19 deficit.

The Board also considered correspondence received from Kawakawa 1D2 Ahu Whenua Trust who are the second applicant. The Trust's ground for review are that the Commission failed to consult. The Board met with the Trust to hear their position on the matter.

The Board discussed the issues involved, specifically the legal costs and reputational issues involved with continuing with the caveat application. The Board agreed that the Overseas Investment Office should be contacted about their engagement in the matter, initially by the Chief Executive and then by letter from the Board Chair. The Commission will continue to take legal advice and will maintain the caveat unless advised to withdraw.

Action: The Board

- a) **noted** that Kawakawa Station Ltd have initiated a judicial review of the Commission's access recommendations and caveat application,
- b) **noted** that the Commission's legal advisers are attempting to resolve the dispute through more efficient and sensible procedures,
- c) **noted** that the process will have significant unbudgeted costs,
- d) **agreed** that the Board Chair will write to the Overseas Investment Office requesting their engagement in the matter,
- e) **agreed** to maintain the caveat unless the Commission receives legal advice to withdraw it, and
- f) **agreed** that the Board Chair will write to the Chair of Kawakawa 1D2 Ahu Whenua Trust to acknowledge their correspondence with the Board and to thank them for meeting with the Board.

Moved R. McNeill **Seconded** H. Allison **Carried**

5. **Communications and Partnerships strategy**

The Board was presented with the Commission's draft Communications and Partnerships Strategy.

Communications and partnerships contribute to key outputs for the Commission including: access facilitation and leadership; community engagement; access mapping system; provision of tracks and trails information; school education and digital-led behaviour change initiatives. The strategy identifies key audiences and details the Commission's goals and communications tools that will enhance its' partnerships.

The Board discussed the strategy and members were asked to provide feedback for incorporation in to a final strategy by 17th March 2019. Members will be asked to identify connections they have in their own communities. The Board noted that partnerships based on the principals of the Treaty of Waitangi must be integral to the strategy.

An updated version of the strategy will be submitted to the next Board meeting.

Action: The Board

- a) **discussed** the Commission's draft *Communications and Partnerships Strategy* and send any feedback to the Communications Manager by 17 March.
- b) **considered** how best to identify where each Board member might be best able to assist the Commission's stakeholder work.
- c) **directed** management to bring an updated version of the strategy to the May Board meeting.

Moved P. Henare **Seconded** H. Allison **Carried**

6. **Audit and Risk Committee meeting minutes and Terms of Reference**

P Culling presented the Board with the minutes of the inaugural Audit and Risk Committee meeting along with the Committee's finalised Terms of Reference and a workplan for the year. An updated deficit forecast was also tabled for discussion.

The Board sought clarification on the implications of ongoing unbudgeted costs on the Commission's reserves. P Culling reported that the Commission's reserves are expected to be fully depleted by June 2022.

The Audit and Risk Committee will review the draft Statement of Performance Expectations (SPE) for the 2019-2020 financial year at their next meeting and will consider the impact of the projections for the next four years on the Commission's financial position. The finalised SPE will be submitted to the next meeting of the Board.

The Board commended the Committee members for their work.

Action: The Board

- a) **adopted** the Audit and Risk Committee minutes.
- b) **approved** the Audit and Risk Committee's Terms of Reference.
- c) **noted** the Audit and Risk Committee's draft workplan.
- d) **commended** committee members for the work.

Moved H. Mexted **Seconded** J. Forbes **Carried**

7. **Statement of Intent**

A Wilson-Goldman presented a paper seeking the Board's agreement that the Commission's not update the existing Statement of Intent (SOI) 2018-22. There will be an opportunity to revise the SOI in 2020 following the completion of the review of the *Walking Access Act 2008*.

Action: The Board

- a) **agreed** that the Commission will not publish a revised statement of intent in 2019.
- b) **reaffirmed** that the existing Statement of Intent should remain in place for the 2019/20 financial year.

Moved R. McNeill **Seconded** J. Forbes **Carried**

8. Statement of Performance Expectations

A Wilson-Goldman presented the first draft of the Commission's 2019/20 Statement of Performance Expectations (SPE). The draft includes updated performance measures and statistics and the 2019-2020 budget.

The draft SPE will be provided to the Ministry for Primary Industries (MPI) for comment and to the Minister's office. Any specific performance expectations from the Minister's Letter of Expectations will be incorporated in to the final version of the SPE. The draft will also be reviewed by the Commission's Audit and Risk Committee as noted in item 6 above.

The Board will be asked to formally approve the final version at their next meeting on 1st May 2019.

Action: The Board

- a) **reviewed** the first draft of the SPE and request any changes,
- b) **agreed** to sharing the draft SPE with the Ministers Office and MPI,
- c) **endorsed** a review of the draft by the Audit and Risk Committee,
- d) **noted** that Ministerial comments will be incorporated into the final draft, before the document is finalised for publishing,
- e) **noted** that the Commission will provide the 2019/20 SPE to the Minister for tabling in the House in May or June 2019.

Moved P. Henare **Seconded** P Brown **Carried**

9. Health and Safety report

P Culling presented a report on the Commission's Health and Safety policies and processes.

The report noted the Board's governance role in identifying and managing risks. The Board noted the responsibility of Board members, management and staff in supporting a culture that recognises the importance of Health and Safety in the organisation. The importance of ensuring that the hazards and risks faced by the Commission's Regional Field Advisors face, whilst working in the field, are recognised and mitigated was noted.

The Board requested that a Health and Safety report be included as a regular agenda item at each meeting. The Board also requested confirmation that the Commission's Health and Safety policies and processes were compliant with the *Health and Safety at Work Act 2015* when drafted and that ongoing compliance is checked.

A workshop for the Board around Health and Safety will be included in a future Meeting.

Action: The Board

- a) **noted** the current health and safety policies in place,
- b) **noted** the duties of Officers 'due diligence',
- c) **noted** the meaning of the term Reasonably Practicable,
- d) **noted** the offences and penalties under the Health and Safety Act, and
- e) **required** a health and safety report as a regular agenda item for each Board meeting
- f) **required** a check of current policy to ensure that it is compliant with the *Health and Safety at Work Act 2015*

Moved P. Henare **Seconded** H. Allison **Carried**

Part B

10. Quarterly Report Q2

The Board was presented with the Commission's Quarterly Report for the second quarter of the 2018-2019 financial year.

Action: The Board

- a) **noted** the Commission's Q2 report for 2018-19 as submitted to the Ministry for Primary Industries

Moved R. Tipene **Seconded** R. McNeill **Carried**

11. Significant Correspondence

Action: The Board noted the receipt of correspondence from:

- (a) Franklin Local Board letter of support for Connecting Franklin - North Waikato.
- (b) Franklin Local Board Hunua Trail and Heartland Rides letter.
- (c) Ombudsman's decision re Kawakawa OIA complaint

Part C

12. Closing comment

The Chair thanked Board members for their attendance at the meeting and their involvement and contribution to the Commission.

P Tait closed the meeting with a karakia.

13. Next meeting

The next meeting of the Board will be held in Hamilton on 30th April and 1st May

The meeting closed at 2.40pm.



J Forbes
Chairperson

