

Haast Energy and Electric Kiwi – Proposed changes to MDAG's Operating Protocol

- No member or Chair of the Advisory Group should do anything that would undermine the independence of the Advisory Group, including independence from the Authority. The relationship between the Advisory Group, including both individual members and the Advisory Group Chair, and the Authority should be respectful and constructive but at arms-length.

Initial comment: This is covered by proposed change to clause 4.4

Any support provided by the Advisory Group Chair or individual members, on behalf of the Advisory Group, to the Authority should be undertaken with the express (and recorded) approval and authorisation of the Advisory Group.

Initial comment: This seems like a level of prescription that does not need to be in the Protocol. It is standard practice for MDAG to agree in advance on any key actions on behalf of MDAG.

- The role of the Advisory Group Chair or any Advisory Group representative or spokesperson is to represent the views and interests of the Advisory Group and not the Authority.

Initial comment: This is covered by the proposed change to clause 4.4.

Any representation by the Advisory Group Chair or individual members on behalf of the Advisory Group, externally or to the Authority, should reflect the majority view of the Advisory Group. Where the Advisory Group Chair or an individual member disagrees or opposes the majority view of the Advisory Group this should be recorded (including the reasons for the disagreement) in the Advisory Group meeting minutes.

Initial comment: It is standard practice that any representation of MDAG's views reflects the views of MDAG members, including any minority views. To not do so would cause members to lose confidence in the Chair or spokesperson. Further, it is for individual members to choose whether they wish their dissenting views to be recorded.

Any disagreement should be respected and welcomed as part of 'free and frank' discussion with acknowledgement there are legitimate grounds for different members to bring different perspectives and to make different judgements.

Initial comment: Already covered by clauses 4.1 of the Protocol

- When the Advisory Group is asked by the Authority to undertake a project it should evaluate the scope of the project to ensure it is not inappropriately restrictive (or too wide) or could adversely impact on the Advisory Group successfully undertaking the project.

Initial comment: Included in amended Protocol

- The Advisory Group should be collectively responsible for developing and approving the Terms of Reference of any external consultant reports. The Advisory Group should be also responsible for selecting any consultants they use. Criteria should include the ability of the consultant to demonstrate they can provide independent advice to the Group (including independence from the Authority).

Initial comment: Included in amended Protocol

- The Operational Procedures should not impose any restriction on Advisory Group members, in discussing 'live' Advisory Group topics, that the Authority does not impose on itself. If the Authority raises matters in the public domain that are in front of the Advisory Group, the Advisory Group and its individual members should be free to engage in the discussion if they wish.

Initial comment: Already adequately covered by clauses 6.2 – 6.4

Tony Baldwin

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