



Report Title:	Cabinet Fees Request: Fee Exception for the Resource Management Reform Expert Advisory Group		
Report No:	2024-0256		
Date:	27 August 2024		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Agree to sign the attached letter supporting the Minister responsible for RMA Reform for a fee exception.	Due Date	27 August 2024
Contact Person:	Robert Anderson, Manager, Public Sector Performance		
Contact No:	9(2)(a) privacy		
Encl:	Yes	Priority:	High
Security Level:	UNCLASSIFIED		

Executive Summary

1. The Minister responsible for Resource Management Act (RMA) Reform, Hon Chris Bishop (the Minister), seeks your approval and support to pay an exceptional fee to members of the Resource Management Reform Expert Advisory Group (EAG).
2. The EAG's purpose is to test and refine the workability of proposals and provide advice on possible implementation challenges that could undermine the ability to achieve a timely transition to the replacement system.
3. Under the Cabinet Fees Framework (the Framework), the EAG is classified as a Group 4, Level 1 decision-making body [CO (22) 2]. Daily fees for these bodies range from \$594 to \$1,265 for chairs and \$446 to \$952 for members.
4. The Minister considers that these fee ranges are insufficient for appointing members given the complexity of the issues, the specialist expertise required at a very experienced level, the need for immediate availability, and the public profile this group may attract.
5. Accordingly, the Minister proposes EAG members be paid an exceptional daily fee of up to \$1,800 for the Chair and \$1,600 for the member roles. The Minister will seek Cabinet's agreement to the fees when he seeks Cabinet's agreement to a work programme for replacing the Resource Management Act 1991.
6. This fee level will ensure that suitably qualified individuals can be recruited and retained.
7. The proposed fee exception is consistent with recent fee exceptions for comparable bodies.
8. The Public Service Commission (the Commission) considers that the proposed fee exception is supportable due to the need to attract and retain the skills, capabilities, and experience necessary to lead and conduct this work.

IN CONFIDENCE

Purpose of Report

9. The Minister responsible for Resource Management Act (RMA) Reform, Hon Chris Bishop (the Minister), seeks your approval and support to pay an exceptional fee to members of the Resource Management Reform Expert Advisory Group (EAG).

Context

10. The Cabinet Fees Framework (the Framework) makes provision to pay fees above the levels set in the fee scales - a fee exception. Such exceptions need to be based on clear evidence and/or reasons for an increase or exception.
11. The EAG's purpose is to test and refine the workability of proposals and provide advice on possible implementation challenges that could undermine the ability to achieve a timely transition to the replacement system.
12. The Minister wishes to appoint six members to the Review Group including the Chair, with expert technical knowledge who will ensure credibility with key parties at national and local levels in considering a complex and high-profile matter.
13. The members should have a high and recognised degree of skills in their respective areas, including significant experience in expertise in the natural environment, urban and infrastructure, planning, law, economics, local government, and the Treaty of Waitangi.
14. Under the Framework, the EAG is classified as a Group 4, Level 1 decision-making body [CO (22) 2]. Daily fees for these bodies range from \$594 to \$1,265 for chairs and \$446 to \$952 for members.
15. The Minister considers that these fee ranges are insufficient for appointing members given the complexity of the issues, the specialist expertise required at a very experienced level, the need for immediate availability, and the public profile this group may attract.
16. The Minister proposes that EAG members be paid a daily fee of up to \$1,800 for the Chair and \$1,600 for the member roles.
17. The Minister does not intend to make initial appointments to the EAG until late 2024. The timeframe for the EAG is yet to be finalised.

Public Service Commission's view

18. As appointments are not to be made immediately, the Minister does not suggest there will be recruitment or retention difficulties.
19. Exceptional fees, if agreed, should be set in line with precedent exceptions. Recent fee exceptions for comparable Group 4 Level 1 bodies are set out at Appendix A. The proposed daily fees of \$1,800 for the Chair and \$1,600 for members are broadly in line with the precedent fees for comparable Chair member roles.
20. The RMA Reform work programme is a Government priority. Based on the background information provided on the EAG's work, the Commission's advice is that you support the case for fee exceptions for the EAG up to a daily fee of \$1,800 for a Chair and \$1,600 for members. This level of fee exception would then be at a high level but broadly consistent with exceptional fees paid to other comparable Group 4 Level 1 bodies.

Financial Implications

21. Funding for the EAG fees will be source from within baseline.

Next Steps

22. It is recommended that you sign the attached letter to the Minister agreeing to provide support for the proposed fees for the EAG when he seeks Cabinet 's agreement to the EAG work programme without referral to Cabinet's Appointments and Honours Committee.
23. If you agree, the Commission will release this briefing in full once it has been considered by you.

Recommended Action

We recommend that you:

- a **agree** to the proposal to pay a fee of \$1,800 per day to the Resource Management Reform Expert Advisory Group Chair
Agree/disagree
- b **agree** to the proposal to pay a fee of \$1,600 per day to Expert Advisory Group members
Agree/disagree
- c **sign** the attached letter to the Minister responsible for Resource Management Act Reform
Agree/disagree
- d **agree** to support for the proposed fees for the Expert Advisory Group, when the Minister seeks Cabinet's agreement to the Expert Advisory Group work programme, without referral to Cabinet's Appointments and Honours Committee
Agree/disagree
- e **agree** that the Public Service Commission release this briefing once it has been considered by you.
Agree/disagree.

Hon Nicola Willis
Minister for the Public Service

IN CONFIDENCE