

From: Gareth Fairweather
Sent: Wednesday, 30 March 2022 12:07 pm
To: Kerry Lambeth
Cc: Chris Gulik; Ben Wells; Mary Barton; Bryn Gandy; Allan Prangnell; ALR Queries
Subject: RE: DRAFT speaking points for the Minister's conversation with Leigh Auton

Hi Kerry

Please find attached:

- Updated and finalised speaking points for the Minister's discussion with Leigh. We believe that a conversation with Leigh would be appropriate later today, following the Minister's meeting at 4.30pm and in advance of letters of extension being sent to the existing members of the Board
- Proposed letters of extension to be issued to the Leigh, members and observers of the existing Board, which we recommend are issued by tomorrow at the latest.

Happy to discuss

Gareth

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From: Gareth Fairweather
Sent: Tuesday, 29 March 2022 8:27 pm
To: Kerry Lambeth
Cc: Chris Gulik; Ben Wells; Mary Barton; Bryn Gandy; Allan Prangnell; ALR Queries
Subject: DRAFT speaking points for the Minister's conversation with Leigh Auton

Hi Kerry

As discussed, following further discussions with Bryn, and a number of discussions I've had with the ALR Unit today, we would advise that the Minister:

1. Calls Leigh to communicate the fact that he is being considered for membership on the Board. The purpose of this would be to add greater context and certainty for Leigh as we communicate to the existing Board the need for a clear transition to a future Board. We consider this is necessary prior to issuing short letters to each of the existing Board members providing updates (*letters to follow asap tomorrow morning*).
2. Communicate to Leigh (on a confidential basis) the names of the other candidates that Ministers are putting forward to APH, the timescales associated with this, and to suggest that the agreed recommended Chair and Leigh engage regarding upcoming decisions that

the Board is being asked to make, especially in relation to procurement. The purpose of this would be to ensure that Leigh has the necessary support when confirming the decisions of the existing Board in respect of critical and significant activities where the decision making rights of the future Chair and Board will need to be recognised and preserved.

We would suggest that this conversation occurs tomorrow afternoon, on the basis that decisions are reached by Sponsoring Ministers (and there is consensus) at their meeting (also scheduled for tomorrow afternoon).

Following this conversation, letters could be issued to Board members on Thursday.

A DRAFT of some suggested speaking points for the Minister's conversation is attached. There may be components of this conversation that cannot occur if consensus is not reached on Board candidates tomorrow, and I have highlighted these in red.

Apologies for issuing these in draft – I would like to test further with colleagues first thing tomorrow morning before confirming, and I am always happy to discuss.

Kind regards

Gareth

Gareth Fairweather ([he / his / Mr](#))

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Suggested speaking points for the Minister's conversation with Leigh Auton

NOTE: The red text denotes points which would disclose the details of the recommended candidate for ALR Board Chair and their future role in decision making.

Communicating decisions on appointments

- I wanted to provide an update on the process of confirming appointments to the ALR Board. Sponsoring Ministers have received advice following the recruitment process and have made some decisions on preferred candidates and timescales going forward.
- I can confirm that the three Sponsoring Ministers have agreed that your name will be put forward to the Appointment and Honours Committee to be confirmed as a member of the future ALR Board. This reflects the significant role that you have played in the Establishment phase, and the value that you will bring to the ongoing governance of the project.
- Your professional and governance experience aligns with many of the skills and expertise that we are seeking on the new Board, and Sponsoring Ministers agree that you will play a vital role in ensuring consistency and continuity as we transition to the new arrangements and towards delivery.
- Your name will be presented to Cabinet alongside two other names, including a new Chair and another member who has credibility within mana whenua circles.
- The candidates that we are recommending for these roles are [XXX] as the new Chair and [XXX]. I'd ask you to keep this information confidential, given that these decisions have not been approved by Cabinet and officials are also still engaging with the individual candidates to communicate our decisions to them.
- I would like to confirm with you that you would like to accept this role.
- The process going forward is for the Appointment and Honours Committee to consider these appointments, and for the Committee's decisions to be subsequently confirmed by Cabinet at a meeting on 19 April.
- Once appointments have been confirmed, you and the two other members, will form the quorum of the new ALR Board, and a period of transition and induction will take place, supported by Officials from the Crown and the ALR Unit.
- Further discussions will be needed with each of the new members in respect of how quickly they can be available to take up these appointments, but generally I expect that this would take place in April/May.

Acting with restraint in significant decision making in April/May

- Given that we are now at the point at which the appointment of a new Board is imminent, it is important that decision making by the existing Board (including at its upcoming meetings in April and May) respect and preserve the decision-making rights of the incoming Chair and Board.

- As the current Chair, I know you need to balance a range of considerations and risks to the project in your decision making. The letter I sent you in December outlined the need for you to carefully consider the decisions that can be made by the existing Board, those which should be deferred, and those which may require decisions from Sponsors.
- We have previously discussed that some of the decisions you may be asked to make soon relate to the approach to procurement, which carry particular risk of challenge and scrutiny.
- Some of these risks relate to whether the ALR Board is comfortable with the scope of the services being procured, as well as the commitments that the Board's decisions would signal regarding the spending of significant public money.
- There are reputational and legal risks associated with the Board's decision making, that I would encourage you to weigh-up when determining which decisions can be made now and which ones may need to be deferred or tested with Sponsors.
- Subject to agreement with [the recommended chair candidate] there could be an opportunity for you to engage directly with them following their formal appointment. This would provide an opportunity for you to seek their advice or input to inform your decision making, and in many ways to begin the process of transition.
- I hope that the knowledge of the imminent transition to a new Board provides some context to support you in your decision making, and again I encourage you to seek guidance from Sponsors in any instances where you feel direction is merited.

Questions that the Minister may wish to ask Leigh:

1. What are the precise parameters of the decisions that the Unit is seeking from the Board in relation to procurement?
2. What are the implications of delaying decisions and how could this be mitigated?
3. Do you have views on an appropriate approach to transition for the new Board?