



10 March 2022

OC220114 / T2022/426 / BRF21/22031260

Hon Michael Wood
Minister of Transport

Action required by:
Monday, 14 March 2022

Hon Grant Robertson
Minister of Finance

Hon Dr Megan Woods
Minister of Housing

AUCKLAND LIGHT RAIL BOARD APPOINTMENTS - LONGLIST FOR PRIORITY POSITIONS

Purpose

Seeks your decisions on a list of candidates for interview for the two priority positions on the Auckland Light Rail (ALR) Board.

Key points

- In late January, you all approved the process for advertising for members for the ALR Board (OC220011 / T2022/52 / BRF21/22011215 refers). Following direction from the Minister of Transport, the priority appointments, for which candidates are recommended for interview in this briefing, are for the Chair and a member with a credible voice with mana whenua.
- Through the services of Kerridge & Partners, 58 nominations were received for the Board and a number of individuals have been identified or approached directly by Kerridge & Partners to ascertain their interests. We have also received a number of nominations from Ministers, and other public sector agencies.
- Based on the information provided, the three Sponsor agencies (the Ministry of Transport, the Treasury, the Ministry of Housing and Urban Development) in consultation with consulting partners recommend you agree to interview five to six candidates for the role of Chair and that which brings a mana whenua voice. Detailed advice on our rationale is listed in paragraphs 6-19 within the main briefing, and you can identify which candidates you would like to be interviewed in **Recommendations 3 and 4**.

- A number of credible candidates have applied or been approached for these roles. While not all bring the skills that are the priorities for these roles, some of these candidates will be considered for the subsequent appointments onto the ALR Board.

Significant decisions around conflicts of interest and fees are still being considered by officials

- Please note that despite the best efforts by officials to meet the timeline directed by Cabinet, a complete consensus has not been reached on a number of matters including: the exact fee that should be proposed for this Board, and whether it is an unmanageable conflict of interest for individuals to serve on both the ALR Board and the board of one of the key partner agencies involved in the project (e.g. Auckland Transport, Kāinga Ora or Eke Panuku).
- Officials are continuing to work through this issue and will provide you with advice on the matter prior to decisions being made on preferred candidates. This could change the recommendations of candidates to interview listed in this briefing. Nonetheless, this briefing has been submitted now to provide you with the opportunity to make decisions in accordance with the timeframes set by Cabinet.
- We can discuss this matter with you further at the next available opportunity.

Next Steps

- Interviews will be conducted immediately after your direction has been received. Given the urgency sought for these appointments, we intend to conduct these interviews between 16-23 March 2022 so that advice on the preferred candidate for appointment can be provided to you on 25 March 2022.
- Once your decision on preferred candidates has been made, we will provide you with the paperwork for Cabinet's Appointment and Honours Committee to consider the appointments by 1 April 2022. These papers will need to be lodged by 7 April 2022 so that the priority appointments can be made before the end of April 2022 as requested.

Recommendations

We recommend you:

	Minister of Transport	Minister of Finance	Minister of Housing
1 note the gaps in officials' advice at this stage – particularly concerning conflicts of interest and fees.	Yes / No	Yes / No	Yes / No
2 advise whether you wish to discuss this matter with officials at the earliest possible opportunity	Yes / No	Yes / No	Yes / No
3 agree to interview the following recommended candidates for the Chair role			
s 9(2)(a) [Redacted]	Yes / No	Yes / No	Yes / No
[Redacted]	Yes / No	Yes / No	Yes / No
[Redacted]	Yes / No	Yes / No	Yes / No
4 agree to interview the following recommended candidates for a member with a credible voice with mana whenua			
s 9(2)(a) [Redacted]	Yes / No	Yes / No	Yes / No
Lucy Tukua	Yes / No	Yes / No	Yes / No
s 9(2)(a) [Redacted]	Yes / No	Yes / No	Yes / No
[Redacted]	Yes / No	Yes / No	Yes / No
5 note that advice on other ALR Board member appointments will be provided after the three priority appointments			

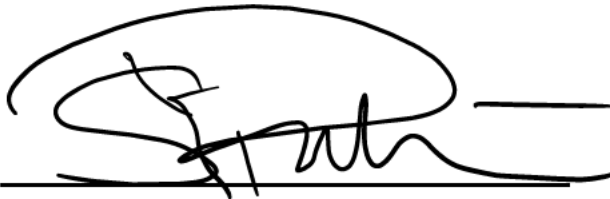
	Minister of Transport	Minister of Finance	Minister of Housing
6 advise in the comments below of any additional candidates you would like considered (including from the lists in Appendix Two)			



Gareth Fairweather
Acting Director, System Strategy and Investment, Ministry of Transport



David Taylor
Manager, National Infrastructure Unit, the Treasury



Saskia Patton
Manager, Policy and Legislation Design, Ministry of Housing and Urban Development

Hon Michael Wood
Minister of Transport

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Hon Grant Robertson
Minister of Finance

..... / /

Hon Dr Megan Woods
Minister of Housing

..... / /

Minister's office to complete:

- Approved
- Declined
- Seen by Minister
- Not seen by Minister
- Overtaken by events

Comments

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Contacts

Name	Telephone	First contact
Gareth Fairweather, Acting Director System Strategy & Investment, Ministry of Transport	s 9(2)(a)	
Chris Gulik, Auckland Strategic Adviser, Ministry of Transport		
Jono Reid, Principal Adviser, Governance, Ministry of Transport		✓
Fiona Stokes, Principal Advisor, National Infrastructure Unit, Treasury		
Mary Barton, Senior Policy Advisor - Places and Partnerships, Ministry of Housing and Urban Development		

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AUCKLAND LIGHT RAIL BOARD APPOINTMENTS - LONGLIST FOR PRIORITY POSITIONS

Background

- 1 In late January, you confirmed agreement to the process for making appointments to the Auckland Light Rail (ALR) Board, including agreement to the position description (OC220011 / T2022/52 / BRF21/22011215 refers). Following direction from the Minister of Transport, the priority appointments for agreement by April are for the role of Chair and a member with a credible voice with mana whenua. All Ministers have also confirmed that Leigh Auton should be appointed as a member on the new Board when decisions are made by Cabinet in April 2022 (OC220043 / T2022/363 / BRF21/22021240 refers).
- 2 Since receiving agreement in late January, the Ministry of Transport has:
 - 2.1 publicly listed an advertisement on the Treasury's Board Appointments database from 10 February to 1 March 2022
 - 2.2 made a call for nominations from candidates within that database
 - 2.3 approached the public sector nominating agencies¹ for their nominations to this Board
 - 2.4 contacted the 15 iwi with an interest along the ALR corridor informing them of the opportunity.
- 3 The Ministry has also engaged the executive recruitment firm Kerridge & Partners to identify suitable candidates for consideration and assist throughout the appointment process.
- 4 The Ministry has also engaged s 9(2)(g)(i) to provide supporting advice around engagement with mana whenua throughout the appointment process.
- 5 The interview panel for these priority appointments will comprise of:
 - 5.1 Bryn Gandy, Acting Chief Executive, Ministry of Transport (Panel Chair)
 - 5.2 Leilani Frew, Deputy Secretary, The Treasury (or senior delegate)
 - 5.3 Stephanie Rowe, Deputy Chief Executive, Ministry of Housing and Urban Development (or senior delegate)
 - 5.4 Jo Brosnahan, Chair of Maritime New Zealand
 - 5.5 Honourable Tau Henare, Deputy Chair, Independent Māori Statutory Board

¹ Ministry for Women, Te Puni Kōkiri, Ministry for Ethnic Communities, Ministry for Pacific Peoples and Office for Disability Issues.

We have prepared a longlist of candidates for your consideration

- 6 Overall, over 100 individuals have applied, been nominated, been approached or considered for these priority roles. There are 58 candidates who have self-nominated, with one of those candidates being endorsed by Ministry for Women and one candidate being endorsed by the Office for Disability Issues. Several nominations or approaches were made by each of the public sector nominating agencies², except for the Ministry for Pacific Peoples who advised that none of their candidates were available at this time. We also received nominations from the Minister of Finance, Minister of Transport and Hon Nanaia Mahuta.
- 7 In consultation across the Ministry, Treasury and MHUD alongside Kerridge & Partners and our mana whenua consultant, we have developed the shortlist in the below table for your consideration. These candidates possess skills that we consider best meet the requirements of the position description approved by Ministers in late January.
- 8 Overall, we recommend five to six of the below candidates are selected for an online interview. Our preference is generally to meet candidates in person; however, the high number of omicron cases and the short timeframes for appointment mean that online interviews are more appropriate in this instance.

A candidate's leadership style and their links with key organisations are important considerations in determining the long list

- 9 The position description seeks a very broad range of governance, commercial, technical, and social experiences across the final Board's membership. With the two priority roles of Chair and an individual with a credible voice with mana whenua, we have given emphasis to the following skillsets in deciding on our preferred candidates.
- 9.1 For the **Chair**, emphasis has been placed on their ability to bring people together, collaborate, and develop constructive solutions in a politicised and ambiguous environment. This skillset is considered a higher priority than a technical skillset. A candidate's knowledge of Auckland, and their experience of working with Ministers was also highly valued.
- 9.2 For the **individual with a credible voice with mana whenua**, emphasis was placed on the individual's ability to reflect a te ao Māori perspective on the Board as this is a critical identified skillset. The individual's credibility with mana whenua was considered though in the context that this is not a representative role, but a skills-based one. It is noted that there will be a diverse range of views amongst Tāmaki Makaurau iwi on the preferred individual's appointment.
- 10 Given the reach of the project, the number of agencies involved, and the small market of candidates for this role, consideration has also been given to what potential conflicts of interest would rule candidates out for consideration early, compared to what should be explored with the candidate to determine if the conflict is manageable.

² Five nominations were received from Office for Disability Issues, two from Te Puni Kōkiri, one from Ministry for Ethnic Communities, and the Ministry for Women advised they approached 29 individuals and would endorse any of their applications.

As a result, we have ruled out any applicants or nominees who currently serve at an official level in one of the key public agencies involved with or linked to the project³, or is currently consulting on the project.

However, consensus has not been reached on all matters yet

s 9(2)(f)(iv)

13 Reaching an agreed position on conflicts of interest will be key as s 9(2)(a) [redacted] are captured by this issue. We will continue to work together to reach agreed advice on this matter. However, in the interests of meeting the timelines set for these appointments, we are providing you with advice on candidates now for decision.

14 s 9(2)(f)(iv) [redacted]

Diversity is also being considered for the Board as a whole

15 We are conscious that Ministers will expect diversity to be a key consideration in the final balance of the Board. s 9(2)(a) [redacted]
[redacted]
[redacted] We will look to ensure the final balance of the Board appropriately reflects the levels of diversity Ministers are seeking.

Summary of recommended candidates for interview

Chair

s 9(2)(a) [redacted]

³ Key agencies include: Ministry of Transport, Treasury, Ministry of Housing and Urban Development, Infrastructure Commission, Auckland Council, Waka Kotahi NZ Transport Agency, Kāinga Ora, Auckland Transport, Eke Panuku Development Auckland or City Rail Link Limited.

s 9(2)(a)

Individual with a credible voice with mana whenua

Candidate	Rationale
s 9(2)(a)	
Lucy Tukua	<p>Ms Tukua is recommended because of her experiences in transport and urban design, as well as her strong working relationship with iwi in Tāmaki Makaurau. She is the current Technical Director of Regenerative Outcomes at Mott MacDonald.</p> <p>Ms Tukua is of Ngāti Paoa and Ngāti Whanaunga descent.</p>

s 9(2)(a)

- 16 Full biographies for each of the short-listed candidates, including potential conflicts that would need to be explored further are listed in **Appendix One**.
- 17 We have also identified in **Appendix Two** the names and nomination details of candidates who:
 - 17.1 were considered as part of the wider longlist for the two priority appointments, but are not recommended for interview;
 - 17.2 have applied or been nominated directly by Ministers, but are either considered not suitable for consideration at this stage; or have advised they are not interested in the role.

- 18 There are a number of credible candidates that have applied, which while they do not bring the skills sought for the Chair role or the member with a credible voice with mana whenua, will be considered for the subsequent roles on the Board.

s 9(2)(a), s 9(2)(g)(i)

- 19 Please advise if you would like information about any further candidates listed in **Appendix Two**. Please also note that candidates directly approached by Kerridge & Partners who have not expressed an interest have also not been included in this briefing.

Next steps to completing the priority appointments

- 20 We will commence interviewing as soon as we receive your decisions. Given the tight timelines required to deliver these two appointments and the appointment of Leigh Auton as member by the end of April, we would ideally have decisions from you by Monday 14 March so interviews can commence on Wednesday 16 March.
- 21 In the interest of candidate care, we will inform the candidates recommended for interview in this that their names have been put forward. It will be clear that no decision has been made. This is to provide the candidates the opportunity to prepare themselves for interviews which will be scheduled at short notice.
- 22 With the timing of the Parliamentary recess period following Easter, any delays to the process will likely result in the priority appointments not being completed until May 2022. This will have a flow on effect for the remaining appointments as there is also a long Parliamentary recess period in July 2022. Not competing appointments before then will result in Board members not being appointed until August 2022.

Below is the timeline that officials are following to ensure the priority appointments are completed by April 2022 is listed in the below table

Working Week	Actions	Cabinet Meeting Dates
21 – 25 Mar 2022	<ul style="list-style-type: none"> Interviews (interview period 16-23 March 2022). Brief Ministers on process and seek decision on preferred candidates for appointments so that the Cabinet paper can be prepared and submitted the following week. 	
4 – 8 Apr 2022	<ul style="list-style-type: none"> Ministerial consultation – Monday to Thursday. Lodge paper on 7 April 2021. 	APH: 6 April 2022
11 – 14 Apr (15 th Good Friday)	APH considers appointments.	APH: 13 April 2022
19 – 22 Apr 2022 (18 th Easter Monday)	Cabinet confirms appointments. Minister sends appointment letters.	CAB/CBC: 19 April 2022
26 – 29 Apr (25 th Anzac Day)	Ministerial announcement of Chair's appointment. Officials to brief incoming Chair and plan for next phase.	No Cabinet Meeting

- 23 We are also working to mitigate as many risks to the timeline as possible. As part of this, Kerridge will indicate the proposed interview window to the candidates put forward in this briefing.

Risks

Risk	Mitigation
<p>Timeframes are very tight. This:</p> <ul style="list-style-type: none"> could delay appointments create instances where advice is incomplete (for example on managing conflicts of interests of the candidates in this briefing) requires quick turnaround of decisions from Ministers 	<p>Officials are prioritising this workstream and committing to the timeframes</p> <p>Ministers will need to provide direction to officials promptly to keep the process moving, and determine their comfort in making decisions on the basis of incomplete advice</p>
<p>Conflicts of interest</p> <ul style="list-style-type: none"> Limited pool of candidates if it is determined that being on a board of an entity with a strong interest in the project, including partner boards, is an unmanageable conflict 	<p>Work through considerations to determine how significant this risk is</p> <p>Proceed to interviews while these considerations are explored</p> <p>Use the interviews to understand the candidate's view on their conflicts and how these could be managed</p>
<p>Not securing a fee exception (in a pay restraint environment)</p> <ul style="list-style-type: none"> This would place the fees for the ALR Board considerably lower to those of other public sector transport and urban boards in Auckland and New Zealand. 	<p>Early and continued engagement with the Public Services Commission</p> <p>Develop an evidence base as to why the fee exception is justified</p> <p>We note that the extent to which fees are a barrier to securing any of the recommended candidates for interview has not been fully explored with the recommended individuals. Some individuals approached and considered during this process have expressed a concern around the likely fee amount if the final payment was within the Cabinet Fees Framework.</p>

Appendix One: Longlist of Proposed Candidates

Chair

Name	Details								
s 9(2)(a)	Leadership and Strategy	Governance	Understanding of Government (Central and/or Local)	Local Knowledge	Infrastructure / Major Project Planning Experience	Transport or Urban Development Planning Knowledge	Understanding of Treaty impacts for Government	Navigating and fronting challenging issues	Ability to operate in a politicised environment
s 9(2)(g)(i)									
s 9(2)(a)	<p style="text-align: center; color: red; font-size: 2em; opacity: 0.5; transform: rotate(-45deg);"> PROACTIVELY RELEASED BY TE MANATŪ WAKA MINISTRY OF TRANSPORT </p>								

	s 9(2)(a)								
s 9(2)(a)	Leadership and Strategy	Governance	Understanding of Government (Central and/or Local)	Local Knowledge	Infrastructure / Major Project Planning Experience	Transport or Urban Development Planning Knowledge	Understanding of Treaty impacts for Government	Navigating and fronting challenging issues	Ability to operate in a politicised environment
	s 9(2)(g)(i)								
	s 9(2)(a)								

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	<p>s 9(2)(a)</p>								
s 9(2)(a)	<p>Leadership and Strategy</p>	<p>Governance</p>	<p>Understanding of Government (Central and/or Local)</p>	<p>Local Knowledge</p>	<p>Infrastructure / Major Project Planning Experience</p>	<p>Transport or Urban Development Planning Knowledge</p>	<p>Understanding of Treaty impacts for Government</p>	<p>Navigating and fronting challenging issues</p>	<p>Ability to operate in a politicised environment</p>
	<p>s 9(2)(g)(i)</p> <p>s 9(2)(a)</p>								

Individual with a credible voice with mana whenua

Name	Details								
s 9(2)(a)	Strategy and Culture	Governance	Understanding of Government (Central and/or Local)	Understanding of Auckland mana whenua dynamics and engagement	Auckland Community Leadership and socioeconomic outcomes	Experience of infrastructure projects	Understanding of Treaty impacts for Government	Navigating and Fronting Challenging Issues	Ability to operate in a politicised environment
s 9(2)(a)	<p>s 9(2)(g)(i)</p> <p>s 9(2)(a)</p> <p>PROACTIVELY RELEASED BY TE MANATŪ WAKA MINISTRY OF TRANSPORT</p>								

	s 9(2)(a)								
<p>Lucy Tukua</p> <p>Approached by Kerridge & Partners</p> <p>Highly recommended</p>	<p>Strategy and Culture</p>	<p>Governance</p>	<p>Understanding of Government (Central and/or Local)</p>	<p>Understanding of Auckland mana whenua dynamics and engagement</p>	<p>Auckland Community Leadership and socioeconomic outcomes</p>	<p>Experience of infrastructure projects</p>	<p>Understanding of Treaty impacts for Government</p>	<p>Navigating and Fronting Challenging Issues</p>	<p>Ability to operate in a politicised environment</p>
s 9(2)(g)(i)									
<p>Age range: 50s Gender: Female Ethnicity: NZ Māori (Ngāti Paoa and Ngāti Whanaunga) Region: Auckland</p> <p>Profile statement:</p> <p>Ms Tukua is a senior leader and experienced board member who is held in high regard for her ability to traverse and connect the Pākehā and Māori worlds, supporting favourable outcomes through mana whenua and Māori engagement. She has a whakapapa connection to Tāmaki Makaurau through Ngāti Paoa and Ngāti Whanaunga, and a strong working relationship with all 19 Iwi.</p> <p>She has a passion for urban and cultural design, which is evidenced across the Auckland region, having been involved in many projects with private and public sector agencies such as Auckland Council, Waka Kotahi and Auckland Transport. She was coordinator of the first Tāmaki Regional Mana Whenua Forum (pre amalgamation) and has been involved in high level strategic plans such as the Auckland Sustainability Framework, being the first of its kind with mana whenua holding the pen. She was also one of the founders of Ngā Aho, a collective of Māori creatives and architects, and was their representative on the Auckland Council Urban Design Panel, completing the CRL panel review. These experiences have led to her being sought after as a cultural advisor and engagement lead to many of the city’s major infrastructure projects, such as the Auckland Manukau Eastern Transport Initiative</p>									

Eastern Busway Transport Corridor, Manukau transformation project and Waka Kotahi State Highway 20. Ms Tukua was also one of four mana whenua representatives that led the Sea Change Marine Spatial Plan for Tikapa Moana, the first of its kind in Aotearoa, and co-chaired their Matauranga Māori Reference Group to deliver the plan. Her interest and commitment to environmental matters is further evidenced by her contribution to Te Tāruke-ā-Tāwhiri: Auckland's Climate Action Plan.

Ms Tukua is also an internationally recognised 'Placemaking Thought Leader' and is fiercely adamant that 'indigenous peoples do not make place, that place makes us.' She supported the establishment of the Eke Panuku Placemaking team and Eke Panuku's two-tiered mana whenua governance and operations bodies. She has also recently been supporting Shundi Developers in the development of the old Tamaki Campus of Auckland University, with mana whenua engagement and partnership, and the development of a cultural masterplan and cultural impact management plan.

Having run her own advisory business for many years, Ms Tukua's experiences are wide and varied, and she takes a deeply relationship focused approach to her work. She combines a calm presence, with an enthusiasm and energy, and is an effective communicator. s 9(2)(g)(i)

A risk is her recent appointment to Mott MacDonald as Technical Director Regenerative Outcomes, however, she (and Mott MacDonald) believe this potential conflict can be managed with appropriate controls.

Current Governance Experience:

- None stated

Previous Governance Experience

- Director, Tu Whare Ora Ltd (2012 – 2020)
- Chair, Whareana Maori Land Trust (2005 – 2018)
- Trustee, Te Matapihi He Tirohanga mo te Iwi Trust (2011 – 2015)
- Trustee, Ngati Paoa Trust (2011 – 2013)

Current Employment:

- Technical Director Regenerative Outcomes, Mott MacDonald (2022 - Present)
- Cultural Director, Te Tauoma Development, Shundi Group NZ (2018 – Present)
- Founder, NativebyNative (2004 - Present)

Previous Employment:

- Environmental Manager, Ngati Paoa Iwi Trust (2013 – 2015)
- Executive – Secretary, Wharekawa Marae, Kaiaua (2012 – 2015)
- RWC2011 Maori and Iwi Relationship Manager, Auckland Tourism Events & Economic Development (2010 – 2011)

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	<ul style="list-style-type: none"> Cultural Facilitator Kaiwhakarito Regenerative Development Practitioner, NativebyNative (2000 – 2004) <p>Qualifications and Awards:</p> <ul style="list-style-type: none"> None stated <p>Possible conflicts of interest already identified:</p> <ul style="list-style-type: none"> Ms Tukua was recently appointment to the engineering firm Mott MacDonald as Technical Director Regenerative Outcomes. This will need to be explored further if interviewed. 								
s 9(2)(a)	Strategy and Culture	Governance	Understanding of Government (Central and/or Local)	Understanding of Auckland mana whenua dynamics and engagement	Auckland Community Leadership and socioeconomic outcomes	Experience of infrastructure projects	Understanding of Treaty impacts for Government	Navigating and Fronting Challenging Issues	Ability to operate in a politicised environment
s 9(2)(g)(i)	[Redacted]								
s 9(2)(a)	[Redacted]								

s 9(2)(a)	Strategy and Culture	Governance	Understanding of Government (Central and/or Local)	Understanding of Auckland mana whenua dynamics and engagement	Auckland Community Leadership and socioeconomic outcomes	Experience of infrastructure projects	Understanding of Treaty impacts for Government	Navigating and Fronting Challenging Issues	Ability to operate in a politicised environment
s 9(2)(g)(i) s 9(2)(a) <p style="text-align: center; color: red; font-size: 2em; transform: rotate(-45deg); opacity: 0.5;">PROACTIVELY RELEASED BY TE MANATŪ WAKA MINISTRY OF TRANSPORT</p>									

Appendix Two:

Longlist of other individuals discussed for Chair

Name	Comments
s 9(2)(a)	

Longlist of other individuals discussed for member with a credible voice with mana whenua

Name	Comments
s 9(2)(a)	

Other applicants received to date

Name	Other nominations
<p>s 9(2)(a)</p> <p>PROACTIVELY RELEASED BY TE MANATŪ WAKA MINISTRY OF TRANSPORT</p>	

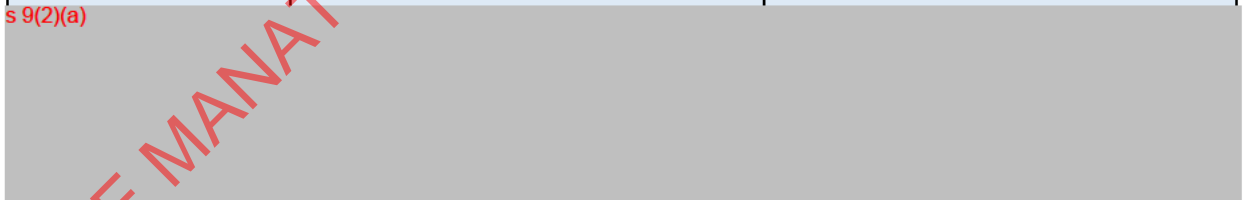
s 9(2)(a)



Other nominations of note received

Name	Nominated by	Comments
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s 9(2)(a)



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