

TERMS OF REFERENCE

NATIONAL SUSTAINABLE DEVELOPMENT COMMISSION (NSDC)

BACKGROUND

The National Sustainable Development Commission was established in 2008 as per Cabinet Minute CM(08)312. It was established in response to concern about delays in the implementation of projects. The NSDC and the Infrastructure Committee replaced the previous arrangements whereby an Aid Capital Coordinating Committee, and its auxiliary Project Coordinating Committee, had been responsible for oversight of infrastructure and aid projects.

TERM

The NSDC initial terms of reference were reviewed and amended in 2017, to clarify the role of the NSDC, particularly in overseeing progress towards achieving the goals of the National Sustainable Development Plan (NSDP). In February 2018, the terms of reference was again revised to formalise the function that NSDC performed, as the Projects and Grant Approval Committee. The terms of reference are effective from February 2018.

ROLES AND RESPONSIBILITIES

The roles and responsibilities of the NSDC are to:

1. Actively monitor the progress of major government activities and projects in achieving the NSDP¹ goals and fulfilling the Budget Policy Statement.
2. Promote the efficient and effective working of government in carrying out cabinet directives towards achieving the goals of the NSDP. This includes providing guidance on implementing efficient and effective structures and processes within the public sector.
3. Promote the efficient and effective co-ordination, alignment and allocation of resources, both domestic and from development partners, to advance the sustainable development of the country.

¹ The NSDP articulates the 2020 national vision: "To enjoy the highest quality of life consistent with the aspirations of our people, and in harmony with our culture and environment". The NSDP 2016-2020 contains 16 inter-dependent national development goals and 66 indicators to measure progress towards those goals. This NSDP does not specify the policy approaches or activities required to achieve the goals. Progress toward the goals is to be achieved through national policies, strategic plans, business plans and the government budget process.

4. Advise Cabinet on developments with Cook Island positions and negotiations for external funding assistance whether through grant, loan, or any other forms of provision.
5. Provide recommendations to Cabinet on strategic decisions about resource use and allocation and the implications of those decisions. Recommendations should be based on:
 - Alignment with the goals of the NSDP
 - Achieving efficient, effective and co-ordinated use of resources
 - Rational criteria for prioritising national needs
 - Due diligence
 - The availability and use of national resources
 - The distribution and availability of funding from development partners.
6. Provide guidance on government policy positions and identify strategic issues, challenges, and opportunities with implications for sustainable development.
7. Provide sound advice to the Cabinet on the above matters including regular updates on the progress of government in achieving the goals of the NSDP. Such advice is expected to be of high quality and evidence based.
8. Consider the recommendations from the Activities Appraisal Team on any project proposal or grant funding requests for approval.

MEMBERSHIP

The membership of the NSDC is:

- Chief of Staff - Office of the Prime Minister (OPM)
- Financial Secretary - Ministry of Finance and Economic Management (MFEM)
- Chief Executive Officer - Office of the Public Service Commissioner (OPSC)
- Secretary of Foreign Affairs - Ministry of Foreign Affairs and Immigration (MFAI)
- Secretary of Education - Ministry of Education (MOE)
- One of the following:
 - Secretary of Internal Affairs - Ministry of Internal Affairs (INTAFF); or
 - Secretary of Health - Ministry of Health (MOH)
- Director of the National Environment Service (NES)
- Chairperson, or other representative, from the Infrastructure Committee (IC)²
- One of the following:
 - Chief Executive Officer - Financial Services Development Authority (FSDA); or

² This position cannot be filled by members of the Infrastructure Committee who already sit on NSDC ie the Chief of Staff of OPM, or the Financial Secretary of MFEM

- Chief Executive Officer - Business Trade and Investment Board (BTIB); or
- Chief Executive Officer - Cook Islands Tourism Corporation (Tourism Corporation); or
- Secretary of Marine Resources - Ministry of Marine Resources (MMR); or
- Secretary of Agriculture - Ministry of Agriculture (MOA).

The membership from INTAFF or MOH is to ensure representation of the health and welfare perspective. The membership is to rotate annually between INTAFF and MOH.

The membership from either FSDA, BTIB, Tourism Corporation, MMR, or MOA, is to ensure representation of the economic development perspective. The membership is to rotate annually between these agencies. The Chair of the NSDC will determine, in consultation with other members, which agency will be invited to participate each year.

MEETING PROCEDURES

Quorum

The quorum for a NSDC meeting is 5 (out of the 9) members. This must include a member eligible to be the chair (as set out below).

Chair

The NSDC will be chaired by the Chief of Staff of OPM. In the absence of the Chief of Staff, the Financial Secretary will chair the NSDC. In the absence of both of these members, the CEO of OPSC will chair the meeting.

For the avoidance of doubt, it is noted that these members can nominate replacements empowered to chair on their behalf, as set out below under Attendance by members.

Frequency

The NSDC will meet on a monthly basis. Additional meetings will be held if required. Individual monthly meetings may also be cancelled if there are insufficient agenda items.

Attendance by members

Attendance by members to NSDC meetings is compulsory unless the member is overseas or on leave. In this instance, a NSDC member may nominate a replacement delegated to make decisions in the absence of the member concerned.

Members must notify the Secretariat in advance of the meeting of their delegated replacement.

Invited attendees

The NSDC may invite other heads of government agencies, senior officials or relevant persons to attend the NSDC to provide advice on specific agenda items.

NSDC members may invite their own staff to attend to inform the NSDC on agenda items. Staff from the Development Co-ordination Division of MFEM, and the Central Policy and Planning Office of OPM (as the Secretariat to the NSDC) are regularly invited attendees.

Member of the NSDC must notify the Secretariat in advance of the meeting of any invited attendees, and such attendees must be endorsed by the Chair.

Decision-making process

Decisions should be made ideally by consensus. In the absence of consensus, decisions will be determined by a majority of the votes of the members present. In the event of an equal number of votes for and against (ie a tied vote) the Chair has a second or casting vote.

Conflicts of interest

NSDC members are expected to declare actual or perceived conflicts of interest in any agenda items. Where considered necessary by NSDC members, the member(s) with the conflict of interest will be excluded from participating in discussion or voting on the particular agenda item.

Meetings with Cabinet

The NSDC will meet with Cabinet quarterly to report on progress towards achievement of the Budget Policy statement and discuss issues relevant to the achievement of the NSDP goals.

SECRETARIAT

The Central Planning and Policy Office (CPPO) of OPM will provide secretariat services to the NSDC. The CPPO will be responsible for:

- Collating and distributing meeting briefs suitably in advance of regular meetings
- Ensuring that proposals and briefings to the NSDC are in order (i.e. if a decision is requested from the NSDC, there is requisite evidence and information to facilitate an informed decision)
- Recording minutes of meetings and following up on meeting decisions
- Disseminating minutes of meetings to members
- Providing advice to the Chair and members on NSDP matters
- Preparing, with the assistance of other government agencies as appropriate, relevant papers for the Chair's submission to Cabinet, Ministries, and stakeholders
- Preparing media releases for the Chair and the NSDC.

ROLE OF THE INFRASTRUCTURE COMMITTEE

The NSDC will maintain a working relationship with the Infrastructure Committee (IC) with the IC providing monthly reports to the NSDC on the progress of infrastructure projects.

ROLE OF THE CENTRAL AGENCY COMMITTEE

The Central Agency Committee (CAC) vets all cabinet submissions. Any official recommendations to Cabinet by the NSDC would go through the CAC. CAC or the cabinet secretariat must ensure that any submissions that are of a strategic nature have been vetted and endorsed by the NSDC.