



13 SEP 2018

Debbie Goodsell  
Independent Drug Screening Ltd  
c/o fyi-request-8461-84fd7dc3@requests.fyi.org.nz

Dear Ms Goodsell,

## Official Information Act request response

Thank you for your email of 8 August 2018 in which you submitted an Official Information Act 1982 (the Act) request for the following communications:

- 1. All communications being prior and post emails and including all minutes taken at all meetings between Hon Phil Twyford, Sir Peter Gluckman, other names and communications from any other attendees who were involved in these meeting/s. This is with relation to the review of the Methamphetamine Contamination Standard.*
- 2. I also request copies of communication from and to Dr Anne Bardsley and Dr Felicia Low, also between each other, and Sir Peter Gluckman who conducted the research and compilation of the review of the Methamphetamine Contamination Standard.*
- 3. I request a full copy of the project brief/request that was given to Sir Peter Gluckman and his team to initiate their engagement that outlines tasks, timeline, including outcomes expected/required and associated costs.*
- 4. I request copies of any research/data/papers/conversations/emails (conducted on humans) that were found that justify that the level of 15ug 100cm<sup>2</sup> is scientifically proven to be unquestionably safe including the source of this information.*
- 5. I request copies of any research/data/papers/conversations//emails (conducted on humans) that unquestionably proves that 3rd hand Methamphetamine exposure in dwellings poses no/zero health risk to humans. Also providing the source of this information.*

As per the letter from my office on 9 August 2018, parts 4 and 5 have been transferred to the Office of the Prime Minister's Chief Science Advisor, as has the section of part 2 requesting communication between members of their office.

### *Meetings with Sir Peter Gluckman*

I have taken the first part of your request to be asking for information relating to my meetings with Sir Peter Gluckman.

I met with Sir Peter on two occasions. The first was on 7 December 2017 from 12:00 to 12:30pm. I do not have any records of minutes from this meeting, however it was at this meeting that I asked Sir Peter to produce a report on Methamphetamine contamination in residential properties. I am releasing three items in relation to this meeting. The first is email correspondence between our offices arranging the meeting. The second is email correspondence between our offices following the meeting. The third is a letter I received from Sir Peter on 15 December 2017 that was sent subsequent to the meeting.

The second meeting was on 4 April 2018 from 3:00 – 3:30pm. I do not have any formal records of minutes or correspondence relating to this meeting. However I am releasing to you notes taken by my staff member at the meeting.

I also met with Sir Peter Gluckman and Dr Anne Bardsley just prior to the press conference at 9:00am on 29 May 2018, where the Chief Science Advisor's report was publically released. I am releasing three items in relation to this meeting/press conference. Attached is correspondence between our offices regarding the timing of the announcement, correspondence from my Press Secretary to Dr Anne Bardsley prior to the event, and a briefing document I received in advance of this meeting from the Ministry of Business, Innovation and Employment.

*Communications from and to Dr Anne Bardsley and Dr Felicia Low*

My office does not have any records of communications with Dr Felicia Low.

The only communications with Dr Anne Bardsley further to the documents already being released to you are related to other people's official information requests. These are not being released to you, as they are not related directly to the methamphetamine contamination standard or the release of the report.

*Project brief/request that was given to Sir Peter Gluckman*

Three documents have been identified as within the scope of this part of your request. The first is a letter from me to Sir Peter and was sent 20 December 2018. The second is the Funding Agreement between the Ministry of Business Innovation and Employment and the Prime Minister's Chief Science Advisor. The third document is the letter from Sir Peter to me dated 15 December 2017 (mentioned above), as this helpfully summarised the approach and proposed timeframes.

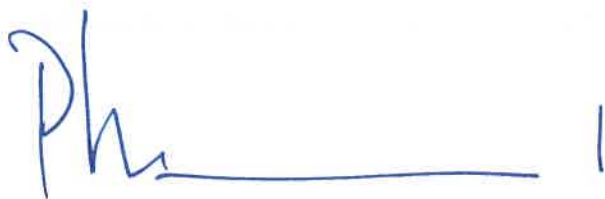
Please note some information within the documents released to you has been withheld under the following sections of the Act:

- 9(2)(a) to protect the privacy of natural persons.
- 9(2)(b)(ii) where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the decision to withhold information under section 9 of the Act is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review of my response by the Ombudsman, in accordance with section 28(3) of the Act. Information is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 802.

Yours sincerely



Hon Phil Twyford  
**Minister for Housing and Urban Development**

## Document Table

Doc	Type	Subject	Date
1	Email correspondence	RE: ATTN: Professor Sir Peter Gluckman – Meeting with Minister Twyford	6 December 2017
2	Email correspondence	Re: FYI: Follow up query from Minister Twyford	12 December 2017
3	Email and attached letter	FW: letter on methamphetamine-housing for Minister Twyford.	15 December 2017
4	Meeting notes	Handwritten notes from 4 April 2018 meeting.	4 April 2018
5	Email correspondence	FW: Methamphetamine contamination report -	2 May 2018
6	Email and two attachments	Draft material for release of Sir Peter's report. (The second attachment labelled 'Meth Talking Points.docx' was a copy of the MBIE report also being released to you.)	25 May 2018
7	Briefing 3475 17-18	Public release of Prime Minister's Chief Science Advisor's report on health risks of methamphetamine in residential properties	25 May 2018
8	Letter	Letter of reply from Hon Phil Twyford to Sir Peter. (Copy of letter is undated, but was sent on 20 December 2017)	20 December 2017
9	Funding Agreement	For 'methamphetamine contamination in residential properties' report	13 April 2018

**Carla Hemmes**

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**From:** Megan Stunzner <[redacted]>  
**Sent:** Wednesday, 6 December 2017 9:33 AM  
**To:** Emma Kean  
**Subject:** RE: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford

Hi Emma  
Understand completely - 30 mins is fine.  
Cheers  
Megan  
**Megan Stünzner**  
Phone: [redacted]  
Email:

**From:** Emma Kean [mailto:[redacted]]  
**Sent:** Wednesday, 6 December 2017 8:41 a.m.  
**To:** Megan Stunzner  
**Subject:** RE: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford

Hi Megan,  
I am very sorry but can we please make tomorrow's meeting 30 minutes only, so 11.30-midday? The pre-Christmas rush to get meetings in is hitting us!  
Thanks,  
Emma

**From:** Megan Stunzner [mailto:[redacted]]  
**Sent:** Wednesday, 22 November 2017 10:03 AM  
**To:** Emma Kean <[redacted]>  
**Subject:** RE: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford  
Excellent – many thanks.

☺  
M

**From:** Emma Kean [mailto:[redacted]]  
**Sent:** Wednesday, 22 November 2017 10:00 a.m.  
**To:** Megan Stunzner <[redacted]>  
**Subject:** RE: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford  
Great. Thanks Megan. Minister Twyford can meet for 45 minutes.  
Emma

**From:** Megan Stunzner [mailto:[redacted]]  
**Sent:** Wednesday, 22 November 2017 9:19 AM  
**To:** Emma Kean <[redacted]>  
**Subject:** RE: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford  
Perfect – thanks Emma. Does the Minister have 45 minutes to meet with Sir Peter, or only 30?

M  
**Megan Stünzner**  
Phone: [redacted]  
Email:

**From:** Emma Kean [mailto:[redacted]]  
**Sent:** Wednesday, 22 November 2017 8:39 a.m.  
**To:** Megan Stunzner <[redacted]>  
**Subject:** RE: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford



Hi Megan,

Can we please do Thursday 7 December at midday?

Sorry for my delayed reply.

Emma

**From:** Megan Stunzner [mailto: s9(2)(a)]

**Sent:** Monday, 20 November 2017 5:24 PM

**To:** Emma Kean <Emma.Kean@parliament.govt.nz>

**Subject:** RE: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford

Hi Emma

Thank you for advising. Unfortunately Sir Peter will be away overseas from 29 Nov to 5 Dec - but he is in Wellington again on Tue 28 Nov, and 6 and 7 Dec.

Sir Peter's availability on those alternative dates is currently as follows:

**Tue 28 Nov any time between 8.30am and 1.30pm**

**Wed 6 Dec any time between 12.45pm and 3pm**

**Thur 7 Dec any time between 8.30am and 3pm**

I hope one of these options works with the Minister's schedule and look forward to hearing from you.

Kind regards

Megan

**Megan Stünzner** | Executive Assistant | Office of the Prime Minister's Chief Science Advisor

Phone: + s9(2)(a) | Email s9(2)(a) | info@pmcsa.org.nz

PMCSA website: [www.pmcsa.org.nz](http://www.pmcsa.org.nz) | PO Box 108-117, Symonds Street, Auckland 1150, NZ

Building 505, University of Auckland, 85 Park Road, Grafton, Auckland 1023

**From:** Emma Kean [mailto:Emma.Kean@parliament.govt.nz]

**Sent:** Monday, 20 November 2017 4:48 p.m.

**To:** Megan Stunzner < s9(2)(a) >

**Subject:** RE: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford

Good afternoon Megan,

I am very sorry but Minister Twyford now needs to be in Auckland on 27<sup>th</sup> November. Can we reschedule to Wednesday 29<sup>th</sup> November 4pm?

Thanks,

Emma

Emma Kean

Senior Private Secretary

Office of Hon Phil Twyford

Minister of Transport | Minister of Housing and Urban Development

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

E: [emma.kean@parliament.govt.nz](mailto:emma.kean@parliament.govt.nz) P: s9(2)(a)

Authorised by Hon Phil Twyford, Parliament Buildings, Wellington

**From:** Megan Stunzner [mailto: s9(2)(a)]

**Sent:** Friday, 10 November 2017 4:49 PM

**To:** Emma Kean <Emma.Kean@parliament.govt.nz>

**Subject:** FW: ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford

**Importance:** High

Dear Emma

Further to your correspondence with Sir Peter Gluckman below, thank you for providing some dates for a meeting with Minister Twyford.

I can confirm Sir Peter would be available to meet with the Minister at 4.30pm on Monday 27 November. If that date is no longer available, then 10am on 7 December would also work with Sir Peter's calendar.

I would be grateful if you'd note my contact details for your records – I am sure we will be in touch again, and I look forward to working with you.

Many thanks and kind regards

Megan

**Megan Stünzner** | Executive Assistant | Office of the Prime Minister's Chief Science Advisor

Phone: + 59(2)(a) Email: 59(2)(a) | [info@pmcsa.org.nz](mailto:info@pmcsa.org.nz)

PMCSA website: [www.pmcsa.org.nz](http://www.pmcsa.org.nz) | PO Box 108-117, Symonds Street, Auckland 1150, NZ

Building 505, University of Auckland, 85 Park Road, Grafton, Auckland 1023

**From:** Emma Kean <[Emma.Kean@parliament.govt.nz](mailto:Emma.Kean@parliament.govt.nz)>

**Date:** 8 November 2017 at 08:49:42 GMT+2

**To:** "CSA [info@pmcsa.org.nz](mailto:info@pmcsa.org.nz)"

**Subject:** ATTN: Professor Sir Peter Gluckman - Meeting with Minister Twyford

Good evening,

Thank you for your recent letter to Minister Twyford seeking a meeting around the appointment of DSA.

The Minister is very keen to meet with you and I wonder if the below times would suit you:

Monday 27 November 4.30pm

Thursday 30 November 9.30am

Thursday 7 December 10am

I looked forward to hearing from your office in due course.

Kind regards,

Emma

Emma Kean

Senior Private Secretary

Hon Phil Twyford

Minister for Housing and Urban Development

Minister for Transport

MP for Te Atatu

E: [emma.kean@parliament.govt.nz](mailto:emma.kean@parliament.govt.nz) P: 59(2)(a)

Authorised by Hon Phil Twyford, Parliament Buildings, Wellington

**Carla Hemmes**

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**From:** Peter Gluckman <pd.gluckman@auckland.ac.nz>  
**Sent:** Tuesday, 12 December 2017 1:39 PM  
**To:** Emma Kean  
**Cc:** Megan Stunzner; Anne Bardsley  
**Subject:** Re: FYI: Follow up query from Minister Twyford

Emma

Thanks for the confirmation the Minister wishes to proceed.  
I will put a proposal and brief to the Minister before the weekend and inform the PM's chief of staff of our proposed involvement

Best

Peter

Sir Peter Gluckman ONZ KNZM FRSNZ FMedSci FRS  
Chief Science Advisor to the Prime Minister of New Zealand

peter.gluckman@pmcsa.org.nz  
PA Megan Stunzner: 59(2)(a)  
www.pmcsa.org.nz  
ph: + 59(2)(a)  
mob: +

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**From:** Emma Kean [<mailto:Emma.Kean@parliament.govt.nz>]  
**Sent:** Tuesday, 12 December 2017 1:02 p.m.  
**To:** Megan Stunzner < 59(2)(a) >  
**Subject:** Follow up query

Hi Megan,

The Minister really appreciated his recent meeting with Sir Peter. They spoke about Sir Peter getting some info together on meth testing and Minister Twyford is keen to progress this. Can you please check in with Sir Peter how he wants to proceed on this?

Thanks,

Emma

Emma Kean

**Senior Private Secretary**

**Office of Hon Phil Twyford**

**Minister of Transport | Minister of Housing and Urban Development**

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

E: [emma.kean@parliament.govt.nz](mailto:emma.kean@parliament.govt.nz) P: 5962 64

*Authorised by Hon Phil Twyford, Parliament Buildings, Wellington*

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**Carla Hemmes**

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**From:** Peter Gluckman <pd.gluckman@auckland.ac.nz>  
**Sent:** Friday, 15 December 2017 4:13 PM  
**To:** Emma Kean  
**Subject:** letter on metamphetamine-housing for Minister Tywford.  
**Attachments:** PDGMethamphetamine Review TOR LETTER.pdf

**Importance:** High

Emma

I promised this note to Minister Tywford by end of business today – can it go in his weekend bag if possible

Peter

Sir Peter Gluckman ONZ KNZM FRSNZ FMedSci FRS  
Chief Science Advisor to the Prime Minister of New Zealand

peter.gluckman@pmcsa.org.nz

PA Megan Stunzner: 59(2)(a)

www.pmcsa.org.nz

ph: - 59(2)(a)

mob:

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## OFFICE OF THE PRIME MINISTER'S CHIEF SCIENCE ADVISOR

Professor Sir Peter Gluckman, ONZ KNZM FRSNZ FMedSci FRS  
Chief Science Advisor

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Hon Phil Twyford  
Minister for Housing and Urban Development  
New Zealand Parliament

15 December, 2017

Dear Minister Twyford,

In response to your request, the Office of the Prime Minister's Chief Science Advisor (PMCSA) will produce a report on '**Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards**' by the beginning of May, 2018.

This work is aimed at providing clarification and ensuring public confidence around how to manage this issue.

The aim of the review will be to provide government decision makers and the general public with a comprehensive and up-to-date understanding of the available scientific evidence on the risks to occupants of houses previously used for methamphetamine production, or those in which methamphetamine was smoked by prior occupants. It is intended as a plain English translation of technical information about risks of secondary exposure to methamphetamine residues in places where people live. More specifically, the review will discuss what is known and not known about how levels of contamination translate to potential exposure and levels of risk, and what it means in the context of the current situation in New Zealand.

The review will also look into current practices for testing and decontamination in light of the available evidence on exposures and health risks. This synthesis should help inform your decisions and those of other parties on remediation requirements within New Zealand housing stock, and enhance public understanding of what has been a confusing and contentious issue.

The project will primarily consider the relevant peer-reviewed scientific literature from New Zealand and internationally, as well as reports published by respected scientific bodies (eg national academies, CRIs, etc) and any other data that has robust evidential quality. It will review the evidence that formed the basis of the recently released New Zealand Standard (NZS 8510:2017) and other current international standards.

The project will also involve interviews with relevant stakeholders and subject matter experts, including:

- Housing NZ
- Ministry of Health

- DPMC
- Standards New Zealand
- MBIE
- NZ Drug Foundation
- National Poisons Centre
- Institute of Environmental Science and Research (ESR)
- NZ Environmental Protection Authority

We will also meet with some members of the drug testing and decontamination industry and seek reports or information from our equivalents in other jurisdictions.

The project is a major piece of work and will be managed by an experienced Research Analyst in the my office. Research and writing assistance by an additional contracted science writer will be engaged as required.

Although we have informally already started with initial scan, the projected timeline for the completion of the review are as follows:

Jan 22	Background research and identification of high-level headings
Feb 5	Submission of project outline for your feedback
Feb 12-26	Interviews with relevant stakeholders and subject matter experts
Mar 20	Completion of first draft and submission to selected domestic experts for review
Apr 2	Completion of expert review
Apr 9	Revised draft completed and sent to external (international) peer review
Apr 23	External review complete
May 7	Final report submitted to Minister

As we discussed, my office would appreciate some assistance to support this work, as we do not have a significant discretionary budget and this is additional to our already rather saturated workload. I would be grateful if you could approve an allocation of   to cover the staffing costs and travel for meetings involved.

s9(2)(b)(ii)

Yours sincerely



Sir Peter Gluckman ONZ KNZM FRSNZ FRS  
Chief Science Advisor

4 4 18

### Meth Review Report

- Full report next week

Bottom line - no evidence that meth use continues to be harmful.

History screened for with focus of actual harmful toxics

① LIAI - #s

Finishing off decision tree

Release report around/after ANZAC

③ Litigation - standards NZ.

② Draft Regulations?

Anafi → Talk to PMO

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**From:** Bronwyn Lauten  
**Sent:** Wednesday, 2 May 2018 1:00 PM  
**To:** 'Megan Stunzner'  
**Subject:** RE: Methamphetamine contamination report -

Hi Megan,

Just confirming that the joint announcement will be at 8:30am-9:30am on 29 May (subject to Cabinet decisions).

Thanks  
Bronwyn

**Bronwyn Lauten** | Private Secretary (Housing – MBIE) | Office of Hon Phil Twyford  
[Bronwyn.Lauten@parliament.govt.nz](mailto:Bronwyn.Lauten@parliament.govt.nz) DDI: 59(2)(a)  
Minister of Housing and Urban Development | Minister of Transport  
6.6 EW Parliament Buildings | Wellington

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**From:** Megan Stunzner [[mailto: 59\(2\)\(a\)](mailto:59(2)(a)@parliament.govt.nz)]  
**Sent:** Monday, 30 April 2018 3:04 PM  
**To:** Bronwyn Lauten <[Bronwyn.Lauten@parliament.govt.nz](mailto:Bronwyn.Lauten@parliament.govt.nz)>  
**Subject:** RE: Methamphetamine contamination report -

Dear Bronwyn

Further to recent correspondence, do you have a confirmed time yet for the joint public announcement on 29 May?

Many thanks – I look forward to hearing from you. kind regards  
Megan

**Megan Stünzner**  
Phone: 59(2)(a)  
Email:

**From:** Megan Stunzner  
**Sent:** Thursday, 19 April 2018 10:39 a.m.  
**To:** 'Bronwyn Lauten' <[Bronwyn.Lauten@parliament.govt.nz](mailto:Bronwyn.Lauten@parliament.govt.nz)>  
**Cc:** Anne Bardsley <[a.bardsley@auckland.ac.nz](mailto:a.bardsley@auckland.ac.nz)>  
**Subject:** RE: Methamphetamine contamination report - final draft

Thank you Bronwyn; much appreciated. We look forward to hearing from you again.

Kind regards

Megan

**Megan Stünzner**

Phone: +59(2)(a)  
Email:

**From:** Bronwyn Lauten [<mailto:Bronwyn.Lauten@parliament.govt.nz>]

**Sent:** Thursday, 19 April 2018 10:33 a.m.

**To:** Megan Stunzner 59(2)(a)

**Cc:** Anne Bardsley <[a.bardsley@auckland.ac.nz](mailto:a.bardsley@auckland.ac.nz)>; Emma Kean <[Emma.Kean@parliament.govt.nz](mailto:Emma.Kean@parliament.govt.nz)>

**Subject:** RE: Methamphetamine contamination report - final draft

Hi Megan,

We can narrow the days down to the morning of Tue 29 May. I'll come back to you with a time when confirmed.

Thanks

Bronwyn

**From:** Megan Stunzner [[mailto:59\(2\)\(a\)](mailto:59(2)(a)@parliament.govt.nz)]

**Sent:** Tuesday, 17 April 2018 1:50 PM

**To:** Bronwyn Lauten <[Bronwyn.Lauten@parliament.govt.nz](mailto:Bronwyn.Lauten@parliament.govt.nz)>

**Cc:** Anne Bardsley <[a.bardsley@auckland.ac.nz](mailto:a.bardsley@auckland.ac.nz)>

**Subject:** Methamphetamine contamination report - final draft

**Importance:** High

Dear Bronwyn

Thank you for your time on the phone just now.

As discussed, Sir Peter's availability in May for a joint announcement with the Minister is very limited due to prior international commitments. However, he will be in Wellington from the afternoon of Monday 28 May to around midday on Tuesday 29 May. From our conversation those dates seem to fit well with the Minister's schedule.

I have therefore tentatively blocked out the following times in Sir Peter's calendar:

**Mon 28 May** any time between 3pm and 5pm

**Tue 29 May** any time between 8.30am and 9.30am OR from 11.15am to midday (as mentioned he has to be back in Auckland later that afternoon but I could move his 12.45pm flight to 1.45pm instead).

I look forward to hearing from you, at your earliest convenience, as to the Minister's preferred time/date.

NB: as discussed, I am cc'ing in Dr Bardsley, who wrote the Report with Sir Peter.

Kind regards

Megan

**Megan Stünzner** | Executive Assistant | Office of the Prime Minister's Chief Science Advisor  
Phone: 59(2)(a) | Email: 59(2)(a) | [megan@pmcsa.org.nz](mailto:megan@pmcsa.org.nz) | [info@pmcsa.org.nz](mailto:info@pmcsa.org.nz)  
PMCSA website: [www.pmcsa.org.nz](http://www.pmcsa.org.nz) | PO Box 108-117, Symonds Street, Auckland 1150, NZ  
Building 505, University of Auckland, 85 Park Road, Grafton, Auckland 1023

**From:** Bronwyn Lauten [<mailto:Bronwyn.Lauten@parliament.govt.nz>]  
**Sent:** Tuesday, 17 April 2018 11:48 a.m.  
**To:** Peter Gluckman <[pd.gluckman@auckland.ac.nz](mailto:pd.gluckman@auckland.ac.nz)>  
**Cc:** Emma Kean <[Emma.Kean@parliament.govt.nz](mailto:Emma.Kean@parliament.govt.nz)>  
**Subject:** RE: Methamphetamine contamination report - final draft

Dear Sir Peter

On behalf of Hon Phil Twyford, thank you for final draft report.

The Minister would like to do a joint announcement and release of the report with you prior to the second reading of the Residential Tenancies Amendment Bill (No. 2).

We will also need to inform Cabinet of the findings of the report in May prior to the release of the report. Our office will be in touch to schedule an announcement once the timing of the Cabinet process is clearer.

Kind regards

**Bronwyn Lauten** | Private Secretary (Housing) | Office of Hon Phil Twyford  
[Bronwyn.Lauten@parliament.govt.nz](mailto:Bronwyn.Lauten@parliament.govt.nz) DDI: 59(2)(a)  
Minister of Housing and Urban Development | Minister of Transport  
6.6 EW Parliament Buildings | Wellington

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**From:** Bronwyn Lauten  
**Sent:** Tuesday, 17 April 2018 11:48 AM  
**To:** pd.gluckman@auckland.ac.nz  
**Cc:** Emma Kean  
**Subject:** RE: Methamphetamine contamination report - final draft

Dear Sir Peter

On behalf of Hon Phil Twyford, thank you for final draft report.

The Minister would like to do a joint announcement and release of the report with you prior to the second reading of the Residential Tenancies Amendment Bill (No. 2).

We will also need to inform Cabinet of the findings of the report in May prior to the release of the report. Our office will be in touch to schedule an announcement once the timing of the Cabinet process is clearer.

Kind regards

**Bronwyn Lauten** | Private Secretary (Housing) | Office of Hon Phil Twyford  
[Bronwyn.Lauten@parliament.govt.nz](mailto:Bronwyn.Lauten@parliament.govt.nz) DDI: 5912121  
Minister of Housing and Urban Development | Minister of Transport  
6.6 EW Parliament Buildings | Wellington

**From:** Peter Gluckman [<mailto:pd.gluckman@auckland.ac.nz>]  
**Sent:** Monday, 16 April 2018 7:42 PM  
**To:** P Twyford (MIN) <[P.Twyford@ministers.govt.nz](mailto:P.Twyford@ministers.govt.nz)>  
**Cc:** Emma Kean <[Emma.Kean@parliament.govt.nz](mailto:Emma.Kean@parliament.govt.nz)>  
**Subject:** Methamphetamine contamination report - final draft  
**Importance:** High

Minister

Earlier I had provided you with a draft of the executive summary of our report – attached please find a draft of the full version of our report.

It was also provided to MBIE today.

We are in a position to finalise the report - I would appreciate your advice as to whether your Office or mine should be making it public and when.

(I am offshore at CHOGM related and other meetings till April 24)

Yours sincerely

Peter

Sir Peter Gluckman ONZ KNZM FRSNZ FMedSci FRS



Chief Science Advisor to the Prime Minister of New Zealand

PA: Megan Stunzner:

59(2)(a)

[www.pmcsa.org.nz](http://www.pmcsa.org.nz)

[peter.gluckman@pmcsa.org.nz](mailto:peter.gluckman@pmcsa.org.nz)

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**From:** Anne Bardsley <[a.bardsley@auckland.ac.nz](mailto:a.bardsley@auckland.ac.nz)>

**Date:** Monday, 16 April 2018 at 15:44

**To:** Claire Leadbetter <[Claire.Leadbetter@mbie.govt.nz](mailto:Claire.Leadbetter@mbie.govt.nz)>, "Arati Waldegrave [DPMC]"

**Cc:** Katherine Slaney 59(2)(a); "Pd. Gluckman" <[pd.gluckman@auckland.ac.nz](mailto:pd.gluckman@auckland.ac.nz)>,  
Felicia Michelle Low <[f.low@auckland.ac.nz](mailto:f.low@auckland.ac.nz)>

**Subject:** PMCSA Methamphetamine contamination report - final draft

Hi,

Please find attached the final draft of the report, as agreed in our MOU.

Regards,

Anne

Anne Bardsley, PhD  
Research Analyst

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Office of the Prime Minister's Chief Science Advisor | 85 Park Rd, Grafton | Auckland 1023 New Zealand  
Phone 09 923 6346 | Mobile 59(2)(a) | [www.pmcsa.org.nz](http://www.pmcsa.org.nz)

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**Carla Hemmes**

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**From:** Anne Bardsley <a.bardsley@auckland.ac.nz>  
**Sent:** Friday, 25 May 2018 1:53 PM  
**To:** Danya Levy  
**Subject:** Re: Draft material for release of Sir Peter's report

Thanks Danya  
I noticed a slight error on the release – the second line says

The report was commissioned by was produced by the Prime Minister's Chief Science Advisor Professor Sir Peter Gluckman.

I'm just looking at the talking points (in between a few other urgent matters!).

Cheers

Anne Bardsley, PhD  
Research Analyst

Office of the Prime Minister's Chief Science Advisor | 65 Rank Rd, Granton | Auckland 1023 New Zealand  
Phone 09 923 6346 | Mobile **59(2)(a)** | [www.pnicsa.org.nz](http://www.pnicsa.org.nz)

**From:** Danya Levy <Danya.Levy@parliament.govt.nz>  
**Date:** Friday, 25 May 2018 at 1:11 PM  
**To:** Anne Bardsley <a.bardsley@auckland.ac.nz>  
**Subject:** Draft material for release of Sir Peter's report

Hi Anne,  
As discussed, attached is the draft release and talking points for the announcement.  
I am still waiting to hear from the Prime Minister's Office but they have suggested in the meantime we proceed as we would for the Tuesday announcement.  
I am hoping that it will still go ahead. I will get back to you asap on this.  
Many thanks,  
Danya

**Danya Levy** | Senior Press Secretary  
Office of Hon. Phil Twyford  
Minister of Housing and Urban Development  
Minister of Transport  
Mobile: **59(2)(a)**  
Email [danya.levy@parliament.govt.nz](mailto:danya.levy@parliament.govt.nz)

Authorised by Jacinda Ardern MP, Parliament Buildings, Wellington



# Hon Phil Twyford

Minister of Housing and Urban Development

MEDIA STATEMENT

29 May 2018

## Report into meth contaminated homes released

A new report into methamphetamine smoking residue on household surfaces has found there is no evidence third-hand exposure causes adverse health effects, Minister of Housing and Urban Development Phil Twyford says.

The report was commissioned by was produced by the Prime Minister's Chief Science Advisor Professor Sir Peter Gluckman.

"In December 2017 I commissioned Sir Peter to assess all the available scientific and medical literature about the risks of exposure to meth residue," Phil Twyford says.

"I was concerned at the time, and I remain so, that there has been some anxiety about meth contamination, and a testing and remediation industry has grown up around this.

"There has been a widely held perception that the presence of even low levels of meth residue in a house poses a health risk to occupants. As a result, remediation to eliminate contamination has been an extremely costly business for landlords and an upheaval for tenants being evicted at short notice.

"No one is underplaying the social damage caused by meth, but there should be a scientific basis for what are acceptable levels of meth in the current New Zealand context; and remediation of houses should be proportional to the established health risks.

"The report is a comprehensive, up-to-date and plain English understanding about the risks of meth exposure for people living in houses where meth was manufactured, and for those in which meth was smoked," Phil Twyford says.

Sir Peter's report found that remediation according to the NZS 8510: 2017 standard is appropriate only for identified former meth labs and properties where heavy meth use has been determined.

The report will contribute to any regulations that may be made under the Residential Tenancies Amendment Bill (No 2), soon to have its second reading in the House.

"I expect, pending Cabinet agreement, that there will be a public consultation document on meth regulations later this year," Phil Twyford says.

The report can be found at: [www.XXXXXX](http://www.XXXXXX)

Contact: Danya Levy 59(2)(a)



## EVENT BRIEFING

### Public release of Prime Minister's Chief Science Advisor's report on health risks of methamphetamine in residential properties

<b>Date:</b>	25 May 2018	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	3475 17-18

Action sought		
	Action sought	Deadline
Hon Phil Twyford <b>Minister for Housing and Urban Development</b>	<b>Read</b> in preparation for the press conference on 29 May 2018 where you will publicly release the Prime Minister's Chief Science Advisor's report <i>Methamphetamine contamination in residential properties: Exposures, risk levels and interpretation of standards.</i>	29 May 2018

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Claire Leadbetter	Policy Manager, Housing and Urban Branch	04 901 8751	59(2)(a)	✓
Maisie Thursfield	Graduate Policy Advisor	04 978 3188		

The following departments/agencies have been consulted

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments





## EVENT BRIEFING

### Public release of Prime Minister's Chief Science Advisor's report on health risks of methamphetamine in residential properties

Date:	25 May 2018	Priority:	Medium
Security classification:	In Confidence	Tracking number:	3475 17-18

#### Purpose

1. This briefing provides you with material to support you at the press conference you are hosting at 9.00am on Tuesday 29 May 2018 in your office with Sir Peter Gluckman to publicly release the report by the Office of the Prime Minister's Chief Science Advisor, *Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards* (the CSA report).

#### Recommendations

The Ministry of Business, Innovation and Employment recommends that you:

- a **Read** this briefing in preparation for the press conference on Tuesday 29 May 2018.

Claire Leadbetter  
Policy Manager, Housing and Urban Branch,  
MBIE

Hon Phil Twyford  
Minister of Housing and Urban  
Development

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## Background

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1. On 23 May 2018 you advised your Cabinet colleagues about your intention to make a public announcement and release the CSA report along with Sir Peter Gluckman [SWC-18-MIN-0061 refers]. The press conference is scheduled for **9.00am on Tuesday 29 May 2018**.
2. The event is being organised by your office and will be attended by invited media. Officials from the Ministry of Business, Innovation and Employment (MBIE) will attend the press conference to support you, and Dr Anne Bardsley from Sir Peter's office will also attend to answer questions on the report. There will be a preparation meeting from 8.30 – 9.00am with officials and Sir Peter followed by the press conference at 9am.
3. This briefing provides you with suggested talking points (Annex One), Q & As (Annex Two) and a draft press release (Annex Three) to support you at the press conference. We also attach a list of stakeholders which your office may like to contact after the press conference, to advise them about the release of the report (Annex Four). We discuss a suggested approach to presenting the report below.

## Recommendations for presenting the CSA report

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4. We attach suggested talking points at Annex One. We set out below a number of topics related to the report which may be raised at the press conference and a recommended approach to addressing them when you present the report.

### Focus on the findings in the report, not on NZS 8510

#### *CSA report recommendations differ from NZS 8510*

5. The findings in the CSA report differ from some of the guidance in the New Zealand Standard NZS 8510: - *Testing and decontamination of methamphetamine-contaminated properties* (NZS 8510) which was published in June 2017.
6. The principal differences are in terms of distinguishing between properties in which methamphetamine has been manufactured and in which it has been used, the level of methamphetamine at which properties should be deemed 'contaminated' and some of the testing methods mandated by NZS 8510. This is likely to raise questions about the validity of NZS 8510.

#### *Outcome reached by standards committee was the result of a robust process*

7. The development of NZS 8510 followed an established process in compliance with the provisions of the Standards and Accreditation Act 2015 and aligned with international best practice. The committee included representatives from local and central government (including the Ministry of Health), Housing New Zealand, public health authorities, the insurance sector as well as the industry. It took into account a high number of public submissions and a wide range of evidence as well as presentations from relevant experts, including scientists and an international toxicologist.
8. The decision to adopt the single 'acceptable level' for methamphetamine for high use areas of 1.5 µg/100 cm<sup>2</sup> (for clean-up purposes) was partly based on recommendations in a report drafted by the Institute of Environmental Science and Research Limited (ESR), which modelled methamphetamine exposure for two vulnerable groups in its risk assessment (adult women of child-bearing age and young children aged one-two years) which have large (~300-fold) safety margins built in. The committee also considered there were practical reasons for the single level, including that it is difficult to determine whether or not a property has been used as a clan lab, based solely on surface sampling and because evidence of previous production may not be apparent.

*Review of NZS 8510 is a matter for Standards New Zealand*

9. While the CSA report could be a factor in a decision by the New Zealand Standards Executive on whether to review the content of NZS 8510 (in order to address any public confusion), this is a matter for Standards New Zealand as the standards process is statutorily independent. We understand that the Minister of Commerce and Consumer Affairs, Hon Chris Faafoi has asked Standards New Zealand to undertake a review of the process by which NZS 8510 was developed.

*Refer questions about NZS 8510 to Standards New Zealand and focus on report findings*

10. We recommend you refer questions that relate to NZS 8510 or Standards New Zealand (and their perspective on the report) directly to Standards New Zealand.
11. Instead, officials suggest you focus your presentation on the helpful contribution the CSA report will make to the housing sector and avoid getting into detail about NZS 8510. For example, the report will allay misguided fears about the health risks of methamphetamine residue in houses in which methamphetamine has been smoked, and the positive effect this will have on lowering the costs of testing and decontamination.

**Landlords and tenants may choose to rely on the CSA report until regulations are made**

12. The CSA report is likely to cause confusion within the tenancy sector, the meth testing industry and the general public about which set of guidelines to follow and whether there is still a need to undertake baseline testing.
13. We recommend you emphasise that until regulations under the Residential Tenancies Act are in place, there are no legally binding rules as to testing and decontamination, but the tenancy sector may choose to take into account the findings and recommendations in the CSA report until regulations are made. Along with NZS 8510, the CSA is a relevant matter which will inform the development of regulations.

*Housing New Zealand to announce adoption of CSA report*

14. We understand that Housing New Zealand (HNZ) is to issue a press release announcing its intention to change some of its operational approach to meth testing and remediation on the basis of some of the findings in the CSA report. This may be contentious (at least initially) for some of the homeowners of properties leased by HNZ in its Home Lease Portfolio, and for some of its tenants.
15. Officials consider the CSA report presents a sound basis for HNZ to change its operations, given the conclusions about health risks. HNZ has taken a cautious approach to methamphetamine in the past because of the perceived health risks and as a result of Tenancy Tribunal decisions against it. As a result, HNZ has spent considerable amounts on testing and remediation (and in some cases demolishing) rental stock. HNZ intend to issue communications material and Q & As in relation to this announcement. If asked, we recommend you say you welcome HNZ's decision.

**The Government is looking to address concerns about contamination notations on LIMs**

16. The Cabinet Social Wellbeing Committee expressed concerns about the effect methamphetamine contamination notations on Land Information Memoranda (LIMs) could have on property values. The Committee invited advice on changing the requirements of the Local Government Official Information and Meetings Act 1987 (LGOIMA) so that notations on LIMs could be removed, in the event regulations stipulate a higher contamination threshold than that in NZS 8510.
17. We are working with the Department of Internal Affairs on this matter, as the issue falls within the ministerial portfolio of the Minister of Local Government, Hon Mahuta. We recommend



you respond by stating the government is looking into the matter, if it is raised at the press conference.

### **The Government intends to regulate the methamphetamine industry**

18. Questions may be raised about the unregulated nature of the methamphetamine testing and decontamination industry. Aside from the concerns about testing raised in the CSA report, we are aware of some of the problems in the methamphetamine industry, the unregulated nature of which allows companies and individuals to employ inconsistent, expensive and unreliable practices at the expense of landlords, tenants and insurers.
19. We recommend you emphasise the priority of the Government to develop regulations under the Residential Tenancies Act, once amended by the Residential Tenancies Amendment Bill (No 2). Regulations will: eliminate the current confusion in the industry and tenancy sector by prescribing consistent and reliable testing procedures, providing for appropriate decontamination plans and techniques, ensure the competency of testers and decontaminators and create government oversight of the industry.

### **Methamphetamine is a harmful and addictive drug**

20. We recommend you emphasise the serious nature of methamphetamine as an illegal and highly addictive drug, the use and abuse of which causes great social, economic and health harm for individuals, whanau and communities. What the report deals with is the health risks of methamphetamine residue in homes, and the need for mitigation measures which are proportionate to the actual problems.

### **Annexes**

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Annex One: Talking points

Annex Two: Questions and answers

Annex Three: draft Press Release

Annex Four: Stakeholder list



## Annex One: Talking points

<p><b>Introductory remarks</b></p>	<p>Thank you for attending this press conference today with myself and Sir Peter Gluckman, the Prime Minister's Chief Science Advisor.</p> <p>I want to thank Sir Peter and Dr Anne Bardsley for travelling to Wellington and making the time to attend this important announcement today, the purpose of which is to formally announce the release of a report completed by Sir Peter, entitled <b><i>Methamphetamine contamination in residential properties: Exposures, risk levels and interpretation of standards.</i></b></p>
<p><b>Context</b></p>	<p>I have been concerned for some time about the significant sums of money being spent on methamphetamine testing and remediation and about industry practices in general.</p> <p>Housing New Zealand spent \$32.7 million in the last financial year on methamphetamine testing and decontamination!</p> <p>Forensic, scientific testing typically costs between \$500 and \$5,000. Remediation costs to homeowners range from \$2,000 to \$50,000.</p> <p>Insurers have increased excess levels and premiums for methamphetamine 'contamination'.</p> <p>The current approach to meth also means tenants are evicted from homes at short notice, the most vulnerable with limited alternative options, and the social cost is considerable.</p> <p>To be clear: methamphetamine is an illegal and highly addictive drug, the use and abuse of which causes great social, economic and health harm for individuals, whanau and communities.</p>
<p><b>Reasons for commissioning the report</b></p>	<p>In December last year, I asked Sir Peter to assess all the available scientific evidence and medical literature about the risks of exposure to methamphetamine residue in houses.</p>

	<p>Specifically, I asked him to examine the likelihood of health risks from methamphetamine residue caused by smoking compared with that caused by manufacture.</p> <p>I wanted to know if the enormous costs of the current approach to methamphetamine testing and decontamination were commensurate with the risk.</p>
<p><b>Report findings</b></p>	<p>The report has been completed. Some of the key findings are:</p> <ul style="list-style-type: none"> <li>• There is currently no evidence that living in a property where methamphetamine has been smoked causes adverse health effects.</li> <li>• Methamphetamine levels that exceed the current clean-up standard of 1.5 µg/100 cm<sup>2</sup> (micrograms per one hundred centimetres squared) should not be regarded as signalling a health risk.</li> <li>• Exposure to meth levels below 15 µg/100 cm<sup>2</sup> would be unlikely to give rise to any adverse effects.</li> <li>• Testing is only recommended where meth lab activity is suspected or where very heavy use is suspected.</li> <li>• Remediation according to the current clean-up standard of 1.5 µg/100 cm<sup>2</sup> is appropriate only for identified former meth labs and properties where excessive methamphetamine use has been determined.</li> </ul>
<p><b>Report is great news for tenants, homeowners and landlords</b></p>	<p>The report is great news for homeowners, tenants and landlords.</p> <p>It will allay the current unjustified fears that <u>any</u> detection of methamphetamine is dangerous to health – this is not true.</p> <p>It will mean less people are evicted from their otherwise safe homes and mean less houses are left empty while undertaking remediation.</p> <p>It will reduce testing and decontamination costs for homeowners, landlords and the insurance industry.</p> <p>It will inform Tenancy Tribunal decisions.</p>

	<p>It brings us into line with other countries: New Zealand's approach to methamphetamine has not been proportionate to risk as we now understand it, which is largely unique to New Zealand.</p>
<p><b>Regulations will provide clarity to the industry</b></p>	<p>The Residential Tenancies Amendment Bill (No 2) is currently before Parliament.</p> <p>Once passed, contaminant regulations can be made. Methamphetamine regulations will be the first set of regulations to be made and will be legally binding.</p> <p>The regulations will set maximum "acceptable levels" for methamphetamine and provide for principled, consistent and reliable testing and decontamination practices. They will ensure testers and decontaminators are competent and create government oversight of the industry.</p> <p>Regulations will be definitive and will eliminate the current confusion in the industry and tenancy sector.</p> <p>These regulations are overdue and I have asked officials to start work on them as a matter of urgency.</p>
<p><b>Tenancy sector may choose to act on the report prior to regulations being made</b></p>	<p>Until regulations are made, there are no legally binding rules as to testing and decontamination.</p> <p>Landlords and homeowners may choose to take into account the findings and recommendations in the CSA report when making decisions about testing and remediating.</p>
<p><b>Conclusion</b></p>	<p>This report is a positive step forward for homeowners, tenants and landlords and I welcome it.</p>



## **Annex Two: Questions and answers**

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### **Questions and answers on the release of the Sir Peter Gluckman review of scientific evidence about methamphetamine contamination**

#### ***What is the name of the report and when was it completed?***

The report is entitled *Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards* (the CSA report) and was completed in May 2018.

#### ***Why was the report commissioned from the Prime Minister's Chief Science Adviser?***

The Government asked Professor Sir Peter Gluckman – the Prime Minister's Chief Science Adviser - to assess all the available scientific evidence and medical literature about the risks of exposure to methamphetamine residue in houses. The assessment examined the likelihood of health risks from methamphetamine residue caused by smoking compared with that caused by manufacture.

The CSA report was commissioned in the context of the Residential Tenancies Amendment Bill (No 2), currently before Parliament, which includes provisions to address contamination in rental properties, including contamination from methamphetamine.

#### ***What is the purpose of the CSA report?***

The purpose of the CSA report is to provide a comprehensive, up-to-date and plain English understanding about the risks of methamphetamine exposure for people living in houses where methamphetamine was manufactured, and for those where it was smoked.

Along with New Zealand Standard (NZS) 8510, *Testing and decontamination of methamphetamine-contaminated properties* (NZS 8510:2017), the CSA report will be a matter to be considered when developing regulations under the Residential Tenancies Act, as amended by the Residential Tenancies Amendment Bill (No. 2). The Bill is shortly to have its Second Reading in Parliament.

#### ***What did the CSA report cover?***

The report looked at a at the science related to methamphetamine as a contaminant, including the rationale for remediation and the history of guidance in New Zealand and elsewhere for methamphetamine clean-up levels, the evidence of health risks from living in a house where methamphetamine was previously smoked and those from living in a house where it was manufactured, toxicity assessments, and how risk-based guidance on remediating methamphetamine residue in houses should be established.

The report considered relevant peer-reviewed scientific literature from New Zealand and internationally, as well as reports published by respected scientific bodies, such as national academies and Crown Research Institutes and was accompanied by multiple interviews with experts and stakeholders both in New Zealand, Australia and the USA. It was peer reviewed by New Zealand and international experts.

#### ***What are the findings and recommendations?***

- Dwellings can become contaminated with methamphetamine residues if the drug is manufactured or smoked within it. Manufacture of methamphetamine in general results in greater methamphetamine residue levels than levels caused by smoking alone.
- There is currently no evidence that levels typically resulting from third-hand exposure to methamphetamine smoking residues on household surfaces can elicit an adverse health effect.



- Methamphetamine levels that exceed the NZS 8510: 2017 clean-up standard of 1.5 µg/100 cm<sup>2</sup> (micrograms per one hundred centimetres squared) should not be regarded as signalling a health risk.
- Exposure to methamphetamine levels below 15 µg/100 cm<sup>2</sup> would be unlikely to give rise to any adverse effects. This level still incorporates a 30-fold safety buffer on a conservative estimate of risk.
- It is important that guidance for mitigation measures are proportionate to the risk posed, and that remediation strategies should be informed by a risk-based approach.
- Because the risk of methamphetamine residue at levels that might cause harm is extremely low, testing is not warranted in most cases. Testing is only recommended where meth lab activity is suspected or where very heavy use is suspected.
- Combining multiple samples taken throughout a dwelling into a single composite sample, as permitted in NZS 8510: 2017, has limited value and cannot accurately reflect levels of risk, and in fact can lead to false impressions of high exposure.
- Remediation according to the NZS 8510: 2017 standard is appropriate only for identified former meth labs and properties where excessive methamphetamine use has been determined. This would only be as a precautionary measure to remove other toxicants that may be present but not measured.

***What level of methamphetamine has the CSA report deemed safe or acceptable?***

The CSA report has not recommended a 'safe' or 'acceptable' level for methamphetamine. However, based on existing toxicity assessments and exposure dose models used for remediation of former meth labs, the report concludes that exposure to methamphetamine levels below 15 µg/100 cm<sup>2</sup> would be highly unlikely to give rise to any adverse health effects.

It also states there is no evidence that third hand exposure to smoking residues on household surfaces can "elicit an adverse health effect". Remediation is appropriate only for identified methamphetamine labs and where extensive use has been determined.

***Why has the CSA report come to different conclusions as compared with New Zealand Standards?***

The CSA report assessed a full range of factors relevant to the health risks of methamphetamine residue in residential properties, including consideration of all the latest available scientific literature and in-depth interviews with local and international experts and a broad range of stakeholders. The report recommends measures that are commensurate to the level of risk in the New Zealand context, taking into account the actual methamphetamine levels typically found in New Zealand houses and the common methods of manufacture.

NZS 8510: 2017 did not distinguish between the rationales for measuring methamphetamine levels in former labs vs smoking situations, and chose to develop a single standard. It was developed by a standards committee representing a range of stakeholder interests relevant to the content in the methamphetamine standard. The committee took into consideration evidence available at the time, and based recommendations on conservative assumptions.

***Why has the CSA report differentiated between smoking and manufacturing methamphetamine, when NZS 8510: 2017 says it is not possible to differentiate from surface sampling?***

The CSA report explains that manufacture and smoking have different implications for health risks, because while both result in methamphetamine residue on surfaces, manufacture of the drug potentially involves additional risks because of residues of other hazardous chemicals used in the manufacturing process. However, the health risks posed by a level of *methamphetamine itself* in a dwelling used for manufacture would be the same as those posed by the *same level* of methamphetamine caused by smoking.

Although it is not possible to determine conclusively whether a dwelling has been used for manufacture or only for smoking based solely from the methamphetamine levels found, the report points out that manufacture of methamphetamine in general results in greater methamphetamine residue levels than those caused by smoking alone. Levels around 30 µg/100 cm<sup>2</sup> are strongly suggestive of manufacturing activity.

The report therefore recommends testing only where methamphetamine lab activity is suspected or where very heavy use is suspected. From a health risk perspective, if methamphetamine levels are low, it is likely to be immaterial whether a dwelling was used as a methamphetamine lab or not.

***Is the Government going to regulate the methamphetamine testing industry?***

Once passed, the Residential Tenancies Act Amendment Bill (No 2) will allow methamphetamine regulations to be made under the Residential Tenancies Act 1986 (RTA) which will be legally binding. The RTA covers tenancies over residential premises.

Regulations will be able to be made prescribing maximum acceptable levels of contaminants, methods for carrying out tests – which could include the testing of the premises, taking samples for testing, testing samples, establishing levels of contaminants present in premises and deciding who is authorised to carry out the tests or parts of the tests. Regulations will be able to be made for methamphetamine but also for any other potential contaminants in tenanted residential premises that are found to be harmful to people's health.

***Other household contaminants also pose a risk to inhabitants – why is Government focussing on methamphetamine?***

Once enacted, the Residential Tenancies Amendment Bill (No 2) will allow regulations to be made which will prescribe substances or classes of substances as contaminants if they are harmful to a person's health. Regulations about methamphetamine contamination will be the first regulations developed because the original intention of the Bill was to address methamphetamine as a contaminant of particular harm at this time.

***How will Government act on the report?***

The CSA report will inform the development of the regulations made under the Residential Tenancies Act (RTA), along with NZS 8510: 2017. It is important that the public and the tenancy sector have input into the development of these regulations. Pending Cabinet approval, a consultation document on the content of methamphetamine regulations will be released later this year.

***What actions should landlords and tenants take now where methamphetamine is discovered in a rental property?***

Tenants and landlords must continue to meet their obligations under the RTA. Using, possessing and manufacturing methamphetamine are offences under the Misuse of Drugs Act 1975. Tenants who are found to have smoked or manufactured meth in a rental property are in breach of the RTA for using the rental premises for an unlawful purpose. Tenants who cause methamphetamine contamination of rental properties are in breach of their obligation not to intentionally or carelessly damage the rental premises.

Landlords who provide premises which are methamphetamine-contaminated are in breach of their obligation to provide habitable premises which are in a reasonable state of cleanliness.

Where there is a dispute about contamination, landlords and tenants can apply to the Tenancy Tribunal to adjudicate on the matter. The Tribunal will take into account all evidence put before it and make a binding decision.



***What do methamphetamine testers use as guidance now?***

Until regulations are in place, adherence with the guidance in NZS 8510: 2017 will continue to be voluntary. Some testers may choose to take into account the findings and recommendations in the CSA report until regulations are made.

***How should Housing NZ treat this report given they have in the past evicted tenants where contamination has been found at the current NZ Standard level.***

That is a matter for Housing NZ to determine.

***Can meth contamination notations on LIMs be removed if the 'clean-up' level of methamphetamine changes in the regulations?***

LIMs must include information relating to the "likely presence of hazardous contaminants" known to a territorial authority and any other information concerning the land considered relevant.

Under current legislation there are no grounds to withhold this information from LIMs. However, up-to-date information can be added to a LIM, including new information relevant to contamination.

The Minister for Local Government has asked for advice on whether there should be amendments to legislation to address this issue.

***How will the Tenancy Tribunal treat this report?***

This is a matter for the Tenancy Tribunal to determine.

***What level for methamphetamine contamination is used now?***

For high use areas, NZS 8510: 2017 sets the maximum acceptable level of meth at 1.5 µg/100 cm<sup>2</sup> (1.5 micrograms of meth per 100 square centimetres of surfaces sampled). The levels are regardless of whether the presence of methamphetamine was caused by manufacture or use.

***Why does the standard not differentiate between methamphetamine manufacture and smoking for clean-up levels?***

Reasons for the adoption of the single post-decontamination methamphetamine level of 1.5 µg/100 cm<sup>2</sup> for high use areas in affected properties included that it is difficult to determine whether or not a property has been used as a clandestine lab, based solely on surface sampling and evidence of previous production may not be apparent. In addition, evidence of what constitutes a clandestine lab may change over time as production techniques change.

***How was the standard developed?***

The development of NZS 8510: 2017 followed the established process of Standards NZ in compliance with the provisions of the Standards and Accreditation Act 2015 and was aligned with international practice. This included wide public consultation and taking into consideration a range of expert and scientific evidence.

***What was the make-up of the committee considering the Standard?***

The committee of 21 experts included representatives from sampling and testing operators, decontamination contractors, property investment and property management interests, the insurance sector, local authorities, public health authorities, and laboratories. Central government was represented on the committee by officials from the Ministry of Health, Ministry for the Environment and Housing New Zealand Corporation. Local government was represented by officials from Auckland Council, Hutt City Council, and Local Government New Zealand.

***Is a standard legally enforceable?***

Standards are essentially good practice guides. They are only legally enforceable if it is cited in an Act or Regulation. NZS 8510: 2017 is currently not cited in any Acts or Regulations and is therefore not legally enforceable.

### ***Does the CSA report make the Standard redundant?***

No. NZS 8510: 2017 contains practical guidance on screening, sampling and testing for methamphetamine in properties; good practice procedures for decontamination and post-decontamination testing; reporting requirements and competencies for people in the testing and decontamination industry. NZS 8510: 2017 will be a matter relevant to the development of the regulations made under the RTA.

### ***Why was the standard necessary?***

Prior to NZS 8510: 2017 being developed, there were no guidelines covering screening, sampling, testing and decontamination of properties contaminated by methamphetamine use. This led to differing views on the severity of contamination in properties and the remediation response needed.

Previous guidelines published by the Ministry of Health in 2010 were intended to provide practical advice to district health boards and local authorities for the remediation of clandestine methamphetamine laboratories. They were not intended to be used for houses in which methamphetamine had been smoked.

NZS 8510: 2017 provides good practice guidelines on the testing and decontamination to ensure a safe environment for occupants of a property that was previously used for the making of and use of methamphetamine.

### ***Who uses the standard?***

The standard is used by methamphetamine testing and clean-up/decontamination companies, laboratories that analyse samples taken from methamphetamine-contaminated properties, health, safety, and environmental regulators; property owners; and insurers.

The NZ Standard is not binding but is a good practice and voluntary guideline that has been used by the industry in the absence of any regulations.

### ***What qualifications must people and organisations in the methamphetamine industry have?***

NZS 8510:2017 sets out guidance for testing and decontamination of methamphetamine-contaminated properties, including the competencies and accreditation of samplers, testing laboratories and decontamination contractors.

### ***What is the cost of methamphetamine testing and decontamination?***

The cost of methamphetamine testing and remediation varies according to the level and extent of contamination and from company to company.

Based on Tenancy Tribunal orders relating to methamphetamine contamination decisions from August 2017 to March 2018, the average cost of methamphetamine testing in a property was \$2,698.32 and average remediation cost was \$11,029.31.

### ***Will landlords still have to undertake 'baseline' methamphetamine testing of their rental properties in light of the CSA report?***

Determining whether to carry out a baseline methamphetamine tests between tenancies will continue to be a business decision for landlords based on individual circumstances.

Landlords may choose to take into account the CSA recommendations about testing when deciding whether and when to test for meth contamination.

However, landlords may still choose to undertake baseline testing for other reasons, such as meeting insurance policy obligations.



**Annex Three: Draft press release**

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RELEASED UNDER THE  
OFFICIAL INFORMATION ACT



# Hon Phil Twyford

Minister of Housing and Urban Development

MEDIA STATEMENT

29 May 2018

## Report on health risk of methamphetamine in residential properties released

Minister of Housing and Urban Development Phil Twyford today welcomed the report on health risks of methamphetamine (meth) in residential properties.

The report, commissioned by Housing and Urban Development Minister Phil Twyford, was produced by the Prime Minister's Chief Science Advisor Professor Sir Peter Gluckman.

"In December 2017 I commissioned the Prime Minister's Chief Science Advisor Professor Sir Peter Gluckman to assess all the available scientific and medical literature about the risks of exposure to meth residue.

"I was concerned at the time, and I remain so, that there has been some anxiety about meth contamination and a testing and remediation industry has grown up around this.

"There has been a widely held perception that the presence of even low levels of meth residue in a house poses a health risk to occupants. As a result, remediation to eliminate contamination has been an extremely costly business for landlords and an upheaval for tenants being evicted at short notice.

"No one is underplaying the social damage caused by meth, but I was concerned that there should be a scientific basis for what are acceptable levels of meth in the current New Zealand context; and that remediation of houses should be proportional to the established health risks."

"The report is a comprehensive, up to date and plain English understanding about the risks of meth exposure for people living in houses where meth was manufactured, and for those in which meth was smoked," Phil Twyford says.

The report concludes there is currently no evidence that levels typically resulting from third-hand exposure to meth smoking residues on household surfaces can elicit an adverse health effect.

Sir Peter's report says that remediation according to the NZS 8510: 2017 standard is appropriate only for identified former meth labs and properties where heavy meth use has been determined.

This report informs public confidence. Along with NZS 8510: 2017, it will contribute to any regulations that may be made under the Residential Tenancies Amendment Bill (No 2), soon to have its second reading in the House.

"I expect, pending Cabinet agreement, that there will be a public consultation document on meth regulations later this year," Phil Twyford says.

**Contact: Danya Levy**

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## Annex Four: Stakeholder list

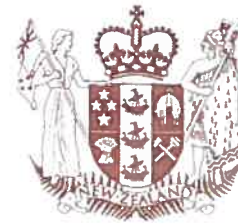
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- New Zealand Drug Foundation – s 9(2)(a)
- Citizens Advice Bureau – s 9(2)(a)
- Tenants Protection Association Christchurch – s 9(2)(a)
  
- New Zealand Council of Christian Social Services – s 9(2)(a)
  
- New Zealand Union of Students' Association – s 9(2)(a)
  
- Manawatu Tenants' Union – s 9(2)(a)
- Tenants Protection Association (Auckland) – s 9(2)(a)
- Salvation Army New Zealand – s 9(2)(a)
  
- Real Estate Institute of New Zealand – s 9(2)(a)
- NZPIF – s 9(2)(a)
- Independent Property Managers Association – s 9(2)(a)
  
- Insurance Council New Zealand – s 9(2)(a)
  
- Local Government New Zealand – s 9(2)(a)

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# Office of Hon Phil Twyford



**MP for Te Atatu**

Minister of Housing and Urban Development

Minister of Transport

Office of the Prime Minister's Chief Science Advisor  
Professor Sir Peter Gluckman  
PO Box 108-117  
Symonds Street  
AUCKLAND 1150

Dear Sir Peter,

Thank you for both of your letters.

I am very happy to take up your offer to convene a team for review of the methamphetamine contamination standard. I have asked my officials to find the money and would like you to begin the project as soon as possible. Once my officials have confirmed funding, with your agreement I will make a public announcement in the second half of January 2018.

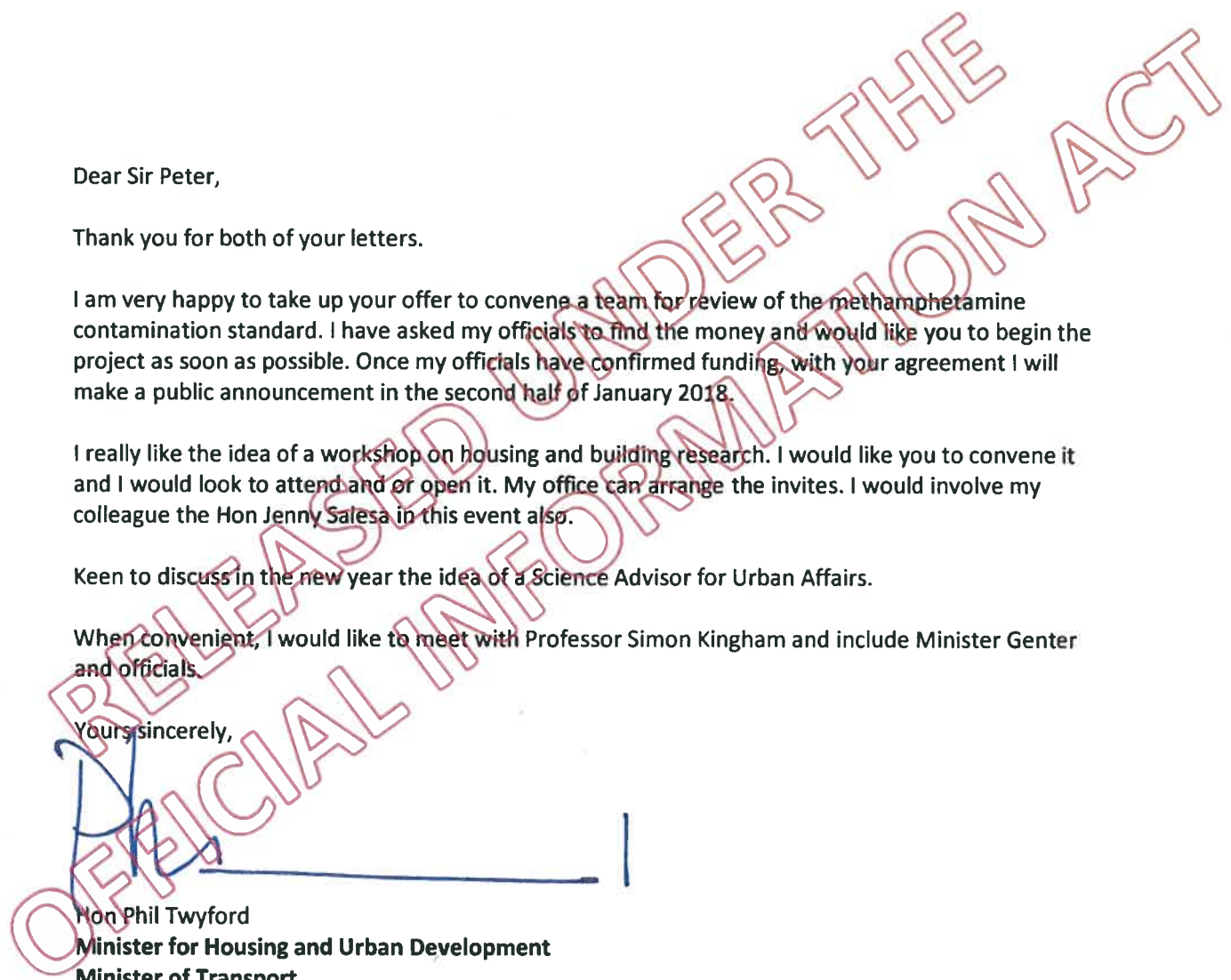
I really like the idea of a workshop on housing and building research. I would like you to convene it and I would look to attend and or open it. My office can arrange the invites. I would involve my colleague the Hon Jenny Salesa in this event also.

Keen to discuss in the new year the idea of a Science Advisor for Urban Affairs.

When convenient, I would like to meet with Professor Simon Kingham and include Minister Genter and officials.

Yours sincerely,

Hon Phil Twyford  
Minister for Housing and Urban Development  
Minister of Transport





FUNDING AGREEMENT

FOR

**'Methamphetamine contamination in residential properties' report  
Prime Minister's Chief Science Advisor**

DATED the 13 day of April 2018

BETWEEN HER MAJESTY THE QUEEN in right of New Zealand acting by and through the Ministry of Business, Innovation & Employment ("Ministry")

AND The Prime Minister's Chief Science Advisor, Professor Sir Peter Gluckman ("Recipient")

AND The University of Auckland, a body corporate established under the University of Auckland Act 1961 ("University of Auckland")

**BACKGROUND**

- A The Minister for Housing and Urban Development (the Minister) has asked the Recipient to produce a report entitled '*Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards*' (the Report) by 16 April 2018.
- B The Recipient has agreed to produce the Report in the timeframe requested.
- C The University of Auckland is the administrative host of the Recipient and accordingly the Recipient has requested and the Ministry has agreed to direct the Funding for the Report to the Recipient's account held at the University of Auckland

**AGREEMENT**

The Ministry will pay the Funding to the Recipient (via the Recipient's administrative host, the University of Auckland) and the Recipient and the University of Auckland accept the Funding, on the terms and conditions set out in Schedule 1 (Details) and Schedule 2 (Funding Agreement Standard Terms and Conditions).

Signed for and on behalf of THE MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT:

C. D. Leadbetter  
Signature

Claire Leadbetter  
Print Full Name

Policy Manager  
Print Title

Date: 13/4/18

Signed by THE PRIME MINISTER'S CHIEF  
SCIENCE ADVISOR, PROFESSOR SIR PETER  
GLUCKMAN:



Signature  
Prof Sir Peter Gluckman

Print Full Name  
Prime Minister's Chief Science Advisor

Print Title

Date: 13/04/18

Signed for and on behalf of THE  
UNIVERSITY OF AUCKLAND:



Signature

STUART N. McCLUTCHEON  
VICE-CHANCELLOR  
THE UNIVERSITY OF AUCKLAND

Print Title

Date: 16.04.2018

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## SCHEDULE 1 – DETAILS

### 1 Appropriation and approval process (Background)

Funding for the Report is from the Housing Policy Advice appropriation.

### 2 Funding (clause 2.1, Schedule 2)

The Ministry will fund the Recipient's actual and reasonable costs to produce the Report, up to a maximum amount of \$9(2)(b)(ii)

### 3 Project (clause 2, Schedule 2)

The Recipient will produce the Report, being a report entitled 'Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards' by 16 April 2018.

### 4 Project Tasks (clause 2.3(a), Schedule 2)

Produce the Report in accordance with the outline and content requirements detailed in clause 5 (Methodology) of this Schedule 1 and provide the following drafts to the Ministry prior to finalising the Report:

A Executive Summary of the Report: to be provided on 29 March 2018; and

B Draft Report prior to the Report's external review: 6 April 2018.

### 5 Methodology (clause 2.3(c), Schedule 2)

The Report shall be prepared in accordance with the outline and content requirements detailed in Table 1 below.

Table 1: outline and content requirements of Report

<p>1. Executive Summary</p> <p>2. Aim and scope</p> <p>The Report is aimed at providing clarification and ensuring public confidence around how to manage methamphetamine in residential properties.</p> <ul style="list-style-type: none"><li>• The aim of the Report will be to provide government decision makers and the general public with a comprehensive and up-to-date understanding of the available scientific evidence on the risks to occupants of houses previously used for methamphetamine production, or those in which methamphetamine was smoked by prior occupants. It is intended as a plain English translation of technical information about risks of indirect ('third hand') exposure to methamphetamine residues in places where people live. More specifically, the Report will discuss what is known and not known about how levels of contamination translate to potential exposure and levels of risk, and what it means in the context of the current situation in New Zealand.</li><li>• The Report will also look into current practices for testing and decontamination in light of the available evidence on exposures and health risks. This synthesis should help inform decisions on remediation requirements within New Zealand housing stock, and enhance public understanding of what has been a confusing and contentious issue.</li><li>• The Report will primarily consider the relevant peer-reviewed scientific literature from New Zealand and internationally, as well as reports published by respected scientific bodies (e.g. national academies, Crown Research Institutes, etc.) and any other data that has robust evidential quality. It will review the evidence that formed the basis of the recently released New Zealand Standard (NZS 8510:2017) and other current international standards.</li></ul> <p>3. Background – the methamphetamine situation in New Zealand</p> <ul style="list-style-type: none"><li>• The methamphetamine use problem – impacts on individuals, families, communities</li><li>• Prevalence, trends (in manufacture and use)</li><li>• What gets left behind – potential impacts on innocent parties. Health fears and moral panic over methamphetamine contamination<ul style="list-style-type: none"><li>○ Detecting methamphetamine residues on surfaces in residential environments</li><li>○ Growth of the methamphetamine testing and decontamination industry</li></ul></li></ul>
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**4. Methamphetamine exposure and health**

- What is methamphetamine? Therapeutic use to drug of abuse
- Concepts of risk - hazard, likelihood, consequence, exposure and vulnerability
- What is known about health risks from passive exposure?
  - Hazards in former clandestine labs
  - Second- and third-hand exposure to methamphetamine smoke/residues

**5. Establishing health-based standards for methamphetamine exposure**

- How are risk levels determined?
  - Explanation of international standards/guidelines and how they were derived
  - Toxicity assessments for methamphetamine
  - Estimating exposure via surface contact – what levels might result in a physiological effect?
  - Understanding safety factors
  - Assumptions and alternative calculations
- Guideline development in NZ
  - Ministry of Health 2010 guidelines, ESR 2016 review, NZS 8510:2017 (Standards NZ)
  - The aim of the new standards – standardising the rules around sampling and testing processes
- Ensuring guidelines for mitigation measures are proportionate to risk
  - NZ data on average contamination levels and incidence of clan labs
  - Applying a risk-based approach in the NZ context to inform remediation strategies

**6. An evidential and health risk-based approach for managing potential exposure and contamination**

- Summary of potential risks from short-term or chronic environmental exposure to methamphetamine residues – when do we need to worry?
- What it means for property owners, tenants and landlords
- Conclusions
  - Risks in perspective – seeing the big picture

**NOTE:**

In addition to a review of the scientific literature, preparation of the Report will involve interviews with relevant stakeholders and subject matter experts, including:

- Housing NZ
- National Drug Intelligence Bureau
- ESR Forensic Drug Chemistry team
- Ministry of Health
- MBIE
- Department for Prime Minister and Cabinet (DPMC)
- NZ Drug Foundation
- Illicit Drug Monitoring System (IDMS)
- National Poisons Centre
- Auckland Regional Public Health Service
- Selected regional councils and DHBs
- US Centers for Disease Control and Prevention (CDC- NIOSH)
- NZ Environmental Protection Authority

Reports and information will be sought from equivalents in other jurisdictions, including some members of drug testing and decontamination industries.

**6 Payment terms (clause 2.1, Schedule 2)**

- A The Funding will be paid as one lump sum on completion of the Report and receipt of an invoice from the University of Auckland.
- B Payment of the Funding will be made to the bank account of the Office of the Prime Minister's Chief Science Advisor, held by the Recipient's administrative host the University of Auckland.
- C The University of Auckland shall ensure the Funding is applied in accordance with the terms of this Agreement.

**7 Commencement Date (clause 1.1, 3.1 Schedule 2)**

30 January 2018.

**8 Completion Date (clause 2.3(b), Schedule 2)**

16 April 2018.

**9 Reporting Requirements (clause 4.1, Schedule 2)**

The Recipient shall provide reporting by email to the Ministry, to the Ministry persons named in clause 11 of this Schedule 1, of any risk that will or may cause a delay to completion of the Report, if such a risk does or may arise (a Risk Report).

**10 Content of Reports (clause 4.1, Schedule 2)**

Any Risk Report shall include information about the risk, likelihood of that risk occurring, the delay or likely delay impact on the Report, and what steps the Recipient has taken or will take to mitigate any delay.

**11 Address for Notices (clause 12.5, Schedule 2)**

<b>Ministry:</b>	<b>Recipient:</b>
Ministry of Business, Innovation & Employment 15 Stout St PO Box 1473 WELLINGTON	Prime Minister's Chief Science Advisor Sir Peter Gluckman PO Box 108-117, Symonds Street Auckland
<b>Attention:</b> Claire Leadbetter Katherine Slaney	<b>Attention:</b> Kristiann Allen

## FUNDING AGREEMENT STANDARD TERMS AND CONDITIONS - SCHEDULE 2

### 1. Interpretation

#### 1.1 In this Agreement, the following terms have the following meanings:

"Agreement" means this agreement, including Schedule 1 and this Schedule 2;

"Business Day" means any day not being a Saturday or Sunday or public holiday within the meaning of section 44 of the Holidays Act 2003;

"Commencement Date" means the commencement date set out in the Details or, if no commencement date is set out, the date of this Agreement.

"Completion Date" has the meaning given in the Details;

"Confidential Information" includes all information and data (in any form) concerning the organisation, administration, operation, business, clients, finance, and methods of the Ministry, including any information provided by the Ministry under or in connection with this Agreement;

"Details" means Schedule 1;

"Funding" means the funding amount set out in the Details;

"GST" means goods and services tax within the meaning of the Goods and Services Tax Act 1985;

"Intellectual Property Rights" includes copyright and all rights conferred under statute, common law or equity in relation to inventions (including patents), registered or unregistered trade marks and designs, circuit layouts, data and databases, confidential information, know-how, and all other rights resulting from intellectual activity;

"Parties" means the Ministry and the Recipient and their respective successors and permitted assigns;

"Project" means the project described in the Details; and

"Project Tasks" means the project tasks (if any) set out in the Details which must be completed by the Recipient before a Funding payment is made by the Ministry.

1.2 References to clauses and Schedules are to clauses and Schedules of this Agreement and references to persons include bodies corporate, unincorporated associations or partnerships.

1.3 The headings in this Agreement are for convenience only and have no legal effect.

1.4 The singular includes the plural and vice versa.

1.5 "Including" and similar words do not imply any limitation.

1.6 References to a statute include references to that statute as amended or replaced from time to time.

1.7 Monetary references are references to New Zealand currency.

1.8 If there is any conflict of meaning between the Details and Schedule 2, Schedule 2 will prevail.

### 2. Funding

2.1 The Ministry must pay the Funding at the rate and in the manner set out in the Details. The Funding is the maximum amount payable by the Ministry for the Project.

2.2 The Recipient must use the Funding only to carry out the Project in accordance with this Agreement.

2.3 In consideration of the Funding, the Recipient must:

- (a) complete each Project Task (if any) by the relevant payment date set out in the Details;
- (b) complete the Project to the Ministry's satisfaction by the Completion Date;
- (c) carry out the Project in accordance with:
  - (i) the methodology (if any) set out in the Details;
  - (ii) the best currently accepted principles and practice applicable to the field(s) of expertise relating to the Project; and
  - (iii) all applicable laws, regulations, rules and professional codes of conduct or practice; and
- (d) refund any unspent Funding to the Ministry within 10 Business Days of the Completion Date.



2.4 Where all of the monies received by the Recipient to carry out the Project (including the Funding) exceeds the total cost of the Project, the Recipient must refund to the Ministry the excess amount. The Recipient is not required to refund, under this clause 2.4, any amount that exceeds the total amount of Funding.

### 3. Project Progress

3.1 if:

- (a) the Ministry is not satisfied with the progress of the Project;
- (b) the Recipient does or omits to do something, or any matter concerning the Recipient comes to the Ministry's attention, which, in the Ministry's opinion, may damage the business or reputation of the Ministry; or
- (c) the Recipient breaches any of its obligations under this Agreement,

the Ministry may (without limiting its other remedies):

- (d) renegotiate this Agreement with the Recipient; or
- (e) terminate this Agreement immediately by notice to the Recipient, and clause 4.4 will apply.

### 4. Term and Termination

4.1 Subject to clauses 4.2 and 4.3, this Agreement will commence on the Commencement Date and expire when:

- (a) the final report is completed and provided to the Ministry; and
- (b) the Project is completed,  
to the satisfaction of the Ministry.

4.2 The Ministry may terminate this Agreement at any time by giving at least 10 Business Days notice to the Recipient.

4.3 The Ministry may terminate this Agreement immediately by giving notice to the Recipient, if the Recipient:

- (a) is in breach of any of its obligations under this Agreement and that breach is not capable of being remedied;
- (b) fails to remedy any breach of its obligations under this Agreement within 5 Business Days of receipt of notice of the breach from the Ministry;
- (c) does or omits to do something, or any matter concerning the Recipient comes to the Ministry's attention, which in the Ministry's opinion may cause damage to the business or reputation of the Ministry or of the Government of New Zealand;
- (d) has given or gives any information to the Ministry which is misleading or inaccurate in any material respect; or
- (e) becomes insolvent, bankrupt or subject to any form of insolvency action or administration.

4.3 Termination of this Agreement is without prejudice to the rights and obligations of the Parties accrued up to and including the date of termination.

4.4 On termination of this Agreement, the Ministry may (without limiting any of its other rights or remedies):

- (a) require the Recipient to provide evidence of how the Funding has been spent; and/or
- (b) require the Recipient to refund to the Ministry:
  - (i) any of the Funding that has not been spent or committed by the Recipient. For the purposes of this clause, Funding is committed where it has been provided or promised to a third party for the purpose of carrying out the Project and the Recipient, after using reasonable endeavours, is unable to secure a refund or release from that promise (as the case may be); or
  - (ii) the proportion of the Funding that equates to the uncompleted part of the Project, as reasonably determined by the Ministry; and/or
- (c) if the Funding has been misused, or misappropriated, by the Recipient, require the Recipient to refund all Funding paid up to the date of termination, together with interest at the rate of 10% per annum from the date the Recipient was paid the money to the date the Recipient returns the money.

4.5 The provisions of this Agreement relating to termination (clause 4), audit and record-keeping (clause 5.2(b), (c) and (d)), warranties (clause 6), intellectual property (clause 7), confidentiality (clause 8), and liability and insurance (clause 9) will continue after the expiry or termination of this Agreement.

### 5. Reporting Requirements and Audit

5.1 The Recipient must report on the progress of the Project to the Ministry:

- (a) as set out in the Details;



- (b) as otherwise reasonably required by the Ministry; and
- (c) in any format and on any medium reasonably required by the Ministry.

**5.2 The Recipient must:**

- (a) maintain true and accurate records in connection with the use of the Funding and the carrying out of the Project sufficient to enable the Ministry to meet its obligations under the Public Finance Act 1989 and retain such records for at least 7 years after termination or expiry of this Agreement;
- (b) permit the Ministry, at the Ministry's expense, to inspect or audit (using an auditor nominated by the Ministry), from time to time until 7 years after termination or expiry of this Agreement, all records relevant to this Agreement;
- (c) allow the Ministry reasonable access to the Recipient's premises or other premises where the Project is being carried out; and
- (d) appoint a reputable firm of chartered accountants as auditors to audit its financial statements in relation to the use of the Funding;

**6. Warranties**

**6.1** Each Party warrants to the other Party that it has full power and authority to enter into and perform its obligations under this Agreement which, when executed, will constitute binding obligations on it in accordance with this Agreement's terms.

**6.2** The Recipient warrants that:

- (a) It is not insolvent or bankrupt and no action has been taken to initiate any form of insolvency administration in relation to the Recipient;
- (b) all information provided by it to the Ministry in connection with this Agreement was, at the time it was provided, true, complete and accurate in all material respects; and
- (c) it is not aware of any material information that has not been disclosed to the Ministry which may, if disclosed, materially adversely affect the decision of the Ministry whether to provide the Funding.

**7. Intellectual Property**

**7.1** All Intellectual Property Rights in the reports provided under clause 5.1 will be owned by the Ministry from the date the reports are created or developed.

**7.2** All Intellectual property produced by the Recipient or its employees or contractors in relation to the Project is, on creation, jointly owned by the Ministry and the Recipient. Each Party may use (which includes modifying, developing, assigning, or licensing) such Intellectual property without obtaining the prior consent of the other Party. On request, the Recipient must provide to the Ministry such Intellectual property in any format, and on any medium, reasonably requested by the Ministry.

**7.3** The Recipient must ensure that material created or developed in connection with the Project does not infringe the Intellectual Property Rights of any person.

**8. Confidentiality**

**8.1** The Recipient must:

- (a) keep the Confidential Information confidential at all times;
- (b) not disclose any Confidential Information to any person other than its employees or contractors to whom disclosure is necessary for purposes of the Project or this Agreement;
- (c) effect and maintain adequate security measures to safeguard the Confidential Information from access or use by unauthorised persons; and
- (d) ensure that any employees or contractors to whom it discloses the Confidential information are aware of, and comply with, the provisions of this clause 8.

**8.2** The obligations of confidentiality in clause 8.1 do not apply to any disclosure of Confidential Information:

- (a) to the extent that such disclosure is necessary for the purposes of completing the Project;
- (b) required by law; or
- (c) where the information has become public other than through a breach of the obligation of confidentiality in this clause 8 by the Recipient, or its employees or contractors, or was disclosed to a Party on a non-confidential basis by a third party.

**8.3** The Recipient must obtain the Ministry's prior written agreement over the form and content of any public statement made by the Recipient relating to this Agreement, the Funding, or the Project.

## **9 Liability and Insurance**

- 9.1 The Ministry is not liable for any loss of profit, loss of revenue or other indirect, consequential or incidental loss or damage arising under or in connection with this Agreement.
- 9.2 The maximum liability of the Ministry under or in connection with this Agreement whether arising in contract, tort (including negligence) or otherwise is the total amount which would be payable under this Agreement if the Project had been carried out in accordance with this Agreement.
- 9.3 The Recipient (including its employees, agents, and contractors, if any) is not an employee, agent or partner of the Ministry or of the Chief Executive of the Ministry. At no time will the Ministry have any liability to meet any of the Recipient's obligations under the Health and Safety in Employment Act 1992 or to pay to the Recipient:
- (a) holiday pay, sick pay or any other payment under the Holidays Act 2003; or
  - (b) redundancy or any other form of severance pay; or
  - (c) taxes or levies, including any levies under the Injury Prevention, Rehabilitation and Compensation Act 2001.
- 9.4 The Recipient indemnifies the Ministry against:
- (a) any taxes, levies, penalties, damages or compensation which the Ministry may be liable to deduct, withhold or pay by reason of the Recipient, or any person used by the Recipient to carry out the Project, being held to be an employee of the Ministry or of the Chief Executive of the Ministry; and
  - (b) any claim, liability, loss or expense (including legal fees on a solicitor own client basis) ("loss") brought or threatened against, or incurred by the Ministry, arising from or in connection with a breach of this Agreement by the Recipient or the Project, or from the negligence or wilful misconduct of the Recipient, its employees or contractors.
- 9.5 Where the Recipient is a trustee, the Ministry acknowledges that the Recipient has entered into this Agreement as a trustee of the trust named in the Details in an independent capacity without any interest in any of the assets of the trust other than as trustee. Except where the Recipient acts fraudulently, the Recipient is liable under this Agreement only to the extent of the value of the assets of the trust available to meet the Recipient's liability, plus any amount by which the value of those assets has been diminished by any breach of trust caused by the Recipient's wilful default or dishonesty.
- 9.6 The Recipient must effect and maintain for the term of this Agreement:
- (a) adequate insurance to cover standard commercial risks; and
  - (b) other insurance reasonably required by the Ministry.

The Recipient must, upon request by the Ministry, provide the Ministry with evidence of its compliance with this clause.

## **10. Dispute Resolution**

- 10.1 The Parties must use their best efforts to resolve any dispute under, or in connection with, this Agreement through good faith negotiations and informal dispute resolution techniques such as mediation, expert determination or similar techniques agreed by them.
- 10.2 Any dispute arising under, or in connection with, this Agreement which cannot be settled under clause 10.1 within a reasonable period may be submitted by either Party to arbitration under the Arbitration Act 1996 before a sole arbitrator who will decide the dispute. The decision of the arbitrator will be final.
- 10.3 If the Parties cannot agree on an arbitrator, either Party may request the President of the New Zealand Law Society to appoint a suitably qualified independent arbitrator to hear and determine the dispute.
- 10.4 The Parties must continue to perform their obligations under this Agreement as far as possible as if no dispute had arisen pending the final settlement of any matter referred to arbitration.
- 10.5 Nothing in this clause shall preclude either Party from taking immediate steps to seek urgent relief before a New Zealand Court.

## **11 Force Majeure**

- 11.1 Neither Party will be liable to the other for any failure to perform its obligations under this Agreement by reason of any cause or circumstance beyond the Party's reasonable control including, acts of God, communication line failures, power failures, riots, strikes, lock-outs, labour disputes, fires, war, flood, earthquake or other disaster, or governmental action after the date of this Agreement ("Force Majeure Event"). The Party affected must:
- (a) notify the other Party as soon as practicable after the Force Majeure Event occurs and provide full information concerning the Force Majeure Event including an estimate of the time likely to be required to overcome it;
  - (b) use its best endeavours to overcome the Force Majeure Event; and
  - (c) continue to perform its obligations as far as practicable.

## 12 General

- 12.1 A waiver by either Party of any rights arising from any breach of any term of this Agreement will not be a continuing waiver of any other rights arising from any other breaches of the same or other terms or conditions of this Agreement. No failure or delay on the part of either Party in the exercise of any right or remedy in this Agreement will operate as a waiver. No single or partial exercise of any such right or remedy will preclude any other or further exercise of that or any other right or remedy.
- 12.2 Assignment:
- (a) The Recipient must not assign, delegate, subcontract or transfer any or all of its rights and obligations under this Agreement. The Recipient remains liable for performance of its obligations under this Agreement despite any approved subcontracting or assignment.
  - (b) If the Recipient is a company, any transfer of shares, or other arrangement affecting the Recipient or its holding company which results in a change in the effective control of the Recipient is deemed to be an assignment subject to clause 12.2(a).
- 12.3 This Agreement may only be varied by agreement in writing signed by the Parties.
- 12.4 If any part or provision of this Agreement is invalid, unenforceable or in conflict with the law, the invalid or unenforceable part or provision will be replaced with a provision which, as far as possible, accomplishes the original purpose of the part or provision. The remainder of the Agreement will be binding on the Parties.
- 12.5 Any notice to be given under this Agreement must be in writing and hand delivered or sent by facsimile or registered post to the Parties' respective addresses or facsimile numbers as set out in the Details. A notice is deemed to be received:
- (a) if personally delivered when delivered;
  - (b) if posted, three Business Days after posting; or
  - (c) if sent by facsimile, upon production of a transmission report by the machine from which the facsimile was sent which indicates the facsimile was sent in its entirety to the facsimile number of the recipient,
- provided that any notice received after 5pm or on a day which is not a Business Day shall be deemed not to have been received until the next Business Day.
- 12.6 This Agreement sets out the entire agreement and understanding of the Parties and supersedes all prior oral or written agreements, understandings or arrangements relating to its subject matter.
- 12.7 This Agreement may be signed in any number of counterparts (including facsimile copies) and provided that each Party has signed a counterpart, the counterparts, when taken together, will constitute a binding and enforceable agreement between the Parties.
- 12.8 This Agreement will be governed by and construed in accordance with the laws of New Zealand.