## **CONFIRMED MINUTES**





At the REA Board Meeting 16 February 2023 on 16 Feb 2023 these minutes were confirmed with the following changes:

minor grammatical adjustments in Kia Toipoto update.

Name:	Real Estate Authority
Date:	Tuesday, 6 December 2022
Time:	8:30 am to 12:35 pm (NZDT)
Location:	Kauri Room 2, Novotel Auckland Ellerslie, 72/112 Green Lane East, Ellerslie, Auckland
<b>Board Members:</b>	Denese Bates KC (Chair), Latham Lockwood, Liz Nidd, Mele Wendt, Tony Stack, Vern Walsh
Attendees:	Belinda Moffat, Andrew Bulled, Victor Eng, Josh Doherty, Phirak Appleton, Nadine Thomas, Marie Snell, Saara Fourie

## 1. Opening Meeting

## 1.1 Board in Committee

Issues for discussion with the Chief Executive were agreed.

## 1.2 Board and CE alone time

Papers and issues identified by Board were discussed with the Chief Executive.

## 1.3 Karakia

The Senior Leadership Team joined and the meeting was opened with a Karakia at 9.00am.

## 1.4 Confirmation of Agenda

The agenda was confirmed.

## 1.5 Interests Register

provided updates to the interest declarations

No conflicts were identified.

## 1.6 Confirm Minutes

**Board Meeting 18 October 2022 18 Oct 2022,** the minutes were confirmed with the following changes:

Amended bullet point three under item 5.1 to read "...REA's celebration of the various Pacific Peoples Weeks..."



## Minutes from the Board Meeting on 18 October 2022 were approved subject to one amendment

The Board requested one change on pg. 21 bullet point 3 which should read "...REA's celebration of the various Pacific Peoples weeks."

On motions duly made and seconded, it is proposed that, subject to the amendment above, the minutes of 18 October 2022 be approved as true and correct.

**Decision Date:** 6 Dec 2022

Mover: Seconder:

Outcome: Approved



## The PSPA Board Resolution from 15 November 2022 was approved

On motions duly made and seconded, it is proposed that the minutes of 15 November 2022 be approved as true and correct.

**Decision Date:** 6 Dec 2022

Mover: Seconder:

Outcome: Approved

## 2. Actions from Previous Meetings

#### 2.1 Action Item List

Due Date	Action Title	Owner
21 Jun 2022	REA Emails for Board     Status: In Progress	
30 Jun 2022	<ol> <li>Provide an update on ethnicity and tenure pay parity.</li> <li>Status: Completed on 6 Dec 2022</li> </ol>	
31 Oct 2022	6) Accountability Reporting : Sign and send assessment and representation letter  Status: Completed on 29 Nov 2022	
31 Oct 2022	7) Accountability Reporting: Amend and finalise the Annual Report <b>Status:</b> Completed on 29 Nov 2022	Belinda Moffat
31 Oct 2022	8) COVID-19 Vaccination Policy Status: Completed on 29 Nov 2022	Belinda Moffat
31 Oct 2022	9) Recirculate the link the joint REINZ/REA CE podcast. <b>Status:</b> Completed on 29 Nov 2022	Belinda Moffat
1 Nov 2022	5) 2023 Board Dates Status: Completed on 30 Nov 2022	Belinda Moffat
15 Nov 2022	10) Finalise the RELF Terms of Reference.  Status: Completed on 29 Nov 2022	
5 Dec 2022	11) Add AndCo/Lowe and Co to the RELF membership list Status: Completed on 29 Nov 2022	
5 Dec 2022	<ul><li>12) Circulate and seek feedback from the Board on the RELF agenda.</li><li>Status: Completed on 29 Nov 2022</li></ul>	

Due Date	Action Title	Owner
6 Dec 2022	3) Consider whether to bring forward the ISSP review from March 2023	
	Status: Completed on 6 Dec 2022	
6 Dec 2022	14) CE Report to reflect top of mind projects in the introduction <b>Status:</b> Completed on 29 Nov 2022	Belinda Moffat
6 Dec 2022	20) Key Messages for Board  Status: Completed on 29 Nov 2022	
31 Jan 2023	22) CLIP Future State and Plans for IT Upgrade - Information Session  Status: Completed on 29 Nov 2022	Belinda Moffat
28 Feb 2023	7) Te Tiriti CPD Proposal Review <b>Status:</b> Completed on 9 Feb 2023	Belinda Moffat
28 Feb 2023	8) Consider deferral of CPD review to 2023/24  Status: In Progress	Belinda Moffat
31 Mar 2023	14) Flexi by Default review  Status: In Progress	
31 Mar 2023	15) Māori Engagement Framework - Board Marae Visit <b>Status:</b> In Progress	Belinda Moffat
31 Mar 2023	16) Transaction Reports Status: In Progress	
31 Mar 2023	17) Review of the Real Estate Agents Act Status: In Progress	Belinda Moffat
31 Mar 2023	18) Priorities Review Status: In Progress	Belinda Moffat
31 Mar 2023	22) Separation of aged cases  Status: In Progress	
31 May 2023	24) Licence Expiry Reminders  Status: In Progress	

Actions were taken as read and the following updates were given:

- Action 13 ISSP Review: agreed that the review of the ISSP did not need to be brought forward. The IT upgrade was initially scheduled to commence in Q3 following the conclusion of the CLIP discovery phase, at which time there would be a clear picture of system requirements. This action can be closed.
- Action 15 Aged Cases: a verbal update was provided, advising 56% of cases have been processed within the 90-day target since 1 July 2022. There have been some difficulties reaching resolutions which contribute to time delays. The outsourcing solution has not been as successful as hoped, with a number of cases being referred back to REA for further work.
- Action 19 Te Tiriti CPD proposal review: REA has a preferred provider and is working through the contract process. An external review of content by may be sought.

#### The Board discussed the following:

The use of external providers to assist with resolving complaints: confirmed a couple
of licensees and complainants have queried the use of a company outside of REA, but
once the process is explained they have co-operated.

## 3. Chief Executive's Report

## 3.1 CE Report

The report was taken as read and Belinda Moffat, Chief Executive, highlighted the following:

Priority projects are listed in paragraph 7, with the three priorities being the complaints
licensing and IT upgrade projects.

- Paragraph 19 Information Roadmap: this will now be presented to the Board in the new year as further work is required with REA's external consultant.
- Paragraph 33: highlighted contributions to community initiatives from staff.
- Paragraphs 41 43 Regulation of Property Management budget: challenges include defining which property managers are to be captured. 2,000 - 7,500 is the estimated number of property managers affected. REA's budget bid assumes 7,000 to be prudent.
- Paragraph 44 REAA amendments: These are the key legislative amendments proposed to the Real Estate Agents Act which may be addressed through the consequential amendments in the omnibus bill that will be prepared. The Board was invited to share their views on this list.
- The Board was asked to consider which of their members should be on the working group for the regulation of property management.
- The CE also acknowledged the work of during her time at REA and thanked her for her significant contribution as General Counsel.

The Board discussed the following matters:

## Regulation of Property Management

- Could the forecast of expenditure in Q3 and Q4 relating to work on the regulation of property management be recovered from funding for establishment costs. The CE advised the Treasury budget has already been set for the current year so this sum will not be recoverable.
- There is a need to consider the views of licensees that will not benefit from the use of their levies for the establishment of the regulation of property management. The CE noted that the revenue policy allows for use of funds for wider system work, which includes this extended mandate.

To support the management work for establishment of property management regime, a Board Advisory Committee would be established with 4 members:

#### Proposed amendments to REAA for discussion with MoJ

 Licence cancellation provisions for late renewals and failure to complete CPD on time are harsh and justify review,
 Feedback to be provided to HUD and MOJ.

- The Board agreed there should be legal representation on the Board but it should not have to be the Board chair. This proposed change will be discussed with MoJ and HUD.
- Agreed that it is important for REA to have the ability to impose conditions, grant exemptions and deferment to individuals to ensure an effective administration of the regime.
- Agreed that it is not appropriate for REA to share the list of changes with REINZ, but the CE may seek any views on priority areas from REINZ. REINZ can also make its own representations to MoJ on changes which it considers ought to be made to the REAA, though it is noted the Act is not up for a general review by MoJ.



## Recommendations were noted and approved.

#### Recommendations

It was recommended that the Board:

- Note the contents of this report.
- Discuss the health and safety update and provide feedback on any issues arising
- Approve the proposed budget for REA costs for establishment of property management regulation (paragraph 43)
- Review and provide feedback on proposed amendments of REAA (paragraph 45)
- **Discuss and provide feedback** on any other matters raised in this report where indicated.

Decision Date: 6 Dec 2022

Mover:
Seconder: Approved



## 23) Confirm REA's support for the MPP housing strategy and action plan

Send the Minister a note confirming REA's support for the Ministry of Pacific Peoples housing strategy and action plan.

February 2023: Not yet actioned following change in Ministers

Due Date: 1 Apr 2023
Owner: Belinda Moffat



# 19) Prepare Terms of Reference for the Board Advisory Committee - Regulation of Property Management

Board Advisory Committee for the Regulation of Property Management work established. Terms of Reference to be prepared.

Scheduled for March 2023

**Due Date:** 31 Mar 2023 **Owner:** Belinda Moffat



### 9) Seek any feedback from REINZ on the Regulation of Property Management

Seek any feedback from REINZ on the Regulation of Property Management. February 2023: Initial discussion to be commenced in February, but noted that REA does not hold the policy responsibility and cannot engage on policy issues directly, this ought to be via HUD.

Due Date:28 Feb 2023Owner:Belinda Moffat



# 4) Include in REAA amendment list, recommendation that Chair of REA need not be a lawyer

Include in REAA amendment list, recommendation that Chair of REA need not be a lawyer

**Due Date:** 16 Feb 2023 **Owner:** Belinda Moffat



# 20) Establish separate cost code to capture time & cost spend on Regulation of Property Management.

Establish separate cost code to capture time and cost spend on Regulation of Property Management.

Due Date: 31 Mar 2023 Owner:

## 4. Committee Updates

## 4.1 Audit & Risk Committee Update

## 4.1 Audit & Risk Committee Update and Six-monthly Report to November 2022

The ARC Chair, gave an update on the matters discussed at the ARC meeting held on 15 November 2022.

Head of Corporate Services then discussed the six-monthly report to November 2022, highlighting the following:

#### Recommendations:

It was recommended that the Board:

• Note the Audit and Risk Committee's six-monthly

Outcome: Noted

## 5. Board Papers for Approval or Discussion

## 5.1 Policies for Approval

Head of People & Capability, took the first two updated policies as read and invited feedback from the Board.

The Board provided the following feedback:

## Good Employer and Equal Opportunities Policy

• One change to paragraph 10: "...where respect and good faith are the foundation..."

### Diversity & Inclusion Policy

• One change: removal of the word unconscious when referring to bias.

#### **Privacy Policy**

General Counsel, discussed the new Privacy Policy, highlighting the following:

• This policy explicitly notes that there is an expectation of all employees, CAC members, Board members and contractors to comply with this policy.

The Board agreed this was a very comprehensive policy and did not request any changes. It was noted that this did not come through a Committee before the Board meeting.



# Updated Good Employer and Equal Employment Opportunities Policy approved subject to one amendment

Approved subject to one amendment detailed above.

**Decision Date:** 6 Dec 2022

Mover: Seconder:

Outcome: Approved



#### Updated Diversity and Inclusion Policy was approved subject to one amendment

Approved subject to one amendment detailed above.

Decision Date: 6 Dec 2022

Mover: Seconder:

Outcome: Approved



## The new Privacy Policy was approved

Approved as written.

Decision Date: 6 Dec 2022

Mover: Seconder:

Outcome: Approved

#### 5.2 Break

Break held at 10.30am

## 5.3 Kia Toipoto Progress Update

The paper was taken as read and Head of People & Capability, highlighted the following:

- The first two milestones are to be in place by December.
- This is REA's second year of measuring pay by gender and first year of reporting on our ethnic pay gap.
- A data correction was noted on pg. 100 relating to the Pacific peoples vs. non-Pacific Peoples pay gap.

- Due to REA's small size, the decision has been made not to publish pay gap statistics on privacy grounds and in light of stats NZ guidance as to robust data reporting cannot be achieved where groups compared are less than 20 people.
- REA's workforce composition is largely in line with the NZ population, save that our percentage of Maori is less.

The Board discussed the following matters:

- Increasing the proportion of Maori and Pacific peoples in REA's staff composition is a priority. REA is looking at the Tupu Toa internship programme as an opportunity. suggested also looking at Tupu Tai Pasifika Public Sector internships which is more tailored to the public service (run by MBIE).
- Making connections and attracting more diversity: offered to support with networking and making connections to attract Pacific peoples to roles at REA. She also suggested working with the Ministry of Pacific Peoples and Te Puni Kōkiri to assist with connections.
- It is critical that the REA workplace is inclusive and embracing of diversity, as when this is our reputation it will attract a more diverse workforce.
- Release of pay gap statistics under the Official Information Act: The CE advised that the
  information could be withheld under the privacy clause the decision not to report is a
  reflection of Stats NZ guidance given that our data is volatile and may shift with small
  personnel changes, and is not based on sufficiently significant people numbers to be
  reliable (i.e. less than 20 per group compared).
- Disability and rainbow community statistics: the initial categories being looked at are gender and ethnic gaps but these additional categories may be looked at in subsequent phases. We report on disability in our Annual Report.
- It was noted that the Kia Toipoto report is required to be published by 31 December. The Board endorsed this being approved and published by the CE.

#### Recommendations

It was recommended that the Board:

Note the contents of the report and provide feedback on any matters raised.

Outcome: Noted



## 10) Explore internship programmes for Pacific peoples (e.g. Tupu Tai/Tupu Toa)

Explore internship programmes for Pacific peoples (e.g. Tupu Tai/Tupu Toa) with support from

**Due Date:** 28 Feb 2023

Owner:



## 5) Select Committee questions around gender and ethnicity pay gaps

Check whether Select Committee questions include any questions that relate to gender and ethnicity pay gaps.

February 2023: As in previous years, Select Committee questions explore both gender diversity and gender pay. There were no questions relating to ethnicity.

Due Date: 16 Feb 2023 Owner:



## 12) Explore ways to expand REA's network across Māori and Pacific peoples.

and and to meet with to explore ways to expand REA's network across Māori and Pacific peoples.

Due Date: 29 Mar 2023 Owner:

## 5.4 Have Your Say Survey Progress Update: REA Focus Areas

The paper was taken as read and \_\_\_\_\_\_, Head of People & Capability, highlighted the following points:

 Pg. 102 highlights the five areas of focus that the Culture Club has recommended and SLT supports these focus areas.

The Board discussed the following matters:

- Effective meetings: The CE advised that meeting management has been identified as needing improvement in terms of agenda setting, clarity around purpose, objectives and participants, and also timekeeping. The key focus is to ensure that any meeting held adds value, that must be the purpose. Informal contact can achieve as much and sometimes more than meetings, so should be encouraged. Meetings important for keeping a sense of connectedness.
- The Board commended the management team on the diversity and inclusion aspects of the survey results.
- Examples of Technology challenges: equipment faults in old technology, connectivity issues for hybrid meetings, dual systems presenting productivity challenges although the introduction of VPN will assist with this.
- Examples of information management challenges: use of pathways, and the need for clear guidelines on how to tag and store data so that it is easily accessible. Our refreshed information management framework will assist to prioritise our technology and information focus to support a productive work environment.

#### Recommendations

It was recommended that the Board:

• Note the contents of the report and provide feedback on any matters raised.

Outcome: Noted



#### 13) Develop a leadership programme for SLT and Tier 3 Leaders

Develop a leadership programme for SLT and Tier 3 Leaders

Due Date: 29 Mar 2023 Owner:

## 5.5 Strategy Overview Paper

The paper was taken as read, with the paper providing an update on the intended direction of REA's strategic planning for the 2023 Statement of Performance Expectations.

The Board discussed the following aspects:

- Escalation of unlicensed training: People doing all marketing and promotional work all the way up to the point of sale and purchase agreement. There have been in recent weeks pending analysis to determine the course of action.
- Consider including remuneration in the strategic focus areas, including consideration of a
  total rem strategy. It was noted that the remuneration policy was due for review once
  issues on PSPA and REM review were settled. Board agreed that ensuring REA has the
  capability and capacity to deliver the strategy is a key and that makes pay a strategic
  priority. This needs to be reflected in the SPE.
- Project management: project in a box was previously introduced and championed by someone but they left so there was no active champion. There is a need to have a project management expert/champion to remind staff about methodology and tools for running projects. The newly established PMO led by has this role and good progress has

been made. has run a pilot two-day project management training course. Feedback was positive and consideration is being given to rolling this out more widely. Board supportive of project management training for all.

#### Recommendations

It was recommended that the Board:

- **Note** the contents of this paper and discuss any initial thoughts or considerations that should be applied for the February strategic and operational planning activities.
- Outcome: Noted.



#### 21) Add remuneration to the strategic focus areas

Add remuneration to the strategic focus areas.

February 2023: to be actioned as part of SPE preparation

Due Date: 31 Mar 2023 Owner: Belinda Moffat



## 11) Finalise a plan for rolling out project management training to all staff and Board.

Finalise a plan for rolling out project management training to all staff and Board. Next phase will be SLT and Leaders - likely in March. Further cohorts to follow.

**Due Date:** 28 Feb 2023 **Owner:** Belinda Moffat

### 5.6 Financial Forecast 30 June 2023

The paper was taken as read and Head of Corporate Services, highlighted the following:

- Challenges are resourcing and the impact on delivery of projects and initiatives, as well as core business.
- This is an ongoing document and will evolve.
- The Audit & Risk Committee reviewed this forecast at their November meeting and the Committee supported the request for additional budget.

The Board did not have any additional questions or feedback.



## Recommendations were noted and approved.

#### Recommendations

It was recommended that the Board:

- Note the Financial Forecast for the year ending 2022/23 and the projected cash position
- Approve additional operational expenditure the year ending 2022/23.

Decision Date: 6 Dec 2022

Mover:
Seconder:
Outcome: Approved

## 5.7 Carbon Neutral Government Programme Obligations

The paper was taken as read and highlighted the following:

- Key milestone for the coming year, including reporting on verified emissions for 22/23 financial year and targets for 2025 and 2030 due by December 2023.
- Staff are passionate and on board with the programme. REA's emissions are also not huge.
- REA is not a big emitter, but improvements can be made. Focus areas are procurement (vendors), print, and travel.
- Whatever changes are to be made, needs to be balanced with still needing to be an
  effective regulator and delivering REA's outcomes.
- REA's expansion to include regulation of property management will also need to be factored into reporting.
- REA will need to appoint an auditor to verify our emissions data. The Board will be updated on this work regularly going forward.
- No additional areas of emission reduction focus were identified.

#### Recommendations

It was recommended that the Board:

Note and provide feedback on the REA Carbon Neutral Government Programme (CPNG)
 Project.

Outcome: Noted and feedback provided.

## 5.8 Complaints Improvement Project

The paper was taken as read and Head of Regulatory Services, in the highlighted the following:

- Paragraph 12 which relates to the IT systems upgrade project proposed governance.
- The paper seeks the Board's endorsement to establish the IT upgrade project as a standalone project with the Board as a sponsor.

The Board discussed the following points:

 Audit & Risk Committee will have oversight of the IT systems upgrade project: Risk is high with any major technology project so this would need to come through the usual ARC reporting. A paper should be presented on the project with all associated risks identified.



#### Recommendations were noted and endorsed.

#### Recommendations

Outcome:

It was recommended that the Board:

- Note the update on the Complaints Improvement Project.
- Note the proposed approach for the IT workstream of the Complaints Improvement Project
- Endorse the establishment of the IT Upgrade Project as a standalone project with the Board as Sponsor
- Note the indicative timeline for the IT Upgrade Project

Approved

Decision Date: 6 Dec 2022

Mover:
Seconder:

## 6. Board Papers for noting

## 6.1 Regulatory Services Team Paper

The paper was taken as read and highlighted the following points:

- November complaint volumes are steady, licensing numbers have reduced slightly, CPD audit is scheduled for January.
- will report back on not being as successful as hoped.
- Recruitment approvals for fixed-term facilitators are being sought.
- The people line of the Complaints Improvement Project (CIP) is to be optimised in the new year.

The Board had no additional questions or comments.

#### Recommendations

It was recommended that the Board:

• Note the contents of the Report and provide feedback on any matters raised.

Outcome: Noted

## 6.2 Legal Team Paper

The paper was taken as read and General Counsel, highlighted the following:

- Legal Services will see two staffing changes on top of the General Counsel role being vacated in late December/early January ( moving back to private practice to support community).
- An internal resource from Corporate Services may be used to support the Legal team during this next recruitment phase.

• The Legal team is being supported by external secondees to support the legal team during this transitional period.

The Board had no questions or comments.

## Recommendations

It was recommended that the Board:

Note the contents of the Report and provide feedback on any matters raised.

Outcome: Noted

## 6.3 Notable Case Update -

The paper was taken as read and

The Board was supportive of the draft letter to the Ministry of Justice

#### Recommendations

It was recommended that the Board:

• Note the contents of this paper and provide feedback on any matters raised.

Outcome: Noted.



## 6) Send the letter to the Ministry of Justice once the penalty decision is finalised.

Finalise and send the tetter to the Ministry of Justice once the penalty decision is finalised.

**Due Date:** 16 Feb 2023 **Owner:** Belinda Moffat

#### 6.4 Lunch Break

## 6.5 PMO Report on Projects and Key Initiatives

The paper was taken as read and Programme Manager, highlighted the following:

- The consolidated report covers all projects and key initiatives, cost of which have been covered in greater detail throughout the Board pack.
- Resourcing is always a pressure point and prioritisation of these projects and initiatives is necessary to ensure milestones can be met.

The Board did not have any additional comments.

#### Recommendations

It was recommended that the Board:

• Note the contents of this paper and provide feedback on any matters raised.

Outcome: Noted.

## 6.6 Education Update

The paper was taken as read and highlighted the following:

- Te Tiriti o Waitangi CPD topic update: EIE is in discussion with a potential provider.
   Milestones have been outlined but they look very tight, including delivery in March but this may need to be revisited.
- It is important to deliver this topic in the right way by the right people.

The Board discussed the following:

- Practical application of the training is important e.g. how to practically engage with Māori in a sales setting for licensees.
- Content relevance and ensuring providers are producing content that is suitable and useful for the real estate sector is also key to the success
- There is some feedback that the Certificate 4 for sales people is not fit for purpose. REA
  does not have oversight of the qualification content but can feedback areas of concern.
  Board to provide any specific feedback on the Certificate 4 programme to the EIE team.

#### Recommendations

It was recommended that the Board:

Note the contents of this paper and provide feedback on any matters raised.

Outcome: Noted.

## 6.7 People & Capability Committee Q1 Report

The paper was taken as read and Head of People and Capability, invited questions or comments from the Board.

The Board discussed the following:

- · High recruitment and challenges within teams while managing vacancies.
- Staff numbers working from home on a regular basis: 17 25 in the office on any one day at the time of this meeting. With recent COVID cases in the office recently, that has also resulted in people opting to stay home as a precaution.
- Various working from home and flexible working arrangements are in place with a formal register recording these. Drivers of flexible working are mixed but often to balance family commitments.
- Most teams have an anchor day to ensure connectivity on at least one day.
- Hybrid working is now the workplace norm, with each business needing to ensure it works well for the business and people. It is key to retention and wellbeing.

#### Recommendations

It was recommended that the Board:

• Note the contents of this paper and provide feedback on any matters raised.

Outcome: Noted.

## Other Business

#### 7.1 General Business

• The Board acknowledged final Board meeting and thanked her for her significant contribution to REA over the last 4.5 years.

## 7.2 Closing Karakia

The meeting was closed with a Karakia at 12.35pm.

## 8. Close Meeting

## 8.1 Close the meeting

Next meeting: REA Board Meeting 16 February 2023 - 16 Feb 2023, 9:00 am

Unuhia, unuhia Draw on, draw on,

Unuhia ki te uru tapu nui Draw on the supreme sacredness

Kia wātea, kia māmā, te ngākau, To clear, to free the heart,

te tinana, te wairua t e ara takatā the body and the spirit of mankind

Koia rā e Rongo, whakairia ake ki runga Rongo, suspended high above us (i.e. in 'heaven')

Kia tina! TINA! Hui e! TĀIKI E! Draw together! Affirm!

Signature: 10 / Balance

Date: 16 February 2023