

Terms of Reference for the Waste Advisory Board

Introduction

1. These Terms of Reference set out the function of the Waste Advisory Board.

Function

2. The Waste Advisory Board (the Board) is established under section 89 of the Waste Minimisation Act 2008 (the Act).
3. The function of the Board is to provide advice to the Minister for the Environment (the Minister) relating to waste minimisation and the functions of the Secretary for the Environment and the Minister under the Act. The Board must provide advice within these Terms of Reference.
4. Section 90 of the Act specifies that the Board is to provide advice to the Minister upon request, including advice about —
 - a. declaring a product to be a priority product;
 - b. making guidelines about the contents and expected effects of product stewardship schemes for priority products;
 - c. accrediting a product stewardship scheme that is not consistent with any guidelines published by the Minister;
 - d. recommending the making of regulations prohibiting the sale of a priority product except in accordance with an accredited scheme;
 - e. recommending the making of regulations in relation to products (whether or not priority products), materials, and waste;
 - f. setting or varying criteria for approving funding of a project;
 - g. reviewing the effectiveness of the levy;
 - h. recommending the making of regulations in relation to the imposition of the waste disposal levy or the rate of the levy;
 - i. recommending the making of regulations in relation to records, information, and reports.

Membership of Board

5. Section 92 of the Act specifies that the Minister must appoint at least 4, but no more than 8 members to the Board. Appointments are made by written notice from the Minister to the person concerned. Appointments are also notified in the Gazette.
6. The Minister will appoint one member as the Chair of the Board.
7. The Chair will:
 - a. chair meetings of the Board
 - b. be responsible for representing the Board to the Minister, as required
 - c. represent the collective interests of Board members

- d. be the principal point of contact with the Minister and Ministry for the Environment (the Ministry) to ensure requested advice and reports are delivered in the prescribed timeframe and format
 - e. be responsible for keeping Board members informed of discussions with the Minister and Ministry.
- 8. Note that in appointing members, the Minister must consider the need for the Board to have available to it, from its members, knowledge, skill, and experience relating to:
 - a. the Waste Minimisation Act 2008; and
 - b. matters that are likely to come before the Board; and
 - c. community projects for waste minimisation; and
 - d. industry, including the commercial waste industry; and
 - e. local government; and
 - f. tikanga Māori.
- 9. Members are appointed for a term of three years and the Minister may reappoint a member for a further term or terms following expiry of their term of appointment.
- 10. Members' terms are staggered so the appointment of all members will not expire in the same year.

Work Programme and Requests for Advice

- 11. The Minister may approve an annual work programme for the Board. The work programme will be signed by both the Minister and the Chair of the Board and will prescribe details of how the Board are to deliver the work programme for the year ahead.
- 12. Requests for advice will be set out in writing by the Minister or Ministry (on behalf of the Minister). These requests will stipulate the details of the issue to be advised on, timeframes and expectations regarding the format of the advice.
- 13. The Board may raise any additional issues relating to waste minimisation or the functions of the Secretary for the Environment or the Minister under the Act with the Minister. The Minister expects the Board to provide future-focused advice on key waste sector issues that could be addressed by national strategies and/or interventions, and to brief the Minister accordingly from time to time on the Board's view of sector priorities and potential solutions.
- 14. Before beginning any work on these issues, the Board must raise such issues by writing to the Minister outlining the issues and the work that the Board wishes to undertake, and not begin any further work unless agreed to by the Minister. This outline may be incorporated into the annual work plan or a longer term strategic plan, or be a separate request.
- 15. Board members will not be paid any fees or reimbursed for any expenses incurred in relation to work undertaken, unless that work has been requested by the Minister or Ministry on behalf of the Minister or agreed to by the Minister.

Requests for Official Information

16. All advice provided to the Minister and the Ministry is subject to the Official Information Act 1982. Information must be made available if requested, unless the Minister or Ministry determines good reason exists under the Official Information Act for withholding it.
17. The Board must keep a formal record of all of its meetings and business. This record must be made available to the Minister or the Ministry on request.
18. If an Official Information Act request is received asking for advice provided to the Minister by the Board, the Chair of the Board will be notified by the Ministry. It is the responsibility of the Chair of the Board to notify other Board members where appropriate.

Meetings and reporting

19. Board members will make their best effort to attend Board meetings and to prepare appropriately.
20. The Minister or the Ministry on behalf of the Minister, may agree for the Board to meet at specified times, through an annual work programme.
21. The Board will report to the Minister through:
 - face-to-face meetings as agreed by the Minister
 - reports as agreed by the Minister
 - records of meetings.
22. The Secretariat will confirm Board meeting dates and logistics approximately one month prior to the Board meeting.

Administrative support

23. The Board is supported by a Secretariat based at the Ministry.
24. The role of the Secretariat includes:
 - Providing regular and timely updates on the Ministry's waste work programme and any additional matters of relevance to all Board members.
 - Organising Board meetings and Board members travel for these meetings.
 - Assisting with drafting meeting agenda.
 - Arranging the independent minute taker for meetings and assisting with confirmation of the meeting minutes.
 - Arranging payment of Board members' fees.
 - Assisting Board members liaison with Ministry officials as necessary.
 - The induction of new Board members.
 - Maintaining a conflict of interest register.

- Maintaining a page on the Ministry's website about the Board's membership, meetings and activities.

Fees and reimbursements

25. Arrangements for, and rates of, payment for work completed by Board members, and reimbursement for actual and reasonable expenses incurred in the course of carrying out work are set out in individual letters of offer of appointment.
26. As mentioned in point 15, Board members will not be paid any fees or reimbursed for any expenses incurred in relation to work undertaken, unless that work has been requested or agreed to by the Minister.
27. Honoraria payments to Board members are specifically excluded from the definition of a taxable activity under the Goods and Services Tax Act 1985. Payments to Board members are therefore exempt from GST. Further information on taxation on fee paid to members is appended in Appendix 1.
28. Board members can choose to claim their fees and be reimbursed for expenses by completing the Board expense claim form.
29. The expense claim form is to be submitted to the Secretariat based at the Ministry for payment, within two weeks of undertaking the work/meeting. Note that the Ministry requires receipts and a breakdown of fees for payment of actual and reasonable expenses.

Conflict of Interest

30. In accepting an appointment to the Board, all members have agreed to raise any potential or actual conflicts of interest with the Board, abstain from voting on matters pertinent to the interest and not receive any information/data that could be used for personal gain. As soon as a board member becomes aware of a conflict of interest they must it in writing to the Secretariat of the Board. The Secretariat will maintain a conflict of interest register.

Waste Advisory Board Protocols

Communications

31. The role of the Board is to provide advice to the Minister and the Ministry on behalf of the Minister. Therefore, Board members would not generally make public comments about the matters that they have been asked to provide advice on without obtaining the prior written approval of the Minister. The advice provided to the Minister is to be of a collective view of the Board. If consensus is not able to be achieved then majority and minority views should be provided.
32. The Minister may agree, from time to time, to publish advice or reports produced by the Board, including after decisions are made using Board advice.

The Board will not publish any reports or advice that it gives to the Minister (or the Ministry), except with the prior written approval of the Minister.

33. In addition, advice or reports may be released by the Minister or Ministry under the Official Information Act.

34. The Board will provide information to the Secretariat to enable it to maintain a webpage; including releasing meeting agendas and minutes.

Confidentiality

35. Board members must keep confidential and secure all information disclosed to them by the Minister (including through the Ministry) in connection with their role as members of the Board, unless the information is already in the public domain. Board members must not disclose any such information, except with the prior written approval of the Minister.

Requests for information

36. If the Board receives any request for information from a third party, it must immediately refer that request to the Secretariat and advise the person who requested the information that the request was referred to the Ministry.

Conduct

37. Board members are expected to act honestly and in good faith at all times. As mentioned above, members should acknowledge and disclose, and avoid, any conflicts of interest.

Approval of these Terms of Reference



Hon Eugenie Sage

Associate Minister for the Environment

9/9/2018

Date



Darren Patterson

Waste Advisory Board Chair, on behalf of the Board

10/9/18

Date

