

## BORDER EXECUTIVE BOARD TERMS OF REFERENCE

### Purpose and Objectives

1. The Border Executive Board (the BEB) was established on 11 January 2021, as an interdepartmental executive board under the Public Service Act 2020.
2. The overall objective of the BEB is the effective governance of the end-to-end border system. This will include directing and driving performance of a safe, smart, and more coherent border. An effective border system will protect New Zealand from current, and future risks associated with incoming and outgoing people, goods, and craft.

### Background

3. Border agencies have a long history of successfully collaborating on operational arrangements and issues relating to the border. The Border Sector Governance Group (BSGG) was established in 2007 and was updated in June 2020 in response to COVID-19. This update gave the BSGG a stronger mandate to provide governance on work across the border system.
4. Working together has resulted in a modern border that is increasingly integrated for both passengers and traders. However, the BSGG model that relied on a lead agency for an initiative, struggled at times to retain the input and support of partner agencies for system benefits realised elsewhere. A smart and safe border needs to be supported by a dedicated forum with a systems approach to its operations and a mechanism for stronger and more enduring commitments to implement joint initiatives.
5. In recognition of this, in December 2020, Cabinet agreed to the establishment of an interdepartmental executive board – the Border Executive Board [CBC-20-MIN-0099 refers]. Cabinet set four areas of focus that reflected the significance of COVID-19 and the role of the border in the Government’s response.
6. In May 2023, Cabinet agreed to update the accountabilities set when the BEB was established [DEV-23-MIN-0075 refers]. The update reflected the change in the Government’s response to COVID-19 and the enduring nature of the activity of the BEB. The intent of the BEB did not change. Cabinet also agreed the first BEB Border Sector Strategy.
7. Details of the BEB and its performance are detailed in its Annual Reports. These are published on the BEB webpages [customs.govt.nz/about-us/border-executive-board](https://customs.govt.nz/about-us/border-executive-board).

### Accountabilities

8. Section 25 of the Public Service Act 2020 defines the purposes of an interdepartmental executive board:
  - to align and co-ordinate strategic, policy, planning and budgeting activities for two or more departments with responsibilities in a subject matter area
  - to support those departments to undertake priority work in the subject matter area
  - to support cross-department initiatives in the subject matter area.

9. The Order in Council explanatory note outlines the purpose of the BEB. The BEB is intended to help co-ordinate the management of New Zealand's borders, for example by supporting the relevant departments to:
  - remove gaps in border processes
  - ensure that future risks from people, goods, and craft arriving at the borders are addressed
  - make strategic improvements to border systems.
10. Members of the governance board are jointly accountable for the accountabilities set by Cabinet. The accountabilities set by Cabinet in May 2023 are:
  - strategic border system improvements, including developing a Border Sector Strategy, monitoring performance and user experiences across the system, advising on investment decisions for the border system, and delivering joint initiatives to build a safer and smarter border
  - no gaps in end-to-end border processes, with health risk management integrated and the border ready to respond to significant events
  - risks from people, goods, and craft arriving and departing the border will be addressed and opportunities maximised, where these are not already being managed by an existing agency or other government processes
  - the border system is financially sustainable through the use of cost recovery and oversight of significant fiscal challenges such as inflation
  - provide leadership to facilitate business and a positive user experience with the border system.
11. Individual border agencies retain sole accountability for how they deliver services and specific functions of their respective agencies. For example, the New Zealand Customs Service will continue to take the lead on preventing drugs from entering the country, Immigration New Zealand for screening non-New Zealanders for visa and identity fraud, and the Ministry for Primary Industries for biosecurity risks.
12. Individual agencies will also continue to be responsible for the fiscal management and financial sustainability of their agency. The BEB will have regard to how the system as a whole can be efficiently and sustainably funded.
13. The BEB also has accountabilities as a departmental chief executive that include, but are not limited to:
  - stewardship and strategic direction
  - resources
  - performance of the BEB, board, and secretariat
  - legislative compliance.

## **Ministerial Responsibilities and Reporting Relationships**

14. As at 27 November 2023, the Minister responsible for the BEB is the Minister of Customs (as designated by the Prime Minister).
15. Members of the governance board are jointly responsible for the operation and performance of the BEB and the reporting of progress to the responsible Minister (Section 28 of the Public Service Act 2020).

## Membership

16. Under Section 29 of the Public Sector Act 2020, a board will comprise chief executives from the departments that are included in the board's remit. Members are jointly responsible for the delivery of the outcomes sought by Cabinet. The board members and Chair are determined by the Public Service Commissioner.
17. The Commissioner has selected all the chief executives of the agencies included in the BEB's remit as members the governance board:
  - New Zealand Customs Service
  - Ministry of Business, Innovation, and Employment
  - Ministry for Primary Industries
  - Ministry of Transport
  - Ministry of Health
  - Ministry of Foreign Affairs and Trade.
18. The Chair of the governance board is the Comptroller, New Zealand Customs Service.
19. Under Section 29 of the Public Service Act 2020, the Public Service Commissioner may also appoint one or more independent advisers (who are not chief executives of the departments) to the board.

## Funding

20. Cabinet agreed to establish an appropriation titled 'Border System Performance', originally to be administered by the Board. The appropriation is intended to achieve an end-to-end border process that integrates health risk management and strategic border system improvements to create a safe and smart border. This will be achieved through the provision of advice and services to the Border Executive Board, co-ordination of joint initiatives, and system stewardship to enable the border system to improve the wellbeing of New Zealanders.
21. In March 2021, joint Ministers (Finance, COVID-19 Response – responsible for BEB, and Customs – as the servicing department) agreed to the New Zealand Customs Service being the Vote Administrator and include the appropriation in Vote Customs to relieve the administrative burden on the BEB. This provides the Comptroller of Customs with the authority to administer money within the scope of the appropriation.
22. The Border System Performance appropriation had centralised Crown funding until the end of the 2021/22 fiscal year. From 1 July 2022 the appropriation is funded by contributions from member agencies.

## Review

23. The Terms of Reference can be amended at any time, with the agreement of the BEB and in consultation with the responsible Minister.

Last updated: January 2024