

BORDER EXECUTIVE BOARD TERMS OF REFERENCE

Purpose and Objectives

1. The Border Executive Board (the Board) was established on 11 January 2021, under the Public Service Act 2020.
2. The overall objective of the Board is the effective governance of the end-to-end border system. This will include directing and driving performance of a safe, smarter, and more coherent border. An effective border system will protect New Zealand from current, specifically COVID-19, 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 first 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].

Accountabilities

6. 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.
7. Cabinet has agreed [CBC-20-Min0099 refers] that the members of the Board are jointly accountable for:
 - 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

- ensuring there are no gaps in the end-to-end border processes to integrate health risk management, particularly for a robust COVID-19 response while preparing to reopen the borders
 - ensuring any gaps or future risks from people, goods, and craft arriving at the border will be addressed, where the risks are not already being managed by an existing agency or another government process
 - managing the significant and pressing fiscal challenges that the sector is facing as a result of decreased revenues from cost-recovery activities through the COVID-19 pandemic.
8. 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.
 9. Individual agencies will also continue to be responsible for the fiscal management and financial sustainability of their agency. The Board will have regard to how the system as a whole can be efficiently and sustainably funded.
 10. The Board will not be responsible for setting regulatory standards, such as COVID-19 Public Health Response Border Orders.
 11. The Board also has accountabilities as a departmental chief executive that include, but are not limited to:
 - stewardship and strategic direction
 - resources
 - performance of the Board and secretariat
 - legislative compliance.

Ministerial Responsibilities and Reporting Relationships

12. As at 31 March 2023, the Minister responsible for the Board is the Minister of Customs (as designated by the Prime Minister).
13. Members of the Board are jointly responsible for the operation and performance of the Board and the reporting of progress to the responsible Minister (Section 28 of the Public Service Act 2020).

Membership

14. 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.
15. The Commissioner has selected all of the chief executives of the agencies included in the Border Executive Board'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.

16. The Chair of the Board is the Comptroller, New Zealand Customs Service.
17. 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

18. Cabinet agreed to establish an appropriation titled 'Border System Performance', originally to be administered by the Board. The appropriation is limited to policy and investment advice and the design and coordination of joint initiatives relating to the border system as a whole.
19. In March 2021, joint Ministers (Finance, COVID-19 Response, and Customs) 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 Board. This provides the Comptroller of Customs with the authority to administer money within the scope of the appropriation.
20. 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

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

Approved: 13 October 2021

Updated: 31 March 2023 with responsible Minister and funding arrangements