

## TERMS OF REFERENCE

### Purpose

1. The overall objective of the Border Executive Board (BEB) is to coordinate the management of a safer and smarter New Zealand border.
2. A strong border is critical to keep the economy and people safe from a range of threats. These include pest and disease incursions, human and animal diseases, transnational, serious and organised crime, people and wildlife smuggling, human trafficking, and illicit drug, tobacco, and firearm smuggling.
3. Efficient border facilitation supports a growing economy through trade, tourism, and collection of Crown revenue. It provides global connectivity, supporting exporters, importers, and travellers while balancing border protection activity, efficiency, and the customer experience.
4. The BEB is operating as a sector leadership group from 1 January 2026.
5. Information about the BEB is published on the BEB webpages [customs.govt.nz/about-us/border-executive-board](https://customs.govt.nz/about-us/border-executive-board).

### Setting the terms of reference

6. The Terms of Reference are based on the establishment paper as a sector leadership group [ECO-25-MIN-0168 refers]. The terms of reference content can be amended at any time, with the agreement of the governance board. The responsible Minister will be consulted when there is a proposed change in the purpose, membership, or accountabilities.

### Oversight of the border

7. Border agencies have a long history of successful collaboration. The type of oversight has evolved to meet the needs of the border.

| Type of oversight                                                                        | Name                                  | Date                               |
|------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------|
| Chief Executive group                                                                    | Border Sector Governance Group (BSGG) | 2007 – December 2020               |
| Interdepartmental Executive Board under the Public Sector Act 2020 [CBC-20-MIN-0099]     | Border Executive Board (BEB)          | 11 January 2021 – 31 December 2025 |
| Sector leadership group with Cabinet mandate and Ministerial oversight [ECO-25-MIN-0168] | Border Executive Board (BEB)          | 1 January 2026 – current           |

### Membership

#### Permanent member – core

- New Zealand Customs Service.
- Ministry for Primary Industries.
- Ministry of Business, Innovation & Employment.
- Ministry for Cities, Environment, Regions & Transport.

**Member – when appropriate/issue specific**

- Ministry of Health.
- Ministry of Foreign Affairs & Trade.

**Participant – when appropriate/relevant**

- Health New Zealand.
- Civil Aviation Authority.
- Maritime New Zealand.

**Functions of border agencies**

| Agency                                                | Border related function                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New Zealand Customs Service                           | <ul style="list-style-type: none"> <li>• Risk-informed assessment, inspection, and clearance of travellers, goods, and craft.</li> <li>• Revenue collection.</li> <li>• Disruption of illicit/illegal goods and organised crime.</li> <li>• Trade assistance.</li> </ul>                                                                                                                                                                                               |
| Ministry for Primary Industries                       | <ul style="list-style-type: none"> <li>• Risk-informed assessment, inspection, and clearance of travellers, goods, and craft for biosecurity protection.</li> <li>• Approval and oversight of transitional / containment facilities.</li> <li>• Biosecurity system (pre-border, border, and domestic/post-border).</li> </ul>                                                                                                                                          |
| Ministry of Business, Innovation, & Employment        | <ul style="list-style-type: none"> <li>• Grant visas to stay temporarily or permanently.</li> <li>• Ensure that people crossing the border and staying in New Zealand are entitled to do so.</li> <li>• Combat and prevent trafficking in persons and irregular migration.</li> </ul>                                                                                                                                                                                  |
| Ministry for Cities, Environment, Regions & Transport | <ul style="list-style-type: none"> <li>• Transport related policy advice, Crown entity governance, system leadership and stewardship. Monitoring department for Civil Aviation Authority, and Maritime New Zealand.</li> </ul>                                                                                                                                                                                                                                         |
| Ministry of Health                                    | <ul style="list-style-type: none"> <li>• Ensuring appropriate legislative and policy settings for health security to enable:               <ul style="list-style-type: none"> <li>○ surveillance of, and response to, health threats at the border</li> <li>○ implementation of routine border health controls</li> <li>○ implementation of the International Health Regulations 2005.</li> </ul> </li> <li>• Monitoring department for Health New Zealand.</li> </ul> |
| Ministry of Foreign Affairs & Trade                   | <ul style="list-style-type: none"> <li>• Upholding New Zealand's international obligations relating to the border.</li> <li>• Deploying funding to strengthen partner countries' border capacity.</li> </ul>                                                                                                                                                                                                                                                           |
| Health New Zealand                                    | <ul style="list-style-type: none"> <li>• Implementation of routine border controls, responding to health threats, and implementing International Health Regulations where applicable.</li> </ul>                                                                                                                                                                                                                                                                       |
| Civil Aviation Authority                              | <ul style="list-style-type: none"> <li>• Regulatory activity.</li> <li>• Aviation security passenger, non-passenger, and baggage screening.</li> </ul>                                                                                                                                                                                                                                                                                                                 |
| Maritime New Zealand                                  | <ul style="list-style-type: none"> <li>• Regulatory activity.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                               |

## Accountabilities

8. In October 2025, Cabinet confirmed the BEB accountabilities as part of the change to a sector leadership group with minor wording updates. These accountabilities are:
  - a. gaps in end-to-end border processes are addressed, with health risk management integrated and the border ready to respond to significant events
  - b. risks from people, goods, and craft arriving and departing the border are addressed and opportunities maximised where these are not already being managed by an existing agency or other government process
  - c. identify and oversee strategic border system improvements including identifying where agencies could work together to progress challenges or opportunities, and where there are interdependencies
  - d. the border system is financially sustainable through cost recovery, having oversight of fiscal challenges
  - e. leadership to facilitate a positive user experience with the border system.

### Role of the six member agencies

9. The six member agencies are expected to contribute to meeting the purpose of the BEB and the expectations set by Cabinet.

### Role of the governance board

10. The role of the governance board is to ensure the achievement of the BEB's purpose to coordinate the management of a safer and smarter New Zealand border and the Cabinet accountabilities. This is done through coordination and oversight including setting the strategic direction and priorities, monitoring progress, and being aware of the risks, issues, and opportunities across the border sector. The board will ensure agencies work together on joint initiatives and consider a whole-of-border view.

### Role of the Chair

11. The Chair of the governance board leads the BEB but is not solely responsible for its performance. The responsibilities of the Chair are in the governance board operating procedures section.

## Ministerial responsibilities and reporting relationships

12. The Minister of Customs is the responsible minister for the BEB.
13. The BEB will confirm the strategic direction and provide progress reports to the responsible Minister. Other portfolio Ministers will be engaged with as appropriate.

## Secretariat support

14. The BEB will be supported by a small Secretariat team, employed by the New Zealand Customs Service. Action to establish and maintain the Secretariat team will be managed by Customs, as the employer.
15. The Secretariat team will take a whole-of-border view. Activity may include governance support, co-ordination and reporting, system leadership, and supporting agencies to deliver work items as needed.

## Funding

16. The Secretariat team is funded by existing baseline within Vote Customs.

## Delivery

17. All member Chief Executives will set the strategic direction and annual work programme, and the member agencies will work together and provide appropriate and adequate resources to lead and deliver the agreed work items/programmes. Border Crown entities will inform and support relevant work items. Agencies will identify issues, risks, and opportunities that relate to the border or their ability to support the BEB to meet the Cabinet accountabilities.
18. The BEB may establish oversight and coordination groups to progress the work of the BEB and keep agencies connected so they can identify risks and opportunities for the border system and respond promptly to a significant event.
19. Agencies retain decision-making authority and accountability for allocating resources and delivering the border services and functions of their respective agencies, along with fiscal management and financial responsibility.
20. Chief Executives retain responsibility for their individual agency performance and accountability to their Minister/s and Parliament.

## Governance board operating procedures

### Membership

21. The governance board will consist of the Chief Executives of the permanent core member agencies:
  - New Zealand Customs Service
  - Ministry for Primary Industries
  - Ministry of Business, Innovation & Employment
  - Ministry for Cities, Environment, Regions & Transport.
22. The governance board may appoint an independent member for a specific purpose and duration.

### Chair appointment, responsibilities, and ability to delegate

23. The Chair is appointed by the responsible Minister from one of the Chief Executive members of the governance board.
24. Cabinet agreed in October 2025 that the Comptroller of Customs continues as the Chair. This means that the person holding the delegations of the Comptroller of Customs is considered the Chair unless specific delegations are made.
25. The Comptroller may delegate the Chair responsibilities under Schedule 6, Clause 2, of the Public Service Act 2020. The Chair may delegate responsibility for running a meeting to another governance board member.
26. The authority to the Chair includes, but is not limited to:
  - being the lead contact for Ministers and stakeholders
  - approving briefings to Ministers and responding to government accountability on behalf of the BEB
  - ensuring the governance board meets at the required frequency with appropriate content and attendees

- supporting day-to-day administration and management of the BEB, including the BEB Secretariat team
- having the ability to sub-delegate day-to-day activity in accordance with the New Zealand Customs Service policies and procedures.

### Meeting frequency

27. An annual meeting schedule will be prepared for each calendar year. The governance board can meet as required, or when the Chair deems it necessary. Meetings can be held in-person or using audio visual or electronic communication, or a combination.

### Meeting participation

28. The table below outlines how the different BEB relevant agencies participate with the governance board.

|                  | Permanent core member agencies | Member agencies as appropriate                                                           | Participant agencies when relevant                          | Individual attendees                       |
|------------------|--------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------|
| Attendance       | All board meetings             | Setting direction and priorities, reviewing performance<br>Relevant topics               | As needed for agenda topics                                 | As needed for agenda topics                |
| Attendance level | Chief Executive                | Chief Executive or senior official                                                       | Chief Executive or senior official to inform and contribute | Subject expertise to inform and contribute |
| Decision making  | Full authority                 | Authority to set direction and annual work programme<br>Inform and influence other items | Inform                                                      | Inform                                     |

29. Permanent members of the governance board are expected to attend all board meetings. Members are expected to participate in discussions bringing their agency view and insights from their experience as a public service leader.
30. A delegate may attend if a board member is unavailable. This delegate is expected to fully participate and contribute to decision making on behalf of their respective agency. The delegate will only form part of the board's quorum if they are acting with formal chief executive delegations.
31. A board appointed independent member attends meetings as required, has no decision making authority, and does not form part of the quorum.

### Forward agenda

32. A forward agenda will be available from the BEB Secretariat to inform participation.

### Quorum

33. A quorum for a meeting is three of the four chief executive governance board members. This may include a person acting with formal chief executive delegations. The Chair of the board, or a substitute Chair, must be in attendance for a meeting to be held.

### Decisions

34. No decisions can be made if there is no quorum. The board may meet for information sharing purposes.
35. The board may make decisions from its governance and/or assurance perspective within the scope of the BEB's purpose and accountabilities.

36. Decisions on day-to-day matters relating to the border will continue to be managed by each border agency.
37. Decisions are expected to be made by consensus of all members. The board may decide by majority if consensus cannot be achieved. The alternative view will be recorded in the minutes and reflected in advice given to the Government or agencies.

### **Meeting papers and minutes**

38. The Chair, supported by the Secretariat team, confirms the agenda and required content for each board meeting, and monitors the forward agenda.
39. The board meeting papers will be prepared by the Secretariat team and circulated 5 working days in advance of the meeting. In exceptional circumstances papers may be circulated late or at a meeting. The full meeting pack will be sent to the four governance board members. Meeting papers may be shared with others, as needed.
40. The minutes will be taken by the Secretariat team and approved at the next board meeting.
41. A summary of the board decisions will be shared with the BEB DCE Group and circulated within 5 working days of a meeting.

### **Support to the board**

42. The Secretariat team will support the board. Oversight and coordination groups may be established to progress the work of the BEB and provide advice the board.
43. The Secretariat team will coordinate and provide regular updates and performance reporting to the governance board.

### **Conflicts of interest**

44. Chief Executives are expected to have declared any potential, perceived, and actual conflicts of interest to the Public Service Commission and/or their agency as part of expected employment practices.
45. Governance board members must also advise the Chair of matters relevant to the BEB, who will agree management measures as needed.

### **Conflict resolution**

46. Members are expected to be able to raise differing views and matters relating to board dynamics constructively and resolve these amongst themselves. The Chair is available to discuss any matters with members.
47. Unresolved issues should be brought to the attention of the Chair who will attempt to facilitate a resolution. Should issues remain, the Chair will seek assistance from the Public Service Commission as the Commissioner is the employer of Chief Executives.

Approved: 4 February 2026

- Updated to replace Ministry of Transport with the new Ministry for Cities, Environment, Regions & Transport from 1 July 2026.