

# Waste Investment Panel – terms of reference

## Background

### About the Waste Minimisation Fund (WMF)

The purpose of the Waste Minimisation Fund (WMF) is to boost New Zealand's performance in waste minimisation. There is considerable scope to reduce waste and increase the recovery of useful resources from waste. Lifting our performance in recovering economic value from waste also provides environmental, social and cultural benefits, and reduces the risks of harm from waste. This will require investment in infrastructure, and systems for waste minimisation and changes in consumer and business behaviour.

The WMF outcomes are to:

- create positive shifts in waste minimisation attitudes and behaviours
- accelerate system-level change
- protect the environment from harm including greenhouse gas emissions
- increase the reuse, recycling and recovery of resources.

### Fund context

The WMF is funded through the [waste disposal levy](#).

The Minister for the Environment (Minister) has set eligibility and assessment criteria, notified in the New Zealand Gazette. The Minister may also consider any other matters that they think relevant. Only projects that promote or achieve waste minimisation are eligible for funding. Projects must result in new waste minimisation activity, either by implementing new initiatives, or a significant expansion in the scope or coverage of existing activities.

All Expressions of Interest (EOIs) and applications are reviewed and assessed by Ministry for the Environment investment managers against the criteria, and are compared with other applications. A pool of subject matter experts is available for investment managers to draw on for advice on technical or other aspects. Applications requesting funding of \$1m or more will usually be required to provide a business case. Large<sup>1</sup> applications will be referred to this panel for strategic assessment and recommendations. Following assessment, the investment managers will, in consideration of panel advice, make final recommendations to the relevant Ministry decision-making authority or Minister on whether a project should or should not receive funding and if so, any conditions that should be attached to the funding.

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<sup>1</sup>Currently defined as those seeking funding of \$1,000,000 or more. The Ministry may also bring to the panel applications below \$1,000,000 that would benefit from the panel's consideration.

The Minister, or their delegate (eg, the Secretary for the Environment), makes the final decision about which projects are awarded funding. Successful applicants are then invited to proceed to the contracting phase of the funding process, which involves project planning and negotiation of a deed of funding. The Ministry may also undertake technical or organisational due diligence in relation to the application recommended for funding before executing a deed.

The deed of funding (which will include a detailed project plan) must be executed by both the Ministry and the funding recipient before funding is provided.

## **Role of the panel**

The panel provides strategic assessment for large applications to the WMF, and makes recommendations to the Ministry on whether they should or should not be funded, and on what conditions. The panel provides a key level of assurance in the decision-making process for large funding applications.

The panel's consideration of applications for funding may include, but is not limited to:

- strategic fit (eg, to fund outcomes, investment signals, and the Waste Strategy etc)
- value for money
- additionality – generating public benefits that would not otherwise be realised
- the balance between commercial benefits to the applicant (if any) and public benefits
- sector implications
- supply chain and market considerations
- benefits to Māori, the extent of Māori involvement, consideration of Te Ao Māori
- intellectual property creation, enhancement or protection.

These examples are provided to give an indication of the panel's scope and are a guideline only.

Panel members are expected to be conversant and up to date with the investment signals for the WMF, the eligibility and assessment criteria, the New Zealand Waste and Resource Efficiency Strategy, and any supporting material provided by the Ministry from time to time. The Ministry will provide an induction to each new panel member.

## **Advisory role only**

The panel's role is strictly advisory. Investment managers and decision-makers will give careful consideration to the advice provided by the panel. However, the Ministry cannot guarantee the advice will be followed regarding commitment of funding. The Minister, or the Minister's delegate, has absolute discretion to accept or decline in whole or part, the investment manager's recommendation and any panel advice.

## Role of panel chair

The role of the chair of the panel is to:

- ensure the panel holds a full and frank discussion on every application on the agenda
- seek a consensus wherever possible on the panel's recommendation on each application
- ensure that meetings are conducted effectively
- be the principal point of contact between the panel and the Ministry
- ensure the Panel Interests Register is updated at each meeting, and that each panel member has complied with their conflict of interest obligations.

## Panel meetings

The panel will meet around once a month to discuss applications. A meeting calendar will be notified at the start of each year by the Ministry. Meetings will be a mix of in-person and online.

Prior to each meeting, panel members:

- will receive an agenda, the applications/business case to be considered, and the Ministry's assessment of each application, which will include any advice received via the subject matter expert pool
- must ensure they comply with the Ministry's conflict of interest policy and the conflict of interest provisions of these terms of reference
- will provide their comments on each application via the Ministry's online portal.

At each meeting:

- the panel will discuss and attempt to reach consensus on whether to recommend that each application be either:
  - approved
  - approved with conditions
  - declined
  - referred back to the Ministry for further assessment
- the investment managers who assessed each application will attend, together with other relevant Ministry staff
- applicants may attend to discuss their application if invited by the panel (noting that upon request of the panel chair, the Ministry will facilitate this with applicants)
- the outcome of the panel's deliberations will be formally recorded.

Attendance by at least half of the panel members is required to constitute a quorum. If the chair is unable to attend they must delegate their responsibilities to another panel member for the duration of that meeting.

## Panel composition and appointments

The panel will consist of around five members. Panel members will be appointed by the Ministry, and are independent of the Ministry – ie, not employees. One panel member will be appointed by the Ministry as the chair.

The Ministry will appoint members for their knowledge, skills and experience relating to one or more of the following areas. Avoiding conflicts of interest will be a critical element in selection of appropriate panel members.

Capabilities sought:

- waste sector knowledge eg, supply chain, resource recovery and processing infrastructure
- governance experience in a professional capacity
- commercial, investment, finance and/or economics
- experience with Government funding or investment programmes
- innovation or commercialisation
- Te Ao Māori
- experience in partnerships with the community, local Government and/or industry
- circular economy and/or sustainability subject matter expertise
- representation from the boards or committees of relevant agencies with investment programmes.

The Ministry's needs in terms of panel composition are subject to change over time.

Panel members will be appointed for a term of three years and may be appointed for a further term or terms by the Ministry. Despite the term of any appointment the Ministry may end a panel member's appointment at any time by written notice. Panel members may end their appointment at any time by written notice.

## Fees and reimbursements

Fees to be paid to panel members will be set out in individual engagement documentation (eg, consultancy contracts, letters of appointment etc).

The Ministry will pay travel costs for meetings. Panel members will organise their own travel and invoice the Ministry for reimbursement of travel-related expenses.

If other expenses are to be incurred, reimbursement will be considered by the Ministry on a case-by-case basis. The Ministry will not pay expenses, unless:

- the Ministry has given prior written consent to the panel member incurring the expense
- the panel member has complied with the Ministry's Expense Policy.

## Confidentiality

All material or information sent or provided to panel members by the Ministry is to be kept confidential. Other than during assessment meetings at no time are panel members to discuss application details with anyone, including the applicants (either before or after its consideration). If additional information is required, the Ministry will be the conduit by which this information is obtained. Similarly, all enquiries to panel members relating to individual applications must be referred to the Ministry.

## Conflicts of interest

For the purposes of these terms of reference, a conflict of interest is where your responsibilities to the Ministry, Ministers and the public are affected by some other interest you have in your private or professional life. That other interest could be a relationship, a role in another organisation, or a business interest. In any situation where activities are carried out in the public interest or paid for out of public funds, the public needs to be confident that decisions are:

- made impartially and for the right reasons
- not influenced by personal interests or ulterior motives.

All panel members must abide the Ministry's Conflict of Interest Policy, in addition to complying with the requirements below. Where there is a conflict between these terms of reference and the Ministry's Conflict of Interest Policy the Ministry shall determine which has precedence.

Panel members must declare any interest that conflicts (or might conflict or might be perceived to conflict) with the interests of the Ministry in ensuring that applications for grants of funding under the WMF or PIF are assessed fairly and impartially. An interest can be pecuniary or non-pecuniary.

Panel members can declare a conflict of interest at any time. When first appointed, and prior to each meeting, panel members must declare all known actual or potential conflicts of interest, which will be collated on an interests register managed by the Ministry. Other conflicts of interest must be declared as soon as practicable after the panel member knows of the information or situation that gives rise to the conflict. Any panel member who is directly or indirectly associated with any application must declare that interest. If a conflict of interest exists, that panel member must not participate in that assessment.

The Ministry will determine when a conflict of interest exists such that a panel member must not participate in the relevant assessment.

## Official Information Act requests

All correspondence, including emails, between panel members and Ministry staff is official information and is subject to the Official Information Act (OIA) 1982. Panel member comments on applications and advice are also subject to the OIA. Any OIA request received by a panel member that relates to the funds must be directed to the Ministry.

## Support

The Ministry will provide training and administrative support to the panel, including:

- support and training for use of the Ministry's Funds Management System or other platform for recording advice
- coordination of travel and accommodation arrangements
- preparation of applications for panel assessment
- preparation of meeting agendas and distribution of meeting minutes
- maintaining the interests register
- the Ministry's conflict of interest and expenses policies.