



**Tyrewise**

# Tyrewise

Regulated Product Stewardship Scheme  
Terms of Reference for Tariff Alignment  
Technical Advisory Group

**Released 01 August 2024**

# Definitions

In this document, unless the context requires otherwise, the following definitions shall apply:

**“ASNZ”** means Auto Stewardship New Zealand.

**“ASNZ Board of Trustees”** means the Board of Trustees which governs the Product Stewardship Scheme, Tyrewise.

**“Confidential Information”** means information in relation to this Technical Advisory Group and the RPS Scheme Delivery whether provided before, during or after the term of the TAG that:

- (a) is by its nature confidential;
- (b) is marked by either Party as ‘confidential’, ‘in confidence’, ‘restricted’, ‘commercial in confidence’ or with a similar designation;
- (c) is provided by either Party or a third party ‘in confidence’;
- (d) either Party knows or ought to know is confidential; or
- (e) is of a sensitive nature or commercially sensitive to either Party;

**“Conflict of Interest”** A conflict of interest arises if a Party or its personnel’s personal or business interests, or obligations, do or could conflict, or be perceived to conflict, with its obligations under this TAG. It means that its independence, objectivity or impartiality can be called into question. A Conflict of Interest may be:

- (a) actual: where the conflict currently exists;
- (b) potential: where the conflict is about to happen or could happen; or
- (c) perceived: where other people may reasonably think that a person is compromised.

A registration of interest register collects key personnel interests to enable risk review of any conflicts of interest prior to an event occurring.

**“Ministry for the Environment (MfE)”** is the administrator of the Waste Minimisation (Tyres) Regulations 2023

**“Policies and Procedures”** shall mean the policies and procedures published by ASNZ and the Tyrewise Scheme Manager and provided to the Processor as amended from time to time;

**“Registered Retailer”** shall mean a company that sells regulated tyres or vehicles with regulated tyres on it and is registered with the Tyrewise RPS Scheme as a Retailer;

**“Regulated Product Stewardship Scheme”** or **“RPS Scheme”** is Tyrewise.

**“Regulations”** shall mean the Waste Minimisation (Tyres) Regulations 2023;

**“RPS Scheme Manager”** or **“Tyrewise Scheme Manager”** means 3R Group Limited;

**“Regulated Tyre”** has the meaning defined in the Waste Minimisation (Tyres) Regulations 2023; and

**“Tyrewise”** or **“Tyrewise Scheme”** is Aotearoa New Zealand’s first regulated product stewardship scheme for recycling used tyres that is the subject of this Agreement.

**“Waste Minimisation (Tyres) Regulations 2023”** means the regulation as per <https://www.legislation.govt.nz/regulation/public/2023/0263/latest/whole.html>;

**“Waste Regulated Tyres”** shall have the meaning as set out in the Waste Minimisation (Tyres) Regulation 2023

# Tyrewise Regulated Product Stewardship Terms of Reference, Technical Advisory Group Tariff Alignment

## 1. Purpose

This document defines the Terms of Reference (TOR) for the Tyrewise Technical Advisory Group Tariff Alignment (the TAG), convened by the board of Auto Stewardship New Zealand (ASNZ).

This document sets out the purpose and membership of the TAG, the scope of TAGs role, the approach to its work, and support arrangements. It also sets out the relationship between the Board of ASNZ, the Scheme Manager, and the Regulator (s).

The tyre supply chain has raised several concerns with the Waste Minimisation (Tyre) Regulations 2023<sup>1</sup> specifically Schedule 2 of the regulations. Of particular concern is the variations in some of the loose tyre fees categories mapped to respective Tariff number and statistical key, such as the categories for 20-inch tyres, off-the-road (OTR) tyres and pneumatic vs solid tyres.

The Ministry for the Environment (MfE) is investigating the legislative options to address this issue however they require information and guidance from industry. Tyrewise has formed a TAG whose role is to:

- share specialist knowledge, such as members technical knowledge on the tyre market, the practicalities and impacts of different policy options; and
- provide guidance and feedback on draft policy content; and
- be a sounding board for MfE to test their thinking.

The members of the TAG represent key industry stakeholders from both large and small-to-medium enterprises, who have relevant experience, knowledge, and willingness to find practicable solutions.

The members will meet online, over a series of four two-hour meetings, held during the August through October 2024.

The group will identify the problem(s) and options and complete an assessment of the options. At the final meeting a summary report would be approved outlining the groups findings and recommendations. This report would be reviewed by the ASNZ Board and subsequently submitted to MfE.

Given the high likelihood the members would be making recommendations to change the Working Tariff Document of New Zealand, MfE and the RPS Scheme Manager have reached out to the New Zealand Customs Service (Customs). Customs have shown an interest in supporting this project, such as providing advice or attending meetings where practicable. However they have limited capacity, and their involvement would need to be carefully planned in advance.

Assisting the MfE to find practicable solutions to the known variations for some of the loose tyre fee categories, will in turn improve the Tyrewise scheme for all involved.

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<sup>1</sup> <https://www.legislation.govt.nz/regulation/public/2023/0263/latest/LMS823681.html>

## 2. Background

### 2.1 Role of the ASNZ Board of Trustees (Governance)

ASNZ's Board of Trustees hold the governance functions and are accountable for the delivery of the Regulated Product Stewardship scheme, Tyrewise. In respect of the Deed of Delivery (inclusive of an Operational Delivery Plan) between the MfE (The Product Stewardship Fee holder) and ASNZ, the Board is the decision-making authority.

## 3. Role of this Technical Advisory Group

Through the design and implementation of the RPS (2012 – 2024), stakeholder working/advisory groups and a series of technical advisory groups collectively undertook a significant role in reaching consensus between the interest groups, topic specific sectors and the tyre value chain. These forums ensured timely and influential input and feedback directly to ASNZ, the Scheme Managers and MfE.

The Board has authorised a continuation of the technical advisory groups (TAGs) to provide recommendations to the Board and the RPS Scheme Manager upon such terms of reference as the Board see fit. These TAGs are operational from [1 September 2024], except for this TAG which is operational immediately. The participants (who are to be approved by the Board) are representative of stakeholders, including but not limited to the tyre supply chain ranging from large corporates to small entities and including not for profit organisations.

In respect of the operational delivery of the RPS, the role of the TAGs is to provide valuable insights and technical expertise into work undertaken by others, as Tyrewise is developed and progresses. Members of the TAGs will use their experiences, skills and knowledge of specific commercial sectors to provide recommendations to the Scheme Manager and/or the ASNZ Board, and in this case MfE (the regulator) as relevant to ensure the RPS scheme delivery is successful.

A full description of the scope of this TAG and the summary work plan is found in Schedule 1.

### 3.1 Membership of the Technical Advisory Group, Tariff Alignment

ASNZ seeks to build a diverse TAG, representative of the entire tyre supply chain. The selection of participants in this TAG has been drawn from those companies or individuals who have put forward an offer to support the alignment of Tariff Number and its associated Statistical Key with the fair and reasonable weight banding of regulated tyres where misalignment has been identified. The representatives have:

- Organisational expertise in the specific sector or one of more areas of work relating to the RPS Scheme and that organisation has the ability to identify and appoint a senior technical resource to be a member of the TAG; and/or
- Has expertise that compliments others in the TAG;
- Strong personal motivation to contribute to the vision of the RPS Scheme and to the effectiveness of TAGs purpose;
- Committed to participating in at least four online meetings of two hours each between the dates of 26 August 2024 through to 14 October 2024 and participating in review of three output reports and one final report.

For TAGs where commercial advantage could be gained through participation, abide by the ASNZ Trust Statement on the Commerce Act 1996 relating to anti-competitive behaviour.

## 3.2 Secretarial Support

The RPS Scheme Manager will provide secretarial support and in conjunction with MfE representative, will assist with facilitating the workstream of this TAG.

## 3.3 Principles for working together.

The TAGs will support the effective operation of the RPS. This will involve working together openly and constructively to achieve consensus where possible, and, in minutes/records of discussion, to outline and explain differences including where no consensus is reached.

The ASNZ Board wish to conduct a working relationship between all parties in good faith and in accordance with the following principles:

- a) **shared intention:** the shared intention of supporting the RPS, including ensuring a smooth transition from current state to future state where changes are implemented.
- b) **mutual trust and respect:** build and foster working relationships and communication practices that are based on, and value, mutual respect and high trust, so as to address any issues and concerns that might arise, early and constructively, to ensure that process expectations are clear and aligned and to act and respond in ways that reflect a fair assessment of the importance or materiality of the matters requiring an action or a response.
- c) **constructive:** non-adversarial dealings between the parties, and constructive mutual steps to avoid differences and disputes and to identify solutions that advance the shared interests and objectives of the RPS.
- d) **open and fair:** open, prompt, and fair notification and resolution of any differences or disputes which may arise, and the identification of potential risks and/or issues (including potential causes of delay) that could adversely impact the timely completion of the activities within the timeframes specified in any agreed programme of activities.
- e) **no surprises:** adopt a 'no surprises' approach in respect of their respective communications to stakeholders and their public statements and to ensure they are consistent with the spirit and intent of these Terms of Reference.

## 3.4 Code of Ethics

Members of the TAG will be bound by the Code of Ethics for Members of Committees of ASNZ.

## 3.5 Conflict of Interest Policy

Members of the TAG will be bound by ASNZ's Conflict of Interest Policy and must declare potential or perceived conflicts of interest prior to the discussion of the agenda items. Any such declarations will be recorded in the minutes of the meeting.

At the voluntary initiation of a member, or the absolute discretion of the Chair, any member with a serious conflict of interest may be excluded from the discussion of relevant agenda items.

### 3.6 Relationship between the TAG and the Board

- The Board may endorse revisions to the TAG Terms of Reference
- The Board endorses new TAG members' selection – on recommendation from the RPS Scheme Manager
- The minutes of TAG meetings are shared with the Board.

### 3.7 Composition

The TAG is composed of:

1. Representative(s) from MfE
2. Representative(s) from NZ Customs and/or NZ Transport Agency if available
3. The RPS Scheme Manager data management representative(s) and secretarial support
4. Up to 10 industry representatives

Members are selected based on their personal experience and expertise, and their ability to provide constructive, independent, and frank advice. An important consideration is their availability of time to review documentation and meet within the timeframe in 3.1 above.

Members who depart from the TAG for any reason will be replaced after considering the needs of the group and the sector, and as approved by the ASNZ Board. Advice on appropriate new members will be sought from the TAGs.

A member of the TAG may not, whilst a member, be appointed as a Trustee for ASNZ.

A member of the TAG shall cease to be such a member if s/he is removed by the ASNZ Board of Trustees for any breach of the Code of Conduct, becomes incapable by reason of mental disorder, illness or injury of managing and administering his/her own affairs; resigns his/her membership by notice to the RPS Scheme Manager; is absent without notification from two formal consecutive meetings of the TAG; or takes up employment with the RPS Scheme Manager.

A member of the TAG may not be a member of any RPS independent auditor or a peer reviewer for a accreditation assessment. Any TAG nominee who has previously served in these capacities must make that work known to the ASNZ Board prior to action on his/her nomination.

### 3.8 Accountabilities and decision-making

#### Participation

Members are expected to attend as many meetings as they can. If a member cannot attend a delegate is not able to be sent in their place.

#### Representation

Members are representative of the sector, organisation, or group, and are also there as individuals appointed for their particular experience and expertise.

#### Decision-making

The TAG is advisory only and does not hold decision-making responsibilities on any aspect of the ODP.

**Quorum**

A quorum means the MfE Representative, the RPS Scheme Manager, and at least four of the members.

**Remuneration**

Participation on this TAG is not remunerated.

**External Consultants**

ASNZ may commission analysis or primary research from external consultants to assist the TAG. This may include advice from persons with specific technical expertise.

### **3.9 Duration and review periods**

The term of this TAG is from 26 August 2024 through to 14 October 2024. The ASNZ Board will review extension of any time based on request from the Scheme Manager.

### **3.10 Confidentiality**

All TAG members are expected to agree to confidentiality and registrations of interest requirements to enable participation in discovery and consultation processes and for the RPS Scheme Manager to manage any actual or perceived conflicts of interests prior to disclosure to members. All considerations of the TAG will be subject to the Official Information Act 1982.

### **3.11 Official Information Act**

Members must provide assistance or information to ASNZ in relation to Ministerial and Parliamentary questions and requests under the Official Information Act 1982, the Local Government Official Information and Meetings Act 1987 or as required by Parliamentary convention.

# Attachments

1. ASNZ Code of Ethics Policy – 26-1-2 PD
2. ASNZ Conflicts of Interest Policy – 26-1-1 PD



# Schedule 1

## Meeting Dates, Times and Expected Outputs

### Meeting 1 – 26 August 2024. 10am – 12pm

1. MfE and NZ Customs present on the framework in which the options need to be considered (Working Tariff Document and Draft Policy Recommendations)
2. Collectively identify the problem(s)
  - a. From a regulatory standpoint
  - b. From an industry standpoint
3. Data sources available to us (starting point)
  - *Output – draft problem definition.*

### Meeting 2- 9 September 2024. 10am – 12pm (NZTA representative invited to this meeting)

1. Agreement on the problem definition (from meeting 1)
2. Data Gaps identified (is there anything we need to know we don't have information on)
3. Workshop options and preliminary assessment of each – understand any impacts on NZTA TSF vehicle categories - charging by vehicle type / GVM
  - *Output – Options carried forward.*

### Meeting 3 – 30 September 2024. 10am – 12pm

1. Preferred option (in respect of a practical workable solution)
2. What would need to be done to give this effect, what would impact be on tyres already in market (e.g. inventory, sales in current month, price list updates, notice periods)
  - *Output – Findings and draft recommendations.*

### Meeting 4 – 14 October 2024. 10am – 12pm

1. Agreement on Final Recommendations
  - *Output - submitting of final report to MfE (by 28 October 2024- enables time for review and sign off by TAG Members and ASNZ Board)*



**Tyrewise**

**Manaaki whenua  
manaaki tangata  
haere whakamua**

**Care for the land  
care for the people  
move forward**

**[www.tyrewise.co.nz](http://www.tyrewise.co.nz) | 0800 897 394**

## Code of Ethics Policy (26-1-2-PD)

### 1. Purpose and Scope

Auto Stewardship New Zealand (ASNZ), an incorporated charitable trust, is committed to ethical conduct, accountability, and responsible stewardship. This Code of Ethics Policy outlines the principles and standards that guide our actions as trustees and stakeholders. This policy applies to ASNZ and its Limited Liability companies.

### 2. Core Values

We uphold the following core values:

- **Integrity:** We act honestly, transparently, and ethically in all our dealings.
- **Compassion:** We demonstrate empathy and care for those we serve.
- **Accountability:** We take responsibility for our actions and decisions.
- **Equity:** We treat all individuals fairly and without discrimination.
- **Stewardship:** We manage resources wisely to fulfil our objectives listed on [www.autostewardship.org.nz/about/](http://www.autostewardship.org.nz/about/)

### 3. Duties and Responsibilities

#### 3.1 Trustees

As trustees, we commit to:

- **Fiduciary Duty:** Act in the best interests of the trust and its stakeholders
- **Avoid Conflicts of Interest:** Disclose and manage conflicts transparently.
- **Prudent Management:** Exercise due diligence in financial matters.
- **Objectives Alignment:** Ensure trust activities align with our objectives.
- **Comply** with all relevant laws, regulations, and guidelines. Any suspected violations of this Code of Ethics Policy should be reported promptly to the trust’s Chair.

Trustees shall:

- Act honestly and in good faith and honesty always in the best interests of ASNZ
- Declare all interests that could result in a conflict between personal and organisational priorities in accordance with the Conflicts of Interest policy 26-1-1- PD.
- Exercise diligence and care in fulfilling the functions of Trustees.
- Make reasonable enquiries to ensure that the trust is operating efficiently, effectively, legally and ethically in the pursuit of its planned purpose and objectives.

<b>POLICY</b>	ASNZ - Code of Ethics Policy - 26-1-2 PD.docx	<b>Effective Date</b>	28-3-2024	<b>Version #</b>	1
<b>Authorised by</b>	Chair	<b>Review Date</b>	31-3-2026	<b>Page</b>	1 of 3
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- e) Maintain sufficient knowledge of the trusts business and performance to make informed decisions.
- f) Not agree to the trust incurring obligations unless he or she believes that such obligations can be met as and when they fall due.
- g) Attend meetings and devote sufficient time to preparation for meetings to allow for full and appropriate participation in the trusts decision making.
- h) Ensure scrupulous avoidance of deception, unethical practice or any other behaviour that is, or might be construed as, less than honourable in the pursuit of the trusts purpose and objectives.
- i) Not disclose to any other person confidential information other than as agreed by the Chair, or as required under law.
- j) Act in accordance with their fiduciary duties, complying with the spirit as well as the letter of the law, recognising both the legal and moral duties of the role.
- k) Abide by decisions once reached notwithstanding a trustees' right to pursue a review or reversal of a decision.
- l) Not make, comment, issue, authorise, offer or endorse any public criticism or statement having or designed to have an effect prejudicial to the best interests of the trust.
- m) Demonstrate respectful behaviour towards both fellow trustees and stakeholders and those they come into contact within the course of enacting trust business.
- n) Act in a politically impartial manner irrespective of our political interests; conduct ourselves in a way that enables us to act effectively under current and future governments. We do not make political statements or engage in political activity in relation to the functions of the Crown.
- o) Not pursue our own interests at the expense of the trusts interest.
- p) Never seek gifts, hospitality or favours for us or for our families or other close associates. We inform the respective appointed Chair in relation to any offers of gifts or hospitality.

### 3.2 Stakeholders

Our stakeholders include contractors and members of committees, advisory and steering groups. They pledge to:

- **Professionalism:** Uphold high standards of conduct and competence.
- **Confidentiality:** Safeguard sensitive information.
- **Non-Discrimination:** Treat all individuals equally.
- **Whistleblowing:** Report any unethical behaviour.

<b>POLICY</b>	ASNZ - Code of Ethics Policy - 26-1-2 PD.docx	<b>Effective Date</b>	28-3-2024	<b>Version #</b>	1
<b>Authorised by</b>	Chair	<b>Review Date</b>	31-3-2026	<b>Page 2 of 3</b>	
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- a) Make every reasonable effort to ensure that the trust does not raise community, supplier or stakeholder expectations that cannot be fulfilled.
- b) Meet their responsibility to ensure that all contractors engaged by the trust are treated with due respect including those shared responsibilities.
- c) Carry meetings in such a manner as to ensure fair and full participation of all attendees.
- d) Use information properly that we gain in the course of their duties only for its intended purpose and never to obtain an advantage for themselves or others or to cause detriment to the trust.
- e) Not act in a way that unjustifiably favours or discriminates against individuals or interests. We help create an environment where diverse perspectives and backgrounds are encouraged and valued.

### **Responsibilities**

It shall be the responsibility of the Chair to implement this policy and monitor its effects. The Chair shall be responsible for enforcing this policy. This Policy will be reviewed periodically to ensure its relevance and effectiveness. Amendments will be communicated to all stakeholders.

### **Chair Endorsement**

The Chair of Auto Stewardship New Zealand is committed to endorsing this policy; will provide periodic reviews and will ensure all understand its implementation:

Mark Gilbert

**Chairman**

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*This policy has been approved by the Board of Trustees as per Board Minute dated 28 March 2024*

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<b>POLICY</b>	ASNZ - Code of Ethics Policy - 26-1-2 PD.docx	<b>Effective Date</b>	28-3-2024	<b>Version #</b>	1
<b>Authorised by</b>	Chair	<b>Review Date</b>	31-3-2026	<b>Page 3 of 3</b>	
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## Conflict of Interest Policy (26-1-1-PD)

### 1. Purpose and Scope

Auto Stewardship New Zealand (ASNZ) maintains a high level of trust with its stakeholders. The Trustee's place great importance on making clear any existing or potential conflicts of interest for Trustees and members of committees, steering and/or advisory groups.

We protect the interests of our stakeholders as well as our own professional integrity and should not engage in activities that create actual, apparent or potential conflicts of interest.

### 2. Policy Statement

The intent of this policy is to avoid activities that are in conflict or appear to be in conflict with our Code of Ethics Policy 26-1-2 PD.

### 3. When/where applicable

- a) Any business or personal matter which could lead to an actual or perceived conflict of interest of a material nature involving a member and his/role and relationship with ASNZ or its operating companies, must be declared. This must be registered in the Register of Interest located in our governance management system (BoardPro) for the trustees and attendees of committees, steering and/or advisory groups.
- b) All such entries in the Register shall be presented to the respective meeting and minuted at the first meeting following entry in the records.
- c) All actual or perceived interests which may lead to conflict must be declared by the attendee concerned at the earliest time after the interest is identified. Normally there will be the opportunity at the commencement of each meeting for interests to be declared.
- d) The Chair and attendees shall determine whether the interest is of a material nature and shall advise the individual accordingly.
- e) Where a conflict of interest is identified and/or registered, and the Chair and attendees have declared that it is of material benefit to the individual or material significance to ASNZ, the attendee concerned shall not vote on any resolution relating to that conflict or issue.
- f) The attendees shall only remain in the room during any related discussion with the respective Chair's approval.
- g) The Chair will determine what records and other documentation relating to the matter will be available to the attendee.
- h) All such occurrences will be minuted.
- i) Individual attendees, aware of a real or potential conflict of interest of another attendee, have a responsibility to bring this to the notice of the meeting.

<b>POLICY</b>	ASNZ - Conflict of Interest Policy - 26-1-1 PD.docx	<b>Effective Date</b>	28-3-2024	<b>Version #</b>	1
<b>Authorised by</b>	ASNZ Chair	<b>Review Date</b>	31-3-2026	<b>Page</b>	1 of 2
<b>Warning</b>	This document printed on 4/08/24 is uncontrolled. The current version of this document is available online.				

### **Responsibilities**

It shall be the responsibility of the Chair to implement this policy and monitor its effects. The Chair shall be responsible for enforcing this policy. This Policy will be reviewed periodically to ensure its relevance and effectiveness. Amendments will be communicated to all stakeholders.

### **Chair Endorsement**

The Chair of Auto Stewardship New Zealand is committed to endorsing this policy; will provide periodic reviews and will ensure all attendees understand its implementation.

Mark Gilbert

**Chair**

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*This policy has been approved by the Board of Trustees as per Board Minute dated 28 March 2024*

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<b>POLICY</b>	ASNZ - Conflict of Interest Policy - 26-1-1 PD.docx	<b>Effective Date</b>	28-3-2024	<b>Version #</b>	1
<b>Authorised by</b>	ASNZ Chair	<b>Review Date</b>	31-3-2026	<b>Page</b>	2 of 2
<b>Warning</b>	This document printed on 4/08/24 is uncontrolled. The current version of this document is available online.				