

Terms of Reference Assessment Panel

Low Emission Vehicles Contestable Fund (LEVCF)

Background

The Low Emission Vehicles Contestable Fund (LEVCF) is a government initiative to co-invest in projects to encourage innovations and investment that will accelerate the uptake of electric vehicles and other low emission vehicles in New Zealand.

It has been established in order to work in concert with the range of initiatives that are part the Government's Electric Vehicle Programme. Funding levels will be as determined annually by the EECA Statement of Performance Expectations process.

A panel of experts will play a critical role in assessing proposals for LEVCF investment and recommending which applicants should receive LEVCF investment.

These Terms of Reference describe the role and functioning of the panel.

Objectives of the panel

The objectives of the LEVCF panel are to:

- score and assess proposals received in response to a Call for Proposals
- decide which proposals should be funded in accordance with the assessment criteria and the Fund's investment focus
- recommend to the EECA Board which proposals warrant the commitment of the LEVCF

Role of the panel in the LEVCF framework

To assess applications for LEVCF investment and determine which applications will attract funding, the following process will be followed:

- a. EECA will open a funding round and Call for Proposals (there will be at least two rounds per year). At the close of the round, the panel will score and assess proposals against the assessment criteria, and any other considerations that may from time to time be signalled through the LEVCF investment focus.
- b. The panel will then provide independent and objective recommendations to the EECA Board as to which projects, subject to relevant conditions, should receive funding by EECA.

EECA will provide a secretariat function to support the panel's efficient consideration of proposals.

In undertaking its role, the panel will:

- a. Act in accordance with procedures agreed by EECA
- b. Act within the LEVCF budget notified to it
- c. Comply with any relevant EECA operational policies

- d. Maintain the confidentiality of material or information submitted to it or obtained by it in carrying out, or as incidental to, its functions
- e. Comply with legal requirements

Delegations and authorisations

The panel's role in recommending the commitment of LEVCF funding to individual projects is strictly advisory. It has no executive powers.

The EECA Board has sole discretion to determine which proposals (if any) will receive LEVCF funding and whether to accept or decline in whole or in part, the recommendations made by the panel. The panel has no voting, decision making or veto rights in respect of the decision to commit funds to, or amend funds within, the LEVCF portfolio.

For the avoidance of doubt, the panel decides which proposals should be funded in accordance with the assessment criteria and the Fund's investment focus, and recommends to the EECA Board which proposals warrant the commitment of the LEVCF.

The LEVCF panel does not have the power to make decisions on EECA's behalf except as provided in these Terms of Reference.

Systems and Processes

The panel will operate in a manner that promotes:

- a. transparency in decision making
- b. consensus decision making
- c. fairness, objectivity and consistency of process
- d. confidence in the LEVCF process
- e. the objectives of, and the investment focus for, the LEVCF.

In considering any proposal, the panel may:

- a. discuss matters with the EECA Secretariat, or with proposed co-investors, in order to gather information related to a proposal
- b. seek advice from EECA
- c. seek external advice, if agreed with EECA
- d. recommend any conditions for the project, prior to it receiving funding

Membership

The panel will consist of a Chair and five additional members selected from a pool of up to eight members, normally appointed for terms of up to two years, renewable for a further term.

Members should comprise a mix of expertise, including project evaluation, equity investment, business strategy, machinery of government, marketing, electric vehicle and technology, and other commercial and innovation experience.

The members will be appointed based on the recommendation of the Chief Executive of EECA (after consulting with the Panel Chair) to the EECA Board. At least three members are to be from the private sector.

A member may, at any time, resign membership of the panel by providing written notice to EECA.

A member of the panel has a duty to:

- a. Act in good faith and in the best interests of the LEVCF and
- b. Comply with these Terms of Reference and decisions of the CE of EECA related to the LEVCF
- c. Declare any actual or perceived conflicts of interest at any stage

Review of Terms of Reference

At least every two years, EECA will review these Terms of Reference.

Meetings

A quorum for agreeing on recommendations is four panel members.

All members must make every effort to reach a consensus on recommendations. If a consensus cannot be reached on an issue, the issue must be decided by a majority of the valid votes cast by panel members present at the meeting and voting.

The LEVCF Secretariat may be required to attend meetings as required by the panel.

Reasonable notice of meetings and the business to be conducted shall be given to the members of the panel and any other persons as required.

At least one meeting shall be held to discuss each round's proposals received, and to decide on the recommendations.

Minutes of the meeting(s) shall be kept.

As soon as practicable, the chairperson shall report to the EECA Board its recommendations.

Conflicts of Interest

Panel members must declare any actual or perceived conflicts of interest at any stage. The actual or perceived conflict of interest shall be appropriately recorded in the minutes of meetings, or on a

special form to be provided by the LEVCF Secretariat.

Induction

All panel members will receive relevant information on their appointment to assist them to meet their panel responsibilities.

Communication

The chairperson of the panel shall maintain direct lines of communication with the LEVCF Secretariat, and with the EECA Chief Executive.

Role of the Panel Chair

The Chair of the Panel is responsible for:

- a. ensuring the panel operates in a manner that enables it to undertake its role and functions
- b. liaising with the LEVCF Secretariat and the CE of EECA on all matters relating to the role of the panel
- c. selecting the panel members for a round from the pool of panel members, in consultation with the LEVCF Secretariat
- d. chairing meetings of the panel.
- e. make recommendations to the EECA Board on behalf of the assessment panel, and where required, clarify the intent of the panel's recommendations and respond to questions by the EECA Board

The EECA Board will nominate the Panel Chair who may be an EECA Board member. The Panel Chair will manage the panel's process and deliberations, and will participate as a full voting member of the panel. The Panel Chair will then make recommendations to the EECA Board on behalf of the assessment panel, but if the Panel Chair is an EECA Board member they will not be part of the final decision-making at the EECA Board level.

Role of the Chief Executive of EECA

The Chief Executive of EECA will:

- a. be responsible for providing the LEVCF Secretariat and managing the LEVCF budget
- b. review at least once every two years these Terms of Reference, in consultation with the chair of the panel.

Role of the Board of EECA

The Board of EECA will:

- a. appoint the pool of assessment panel members

- b. take due consideration of the panel's recommendations
- c. make decisions on, and approve funding for, the successful LEVCF applicants

Secretariat for the LEVCF

EECA will provide the necessary resources to assist the panel to perform its roles and functions.

The panel cannot delegate its role and responsibilities to the Secretariat.

To assist the panel in its assessment and deliberations, the LEVCF Secretariat will analyse proposals, provide summaries and commentary, but will not score proposals.

Official Information Act 1982 and Privacy Act 1993

The Official Information Act 1982 and the Privacy Act 1993 apply to the records of both the panel and the LEVCF Secretariat.