

# Motorcycle Safety Advisory Council

## Terms of Reference

April 2021

### Purpose

- 1 The Motorcycle Safety Advisory Council (the Council) exists to provide independent assurance to the Minister for ACC<sup>1</sup> and motorcycle communities, that ACC:
  - i) Has developed, is maintaining and is executing a motorcycle safety strategy to reduce the volume and severity of motorcycle injuries.
  - ii) Is employing proven processes, systems and procedures to ensure:
    - a) the voice of the motorcycle communities is integrated into its Motorcycle Safety Strategy; and
    - b) the motorcycle communities understand its Motorcycle Safety Strategy, how the MSL is invested within the strategy and what results are being achieved.
  - iii) Is fully investing the MSL in accordance with the ACC Act and the Motorcycle Safety Strategy;
  - iv) Is successfully reducing the volume and severity of motorcycle injuries; and
  - v) Is proactively working across Government to reduce the volume and severity of motorcycle injuries and integrate its Motorcycle Safety Strategy in any whole of government road safety strategy.

### Role

- 2 The Council's primary role is to provide assurance to Government and motorcycle communities that ACC is effectively investing the MSL:
  - i) Into a strategy and programmes that reduce the volume and severity of motorcycle injuries.
  - ii) In accordance with the ACC Act;
- 3 Specifically, the Council will provide independent assurance to the Minister that ACC:
  - i) Has a Motorcycle Safety Strategy in place;
  - ii) Is ensuring the voice of the motorcycle communities is being integrated into the Motorcycle Safety Strategy;
  - iii) Is ensuring the motorcycle communities understand ACC's Motorcycle Safety Strategy, and:
    - (1) how the MSL is invested within the Motorcycle Safety Strategy and what results are being achieved.
    - (2) The cumulative value of the MSL collected to date, what percentage of the MSL has been invested and in what programmes the MSL has been invested.

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<sup>1</sup> Reference to the Minister for ACC in this document includes the Associate Minister/s for ACC

- (3) How ACC's Motorcycle Safety Strategy programmes are performing in relation to forecast outcomes and ACC's Injury Prevention targets; specifically:
  - (a) Reduced fatalities and serious injuries;
  - (b) Claims reductions; and
  - (c) Return on Investment.
- (4) How ACC's Motorcycle Safety Strategy:
  - (a) aligns with any wider Government road safety strategy; and
  - (b) encourages other Government agencies to support reducing the volume and severity of motorcycle injuries.

## Activities

4 The Council is responsible for:

- i) Advising the Minister whether ACC is effectively maintaining and executing a motorcycle safety strategy and proactively working across Government to reduce the volume and severity of motorcycle injuries;
- ii) Advising the Minister whether the MSL is:
  - (a) fully invested to reduce the volume and severity of motorcycle injuries; and
  - (b) invested in compliance with the ACC Act.
- iii) Supporting the Minister to build trust and confidence with motorcycle communities.

## Council members

5 The Council has up to eight members, including a Chair and Deputy Chair.

6 Council members are appointed by the Minister for ACC.

## The Chair and Deputy Chair

7 The Chair is responsible for leading the Council, ensuring that representation on the Council reflects the required mixture of skills and representation to perform the Council's Purpose and Roles and for managing engagement with ACC.

8 The Deputy Chair supports the work of the Chair listed above, leading the work of the Council when the Chair is absent.

## Representation of Council members

9 Council members should preferably:

- i) Have a good understanding of the motorcycle safety determinants;
- ii) Come from diverse backgrounds;
- iii) Represent different types of riders (representative of all age groups, rural, urban, male, female riders); and
- iv) Have diverse motorcycle community experience.

## Skills

10 The following skills and knowledge areas are fundamental for the Council to be able to deliver its work.

11 The Council members, between them, should have the following mixture of skills and experience:

- i) Knowledge of government processes including planning, budgeting and accounting for investment of public funds.
- ii) Assurance and or governance experience;
- iii) The ability to think strategically and focus on outcomes;
- iv) The ability to interpret research and evidence;
- v) Experience building constructive working relationships;
- vi) Credibility as a motorcycle communities advocate;
- vii) The ability to engage and effectively build trust and confidence with key stakeholder groups, and to communicate positively to such groups.

12 Each individual member will not be expected to have all of the skills listed above. The Chair will need to make sure that as a group, all of the skills are covered in the knowledge and experience of Council members.

## Secretariat support

13 ACC will provide Secretariat support to the Council. This includes:

- i) scheduling meetings (typically digital meetings), arranging venues and co-ordinating travel for Council members;
- ii) preparing agendas and Council meeting packs;
- iii) taking minutes at Council meetings, and on-time reporting;
- iv) producing summary reports for the Minister as required;
- v) providing administrative support for the nomination, recommendation and appointment process;
- vi) managing costs and reimbursements for Council members in accordance with ACC policy and Te Kawa Mataaho advice and / or guidelines; and
- vii) providing financial information, minutes and reports to ACC.

## Appointment and removal of Council members

14 Council members are appointed for a maximum of three years by the Minister for ACC. Once their term has ended, members may apply to be reappointed. Members may be appointed to the Council for a maximum of ten years (including any appointments to the Council under former Terms of Reference).

15 Members whose terms have expired continue in their role until the Minister for ACC reappoints them, replaces them, or removes them from the Council.

## Appointment of the Chair and Deputy Chair

- 16 The Chair is appointed by the Minister for ACC, following a recommendation from ACC. The Deputy Chair is appointed by the Chair from one of the members appointed by the Minister for ACC.
- 17 ACC will use the skills outlined in this Terms of Reference to form their view and recommendation. They will also look for someone who has the mana, skills, and experience to support ACC to build trust and confidence with motorcycle communities.

## Appointment and removal of Council members

- 18 The Council is comprised of up to eight Council members drawn from motorcycle communities including the Chair.
- 19 ACC will provide administrative and secretariat support for the nominations and recommendations processes.
- 20 Prospective Council members will need to explain how their involvement on the Council will add value and serve the Purpose and Role of the Council.
- 21 The Minister for ACC may terminate any member's appointment (including the appointment of the Chair) at any time by written notice to the member.

## Meetings

- 22 The Council meets six times per year. Less frequent meetings (minimum of four) may take place at the discretion of the Chair to a maximum of eight full days per annum.
- 23 Council quorum requires at least four Council members, one of which must be the Chair or Deputy Chair.
- 24 The Council may invite agency representatives from ACC, NZTA, NZ Police and MoT to attend as required from time to time.

## Working groups

- 25 Council members may be asked to participate in working groups led by ACC staff focusing on the the Motorcycle Safety Strategy. It is however clear that the Council is not an operational delivery group. This is the role of the ACC.

## Remuneration

- 26 Council members are entitled to sessional remuneration and travel expenses, in accordance with the applicable Fees Framework for members appointed to bodies in which the Crown has an interest (Cabinet Office Circular CO (19) 1 at July 2019). Council member fess will be set by Te Kawa Mataaho.

## ACC funding and support for the Council

- 27 The Council will receive annual funding to fulfil its Purpose and Role. Funding is provided through ACC's Injury Prevention Budget. The Council and ACC will agree an annual budget provision each year, for the following activities and operating expenses:
- i) Council member remuneration.
  - ii) Council meetings and related travel, meals and accommodation.

- iii) Provision of the Council secretariat support (via existing ACC FTE).
- iv) Travel, accommodation, meals and incidentals relating to activities agreed with ACC to observe ACC engagement with the motorcycle communities and direct engagements with the motorcycle communities where this would assist in building trust and participation in motorcycle safety programmes.

## Reporting

28 The Council will provide the following written reports to ACC and the Minister for ACC (or delegated Associate Minister for ACC):

- i) A six-monthly report in December each year, on all elements set out in the Council's Purpose; and
- ii) An Annual report in June each year, that encompasses all elements of the six-monthly report and a review of the Motorcycle Safety Strategy priorities for the following 12-month period.

29 If the Council believes ACC is not performing all elements set out in the Council's Purpose, and has exhausted efforts to agree otherwise with ACC, the Council will provide a concise written report to the Head of Injury Prevention at ACC and the Minister for ACC. The report will set out concisely how the Council believes ACC is failing to address one or more of the elements set out in the Council's Purpose and what remedies the Council believes are necessary.

30 Agendas and minutes of each meeting will be made available to ACC via the Secretariat support and may be published online.

## Review of the Terms of Reference

31 The need to retain the Council and the Council Terms of Reference will be reviewed at least once every two years.

32 The review of the Terms of Reference will consider whether the Council has contributed positively to enabling ACC and the Minister to build a strong level of trust and confidence with the wider motorcycle communities. The Minister for ACC may make changes to the Terms of Reference, form, or membership of the Council at any time.