

# APPENDIX 1

## Motorcycle Safety Advisory Council

### Terms of Reference

July 2020

## Purpose

- 1 The Motorcycle Safety Advisory Council (the Council) exists to provide independent assurance to the Minister of ACC (or Associate Minister) 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 regularly review:
  - (a) ACC's Motorcycle Safety Strategy.
  - (b) How ACC is ensuring:
    - (i) the voice of the motorcycle communities is being integrated into the Motorcycle Safety Strategy; and
    - (ii) the motorcycle communities understand ACC's Motorcycle Safety Strategy, how the MSL is invested within the strategy and what results are being achieved.
  - (c) 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.
  - (d) How ACC's Motorcycle Safety Strategy programmes are performing in relation to forecast outcomes and ACC's Injury Prevention targets; specifically:
    - (i) Reduced fatalities and serious injuries;



- (ii) Claims reductions; and
  - (iii) Return on Investment.
- (e) How ACC's Motorcycle Safety Strategy:
- (i) aligns with any wider Government road safety strategy; and
  - (ii) 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:
  - (1) fully invested to reduce the volume and severity of motorcycle injuries; and
  - (2) invested in compliance with the ACC Act.
- iii) Supporting the Minister to build trust and confidence with motorcycle communities, including activities agreed with ACC to observe ACC engagement with the motorcycle communities and direct engagements with the motorcycle communities where this will assist in building trust and participation in motorcycle safety programmes.

## 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 from motorcycle and powered two-wheeler communities. Council members represent the interests of all motorcycle and moped users (a role that is broader than solely representing their organisation, club or group).

### 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.

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 reflect an appropriate representation of:

- i. regions across New Zealand.
- ii. different types of riders (representative of all age groups, rural, urban, male, female riders); and
- iii. motorcycle communities.

### 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, 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 for ACC 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
  - 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 the motorcycle communities.

### **Appointment and removal of Council members**

- 18 The Council is comprised of up to seven Council members drawn from motorcycle communities in addition to the Chair.
- 19 ACC will support the appointment process by encouraging nominations from within the motorcycle communities. 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 The Council may invite agency representatives from ACC, NZTA, NZ Police and MoT to attend as required from time to time

## Working groups

- 24 Working groups may be formed to undertake defined activities related to the Council's Purpose and or Role

## Remuneration

- 25 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).

## ACC funding and support for the Council

- 26 The Council will receive sufficient 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 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.
  - 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

- 27 The Council will provide the following reports to ACC and the Minister for ACC:
- i) A six-monthly report in December and June of each year, on all elements set out in the Council's Purpose, including any Council engagement with the wider motorcycle communities and actual vs budgeted expenditure; 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.
- 28 Agendas and minutes of each meeting will be made available to ACC via the Secretariat support and published on the Council's website.

## Review of the Terms of Reference

- 29 The Terms of Reference will be reviewed not later than June 2023.
- 30 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.



# Illustration 1 – MSAC’s purpose and role summary.

MSAC’s Purpose and Role –  
Provide the Government & motorcycle communities with assurance that the Motorcycle Safety Levy (MSL) is being effectively invested to benefit the wellbeing of motorcycle riders.

