



Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta  
National Treasury Management Agency

***SCA Advisory Committee Terms of Reference***

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## 1. BACKGROUND AND PURPOSE

This document sets out the terms of reference for the State Claims Agency Advisory Committee established under section 5B of the National Treasury Management Agency Act, 1990 (inserted by section 10 of the National Treasury Management Agency (Amendment) Act, 2014).

The purpose of the Committee shall be to assist the Agency in the performance of its State Claims Agency functions by providing advice, guidance and challenge in respect of State Claims Agency strategic and policy issues as more particularly set out in Section 7 of these Terms of Reference.

## 2. INTERPRETATION

**Agency** or **NTMA** means the National Treasury Management Agency.

**Committee** means the State Claims Agency Advisory Committee of the Agency established pursuant to section 5B of the National Treasury Management Agency Act, 1990 (inserted by section 10 of the National Treasury Management Agency (Amendment) Act, 2014).

**State Claims Agency** means the Agency in the performance of its functions under Part 2 of the National Treasury Management Agency (Amendment) Act 2000 and under Part 5 of the National Treasury Management Agency (Amendment) Act 2014.

## 3. MEMBERSHIP

The Committee shall comprise up to six members appointed by the Agency. At least one member will be a member of the Agency. Up to four members will be persons who are not members of the Agency but who have substantial relevant expertise and experience in one or more of the following areas: claims management/litigation, health policy, medicine/clinical risk and insurance/indemnity.

One of the Agency members shall be the Committee Chairperson

The Director, State Claims Agency shall not be a member of the Committee but is expected to attend meetings.

A Committee member who is also a member of the Agency shall be appointed for a term of three years or for such other term as may be agreed by the Agency but not exceeding three years, and in neither case beyond the term of the member's appointment to the Agency, or until he or she resigns or until the Agency decides otherwise. Membership may be extended for two further periods of up to three years each, not exceeding the term of the member's appointment to the Agency.

A Committee member who is not a member of the Agency shall be appointed for a term of three years or for such other term as may be agreed by the Agency but not exceeding three years or until he or she resigns or until the Agency decides otherwise. Membership may be extended for two additional periods of up to three years each.

## 4. SECRETARY

There will be a Secretary to the Committee who will be a member of the staff of the Agency nominated for that purpose by the Chief Executive. The Secretary will ensure that the Committee receives information and papers in a timely manner to enable full and proper consideration to be given to issues. In the absence of the Committee Secretary, the Secretary's nominee shall act as Secretary to the Committee.

## 5. MEETINGS

The Committee shall meet quarterly each year and at such additional other times as the Chairperson considers necessary or appropriate. In addition to meeting with all participants physically present, the Committee may hold or continue to hold a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time.

Meetings of the Committee shall be convened by the Secretary of the Committee at the request of the Chairperson.

The quorum necessary for the transaction of business shall be three members, of whom at least one shall be a member of the Agency (the Committee Chairperson or his/her nominated alternate), provided that if at any time there are four or less members standing appointed to the Committee, the quorum necessary for the transaction of business shall be two members, of whom at least one shall be a member of the Agency.

In the absence of the Committee Chairperson at any meeting or part of a meeting, he/she shall appoint an alternate (who is a member of the Agency) to act in his/her place at any meeting of the Committee to chair the meeting.

Only members of the Committee have the right to attend its meetings. The Director, SCA and the Secretary will normally attend meetings, at the Committee's discretion. Other non-members may be invited to attend all or part of any meeting as and when appropriate and necessary.

If in attendance, the Secretary shall minute proceedings and decisions of all meetings of the Committee, including recording the names of those present and in attendance.

## 6. DECISION MAKING

Noting the advisory nature of the role of the Committee, for the purposes of formulating the view or position of the Committee relative to its advisory functions, each member of the Committee present at a meeting has a vote and any question on which a vote is required in order to establish the Committee's view on the matter shall be determined by a majority of the votes of the members present and voting on the question. In the case of an equal division of votes, the Chairperson or member presiding over the meeting has an additional casting vote.

## 7. DUTIES

With regard to the NTMA's State Claims Agency functions, the Committee shall:

- (i) provide advice and guidance in relation to the NTMA's overall claims and litigation management strategy<sup>1</sup>, particularly in relation to large, sensitive, and mass action claims and litigation and certain insurance matters<sup>2</sup>as appropriate;

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<sup>1</sup> [Section 8(1) of the NTMA (Amendment) Act, 2000 requires the SCA to manage claims against State authorities as delegated to it by Government & Section 8(3) which provides that the SCA shall manage delegated claims and counterclaims in such manner as to ensure that the liability of the State authorities in relation to such claims, and the expenses of the SCA in relation to such management, are contained at the lowest achievable level.

<sup>2</sup> Under Section 8(5)(a), the SCA may place insurance with an insurer;

- (ii) consider and provide advice on the impact, if any, of any changes or proposed changes to the Tort statutory framework or Rules of Court, or the effect of judgments in particular cases, on overall claims management strategy;
- (iii) provide advice and guidance on strategic aspects of the work of the SCA's Legal Cost Unit<sup>3</sup> including claims for legal costs against or in favour of a State authority as delegated to it, however such costs may arise – i.e. in addition to costs in relation to personal injury and property damage claims which the SCA was already managing under the NTMA (Amendment) Act 2000 (e.g. costs in relation to Tribunals of Inquiry);
- (iv) provide advice and guidance on any other areas within the SCA's mandate on which the Agency and/or SCA management seek guidance/advice from time to time.

In discharging its duties, the Committee shall have regard to, *inter alia*, the SCA's statutory mandate, pertinent best practice and relevant stakeholder management considerations and shall provide advice, guidance and, as the Committee considers appropriate, challenge to SCA management in relation to the above matters and shall regularly report to and advise the Agency on the above matters.

## 8. REPORTING

The Committee Chairperson shall report regularly to the Agency on the Committee's proceedings and on all matters within its duties and responsibilities.

The Committee shall make whatever recommendations to the Agency it considers appropriate on any area within its remit.

## 9. OTHER MATTERS

The Committee shall:

- have access to sufficient resources in order to carry out its duties, including access to the Agency secretariat for assistance as required;
- work and liaise as necessary with all other Agency Committees;
- conduct periodic reviews of its own performance and, at least annually, review its terms of reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the Agency; and
- note that all protocols concerning the operation of the Agency board shall be applied as relevant to this Committee.

## 10. AUTHORITY

The Committee is authorised to obtain, at the Agency's expense, independent legal or other professional advice on any matters within its terms of reference.

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<sup>3</sup> The SCA's legal costs management mandate is set out in Section 34 of the NTMA (Amendment) Act 2014.