

ECONOMIC REGULATION AUTHORITY CONSUMER CONSULTATIVE COMMITTEE OBSERVERS' TERMS OF APPOINTMENT

1 Introduction

This document outlines the terms of appointment for observers of the Economic Regulation Authority Consumer Consultative Committee ('the ERACCC').

2 Consumer Consultative Committee

The ERACCC is a consultative body established by the Economic Regulation Authority (the Authority). It is separate from day-to-day administrative and policy processes of the Authority.

3 Mission

The ERACCC was established by the Authority to:

- provide comment to the Authority on issues affecting consumers that fall within the scope of the Authority's administration of the *Economic Regulation Act 2003* (the Act); and
- provide tangible outcomes for consumers through work that members undertake in partnership with other members and the Authority.

The Authority wants to ensure its communication and compliance strategies meet the needs of consumers. Participation in the group will allow observers to inform the Authority about issues that impact on both the groups they represent and consumers.

4 Terms of reference

4.1 *Provision of information and education by the Authority*

The Authority will provide observers with:

- 4.1.4 Information regarding current Authority initiatives and activities.
- 4.1.4 Access to Guest Speakers regarding topics identified by ERACCC members / observers.
- 4.1.4 Access to key events and seminars.
- 4.1.4 Written information and reports regarding Utility consumer issues.
- 4.1.4 Feedback regarding issues raised by consumer representative organisations and impact of this feedback on Authority decision-making.

4.2 Provision of comment to the Authority

Observers should provide comment either during meetings or to the Authority regarding:

- 4.2.4 issues affecting or likely to affect consumers that fall within the scope of the Authority's role;
- 4.2.4 initiatives that can improve Authority links with consumer groups and consumers;
- 4.2.4 feedback on Authority initiatives; and
- 4.2.4 issues as requested by the Authority.

4.3 Improve outcomes for consumers

Observers will use the knowledge and experience gained through the ERACCC to:

- 4.3.4 improve consumer and community organisations' understanding of the role of the Authority;
- 4.3.4 improve consumer and community organisations' access to consultation processes of the Authority; and
- 4.3.4 educate consumers about their rights and responsibilities.

5 Description of duties

Observers' duties are to participate and contribute to the ERACCC in accordance with the Observers' Terms of Appointment set out in this document.

If there is a change to the observer that impacts on the observers' ability to satisfy these duties, the observer will notify the Authority.

6 Structure

The ERACCC membership is comprised of an Authority Member (as the Chairperson) and core consumer and community members that are representative of different sectors of the community, particularly including the consumer movement.

7 Membership and Confidentiality

Observers may include nominees or representatives from appointed organisations, or individual persons that have suitable experience and/or qualifications. Organisations appointed as an observer of the ERACCC should appoint a person to attend ERACCC meetings, and should advise the Secretariat whether the individual is a representative or nominee of the organisation.

Observers are asked to respect the role of the Authority as an independent statutory authority with a regulatory function. The Authority will provide information to the Committee about its activities where not prevented by confidentiality or operational requirements.

If the Authority releases information to observers, the Authority can impose conditions regarding observers' use of that information.

Observers shall take all reasonable measures to protect from unauthorised use or disclosure of information provided to them by the Authority and indicated by the Authority to be "confidential".

This confidentiality clause shall survive the expiration or termination of the observer's agreement.

8 Appointment process

8.1 Acceptance

The observers of the ERACCC will be appointed by the Authority from time to time.

The Authority will forward a letter inviting an organisation or individual to become an observer of the ERACCC and enclose a copy of the Observers' Terms of Appointment.

If the organisation is both interested and available to participate as an observer of the ERACCC, it will provide to the Authority a response accepting the offer to become an observer of the ERACCC, together with the name and contact details of the individual proposed by the organisation to attend meetings.

It is understood that by accepting the Authority's offer, the organisation or individual agrees to the Terms of Appointment.

8.2 Length of appointment

Observers are appointed by the Authority for a term of two years. After each term, the Authority may seek nominations for and/or appoint new observers to the ERACCC.

In the event the Authority does not seek further nominations and/or appoint new observers at the expiration of a two year term of appointment, the existing arrangements may continue until such time as new appointments are made.

8.3 Re-appointment

Observers may be re-appointed for more than one term. The Authority retains its discretion to re-appoint, or not re-appoint, any observer to the ERACCC.

The Authority will notify observers approximately three months prior to the expiration of the appointment of intended future arrangements.

8.4 Resignation or termination of appointment

Termination of an appointment may be by mutual agreement between the observer and the Authority, upon receipt of a request from the relevant observer by the Authority.

If an observer resigns from the ERACCC then the Authority may appoint a new observer to replace them on the ERACCC.

The Authority reserves the right to terminate an observer's appointment to the ERACCC at any time.

9 Meetings

ERACCC meetings will be held four times a year, usually at the Authority's office.

The Authority prefers observers to attend meetings in person.

10 Attendance of non-members

The Authority and/or members/observers may propose to the Chairperson that a non-member (of either the ERACCC or the Authority) attend meetings. The Chairperson may invite non-members to attend meetings on an ad-hoc basis, or where an issue under discussion impacts on a particular sector of the community, or where a person has particular expertise.

Observers will be notified in advance of the meeting of the non-member's attendance, and the matters for discussion.

11 Conflict of interest

Observers who believe that any of their external activities would conflict with their position on the ERACCC must declare their interest to the ERACCC Chairperson as soon as practicable after becoming aware of the potential conflict, and in any event within fourteen (14) days.

12 Variations to the Observers' Terms of Appointment

The Authority reserves the right to make minor variations or amendments to the Terms of Appointment as circumstances dictate. 'Minor variations' are amendments to such things as contact details of the Secretariat, etc.

Other variations may be made by the Authority to the Observers' Terms of Appointment in consultation with the appointed observers at the time of the amendment.

13 ERACCC Projects

Correspondence by or on behalf of the ERACCC and all group submissions made by the ERACCC as an entity to parties external to the Authority should be agreed in principle by the Authority and the ERACCC. The correspondence documentation must also be approved by the ERACCC Chairperson.

14 ERACCC Secretariat

The Authority will provide an ERACCC Secretariat whose services will include:

- provision of general administrative and secretarial support to the ERACCC;
- organising ERACCC meetings, including formal meetings and meetings out of session;
- drafting of minutes; and
- preparation and distribution of required material.

All correspondence and other documentation relating to or arising from the ERACCC should be directed to the ERACCC Secretariat. In particular, the ERACCC Secretariat will issue and receive all correspondence regarding quarterly meetings, travel, accommodation or other allowances, invoices, ERACCC projects, or the appointment process.

Observers will liaise with the ERACCC Secretariat and provide such information as the Authority may reasonably require.

15 Contact details

The following are details for key contacts for the Authority as at 3 June 2008.

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