

ECONOMIC REGULATION AUTHORITY CONSUMER CONSULTATIVE COMMITTEE MEMBERS' TERMS OF APPOINTMENT

1 Introduction

This document outlines the terms of appointment for members 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 members 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 members with:

- 4.1.1 Information regarding current Authority initiatives and activities;

- 4.1.2 Access to Guest Speakers regarding topics identified by ERACCC members.
- 4.1.3 Access to key events and seminars.
- 4.1.4 Written information and reports regarding Utility consumer issues.
- 4.1.5 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

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

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

4.3 Improve outcomes for consumers

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

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

5 Description of duties

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

If there is a change to the member that impacts on the member's ability to satisfy these duties, the member 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

Members may include nominees or representatives from appointed organisations, or individual persons that have suitable experience and/or qualifications. Organisations appointed as a member 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.

Members of the ERACCC that are paid sitting fees will be engaged under section 100 of the *Public Sector Management Act 1994*, and will therefore fall within the definition of "staff member" found in section 3 of the Act. Consequently, section 57 of the Act applies to members of the ERACCC. Section 57 provides:

- (1) This section applies to a person who is or has been a member or a staff member.
- (2) A person to whom this section applies must not, directly or indirectly, record, disclose or make use of any information obtained in the course of duty except -
 - (a) for the purpose of performing functions under this Act or another written law;
 - (b) as required or allowed by this Act or under another written law;
 - (c) with the written consent of the person to whom the information relates; or
 - (d) in other prescribed circumstances.

Penalty: \$10 000 or imprisonment for 12 months.

At present, there are no "prescribed circumstances" for the purposes of section 57(2)(d).

Members 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 members, the Authority can impose conditions regarding members' use of that information.

Members 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 member's agreement.

8 Appointment process

8.1 Acceptance

The members 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 a member of the ERACCC and enclose a copy of the Members' Terms of Appointment.

If the organisation or individual is both interested and available to participate as a member of the ERACCC, it will provide to the Authority:

- in the case of an organisational member, a response accepting the offer to become a member of the ERACCC, together with the name and contact details of the individual proposed by the organisation to attend meetings and advice as to whether the individual would be a representative or nominee of the organisation; or
- in the case of an individual member, a response accepting the offer to participate in the ERACCC.

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

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

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

8.3 Re-appointment

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

The Authority will notify members 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 member and the Authority, upon receipt of a request from the relevant member by the Authority.

If a member resigns from the ERACCC then the Authority may appoint a new member to replace that person on the ERACCC.

If the appointment of a member is terminated, the Authority will only be liable for payment of sitting fees, meeting preparation fees and travel costs due to the date of termination.

The Authority reserves the right to terminate a member'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 members to attend meetings in person.

10 Attendance of non-members

The Authority and/or members 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.

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

11 Remuneration - sitting fees

A member will be paid a sitting fee, if a fee is requested. The level of sitting fees to be paid to members of the ERACCC is \$120 (excluding GST) for a meeting of up to four hours and \$240 (excluding GST) for a full-day meeting (more than four hours).

Additionally, the Authority will recompense members who undertake preparation for a quarterly meeting (up to a maximum of four hours) at an hourly rate consistent with the rate paid for attending the meeting, if requested.

The sitting fee is payable by the Authority thirty (30) days from receipt by the Secretariat of a correctly rendered tax invoice to the Authority.

12 Travel, accommodation and other allowances

The reasonable costs incurred by members attending ERACCC meetings will be met by the Authority. This may occur in one of two ways (at the election of the member):

- as agreed between the member and the ERACCC Secretariat prior to the member incurring such cost, the Authority will reimburse the member for reasonable travel and accommodation expenses incurred; or
- reimbursement of reasonable travel and accommodation costs consistent with Public Service rates (where these are not, or cannot be, pre-booked and paid for on behalf of the member by the Authority) will be made upon presentation of receipts and a signed ERACCC Expense Claims form to the Authority.

13 Invoice procedure

Invoices are to be forwarded by the member within thirty (30) days of their attendance at each quarterly meeting.

Invoices must be addressed to the ERACCC Secretariat (see Contact Details) and shall include the following information:

1. a title – ‘Consumer Consultative Committee of <date> - sitting fees’;
2. the fee amount payable (see Remuneration – sitting fees), separately identifying the amount of GST payable in respect of the Invoice; and the Member’s ABN and details for payment (Bank, BSB, Account Number and Account Name).

Any travel or accommodation expenses to be reimbursed may be specified on an invoice or by annexing an ERACCC Expense Claim Form to the invoice. Claims for travel expense invoices issued to the Authority in respect of ERACCC sitting fees must:

1. be a tax invoice in accordance with the GST Act; or
2. satisfy the minimum information requirements to entitle a recipient of a taxable supply to claim an input tax credit without holding a tax invoice.

Note: where the member has a registered ABN, but is not registered for GST, the Authority will reimburse the member for the GST exclusive rate.

14 Conflict of interest

Members 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.

15 Code of Conduct

Members will be bound by the Public Sector Code of Ethics and the Authority's Code of Conduct and supporting document while performing duties of the Committee.

16 Variations to the Members' Terms of Appointment

The Authority reserves the right to make minor variations or amendments to the Members' 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 Members' Terms of Appointment in consultation with the appointed members at the time of the amendment.

17 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.

18 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.

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

19 Contact details

Lyndon Rowe
Chairman
Economic Regulation Authority

Lanie Chopping
Manager Customer Protection
Economic Regulation Authority
Level 6, 197 St George's Terrace
Perth WA 6000
Ph (08) 9213 1900
Fax (08) 9213 1999