



## Agenda Independent Panel

### Meeting - Teleconference

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**Date & Time:** 17 August 2018, 12:00pm – 1:00pm (WST)

**Location:** Level 4, 469 Wellington Street, Perth

**ERA Attendees:** Jason Dignard  
Robert Pullella  
Tian An

**Independent Panel** Dr John Fallon  
  
Dr Raymond da Silva Rosa  
  
Julie Barrow

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#### 1 WELCOME AND INTRODUCTIONS

- The ERA introduced the team and the Independent Panel introduced themselves.

#### 2 TASK

- The ERA provided an overview of the Western Australian Gas Framework and the role of the ERA. A brief history was provided on the Gas Rate of Return Guidelines.
- The ERA discussed the draft legislation to introduce a binding rate of return.
- The ERA detailed the task of the Independent Panel. The ERA referred to the terms of reference provided in its Independent Panel engagement document.
- The ERA detailed that the Independent Panel is being asked:  
*In your view, is the draft guideline supported by sound reasoning based on the available information such that it is capable of promoting the National Gas Objective.*
- The ERA detailed the scope of the task and documents that the panel should have regard. The ERA noted that the legislation is quite broad in that it refers to 'all relevant material'. The ERA detailed that the Independent Panel should consider the Draft Guidelines and the associated information available at the time, including new information from the Australian Energy Regulator's consultation processes (available at that time).
- The ERA noted that the Independent Panel will be asked to comment on the Draft Guidelines, but will not be asked to propose its own alternative or amended guideline, or assess any new information available after the release of the Draft Guidelines.
- The Independent Panel is able to request access to any information that was relied on by the ERA.

**Minutes**  
**Meeting of ERA and Independent Panel– 17 August 2018**

- The ERA discussed that the drafting of the report will be the Independent Panel's responsibility. The report will be made public.
- The ERA noted that draft legislation provides that the panel should seek to provide the report by consensus and state whether the report is provided by consensus. Diverse views can be expressed.
- The ERA discussed the transparency and independence of the Independent Panel. Processes to protect the independence of the panel were discussed. Questions put to the ERA must be made in writing and will be published on the ERA's website. Questions, where possible, should be bundled up and sent through emails from the Chair. Minutes of meetings between the ERA and the Independent Panel will be recorded and released. It was clarified that internal discussions between panel members do not need to be published or disclosed.
- The ERA discussed that panel members are encouraged to avoid any meetings with stakeholders during the engagement. Any perceived conflicts should be disclosed. The ERA will circulate a conflict of interest register.
- The ERA detailed that the report is due in 10 weeks from the commencement of the panel, on 29 October 2018.

### **3 ADMINISTRATIVE PROCESS**

- The ERA detailed that it can provide secretariat support (setting up teleconferences and travel and accommodation bookings (if they arise)).
- The Independent Panel is able to use its own mechanisms to facilitate meetings.
- The Independent Panel is responsible for drafting its own report.
- The Independent Panel may request a further teleconference with the ERA.
- The ERA discussed media matters. The ERA will release a notice announcing the appointment of the Independent Panel shortly. If any media were to approach the panel it should be directed to the ERA via the Chair.
- The ERA explained the travel policy.

### **4 FURTHER QUESTIONS**

- The ERA provided the opportunity for the Independent Panel to ask any further questions.
- Further clarifications were provided on administrative matters, including the timing of the report and the process for asking questions.
- The Independent Panel sought guidance on how to deal with stakeholder submissions on the Draft Guidelines. The ERA clarified that the Independent Panel was only to take into account the Draft Guideline and information available at that time.

### **5 NEXT STEPS**

- The ERA detailed the next steps for the Independent Panel, including:
  - notifying the ERA if there are any further questions or if another teleconference is required; and
  - that the Independent Panel will need to decide how it wishes to work to produce the report.