



Economic Regulation Authority

Procedures of the Gas Marketing Code Consultative Committee

February 2026

Version history

Table 1: Document version history

Version date	Changes
February 2026	The GMCCC 'Terms of Reference' document (17 October 2023) was replaced with two documents, a Constitution and a Procedures document. The documents have been updated to clarify the statutory obligations of the GMCCC and to align with current best practice in committee governance. The legislative framework for the GMCCC has not changed.

Acknowledgement of Country

At the ERA we value our cultural diversity and respect the traditional custodians of the land and waters on which we live and work.

We acknowledge their continuing connection to culture and community, their traditions and stories. We commit to listening, continuously improving our performance and building a brighter future together.

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Contents

1.	Procedures	1
1.1	Administration	1
1.2	Appointments	2
1.3	Ending membership	2
1.4	Code of Ethics	2
1.5	Conflict of interest	3
1.6	Advice to the ERA	3
1.7	Review process	3
1.8	Participation	4
1.9	Payments	4

1. Procedures

The Economic Regulation Authority is Western Australia's independent economic regulator. Our objective is to benefit all Western Australians by promoting strong economic outcomes through effective regulation and decision making.

The [Gas Marketing Code of Conduct](#) was developed pursuant to section 11ZPM of the [Energy Coordination Act 1994](#).

The Gas Marketing Code Consultative Committee (GMCCC) is a statutory committee established to advise the ERA on matters relating to the Code, and to carry out regular reviews of the Code.^{1,2}

The ERA has prescribed a Constitution for the GMCCC which details the legislative basis and role of the GMCCC. These Procedures set out the processes that guide how the GMCCC meets its statutory obligations, under the Constitution. These Procedures have been prescribed by the ERA and may be altered at our discretion.³

The GMCCC may determine its own procedures, if they do not conflict with procedures prescribed by the ERA.⁴

1.1 Administration

The ERA provides a Convener and secretariat to support the GMCCC. The secretariat will schedule meetings online or in-person, with two weeks notice where possible.

Functions of the secretariat:

- Manage recruitment, appointment, and induction of members.
- Arrange and coordinate communications and meetings; prepare and distribute documents.
- Manage the review process, external consultations and related correspondence.
- Prepare the GMCCC's reports and advice to the ERA.
- Maintain records and a register of conflicts of interest.
- Administer remuneration and allowances where applicable.
- Provide any other support services as may be reasonably required.⁵

Functions of the Convener:

- Provide guidance to the GMCCC on its statutory obligations including review objectives and scope.

¹ Energy Act, sections 11ZPO and 11ZPV.

² Part 2C of the Energy Act refers to the 'Authority' which is defined (within the Energy Act) as the Economic Regulation Authority established by the [Economic Regulation Authority Act 2003](#).

³ Energy Act, section 11ZPO.

⁴ Ibid.

⁵ Ibid.

- Convene meetings to resolve or better understand issues pertinent to the review or amendment of the Code.
- Monitor adherence to governance principles and participation standards detailed in these Procedures.

1.2 Appointments

The ERA aims to appoint members with the following skills and experience:

- Understanding of the regulatory framework for gas licensees in Western Australia.
- Awareness of how and when gas customers interact with gas licensees.
- Understanding of trends and developments in energy regulation and/or consumer protection across Australia.
- Good communication and teamwork skills.

Upon appointment, the secretariat will provide members with an induction pack to assist each member to understand and meet their obligations.

1.3 Ending membership

The ERA may cease a member's appointment before the end of their term, if the member:

- Is no longer able to commit adequate time or expertise to the GMCCC.
- Has a conflict of interest that cannot be mitigated.
- Has failed to meet the participation standards or the GMCCC's Code of Ethics.

A member intending to step down from the GMCCC should provide reasonable notice in writing to the secretariat, to confirm their effective cessation date.

1.4 Code of Ethics

In accepting appointment to the GMCCC, each member agrees to:

- Act with integrity and interact with others respectfully.
- Work professionally to meet the statutory objectives of the committee.
- Use and disclose information only as authorised.
- Take accountability for time, decisions, actions and behaviours.
- Allow decisions and deliberations to be recorded for transparency and review.
- Declare and manage conflicts of interest appropriately.
- Ensure behaviour upholds the good reputation of the GMCCC and the ERA.

Members should treat communications and materials related to the GMCCC's deliberations as confidential, unless otherwise advised by the secretariat. This confidentiality obligation survives the expiration of membership.

Members should raise concerns about decisions or actions that may breach members' duties, the Code of Ethics, or constitute misconduct with the Convener; or with the CEO of the ERA if the matter relates to the Convener.

1.5 Conflict of interest

A conflict of interest may arise where the performance of a member's role could be compromised, or perceived to be compromised, due to business, financial, personal relationship, or other factors. Members who believe that a conflict of interest could arise from their external activities or relationships should declare their interest to the Convener as soon as practicable, or within 14 days of becoming aware of the potential conflict.⁶

The Convener and secretariat are ERA employees supporting the GMCCC in its statutory function. The Convener and secretariat provide expertise and guidance in respect of the Code and review processes, based on their knowledge and understanding of the Codes and applicable legislation. By the nature of their position as ERA employees, the Convener and secretariat have access to information about licensees and compliance matters that are outside the scope of the GMCCC's role. This information will not be shared with the GMCCC.

1.6 Advice to the ERA

The ERA has authority to amend the Code on its own initiative at any time, provided its proposals are referred to the GMCCC, and the ERA has regard for its advice.⁷

Where the ERA refers any proposed Code amendments to the GMCCC, the GMCCC must provide any interested person an opportunity to offer comments, and take account of any comments received in providing its advice.⁸

The secretariat will assist the GMCCC to consult, and to draft advice reports to the ERA.

1.7 Review process

As prescribed by the Energy Act, the GMCCC advises the ERA on matters relating to the Code, including proposed amendments; and conducts regular reviews of the Code.⁹

- The secretariat will provide the GMCCC with information such as research about topics relevant to the Code and/or matters raised since previous reviews.
- Reviews are conducted through a series of meetings and out-of-session work where members assess whether the provisions of the existing Code remain fit for purpose.

⁶ A good way to assess the possibility of conflicts of interest is consider whether a reasonable person, properly informed about the nature of your interests, would believe you might be influenced by those interests in making decisions.

⁷ Energy Act, section 11ZPM and 11ZPU.

⁸ Ibid., section 11ZPU.

⁹ Ibid., sections 11ZPO, 11ZPU and 11ZPV.

During each review, the GMCCC must:

- Give any interested person (as defined in section 11ZPW of the Energy Act) an opportunity to offer comments relevant to the review, and take account of any comments received.
- Prepare a report based on its review and give it to the ERA.¹⁰

In its report, the GMCCC may recommend that amendments be made to the Code.

The ERA may decide to amend the Code. In this case, the ERA will refer any amendments back to the GMCCC for its advice.¹¹ Before providing advice to the ERA on proposed amendments, the GMCCC must provide any interested person an opportunity to comment and take into account any comments received.¹² The secretariat will assist the GMCCC to consult and to draft reports to the ERA.

The ERA is responsible for making any amendments or for repealing and replacing the Code as it determines, after considering the GMCCC's advice.

1.8 Participation

To facilitate constructive discussions, members are expected to familiarise themselves with the Code and read all correspondence from the secretariat in advance of each meeting. A minimum level of engagement from members is:

- Reasonable availability and attendance at all meetings.
- Engagement with information and materials provided by the secretariat.
- Active participation and constructive contribution to meeting discussions.

Members may nominate a proxy attendee at the discretion of the Convener. A proxy should be capable of fulfilling the member's responsibilities.

1.9 Payments

The ERA may exercise its discretion to provide remuneration or an allowance to members.¹³ The ERA will fix the remuneration or allowance on the recommendation of the Public Sector Commissioner.¹⁴ The secretariat will provide members with the remuneration or allowance rates and information on how to claim. The ERA's decision to provide remuneration or an allowance will consider the time commitment required during the review, any requirements to attend meetings and the member's employment status.

Members employed by a public sector agency, a government trading enterprise or a licensee will not be eligible for remuneration or an allowance.

¹⁰ Energy Act, sections 11ZPV and 11ZPW.

¹¹ Ibid., section 11ZPU.

¹² Ibid.

¹³ Ibid., section 11ZPO.

¹⁴ Ibid.