
AUSTRALIAN ENERGY REGULATOR

CUSTOMER CONSULTATIVE GROUP

MEMBERS' TERMS OF APPOINTMENT

1. Introduction

This document outlines the terms of appointment for members of the Australian Energy Regulator Customer Consultative Group (the CCG).

2. Customer Consultative Group

The CCG is a consultative body established by the Australian Energy Regulator (the AER). It is anticipated that establishing the CCG will be in accordance with the requirements of rule 1101 (or the equivalent rule in the final implementation version of the rules) of the National Energy Retail Rules. The CCG is separate from day-to-day administrative and policy processes of the AER.

3. Mission

The CCG is established by the AER to provide advice to the AER on issues affecting energy consumers that fall within the scope of the AER's functions under the national energy laws.

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

The CCG will focus on the AER's functions under the National Energy Retail Law and National Energy Retail Rules. Consultation on transmission and distribution pricing issues will continue to occur through individual price reviews, except where there are issues of national significance. The CCG will not address energy rule-making and consumer advocacy functions, as these are overseen by the Australian Energy Market Commission (AEMC).

4. Terms of reference

4.1 Provision of comment to the AER

Members are required to consult with their constituents and should provide comments based on this consultation and their organisation's expertise and experience of:

- issues and energy market developments affecting energy consumers that fall within the scope of the AER's functions under the National Electricity Law, the National Gas Law and the National Energy Retail Law;
- information dissemination strategies and appropriate external networks available to enhance communication with community and consumer groups and energy consumers; and
- issues as requested by the AER.

By providing comment on the above issues, members assist the AER to perform its functions under national energy legislation.

4.2 Provide tangible outcomes for consumers

Members will work in partnership with other members and the AER, and must consult and work with their own constituency to assist the AER to:

- improve consumer, community and user organisations' understanding of the national energy legislation;
- improve consumer, community and user organisations' access to administrative processes of the AER;
- educate consumers about their rights and responsibilities in relation to emerging energy issues or energy market developments;
- develop and implement further strategies to ensure energy businesses:
 - comply with the national energy legislation; and
 - improve their processes to take account of, or rectify, consumer issues identified by the AER and the CCG.

5. Description of duties

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

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

6. Structure

The CCG membership is comprised of the AER Chair (as the chairperson) and core consumer, community and user group members that are representative of different sectors of the community.

7. Membership

'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 CCG should appoint a person to attend CCG meetings, and should advise the Secretariat (see Contact Details) whether the individual is a representative or nominee of the organisation.

8. Appointment process

8.1 Length of appointment

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

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

8.2 Re-appointment

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

8.3 Resignation or termination of appointment

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

If a member resigns from the CCG then the AER may appoint a new member to replace them on the CCG.

If the appointment of a member is terminated, the AER will only be liable for payment of sitting fees due up to the date of termination.

The AER reserves the right to terminate a member's appointment to the CCG at any time for misconduct, including a breach of confidentiality, or failure to declare a conflict of interest. The AER also reserves the right to terminate a member's appointment to the CCG at any time for failure to attend two consecutive CCG meetings.

9. Meetings

CCG meetings will be held up to three times a year. Meetings will usually run from 10.00 am to 2.30pm.

The AER prefers members to attend meetings in person. However, if any member is unable to attend meetings in person, video- or tele-conference facilities may be made available, where possible, from the nearest Regional Office of the ACCC.

10. Attendance of non-members

The AER Chair 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. The AER is likely to invite a representative of the AEMC and dispute resolution schemes to each meeting.

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

11. Remuneration - sitting fees

The ACCC will recompense members who attend the CCG meeting a sitting fee of \$488 per meeting. The ACCC may at its discretion increase this amount. The sitting fee includes all taxes, duties and other charges, including any Goods and Services Tax (GST) payable in respect of any 'taxable supply' under the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act), for which the member is liable.

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

12. Travel, accommodation and other allowances

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

Option 1:

The AER will:

- arrange economy air travel for members; and/or
- reimburse members for the reasonable cost of taxis or public transport to attend meetings.

Option 2:

As agreed between the member and the CCG Secretariat prior to the member incurring such cost, the AER will:

- reimburse the member for reasonable travel expenses incurred.

Reimbursement of reasonable travel costs (where these are not pre-booked and paid for on behalf of the member by the AER) will be made upon presentation of receipts and a signed tax invoice to the ACCC. The member must elect on the tax invoice the percentage of the claim that is CCG-related.

“Reasonable costs” shall be regarded as not exceeding the travel allowance at the rate paid to employees of the AER and economy class air fares.

The AER will also reimburse the costs of an interpreter if required.

The AER will provide lunch at each meeting.

13. Invoice procedure

Invoices are to be forwarded by the member within four (4) weeks of their attendance at each meeting.

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

1. a title – ‘AER Customer Consultative Group of <date> - sitting fees’;
2. the name of the project officer performing CCG Secretariat duties;

3. the fee amount payable (see item 11 above - Remuneration – sitting fees), separately identifying the amount of GST payable in respect of the invoice;
4. any travel expenses to be reimbursed (this may be specified on the invoice - supporting invoices/receipts are to be attached to the tax invoice for these expenses); and
5. the Member's A.B.N and details for payment (Bank, BSB, Account No. and Account Name).

Invoices issued to the ACCC in respect of CCG sitting fees must:

- (a) be a tax invoice in accordance with the GST Act; or
- (b) 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 is ABN registered, but not GST registered, the ACCC will reimburse the member for the GST-exclusive rate, being \$443.63.

14. Conflict of interest

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

15. Confidentiality

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

If the AER releases information to members, the AER can impose conditions regarding members' use of the information.

Members must not, except as permitted by the AER, required by law, or where the information is already in the public domain, disclose information provided to them by the AER and indicated by the AER to be 'confidential', or information that members ought to have known to be 'confidential'.

This confidentiality clause shall survive the expiration or termination of the member agreement.

16. Variations to the Members' Terms of Appointment

The AER 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.

The AER reserves the right to amend the CCG's Terms of Appointment or the role of the CCG if, for any reason, it is necessary because of changes made to the National Energy Retail Law and National Energy Retail Rules.

Other variations may be made to the Members' Terms of Appointment by agreement with the appointed members at the time of the amendment.

17. Relationship with the ACCC and AER

Members of the CCG are not, by virtue of their appointment, or for any purpose, an employee or agent of the ACCC or AER. Members have no power or authority to bind or represent the ACCC or AER, and must not represent themselves as such, or as an employee or agent of the ACCC or AER.

18. CCG projects

Correspondence by or on behalf of the CCG and all group submissions made by the CCG as an entity to parties external to the AER should be agreed in principle by the AER and the CCG and documentation approved by the CCG Chair.

19. CCG Secretariat

The AER will provide a CCG Secretariat whose services will include:

- provision of general administrative and secretarial support to members;
- organising CCG meetings, including formal meetings and meetings out of session;
- drafting of minutes; and
- preparation and distribution of required material and/or posting on the approved AER internet site.

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

Members will liaise with the CCG Secretariat and provide such information as the AER may reasonably require.

20. Contact details

The following are details for key contacts for the AER CCG as at July 2009:

CCG Secretariat	Dominique Chivers 08 8213 3421 E-mail: dominique.chivers@aer.gov.au
CCG General Queries	Jessica Zito 03 9290 1412 Email: jessica.zito@aer.gov.au
Chief Executive Officer AER	Michelle Groves 03 9290 1422 E-mail: michelle.groves@aer.gov.au

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