



Government of Western Australia  
Energy Policy WA



# Expert Consumer Panel

Terms of Reference

February 2024

Working together for a **brighter** energy future.

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# Contents

<b>1.</b>	<b>Background</b> .....	<b>1</b>
<b>2.</b>	<b>Purpose and role</b> .....	<b>1</b>
2.1	Wholesale Electricity Market, Pilbara Network Rules and Gas Services Information roles	1
2.2	Other contributions.....	2
<b>3.</b>	<b>Membership</b> .....	<b>2</b>
3.1	Skills and capabilities .....	2
3.2	Nomination .....	2
3.3	Term of appointment .....	2
3.4	Confidentiality and conflicts of interest .....	3
3.5	Time Commitment.....	3
3.6	Remuneration.....	3
3.7	Ending an appointment .....	4
3.8	Performance.....	4
<b>4.</b>	<b>Administration</b> .....	<b>6</b>
<b>5.</b>	<b>Alterations to the Terms of Reference</b> .....	<b>6</b>

# Abbreviations

The following table provides a list of abbreviations and acronyms used throughout this document. Defined terms are identified in this document by capitals.

Term	Definition
ECP	Expert Consumer Panel
GAB	Gas Advisory Board
GSI	Gas Services Information
MAC	Market Advisory Committee
PAC	Pilbara Advisory Committee
PN	Pilbara Network
WA ACE	Western Australian Advocacy for Consumers of Energy
WEM	Wholesale Electricity Market

# 1. Background

The energy sector in Western Australia exists to provide electricity and gas to consumers. It is central to energy production and delivery that the long-term interests of energy consumers are served. Ensuring that the long-term interests of consumers are upheld requires consumer input across all elements of the energy supply chain, at times in highly technical contexts.

The Western Australian Advocacy for Consumers of Energy (WA ACE) Program, aims to:

- improve energy sector and consumer advocacy interaction through training and building relationships;
- bring together energy consumer advocates and support them in sharing their views to strengthen consultation outcomes, namely through the WA ACE Forum; and
- fund research or advocacy activities addressing priority energy consumer issues, through WA ACE Grants.

The Expert Consumer Panel (ECP) has been established to assist interested Western Australian consumers (including consumer representatives) contribute to public consultations and rule-making processes.

These Terms of Reference provide information about the intent, structure and processes associated with the ECP.

## 2. Purpose and role

The ECP is convened to support consumer focused contributions to detailed discussions on energy sector matters.

Members are to attend meetings convened by Energy Policy WA to share and improve their own and other member's knowledge of the energy sector.

Members will engage with the WA ACE Forum, as facilitated by Energy Policy WA, to ensure that their increasing energy expertise is matched with a broad understanding of consumer views.

Members will draw on the exposure and experience attained through the panel to provide consumer input into consultations, reviews, reform processes or rule making processes across the energy sector, including but not limited to contributions to the development of the Wholesale Electricity Market (WEM) Rules, Gas Services Information (GSI) Rules, Pilbara Network (PN) Rules, Access Arrangements and 'Small Use' Customer Codes<sup>1</sup>.

The ECP does not constitute a Government Board or Committee.

### 2.1 Wholesale Electricity Market, Pilbara Network Rules and Gas Services Information roles

ECP members will be suggested to the Minister for Energy as possible nominees for the consumer representative positions on the Market Advisory Committee (MAC) for the WEM Rules, Pilbara Advisory Committee (PAC) for the PN Rules and the Gas Advisory Board (GAB) for the Gas Information Services arrangements.

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<sup>1</sup> Such as the Gas Marketing Code of Conduct and Code of Conduct for the Supply of Electricity to Small Use Customers.

As required by the WEM Rules<sup>2</sup>, PN Rules<sup>3</sup> and the GSI Rules<sup>4</sup>, consumer representatives are to contribute to rule making processes to empower a balanced view of the MAC, PAC and GAB.

## 2.2 Other contributions

Members will contribute to energy sector development, both formally, through written or other contributions to consultation processes, and informally through discussions, workshop activities or similar with industry participants. A consumer-focused view is always to be provided.

It is likely that members will be sought out by industry as expert contributors to consultation processes. Proactive approaches to other consultations are also required, and unsolicited suggestions for reform or improvements are also welcomed.

ECP Members may make submissions or contributions as individuals or as a collective. The views of members are to remain their own, informed by consumers more broadly, and are not the views of Energy Policy WA, the State Government, or any energy sector body or participant.

The ECP is not a decision-making body and is not expected to form consensus.

## 3. Membership

The ECP will include up to eight members. Where possible, efforts will be made to ensure that the ECP membership reflects the diversity of Western Australian communities and populations.

### 3.1 Skills and capabilities

Members will be capable of understanding complex and technical problems; actively learning and sharing; and understanding, empathising with and distilling the views of consumers, such that those views can be shared in the context of a technical problem. Effective communication and influencing skills are essential.

Members must be aspirational in their approach to driving positive long-term consumer outcomes, through their own efforts, and the efforts of others. Members must be driven to develop their own skills and increase the skill base of others.

Previous experience in or associated with the energy sector is welcome but not essential. Previous exposure to consumer advocacy is welcome but not essential.

### 3.2 Nomination

Potential members can nominate an interest in being appointed to the ECP via an expression of interest process.

### 3.3 Term of appointment

Members may be appointed by the Coordinator of Energy for a term of up to two years. An appointment term may be extended in limited circumstances if the Coordinator considers the extension is warranted for continued effective functioning of the ECP, MAC, PAC or GAB.

Members can serve for a maximum of three terms.

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<sup>2</sup> WEM Rules clause 2.3. Prior to 1 July 2021 refer to Wholesale Electricity Market Amendment (Governance) Rules 2021.

<sup>3</sup> PN Rules - A2.3.5 (e) requires "at least one independent member nominated by the Minister to represent the interests of small-use customers."

<sup>4</sup> GSI Rules Division 6. Prior to 1 July 2021, refer to Gas Services Information Amendment (Governance) Rules 2021

Members will be notified of the approaching expiry of their term, and where the maximum term has not been exceeded and performance criteria have been met (as demonstrated in a performance review completed within the past six months), be invited to reapply for another term.

### **3.4 Confidentiality and conflicts of interest**

Members may have access to information that is confidential. Members must treat this material as strictly confidential and will be required to sign an overarching declaration to this effect. Each instance of confidentiality will be clearly identified.

Members and representatives will also be required to declare actual or perceived conflicts of interest as and when they arise.

Persons employed by or associated with energy sector participants or governance bodies, including the Australian Energy Market Operator and the Economic Regulation Authority, will not be eligible for appointment to the ECP. Officers of the Western Australian Public Service will not be eligible for appointment to the ECP.

### **3.5 Time Commitment**

As a minimum, members are expected to commit to at least 60 hours of ECP activities each year, including:

- ECP meeting attendance (meetings are held regularly between February and November).
- WA ACE Forum meeting attendance (five meetings per year between February and November at up to three hours per meeting – total of 15 hours per year).
- Preparation for ECP and WA ACE Forum meetings (three hours for an ECP meeting and one hour per WA ACE Forum).
- Co-learning and associated activities – total of five hours per year.

Additional time commitments will be required if an ECP member acquires additional responsibilities, such as being a consumer representative on the PAC, MAC, GAB or another industry committee.

- Representatives on the MAC are expected to participate in around eight meetings a year. Each meeting will likely run for two hours and require around four hours in preparation time.
- Representatives on the GAB are expected to participate in around two meetings a year. Each meeting will likely run for two hours and require four hours in preparation time.
- Representatives on the PAC are expected to participate in around four meetings a year. Each meeting will likely run for one and a half hours and require three hours in preparation time.

Additional time commitments will be required if the ECP member drafts energy sector related submissions or participates in other approved activities.

Panel members are also encouraged to support their understanding and involvement in the sector through means beyond the ECP.

### **3.6 Remuneration**

Members will be remunerated for their attendance at meetings and time spent supporting their input for meetings, consultations, submission drafting, and other relevant tasks as approved in advance.

Applicants will be asked to submit their proposed hourly rate as part of their expression of interest. This rate will be maintained for the term of appointment.

Members may be fully or partly remunerated for further learning and engagement activity costs, provided that the activity is associated with their ECP membership. Remuneration may include the time the member is engaging in such an activity. Such costs need to be approved by Energy Policy WA in advance. In deciding whether to approve such costs, Energy Policy WA will consider the relevance of the activity, the value for money of the activity and if the member has been provided funding for previous further learning and engagement activities.

### 3.7 Ending an appointment

Members wishing to cease involvement with the ECP can end their term early by writing to the Coordinator of Energy. The members date for ceasing involvement in the ECP will by mutual agreement with the Coordinator of Energy.

### 3.8 Performance

An annual performance review of ECP members will occur. Members will be required to meet minimum performance levels, in addition to baseline requirements of timely attendance and undertaking adequate preparation. Members who do not meet the minimum performance levels may be removed from the panel.

The following indicators will be used to quantify this performance:

Measure	Acceptability standard
ECP meeting attendance record	Member attends at least 80% of ECP meetings. Note: When there are reasonable grounds for a member to not attend a meeting (e.g. illness), the meeting in which the member was absent will be excluded when calculating their attendance record.
Other meeting attendance record	ECP members who are on various MAC, PAC, GAB or other applicable committees and working groups attend at least 80% of these meetings. Note: When there are reasonable grounds for a member to not attend a meeting (e.g. illness), the meeting in which the member was absent will be excluded when calculating their attendance record.
Active Panel participation	Active involvement in each ECP meeting attended - As observed by Energy Policy WA staff.
Valuable input into ECP deliberations	High quality input into Panel member deliberations (when the discussion aligns with the member's expertise) throughout the member's time on the Panel – As observed by Energy Policy WA staff.
Further learning and engagement	Member attends at least 5 hours of energy industry learning activities on an annual basis. This can include events, webinars and forums on various consultations, undertaking Australian Energy Market Operator courses or other applicable activities.



Measure	Acceptability standard
Engagement with community/social welfare organisations or other specific energy user groups or cohorts	That more than 60% of the ECP membership can demonstrate active engagement and connection to one or more community/social welfare organisation or other specific energy user group or cohort during their time on the Panel.
Value to industry	For the questions that use a 5-Point Likert Scale in the annual industry survey, that an overall average score of three or more is achieved.  *See below for the survey questions and a list of industry participants that have previously been sent the survey.
Undertake WA energy sector training (if applicable)	Member's without an extensive/suitable energy sector background need to complete the 'Introduction to the WA energy sector' training program within two months of being appointed to the Panel. Energy Policy WA officers will determine if the appointee should complete the training.

### **\*Value to industry annual survey questions**

The industry survey will comprise of the following questions:

Survey respondents will be asked to specify their level of agreement or disagreement using a 5 point Likert scale against the following statements:

1. Have you found that the Expert Consumer Panel generally represents the best interests of consumers? (Strongly agree, Somewhat agree, Neither agree nor disagree, Somewhat disagree, Strongly disagree)
2. Has the Expert Consumer Panel improved the quality of consumer input to your organisation's consultations? (Strongly agree, Somewhat agree, Neither agree nor disagree, Somewhat disagree, Strongly disagree)
3. That there would be little to no consumer engagement in regulatory consultation processes without the existence of the Expert Consumer Panel? (Strongly agree, Somewhat agree, Neither agree nor disagree, Somewhat disagree, Strongly disagree)
4. That the Expert Consumer Panel provides a unique perspectives on consumers' needs that your organisation would not have otherwise been considered (or for regulators, would not have received)? (Strongly agree, Somewhat agree, Neither agree nor disagree, Somewhat disagree, Strongly disagree. Note: there will also be an option for the respondent to respond not applicable to this question)
5. To what extent does the Panel alter your programs, policies or customer messaging? (All of the time, Almost all of the time, Occasionally/Sometimes, Almost never, Never).

*List of industry organisations/participants that will be asked to participate in the survey (note: subject to change if industry participants enter / exit the WA market)*

<b>AEMO</b>	<b>AGL</b>	<b>Alinta Energy</b>	<b>ATCO</b>	<b>Collgar</b>	<b>ERA</b>
<b>Horizon Power</b>	<b>Kleenheat</b>	<b>Synergy</b>	<b>Western Power</b>	<b>Independent Chair of the MAC, PAC and GAB</b>	

## 4. Administration

Energy Policy WA provides secretariat and educational support to the ECP, which comprises the following duties to:

- Confirm and advise members of meeting dates, including a future meeting plan.
- Prepare and distribute meeting agendas and supporting papers at least one week prior to the meeting.
- Record key meeting outcomes and distribute to members.
- Manage the membership of the ECP, including appointment and remuneration of members.
- Manage any relevant updates to the ECP Terms of Reference.
- Maintain details of the ECP, including names of current members, on the Energy Policy WA website.
- Update the ECP on WA ACE Grant outcomes.
- Facilitate ECP attendance and contributions from ECP members at the WA ACE Forum.
- Support interactions between members, consumers and industry participants.
- Provide and maintain the 'Introduction to the WA energy sector' training package.
- Provide sufficient information about the operation of the energy sector, with supporting sources, to promote the co-learning environment of the ECP.
- Provide guidance as to the types of consultations that are underway that would warrant consumer input.
- Provide supporting context to members of the MAC, PAC or GAB as needed.

## 5. Alterations to the Terms of Reference

The Terms of Reference may be altered at the discretion of Energy Policy WA.



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