UTILITIES DISPUTES
TAUTOHETOHE WHAIPAINGA

Water Complaints Scheme Advisory Committee: Terms of Reference

What topics does this document deal with?

1. This document provides the Terms of Reference, as determined by the Utilities Disputes Limited (UDL) Board (the Board), for the operation of the voluntary Water Complaints Scheme Advisory Committee (Advisory Committee) to the Board.

2. Where these Terms of Reference contradict scheme rules, scheme rules will prevail.

Purpose of the Committee

3. As set out in Clause 8 of the Constitution and Clause 15 of the Governance Charter, the role of this Advisory Committee is to provide the Board with advice and recommendations, and a forum for consultation, on matters relating to the Board's operation of the Water Complaints Scheme.

4. In practice, providing advice and recommendations, and a forum for consultation will be both proactive and reactive.

5. As set out in Clause 20 of the Governance Charter, in carrying out its annual review, the Board must seek and consider feedback from the relevant Advisory Committee about the performance of the Scheme.

Powers – provide advice and recommendations and a forum for consultation

6. As set out in Clause 8.19 of the Constitution, the Board will have regard to the Advisory Committee's views. In this context, 'have regard to' means the Board must take into account, consider and give due weight to the views of the Advisory Committee as a guide in the relevant decision-making process.

7. Feedback from Advisory Committee Members will be provided to the Board. There is no requirement for a consensus from the Advisory Committee on any particular issue.

8. Any motion put forward from the Advisory Committee to the Board should include an explanation of whether the motion was unanimously supported and include details of Advisory Committee Members' positions.

9. The Advisory Committee is responsible for providing advice and guidance to the Board, however the Commissioner or Deputy Commissioner may also raise matters with the Advisory Committee, with or without the Board's direction.

10. Any Advisory Committee member may speak to the UDL Board, on any relevant matter, with the agreement of the Advisory Committee.

Membership of committee

11. The composition of the Advisory Committee will be at the discretion and appointment of the Board. Advisory Committee Members are appointed by the Board. All members are appointed on an individual basis, rather than by representation of any particular group or organisation.

12. The Advisory Committee may comprise of three categories of membership:

    1. representative(s) of Scheme members
    2. representative(s) of wider water industry or industry associations
    3. representative(s) of consumers or consumer organisations.

13. The Board may choose to keep any position or positions vacant until it receives a satisfactory application.

14. The UDL Commissioner or Deputy Commissioner will chair Advisory Committee meetings but will not vote on any matter.

15. Other UDL staff may attend Advisory Committee meetings at the discretion of the UDL Commissioner or Deputy Commissioner.

Appointment process – representatives of Scheme members and wider water industry or industry associations

16. Upon a vacancy arising for a representative of Scheme members and wider water industry or industry associations, the Board may approach certain individuals it considers suitable for the role and/or may call for nominations from all members, industry associations and the wider industry. The call for nominations will include:

    - background information about UDL and the Advisory Committee
    - details of the scheme requirements
    - a copy of these Terms of Reference
    - details of skills required in an applicant
    - meeting details, including frequency
    - term of appointment.

Appointment process – representatives of consumers or consumer organisations

17. Upon a vacancy arising for a representative of consumers or consumer organisations, the Board may approach certain individuals it considers suitable for the role and/or the Board may call for nominations from relevant consumer groups and consumer organisations. The call for nominations will include:

- background information about UDL and the Advisory Committee
- details of the scheme requirements
- a copy of these Terms of Reference
- details of skills required in an applicant
- meeting frequency
- remuneration details
- term of appointment.

Remuneration

18. The Board sets and provides remuneration for Advisory Committee Members. Representatives of consumers or consumer organisations receive $300 per meeting. This includes special meetings requested by the Board and any Advisory Committee meeting where a representative attends through a videoconference facility.

19. Representatives of Scheme members and representatives of wider water industry or industry associations receive no remuneration. A discretion may be exercised in this regard in exceptional cases.

20. Reasonable costs associated with attending an Advisory Committee meeting will be met by UDL for any representative of consumers or consumer organisations who resides outside of Wellington. For clarity, these costs are expected to include air travel, taxi fares, accommodation where necessary, and other reasonable expenses.

Term of office, reappointments, timetable for appointments

21. Appointments of Advisory Committee Members are for a period at the discretion of the Board, up to two years. Representatives may be reappointed up to a maximum of six consecutive years.

22. The Board may choose to extend the maximum six-year term in extraordinary circumstances, including if a suitable replacement member is not found and/or if the representative is involved in a piece of work that would be severely affected by the expiry of their term.

23. The Board may call for nominations no earlier than three months before the expiry of an existing member's term.

24. The Board may revoke or cancel an Advisory Committee Member's appointment if they consider it justified to do so. The Board will seek comments from the Advisory Committee Member concerned and provide them with an opportunity to raise relevant matters in advance of doing so.

Vacation from office

25. Advisory Committee Members on the Advisory Committee must immediately cease to be a member if they:

- are adjudged bankrupt, or
- deemed to be of unsound mind, or
- are absent for more than two meetings without permission of the Advisory Committee Chair, or
- are convicted of a criminal offence punishable by a jail term of three months or more, whether relating to the Advisory Committee or otherwise, or
- resign by notice in writing to the Board.

Duties and responsibilities of Advisory Committee Members

26. The Advisory Committee conducts its activities in an open and ethical manner and operates in an effective and efficient way within the parameters of its functions as set out in these Terms of Reference.

27. Advisory Committee Members have a commitment to work in the best interests of the Advisory Committee and are expected to make every effort to attend all meetings and devote sufficient time to become familiar with the affairs of the Advisory Committee.

28. Advisory Committee Members will:

- be diligent, prepared and participate
- be respectful, loyal and supportive
- not harm the reputation of the Advisory Committee, UDL or the Board
- report any actual or perceived conflicts of interest to the Advisory Committee Chair
- immediately advise the Commissioner or Board Chair if they are charged with a criminal offence punishable by a jail term or three months or more, or the subject or any workplace investigation involving any potential offence of dishonesty, bullying or harassment, or any other matter that may reflect adversely on their ability to perform their Advisory Committee Member role or the reputation of UDL.

29. The Advisory Committee as a whole will:

- ensure that the independent views of its members are given due consideration
- ensure fair and full participation of its members
- review its own performance.

Meeting processes

30. Advisory Committee meetings may occur in person, usually in Wellington, or through a videoconference facility. Meetings generally last one to two hours and are held four times per year. The Board may also request an occasional special meeting.

31. A meeting will generally take place in November to provide feedback to the Board on UDL's Budget and another meeting will generally occur prior to UDL's Annual Report being finalised, to provide the Board with feedback on the Annual Review.

32. Two further meetings will be scheduled each year for the Advisory Committee to discuss:

- any issues it believes the Board should be aware of, or give consideration to
- any issues referred by the Board or Commissioner or initiated by a member of the Advisory Committee.

33. A meeting agenda will be set by UDL after seeking input from Advisory Committee Members.

34. Meeting papers will be distributed as soon as possible before a meeting, this should be no later than one week before a meeting.

35. Quorum will be met when a majority of member is present including at least one representative of each of the 3 following categories of membership being scheme members, wider water industry and industry associations, consumers or consumer organisations.

36. In order for a motion to pass it must have the support of a majority of the Committee.

Confidentiality

37. Key discussion points in meetings are recorded in minutes by UDL.

38. Advisory Committee Members must ensure the confidentiality of Advisory Committee business is maintained. Members must be clear about what matters are permitted to be discussed outside of the Advisory Committee, such direction will come from the Board and Advisory Committee Chair. In absence of any direction, Members shall not discuss any Advisory Committee business outside of the Advisory Committee. For clarity, Advisory Committee Members may communicate meeting discussions with any Advisory Committee Member who was not present during the meeting.

39. Advisory Committee meetings, including agenda material and draft minutes, are confidential. Members must ensure that Committee documents are kept secure and securely destroyed following meetings. Only the Board or Advisory Committee Chair may permit the release of any material.