

Handbook

Advisory Council to the Energy and Water
Ombudsman Queensland

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Council functions and responsibilities

The Advisory Council to the Energy and Water Ombudsman Queensland (the Council) is established through the [Energy and Water Ombudsman Act 2006](#) (EWO Act).

The Council oversees the operation of the external dispute resolution scheme known as the Energy and Water Ombudsman Queensland in accordance with the EWO Act.

See [section 49 of the EWO Act](#) for a full list of the Council's functions.

In fulfilling its functions, the Council:

- provides advice and recommendations, where appropriate, to the Energy and Water Ombudsman (the Ombudsman) about:
 - the scheme's appropriateness, scope and effectiveness
 - policies and practices relating to the scheme's administration and conduct
 - processes to improve how the scheme responds to stakeholder needs
 - the promotion of the scheme and preparation of the annual report
- receives and considers financial budgets and business plans prepared by the Ombudsman, including guidelines for calculating and structuring user-pays fees (see [section 74](#) and [section 75](#))
- makes recommendations to the minister responsible for energy and water, and the Ombudsman, on the scheme's financial budget and business plan.

See Appendix 1 for links to relevant sections of the EWO Act.

Relationship with the Energy and Water Ombudsman

The Council's role involves oversight and advice, while the Ombudsman is responsible for the scheme's day-to-day operations.

Council members

Appointment

[Section 50 of the EWO Act](#) outlines the Council's membership.

The Council is made up of one chairperson and at least six other members appointed by the minister. The chairperson is independent of the interests of scheme participants and non-entity parties.

The remaining members comprise equal numbers of:

- industry members—from scheme participants who represent the interests of scheme participants
- consumer members—from groups who represent the interests of non-entity parties.

The chairperson recommends the appointment of:

- industry members after consulting with scheme participants

- consumer members after consulting with consumer groups and community welfare organisations.

Of the industry members:

- at least two must represent retailers' interests
- at least one must represent distributors' interests
- at least one must represent the interests of scheme participants that are water entities.

Duties

Although Council members come from groups that represent industry and consumer interests, they must act in the scheme's best interests when fulfilling Council responsibilities.

They are expected to:

- act honestly and exercise powers for their proper purposes
- avoid conflicts of interest
- act in good faith
- show diligence, care and skill
- maintain their knowledge of energy and water issues, especially those relating to customers
- attend an orientation session on the scheme
- attend and prepare appropriately for Council meetings.

Term

The chairperson's term of office is stated in their appointment document, but it must be no more than five years.

They may be reappointed unless the total of the terms would be more than five years.

Council members are appointed for one or two years and are eligible for reappointment.

Remuneration

Council members can receive:

- meeting fees approved by the Governor in Council
- reimbursement for reasonable costs they incur in attending Council meetings.

These payments are based on the Queensland Government's guideline: [Remuneration of part-time chairs and members of government boards, committees and statutory authorities](#).

If a Council member, with chairperson approval, performs a task or assignment that is unrelated to regular Council meetings, they may receive a special assignment fee (approved by the Governor in Council and based on the above remuneration guideline).

Vacating, resignation and termination

An Advisory Council vacancy occurs if a member:

- dies
- resigns in writing to the minister
- is removed by the minister
- is absent without Council approval or valid excuse from three consecutive Council meetings (which they had been notified about).

If a Council member vacates their position before the end of their term, the minister may appoint someone else to complete the rest of the term.

Disclosure of interest

A Council member must tell the chairperson if their participation in a Council decision could:

- give them, or an entity associated with them, a commercial or professional advantage
- be seen as a conflict of interest.

They must also tell the chairperson and minister if they have a personal or commercial interest that will or could conflict with their Council duty.

Secretariat and support services

The scheme provides secretariat services to the Council.

The secretariat maintains:

- a register of Council members and their contact details
- a minutes register
- an action item register
- an attendance register
- a correspondence register
- a motor vehicle insurance register.

The secretariat prepares and produces:

- a meeting schedule
- travel and meeting arrangements
- Council document files
- agendas, minutes and related documents
- follow-up action items from the meeting
- Council budgets
- new member papers and orientation.

They also liaise with people who are scheduled to address the Council.

Media statements

If the Council receives a media request, it must be referred to the chairperson.

Council members don't comment publicly about Council matters or on behalf of the Council.

Council meetings

Scheduling

The Council usually meets every two months, unless otherwise agreed or requested by the chairperson, Ombudsman or minister.

An annual schedule of meetings is agreed at the start of each year, possibly including meetings in regional Queensland.

Agenda

The chairperson directs the agenda for each meeting.

Approximately three weeks before the meeting, the chairperson asks the secretariat to send a draft agenda to Council members for input.

Once the agenda is settled, the secretariat sends meeting papers to Council members five business days before the meeting.

They also liaise with anyone scheduled to address the Council or attend a Council meeting.

Attendance at meetings

The Ombudsman attends and presents a report to all regular Council meetings.

The Council may invite other people to attend meetings, where necessary. The chairperson approves any proposed invitees.

Any apologies from Council members for meetings are made to the chairperson.

If a Council member can't attend a Council meeting, they can appoint a proxy for that meeting—though for no more than two meetings per year.

The proxy can vote on the member's behalf at a meeting if necessary.

Conduct of meetings

The chairperson chairs each Council meeting where they are present.

If the chairperson is absent from a meeting, the present Council members elect a member to chair the meeting.

The secretariat takes minutes at the Council meetings. Where appropriate, the minutes include an action statement that identifies the action to be taken and the responsible Council member.

If the person responsible for an action is not a Council member, the chairperson or Ombudsman will advise them after the meeting.

Generally, meetings are informal, and members reach resolutions by consensus.

A vote is made by majority vote of the Council members who are present at the meeting. If a Council member abstains from voting, it's recorded in the minutes.

The chairperson has a deliberative vote, as well as a casting vote in the case of a tied vote.

Minutes

Within five business days of each meeting, the secretariat prepares draft minutes and a list of action items for the chairperson to review.

The chairperson reviews these and works with the secretariat to send them to Council members within 10 business days of the meeting.

The secretariat presents the minutes at the next Council meeting for confirmation as a correct record and then maintains them in a register of minutes.

The action items are reviewed in the 'business arising' part of the meeting.

The chairperson works with the secretariat to draft and send any Council correspondence arising from the meeting.

The secretariat:

- distributes the minutes and current action items to Council members and the Ombudsman
- updates the completed action items list
- files electronic and hard copies of all documents from each meeting
- follows up on action items as appropriate.

Council documents are held for 25 years after the last action in compliance with the:

- [Public Records Act 2002](#)
- [Records governance policy](#) (Queensland State Archives).

Quorum

A quorum for considering matters at a Council meeting is half the Council members plus one—including at least one industry member and one consumer member—unless a majority vote determines otherwise.

If a quorum becomes unavailable during a meeting, the remaining Council members may agree to meet informally at this time to consider remaining issues on the agenda.

Any decisions made at this informal meeting are then approved at the next regular Council meeting.

If the members don't agree to meet informally, the business is deferred to the next regular meeting or a special meeting.

Council reports

The chairperson meets with the minister as necessary and at least once every 12 months.

At the end of each financial year, the Council prepares and provides advice to the minister in accordance with [section 49 of the EWO Act](#). (Also see the 'Council functions and responsibilities' section of this handbook.)

Information management

The [Right to Information Act 2009](#) (RTI Act) and [Information Privacy Act 2009](#) (IP Act) give the public a right to access information that government holds unless providing this access wouldn't be in the public interest.

The RTI Act applies to all government-appointed, part-time chairs and members of government boards, committees and statutory authorities.

In Queensland, most government boards are established for a public purpose by or under an Act. Therefore, the public has a right to access documents that these boards control or possess.

This applies to the Advisory Council to the Energy and Water Ombudsman Queensland, as it:

- was established under the [Energy and Water Ombudsman Act 2006](#)
- has members appointed by the relevant minister and approved by the Premier.

[Section 14 of the RTI Act](#) states that 'a board, council, committee, subcommittee or other body established by government to help, or to perform functions connected with, an agency is not a separate agency, but is taken to be comprised within the agency'.

Members of the public can apply under the RTI Act for 'documents of any agency', including documents created before the RTI Act commenced.

This refers to documents that any agency possesses or controls, including documents that the agency is entitled to access and an officer of the agency holds in their official capacity, including:

- files, working papers, handwritten notes, meeting minutes, work diaries, post-it notes, computer printouts, maps, films, photographs, tapes, video recordings and electronically recorded data
- drafts and copies of documents
- documents held outside the agency, such as at a government board member's home.

Read more about right to information and information privacy:

- [Department of the Premier and Cabinet's 'Welcome aboard' publication](#)
- [Office of the Information Commission website](#).

Copies of official correspondence are provided to the secretariat for filing.

If the Council is asked to provide information under the RTI Act, members should immediately contact the secretariat, who will contact the appropriate RTI & IP Coordinator.

Appendix 1

See links to relevant sections of the [Energy and Water Ombudsman Act 2006](#).

- [Section 12 Restrictions on functions – energy entities](#)
- [Section 12A Restriction on functions – water entities](#)
- [Section 12B General restrictions on functions](#)
- [Section 17 Consultation with advisory council](#)
- [Section 18 Disputes relating to energy entities that may be referred to Energy and Water Ombudsman](#)
- [Section 18A Disputes relating to water entities that may be referred to Energy and Water Ombudsman](#)
- [Section 19 Restrictions on disputes relating to energy entities that can be referred](#)
- [Section 19A General restrictions on disputes that can be referred](#)
- [Section 22 Refusal to investigate dispute referral](#)
- [Section 28, parts \(5\) and \(6\) Investigation procedure](#)
- [Section 33, part \(3\) Proceedings after investigation starts](#)
- [Section 34 Decision](#)
- [Section 49 Functions](#)
- [Section 50 Appointment](#)
- [Section 50A Chairperson](#)
- [Section 74 Annual budgets](#)
- [Section 75 Budget guidelines](#)
- [Section 77 Annual report](#)
- [Section 78 Reports and observations on Energy and Water Ombudsman's initiative](#)
- [Section 82 Approved forms](#)