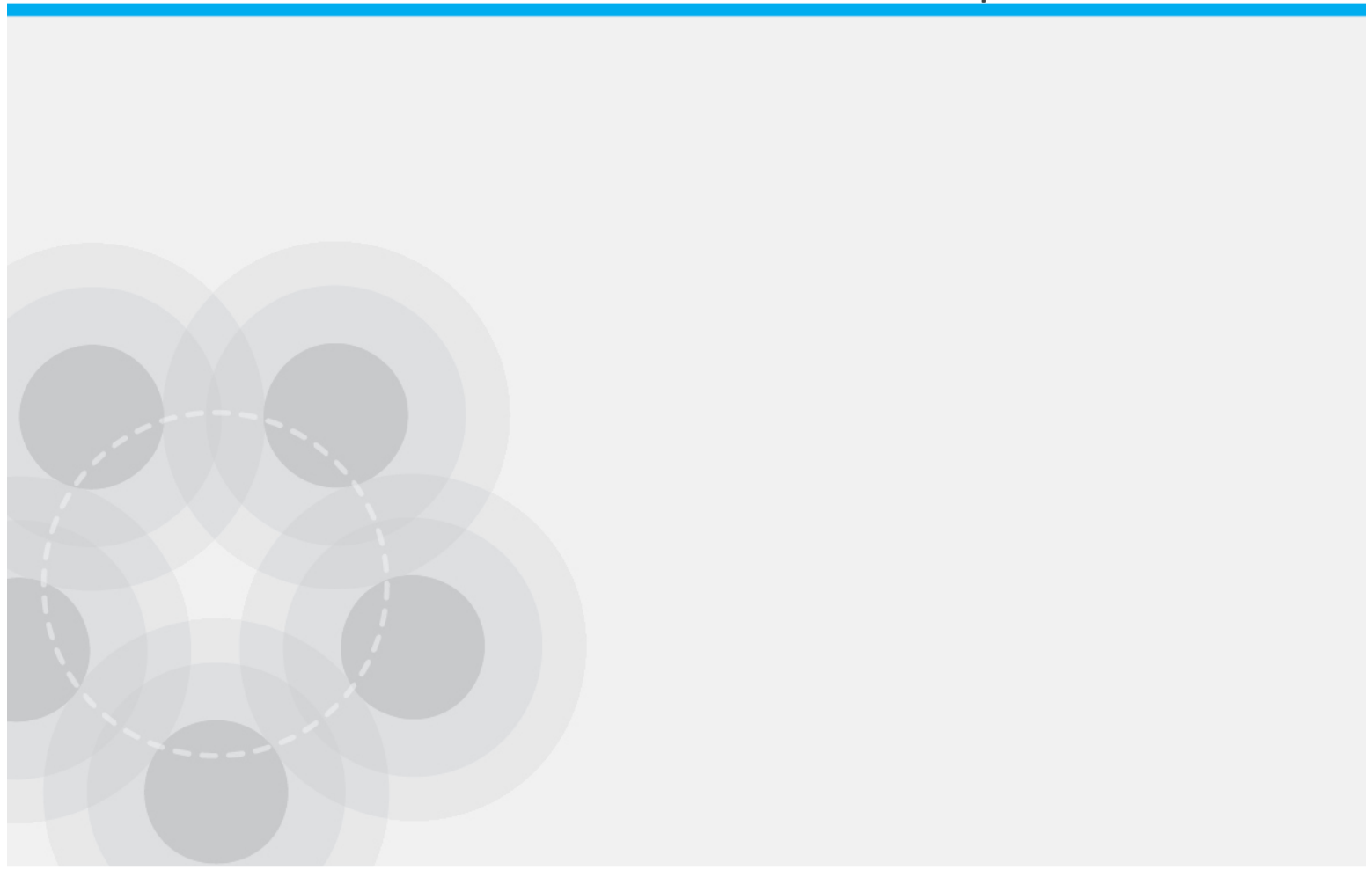


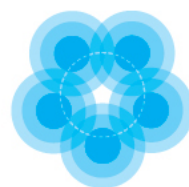
The Energy  
Charter  
**INDEPENDENT  
ACCOUNTABILITY  
PANEL**

## **2019 Process**

### **Guidance to Signatories**

11 September 2019

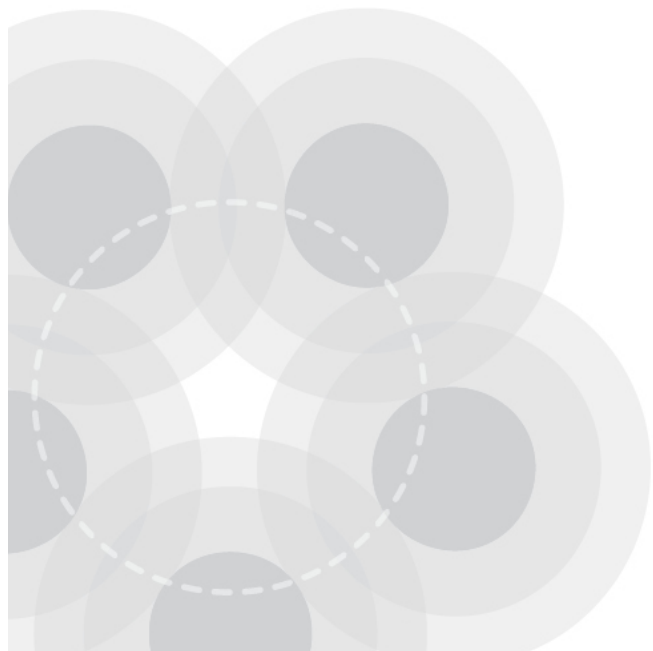




The Energy  
Charter  
**INDEPENDENT  
ACCOUNTABILITY  
PANEL**

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## Timetable and Workstreams

Date	Stream 1 Signatory Submissions	Stream 2 Stakeholder Engagement	Stream 3 Panel Process, Analysis and Report
Thu 25 <sup>th</sup> Jul		Chair provides Host draft invite to John Cleland / CEOs for Oct meetings	
Fri 26 <sup>th</sup> Jul	Panel issues preliminary Process Guidance document to Signatories, cc EC Director / IWG / CEO Council	Host commences scheduling and logistics for: <ul style="list-style-type: none"> <li>CEO meetings in BNE (10<sup>th</sup> Oct), SYD (11<sup>th</sup> Oct), MEL (14<sup>th</sup> Oct)</li> <li>2 hour stakeholder and public Stakeholder Forums same days in each city (venue, facilitation, invitees, record-keeping)</li> </ul>	
Wed 7 <sup>th</sup> Aug	Panel issues revised Process Guidance document to Signatories, cc EC Director / EUCG/ IWG / CEO Council		
6 Sep	Host to send Panel-approved Stakeholder Forum invitation to EC Director to send to IWG to invite stakeholders and public	Host publishes / Panel-approved Stakeholder Forum invitation to stakeholders and public via ECA list, via members of the EUCG and via ACOSS and EUAA	Chair approves Stakeholder Forum invitation and instructs Host to invite stakeholders and to distribute invitation to EC Director, EUCG, ACOSS and EUAA for distribution to stakeholders and the public
11 Sep	Host issues final Process Guidance document to Signatories cc EC Director / EUCG/ IWG / CEO Council		Panel approves Final 2019 Process Guidance for Signatories. Chair instructs host to send to Signatories
Mid Sept	Host sends Panel-approved Webinar invitation to EC Director to send to IWG to invite stakeholders and public	Host publishes / Panel-approved Webinar invitation to stakeholders and public via ECA list, via members of the EUCG and via ACOSS and EUAA	Chair approves webinar invitation and instructs Host to invite stakeholders and to distribute invitation to EC Director, EUCG, ACOSS and EUAA
Late Sept			Panel website goes live including Panel Policies; Process Guidance document and Stakeholder Forum and webinar invitations
Mon 30 <sup>th</sup> Sep	Signatory Disclosures Due		
Tue 1 <sup>st</sup> Oct			Panel Expert briefly reviews each Signatory Disclosure to confirm suitability for publication. Expert advises Panel Chair
Wed 2 <sup>nd</sup> Oct		Chair instructs Host to publish Signatory Disclosures, Media Release 1 and Issues Paper to website	
Fri 4 <sup>th</sup> Oct	Individual Disclosures published to Signatory websites simultaneously at 12pm	Signatory Disclosures, Media Release 1, Issues Paper and call for public submissions published to Panel website at 12pm	

Date	Stream 1 Signatory Submissions	Stream 2 Stakeholder Engagement	Stream 3 Panel Process, Analysis and Report
<b>Early Oct</b>		EUCG provides suggestions to Panel on topics that could be discussed at CEO meetings	EUCG provides suggestions to Panel on topics that could be discussed at CEO meetings
<b>Early Oct</b>	Panel Chair sends CEO Council Chair list of general topics to be discussed at the CEO meetings including Panel clarifying issues on the Disclosure and gaining context and understanding from the CEO to support Panel analysis and reporting	Host advises EC Director number of IWG stakeholder relations staff to observe at each Stakeholder forum. Host sends EUCG Chair preliminary topics to be discussed at CEO meetings	Panel drafts list of topics to be discussed at CEO meetings. Chair sends preliminary topics to Chair of CEO Council and instructs host to send topics to EUCG Chair. Chair decides number of IWG stakeholder relations staff to observe at each forum and instructs host to advise EC Director
<b>Wed 9<sup>th</sup> Oct</b>		Teleconference with Panel / EUCG to receive initial feedback on Signatory Disclosures ahead of Panel CEO meetings	Teleconference with Panel / EUCG to receive initial feedback on Signatory Disclosures ahead of Panel CEO meetings
<b>Thu 10<sup>th</sup> Oct</b>	Panel/CEO meetings Brisbane Sofitel Hotel 9am – 2:00pm, audio to be recorded	Public Stakeholder Forum Brisbane Sofitel Hotel 3.30pm – 5.30pm, EC Director to observe, media will not be invited, audio of Forum to be recorded	Chair, Expert, Phil to Brisbane CEO meetings and Stakeholder Forum
<b>Fri 11<sup>th</sup> Oct</b>	Panel/CEO meetings Sydney The Grace Hotel 9am – 2:45pm, audio to be recorded	Public Stakeholder Forum Sydney The Grace Hotel 3.30pm – 5.30pm, EC Director to observe, media will not be invited, audio of Forum to be recorded	Chair, Expert, Phil, Cass to Sydney CEO meetings and Stakeholder Forum
<b>Mon 14<sup>th</sup> Oct</b>	Panel/CEO meetings Melbourne Rendezvous Hotel 9:30am – 2:30pm, audio to be recorded	Public Stakeholder Forum Melbourne Rendezvous Hotel 3.30pm – 5.30pm, EC Director and Chair CEO Council to observe, media will not be invited, audio of Forum to be recorded	Chair, Expert, Phil, Andrew to Melbourne CEO meetings and Stakeholder Forum
<b>Tues 15<sup>th</sup> Oct</b>	Host posts CEO meeting schedule, list of topics discussed at CEO meetings and audio recordings of CEO meetings to the Panel website	Host posts audio recordings of stakeholder forums and power point presentations to the Panel website	
<b>Wed 16<sup>th</sup> Oct</b>		Webinar (rural and regional focus) 2pm-3pm, EC Director to observe, no media to be invited, audio to be recorded	Chair, Expert and one additional Panel member to participate in webinar (via Webex)
<b>Fri 25<sup>th</sup> Oct</b>		<b>Public Submissions Due</b>	
<b>Late Oct</b>			Panel Expert briefly reviews each public submission to confirm suitability for publication
<b>Fri 1<sup>st</sup> Nov</b>		Panel Chair instructs Host to publish public submissions to website	
<b>Early Nov</b>		<b>Public submissions published to website</b>	

Date	Stream 1 Signatory Submissions	Stream 2 Stakeholder Engagement	Stream 3 Panel Process, Analysis and Report
Thurs 14 <sup>th</sup> Nov		EUCG teleconference with Panel to discuss views on public submissions	Teleconference with EUCG to receive views on public submissions
Mon 25 <sup>th</sup> Nov			Panel Expert instructs host to develop factsheet infographic from approved content
Thu 28 <sup>th</sup> Nov		Panel instructs host to publish Report, Media release 2 and Factsheet to website Chair provides Report, Media Release 2 and Factsheet under embargo to Signatories, EC Director, IWG Chair, CEO Council Chair, Host CEO	Final review and approval by Panel to Host to publish
Fri 29 <sup>th</sup> Nov		Host publishes Panel Report, Factsheet and Media Release 2 to Panel website	

## 1. The Panel's view of the Energy Charter

The National Electricity Objective refers to the long-term interests of consumers but as George Yarrow once observed consumers are often treated as “inconvenient guests”. The Panel views the Charter as a valid and genuine attempt by the energy industry to re-establish trust, build social licence and restore consumer confidence in them. Doing those things through significant culture change that puts the customer at the centre of the business will be central to a successful outcome. The magnitude and scope of this journey for the Charter businesses is similar to the changes in Workplace Health and Safety that have occurred in some businesses over the last decade – so that it is embedded in organisations from the top down, responsibilities are clear, attitudes are changed, the need for continuous improvement is recognised, and performance is constantly monitored. The Panel wishes to see an honest appraisal of businesses current situations, what their ambition is and how they propose to get there. The Panel does not wish to see a public relations document. The Panel wishes to see the “transformation of the approach of businesses to accompany the transformation of the industry”.

## 2. Panel Expectations of the Disclosures

### Form of Disclosures

1. The Panel will have its own website in advance of the 30<sup>th</sup> September 2019 disclosure date - [www.theenergycharterpanel.com.au](http://www.theenergycharterpanel.com.au)
2. Signatories will email their disclosures (except any confidential material see below) by 5pm 30<sup>th</sup> September 2019 to:  
[submissions@theenergycharterpanel.com.au](mailto:submissions@theenergycharterpanel.com.au)
3. Disclosures must be in PDF format, with naming convention **Signatory Name 2019 Disclosure.pdf**.
4. Disclosures will be signed by the CEO or Board, and include a contact person for enquiries by the Panel.
5. The Disclosures should be **no more than 20-30 pages** including an executive summary with reporting against each Principle in Action.
6. After a compliance review by the Panel Expert and upon instructions from the Panel Chair, at 12pm on **Friday 4<sup>th</sup> October**, the host will publish the Disclosures, an accompanying media release and an Issues paper calling for public submissions on the Panel website.

7. Signatories will hold back publication of Disclosures on their own websites until they are notified by a Panel representative, which will occur once the Disclosures are uploaded to the Panel website. Late submissions will be considered at the discretion of the Panel and if the Panel agrees to receive it, will be uploaded once approved by the Panel.

### Content of Disclosures

1. The Panel would appreciate brevity and plain language in the Disclosures.
2. The Panel wishes to see an honest, open and transparent appraisal of businesses' current situations, what their ambition is and how they propose to get there: current state, targets, and resources to achieve them.
3. Disclosures should be authentic - **the Panel wants to hear warts and all.**
4. What didn't work is as valuable as what did work, and what has been learnt from what didn't work.
5. Disclosures should not be glossy nor contain lots of photos, as the Panel does not wish to receive PR reports.
6. The process of responding should ideally bring together a wide range of people within the operating parts of the organisation to consider the customer and the Principles, and so positively contribute to the cultural change being sought.
7. The Panel expects Signatories to adopt a broad definition of customer. Where Energy Charter businesses do not service the end consumer directly, they should analyse and comment on how their performance has assisted their direct customers to better service end consumers.
8. Disclosures should report customer outcomes not just activity, and how these customer outcomes have been measured. The degree to which internal customer outcome performance targets have been set and the performance against these targets, and the degree of improvement expected in the following year outlined in goals and plans.
9. The Panel is interested in Signatories demonstrating a clear path to move beyond business as usual customer engagement and involvement.

### Confidential / unapproved submissions

1. The Panel's attitude towards confidential disclosure material takes into account several factors:

- meaningful public consultation is not possible around confidential information;
  - engagement and transparency is an essential element of accountability; and
  - it is not possible for the Panel to release a meaningful report based on partial and/or confidential responses.
2. For these reasons, **public disclosures are strongly preferred.**
3. The Panel will not accept:
- draft disclosures which have not obtained full approval from within a Signatory organisation for public release or use by the Panel in its work; or
  - final disclosures that are 100% confidential.
4. As CEO signatory is permitted, Board approval processes are not a valid obstacle.
5. As a general principle, **the Panel strongly discourages disclosures containing any confidential material**, particularly where the non-confidential part of the disclosure is unable to be understood or to stand-alone without reference to the confidential disclosure.
6. If disclosures do contain confidential material, the Panel expects it is limited to that which is genuinely “commercial in confidence” and that Signatories should expect the inclusion of such material compromises the ability of the Panel to fully analyse and report on the Disclosure.
7. The Panel notes that the inclusion of confidential material would:
- prevent the Panel from assessing and reporting in a transparent manner;
  - prevent stakeholders and public submissions fairly assessing Disclosures individually and as a whole;
  - raise the risk of substantially different disclosure approaches and quality among Signatories and
  - risk creating substantial uncertainty.
8. If a Signatory does provide confidential material to the Panel made, the process is:
- the Signatory emails the material to [confidential@theenergycharterpanel.com.au](mailto:confidential@theenergycharterpanel.com.au)



- the Signatory provides a separate email to [chair@theenergycharterpanel.com.au](mailto:chair@theenergycharterpanel.com.au) to advise that confidential material has been provided and
  - disclosure is to be in PDF format with naming convention **Confidential Signatory Name 2019 Disclosure.pdf**.
9. The Panel will manage the confidential material in accordance with its Confidentiality Policy. The Confidentiality Policy will be published on the Panel website.

### 3. Public Consultation

The Panel is mindful of running an independent, transparent and constructive process.

#### Meetings with CEOs of the Signatories

1. The Panel has offered to meet with signatory CEOs in October for approx. 30 minutes each to discuss the Signatory's disclosure. These meetings will be scheduled for **Thursday 10<sup>th</sup> October (Brisbane), Friday 11<sup>th</sup> October (Sydney) and Monday 14<sup>th</sup> October (Melbourne)**.
2. The meetings with the CEOs will be audio-recorded and the audio files will subsequently be published on the Panel's website. The Chair of the EUCG will be invited to observe the CEO meetings.
3. The purpose of the meetings is for the Panel to clarify aspects of the Disclosure with the relevant CEO and also to gain context and understanding from the CEO to support Panel analysis and reporting.
4. The Panel will provide the CEOs with the general topics it wishes to discuss in advance and those topics will also be published on the Panel's website.
5. The Panel would welcome the opportunity to meet with CEOs after the publication of its Report.

### Third party submissions

1. The Panel intends to provide opportunities for third parties to make submissions on the Signatories Disclosures.
2. At 12pm **Friday 4<sup>th</sup> October**, the Panel will publish an Issues Paper on its website calling for public submissions. Submissions will be due by **5pm Friday 25<sup>th</sup> October**.
3. The Panel will be seeking brief submissions that:
  - relate to the **six month period from January to June 2019**; and
  - respond **directly to the Disclosures**.
4. The Panel will not be able to make use of (or publish) submissions which are:
  - out of scope (such as matters of government policy outside the Signatories' influence)
  - confidential
  - lacking in substance or
  - in sub-standard-form, template submissions or prepared for other purposes, or with limited direct relevance to the development and success of the Energy Charter and its objectives.
5. The Charter is not a complaints resolution forum. As such, any submission that relates directly to an unresolved complaint that would normally be directed to the relevant Energy and Water Ombudsman, will be directed to those authorities for appropriate action. The Panel reserves the right to make reference to this type of submission as part of its overall assessment.

### Stakeholder forums

1. The Panel will host three stakeholder forums (of similar format and content) in Sydney, Melbourne and Brisbane as well as a webinar with rural and regional focus.
2. These will:
  - be open to public attendance via website invitation and registration. Media will not be invited;
  - include stakeholder attendees based on ACOSS, EUAA, EUCG and ECA's Board engagement list – this may include regulators – as well as Signatory customer stakeholders;
  - be located at a “neutral” venue and Chaired by the Panel Chair;

- include a brief presentation by the Panel Expert on the Signatory Disclosures and public process to help focus discussion and subsequent public submissions; and
  - include a brief presentation by the Chair of the EUCG on the Energy Charter to frame and encourage response.
3. Signatory representation in the stakeholder forums will be limited in number and to observer status. The Panel has agreed to the following Signatory observers:
    - CEO Council Chair at the Melbourne stakeholder forum;
    - the Energy Charter Director at each forum; and
    - a limited (proportionate) number of Signatory stakeholder relations staff at each stakeholder forum. The number to be confirmed by the Panel Chair once registration for each forum is known.
  4. Each of the Stakeholder Forums and the webinar will be recorded and the audio recordings will be subsequently published on the Panel's website.
  5. The Panel will also summarise the main issues raised and discussed in the stakeholder forums and the webinar as part of its Report.

### Interaction with the EUCG

The Panel will meet with the EUCG on at least two occasions to receive their views on the Disclosures and on the public submissions.

## 4. Panel Report

1. The Panel has appointed David Heard from Finncorn as the Panel Expert to assist the Panel with analysis and report writing.
2. The Panel will publish its Report, a 2 page Factsheet and a media release on its website by 5pm **Friday 29th November 2019**.
3. The Final report, Factsheet and media release will be made available to Signatories, the Energy Charter Director and the Host CEO under embargo on **Thursday 28<sup>th</sup> November**, prior to publication on **Friday 29<sup>th</sup> November**.
4. The Panel will endeavour to adopt a facilitative approach, rather than a name and shame approach, to encourage continuous improvement and better customer outcomes. Having said that, the Panel's Report will not shy away

from an honest and frank assessment of Disclosures against the Energy Charter Principles.

5. The Panel's initial views on the **format and structure of the Panel Report** include:

- structuring by Charter Principles;
- callout of best practices from specific submissions;
- identification of interesting issues or innovative practices;
- assessment of maturity, and where further progress is desired - by Principle and signatory; and
- comparison of Signatory viewpoint with feedback from the public Stakeholder forums, webinar and public submissions.

## 5. Governance review

After the Panel's report has been published the Panel will give feedback to the Chair of the CEO Council as input to the CEO Council Governance review. The Panel expects this feedback to cover the process in the first year including: timing, structure, public consultation, CEO consultation, costs, confidential material and the host role.

## 6. Panel Host deliverables

1. Arrange and support Stakeholder forums and the webinar
2. Arrange and support CEO meetings
3. Arrange Panel website to go live prior to 30 September 2019
4. Arrange confidential Panel working and storage facility and emails
5. Arrange template documents for Panel use – including letterhead, media release and report
6. Engage third party services to convert Panel reports into infographic or comms documents
7. Maintain the Panel website including uploading material to the Panel website
8. Convene Panel meetings
9. Provide administrative support to the Panel and expert whilst they prepare the Panel Report and
10. Participate in the CEO Council Governance review.