

## Declaration of Interests Policy

### 1. Purpose

The purpose of this policy is to help members of the Energy Charter Independent Accountability Panel (the Panel) to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of the Panel and manage risk.

### 2. Objective

The Panel aims to ensure that members are aware of their obligation to disclose any relevant personal interests that they may have, and to comply with this policy to ensure they effectively manage any conflicts of interest as representatives of the Panel.

### 3. Scope

This policy applies to the Chair, members of the Panel and the Panel expert.

### 4. Definition of relevant interests

Personal interests include direct interests, as well as those of family, friends, or other organisations a person may be involved with or have an interest in (for example, as a shareholder).

A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the Panel.

It also includes a conflict between a member's duty to the Panel and another duty that the member has (for example, to another employer or client). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

These situations present the risk that a person will make a decision or be perceived to have made a decision based on, or affected by, these influences, rather than in the best interests of the Panel. Therefore these situations must be managed by discussion with the Panel and by following the decision of the Panel.

### 5. Policy

This policy has been developed to address conflicts of interest affecting the Panel.

Personal interests are common, and they do not need to present a problem to the Panel as long as they are openly and effectively managed. It is the policy of the Panel, that ethical, legal, financial or other conflicts of interest are avoided and that any conflicts (where they do arise) do not conflict with the obligations to the Panel.

The Panel will manage conflicts of interest by requiring members to:

- identify, disclose and update any relevant interests;
- avoid conflicts of interest where possible;

- carefully manage any conflicts of interest;
- discuss management of potential conflicts with the Panel as they arise;
- maintain the confidentiality of the deliberations of the Panel; and
- follow this policy and respond to any breaches.

### **5.1 Responsibility of the Panel**

The Chair is responsible for:

- establishing a system for identifying, disclosing and managing declarations of interests and any conflicts;
- monitoring compliance with this policy; and
- reviewing this policy periodically to ensure that the policy is operating effectively.

The Chair must ensure that members are aware of this policy and that they disclose any actual or perceived material interests which may lead to a conflict, as required by this policy.

### **5.2 Identification and disclosure of interests**

Panel member's declarations will be an early agenda item at each Panel meeting to allow for updates.

Once an actual, potential or perceived conflict of interest is identified, it must be entered into the Panel's register of interests, as well as being raised with the Panel.

The Host must maintain the register of interests. The register must record information related to a conflict of interest, including the nature and extent of the conflict of interest and any steps taken to address it.

## **6. Action required to manage conflicts of interest**

### **6.1 Conflicts of interest of Panel members**

Once the conflict of interest has been appropriately disclosed, the Panel (excluding the member who has made the disclosure, as well as any other conflicted member) must decide whether or not those conflicted members should:

- vote on the matter (this is a minimum),
- participate in any debate, or
- be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a Panel member from regularly participating in discussions, it may be worth the Panel considering if it is appropriate for the person conflicted to resign from the Panel.

### **6.2 What should be considered when deciding what action to take**

In deciding what approach to take, the Panel will consider:

- whether the conflict needs to be avoided or simply documented;
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making;
- alternative options to avoid the conflict;

- the Panel's objects and resources; and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the Panel.

The approval of any action requires the agreement of at least a majority of the Panel (excluding any conflicted member/s) who are present and voting at the meeting.

The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.

## **7. Panel deliberations**

Panel members must take all reasonable steps to maintain the confidentiality of Panel deliberations and will not discuss confidential Panel matters with third parties. This policy extends to discussions by Panel members with staff or clients of any organisations that the Panel member works with, irrespective of whether that staff member is on the Energy Charter End User Consultative Group. Panel members will provide the Chair with a verbal assurance once they have implemented steps to comply with this policy.

## **8. Compliance with this policy**

If the Panel has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.

For the purposes of this policy: '*Host*' means the secretariat of Energy Consumers Australia.

Agreed by the Energy Charter Independent Accountability Panel

Wendy Craik Chair

Cassandra Goldie

Andrew Richards

Phil Weickhardt

Date 18 September 2019