



The Energy
Charter
**INDEPENDENT
ACCOUNTABILITY
PANEL**

2020 Process

Guidance to Signatories

September 2020

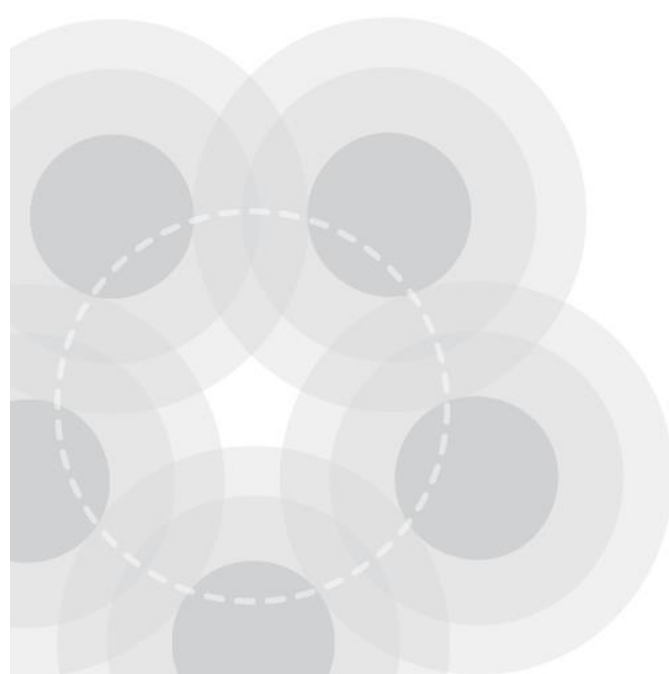




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Key Acronyms	
ACOSS	Australian Council of Social Service
ECA	Energy Consumers Australia
EUAA	Energy Users Association of Australia
EUCG	End-User Consultative Group
IAP	Independent Accountability Panel
IWG	Industry Working Group



Timetable and Workstreams

Date	Stream 1 Signatory Submissions	Stream 2 Stakeholder Engagement	Stream 3 IAP Process, Analysis and Report
	Independent Accountability Panel (IAP)		
Sept	IAP issues draft Process Guidance document to Signatories through Energy Charter Director, copy to EUCG		
11 Sep	IAP issues final Process Guidance document to Signatories through Energy Charter Director		IAP approves Final 2020 Process Guidance for Signatories. Chair sends to Signatories through Energy Charter Director
Mid Sept	IAP sends IAP-approved stakeholder forum invitation to Energy Charter Director to send to IWG to invite stakeholders and public	IAP publishes IAP-approved stakeholder forum invitation to stakeholders and public via and via ACOSS and EUAA	Chair approves stakeholder forum invitation and IAP invites stakeholders and to distribute invitation to Energy Charter Director, ACOSS and EUAA
Late Sept			IAP website updated to include any new IAP Policies; Process Guidance document and Stakeholder Forum invitations
Wed 30 Sep	Signatory Disclosures due at COB		
Thu 1 Oct			IAP brief review of signatory disclosures
Fri 2 Oct		IAP publishes Signatory Disclosures, Media Release 1 and Issues Paper to website	
Friday 2 Oct	Individual Disclosures published to Signatory websites	Signatory Disclosures, Media Release 1, Issues Paper and call for public submissions published to IAP website at 12pm	

Date	Stream 1 Signatory Submissions	Stream 2 Stakeholder Engagement	Stream 3 IAP Process, Analysis and Report
Early Oct	IAP Chair sends CEO Council Chair list of general topics to be discussed at the CEO meetings	IAP advises Energy Charter Director of the number of IWG representatives to observe at each Stakeholder forum.	IAP drafts list of topics to be discussed at CEO meetings. Chair sends preliminary topics to Chair of CEO Council. Chair decides number of IWG representatives to observe at each forum and advises Energy Charter Director
Thu 8 Oct	IAP/CEO meetings 1pm-5pm via Zoom, audio/video to be recorded		Chair, Panel and CEO
Fri 9 Oct	IAP/CEO meetings 9am-5pm via Zoom, audio/video to be recorded		Chair, Panel and CEO
Fri 16 Oct	IAP/CEO meetings 9am-5pm via Zoom, audio/video to be recorded		Chair, Panel and CEO
	IAP posts CEO meeting schedule, list of topics discussed at CEO meetings and video recordings of CEO meetings to the IAP website		
Mon 19 Oct	Stakeholder Forums 9.30am-1pm via Zoom Webinar, audio/video to be recorded	New South Wales and Queensland Stakeholder Forum – Energy Charter Director and IWG representatives to observe, media will not be invited, video to be recorded via Zoom Webinar	Chair and Panel
Thu 22 Oct	Stakeholder Forums 9.30am-11am via Zoom Webinar, audio/video to be recorded	Victoria Public Stakeholder Forum – Energy Charter Director and IWG representatives to observe, media will not be invited, video to be recorded via Zoom Webinar	Chair and Panel
Fri 23 Oct	Stakeholder Forums 9.30am-1pm via Zoom Webinar, audio/video to be recorded	Tasmania and Rural/Regional Stakeholder Forums - Energy Charter Director and IWG representatives to observe, media will not be invited, video to be recorded via Zoom Webinar	Chair and Panel

Date	Stream 1 Signatory Submissions	Stream 2 Stakeholder Engagement	Stream 3 IAP Process, Analysis and Report
		IAP posts recordings of stakeholder forums and power point presentations to the IAP website	
Fri 30 Oct		Public/Stakeholder Submissions Due COB	
Late Oct			IAP briefly reviews each public submission to confirm suitability for publication
W/C 2 Nov		IAP publishes public submissions to website	
Tues 17 Nov		IPA to meet with EUCG	
Mon 30 Nov			IAP develops factsheet infographic from approved content
Thu 3 Dec		IAP publishes Final Report, Media release 2 and Factsheet to website Chair provides Final Report, Media Release 2 and Factsheet under embargo to signatories through Energy Charter Director and CEO Council Chair - 24 hours ahead of release	Final review and approval by IAP to publish. Final draft provided to Energy Charter signatories through Energy Charter Director at least 24 hours ahead of release
Fri 4 Dec		IAP publishes IAP Report, Factsheet and Media Release 2 to IAP website	
9 Dec	IAP meets with CEO Council to discuss the IAP Report		

1. The IAP view of the Energy Charter

The IAP views the Energy Charter as a valid and genuine attempt by the energy industry to re-establish trust, build social licence and restore consumer confidence in the providers of this essential service. Doing those things through significant culture change that put the customer at the centre of the business will be central to a successful outcome. The magnitude and scope of this journey for the Energy Charter signatories 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 IAP wishes to see an honest appraisal of businesses' current situations, what their ambition is and how they propose to get there. The IAP does not wish to see a public relations document or hear about actions that signatories have to undertake in any case, e.g. by law or regulation. The IAP wishes to see the transformation of the approach of businesses to accompany the transformation of the industry.

2. IAP Expectations of the Disclosures

Form of Disclosures

1. Signatories will email their disclosures (except any confidential material see below) by 5pm 30 September 2020 to: submissions@theenergycharterpanel.com.au.
2. Disclosures must be in PDF format, with naming convention **Signatory Name 2020 Disclosure.pdf**.
3. Disclosures will be signed by the CEO or Board and include a contact person for enquiries by the IAP.
4. The Disclosures should be no more than 10 pages.
5. After a review by the IAP, at 12pm on **Friday 2 October**, the IAP will publish on the IAP website the Disclosures, an accompanying media release and an Issues Paper calling for public submissions.
6. Signatories will hold back publication of Disclosures on their own websites until they are notified by an IAP representative through the Energy Charter Director, which will occur once the Disclosures are uploaded to the IAP website. Late submissions will be considered at the discretion of the IAP.

Content of Disclosures

1. The IAP would appreciate brevity and plain language in the Disclosures.
2. The IAP 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 IAP 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 IAP does not wish to receive PR reports or accounts of actions that needed to be undertaken in any case, e.g. by law or regulation.
6. The process of responding should ideally bring together a wide range of people within the operating parts of the organisation to consider the customers and the Principles, and so positively contribute to the cultural change being sought.

7. The IAP expects Signatories to adopt a broad definition of customer. Where Energy Charter signatories 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,
 - the performance against these targets,
 - the degree of improvement expected in the following year outlined in goals and plans leveraging the Maturity Model.
9. The IAP is interested in Signatories demonstrating a clear path to move beyond business as usual customer engagement and involvement.

Confidential / unapproved submissions

1. The IAP's attitude towards confidential disclosure material takes into account several factors:
 - meaningful public consultation is not possible around confidential information
 - engagement and transparency are essential elements of accountability
 - it is not possible for the IAP to release a meaningful report based on partial and/or confidential responses.
2. For these reasons, **public disclosures are strongly preferred.**
3. The IAP will not accept:
 - draft disclosures which have not obtained full approval from within a Signatory organisation for public release or use by the IAP 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 IAP 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 IAP expects it is limited to that which is genuinely 'commercial in confidence'. Signatories should be aware that the inclusion of such material compromises the ability of the IAP to fully analyse and report on the Disclosure.
7. The IAP notes that the inclusion of confidential material would:
 - prevent the IAP 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
 - risk creating substantial uncertainty.
8. If a Signatory does provide confidential material to the IAP, the process is:
 - the Signatory emails the material to confidential@theenergycharterIAP.com.au
 - the Signatory provides a separate email to chair@theenergycharterIAP.com.au to advise that confidential material has been provided and
 - disclosure is to be in PDF format with naming convention **Confidential [Signatory Name] 2020 Disclosure.pdf.**
9. The IAP will manage the confidential material in accordance with its Confidentiality Policy. The Confidentiality Policy is published on the IAP website.

3. Public Consultation

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

Meetings with CEOs of the Signatories

1. The IAP has offered to meet with signatory CEOs in October for approx. 45 minutes each to discuss the Signatory's disclosure. These meetings are scheduled for 8, 9 and 16 October 2020 via Zoom.
2. The meetings with the CEOs will be video-recorded and the files will subsequently be published on the IAP's website.
3. The purpose of the meetings is for the IAP to clarify aspects of the Disclosure with the relevant CEO and also to gain context and understanding from the CEO to support IAP analysis and reporting.
4. The IAP will provide the CEOs with the general topics it wishes to discuss in advance and those topics will also be published on the IAP's website.
5. The IAP will meet with CEOs after the publication of its Final Report.

Third party submissions

1. The IAP intends to provide opportunities for third parties to make submissions on the Signatories Disclosures.
2. At 12pm **Monday 5 October**, the IAP will publish an Issues Paper on its website calling for public submissions. Submissions will be due by **5pm Friday 30 October 2020**.
3. The IAP will be seeking brief submissions that:
 - relate to the **12-month period from July 2019 to June 2020**; and
 - respond **directly to the Disclosures**.
4. The IAP 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 Energy 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 or other body, will be directed to those authorities for appropriate action. The IAP reserves the right to make reference to this type of submission as part of its overall assessment.
6. The IAP will consult with all Energy Ombudsmen about key customer issues identified through complaints received by their offices.

Stakeholder forums

1. The IAP will host five stakeholder forums (of similar format and content) New South Wales, Queensland, Victoria, Tasmania, and Regional/Rural Australia.
2. These will:
 - be open to public attendance via website invitation and registration. Media will not be invited
 - include stakeholder attendees based on the engagement lists of the Energy Charter, ACOSS and EUAA. This may include regulators and Signatory customer stakeholders

- be conducted via Zoom Webinars
 - include a brief presentation by the IAP on the Signatory Disclosures and public process to help focus discussion and subsequent public submissions
3. Signatory representation in the stakeholder forums will be limited in number and to observer status. The IAP has agreed to the following Signatory observers:
 - CEO Council Chair at one of the stakeholder forums
 - the Energy Charter Director at each forum
 - a limited (proportionate) number of Signatory representatives at each stakeholder forum. The number to be confirmed by the IAP Chair once registration for each forum is known.
 4. Each of the Stakeholder Forums and the webinar will be video recorded and the recordings will be subsequently published on the IAP's website.
 5. The IAP 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 IAP - may meet with the EUCG to receive their views on the Disclosures and on the public submissions.

4. IAP Final Report

1. The IAP will publish its Final Report, a 2-page factsheet and a media release on its website by 5pm on **Friday 4 December 2020**.
2. The final report, factsheet and media release will be made available to Signatories through the Energy Charter Director, the CEO Council Chair under embargo on **Thursday 3 December**, prior to publication on **Friday 4 December 2020**.
3. The IAP 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 Final Report will not shy away from an honest and frank assessment of Disclosures against the Energy Charter Principles.

5. CEO Council review

After the IAP Report has been published, the IAP will meet with the CEO Council. The IAP will also provide feedback to the Chair of the CEO Council and Energy Charter Director on any governance issues relating to the process including: timing, structure, public consultation, CEO consultation, costs, confidential material and resourcing.