

Independent Panel

14 June 2018 – Teleconference - 8:30am- 9:30am (AEST)

Minutes of meeting

Present: AER – Warwick Anderson, Tanja Warre, Pradeep Fernando and Mineka Karunaratne

Independent Panel: Natalia Southern, Scott Hempling, Stewart Myers, Geoff Frankish and Pat Duignan

Subject: Kick off meeting

Welcome and introductions

- The AER introduced the Rate of Return team, followed by introductions by the independent panel members.

Brief history

- The AER provided a brief history on the rate of return guideline and the draft legislation.
- The AER provided an update on when the draft guideline could be expected and noted that the panel would have 50 business days to produce their report from the date the draft guideline is released.

The Task

- The AER provided a description of the task of the independent panel. The AER referred to the terms of reference provided in its positions paper of November 2017 and the draft legislation. The AER specifically noted that the high level objectives in the current legislation and the draft legislation remain unchanged. Therefore it is possible for the guideline to meet the requirements of both sets of legislation.
- The AER noted that the draft legislation provides that the panel should seek to provide the report by consensus and state whether the report is provided by consensus. The AER clarified that diverse views can be expressed and this is an acceptable outcome. However, the panel should seek consensus.
- Citing research to critique the AER's proposed assumptions, methods and procedures can also be done with the independent panel's objective in mind.

ACTION item: The AER will provide the independent panel a copy of the draft legislation if endorsed by COAG.

Documents that the Independent Panel should have regard to

- The AER noted that the legislation was quite broad in determining the material the panel should have regard to ('all relevant material').

- The AER will provide the panel with material submitted to the AER as well as any confidential workings and material relied upon by staff drafting the guideline and explanatory statement.
- The panel is able to request access to any information that was relied on by the AER.

ACTION item: The AER will provide the panel with a list of already published documents, followed by a second tranche of confidential documents.

Transparency

- The AER is conscious of protecting the independence of the panel and therefore proposes to make this process as transparent as possible. Therefore any questions put the AER (requesting extra documents, clarifying questions etc.) must be made in writing and will be published on the website.
- The AER clarified that internal discussions between panel members would not need to be published or disclosed (as distinct from interactions between panel members and the AER, which would be disclosed).

Conflict of Interest Register

- Panel members are encouraged to avoid any meetings with stakeholders during the engagement. However, if panel members propose any engagements with any parties that have an interest in the rate of return guideline these will need to be assessed for conflict of interest. Any perceived conflicts should be disclosed on the conflict of interest register which will be published online.
- All past engagements undertaken, in the past two years, that could be perceived as a conflict, should also be disclosed and will be published on the website.

ACTION item: The AER will provide the panel with further information on the conflict of interest register.

Secretariat support

- The AER will provide any secretariat support needed such as setting up teleconferences and travel and accommodation bookings (if they arise).
- The AER clarified that the panel is able to use their own mechanisms to facilitate meetings as well.
- The panel is responsible for drafting its own report.

Documents on the web

- The AER noted that there is a significant amount of information on the Rate of Return Guideline [website](#) (including some that will be included in the first tranche of documents). These include all discussion and position papers, transcripts of expert evidence sessions and submissions.

Requesting further info from the AER

- The AER noted that questions to the AER should, as reasonably as possible, be bundled together and sent by email through the chair.

ACTION Item: The independent panel chair will coordinate a further teleconference and notify the AER if required.

Organising another session with the AER

- Once all documents have been provided, the panel may request a further teleconference with the AER.

Secure File Transfer

- All documents provided by the AER will be provided using a secure file transfer system.

ACTION Item: A document on how to use the system will be provided.

Media update

- The AER noted that a communications notice announcing the panel would be released soon.
- The AER clarified that if any media were to approach the panel it should be directed to the AER via the chair.

Travel Policy

- The AER explained its travel policy.

ACTION ITEM: *The AER will provide the panel with the travel policy document if travel is required.*

Next Steps

- The independent panel is to notify the AER if another teleconference is required.
- A communications notice is to be sent announcing the establishment of the panel.
- The panel is to commence work once the draft guideline is released.