



NETCC Monitoring and Compliance Panel

Terms of Reference

Composition and role of the Panel

1. Oversight and monitoring of the New Energy Tech Consumer Code (the Code) will be undertaken by the Code Monitoring and Compliance Panel (the Panel).
2. The Panel will adhere to these Terms of Reference (TOR), which set out its powers and functions.
3. The Code, Code reporting, the Panel and these TOR will be independently reviewed every three years following their commencement. The review will be undertaken by a suitably qualified, independent person/body appointed by the Panel in conjunction with the Administrator or Steward of the Code, as per the Memorandum of Understanding of January 2019.
4. The Panel will:
 - a. Be appointed by the NETCC Council.
 - b. Be an independent body. Representatives must be independent of Code signatories.
 - c. Have no representative of the Administrator, Steward or Council as a Panel member.
 - d. Be suitably qualified to hear and arbitrate appeals referred to it by the Administrator and to hear appeals against sanctions imposed by the Administrator.
 - e. Consist of between three and seven participants who are all non-signatories to the Code:
 - i. At least two industry representatives with experience in the relevant new energy technology outlined in the Code.
 - ii. At least one consumer representative with relevant experience and knowledge in, for example, consumer advocacy, consumer protection, consumer law.
 - iii. An option of one or more independent experts who have expertise that would be relevant to the work of the Panel, for example, a National Credit Code finance expert.

5. The Chair will:
 - a. Be appointed by Council or a nominated delegate.
 - b. Have relevant experience and knowledge in, for example, regulatory or government administration of consumer law, or a similarly suitable background.
 - c. Be responsible for ensuring that the Panel follows due process at all times, particularly when dealing with any breach of the Code.
 - d. Not be employed within any of the new energy tech industries as defined by Part C of the Code.
6. Panel members and the Chair will be appointed for a period of three years and are eligible for reappointment.
7. The Panel will be responsible for:
 - a. Overseeing the monitoring of compliance and enforcement of the Code.
 - b. Responding to matters referred to it by the Administrator.
 - c. Hearing and arbitrating appeals from any signatory affected by a decision of the Administrator.
 - d. Referring systemic breaches to the relevant regulators.
 - e. Conducting its own inquiries into Code compliance.
 - f. Producing an annual report on the Code's operation, including reporting on Code compliance, to enable a periodic assessment of the Code's effectiveness, ensuring the Code standards meet the identified objectives and community expectations, and identifying systemic issues and areas for improvement.
 - g. Publishing the annual report as outlined in paragraph A26 of the Code.
 - h. Driving best-practice standards in the industry.
8. All decisions of the Panel are final. Signatories have no right of review beyond the Panel.
9. Panel members will serve in good faith in accordance with these TOR and shall put aside their own interests to work together for the benefit of greater consumer protection in the new energy technology sector.
10. Should a Panel member decide to file a complaint to the Administrator, the Panel member must act in accordance with the NETCC Complaints Policy and Procedure.

11. Council may exercise its discretion to remove a Panel member if it considers that the Panel member has failed to discharge their responsibilities in accordance with these TOR. It will do so with the agreement of the Panel Chair, or, if the Chair is the individual in question, a majority of Panel members.
12. Where a Panel member retires or is removed by Council, Council shall exercise its discretion to select a replacement Panel member in accordance with Section 4(e) above.
13. The Administrator shall publish details of all Panel members on the NETCC website.

Meetings of the Panel

14. The Panel will meet regularly – once every three months (quarterly), as a minimum.
15. During meetings, the Panel will:
 - a. Carry out its responsibilities listed in Section 7 above.
 - b. Adopt, maintain, and update the documentation relating to the administration of the Panel.
 - c. Monitor the performance of signatories to the Code in accordance with the methods set out in the Code and these TOR.
 - d. Monitor complaints data and changes in the industry that could lead to the identification of areas requiring a future update in the Code.
 - e. Monitor the operation of the Code.
 - f. Consult such experts as it considers necessary to advise it in carrying out its responsibilities hereunder.
 - g. Review any reports presented to it by the Administrator.
16. A Panel meeting shall be quorate where 75 per cent of Panel members, or their representatives, are present.
17. Where a Panel member (excluding the Chair) is unable to attend a meeting, they may nominate an alternate to attend on their behalf providing that the alternate is of similar expertise and is made aware of and abides by the principles of service of Panel members.
18. Panel members must attend at least 70% of Panel meetings.
19. The Panel shall decide any matters requiring its approval by consensus, or by a simple majority of those present and voting at a properly convened and quorate meeting.

20. If there is a tied vote on any matter for decision by the Panel, the Chair will have a casting vote.
21. All Panel members must declare any conflict of interest and alert the Chair to potential conflicts of interest that may arise during the course of a meeting. The nature of the conflict and action by the Chair shall be recorded in the minutes and on a Conflicts of Interest Register maintained by the Administrator on behalf of the Panel.
22. The Administrator shall take minutes of proceedings at each Panel meeting.