

# Expression of Interest

Energy and Water Ombudsman (SA) Limited  
Nominations for Consumer Directors



ENERGY & WATER  
OMBUDSMAN SA

May 2020

## Call for Expressions of Interest

The Energy and Water Ombudsman (SA) Limited (**Energy & Water Ombudsman SA**) is an independent body established to facilitate the prompt resolution of complaints and disputes between consumers of energy, water and sewerage services and the providers of those services. It aims to do this by providing a free, independent, accessible, fair and informal service to all consumers.

The Energy & Water Ombudsman SA Board has primary responsibility for the formal administration of the functions of the Energy & Water Ombudsman SA, policy matters, oversight of the operational matters and maintaining the independence of the Ombudsman. The Ombudsman, Mr Sandy Canale, has responsibility for the day-to-day operations and the resolution of individual complaints. These roles are complementary and, generally, the Ombudsman will attend meetings of the Energy & Water Ombudsman SA Board as an observer and advisor as appropriate.

The Energy & Water Ombudsman SA is a public company limited by guarantee and its board consists of nine directors (including an independent Chairperson). The Essential Services Commission (**Commission**) is required to nominate four non-executive consumer Directors for appointment to the Energy & Water Ombudsman SA Board. As the terms of the current consumer Directors are all due to expire over the next 15 months, the Commission is seeking expressions of interest for all four consumer Director positions.

The Commission aims to achieve a balance and variety of consumer interests and perspectives among the membership of the Energy & Water Ombudsman SA Board, and is seeking to nominate Directors that can represent and reflect the interests of consumers of electricity, gas and water services, or have experience with public interest or advocacy groups relevant to such services.

The Commission encourages people based in both metropolitan and rural/regional areas to apply, and welcomes applications from individuals that have demonstrated and direct experience of the issues that impact upon consumers in accessing electricity, gas and water services. The Commission particularly encourages applications from people who represent consumers who are Indigenous, who are culturally and linguistically diverse, who live with a disability, who are financially disadvantaged, who live remotely and/or are involved in small to medium sized businesses.

In times where energy and water markets, along with consumer interactions with those markets, are constantly evolving, people who can strategically navigate and respond to new or emerging issues will be highly regarded.

The four consumer Director Board appointments commence on the following dates; 1 October 2020, 24 October 2020, 28 February 2021 and 31 July 2021. The other appointed Directors of the Energy & Water Ombudsman SA Board are ultimately responsible for approving the appointment of the Commission's nominees.

Further details on the Energy & Water Ombudsman SA, including its 2018-19 Annual Report, Corporate Governance Statement, Constitution and Charter are available at [www.ewosa.com.au](http://www.ewosa.com.au). The website also includes details regarding the current composition of the Energy & Water Ombudsman SA Board, which includes an independent Chair, Mr Peter Bicknell. Applicants are strongly encouraged to review this additional information prior to making an application.

## How to apply

Details on the selection criteria and terms of appointment are provided below and are also available on the Commission's website at [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au).

Applications addressing the selection criteria must be received by 12 June 2020.

Applications can be emailed to [jacqui.norman@escosa.sa.gov.au](mailto:jacqui.norman@escosa.sa.gov.au). Applications by post will also be accepted and can be sent to:

Energy and Water Ombudsman (SA) Limited Board Nominations  
Private and Confidential  
c/o ESCOSA – Attention Ms Jacqui Norman  
GPO Box 2605  
ADELAIDE SA 5001

All applications received will be acknowledged by return email.

## Contact details

Enquiries regarding the Expression of Interest materials or the application process can be made to Ms Jacqui Norman, Manager, Executive Services, on (08) 8463 4323 or at [jacqui.norman@escosa.sa.gov.au](mailto:jacqui.norman@escosa.sa.gov.au).

Enquiries concerning the Board or Energy & Water Ombudsman SA Limited can be made to Ms Pia Bentick, Company Secretary, on (08) 8216 1888 or at [pia.bentick@ewosa.com.au](mailto:pia.bentick@ewosa.com.au).

The Essential Services Commission is an independent statutory authority with functions in a range of essential services including water, sewerage, electricity, gas, rail and maritime services, and also has a general advisory function on economic matters. For more information, visit [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au).

Essential Services Commission  
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## Selection Criteria

Applications should include an up to date resume and covering letter (limited to 2 pages) which address the following selection criteria:

1. Demonstrated experience in representing and understanding the interests of, and issues impacting, a wide range of energy and water consumers (particularly consumers from rural and regional communities, who are Indigenous, who are culturally and linguistically diverse, who live with a disability, who are financially disadvantaged, and/or who are involved in small to medium sized businesses).
2. Demonstrated experience with other relevant organisations that consider the views and perspectives of energy and water consumers and the new or emerging issues they face as energy and water markets evolve.
3. Previous board or committee experience and an understanding of the responsibilities and accountabilities of board directors, including governance, strategy and financial acumen.
4. An understanding of the role and operation of the Energy & Water Ombudsman SA and the role of the Australian Energy Regulator and Commission.
5. Experience or knowledge of the energy and water industries and the issues that impact upon the wide range of consumer groups accessing these markets, in particular, how consumers are changing the ways in which they interact with those markets and service providers.
6. Demonstrated skills or knowledge in other relevant disciplines or fields such as, information technology, digitisation, ethical business practice or regulatory economics.

You may also wish to include any other relevant background material with your application (ie covering letter) in addition to information provided in response to the selection criteria. Please also ensure current contact details, including telephone and email address are provided.

## Terms of Appointment

### Description of duties

As a Director you will be expected to prepare for, attend and contribute to board meetings, general meetings of the Energy & Water Ombudsman SA and any relevant committee meetings.

The general duties of Directors include:

- exercise powers with the care and diligence that a reasonable person would have, which includes ensuring that you are informed about the financial position of the Energy & Water Ombudsman SA and that it does not trade if insolvent
- exercise powers and duties in good faith, in the best interests of the Energy & Water Ombudsman SA and for a proper purpose
- not to improperly use your position to gain an advantage for yourself or someone else, or to cause detriment to the Energy & Water Ombudsman SA, and
- not to improperly use information obtained through your position to gain an advantage for yourself or someone else, or to cause detriment to the Energy & Water Ombudsman SA.

Additional duties of Directors are also set out in the Constitution and Charter of the Energy & Water Ombudsman SA, which are available from [www.ewosa.com.au](http://www.ewosa.com.au). The obligations on directors outlined in the Corporations Act 2001 are also relevant. Applicants are strongly encouraged to review these documents.

### Length of appointment

The Commission has determined that the term of appointment is for a period of three years.

### Reappointment

Directors are eligible to be nominated and appointed again for a subsequent term or terms. However, no Director is eligible to serve more than nine consecutive years as a Director.

### Resignation or termination of appointment

In accordance with the Corporations Act 2001 and the Energy and Water Ombudsman SA Constitution, a Director may resign by notice in writing. The Constitution also sets out other circumstances in which the office of a Director may be vacated.

### Remuneration

The current annual fee for Directors is \$ 21,690 (which includes 9.25% superannuation).

The members of the Energy & Water Ombudsman SA approve a total annual figure for the remuneration of Directors in a general meeting. The remuneration is reviewed annually.

### Meetings

Currently, there are 6 Board meetings scheduled during a financial year. In the event an urgent matter requires the attention of the Board, additional meetings can be arranged or a circulating resolution seeking a decision on that matter can be circulated for all Directors to sign.

Directors may also be required to become a member of a committee established by the Board to assist with the functioning of the Energy & Water Ombudsman SA.

## Conflict of interest

Prior to appointment, each nominated Director is required to sign a Consent to Act, which includes a declaration of interests. This should include any activities that could be perceived to be, or are, conflicts with being a Director of the Energy & Water Ombudsman SA.

A Director may not be counted in any quorum and is not entitled to vote in respect of any proposed contract with the Energy and Water Ombudsman SA in which he or she has an interest, or on any matters the Director has a material personal interest.

## Confidentiality

A Director must undertake to the Energy and Water Ombudsman SA that they will not, at any time during or after their appointment as a Director, in any manner directly or indirectly, disclose or use any confidential information of any kind concerning the business, affairs or employees of the Energy and Water Ombudsman SA or acquired by the Director in the course of or in consequence of their appointment.

This does not apply to the disclosure of information which is freely available to the public, or disclosures required of the Director by law.