



MAKING WATER WORK

**Terms of Reference
For
Customer Advisory Boards**

Revision; v3

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1. APPLICATION

This Terms of Reference shall apply to all SunWater Customer Advisory Boards.

2. DEFINITIONS

Chair	An independent member of the Customer Advisory Board appointed by SunWater to coordinate the activities of the Customer Advisory Board, preside over Customer Advisory Board meetings and represent the interests of the Customer Advisory Board in interactions with SunWater.
Customer Advisory Board	A group of customers, stakeholders and other representatives within a scheme who have been elected or appointed to represent the interests of the broader customer base in relation to the strategic and sustainable management of the scheme.
Customer	A customer includes all customers who hold a contract with SunWater for the supply of water and/or water services within a water supply scheme.
Quorum	The minimum number of representatives in attendance to conduct a meeting.
Representative	Any person elected or appointed as representing customers and stakeholders in accordance with membership eligibility criteria.
SunWater	The supplier of water and/or water services to the scheme.

3. BACKGROUND

The LMA Stage 3 work involved detailed investigation and analysis of the Irrigation Schemes in a way that has not previously been available to SunWater, with its portfolio approach to irrigation management. The productive partnership created during the LMA process between customer representatives, related industry bodies, independent experts and local Stakeholders brought insight and energy, focused on the future viability of the Irrigation Schemes.

The outcome was a detailed understanding of the risks and opportunities in the Irrigation Schemes and the LMA Boards want to share and build on those learnings with SunWater. The Customer Advisory Board is the medium through which those risks and opportunities can be addressed collaboratively and through which new and emerging risks and opportunities can be identified and managed.

4. PURPOSE OF CUSTOMER ADVISORY BOARD

- To establish a formal mechanism whereby scheme customers, councils, local industry and other stakeholders can be meaningfully consulted, involved in the decision making process, make recommendations and raise issues for consideration by SunWater in relation to the scheme.
- To build a collaborative partnership between SunWater, customers and local stakeholders regarding the medium to long-term strategic and sustainable management of the scheme.
- To establish and embed genuine regional engagement on all matters water related in the scheme by working together with customers and stakeholders.

5. OBJECTIVES OF THE BOARD

The Board is intended to have ambitious objectives within realistic expectations. The Board's objectives are to:

- Improve water security for irrigators and the scheme
- Facilitate genuine customer engagement
- Ensure transparency in decision making and information flow
- Provide a scheme specific focus, recognising the unique regional value of each scheme and the importance of the scheme to the local economy and community
- Foster relationships and understanding between SunWater, scheme customers and local stakeholders
- Increase understanding of and ability to adapt to industry drivers in terms of water use
- Enable effective input and examination by customers and stakeholder groups to strategic planning and service-decision making process in relation to the Scheme.
- Provide a commercial focus and recommend ways to improve the financial viability of the scheme to ensure its long-term sustainability.

6. SCOPE OF THE BOARD

The scope of the Customer Advisory Board includes the following scheme issues:

- Issues impacting on all customers within the scheme including river irrigators, channel irrigators, industrial customers, councils and other stakeholders
- Bulk water and Channel Irrigation Schemes
- Opportunities to improve water security and increase water use (efficiency and quantity)
- Provide updates on industry trends, viability, sustainability opportunities and influences
- Review of service levels and consider service/price trade-offs
- Review of asset management plans
- Review of renewal and maintenance programs
- Assist in the development of five-year capital works programs including level of capital expenditure and priorities for funding
- Review risk assessment for the network
- Provide guidance and advice in other policy or strategic issues related to irrigation services within the scheme
- Options to improve the financial viability of the scheme including increasing revenue and reducing costs
- Scheme upgrade and modernisation opportunities
- Innovation ideas for the scheme
- Options and priorities for future water storage and distribution projects within the scheme
- Network Service Plans (NSPs)
- Annual Scheme Performance Reports
- Provide support and advice to SunWater in negotiations with Government and other organisations on specific scheme issues including but not limited to new initiatives, industry drivers and impact statements.
- Provide advice and recommendations to SunWater regarding scheme operational issues including but not limited to annual shutdowns, emergency shutdowns, restrictions and other operational issues.
- Other relevant scheme issues

The following issues are out of scope for the Customer Advisory Board:

- Contact with the media and political parties regarding the scheme or SunWater
- Making media releases regarding SunWater and/or scheme business matters
- Public criticism of SunWater

- Actions that will negatively impact on the Board or SunWater's reputation
- Other parts of SunWater's business not associated with the water supply scheme.

7. Authority of the Customer Advisory Board

- The Customer Advisory Board is an advisory board.
- The Customer Advisory Board shall function within the "Scope of the Customer Advisory Board" as detailed in this Terms of Reference and will collaborate with SunWater and provide advice, guidance and recommendations to SunWater in relation to the scheme for consideration.
- The Customer Advisory Board does not have the authority to represent or speak on behalf of SunWater.
- The recommendations and decisions of the Customer Advisory Board are those of the Customer Advisory Board and must not be projected as those of SunWater.
- Customer Advisory Board does not have legal status and therefore cannot have responsibility for a budget, enter into contracts or legal agreements, or be held legally liable. These responsibilities remain with SunWater.

8. CUSTOMER ADVISORY BOARD

a) Board Representation

While the number of representatives on a Customer Advisory Board will depend on the size and diversity of the scheme, each Customer Advisory Board shall have an uneven number of representatives of between five and nine, including the Chair. This is to ensure that the interests of all customers and stakeholders are adequately represented and for good governance. The number of representatives on each Board shall be determined by SunWater.

The Board shall include the appointment of members to fairly represent the different categories of customers and stakeholders in the scheme and will include an independent Chair to bring an independent perspective to the Board.

An example of the different categories of representatives which may be considered by SunWater is shown below:

- River Customer representatives
- Channel Customer representatives
- Council representative
- Significant Major Customer representative (eg > 20% WAE)
- Industrial Customer representative
- Independent Chair with relevant experience and expertise

b) Term of Representation

The term of representation for elected and appointed members (including the Chair) shall be three (3) years. Representatives may be re-elected or reappointed.

c) Election and Appointment of Representatives

Initially, SunWater will appoint Board Representatives and the Chair including a number of the previous members of the LMA Investigation Board to the Board for the first year. SunWater will notify representatives of their appointment in writing.

The future appointment of Customer Representatives will be carried out by SunWater calling for nominations to fill vacant positions for the respective categories prior to the expiry of each term. SunWater shall promote gender equity when calling for nominations.

Each nomination shall be in writing and provide evidence that the nominee is a customer in the representative category for which they are nominating (eg River or Channel Customer) and include the signature of the nominee.

If more than the required number of eligible nominations are received for a representative category, the customers within the relevant representative category shall be asked to vote to elect the representative. SunWater will arrange the customer vote to elect the representatives.

Where the required number of nominations is not received, the Chair in consultation with SunWater shall select and appoint a customer from that representative category, as a Customer Advisory Board representative.

SunWater shall appoint Council, significant Major Customer and Industrial Customer Representatives for the following 3 year term.

d) Representatives' Responsibilities

The responsibilities of Board Representatives include:

- participating at Board meetings as a representative of the relevant Representative Category
- undertake their duties and responsibilities in accordance with this Term of Reference.
- work for the benefit of their individual Representative Category for the scheme and for the mutual good of all customers represented by the Customer Advisory Board.
- work cooperatively and constructively with other Board Representatives on matters relating to the Scope of the Board.
- be forward looking for the scheme and its future sustainability
- advocate for change and innovation.
- remaining abreast of and increasing their awareness and knowledge of water resource issues that may impact on customers and scheme effectiveness
- raising and discussing customer issues, ideas and concerns with the Customer Advisory Board
- providing feedback to customers regarding Customer Advisory Board work and outcomes if asked by customers
- Comply with duty to not misuse information or position
- Comply with duty to disclose and manage conflicts of interest, and
- Comply with all other duties and responsibilities imposed by the Corporations Law on Directors and Officers of companies

While representatives carry out the above responsibilities, these activities do not replace SunWater's commitment to communicate effectively with all customers.

e) Appointment of Independent Chair and Election of Deputy Chair

- SunWater shall select and appoint an independent Chair for a term of 3 years.
- The Board will elect a Deputy Chair to deputise for the Chair in the Chair's absence.

f) Role of the Chair

- coordination and management of the activities of the Customer Advisory Board
- chairing Board meetings
- coordinating the agenda for Board meetings

- provide leadership and a commercial focus for the Board.
- representing the Customer Advisory Board in interactions with SunWater.
- representing the Board outside of formal meetings
- be impartial and ensure that the interests of all customers, customer groups and relevant stakeholders are considered fairly by the Board.
- work with SunWater to ensure that a professional and collaborative partnership is developed between the Board and SunWater for the long-term benefit of the scheme and customers.
- actively take steps to maintain the interest, energy and focus of the Board in developing and recommending real solutions for the benefit of the scheme and customers.
- actively take steps to ensure that the Board activities do not adversely impact on the interests and reputations of both the Board and SunWater.

g) Dispute Resolution

The Board may vote to replace a board member due to long periods of absence from board meetings, unprofessional conduct or inability to work with other board members and contribute positively to the aims of the Board.

If a representative considers that a fellow representative is not acting in accordance with these Terms of Reference, the issue must be outlined (in writing) and presented to the Chair and SunWater. The Chair shall notify the representative concerned and provide the representative with the opportunity to respond (in writing) within a reasonable timeframe.

The Chair shall discuss the issue with the other Board Representatives and SunWater's Executive General Manager Operations. Following this discussion, the Chair and other Board Representatives shall hold a meeting between the relevant parties to attempt to resolve the issues. The Chair shall chair the meeting ensuring equal time and fairness to both parties.

If the issues are not able to be resolved, a Customer Advisory Board meeting shall be called for representatives to vote on whether to remove the representative from the Customer Advisory Board. The representative who the complaint is about shall not be permitted to attend the meeting or to vote at the meeting. At this meeting, the Chair shall present the issues raised and response provided. The outcome of the vote must reflect the majority of the Customer Advisory Board and be approved by SunWater. The Chair shall advise the representative who the complaint is about of the outcome of the meeting and the agreed action eg no further action or termination as Board Representative.

In the instance when the Chair is the complainant or the complaint is regarding the Chair, the Deputy Chair shall chair this meeting.

h) Vacancies

A vacancy on the Customer Advisory Board shall exist when:

- i) A representative resigns their position as a Customer Advisory Board representative
- ii) A channel or river representative ceases to be a customer
- iii) A representative is absent for three consecutive meetings without notice of leave.
- iv) The Board votes to replace a representative as a result of a dispute or breach of these Terms of Reference.

i) Resignation of Board Member

A representative may resign from the Customer Advisory Board by giving written notice to the Chair. The resigning representative shall return all Customer Advisory Board property including paper documents and delete all electronic Board documents in their possession and shall not copy or forward the documents on to other parties.

j) Remuneration for Board Members

- To recognise the value of the Board, attract members with required expertise and drive joint ownership of inputs to the Board, members will receive remuneration for their services.
- Board Members shall be paid an annual remuneration in accordance with the Queensland Government Remuneration Procedures for part-time chairs and members. The annual remuneration shall be paid in six (6) monthly instalments in arrears.
- Board Members can choose the method by which they are paid to be on the Board including as a SunWater employee or by invoice if contracted through a separate legal entity (e.g. company, trust). However, Board Members cannot be engaged as a sole operator with an ABN.
- If a Board Member is engaged as an employee, they will receive superannuation over and above the Remuneration payment. Representatives contracted through a separate legal entity will not receive superannuation payments.

k) SunWater Representatives

- SunWater will provide a minimum of one representative to attend each Board meeting.
- SunWater will make available staff who are subject matter experts with specialised knowledge and skills to attend Board meetings as required.
- SunWater representatives will attend each Board meeting and will not have voting rights and will not fulfil the role of Chair.

The role of SunWater Representatives is to:

- Provide advice to the Board
- Provide available scheme information held by SunWater to the Board as required.
- Update the Board on relevant issues
- Receive feedback from the Board on relevant issues and pass it on to the relevant person in SunWater to follow up and respond to the Board.

9. BOARD MEETINGS

a) Notice of Meetings

- The Customer Advisory Board shall hold a minimum of two meetings per annum and a maximum of 5 meetings per year. The Chair may convene additional meetings as required, or, if requested to do so by SunWater.
- The last action of a Customer Advisory Board meeting will be to nominate the date, time and place for the next meeting.
- The Chair shall call for agenda items from Board Members and SunWater representatives for discussion three weeks before each Board meeting. Board Members and SunWater representatives will notify the Chair of agenda items 10 days prior to each meeting.
- The Chair shall prepare the agenda once agenda items have been received. The number of issues placed on the agenda may be limited to allow for appropriate levels of discussion.
- At least seven days prior to the meeting, a notice of a meeting, agenda and minutes of the previous meeting shall be provided by the Chair to all Board representatives and SunWater by email.
- SunWater shall provide an administration officer to assist the Chair with preparing the agenda, previous minutes and sending the information to Board Representatives and SunWater Representative.

b) Quorum for Meetings

- A meeting of the Customer Advisory Board shall not proceed unless a majority of representatives are in attendance.
- In the instance when a quorum does not occur, the Customer Advisory Board meeting will be rescheduled for a later date and all representatives will be advised.

c) Observers

- The Customer Advisory Board may invite customers of the scheme, stakeholders, professional experts and other individuals to attend meetings as observers. While the role of the observer is generally restricted to observing only, the Chair may invite an Observer to participate in discussion in relation to a specific issue.
- Observers are not representatives of the Customer Advisory Board and do not have voting powers.

d) Meeting process and resolutions

- The Chair shall preside over meetings in accordance with the agenda.
- Representatives may participate in the Board meetings by Teleconference or phone.
- The Customer Advisory Board shall operate cooperatively and reach decisions by consensus. Resolutions made shall reflect the majority of the representatives. Any motions of dissent shall be written into the minutes if requested by the dissenting representative(s).
- The Board will promote collective responsibility and act in the best interests of all customers and SunWater.
- The Chair has the casting vote.
- All proceedings and resolutions of the Board will be minuted; such minutes being circulated by the Chair and agreed as accurate by email within ten working days of the meeting and formally approved and signed at subsequent Board meeting. Draft minutes will be posted on the Customer Advisory Board page on SunWater's website once they have been initially agreed as accurate by email and forwarded to SunWater by the Chair.
- The Chair may remove issues recorded in the minutes that are considered contentious unless SunWater agrees for them to be included. Any contentious issues removed from the minutes shall be forwarded by the Chair to SunWater's Executive General Manager Operations by email or letter.
- Board members are encouraged to actively communicate with each other, customers, stakeholders and SunWater representatives between board meetings in order to keep informed on current issues relevant to the scheme.

10. INSURANCE COVERAGE

SunWater's travel insurance policy covers Customer Advisory Board representatives engaged as employees. Claims are dealt with by SunWater's insurer. Coverage does not include loss of income, property damage, and Customer Advisory Board representatives' participation in other boards, committees or other purposes. It does not cover any other persons.

The policy applies to:

- travel to and from Customer Advisory Board meetings from place of business or home via the most direct route
- travel to and from Customer Advisory Board activities undertaken at the express request of SunWater from place of business or home via the most direct route.

SunWater's public liability insurance cover is extended to cover Customer Advisory Board representatives engaged as employees whilst carrying out SunWater business.

Board Members contracted through a separate legal entity (e.g. company, trust) shall not be covered by SunWater's insurance and shall be required to provide SunWater evidence of relevant insurances held by the company or trust before their appointment to the Board is confirmed.

11. REPRESENTATIVE LIABILITY

The main function of the Customer Advisory Board is to liaise with customers and stakeholders and to collaborate with and provide advice to SunWater. This advice has no statutory force and it cannot "bind" SunWater or any other person to undertake or restrain from any conduct.

Customer Advisory Board representatives cannot be compelled to provide advice.

SunWater carries full responsibility for all decisions it makes and will endeavour to protect representatives acting in the ordinary course of their functions under these Terms of Reference.

All individuals are responsible for their own actions outside the Customer Advisory Board such as providing expert opinion to others.

12. RESOURCES AND BUDGET

a) Budget

SunWater will provide and manage the Board's annual budget in consultation with the Board for the following:

- Remuneration for Board Members
- Travel and accommodation costs
- Consultant costs for scheme specific projects approved by SunWater
- The Board shall submit a proposed budget including details of proposed consultancy projects to SunWater for approval for the next financial year by the end of February each year
- SunWater will administer the budget, consult with the Board on spending decisions and provide the Board quarterly expenditure reports

b) Consultancies

Consultants will be engaged using SunWater's procurement processes and will be managed by the Board within SunWater's policies and guidelines to ensure adequate governance is maintained. SunWater shall advise the Board on these requirements.

The Board shall be permitted to engage consultants using other sources of funding separate to SunWater. Where this occurs and the party providing the funding stipulates a preferred consultant as a condition of the funding, the Board shall be permitted to engage the preferred consultant without the need for competitive tendering. The management of the funds, procurement and accounts payable shall be managed by SunWater to ensure adequate governance is maintained.

The Board shall determine if relevant information is available in the public domain or if it can be obtained from Government Departments, SunWater, Industry Organisations or other parties when considering consultancies to ensure there is no duplication of effort.

An electronic copy of the final report and recommendations from all consultancies undertaken by the Board shall be provided to SunWater.

c) Administrative Support

SunWater's regional office shall provide the following administrative support to the Board:

- Preparation of the agenda for meetings
- Taking minutes of meetings if required
- Correspondence – preparation, receipt and distribution
- Records management
- Uploading Board documents to SunWater's Website
- Payments of accounts
- Procurement
- Payment of travel expenses and meeting costs
- Other administrative tasks as required
- Provide the Board access to a SunWater conference/meeting room if required

SunWater shall provide the Chair with the name and contact details of the SunWater officer nominated to coordinate the administrative support for the Board.

d) Space on SunWater's Web Site

SunWater will provide the Board access to space on the SunWater website to:

- Introduce the Board to customers and stakeholders
- Publish the Board's Terms of Reference
- Publish the names of the board members
- Publish minutes of meetings
- Publish the Board's plan
- Provide provision for customer feedback to the Customer Advisory Board by email and postal address
- Publish specific Board documents and other information

13. DELIVERABLES

a) Board Plan

The Board shall develop and review annually its Plan for its medium and long term priorities and objectives for the Scheme. The Plan shall be published on SunWater's Website.

b) Advice and Recommendations to SunWater

- The Board shall provide written advice and recommendations in relation to the scheme for consideration by SunWater.
- SunWater shall consider any written advice and recommendations from the Board and provide a response to the Board.
- Where the advice or recommendations from the Board has been agreed to by SunWater, the Executive General Manager Operations shall nominate a responsible SunWater manager to be accountable for implementation of the initiative.
- Where the advice or recommendations from the Board have not been agreed to by SunWater, the Executive General Manager Operations shall provide a response to the Board as to why it has not been agreed to.
- The Board shall review and provide feedback to SunWater on the Network Service Plans (NSP's) and Annual Scheme Performance Reports.

c) Annual Reporting

The Board shall submit (via email in Word format) a concise annual report of the Board's activities during the year and progress against the Boards Plan to the Executive General Manager Operations in July each year, The report will be made public on SunWater's website.

d) Consultant Reports

- Provide a copy of all consultant reports to SunWater in an electronic format.

14. COMMUNICATIONS

The Board shall use their own logo and letter head and must not display SunWater logos. SunWater will assist the Board with developing its own letterhead and logo.

a) Media

The following protocols will apply to media contact:

- While general discussions from Board meetings may be made public, details of individuals and their individual opinions must remain confidential.
- While Board members are entitled to speak to other members of the customer base about Board matters (unless specifically asked to maintain confidentiality), Board members must not speak on behalf of the Board to the media.
- If Board members are approached by the media, they must direct the enquiry to the nominated SunWater officer.

b) Customers and stakeholders

- The Board shall seek customer and stakeholder input for Board consideration
- Board members may attend shed meetings to discuss scheme issues with customers and stakeholders
- The Board shall communicate Board recommendations to customers and stakeholders via annual report, newsletters and publishing minutes of Board meetings on SunWater's website
- The Board may liaise and consult with local and peak industry groups including but not limited to canegrowers, cotton growers, fruit and vegetable growers and tree growers on issues impacting on their members within the scheme.

c) Political

- The Board is not a political organisation and has no affiliation with any political party;
- The Board shall not have communications with any Political Party and shall refer any communications from a Political Party to SunWater for reply.

d) SunWater

- The Board shall forward all formal requests, advice and recommendations to SunWater's Executive General Manager Operations for consideration and approval.
- Any issues unable to be resolved may be escalated to the SunWater Board via the SunWater CEO's Report to the SunWater Board.
- SunWater staff who are subject matter experts with specialised knowledge and skills may attend Board meetings to discuss relevant issues of interest to the Board upon request.
- From time to time, SunWater's senior management shall attend Customer Advisory Board meetings to discuss strategic or policy issues that may impact on the scheme.

e) *Confidentiality*

- Board representatives will not be identified by name in the minutes to protect privacy (unless they agree otherwise). The use of broad terms (such as 'SunWater representative' and 'customer representative') will be used.
- Documents distributed in Board meetings will be subject to copyright, and permission will be required from the original author/owner of the document prior to further distribution or reproduction.
- Documents will not be considered confidential unless specifically stated by the author/owner. For transparency, it is desirable for authors/owners of documents not to have them classed as confidential wherever possible.
- Should members wish to distribute their own information outside of the Board forum, they must clearly indicate on distributed materials that the information is not an official Board document.

15. OVERSIGHT OF CUSTOMER ADVISORY BOARDS

SunWater's [Executive General Manager Operations] shall be responsible for the oversight and coordination of Customer Advisory Boards.

This will include but not be limited to:

- Building relationships and maintain direct and regular contact with the Customer Advisory Boards and stakeholders.
- Ensuring that the views of the Customer Advisory Boards are communicated to the SunWater's Executive Leadership Team and other SunWater employees where relevant.
- Ensuring that the Boards are provided with adequate information and reporting from SunWater.
- Ensuring SunWater representatives attend Board meetings and effectively participate
- Approving Board budgets
- Monitoring the effectiveness of the Boards

16. REVIEW OF THE CUSTOMER ADVISORY BOARDS EFFECTIVENESS

Each Customer Advisory Board and SunWater shall jointly review the effectiveness of the Board every 3 years or as agreed by the Board and SunWater based on the following parameters:

- Customer collaboration and engagement
- Collaboration between the Board and SunWater
- SunWater's participation and level of engagement with the Board
- The Board's achievements with respect to the objectives of the Board

SunWater shall nominate a manager to work with the Board to complete the review.

17. REVIEW AND AMENDMENT OF TERMS OF REFERENCE

a) *Review of Terms of Reference*

- This Terms of Reference shall be reviewed by SunWater in consultation with the Customer Advisory Boards at the end of June 2019 and every three years thereafter;
- The Board or SunWater may recommend to the other party in writing that the Terms of Reference be amended at any time under special circumstances;

b) Amendment of Terms of Reference

- This Terms of Reference may be amended, varied or modified after consultation and agreement between the Customer Advisory Boards and SunWater.
- Where agreement cannot be reached SunWater may amend, vary or modify the Terms of Reference without the agreement of the Boards.
- SunWater will make the changes to the Terms of Reference and publish them on the SunWater website.