Consumer Representation on Boards and Committees

A GUIDE FOR CONSUMERS
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What is a consumer?
A consumer is someone who is, or may be, a buyer or user of goods or services, for personal or domestic use.

Rights of consumers
The consumer movement, through Consumers International, has adopted a charter of eight generic rights of all consumers¹.

- **Satisfaction of basic needs**: to have access to basic, essential goods and services: adequate food, clothing, shelter, health care, education, public utilities, water and sanitation.

- **Safety**: to be protected against products, production processes and services, which are hazardous to health or life.

- **Be informed**: to be given the facts needed to make an informed choice and to be protected against dishonest or misleading advertising and labelling.

- **Choice**: to be able to select from a range of products and services, offered at competitive prices with an assurance of satisfactory quality.

- **Be heard**: to have consumer interests represented in the making and execution of government policy and in the development of products and services.

- **Redress**: to receive a fair settlement of just claims, including compensation for misrepresentation, shoddy goods or unsatisfactory services.

- **Consumer education**: to acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them.

- **A healthy environment**: to live and work in an environment, which is non-threatening to the well being of present and future generations.

Introduction

The right of consumers to be heard is fundamental to ensuring that the other general rights of consumers are upheld. Consumer representatives are an effective mechanism for ensuring that consumer interests are “heard” and acted upon.

There are many forms of consumer representation in the marketplace. Consumer representatives appointed to boards and committees are one form. If you have an interest in consumer issues, this booklet will give you some background about the roles and expectations of consumer representatives. Consider registering your interest and making a contribution to ensuring that the interests of consumers are heard and upheld.

This booklet is focussed on the role of consumer representatives who are appointed to boards and committees of various types. The generic terms of “committee” or “board” have been used through the booklet, but the terms are intended to encompass councils, working parties or any other similar group. This booklet has been written to assist consumers who are already acting as consumer representatives, and for consumers who would like to become involved in representing consumer interests. It includes a description of the role of consumer representatives, provides suggestions about being an effective consumer representative, includes some information about committee work and notes some of the challenges commonly encountered by consumer representatives. A glossary of terms also has been included.

What is a consumer representative?

A consumer representative is a person appointed to a board or committee to represent the interests or perspectives of consumers. The consumer representative may be appointed either to represent the consumer interest generally, or to represent the views of a specific group, perhaps a group of consumers with special needs.

A consumer representative must be prepared to represent the interests of consumers as a group, and not to simply provide a narrow personal view of any
issue. Keeping in touch with a network of consumer contacts will help to provide that broad view of the consumer interest.

The role of a consumer representative in any particular situation should be to represent only the interests of consumers. A board or committee member who is expected to represent the interests of both consumers and another stakeholder group may encounter a situation in which those interests differ, and perhaps even conflict. Consumer representatives must be diligent in avoiding potential conflicts of interests. One individual cannot adequately represent the consumer interest as well as the interests of another stakeholder group in any given industry or sector.

**The role of a consumer representative**

The role of a consumer representative is to bring a consumer perspective to all discussions and decision-making of the board or committee on which he or she sits. The consumer representative needs to critically evaluate the business of the committee in light of the consumer interest. Sometimes proposals being considered by the committee will not meet the needs of consumers. In such cases the consumer representative should present the consumer view persuasively and may need to develop alternative suggestions that better meet the needs of consumers.

A consumer representative can contribute, as a positive member, to the overall role and direction of the board or committee and may be able to provide a perspective on an issue that other members have not considered.

As a consumer representative you must represent the consumers’ viewpoint broadly. Remember, you are not representing yourself as an individual.
Qualities of an effective consumer representative

Effective consumer representatives will be able to:

- address all issues from the perspective of the consumer;
- develop and maintain relationships with the people and groups they represent;
- use strong communication skills, or develop those skills with the appropriate training and support;
- respect diversity;
- work effectively in a team environment;
- understand, commit to and maintain confidentiality when it is required;
- maintain an interest in current affairs and news, especially those issues relevant to consumers and to the committees on which they sit;
- participate in community activities that are relevant to their consumer networks;
- have a broad community network with which to consult regularly;
- be accessible to the consumer groups they represent; and
- bring to the committee some understanding of the issues and the industry in question.

Newly appointed consumer representatives may bring these attributes to the role, or may be committed to developing these skills and abilities in order to effectively represent consumers.

As a consumer representative, who are you representing?

The group of consumers being represented is sometimes called a “constituency.” The group of consumers, or constituency, has common interests as consumers, and it is these interests that are being represented. Because of these common interests, the group relationship is based on sharing information, collaboration and ongoing contacts.
Diversity of consumer groups
There are many diverse constituencies amongst consumers, just as there are a number of constituencies in medicine (e.g. pharmacists, surgeons, nurses and hospital administrators) or in building (e.g. carpenters, concrete workers and electricians). Indigenous Australians, people with low incomes, seniors and youth are likely to have many interests in common as consumers, but also may have issues or needs specific to their particular group.

Many boards and committees have a broad representation of stakeholder groups, including consumer groups. The purpose of having such a broad representation is to improve the decision-making process and to ensure that diversity of consumers is acknowledged, respected and adequately represented.

Keeping in touch with the consumer group you represent
To successfully keep in touch with the consumers you represent, you need to establish a network of people with whom you associate, and actively collaborate and share information with that network. As a consumer representative, you need to both give information to, and seek information from, the people in your network.

Examples
- Your brother, daughter or niece will be part of your family network. They may also keep you in touch with relevant housing and renting issues, perhaps because they have encountered problems or because they work in that field.

- You may volunteer at a local surf club and have a strong network of fellow lifesavers, who are aware of issues to do with beach safety and the environment.

- You may work for a childcare centre. The colleagues you work with are part of your work network. The parents of the children you care for, since you share a relationship with them, are also part of your network.
You will probably have a series of overlapping relationships that comprise your network of contacts. However, if you feel that you need more people to talk to about the role you have taken on, consider joining a group that will help you keep in contact with the consumers you represent and with relevant consumer issues. For example, you might join a consumers’ association or become involved with a local community group.

**Keeping your network informed**
As an effective consumer representative, you will need to keep your network of consumer contacts informed. Let people in your network know:

- the actions and decisions being considered by the board or committee;
- the positions you are putting to the committee on behalf of your consumer constituency; and
- the decisions being made by the board or committee.

**Using your network to better represent consumers**
As an effective consumer representative, you will need to use your network of consumer contacts. By keeping in touch with people in your network you can:

- gather information and informed opinions that will help you represent the interests of your consumer constituency;
- identify new contacts that may help you deal with particular issues; and
- pass on information or provide advice that might help an individual to understand and uphold their rights as a consumer.

**Maintaining a strong network**
As an effective consumer representative it is important to maintain a strong network of consumer contacts. Some general principles will help you to do this.

- **Shared goals:** You have a reason for keeping in touch with members of your network, and those goals are shared by the group.
- **Good listening:** As an effective consumer representative, you need to listen
to the people in your network, have empathy with their situations and pay
due attention to details.

• **Information:** You need to provide information to, as well as seeking ideas
  from, your network and you need to ensure that information is clear and
  relevant.

• **Trust and openness:** As an effective consumer representative, you need to
  communicate openly with your network and behave in a manner that gains
  their trust.

### The nature of boards and committees

In this booklet the term “board” or “committee” has been used to describe a
formal working group within an organisation, often formed by an appointment or
nomination process. The group may be designated as a “board” or a
“committee”, or could be called a council or a forum or another similar term. In
this booklet we will continue to use the terms “board” or “committee” to
encompass all of these possibilities.

Boards and committees are very diverse. For example, a board may be appointed
under legislation to consider certain specific matters, and may have legal authority
to deal only with particular issues. Alternatively, a committee might be appointed
to provide policy advice and have a wide-ranging role.

Members of some councils or boards of directors may take on legal obligations
in that role. Prospective consumer representatives should ensure that they are
aware of any such legal responsibilities and potential liabilities before they
accept appointment.

The number of members appointed to any board or committee, and the structure
of the group, will vary. However, a committee usually is small enough to ensure
that informal discussion is possible.
Role of the Chairperson, Executive Officer and Secretariat

There are some distinct and common roles for particular board and committee members and functions of those that support their work. The Chairperson and the Executive Officer or Secretariat contribute to ensuring that the board or committee members work effectively as a group.

A Chairperson is a member whose primary role is to preside over meetings of the board or committee and to manage interaction amongst the group. The Chairperson is a member of the board or committee in his or her own right, but also takes on the additional role. The Chairperson may be appointed to the role or may be elected to the role by other members. On many boards and committees a consumer representative is eligible to be the Chairperson or Deputy Chairperson.2

The Executive Officer is the person responsible for the performance of administrative duties to support the work of the board or committee. The role and title of this position will vary. However, most boards and committees comprising members from the community have some form of administrative support.

If there is a group of staff supporting the board or committee, the staff may be referred to as a Secretariat. The Secretariat has a similar role to that of the Executive Officer, that is, performing administrative tasks, maintaining records and doing other secretarial duties. The role of a Secretariat will vary depending on the board or committee.

More information about the role of the Chairperson of a board or committee is available in the companion booklet to this one, which is entitled Consumer Representation on Boards and Committees: A Guide for Industry and Government.
Meetings of Boards and Committees

Preparing for your first meeting
It is important to prepare for the first meeting of the board or committee that you attend:

- Find out whether an induction program or an information package about the board or committee is available;

- Obtain a copy of the constitution, the terms of reference or the legislation that establishes the board or committee. Use this information to become familiar with its functions, objectives and powers;

- Try to find out about how the meetings are run, whether there are any formal rules or meeting procedures, and how matters are put on the agenda; and

- Try also to find out about the organisational relationships of the board or committee, such as who the board or committee report to, and/or who reports to the board or committee.

At your first meeting
You may be a little nervous at the first meeting you attend, and you may find that you are not able to contribute to discussions. For the first meeting you may be more of an observer than a participant, as you listen and learn about the work of the board or committee. Nevertheless, at the first meeting, try to set the stage for your future participation:

- Greet the other members and introduce yourself. Let other members know about your role as a consumer representative;

- Try to identify the roles or constituencies of other members. This can be a guide as to the perspective they will bring to discussion;

- Listen attentively and observe what happens at your first meeting; and

- Observe, in particular, how the Chairperson runs the meetings and note the procedure for adding your contribution to the discussion. For example, you may need to indicate that you wish to speak, or the Chairperson may ask each member for their views.
Continuing to be an effective member

- Prepare yourself before each meeting by reading the relevant information provided and do any necessary preparation;
- Ask the Chairperson questions about issues, particularly matters related to meeting procedures;
- Maintain open communication with each member of the board or committee; and
- Develop a method of working within the bounds of confidentiality while also keeping your constituency informed. The Chairperson may be able to help by clearly outlining what information is confidential and what can be openly communicated to your consumer network.

Is this the right board or committee for you?
Before you accept an invitation to join a board or committee, you may wish to first sit in on a couple of meetings, to determine whether the board or committee is suitable for you.

What challenges are encountered by consumer representatives?
Many common challenges face consumer representatives on a board or committee. If you encounter these types of challenges, you are not alone. However, you will need to find ways of dealing with these types of situations. You could seek help from the Chairperson, or the Executive Officer or you could seek advice from other experienced consumer representatives or other members.

The minority status of consumer representatives
Many boards and committees have only one or two consumer representatives. This imbalance in numbers can cause a sense of isolation for the consumer representative, particularly if the consumer representative has a different perspective from all or most other members.
If this situation does occur, seek assistance from the Chairperson of the board or committee. To overcome an imbalance of viewpoints, the Chairperson may adopt procedures that:

- ensure equal time for consumer representatives to speak;
- encourage other members to respect the consumer representative’s viewpoint as of equal value; and/or
- support the right of the consumer representative to offer a different viewpoint.

**The principles of natural justice**

Natural justice is an important principle for members of boards and committees. The principles of natural justice require members to act without bias and in good faith in relation to any matter considered by the committee.

In procedural terms, the principles of natural justice require members to declare any potential conflicts of interests in relation to any matter on the agenda, and to withdraw from debate and decision-making on that particular matter. Generally, an opportunity is given to members to declare any potential conflicts of interests following acceptance of the agenda for the meeting.

On the other hand, those perceived to have a conflict, have the right to disprove that perception.

**Training and support**

Consumer representatives and their deputies may need training and support to fulfil their roles effectively. Many professional people have experience with committee work, and are accustomed to meeting processes and issues of confidentiality. However, consumer representatives may not be so familiar with the terms, procedures and issues associated with the work of boards and committees.

Whilst providing induction, training and the provision of relevant background material to new members is desirable, these tools are often not available.
Consumer representatives may need to request information and assistance from the Chairperson or Executive Officer of the board or committee. They might also seek information and assistance from other sources or contact a more experienced consumer representative, who can act as a mentor.

**Fees and expenses**

Consumer representatives should be paid sitting fees and be reimbursed for out-of-pocket expenses associated with fulfilling the duties of a board or committee member. Sitting fees are paid for the time that members actually attend board or committee meetings, but usually are intended also to encompass remuneration for the time required to prepare for the meeting. Out-of-pocket expenses generally are reimbursed upon presentation of receipts to the Executive Officer or Secretariat.

While payment of sitting fees and reimbursement of expenses are important for those who commit their own personal time to the work of the board or committee, consumer representatives often are not paid fees for their role. If you are appointed as a consumer representative on a board or committee, clarify with the Chairperson or Executive Officer your monetary entitlements and any procedures required for claiming sitting fees or reimbursements of expenses.

**Confidentiality of information**

Information provided to members of boards and committees may be confidential and therefore cannot be shared with others outside the committee structure. Members of some boards and committees are asked to formalise this arrangement by signing explicit confidentiality agreements. More often the confidentiality of information obtained through membership of a board is implicitly understood.

The expectation that information obtained through membership of a board or committee is confidential is not, of itself, a problem. However, consumer representatives encounter a dilemma when such expectations of confidentiality prevent them from consulting with their consumer networks. When you are
appointed to a board or committee, ask the Chairperson or Executive Officer for guidelines about the confidentiality of information provided to members. Similarly, when significant issues are discussed, check with the Chairperson about what must be kept confidential and what can be said publicly. If you are uncertain, or find that the confidentiality expectations prevent you from effectively fulfilling your role as a consumer representative, discuss the issues with the Chairperson in order to seek a resolution.

Conflict between members
Issues for discussion at meetings often have emotional components. Members may present their views passionately and sometimes conflict between members can occur. It is important that conflict, should it arise, is resolved by the conclusion of the meeting. It is the Chairperson’s responsibility to ensure that this resolution occurs, but it is every member’s responsibility to communicate fairly and diplomatsically at meetings.

As a consumer representative, if you feel daunted by any adversity that may be occurring between members, raise this with the Chairperson. It is part of the Chairperson’s role to deal with such situations, and to use effective strategies to resolve conflict in order to maintain an effectively working board or committee.

Grievance procedure for the board or committee
A grievance procedure provides an avenue for board or committee members to express complaints and seek remedies. A grievance procedure should be in place for a board or committee, and new members should be advised about the procedures during their induction. If you are appointed as a consumer representative, be sure to find out what the procedures are for dealing with a grievance, so you are prepared should a negative situation arise.

If you feel you are being unfairly treated as a consumer representative and the board or committee has no formal grievance procedure, approach the Chairperson for assistance. The Chairperson’s role includes responsibility for hearing such grievances and finding processes to adequately deal with them.
How do you apply to be a consumer representative?
You may be invited to join a board or committee because of your experience and your ability to represent the consumer interest. Alternatively, you may be required to register your interest or to submit an application for a position as a consumer representative on a board or committee.

Writing your application or expression of interest
If you register your interest in becoming a consumer representative, your application needs to demonstrate that you are able to fulfil the role effectively. An application for, or expression of interest in, a position as a consumer representative should provide the following type of information.

- Include a description of your experience as a consumer and/or consumer representative. Briefly describe what you did, what your goals were, who worked with you, when it happened and the outcomes you may have achieved.

- Include a description of the consumer group(s) you are able to represent effectively. The constituency you represent is the group of people with whom you have developed a relationship, based on common interests, sharing information, collaboration and sharing contacts.

- If you are familiar with the issues or the industry in question, indicate the level and nature of your knowledge and any experience you have had in dealing with the industry.

- Include the names of consumers, other consumer representatives or consumer groups who will support your application and provide a referee. Refer to people who were involved in your experiences with you, and who can discuss your personal attributes and the way you reached the outcomes. Remember to seek permission from your referee/s before including them in the application.
Register your interest in being a consumer representative
The Department of Consumer and Employment Protection in Western Australia maintains a register of people who are interested in becoming consumer representatives on consumer protection boards and committees. The register is called the Consumer Protection Panel. It is used to identify potential consumer representatives for boards and committees, and to find consumers willing to participate in consultation processes regarding consumer protection policy and other initiatives.

For more information contact the Consumer Protection Call Centre:
1300 30 40 54
GLOSSARY OF TERMS

Agenda
The agenda is the official work plan for a committee meeting, specifying the items of business to be considered at the meeting.

Apologies
Board or committee members offer an apology when they are unable to attend a meeting. The apology indicates that, although they cannot attend the meeting, they are still an active member of the board or committee.

Chairperson
The Chairperson is the member whose primary role is to preside over meetings of the board or committee, and to manage meeting procedures and discussions. The Chairperson is also a member of the board or committee in his or her own right.

Confidentiality
Sensitive information provided to members of boards and committees must be kept private, with access limited only to appropriate persons. Verbal or written confidentiality agreements may be used to ensure that board and committee members are aware of their responsibilities regarding confidentiality.

Conflicts of interests
Conflicts of interests occur when someone in a position of trust has competing professional and/or personal interests.

Constituency
A constituency is a group of people with common interests. The group relationship is based on sharing information, collaboration and sharing contacts.

Consumer
A consumer is someone who is, or may be, a buyer or user of goods and/or services, for personal and/or domestic use.

Consumer representative
A consumer representative is a person appointed to a board or committee to represent the interests or perspectives of consumers.
**Deputy consumer representative**
A deputy consumer representative is a person appointed to fulfil a position on a board or committee in the absence of a consumer representative.

**Grievance procedure**
A grievance procedure provides an avenue for board or committee members to express complaints and seek remedies.

**Legislation**
Legislation is an enacted law by a legislative body, such as a government.

**Minutes**
Minutes are the written record of what occurred at a board or committee meeting.

**Confirmation of Minutes**
Minutes are sent to board or committee members after a meeting and are confirmed as a true and accurate record at the next meeting. If members do not agree that the minutes are accurate, they can ask that they be considered for alteration.

**Matters arising (from the Minutes)**
This is an agenda item that provides members an opportunity to ask about progress on any matter on the minutes of the previous meeting that is not listed elsewhere on the agenda.

**Motion**
A motion is an oral or written step taken to introduce a matter for consideration by a board or committee at a meeting. Decisions should always be proposed through the formulation of a motion, which exactly describes the action proposed.

**Natural Justice**
In procedural terms, natural justice requires members to declare conflicts of interests, and to withdraw from debate and decision-making on that particular matter.

**Networking**
Networking involves collaborating and sharing information with people and/or groups with whom you associate. Often people have a series of overlapping relationships.
Quorum
A quorum is the minimum number of members who must be present for a properly constituted meeting to occur.

Reimbursement
Reimbursement is the specific payment of out-of-pocket expenses, such as travel expenses.

Remuneration
Remuneration is monetary compensation for services rendered, such as pay or salary, which usually is provided to members of boards and committees as sitting fees.

Terms of reference
The terms of reference may be used to specify the scope and details of the activities or responsibilities of a committee.
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Consumer Advisory Council

As part of the Consumer Justice Strategy the then Minister for Consumer and Employment Protection, the Hon John Kobelke MLA, established the Consumer Advisory Council to advise the Department and Minister on consumer protection matters from the consumers’ perspective.

The purpose of the Council is to strengthen the voice of WA consumers. The two specific terms of reference require the Council to:

- advise the Minister and Department on strategic approaches to building capacity in consumer groups so as to increase and improve consumer input in consumer affairs; and

Copies of this brochure

For additional free copies of this brochure please call the Consumer Protection Call Centre on 1300 30 40 54.

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