

The Consumer Consultative Committee

Terms of Reference

1. Background

- 1.1 The Consumer Consultative Committee (CCC) is appointed under section 29 of the Public Utilities Commission of Sri Lanka Act, No. 35 of 2002. It represents the interests of consumers, both existing and potential, of regulated industries and acts as a counterweight to government, service providers and other stakeholders in advocating views before us.

2. Composition

- 2.1 The composition of the CCC as specified under 'Consumer (Composition of the Consultative Committee) Regulations No. 1 of 2009' is given below:
- (a) nine persons to represent the nine Provinces
 - (b) three persons who are connected with and who possess knowledge relating to electricity, petroleum and water supply service industries
 - (c) one person nominated by the Federation of Chambers of Commerce and Industry of Sri Lanka
 - (d) one person nominated by the National Chamber of Commerce of Sri Lanka ; and
 - (e) one person nominated by the Ceylon Chamber of Commerce
- 2.2 A member to be elected, as the Chairman, by the members of the CCC from among themselves for a period of one (1) year. Next Chairman to be elected at the last meeting of the or at the first meeting after expiry of the term of incumbent Chairman.
- 2.3 Another member is to be elected, as the Secretary/Convener, by the members of the CCC from among themselves for a period of one (1) year. The Secretary/Convener would be responsible for keeping minutes and other related arrangements.

3. Scope of Work

- 3.1 The functions, as specified under Section 29 of the PUCSL Act, of the CCC is to:
- (a) advise the Commission on appropriate standards to be prescribed or determined under the PUCSL Act;
 - (b) monitor whether the needs of consumers of goods or services provided by any public utilities industry are being satisfied; and
 - (c) promote awareness of the standards prescribed or determined and the rights of consumers with respect to those standards
- 3.2 In addition, the CCC shall provide advice, either at the request of the Commission or on its own initiative, on protecting the interests of consumers regarding the issues under review in regulated industries.

- 3.3 The CCC to discharge the functions identified under paragraph 3.1 through (including but not limited to) following activities:
- (a) organize a consumer network, for sharing consumer views and concerns with each other and with the CCC;
 - (b) conduct public awareness campaigns to educate consumers on their rights and to increase consumer participation in the regulatory and policy making process;
 - (c) publish a hand book on the rights of consumers, and review it from time to time;
 - (d) conduct public consultations in each Province on utility sector reforms, to be able to advice the Commission on how best to promote consumer interests;
 - (e) conduct surveys relating to consumer issues in utilities;
 - (f) review and advise the Commission on amendments to performance standards and conditions covering the quality of service provided by regulated utilities;
 - (g) make recommendations to the Commission on information required by consumers and consumer associations with respect to regulated utility services;
 - (h) obtain and provide feed-back on consumer concerns to the public utilities under the purview of the Commission; and
 - (i) provide information and advice on consumer matters when the Commission undertakes regulatory processes such as tariff reviews.

4. Appointment

- 4.1 The members referred to in paragraph (a) in item 2.1 would be selected through an interview from among the parties who respond to an advertisement published by the Commission. The candidates will be interviewed by a panel consisting: at least one Commissioner, the Director General and an independent assessor (as determined by the Commission).
- 4.2 The nominations would be obtained in writing in the case of members who represent the associations.
- 4.3 The Minister will be consulted prior to appointment of selected/nominated persons as members of the CCC.

5. Term

- 5.1 The term of office of each member shall be three (3) years from the date of appointment.
- 5.2 However, in the case of the first members appointed to the CCC, the terms shall be as follows:
- (a) out of the nine (9) members representing each of the Provinces three (3) members shall be appointed for a period of three (3) years; three (3) members for a period of two (2) years; and the remaining three (3) members for a period of one (1) year;
 - (b) out of the members appointed under paragraph (b) of item 2.1, one member shall be appointed for a period of three (3) years, one member for a period of two (2) years and the other member for a period of one (1) year;

- (c) out of the three members appointed under paragraphs (c), (d) and (e) of item 2, one member shall be appointed for a period of three (3) years, one member for a period of two (2) years and the other member for a period of one (1) year

- 5.3 In the event of a vacancy occurring as a result of any appointed member vacating office by death, resignation, removal from office or otherwise, another person shall be appointed for the remaining period of term of office of such member to fill such vacancy.

6. Re-appointment

- 6.1 All members may apply for re-appointment. A member may be re-appointed for a second term at the discretion of the Commission, considering the contributions made by him/her during the term.

7. Resignation and Removal

- 7.1 A member may resign from the CCC by letter in that behalf addressed to the Commission, and such resignation shall take effect from the date on which such resignation is accepted by the Commission in writing.
- 7.2 The Commission may remove a member, where it considers he/she to be in breach of the provisions in this Terms of Reference, Declaration of Secrecy (submitted at the time of accepting an appointment), Code of Conduct or in cases of gross misconduct.
- 7.3 Where a member vacates the CCC by death, resignation or other cause, the Commission shall appoint another person in his or her place, and the person so appointed shall hold the CCC for the remainder of the terms of the member whom he/she succeeds.

8. Meetings

- 8.1 The CCC meets monthly at the office of the Commission and more frequently, if required. All members are required to attend the monthly meetings, and are expected to provide prior notice in case if he/she is unable to attend to same.
- 8.2 The monthly meeting of the CCC is being held on last Monday of each month, from 1pm onwards at the office of the Commission. Any changes to the regular date/time will be duly notified.

9. Disqualification

- 9.1 A person shall be disqualified from being appointed or continuing as a member of the CCC if:
- (a) he or she has any financial or other interest amounting to a conflict of interest, directly or indirectly, in any company or undertaking which carries on any business in the electricity; petroleum; or water supply services industry;
 - (b) he or she is an employee in the electricity; petroleum; or water supply services industry;
 - (c) he or she is an employee in any Government department or statutory corporation;

- (d) he or she has been convicted of a criminal offence;
 - (e) he or she is or has been, within three years prior to his or her appointment as a member of the Committee, a member of Parliament or a member of a Provincial Council or any local authority;
 - (f) he or she has been declared insolvent
 - (g) if he/she changes the permanent residency to a province other than that he or she is appointed to represent (applicable only to members appointed to represent provinces)
 - (h) if he/she ceases to have any association with the organization which he/she was nominated from (applicable only to members nominated by an organization)
- 9.2 The members shall duly inform the Commission within thirty (30) days of any occurrence of an event specified under item 9.1 above
- 9.3 In addition, the Commission may decide to disqualify any member from being appointed as a member of the CCC if he/she doesn't attend to three (3) consecutive meetings of the CCC without prior notification

10. Allowances

- 10.1 The members are not paid, but are compensated for travelling, subsistence and out-of-pocket with regard to the attendance at the CCC meetings.
- 10.2 The Commission has approved (Ref: PUC/2010/81/8) the following allowances to be paid for the members of the CCC:
- (a) Rs. 5,000 per meeting of the CCC, to cover subsistence and out-of-pocket expenses
 - (b) Rs. 15 per km for the total distance (to and from the office of the Commission) to cover travelling expenses, with respect to the meetings of the CCC

11. Funding

- 11.1 The CCC is financed from the Fund of the Commission. The annual budget of the CCC will be included in the estimated expenditure submitted by the Commission to the Parliament.
- 11.2 The CCC will be responsible for the funds that are allocated and provided to it.

12. Reporting

- 12.1 In advance of each calendar year (as per the budgeting timeline of the Commission), the CCC shall develop, and submit for the approval of the Commission, its proposed work-plan for the upcoming year and the estimated expenditure. The Commission will review and approve the proposed work-plan and the budget with required modifications (if any).
- 12.2 The CCC shall prepare and submit to the Commission, within three (3) months of the end of each calendar year, a report containing information on its activities during the preceding year. The report shall highlight the contributions made by CCC, with respect to the Scope of Work identified under item 3, and a summary of contributions made by each of its members during such year.