

Panel members and Working Group members

Question: - Can CUSC Panel Members participate at a Working Group and then vote at the CUSC Panel on the same Amendment?

Summary: - The CUSC does not prohibit CUSC Panel Members from participating at a Working Group and then voting on the same Amendment.

The role of a Working Group Member and Panel Member is different.

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Panel Members have a duty to act impartially and not act in the interests of anyone person this includes the voting process, see summary of the CUSC provisions below:

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| CUSC 8.2.3.2 a and b | Panel members must operate in an efficient, economical and expeditious and ensure the achievement of the CUSC objectives |
| CUSC 8.2.4.1 | Duties of the Panel Members
a = act impartially
b = not be rep or act for anyone's particular interest other than the above |

Working Group Members have a duty to evaluate the Amendment against the applicable objectives and have no duty to act impartially. The only person required to act impartially is the independent appointed Chairman of the Working Group (CUSC 8.17.4). CUSC 8.17.3 explicitly allows Panel Members to also be Working Group Members, see CUSC extracts below:

CUSC 8.17.1 “to assist the **Amendments Panel** in evaluating whether an **Amendment Proposal** better facilitates achieving the **Applicable CUSC Objectives** and whether a **Working Group Alternative Amendment** would, as compared with the **Amendment Proposal**, better facilitate achieving the **Applicable CUSC Objectives** in relation to the issue or defect identified in the **Amendment Proposal**”

CUSC 8.17.3 “A **Working Group** shall comprise at least five (5) persons **(who may be Panel Members)** selected by the **Amendments Panel** from those nominated by **CUSC Parties** for their **relevant experience and/or expertise in the areas forming the subject-matter of the Amendment Proposal(s)** to be considered by such **Working Group** (and the **Amendments Panel** shall ensure, as far as possible, that an appropriate cross-section of representation, experience and expertise is represented on such **Working Group**) provided that there shall always be at least one member representing **The Company** and if, and only if, the **Amendments Panel** is of the view that an **Amendment Proposal** is likely to have an impact on the **STC**, the **Amendments Panel** may invite the **STC** committee to appoint a representative to become a member of the **Working Group**. A representative of the **Authority** may attend any meeting of a **Working Group** as an observer and may speak at such meeting.”

Precedent: - Paul Jones raised CAP107, attended the Working Group and voted as a Panel Member differently to that in the Working Group.