

National Anti-Scam Centre Advisory Board

Terms of Reference

November 2023

1. Introduction

- 1.1. The government funded the Australian Competition and Consumer Commission (**ACCC**) to set up a new National Anti-Scam Centre (**Anti-Scam Centre**) with the purpose to make Australia a harder target for scammers.
- 1.2. The Anti-Scam Centre will deliver better protection for Australian consumers and businesses by improving cooperation between government and industry to respond to increasingly sophisticated scam activity. It will be led by the ACCC to facilitate partnerships between government and the private sector including telcos, digital platforms, and payment system participants.
- 1.3. The ACCC has established the National Anti-Scam Centre Advisory Board (**Advisory Board**) to support and inform the delivery of the Anti-Scam Centre's program of work including scam prevention, information sharing and coordination activities. The Advisory Board will also facilitate partnerships and consultation across key industry sectors, consumer organisations, victim services and law enforcement.
- 1.4. The Advisory Board is governed and administered in accordance with these Terms of Reference.

2. Objectives

- 2.1. The Advisory Board has the following objectives:
 - **Collaboration and engagement:** This Advisory Board is a primary mechanism for public/private/not-for-profit cooperation to deliver the objectives of the National Anti-Scam Centre. It aims to facilitate proactive, regular and transparent engagement. Members of the Advisory Board are encouraged to engage with the Anti-Scam Centre.
 - **Expert Advice:** Members of the Advisory Board will provide advice to the ACCC on proposed Anti-Scam Centre scams initiatives and projects drawing on their relevant experience.

- **Visibility:** The Advisory Board will have visibility and input into the working groups, fusion cells and the Anti-Scam Centre's work program more generally.
- **Intelligence sharing:** Members will provide intelligence on scams and fraud issues so that responses can be considered, and risks are managed proportionately and promote intelligence cooperation from their sector.
- **Coordinated information dissemination:** Members will help raise awareness among their networks / communities on scams issues and advise on dissemination methods which most effectively support collaboration.
- **Public confidence and trust:** The Advisory Board will serve as a formal mechanism to gain feedback from key stakeholder groups, which will support continuous improvement and build trust and confidence.

3. Role of the Board

- 3.1. The Advisory Board will provide important input into the Anti-Scam Centre's work program including providing input and advice on:
 - Current and emerging scam-related issues affecting their business, membership or sector
 - Steps the Anti-Scam Centre could take to prevent or disrupt scams
 - Prioritisation of the Anti-Scam Centre's work
 - Coordination of activities across government and the private sector
 - Opportunities for increased anti-scam coordination and action
 - Other issues as identified and raised by the ACCC and Members.
- 3.2. The ACCC will take advice from the Advisory Board into account as part of its independent decision-making processes but is not bound by that advice.
- 3.3. The Advisory Board will receive updates from the ACCC including the Program Manager responsible for the Anti-Scam Centre's work Program. This will include a Program Status report.
- 3.4. The Advisory Board will not have responsibility for any decision making under the Public Governance, Performance and Accountability Act.

4. Role of the Minister

- 4.1. The Minister responsible for the Anti-Scam Centre will attend Advisory Board meetings from time to time, or send a representative from their office.
- 4.2. The Minister responsible for the Anti-Scam Centre will regularly engage with the Advisory Board, and provide input into the work of the Advisory Board, the direction of fusion cells, and working groups.
- 4.3. The Advisory Board will regularly update and brief the responsible Minister on its work, progress and activity.
- 4.4. The Anti-Scam Centre will work to identify mechanisms to assist the Minister's engagement with the Advisory Board, working groups and fusion cells.

4.5. The Advisory Board, where relevant, will engage with Ministers with relevant portfolios of government that are linked to scam activities.

5. Governance principles

5.1. The Advisory Board will adhere to the following principles:

- **Integrate, not duplicate:** Approaches will build on and integrate learnings and capabilities that already exists.
- **Consumers at the centre:** Our priority is protecting the community and designing solutions that work for people.
- **No wrong door:** Help consumers find the answers and support they need wherever they report.
- **Accountability and decision making:** Roles and responsibilities of all participants will be clear.
- **Structure:** Processes and protocols will be understood and agreed.
- **Delivery:** Activities will be delivered and not just discussed.
- **Coordination and collaboration:** Working together should be easy.
- **Agility:** Responses will be quick.
- **Engagement:** Engagement is respectful, effective and efficient.

6. Chair and Secretariat

- 6.1. The permanent chair of the Advisory Board is ACCC Deputy Chair, Consumer.
- 6.2. If the permanent chair of the Advisory Board is unable to attend, Executive General Manager, National Anti-Scam Centre will act as alternate chair.
- 6.3. The ACCC provides Secretariat support for the Advisory Board including scheduling meetings, papers, agendas and other administrative support.

7. Appointment of Members

- 7.1. The Chair of the Advisory Board may appoint a maximum of 12 members to the Advisory Board.
- 7.2. A maximum of 6 representatives will be appointed to represent relevant industry sectors. In most instances these will be drawn from peak bodies or industry associations with broad representation of the sector.
- 7.3. The Chair will write to selected individuals or organisations inviting them to join Advisory Board. The criteria used to determine prospective members include:
- sufficient seniority to commit to contributions to the Anti-Scam Centre's work
 - availability to participate and attend Advisory Board meetings
 - the individual or organisation's understanding of, or interest in, scams or fraud prevention

- the individual or organisation's networks and ability to identify issues of concern, understand enablers of scams and to convey information to their networks;
 - expertise in scams or consumer advocacy, industry or business experience with a focus on scams
 - demonstrated effectiveness in representing or understanding the scams regulatory environment and the interests of consumers or business.
 - a commitment to working collaboratively to support the Anti-Scam Centre to achieve its outcomes
 - ability to leverage resources within a sector to support the work of the Anti-Scam Centre
 - ability to advocate for best practice in scams prevention.
- 7.4. Members appointed from a peak body or industry association will be on the basis that they are endorsed as representing that stakeholder organisation.
- 7.5. Members will be appointed initially for a term of 1 year. This may be extended by the Chair of the Advisory Board.

8. Role of Members

- 8.1. Members support the objectives of the Advisory Board by contributing knowledge, experience, and connections to provide information and advice on the Anti-Scam Centre's program of work.
- 8.2. Members will be invited to share perspectives on:
- emerging scams issues, or other related developments
 - the Anti-Scam Centre's, or regulators' (where appropriate) initiatives and projects
 - education and information needs and strategies to increase awareness of scams and where to report
 - the activities of the working groups and fusion cells
 - the impact and effectiveness of the Anti-Scam Centre
 - research to address current gaps in knowledge on scams issues
 - other issues relevant to scams, including views on law reform.
- 8.3. Members are also expected to:
- come to meetings prepared to share information with the Advisory Board; and
 - work proactively, collaboratively and cooperatively with the Chair and other Members on initiatives or activities of the Advisory Board, such as through timely contribution of their expertise and experience to consultative exercises or distribution of information.
- 8.4. Members should also seek views from their networks in advance of meetings and distribute non-confidential information to their networks following meetings.

9. Meetings

- 9.1. The Advisory Board will meet at least once every month for the first six months, either virtually or in person. Meetings will run for 2 hours, or longer as needed. The meeting format and schedule will then be reviewed to ensure it is fit for purpose.
- 9.2. The ACCC does not pay sitting fees or reimburse travel costs. Members must meet their own expenses associated with being on the Advisory Board.
- 9.3. A Member may send a proxy if they cannot attend a meeting, provided reasonable notice and details of the proxy attending are given to the Anti-Scam Centre Secretariat, and the proxy is able to participate in an equivalent way as the Member. However, appointments as a Member cannot be transferred, including within representative bodies.
- 9.4. On occasion the Advisory Board may hold thematic meetings and invite stakeholders to attend on a case-by-case basis where they have a particular interest or expertise on the issue.
- 9.5. Members will be sent material to review wherever possible at least 7 days prior to meetings to support discussion.

10. Observers

- 10.1. The ACCC or the Chair of the Advisory Board may agree to attendance by non-members as observers. Where possible, notice will be provided to Members of any observers as soon as practicable.
- 10.2. Observers may include regulators and staff from regulatory or government agencies, law enforcement, private sector or consumer organisations or other stakeholders with capacity to contribute to a topic being discussed at the meeting.

11. Protocol for matters that may cause conflict between Members

- 11.1. As Advisory Board membership will consist of representatives from a range of stakeholder groups, it is expected that there may be differences in opinions shared at meetings.
- 11.2. Diverse views are valued and welcomed by the ACCC, recognising that the Advisory Board provides an opportunity for different opinions to be heard by all parties in a respectful and civil manner, as well as the potential for realising common ground or identifying strategies that provide a pathway towards delivering the objectives of the Anti-Scam Centre.
- 11.3. However, the Advisory Board is not to be used by a Member to raise a complaint about another Member (including the group or interests that they represent).
- 11.4. Members are encouraged to contact the ACCC ahead of a meeting for further guidance on how to raise or address any issues they consider may cause conflict with another Member.

12. Relationship with the ACCC

- 12.1. Members are not, by virtue of their appointment, or for any purpose, an employee or agent of the ACCC. Members have no power or authority to bind or represent the ACCC, and must not represent themselves as such, or as an employee or agent of the ACCC.
- 12.2. While the Advisory Board is a body that helps inform the ACCC and other Members on issues relating to scams and the developing of the Anti-Scam Centre, its recommendations are not binding on the ACCC or any other Member.

13. Conflict of interest

- 13.1. Members must declare any conflict of interest in connection with their position on the Advisory Board, to the Anti-Scam Centre Secretariat as soon as practicable after becoming aware of the potential conflict, and in any event within 14 days.
- 13.2. A real conflict of interest occurs where there is a conflict between the Advisory Board role and other interests of the Member that improperly influence the Member in the performance of their Advisory Board role.

14. Confidentiality

- 14.1. To enable open and frank discussion Advisory Board discussions are confidential and information furnished from Advisory Board members pertaining to their organisations is confidential unless otherwise advised by the Chair or member.
- 14.2. Members are asked to respect the role of the ACCC as an independent statutory authority. The ACCC will provide information to the Advisory Board about its activities where this is not prevented by confidentiality or operational requirements.
- 14.3. Some information provided by the ACCC to Members as part of the Advisory Board may be confidential. If the ACCC provides such information to Members, the ACCC can impose conditions regarding Members' use of that information.
- 14.4. Members must not, except as permitted by the ACCC, required by the law, or where the information is in the public domain, disclose information provided to them by the ACCC and indicated by the ACCC to be confidential, or information that Members ought to have known to be confidential.
- 14.5. This confidentiality clause survives the cessation of membership.

15. Resignation or termination of appointment

- 15.1. A Member may resign from the Advisory Board at any time by giving written notice to the Anti-Scam Centre Secretariat.
- 15.2. The ACCC may also terminate the appointment of a Member at any time. Before making a decision to terminate, the ACCC will provide written notice to the Member including reasons for the decision.

16. Review and variations to Terms of Reference

16.1. The ACCC reserves the right to vary the Terms of Reference. The ACCC will consult Members on any major variation.

16.2. The Terms of Reference and Advisory Board Membership will be reviewed by the ACCC after the first year of operation (July 2024) to ensure they are fit for purpose. Future reviews will be at regular intervals determined by the ACCC.

