



Consumer Advisory Panel (CAP) Deliberative Workshop #1 Summary Report

30 July 2022



Authorisations

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1. Introduction

1.1 Engagement purpose

The CAP provides the key forum for engaging National Electricity Market (NEM) customers on the Marinus Link Revenue Proposal.

The CAP aims to be broadly representative of NEM customers. Its purpose is to:

- Provide consumer representatives with a real opportunity to participate in the Marinus Link Revenue Proposal, especially on elements where consumer feedback can have the greatest impact.
- Provide a forum for members to raise questions and concerns on behalf of the consumers they represent.
- Help Marinus Link to ensure that consumers' views and preferences are reflected in the revenue proposal.

The CAP is an advisory body only and does not have any independent decision-making authority in relation to the Revenue Proposal.

From time to time the CAP may be asked to provide feedback on other matters relating to Marinus Link.

The CAP includes consumer, small business, and commercial/industrial business representatives who have been appointed for a two-year period. The CAP representatives were directly invited by Marinus Link to participate.

The CAP members are:

- Gavin Dufty, Manager policy and research, St Vincent de Paul Society
- John Pauley, Chair, Tasmanian Policy Council, COTA Tasmania
- Professor Richard Eccleston, Director, Tasmanian Policy Exchange, University of Tasmania
- Anne Nalder, Founder & CEO, Small Business Association of Australia
- Nicole Griffin, General Manager, Morwell Innovation Centre, Federation University Australia
- Elizabeth Skirving, Deputy Chair, Council of Small Business Organisations of Australia.
- Leigh Darcy, Tasmanian Minerals, Manufacturing and Energy Council representative
- Andrew Richards, CEO, Energy Users Association of Australia
- Stephen Durney, Senior Policy Officers, Tasmanian Council of Social Services.

The CAP engagement process seeks to support the overall engagement objectives for the Revenue Proposal, which are to:

- Undertake engagement to deliver a Revenue Proposal that is supported by consumers and other stakeholders and capable of acceptance by the Australian Energy Regulator;
- Establish a Final Revenue Decision that supports the timely completion of Marinus Link and a commercial return for owners reflective of the risks of the project ;
- Maintain consumer engagement through to project commissioning to ensure that the project is delivered prudently and efficiently.

1.2 Workshop objectives

The objectives of the CAP deliberative workshop #1 were to:

- Make the process inclusive and ensure participants are supported to participate in the process in an informed way.
- Enable CAP members to get to know each other and work together to develop an agreement for collaboration and trust.
- Seek CAP feedback on options for fairly allocating the cost of Marinius Link to consumers to inform a rule change request to the Australian Energy Market Commission.
- Identify the areas that consumers can influence and provide them with a real opportunity to participate in our decisions, especially where they can have the greatest impact.
- Identify and understand consumer concerns, and the key risks and benefits of the revenue proposal for consumers.
- Understand consumer perspectives on the allocation or risk during procurement of the project.

1.3 Preparation

The first deliberative workshop was preceded by four roundtable discussions that aimed to equip CAP members to participate meaningfully in the process. They covered the following topics:

1. Marinius Link's role in the future electricity market
2. Constructing Marinius Link
3. The business case for Marinius Link
4. Pricing: why the rules are as they are currently and why Marinius Link believes they should change.

A fifth roundtable was held as part of the first workshop, with a representative of the AER invited to present on how the AER assesses a revenue proposal.

2. Engagement Methodology

CAP members were invited to participate in a 1 ½ day workshop in Melbourne on Monday 30 and Tuesday 31 May.

CAP members were provided with a comprehensive reading pack before the workshop. This included:

- Workshop agenda
- CAP Code of Conduct Agreement
- CAP Terms of Reference
- Marinus Link Cost Allocation – initial solution assessment and evaluation
 - Including rule change proposal overview
 - Including options description
- Operating Environment Scan, including overviews of:
 - Project delivery
 - Regulatory and pricing
 - Financing
 - Environment and sustainability
- Allocation of risk in construction contracts

The workshop consisted of three parts:

- CAP foundations (Collaborate) – The first morning was focused on ensuring that the Marinus Link CAP began with solid foundations. This included allowing time for CAP members to get to know each other and agree on a group contract for collaboration and trust. We also reviewed the CAP Terms of Reference and Code of Conduct and asked CAP members for input to the CAP engagement roadmap.
- Marinus Link rule change request (Consult) – The afternoon session provided an opportunity for CAP members to provide feedback on cost allocation options being considered by Marinus Link as part of its rule change request to the Australian Energy Market Commission. While outside of the scope of the Revenue Proposal, early engagement with consumer advocates and stakeholders revealed the question of who pay for Marinus Link as a key area of interest for consumers.
- Procurement (Involve) – The focus of the workshop on Day two was procurement. Following a probity briefing, CAP members were provided with an overview of the Marinus Link procurement strategy and asked to provide their initial views on appropriate risk allocation in procurement.

The workshop was delivered via a hybrid approach, with most participants present in person at the RPS boardroom, and some participants joining virtually. Virtual participants were supported by a virtual facilitator.

The workshop attendees included:

- Nine CAP members (in-person and virtual participants)
- Six TasNetworks representatives (observe and provide context)
- AER representative (provide context)
- AEMO representative (observer)
- Three RPS consultants (facilitator, virtual facilitator and note taker)

3. Engagement Outcomes

This section of the report provides a summary of the outcomes of this engagement, and how Marinius Link is responding or intending to respond to the outcomes.

3.1 CAP Foundations

3.1.1 What we heard

Speed networking

The facilitator guided the CAP and Marinius Link representatives through a speed networking exercise designed to help participants get to know each other. The exercise included five, three-minute conversations (each with someone new) and participants were encouraged to cover professional and personal topics.

Workshop expectations

In the first session, CAP members were asked to note what they were expecting to learn, decide or discuss during the workshop. A summary of the responses is provided below:

- Understand the project, including its purpose, its technical aspects, 'the sell' messaging and why the project is based in Tasmania.
- Understand the project benefits including procurement opportunities and benefits for small businesses and local communities.
- Understand the project risks including risk allocation, mitigation and management.
- Understand the regulatory process and approvals and how Marinius Link intends to manage this.
- Investigate cost allocation and how the project will impact future energy pricing.
- Understand how interconnector projects like Marinius Link will contribute to ensuring Australia has access to adequate renewable resources.
- Discuss the risk of Marinius Link needing to compete with other investments for talent and resources.
- Discuss the interaction between state and federal governments in relation to this project.
- Understand TasNetworks' long-term plan for managing Marinius Link.

Group contract for collaboration and trust

The CAP members workshopped and settled on the following five key agreements to guide how they will work together and ensure inclusion and integrity throughout the engagement process. In these agreements, the CAP is referred to as "we". These agreements are:

1. We acknowledge that we all bring different levels of understanding, skills and knowledge to the CAP and we value the diversity in our views and opinions.
2. We will behave in a respectful way that supports active listening.

3. We will consider and seek to understand the interests and views of all consumers and the wider community with the intent to be courageous consumer representatives.
4. We will question Marinus Link no matter how trivial our questions might be in order to gain greater understanding of the project with the view to optimize consumer outcomes.
 - a. We expect Marinus Link, where practical, to provide information where requested to achieve these outcomes.
5. We will seek to understand the perspective from where others are coming from and leave personal differences aside, working together to ensure a successful project.

CAP administration

Participants were asked to review the draft CAP Terms of Reference and Code of Conduct. During this discussion, the issue of managing confidentiality was raised. There were mixed perspectives on whether it would be appropriate to ask CAP members to sign a confidentiality agreement. There was general support among workshop participants for taking a bespoke approach to confidentiality, which would include CAP members signing a confidentiality agreement where specific circumstances or documents make it necessary.

Feedback included:

- Some CAP members felt a confidentiality agreement is required so Marinus Link feels comfortable sharing relevant project information with the CAP.
- Some CAP members required more information about whether they would be signing a confidentiality agreement as an individual or a representative of their organisation. If the latter is correct, some members felt they would need to share the confidential information and the agreement within their organisation to adhere to best practice.
- Some CAP members advised that signing a confidentiality agreement would signal the wrong message to the public about the function and intention of the CAP, and raised concerns that it would be unclear which CAP activities would be publicly transparent and which would not.
- Some CAP members felt that there is a duty carried by CAP members to handle information responsibly, while Marinus Link should not be overzealous in labelling documents 'commercial in confidence' or 'in confidence to the CAP'.

It was agreed by all participants that TasNetworks would review this issue further and come back to the CAP with a suggested approach.

Engagement roadmap

In this session, participants reviewed the engagement roadmap for the CAP. The roadmap includes a timeline of activities, the topics being proposed by Marinus Link to deliberate on with the CAP, and the proposed format for these deliberations to take place.

Using sticky notes and mural, the CAP provided feedback on the proposed timing, topics and formats, as well as everyone's own availability over the coming year (see [Appendix C](#)) for the engagement roadmap and CAP feedback).

3.1.2 How Marinus Link is responding

It was agreed at the workshop that not all expectations noted at the beginning of Day 1 would be met during the first workshop. The roundtable series sought to provide background on some of the topics noted by participants, and Marinus Link will keep these expectations in mind when planning future workshops.

The agreements for collaboration and trust have been incorporated into an updated Code of Conduct which has been circulated to CAP members for review and signature (see [Appendix A](#)). Marinus Link has also circulated an updated Terms of Reference which addresses the discussion around confidentiality. The updated TOR (see [Appendix B](#)) adopts a bespoke approach, noting that CAP members may be asked to sign a confidentiality deed prior to receiving certain confidential information.

Comments on the roadmap are being taken into account in planning the engagement program for the CAP. Marinus Link has sought advice from AusNet and TasNetworks on the timing of their revenue reset engagement activities and a break has been factored in between November and early February to avoid the Victorian state election and the Christmas/New Year holiday period.

3.2 Cost allocation

Marinus Link is proposing to submit a rule change request to the Australian Energy Market Commission to achieve what it believes would be a fairer allocation of the costs of Marinus Link to National Energy Market consumers. While outside of the scope of the Revenue Proposal, early engagement with consumer advocates and stakeholders revealed the question of who pay for Marinus Link as a key area of interest for consumers.

The session on cost allocation began with a presentation by Prateek Beri from Marinus Link on the purpose and process for an energy market rule change and an overview of the Australian Energy Market Commission (AEMC) principles.

Marinus Link is considering three options for cost allocation and a detailed summary of these was provided to CAP members prior to the workshop.

3.2.1 What we heard

Initial observations

The most common initial observations provided by the CAP related to understanding who the beneficiaries and what the benefits are of each cost allocation option. Participants also consistently noted that they would like to see more detailed cost analysis and modelling before being able to identify the most appropriate option. Some CAP members were interested in understanding how generators are being considered within these options. CAP members also discussed the following points:

- Managing risk and uncertainty

- Victorian Government support
- Managing project opposition
- The likelihood of a successful rule change, especially in the context of putting forward a prescribed model
- The role of Tasmanian households in paying for the project
- The capacity market
- Potential build outs in transmission along the line

What is fair?

CAP members were asked to develop a fairness framework against which they could assess each of the three pricing allocation options proposed by Marinus Link. The CAP's final fairness framework was made up of the following four assessment questions:

- Is the allocation of risk fair to consumers and consistent with the National Energy Objective (NEO)?
- Will it reduce poverty, improve equity and protect vulnerable customers?
- Does it set a fair precedent in the long term?
- Will all parties believe they will see some benefit?
- The assessment questions were used as a framework through which to consider each of the options proposed by Marinus link.

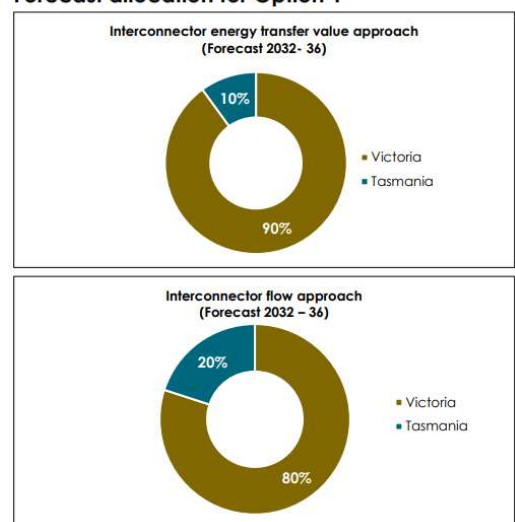
CAP feedback: Option 1

Option 1 comprises allocation based on interconnector flow or energy transfer between connected jurisdictions, rather than a static geographic allocation. Via this option, cost is allocated based on evolving utilisation of the asset.

Using the fairness framework to guide discussion, the CAP provided the following feedback on Option 1:

- A flow approach would be preferred to a value approach, and is a simpler way to allocate cost
- Low-cost energy provides benefits to Victoria
- Victoria doesn't necessarily need interconnection due to other insurance products and renewable energy sources
- This option would be good for Tasmania
- This option would be good for employment in Victoria and Tasmania
- This option is not fair from a market perspective, and not fair to Victorian consumers

Forecast allocation for Option 1



- This option would set a negative precedent for future transmission infrastructure that would not be fair in the long term
- Hydro energy would be in a position to profit, which may not be favourable for Victoria
- This option fails to align costs with broader benefits

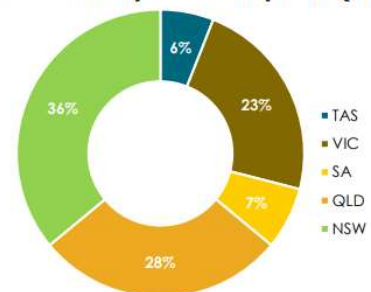
CAP feedback: Option 2

Option 2 comprises a beneficiaries pay outcome. Some of the metrics under assessment for this option include electricity consumption by state (GWh), peak demand by state (GW), total customers in the jurisdiction, traded value of electricity (\$) in each region, and Gross State Product (\$ Million).

Using the fairness framework to guide discussion, the CAP provided the following feedback on Option 2:

- This option is more fairly distributed across the NEM than Option 1
- The costs for this option are known
- The benefits under this option are unknown and variable, meaning the allocations become problematic
- Consumers would be paying for an asset before they need it
- Supply will drive down costs
- This option will start a conversation in Queensland and New South Wales as to why they should be paying for this when they are geographically removed
- What would be needed to permit QLD and NSW to receive benefits from Marinus Link?
- This option brings the Commonwealth into the discussion. They receive a huge benefit in terms of policy objectives
- Tasmania has the biggest and cheapest batteries

Cost allocation based on NEM-wide electricity consumption (%)



Source: Based on actual operational NEM consumption in 2020.

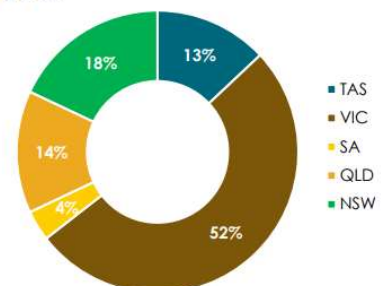
CAP feedback: Option 3

Option 3 comprises a combination of options 1 and 2, to offer a hybrid approach. Via this approach, allocation would include a 50% locational component (for physically interconnected regions) and a 50% whole of system benefits component.

Using the fairness framework to guide discussion, the CAP provided the following feedback on Option 3:

- This option provides benefits to all states
- This option puts Marinus Link on the national agenda
- The starting point for Victoria with this option is not great
- This option supports a national grid
- This option poses the question, do we want a truly nationally connected market?

Forecasted outcome for Hybrid approach



- Unsure how to push other states to contribute
- What precedents will this present for other interconnectors nationally?
- Would the federal government “oil the wheels”? The federal landscape improved following this year’s election.
- If the starting point is 50/50 but Victoria and Tasmania see benefits flowing on, the project will need to apply more benefits to Victoria and Tasmania, reducing the flow of benefits to other states. What becomes the value proposition for them?

3.2.2 How Marinius Link is responding

Marinius Link provided an update on the rule change request on 27 June 2022 via videoconference.

The Marinius Link team considered the CAP’s assessment of its options and, taking on board feedback about fairness, has decided to recommend that the AEMC consider both options two and three. This is a change from the initial approach which was to present a preferred model. Marinius Link believes this will provide the AEMC and stakeholders with more feasibility to consider options as part of the rule change assessment process.

3.3 Procurement strategy

Marinius Link sought to understand how the CAP thought consumers might have a voice in the procurement process. To inform the CAP’s discussions, Marinius Link presented to the CAP on probity and the Marinius Link procurement strategy.

3.3.1 What we heard

The presentations were followed by a facilitated discussion on the strategy, and the feedback received is summarised below.

- The CAP is eager to understand how international suppliers will work with Australian partners, to employ and support local suppliers. TasNetworks noted its intention to seek feedback from the CAP and key consultants like RPS on how to manage this issue.
- Participants agreed there may be opportunities to learn from Basslink’s management of these relationships.
- Participants raised concern that Marinius Link may take labour from other local industries, such as dairy production, for the duration of the project, leaving long-term negative impacts on those industries. As part of this discussion, members were interested in finding out what portion of the labour and supplier market Marinius Link will be competing for.
- CAP members would like to understand what mitigations Marinius Link will take to ensure the project does not increase housing and accommodation shortages in the local communities where the project will be based.
- Consumers could be involved in the evaluation by having input into the evaluation criteria.

3.3.2 How Marinus Link will respond

The engagement roadmap includes:

- A roundtable on Marinus Link's approach to sustainability and landowner payments, which will include information about the proposed approach to local and social procurement
- A workshop on procurement evaluation
- A workshop on sustainability and community benefit sharing.

TasNetworks will seek advice on the issue of ensuring international suppliers support Marinus Link's aim to utilise Australian partners and local suppliers. TasNetworks will seek CAP input and feedback on this.

TasNetworks will provide the CAP with a list of pre-qualified suppliers.

3.4 Risk allocation

In the final session, CAP members considered the key risks faced by the project and who they believed should be responsible for each risk, noting that conservative allocation of risk to a contractor can result in a higher overall price for the infrastructure (which in turn flows to consumers).

3.4.1 What we heard

The CAP was asked to show where they believe the risk lies using a sliding scale on the online tool, Mentimeter. The results of the Mentimeter activity and related feedback are included in the table below.

On the Mentimeter sliding scale, a risk belonging entirely to Marinus Link would receive a score of 1, while a risk belonging entirely to the Contractor/other would receive a score of 10, as demonstrated in the diagram below.

It was noted by one CAP member that "stays with Marinus Link" really translates to the cost being passed to consumers. So the more risk that remains with Marius Link, the more cost for consumers.

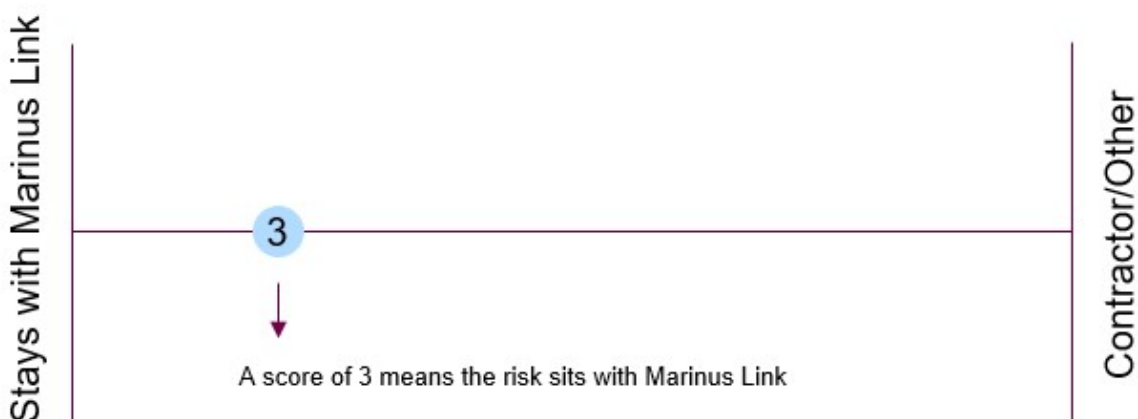


Table 1: Risk allocation feedback

Risk	Mentimeter score (1 = Marinus Link (ML) 10 = Contactor/Other)	Verbal feedback
Ground and seabed conditions	The average score was 2.8 .	<ul style="list-style-type: none"> • ML will do the investigations and they are taking on the risk, so mistakes in the assessment belong to ML. • The cost to the contractor for taking on this risk would be high given there are only a few contractors on the project.
Force majeure events	The average score was 2.8 , with one outlier at 5.	<ul style="list-style-type: none"> • Where would supply chain constraints sit? • There is a grey area in terms of downstream impacts of conflict and other events, and the government directions around these events. • Force majeure usually considers what has been happening in the last five years and what is a known issue. • There is equal responsibility on both parties, so it comes back to the negotiations.
Commodity prices	The average score was 4.8 , with multiple outliers at 1 and 8.	<ul style="list-style-type: none"> • These would fluctuate but they would have more impact on ML than the contractor, due to the length of time for the project. • This is a contractor issue because they are dealing with the suppliers. Foreign exchange and commodity prices would go in opposite directions and cancel each other out. • This does not have as large an impact as foreign exchange.
Foreign exchange risk	The average score was 5.5 , with one outlier near 7.	<ul style="list-style-type: none"> • Is ML taking the contract in foreign currency? • Is certainty in pricing, or lowest possible cost more valuable?

Delay risk	The average score was 6.3 , while the spread of scores ranged from 2 to 9.	<ul style="list-style-type: none"> • ML should look at what materials will be bought in Australia and which contractors will be Australian; it does not make sense to pay Euro dollars for these parts. • The risk to consumers is significant. • What is the cost to contractors? • With technical risks and limited suppliers delays are inevitable so trying to manage them in contracts will be very difficult. • Supply chain is a big delay risk. • Social license is a major delay risk. It's worth investing upfront in good practice with landowners.
Interface risk	The average score was 6.6 , with a couple of outliers that sat past 7.	<ul style="list-style-type: none"> • The risk is to ML and will be for the EPC contractor to manage.
Commissioning and testing risk	The average score was 7.5 .	<ul style="list-style-type: none"> • There are a few companies involved and they probably know better than ML what's involved, and they are better placed to take it on. • The product we've asked them to put together is their risk until they get it right. It should be working well. • Is this a question of how it integrates with the rest of the system, and is that actually a ML problem? <ul style="list-style-type: none"> – Is this issue best resolved at the design phase rather than the end of the project? • The power system is evolving so we don't know what it will look like in 2028. The power system is made up of so many pieces of plant that describing it accurately for manufacturers is hard and will not likely be accurate. • BassLink was designed to import energy to the mainland. ML will have to be able to

run really hard in short periods of time to provide that firming capability.

Cost overruns	The average score was 8 .	<ul style="list-style-type: none"> There were no specific comments on cost overrun.
Performance risk	The average score was 8 , with a couple of outliers that sat past 9.	<ul style="list-style-type: none"> There were no specific comments on performance risk.
Design defects	The average score was 8.4 , with some outliers close to 10.	<ul style="list-style-type: none"> ML has to be an informed purchaser. It needs to specify what it wants and make sure what is being offered meets the brief rather than relying on the provider and expecting the provider to cover the risk when needs are not met.

Other feedback or questions raised by the CAP that relate to risk include:

- How does Marinus Link stack up if generation in Tasmania does not come online?
- What is the risk to the project if the Victorian Government is not on board?
- The cost of transferring risk to contractors may be high and Marinus Link should not underestimate it. The project needs to build this risk into the risk profile and determine what it means for Marinus Link.

3.4.2 How Marinus Link will respond

Feedback on risk will be taken into consideration in drafting contractor requirements for the cable and converter stations.

3.5 Other issues

Throughout the workshop, items that could not be covered on the day but were noted as being important to come back to were transferred to the ‘virtual parking lot’. The items logged on the virtual parking lot include:

Issue raised	How Marinus Link will respond
<ul style="list-style-type: none"> We need to be clear about why we need Marinus Link, and build the narrative/value proposition 	Marinus Link messaging and the Marinus Link website will undergo a review in H2 2022.
<ul style="list-style-type: none"> Managing project risks 	Risk allocation was reviewed in Workshop #1.
<ul style="list-style-type: none"> Links between the CAP and the SLG 	Consideration is being given to a joint meeting in September 2022.
<ul style="list-style-type: none"> Opposition to the project 	Marinus Link has developed a comprehensive community engagement strategy to support the

project which includes awareness-raising activities as well as opportunities to provide feedback on project impacts and mitigations to those impacts through the environmental assessment process.

-
- Victorian Government visibility of the CAP
Marinus Link has an ongoing program of government engagement. CAP activities will be communicated to the Victorian Government through this program.

 - Tasmania as a giant renewable energy zone
Marinus Link's role in the future electricity market was addressed in the roundtable series which included presentations on Battery of the Nation and the Tasmanian Government's renewable energy aspirations.

 - How do we overcome the "fortress Vic" and "fortress NSW" mentality?
See above regarding government engagement.

 - Timing to appoint the CCP and making sure the AER are onboarded
Heath Dillon will continue to liaise closely with the AER on timing.

 - Ownership of the asset? This is central to longer term financial risks.
This is a matter for Governments.

 - TasNetworks to provide the CAP with a list of pre-qualified suppliers
Complete

 - Confidentiality
Addressed in the updated Terms of Reference
-

4. Engagement Evaluation

CAP members completed an evaluation at the end of day two to provide feedback about their experience of the two-day workshop.

4.1 Engagement processes

The feedback received on the administration of the workshop (facilitation, tools, supporting information and workshop support) was very positive, with the overall average rating ranging from 4.6 to 4.8 out of 5.

4.2 Capacity to participate

Participants strongly agreed that the objectives of the session were clear and that the roundtables prepared them to participate in the workshop. Participants provided the feedback that they learned a lot of information, they have a clearer understanding of the project and the function of the CAP, and they enjoyed the workshop as a way to start face to face engagement.

An online participant provided the following feedback regarding the hybrid workshop approach: "Thanks so much for facilitating so I was able to attend remotely. This worked well and was much appreciated."

Participants would prefer future workshops to include one topic covered in a two- or three-hour online workshop. There was also support for covering two or three topics in a full-day, in-person workshop.

4.3 Reporting back

The preferred methods for participants to stay in contact with Marinus Link and other CAP members in between sessions are regular e-news updates and monthly presentation updates.

4.4 Workshop topics

Participants were asked if there were questions they felt were not answered by the workshop. One participant noted that they would have found it helpful to be provided with some financial modelling that would help them understand the dollar impact of cost allocations.

Appendices

Appendix A Code of Conduct

Appendix B Terms of Reference

Appendix C Engagement Roadmap Activity



Engagement roadmap

Richard leads a number of projects and would prefer 4 weeks plus of notice for meetings. Ad hoc meetings are not preferred.

Would like some meetings in the evening, virtually

Good idea with roundtables, then face to face

