
House Energy Raters Association

CODE OF ETHICAL PRACTICE



HERA

House Energy Raters Association



Acknowledgement

This **Code of Ethical Practice** has been developed by HERA to apply throughout Australia, ensuring the same high standards of commercial conduct are observed by all its Members in their dealings with each other, suppliers, customers and with the public.

As an Accredited House Energy Rater, I consent to the responsibilities and obligations inherent in providing professional House Energy Rating services outlined in this HERA Code of Ethical Practice, Protocol for Assessor Accrediting Organisations - Version 2.1 (September 2022) and NatHERS Technical Notes Version 1 (September 2022)

Sign

Print Name

HERA number

Date



Preface

The **House Energy Raters Association (HERA)** and its Members are committed to promoting the highest standards of customer service, workmanship and business conduct, and full compliance with all applicable laws, regulations, codes and standards relating to the Nationwide House Energy Rating Scheme (NatHERS).

This **Code of Ethical Practice** has been developed by HERA to apply throughout Australia, to ensure that the same high standards of commercial conduct shall be observed by all its Members in their dealings with each other, suppliers, customers and with the public.

This Code of Ethical Practice is produced to standardise and clarify these ethical and practice standards, and thus maintain and raise the overall standard and standing of Accredited Assessors across Australia. It has been designed to comply with Australian Standard AS4269-1995 on Complaints Handling and Australian Standard AS 3806-1998 on Compliance Programs.

The Code of Ethical Practice expresses the values and responsibilities that are an important aspect of the NatHERS profession.

It is intended to assist Members to act ethically in the performance of their professional practice and to protect the rights and responsibilities of clients, other Assessors, and colleagues.

The Code provides frameworks to guide members in areas of common modelling requirements, within which professional judgement must be applied to determine the best energy rating in each situation.

It has two sections – a Code of Ethics and a Code of Practice.

- ❖ The Code of Ethics sets out the ethical values which guide members.
- ❖ The Code of Practice provides guidance about appropriate behaviour by members.

It is important to note that the scope of work done by Members throughout Australia is varied and this Code may not cover every situation which may arise in day to day work. Where the Code of Practice does not provide explicit advice, Members should use their professional judgement and the Code of Ethics to inform their decisions and should seek out professional advice as appropriate.



1. Members Scope of work

- ❖ House Energy Rating Assessments in line with the guidelines of NatHERS
- ❖ Thermal Performance Assessments
- ❖ Whole of Home Assessments
- ❖ Home Sustainability Assessments
- ❖ Undertaking House Energy Efficiency assessments for the purpose of National Construction Code, Deemed to Satisfy (DTS) and Section J assessments throughout Australia
- ❖ BASIX certification within NSW
- ❖ Residential Scorecard assessment
- ❖ Professional advice related to the above assessments

To ensure the effective implementation of this Code of Ethical Practice, and that the information contained is relevant and current, HERA shall review and revise the Code every five years (or at its discretion) and in collaboration with the NatHERS Administrator.

This Code of Ethical Practice has been written in accordance with the NatHERS Protocol for Assessors Accrediting Associations Version 2.1 September 2022.

2. Code Administration

The Executive Director of HERA will oversee and record changes, managing the master document, and is responsible for dissemination of the currently valid version of this code.

This Code is administered by the Executive Director of HERA, subject to the Constitution of HERA and By-laws made under that Constitution from time to time. The Executive Director shall:

- a) keep this Code under review to ensure that it is achieving its stated objectives;
- b) if necessary, and after due consultation with interested bodies, implement any changes to this Code which appear desirable;
- c) report annually on the performance of this Code, as measured by appropriate indicators;
- d) provide guidance and assistance to Members in developing appropriate internal mechanisms to facilitate the Member's continuous compliance with this Code



3. Consultation

HERA shall make every effort to ensure that the benefits and obligations of this Code are known as widely as possible, both among its Members and their staff, and with the public generally.

HERA shall cooperate with other bodies, including the ACCC, NatHERS and Departments of Fair Trading, in dealing with matters arising under this Code.

HERA welcomes comment on this Code and its operation. HERA is committed to ongoing improvement of and consultation about this Code with interested public and private bodies, including individual customers, consumer groups, ACCC, Fair Trading and Consumer Protection Departments, Trade Associations, Suppliers, Public Utilities and Local Governments.

4. Advice provided by HERA

Under clause 4.4 Assessor Support of the Protocol for Assessor Accrediting Organisations – Version 2.1 HERA must ensure the Assessors they accredit are provided with ongoing support, including advice in relation to accuracy, consistency and repeatability of Assessments and advice on changing requirements due to technical note updates and relevant building regulations including state and territory-specific requirements.

HERA is not responsible for providing advice on issues relating to NatHERS assessments that fall outside the NatHERS technical Notes and the NatHERS Assessor handbook.

Any advice provided by HERA other than that noted in clause 4.4 is for general informational purposes only and does not and is not intended to constitute legal advice. HERA is not responsible for any damages that may occur as a result of using provided advice.



Code of Ethics

5. To whom does this Code apply?

This Code of Ethics applies to Members of HERA. It is the duty of every Member to comply with this Code, and to take all reasonable steps to ensure that they do not commit any act or make any omission which would be a breach of this Code if committed by the Member.

6. The Aims and Objectives of this Code

This Code applies to all commercial dealings by Members with fellow Members, suppliers, customers and with the public generally. It also applies to the obligations of Members under the Constitution of HERA.

This Code aims to:

- a) promote the highest standards of customer service, competence, workmanship and conduct by Members;
- b) provide guidelines to Members on best practice for Energy Rating, marketing, costing and supply of services to the public;
- c) establish a simple and effective complaints handling and disputes resolution procedure, with appropriate sanctions for breaches of this Code;
- d) through responsible self-regulation, complement and enhance existing laws and codes governing Members; and
- e) strengthen the competitive edge of Members of HERA by assuring customers that they have the right to expect the highest standards at all times.

7. Fairness

All Members of HERA have agreed to be bound by this Code of Ethics, under which they shall at all times conduct their business so as to:

- a) provide Energy Rating services with competence, fairness, value, honesty and integrity;
- b) ensure that all Energy Rating services they provide are delivered as advertised, and that all claims made are genuine;



- c) ensure that standards of workmanship are provided as promised to the customer, and in a manner which shall enhance the reputation of the industry;
- d) use their best endeavours to ensure compliance with the Code by all partners, associates, and employees, to the extent that the Code applies to them; and
- e) avoid any action which might bring HERA and its Members into disrepute.

8. Relations Between Members

Members believe that the individual success of other Members benefits HERA as an industry body and, in turn, aids each Member through their association with HERA. Therefore, Members shall:

- a) seek to promote the goals of HERA by adhering to the principles in this Code and providing mutual support and assistance to other Members bound by this Code; and
- b) at all times conduct their business in free and fair competition, and refrain from making any misleading or untrue statements about other Members.

9. Best Practice

HERA shall on a regular basis publish for the guidance of its Members details of what it considers to be appropriate standards of conduct, service, workmanship, best practice and ethical dealing in particular areas.

10. Professionalism

All Members of HERA agree to be bound by the Code of Ethics, under which they shall at all times conduct their business so as to:

- a) Provide services with competence, fairness, value, honesty and integrity.
- b) Ensure that all services they provide are delivered as advertised, and that all claims made are genuine.
- c) Ensure that standards of workmanship are provided as promised to the customer, in accordance with the appropriate industry practice for an Accredited Assessor, and in a manner which shall enhance the reputation of the industry.
- d) At all times conduct their business in free and fair competition, and refrain from making any misleading or untrue statements about other Members.
- e) Avoid any action which might bring HERA and its Members into disrepute.



10. Complaints

Any consumer, Member or other person who believes they have a complaint against a Member in connection with their commercial conduct or obligations under the Constitution of HERA may ask HERA to deal with the complaint under this Code of Ethics.

- a) Unless satisfied that the complaint is not a genuine one, or is trivial or vexatious, HERA shall attempt to resolve the complaint informally, including by reference to independent mediation if appropriate.
- b) If HERA is unable to resolve such a complaint, it shall refer the complaint to the Management Committee for decision.
- c) The Management Committee shall consider the complaint in a fair and proper manner in accordance with detailed complaints procedures adopted by HERA under this Code.
- d) The Management Committee, if it finds that a Member is in breach of this Code, may take disciplinary action against the Member, including cautioning, reprimanding, suspending, obtaining undertakings in relation to future conduct or recommending that HERA terminate the membership of the Member.



Code of Practice

This section of the Code of Ethical Practice provides specific guidance on issues that affect NatHERS Accredited Assessors.

Members shall be accredited according to the NatHERS Protocol for Assessor Accreditation Organisations – Version 2.1 September 2022.

11. Code

To achieve and maintain accreditation, Assessors must commit and agree to:

- a) a high level of diligence and professionalism to ensure that their Assessments are as accurate as possible;
- b) operating at all times in compliance with all applicable laws;
- c) producing Assessments in compliance with relevant building regulations, including any state or territory-specific requirements;
- d) create and use NatHERS Certificates when using NatHERS Software to demonstrate compliance with a Jurisdiction's application of the NCC;
- e) HERA accredited assessors will issue only official NatHERS accredited certificates using NatHERS Accredited software. Members offering non-accredited certificates will be found in breach of the Code of practice and may have their membership and accreditation terminated;
- f) not knowingly publishing false or misleading information about their accreditation or the Assessments they have undertaken, HERA or NatHERS;
- g) avoiding conflicts of interest with their clients for whom they do Assessments;
- h) applying the relevant version of the NatHERS Technical Note and using the most recent version of NatHERS Software accredited at the time an Assessment is commenced for regulatory purposes. Where exceptional circumstances prevent the use of the appropriate version of the Software, the reasons must be documented and summarised in "the additional notes" of the NatHERS Certificate;
- i) providing a copy of all Assessments conducted for regulatory purposes to HERA when requested;
- j) accepting responsibility and liability for each Assessment that has been lodged with HERA under their name, and not reassigning, delegating or transferring this responsibility to another Assessor;



- k) maintaining a thorough knowledge of each Assessment and accepting responsibility and liability for each Assessment that has been lodged with the AAO under their name, and not reassigning, delegating or transferring this responsibility to another Assessor;
- l) using the trademarked NatHERS name and logo only in accordance with the NatHERS Guidelines for using the NatHERS logo;
- m) maintaining professional indemnity insurance commensurate with the volume and scope of the work they undertake with a minimum value of no less than \$1m;
- n) submitting any reviews of their Assessments as required by HERA or NatHERS Administrator, providing access to all relevant documentation, including Assessment data files, and plans and specifications upon which the Assessments are based, and being available to answer questions about their Assessments;
- o) accepting the results of any reviews and diligently undertaking any remedial or Disciplinary Action required by HERA
- p) participating in the system for dealing with complaints about Assessors maintained by HERA and responding promptly, diligently and with courtesy to any complaints;
- q) meeting at least the minimum requirements of HERA's CPD program;
- r) advising HERA promptly of any change in their circumstances that may affect their accreditation;
- s) agreeing to the release to the NatHERS Administrator of any information in relation to their accreditation held by HERA; and
- t) keeping any information, the Assessor collects on behalf of the NatHERS Administrator confidential
- u) abiding by the terms and conditions of their NatHERS software tool end user licence agreement, including any updates to that user licence.



12. Multiple Software Tool Accreditation Requirements

1. Assessors may only be accredited in more than one tool if they have completed:
 - a. one of the Certificate IV qualifications listed in section 3.1 of Assessors protocol September 2022, which includes the completion of a training course in at least one Software Tool; and
 - b. a training course for the additional Software Tool that meets all of the requirements specified in Appendix C of Assessors protocol September 2022.

13. Quality Assurance (QA) Review of Assessors

HERA will undertake a QA review of Assessors it accredits under a process agreed with the NatHERS Administrator. The requirements of the Quality Assurance review are carried out in accordance with Clause 4.1 of the NatHERS AAO Protocol September 2022.

Whilst HERA will abide by Clause 4.1 of the NatHERS Protocol the HERA Management Committee have implemented a policy that **100%** of all HERA Accredited Assessors will be subject to a Tiered Quality Assurance Review. This process can be referenced at the "*HERA Assessor Quality Assurance procedure 2019*"

HERA accredited assessors agree they will submit a minimum of 3 NatHERS Assessments annually in at least one of the software tools they are accredited in for review.

Assessors HERA accredits in the first twelve months agree to undertake a benchmarking review.

HERA has implemented a process whereby Assessors are selected by HERA to participate in the QA review process, based on the results of the benchmarking review.



In undertaking a QA review, HERA will:

- a) Review a minimum of 3 Assessments completed by the Assessor annually;
- b) investigate for any errors identified;
- c) investigate the software file and Universal Certificate against dwelling specification and drawing documentation to identify any errors; and
- d) Deem the accuracy of the Assessor's software inputs and processes as either compliant or non-compliant.

HERA will provide feedback in a timely manner to the Assessor regarding any errors and the correct method.

Where HERA considers the findings from the QA review process warrants such action, HERA may pursue Disciplinary Action without first undertaking Remedial Action.

HERA will notify the Assessor that, where an Assessor has concerns with the outcome of the QA Review, they must present this in writing to the AAO within 10 business days of being notified of the QA review outcome. Following consideration of the Assessor's concerns, HERA's decision will be final.

14. Quality Assurance processes for Assessments

HERA will undertake QA processes for Assessments produced by their Assessors to ensure, as far as possible, that:

- ❖ Assessments are accurate, consistent and repeatable;
- ❖ Assessors are correctly applying the relevant building regulations, including any state or territory-specific requirements;
- ❖ Assessors are complying with HERA's Code of Practice;
- ❖ Assessors are conducting Assessments in line with the relevant version of the NatHERS Technical Notes and using NatHERS Software accredited at the time of the Assessment; and
- ❖ appropriate and timely Remedial Action is taken to improve the performance of Assessors whose Assessments are found to contain errors.



15. Review of Universal Certificates

HERA will undertake automatic checks on all Universal Certificates to review items such as:

- ❖ information on Universal Certificates for common errors and consistency of data input
- ❖ a minimum number of critical fields
- ❖ the accuracy of postcode/climate zone selection; and
- ❖ the consistency of ratings with results from similar construction types and climate zones.

Where any factual content errors are detected, HERA will provide feedback to Assessors as appropriate.

16. Continuing Professional Development (CPD)

HERA provides CPD activities for all Assessors via its arrangements with EDUCATION IN BUILDING (EIB)

HERA also offers Technical CPD points for assessors undertaking Benchmark Assessments.

Assessors must complete 12 CPD points in each year of accreditation.

At least six of the CPD points must be completed in technical training in relation to the use of the NatHERS Software.

HERA will not accept CPD points from providers that have not been accredited by the NatHERS protocol as these providers are not recognised or supported by the NatHERS Administrator.



17. Remedial Action

HERA has policies and procedures, approved by the NatHERS Administrator, for taking Remedial Action to ensure underperforming Assessors meet the required standards.

The objective of Remedial Action is to support improved rating outcomes from underperforming Assessors.

Remedial Action may include, but is not limited to, examinations, use of Benchmark Assessments, targeted CPD, mentoring, refresher training and/or retraining.

In the event that Remedial Action does not improve the quality of an underperforming Assessor's Assessments in a timely manner, HERA will initiate Disciplinary Action to suspend the Assessor's accreditation until they are satisfied that sufficient improvement has been demonstrated.

18. Disciplinary Action

HERA has policies and procedures, approved by the NatHERS Administrator, for taking Disciplinary Action against underperforming Assessors or Assessors whose behaviour is otherwise unsatisfactory.

Pending an investigation of the Assessor's actions, HERA will suspend the accreditation of any Assessor who it deems has:

- ❖ refused to participate or cooperate in a QA review or Remedial Action;
- ❖ failed its QA review and subsequent Remedial Action;
- ❖ produced Assessments that do not comply with the NatHERS or HERA's branding, stamping and/or certification guidelines; or
- ❖ failed to comply with the requirements of HERA's Assessor Code of Practice

When an Assessor's accreditation is cancelled or when an Assessor withdraws their accreditation to avoid Disciplinary Action, HERA will notify the NatHERS Administrator and other AAOs within 10 business days and remove the Assessor from the list of accredited Assessors.

Where an Assessor withdraws their accreditation to avoid Disciplinary Action, this will be deemed a cancellation of accreditation by HERA. HERA's policies and procedures include an appeals process which allows an opportunity for Assessors to appeal a decision prior to suspending or cancelling their accreditation.



19. Accreditation Renewal

HERA will accredit an Applicant as an Assessor where the Applicant meets all of the following requirements:

- a) the Applicant has successfully completed the required qualification in accordance with section 3.1;
- b) the Applicant provides a certified copy of the Certificate and Record of Results of a qualification in accordance with section 3.1 to HERA as proof of completion;
- c) the Applicant has notified HERA of any current or previous accreditation with another AAO;
- d) the Applicant has nominated to HERA the software tools they will use, and HERA has confirmed this to the Applicant;
- e) the Applicant provides a certified copy of the Certificate of completion of software training to HERS as proof;
- f) the Applicant agrees they will comply with HERA's Assessor Code of Practice;
- g) the Applicant agrees to conduct Assessments in accordance with the NatHERS Technical Note unless these contradict the laws of the jurisdiction in which the assessment is being conducted; State or Territory regulatory requirements prevail in the event of contradictions;
- h) the Applicant agrees that, when using NatHERS Software to demonstrate compliance with a jurisdiction's application of the NCC, they will create and use NatHERS Accredited Certificates;
- i) the Applicant agrees to only use the trademarked NatHERS name and logo in sole conjunction with a NatHERS Certificate. No other part of the NatHERS tools output, such as summary diagnostic reports, will be used to demonstrate NCC compliance;

Note: assessors can provide other supporting reports that accompany an official NatHERS Certificate. Any supporting reports that accompany an official NatHERS Certificate must include the NatHERS stamp, in accordance with clause 13 of the NatHERS technical note.



- j) the Applicant agrees they will submit a minimum of 3 NatHERS Assessments per year in at least one of the Software Tools they are accredited in. It is the responsibility of HERA to disable an Assessor's certificate portal access where there have been no NatHERS Certificates produced for 3 years. After that time, the Assessor must go through reaccreditation of that software to reinstate use; and

Note: where an assessor is unable to submit 3 NatHERS assessments, HERA may permit the assessor to undertake a Benchmarking exercise.

- k) the Applicant agrees they will conduct their Assessments in a way which ensures the health and safety of themselves, and others, so far as reasonably practicable and which complies with all relevant workplace health and safety laws in the Jurisdictions in which they operate.

Where an Applicant applies to have their accreditation as an Assessor reinstated following cancellation by HERA as a Disciplinary Action, or voluntarily withdrawal of their accreditation prior to Disciplinary Action taking effect, HERA must seek agreement from the NatHERS Administrator. The Applicant must provide evidence to satisfy HERA that they:

- a) have undergone appropriate activities as directed by HERA to improve their ratings accuracy or otherwise address their unsatisfactory behaviour;
- b) and will comply with the requirements of HERA's Code of Practice; and
- c) agree to be subject to a Quality Assurance (QA) review within their first 12 months of re-accreditation; and
- d) agree to undertake a benchmark assessment prior to being granted accreditation as administered by HERA.

Where an Applicant applies to be accredited with another AAO, HERA must write to the previous AAO and request full details of any outstanding requirements to be met before deciding whether to take over accreditation of the assessor.

HERA may refuse to take on accreditation of an assessor where they have reasonable grounds to do so.



20. Notice of accreditation

Upon satisfying the accreditation criteria in section 3.1 of the NatHERS AAO Protocol, HERA will:

- ❖ notify the Assessor in writing of their accreditation
- ❖ provide the Assessor with a unique accreditation number; and
- ❖ provide an electronic copy of their Code of Practice and the NatHERS Software Technical Notes to the Assessor.

To achieve and maintain accreditation, Assessors must commit to:

- a) a high level of diligence and professionalism to ensure that their Assessments are as accurate as possible;
- b) operating at all times in compliance with all applicable laws;
- c) producing Assessments in compliance with relevant building regulations, including any state or territory-specific requirements;
- d) not knowingly publish false or misleading information about their accreditation or the Assessments they have undertaken, HERA or NatHERS;
- e) avoiding conflicts of interest with their clients for whom they do Assessments;
- f) applying the relevant version of the NatHERS Technical Notes and using a version of NatHERS Software accredited at the time an Assessment is completed for regulatory purposes;
- g) providing a copy of all Assessments conducted for regulatory purposes to the HERA to which they are accredited (also see multiple accreditation below);
- h) accepting responsibility and liability for each Assessment that has been lodged with HERA under their name, and not reassigning, delegating or transferring this responsibility to another Assessor;
- i) using the NatHERS name and logo only in accordance with the NatHERS Guidelines for using the NatHERS logo;
- j) maintaining professional indemnity insurance commensurate with the volume and scope of the work they undertake;



- k) submitting any reviews of their Assessments as required by HERA or NatHERS Administrator, providing access to all relevant documentation, including Assessment data files, and plans and specifications upon which the Assessments are based, and being available to answer questions about their Assessments;
- l) accepting the results of any reviews and diligently undertaking any remedial or Disciplinary Action required by HERA
- m) participating in the system for dealing with complaints about Assessors maintained by HERA and responding promptly, diligently and with courtesy to any complaints;
- n) meeting at least the minimum requirements of HERA's CPD program;
- o) advising HERA promptly of any change in their circumstances that may affect their accreditation;
- p) agreeing to the release to the NatHERS Administrator of any information in relation to their accreditation held by HERA; and
- q) keeping any information, the Assessor collects on behalf of the NatHERS Administrator confidential

21. Indemnity

All Members of HERA shall be indemnified out of the assets of the Association against any liabilities, losses and expenses incurred by him or her in defending any proceedings, whether civil or criminal, in which judgement is given in his or her favour or in which he or she is acquitted or in connection with any application in relation to any such proceedings in which relief is granted to him or her by a court in respect of any negligence, default, breach of duty or breach of trust.



22. Privacy & Reporting

HERA is committed to protecting the privacy of member information and to handling your personal information in a responsible manner in accordance with the Privacy ACT 1988 (Cth), the Privacy Amendment (Enhanced Privacy Protection) Act 2012, the Australian Privacy Principles (including all changes that replace the National Privacy Principles and Information Privacy Principles) and relevant State and Territory privacy legislation (referred to as privacy legislation)

This Privacy Policy explains how we collect, use and disclose your personal information, how you may access that information and how you may seek the correction of any information. It also explains how you may make a complaint about breach of legislation.

This Privacy Policy is current from the 1st July 2018. From time to time we may make changes to our policy, processes and systems in relation to how we handle your personal information. We will update this Privacy Policy to reflect any changes.

We respect the privacy of individuals. We advise that much of the information that you have provided to, or may be asked to provide, to us is personal information. As a general rule, personal information is not released by HERA to any other organisation (except in response to legal requirements) and information regarding an individual will not be disclosed to a third party without the individuals consent.

We collect information that is necessary and relevant to provide you with the services we provide. This information may include your name, address, date of birth, gender, credit card and direct debit details and contact details. This information may be stored on our computer records system or in hand written records.

Wherever practicable we will only collect information from you personally. However, we may also need to collect information from other sources such as third-party referees.

This information is normally collected for the purpose of processing your application. HERA collects information through forms or internet registration. Please remember that any information that is disclosed in these areas becomes public information and you should exercise caution when deciding to disclose your personal information.



Any personal information that we collect is held with the strictest confidence. HERA uses and implements industry standards for the security and protection of information collected, and this information is securely stored and access is restricted to authorised personnel only, ensuring your personal information is protected.

Information we collect is used only for the purpose stipulated at the time that the information is collected. HERA is required by law not to reveal, disclose, sell, distribute, rent, licence, share or pass on to any third parties, any personal information that you may have provided us unless we have your express consent to do so.

You have a right of access to, and alteration of personal information concerning yourself held by HERA, in accordance with government legislation.

Under its national reporting obligations HERA is required to supply information collected on to State or Federal Government agencies for purposes of research, statistics and program evaluations.

By signing the Application form and attesting to the validity of the information supplied, you are agreeing to the supply of this information for the stated purposes. No other disclosure will be made without your consent except as authorised or required by law. You have, on request a right of access to personal information we hold about you.

Personal information that we hold is protected by:

- Securing our premises
- Placing passwords and varying access levels on databases to limit access and protect electronic information from unauthorised interference, access, modification and disclosure; and

If you have a complaint about the privacy of your personal information, we request that you contact us in writing. Upon receipt of a complaint we will consider the details and attempt to resolve it in accordance with our complaints handling procedure.

If you are dissatisfied with our handling of a complaint or the outcome you may make an application to the Australian information Commissioner or the Privacy Commissioner in your State or Territory.