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 and NatHERS Technical Notes.



# 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 Member 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.

## Members Scope of work

- House Energy Rating Assessments in line with the guidelines of NatHERS
- Thermal Performance 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 within Victoria
- 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 Organisations v2.2 November 2024.

## 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



## 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 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.



# Code of Ethics

**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.

**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.

**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.

**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.

**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.

**Professionalism**

All Members of HERA are to 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.



## 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 AAO Protocol v2.2, section 3 – **Assessor Accreditation**.

To achieve and maintain (renew) their accreditation, Assessors must commit to:

a) a high level of diligence and professionalism to ensure 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 Accredited NatHERS Certificates when using NatHERS Software to demonstrate compliance with a Jurisdiction's application of the NCC;

e) not knowingly publishing false or misleading information about their accreditation or the Assessments they have undertaken, their AAO or NatHERS;

f) avoiding conflicts of interest with their clients for whom they do Assessments;

g) 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;

h) when requested by the AAO, providing a copy of all Assessments conducted for regulatory purposes to the AAO to which they are accredited;

i) 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;

j) 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;



k) using the NatHERS name and logo only in accordance with the NatHERS Guidelines for using the NatHERS logo;

l) maintaining professional indemnity insurance commensurate with the volume and scope of the work they undertake with a minimum indemnity value of no less than $1m;

m) cooperate with AAOs, NatHERS Administrator, relevant jurisdictions, regulators and clients by submitting assessments for review, including providing access to all relevant documentation such as assessment data files, plans and specifications upon which the Assessments are based, and respond to questions;

n) accepting the results of any reviews and diligently undertaking any remedial or Disciplinary Action required by the AAO;

o) participating in the system for dealing with complaints about Assessors maintained by the AAO and responding promptly, diligently and with courtesy to any complaints;

p) meeting at least the minimum requirements of the AAO's CPD program;

q) advising the AAO promptly of any change in their circumstances that may affect their accreditation or application for accreditation;

r) agreeing to release to the NatHERS Administrator any information in relation to their accreditation held by the AAO;

s) keeping any information the Assessor collects on behalf of the NatHERS Administrator confidential; and

t) only producing NatHERS certificates.

## Multiple Software Tool Accreditation Requirements

(1) Assessors may only be accredited in more than one tool if:

a) one of the Certificate IV qualifications listed in section 3.1 of the NatHERS AAO Protocol v2.2, 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 AAO Protocol v2.2 Appendix C.

## Accreditation with more than one AAO

An assessor may only be accredited with one AAO at any given time

## Quality Assurance processes for Assessments

(1) HERA has a quality assurance system in place for ensuring Assessors conduct assessments in a satisfactory and repeatable manner.

(2) HERA undertakes QA processes for Assessments produced by their Assessors to ensure, as far as possible, that:

a) Assessments are accurate, consistent and repeatable;

b) Assessors are correctly applying the relevant building regulations, including any state or territory-specific requirements;

c) Assessors are complying with the HERA Assessor Code of Practice;

d) Assessors are conducting Assessments in line with the relevant version of the NatHERS Technical Note and using NatHERS Software accredited at the time the Assessment was commenced; and

e) Appropriate and timely Remedial Action is taken to improve the performance of Assessors whose Assessments are found to contain errors.

(3) HERA will provide ongoing technical support and professional development opportunities to maintain competencies.

(4) The NatHERS Administrator may compel the HERA to withdraw accreditation of an assessor or take other remedial or disciplinary action in response to a non-compliance



with this Protocol, Technical Note or the HERA Code of Ethical Practice.

**Continuing Professional Development (CPD)**

(1) HERA will provide CPD activities for Assessors we have accredited, including via:

a) the distribution of regular electronic newsletters at appropriate intervals; and

b) coordination of a professional development program. For example, this may include workshops and seminars on topics of interest, advanced training in specific areas of relevance to Assessors and/or Benchmark Assessments.

(2) HERA will make available to Assessors we have accredited, a mechanism for recording their attendance at all CPD activities, for validation by the HERA.

(3) HERA will ensure their Assessors complete at least 12 CPD points in each year of accreditation, and one point will equal at least one hour of time spent undertaking the CPD. HERA may suspend an assessor's accreditation until such time as they have achieved the 12 CPD points.

(4) Three CPD points may be allowed to be rolled over in any one year.

(5) At least six of the CPD points must be completed in technical training. Technical training includes:

a) Training in the understanding of the NatHERS Technical Note and the NatHERS Assessor Handbook.

b) Training in the use of NatHERS accredited software tools, including formal training from AAO approved mentors.

c) Training in the use of other residential energy efficiency software or assessment mechanism (for example blower door testing).

d) Training in ways to improve building envelope thermal potential and/or performance

f) Training regarding the efficiency of fixed appliances and impact of on-site energy generation and storage.

(6) HERA will implement mechanisms for assessing the learning outcomes of the CPD activities they provide, where feasible.

(7) Where an Accredited Assessor has failed to meet CPD obligations with HERA by their accreditation renewal date and has either had their accreditation suspended, terminated, or they have elected to cancel their accreditation; the assessor must upon application with the existing or alternate AAO, complete the prior CPD requirements before they can become reaccredited. AAOs are required to share information between AAOs of those Assessors who have outstanding CPD requirements at time of accreditation termination or cancellation.

(8) Where an Accredited Assessor has been out of the industry for more than 12 months, they are required to pass a benchmarking exercise and undertake training in any areas required.

**Remedial Action**

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

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

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

(4) 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 we are satisfied that sufficient improvement has been demonstrated.

(5) HERA policies and procedures includes an appeals process for Assessors that are required to undertake remedial or Disciplinary Action.

(6) Where an Assessor withdraws their accreditation to avoid Remedial 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.



## Disciplinary Action

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

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

a) refused to participate or cooperate in a QA review or Remedial Action;

b) failed its QA review and subsequent Remedial Action;

c) produced Assessments that do not comply with the NatHERS or AAO's branding, guidelines, technical notes or AAO's Assessor Code of Practice; or

d) failed to comply with the requirements of their AAO's Assessor Code of Practice.

(3) When an Assessor's accreditation is cancelled or when an Assessor withdraws their accreditation to avoid Disciplinary Action, HERA will notify the NatHERS Administrator, relevant software provider and other AAOs within 5 business days and remove the Assessor from the HERA list of accredited Assessors.

(4) Where an Assessor withdraws their accreditation to avoid Disciplinary Action, this will be deemed a cancellation of accreditation HERA. HERA will disable the Assessor's ability to generate NatHERS Certificates in all relevant certificate portals.

(5) In cases when an Assessor fails Remedial and Disciplinary action, HERA will inform the other AAOs, relevant software provider and relevant jurisdiction authorities.

(7) In cases where an Assessor fails Disciplinary action, HERA may cancel the accreditation of that Assessor.

## Process for dealing with complaints

(1) HERA has establish a system of policies and procedures for responding to complaints, including about the AAO and its Assessors, from other Assessors, clients, businesses, Jurisdictions or members of the public. This includes a process for:

a) logging complaints and actions taken to resolve them;
b) managing responses to complaints in a timely manner, and
c) reviewing complaint decisions when requested by a complainant.

(2) HERA will notify the NatHERS Administrator within 5 business days of any complaints that relate to issues that impact on Scheme integrity. For example, HERA may become aware of systemic deficiencies, or a concentration of complaints associated with particular Assessors that may not be random

## 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.

## 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 us, 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
- Providing locked cabinets and rooms for storage of physical records.

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.