

Design Matters National Accredited Thermal Performance Assessor Code of Conduct

In adherence with NatHERS AAO Protocol dated March 2016

Version 2.3
Revised 10 July 2020

1.0 Introduction

- 1.1 The Building Designers Association of Victoria Inc trading as Design Matters National (Design Matters National) is an approved Nationwide Home Energy Rating Scheme (NatHERS) Assessor Accrediting Organisation (AAO) in accordance with the NatHERS Protocol for Assessor Accrediting Organisations (AAO Protocol).
- 1.2 The Design Matters National Accredited Thermal Performance Assessor Code of Conduct (Code of Conduct) is derived from the AAO Protocol and sets the standards for the professional activity and conduct of accredited thermal performance assessors (Assessors).
- 1.3 Where there is any conflict between this Code of Conduct and the AAO Protocol, the AAO Protocol shall prevail.
- 1.4 Compliance with this Code of Conduct is a condition of accreditation.
- 1.5 Design Matters National may amend this Code of Conduct from time to time. If this Code of Conduct is amended, Design Matters National will notify all Assessors, and Assessors will thereafter be bound to comply with the Code of Conduct as amended. If this Code of Conduct is amended, a new signed declaration of agreement to comply with the Code of Conduct may be requested and must be provided by the Assessor to maintain accreditation.

Accreditation by Design Matters National entitles an Assessor to complete assessments for regulatory purposes in Northern Territory, Queensland, South Australia, Tasmania, Victoria and Western Australia. Additional requirements apply for those seeking accreditation in ACT and NSW (BASIX).

Refer to the latest version of Design Matters National TPA Advisory Note *TPN001 Design Matters National Accredited Assessors and Other Jurisdictions*.

2.0 Assessor Accreditation Requirements

- 2.1 To obtain accreditation a person must:
 - a. Agree to comply with this Code of Conduct, including agreeing to:
 - i. undertake Continuing Professional Development (CPD) in accordance with clause 11;
 - b. Hold Design Matters National membership;
 - c. Hold appropriate insurances commensurate with the volume and scope of the work undertaken by the Assessor.
- 2.2 To apply for accreditation, Assessors must;
 - a. Be a member of Design Matters National;
 - b. Complete and submit the Thermal Performance Assessor application located on the Design Matters National website including;
 - i. Agreement to comply with this Code of Conduct.
 - ii. Certificate IV in Home Energy Efficiency and Sustainability (Thermal Performance Assessment) - CPP41119 OR Certificate IV in Home Energy Efficiency and Sustainability (Home Sustainability Assessment and Thermal Performance Assessment) - CPP41119 OR Certificate IV in NatHERS Assessment - CPP41212.
 - iii. Software accreditation certificate/s.
 - iv. Professional indemnity insurance Certificate of Currency.
 - v. Declaration of current or previous accreditation with another AAO.
 - vi. Agreement to comply with BASIX Thermal Comfort Protocol (where applicable).
 - vii. Payment of the accreditation fee.

3.0 Reinstatement Fees

- 3.1 Reinstatement fees may apply if accreditation has been suspended, cancelled or voluntarily withdrawn.



Design Matters National Accredited Thermal Performance Assessor

4.0 Multiple Accreditation Requirements

- 4.1 Assessors may choose to be accredited with one or more AAO. In the case of the accreditation with more than one AAO, an Assessor must comply with all Design Matters National Assessor Accreditation Requirements and the following additional requirement:
- a. Allow Design Matters National to communicate with other AAOs to validate and share information relating to the Assessor, including but not limited to assessment volumes, results of Quality Assurance Audits, accreditation status, CPD compliance and insurance status.
- 4.2 Design Matters National will advise the NatHERS Administrator and other AAOs within ten (10) business days if the Assessor's accreditation is suspended, cancelled or withdrawn.

5.0 Multiple Software Accreditation Requirements

- 5.1 Assessors may choose to be accredited in more than one software tool. To gain accreditation in an additional software, assessors must provide a certificate of completion in software training deemed as acceptable by the NatHERS Administrator.

6.0 Confirmation of Accreditation

- 6.1 If requirements of Clauses 2.0-5.0 are satisfied; Design Matters National will formally notify the Assessor of their accreditation. Assessors will then have access to their electronic profile which specifies the following:
- a. The Assessor's unique accreditation number.
 - b. The NatHERS software tool(s) in which the Assessor is accredited.

- c. The jurisdictions in which assessments can be undertaken.
- d. Any restrictions or limitations that apply to the Assessor.
- e. The commencement date and duration of the accreditation.
- f. Access to use the Design Matters National logo and branding for the duration of their accreditation.
- g. The Assessor's entitlement to use the NatHERS logo for the duration of their accreditation only in accordance with NatHERS Guidelines for using the NatHERS Logo.
- h. Access to this Code of Conduct and NatHERS Technical Note(s).

7.0 Accreditation Renewal

- 7.1 From March 2020 accreditation will be renewed annually from the date accreditation is formally accepted. NOTE: for assessors maintaining accreditation prior to March 2020 the default accreditation renewal date will be 1 July. To maintain accreditation assessors must;
- a. have successfully completed the CPD requirements in [clause 11](#);
 - b. be a current member of Design Matters National;
 - c. be a current accredited assessor of Design Matters National
 - d. hold professional indemnity insurance Certificate of Currency.

8.0 Assessments

- 8.1 Assessors must:
- a. Produce accurate assessments in compliance with the relevant version of the National Construction Code and relevant building regulations, including any state or territory-specific requirements.
 - b. Complete every assessment using NatHERS accredited software for regulatory purposes, in accordance with this Code of Conduct and the regulations pertaining to



Design Matters National Accredited Thermal Performance Assessor

the jurisdiction in which the property used in the assessment is located. *NatHERS Certificates are issued to demonstrate compliance with a jurisdiction's application of the National Construction Code.*

- c. Conduct every assessment in a way that ensures health and safety of themselves and others so far as reasonably practicable and which complies with any relevant workplace health and safety laws in the jurisdiction in which they operate.
- d. At all times ensure the most current version of the NatHERS Technical Note and NatHERS accredited software is used.
- e. Assessors must accept all responsibility and liability for any assessment completed identifying Design Matters National as the Assessor Accrediting Organisation and not reassign, delegate or transfer this responsibility to another Assessor.
- f. Assessors must maintain records of all assessment activities including assessment data files, certificates, plans and specifications upon which the assessments are based for seven (7) years after each assessment is completed.
- g. Perform a compliance check on each NatHERS Universal Certificate produced to ensure it conforms with the NatHERS Administrator published example.

9.0 Assessor Conduct

- 9.1 Assessors must:
 - a. Operate at all times in compliance with applicable laws.
 - b. Strive to provide excellence in their professional services.
 - c. Conduct themselves with a high level of diligence and professionalism to ensure that their assessments are as accurate as possible.
 - d. Conduct themselves in a manner consistent with the good reputation of the building design profession and refrain from any conduct that might bring discredit to, or be

prejudicial to, their Assessor peers and to the design sector.

- e. Where a conflict of interest arises an assessor must notify the client in writing immediately.
- f. Keep any information collected on behalf of the NatHERS Administrator confidential.
- g. Assessors must maintain confidentiality and not disclose any information pertaining to a Client without the Client's written permission.

10.0 Assessor Responsibility

- 10.1 Assessors must:
 - a. Notify Design Matters National promptly in the event of any material change to the information provided by the Assessor at the time of submitting their application for accreditation, or of any other change in their circumstances that may affect their accreditation.
 - b. Maintain current contact details on the Design Matters National Member Portal.
 - c. Maintain current professional indemnity insurance commensurate with the volume and scope of the work undertaken.
 - d. Comply with all directions and determinations given by Design Matters National during the course of an Assessor's period of accreditation.
 - e. Comply with Clause 16 of this Code of Conduct and respond promptly, diligently and with courtesy to any complaints.
 - f. Use the NatHERS name and logo only in accordance with the NatHERS Guidelines for using the NatHERS logo.
 - g. Not publish false or misleading information about their accreditation or the assessments they have undertaken.

11.0 Continuing Professional Development



Design Matters National Accredited Thermal Performance Assessor

- 11.1 Assessors must complete a minimum of twelve (12) CPD points during an accreditation year in order to retain accreditation.
- 11.2 A minimum of six (6) CPD points must be completed in technical training in the use of NatHERS accredited software. The definition of NatHERS Technical is:
- *Training in the use of NatHERS accredited software tools, including formal training from AAO approved mentors.*
 - *Training in the use of other residential thermal efficiency software or assessment mechanism.*
 - *Training in ways to improve building envelope thermal potential and/or performance.*
 - *Training in the National Construction Code energy efficiency provisions and other regulatory instruments relevant to NatHERS.*
- 11.3 Certificate IV qualification required to gain accreditation can not be included as CPD for assessors.
- 11.4 Training for accreditation in an additional software can be included for up to 6.0 NatHERS Technical CPD points.
- 11.5 From time to time, in line with substantial changes in the industry, Design Matters National may require all Assessors to complete a specific unit of CPD, prior to accreditation renewal.
- 11.6 Assessors must maintain CPD records via the My CPD tab in their Member portal.
- 12.0 Quality Assurance**
- 12.1 Under the AAO Protocol, Design Matters National is required to complete a Quality Assurance Audit of a minimum of 20% of Assessors.
- 12.2 Upon request by Design Matters National, an Assessor shall submit to audit, providing access to all relevant documentation, including assessment data files, plans and specifications upon which the assessments are based. Non-compliance, will result in suspension of accreditation or membership cancellation at the discretion of the Committee of Management.
- 12.3 The audit may include, but may not be limited to:
- a. Validation of current professional indemnity insurance.
 - b. An accuracy check of a selection of assessment file(s).
 - c. Completion of a generic assessment file in order to fulfil the requirements of the QA audit.
- 12.4 If selected for audit, Design Matters National will provide a checklist of documentation which is to be submitted by the Assessor in support of the assessments retrieved from the relevant software portal under agreement with the software provider. If documentation is not received within one (1) week, the Assessor's accreditation may be suspended.
- 12.5 On completion of the audit, the results will be communicated to the Assessor.
- 12.6 Should the audit reveal unsatisfactory rating(s), Design Matters National will work with the Assessor through remedial action in an endeavour to overcome any underperformance. In circumstances where Design Matters National considers the results of a Quality Assurance Audit warrant it, Design Matters National may take Disciplinary Action against the Assessor.
- Refer to the latest version of Design Matters National TPA Advisory Note TPN009 Design Matters National Assessor Quality Assurance Process.*
- 13.0 Remedial Action**
- 13.1 Design Matters National Remedial Action may include, but is not limited to, meetings between the Assessor and Design Matters National, subsequent Quality Assurance Audits (which may include the use of a generic file for assessment), informal

Design Matters National Accredited Thermal Performance Assessor

assessment reviews, examinations, Benchmark assessments, targeted CPD, mentoring, refresher training or retraining, to ensure long-term satisfactory assessments are achieved.

- 13.2 Assessors shall co-operate and participate in Remedial Action where required by Design Matters National.

14.0 Breach of this Code of Conduct

- 14.1 If an Assessor breaches this Code of Conduct, Design Matters National may take Disciplinary Action against the Assessor and have their membership cancelled at the discretion of the Committee of Management.

15.0 Disciplinary Action

- 15.1 Design Matters National Disciplinary Action may include, but is not limited to, issuing warnings to Assessors, or the suspension or cancellation of the accreditation of an Assessor.
- 15.2 Design Matters National will notify the NatHERS Administrator when an Assessor's accreditation is cancelled or when an Assessor withdraws their accreditation to avoid Disciplinary Action.
- 15.3 If an Assessor withdraws their accreditation to avoid Disciplinary Action this will be deemed a cancellation of the Assessor's accreditation.
- 15.4 The accreditation of an Assessor whose accreditation has been cancelled by Design Matters National, or withdrawn by the Assessor prior to Disciplinary Action, will not be reinstated unless:
- a. The Assessor has provided evidence, to the satisfaction of Design Matters National, that the Assessor:
 - i. Has complied with any directions by Design Matters National to improve their assessment accuracy or otherwise addressed their unsatisfactory behaviour; and

- ii. will comply with this Code of Conduct.

- b. The Assessor agrees to be subject to a Quality Assurance Audit within twelve (12) months of reinstatement of the Assessor's accreditation; and
- c. The NatHERS Administrator approves of the reinstatement of the Assessor's accreditation.

16.0 Investigation of Complaints and Conduct of Assessors and Dispute Resolution

- 16.1 Design Matters National may conduct an investigation in relation to the performance or conduct of an Assessor, or an alleged breach of this Code of Conduct:
- a. At the request of a client of the Assessor, another Assessor, a Commonwealth, State or Territory Government department or agency, or any other person; or on Design Matters National' own initiative.
- 16.2 A complaint made by any person that relates to the performance or conduct of an Assessor or an alleged breach of this Code of Conduct must:
- a. Be made in writing;
 - b. Specify the name of the Assessor(s);
 - c. Describe the circumstances or incident giving rise to the complaint; and
 - d. If the complaint relates to an alleged breach of this Code of Conduct, specify the provisions of the Code of Conduct which the Assessor(s) is alleged to have breached.
- 16.3 Design Matters National will log any complaint it receives and, within five (5) working days, will:
- a. Write to the complainant acknowledging receipt of the complaint; and
 - b. Provide the Assessor details of the complaint, in writing, including, if relevant, any provisions of the Code of Conduct that are alleged to have been breached.



- 16.4 The action taken by Design Matters National in response to a complaint, may include but is not limited to:
- dismissal of the complaint;
 - Issuing a warning to the Assessor;
 - Requiring the Assessor to submit to a quality assurance review;
 - Suspension of the Assessor's accreditation;
 - Cancellation of the Assessor's accreditation;
 - or
 - Cancellation of the Assessors membership.
- 16.5 If Design Matters National determines that a complaint involves an allegation of corruption, criminal or other illegal behaviour, it will not be investigated by Design Matters National. Complaints of this nature will instead be referred to the appropriate authority such as the police or a corruption investigation agency.
- 16.6 Design Matters National may proceed to investigate the complaint at its discretion.
- 16.7 An Assessor shall provide Design Matters National with such information or documents as Design Matters National may require for the proper investigation of the complaint or conduct.
- 16.8 Depending upon the nature of the complaint or conduct in question, the matter may be capable of resolution by:
- Telephone communication with the complainant and Assessor;
 - Written communication with the complainant and Assessor; or
 - The Design Matters National convening a meeting (either in person or by electronic means) between the Assessor and Design Matters National.
- 16.9 If the matter is resolved by telephone communication, or at a meeting, Design Matters National shall confirm the discussions and outcome in writing to both the complainant and the Assessor.
- 16.10 If the matter is resolved, Design Matters National shall refer the matter to the NatHERS Administrator for resolution.
- 16.11 Should the matter not be resolved within ten (10) working days from the date of receipt of the Assessor's written response to the direction; or The Assessor fails to comply with the direction, and/or that the Assessor has breached this Code of Conduct, Design Matters National will issue a final outcome notice to the Assessor that:
- Includes a statement specifying the reasons as to why in the opinion of Design Matters National the alleged complaint is justified and/or the Assessor has breached this Code of Conduct; and
 - If Design Matters National has determined to cancel the accreditation of the Assessor, notifies the Assessor of that cancellation and when it is to take effect; or
- If Design Matters National is of the opinion the complaint or breach is capable of being remedied and specifies:
- how Design Matters National requires the Assessor to remedy the complaint or breach;
 - the period of time in which the complaint or breach is to be remedied; and
 - notifies the Assessor of the suspension of the Assessor's accreditation pending compliance by the Assessor with Design Matters National' requirements.
- 16.12 If the Assessor fails to remedy the complaint or breach in accordance with any requirements of a final outcome notice given under clause 16.11, Design Matters National will notify the Assessor of the cancellation of the Assessor's accreditation and when that cancellation is to take effect.
- 16.13 Upon giving notice of cancellation of an Assessor's accreditation in accordance with clause 16.11 or clause 6.12, Design Matters National will notify the Assessor that the Assessor has a right of appeal in accordance with clause 17.
- 16.14 Should an Assessor's accreditation be suspended or cancelled by Design Matters National the Assessor shall immediately cease to represent himself or herself as an



Design Matters National Accredited Thermal Performance Assessor

accredited Assessor from the date of receipt of notice of that suspension or cancellation.

17.0 Appeals

- 17.1 If an Assessor is:
- Required by Design Matters National to undertake Remedial Action;
 - Given a final outcome notice by Design Matters National in accordance with clause 16.11; or
 - Given notice by Design Matters National of the suspension or cancellation of his or her accreditation as a consequence of an investigation under clause 16 of this Code of Conduct, the Assessor may appeal to the Assessor Appeals Committee.
- 17.2 If an Assessor wishes to exercise the right of appeal, the Assessor must do so in writing to Design Matters National within ten (10) business days of being notified of the Design Matters National' decision.
- 17.3 The Assessor's appeal will be considered and determined by the Assessor Appeals Committee, which shall be constituted by:
- The Design Matters National President;
 - Another member of the Design Matters National Committee of Management; and
 - A member of the Assessor Appeals Committee on any appeal will be final.
- 17.4 The decision of the Assessor Appeals Committee on any appeal will be final.

18.0 Reporting to Government Agencies and Third Parties

- 18.1 Design Matters National is required to provide reports to relevant government agencies, including the NatHERS Administrator in accordance with the AAO Protocol.
- 18.2 Assessors agree to the release of the information outlined within the AAO Protocol and any personal information to relevant government agencies or any third

party, and shall fully co-operate in providing this information in order to ensure that Design Matters National complies with, and meets its obligations to such relevant government agencies.

- 18.3 'Personal information' means information or an opinion (including in a database) whether true or not, about a natural person whose identity is apparent or can be reasonably ascertained from the information or opinion.

19.0 Indemnity

- 19.1 Each Assessor releases and indemnifies and will keep indemnified at all times Design Matters National and all officers, employees and agents of Design Matters National against all actions, proceedings, claims, demands, liabilities, either express or implied, and all costs, losses, losses of profit, damages and expenses whatsoever which may be taken against Design Matters National (or its officers, employees or agents) or incurred or become payable by Design Matters National (or its officers, employees or agents) resulting from or arising out of any negligence or other wrongful act or omission of the Assessor and in connection with, or in the course of, the performance or any breach of this Code of Conduct by the Assessor.



20.0 Assessor Declaration

It is a condition of accreditation that applicants have read, understood and agree to this Code of Conduct including obligations to Design Matters National in the provision of accreditation which include but are not limited to:

- Supply of accurate information at time of application;
- Agreeance to comply with this Code, NatHERS Technical Notes and BASIX Thermal Comfort Protocol (if applicable);
- Understanding of the requirement to achieve specified CPD points as outlined in this Code of Conduct;
- Understanding of the use of official software generated NatHERS compliance stamping on all relevant documents used for certification.

Records of agreeance with this Code of Conduct are stored electronically against the Assessors profile.

