

EEC Professional Certifications Framework

An initiative of the Energy Efficiency Council

Framework Rules



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Part A: Foreword

1. About the Framework

- 1.1. The EEC Professional Certifications Framework (the **Framework**) is an umbrella professional certification scheme under which multiple professional certifications (the **Professional Certifications**) sit.
- 1.2. The Energy Efficiency Council (**EEC**) is the peak body representing Australia's energy management sector. The Framework and associated Professional Certifications are owned and operated by the EEC.
- 1.3. The EEC operates the Framework in accordance with the Framework Policy (set out in Schedule 1), these Framework Rules (the **Rules**) and the Professional Certification Sub-Rules.
- 1.4. As with all EEC activities, the Board (the **Board**) is ultimately responsible for the proper operation of the Framework and the associated Professional Certifications.
- 1.5. The Board delegates key functions, such as setting the requirements for certification and assessment of applications, to a range of independent bodies established under these Rules. These delegations are set out in Part B.

2. Framework purpose

- 2.1. The purpose of the Framework is to promote the effective delivery of Energy and Related Services across Australia. To that end, the Framework does all of the following:
 - 2.1.1. defines the governance structure of the Framework and associated Professional Certifications;
 - 2.1.2. establishes the terms of certification individuals must meet;
 - 2.1.3. establishes independent complaints and appeals processes that can be accessed in the circumstances specified in these Rules.

3. Referenced Professional Certifications

- 3.1. These Rules reference Professional Certifications that are administered under the EEC Professional Certifications Framework.
- 3.2. These Professional Certifications are set out in Schedule 2 (the **Referenced Professional Certifications**) and are subject to these Framework Rules and the applicable sub-rules for each Professional Certification (the **Professional Certification Sub-Rules**).
- 3.3. This document should be read in conjunction with the applicable Professional Certification Sub-Rules.

4. Priority of documents

- 4.1. The material included in the Schedules of these Rules form a part of the Rules.
- 4.2. The material listed under the headings 'Referenced Professional Certifications' form a part of the Rules.
- 4.3. If there is any inconsistency between the Rules, the Schedules, and the Referenced Professional Certifications, the various documents shall be accorded the following priority:
 - 4.3.1. Rules (excluding the Schedules);
 - 4.3.2. Schedules; and
 - 4.3.3. Referenced Professional Certifications.

5. Definitions

The following definitions apply to these Rules, unless the context requires otherwise.

Annual Management Review has the meaning given to it in rule 4.3 of Part B

Applicable Laws means any statute, regulation, by-law, ordinance or subordinate legislation in force from time to time in Australia, whether made by a State, Territory, the Commonwealth or a local government that may be applicable in connection with the performance of the Rules and Professional Certification Sub-Rules.

Assessment Criteria has the meaning given to it in rule 1.2.1 of Part J.

Assessment Panel means the panel appointed by the Board which is responsible for establishing appropriate assessment criteria and assessing candidates for each Professional Certification.

Assessor has the meaning given to it in rule 5.5 of Part B.

Board has the meaning given to it in the Rules of Association.

Brief has the meaning given to it in rule 2.7 of Part I.

Certification Reference Group has the meaning given to it in rule 2.3 of Part B.

Certification Reference Group Terms of Reference are set out in Schedule 7.

Chair has the meaning given to it in rule 6.5 of Part B.

Code of Conduct has the meaning given to it in rule 8.3.4 of Part B.

CPD or **Continuing Professional Development** has the meaning given to it in rule 4.1.3 of Part B.

Deputy Chair has the meaning given to it in rule 6.7 of Part B.

Directory of Certified Individuals means a publicly accessible directory of individuals certified under the EEC Professional Certifications Framework.

EEC has the meaning given to it in rule 1.2 of Part A.

Energy and Related Services means any services provided with the aim of improving energy performance and/or reducing emissions.

Evidence Guide has the meaning given to it in rule 2.4.1 of Part J.

Framework has the meaning given to it in rule 1.1 of Part A.

Framework Policy is set out in Schedule 1.

Guide for Candidates mean the Guide for Candidates available on the EEC's website: www.eeccertified.org.au.

Independent Expert has the meaning given to it in rule 2.5 of Part B.

Ombudsperson has the meaning given to it in rule 2.4 of Part B.

Privacy Act means the *Privacy Act 1988* (Cth).

Professional Certifications has the meaning given to it in rule 1.1 of Part A.

Professional Certification Sub-Rules has the meaning given to it in rule 3.2 of Part A.

Recognised Certifications has the meaning given to it in rule 2.3.1 of Part J.

Referenced Professional Certifications has the meaning given to it in rule 3.2 of Part A.

Rules has the meaning given to it in rule 1.3 of Part A.

Rules of Association means the EEC Rules of Association approved at the Annual General Meeting on 19 November 2018.

Secretariat has the meaning given to it in the Rules of Association.

Secretary has the meaning given to it in the Rules of Association.

Statement of Reasons means a statement given by the Secretariat or Ombudsperson (as appropriate) that explains a determination(s) made in accordance with Part I.

Steering Committee has the meaning given to it in rule 2.3 of Part B.

Steering Committee Terms of Reference are set out in Schedule 3.

Use of Logos Guidelines means the guidelines prepared by the EEC regarding use of logos owned by the EEC.

Vice President means the person holding office as vice president of the Board appointed

Part B: Governance

1. Overview

- 1.1. The Framework has been established to promote the effective delivery of Energy and Related Services (**Energy and Related Services**) across Australia. The Board may, at its sole discretion, alter any aspect of the Framework and/or Professional Certifications to ensure they continue to address the needs of Australia's energy management sector.
- 1.2. The decision to maintain the Framework and/or associated Professional Certifications shall be at the sole discretion of the Board.

2. Delegations

- 2.1. The Board shall delegate the administration of the Framework and the associated Professional Certifications to the EEC's Secretariat (the **Secretariat**), an administrative body operated by the EEC.
- 2.2. The Board shall appoint Assessment Panels (the **Assessment Panel(s)**), altering the composition of Assessment Panels in its sole discretion, and delegate responsibility for establishing appropriate assessment criteria and assessment of candidates for certification to an independent Assessment Panel for each Professional Certification.
- 2.3. The Board shall appoint an independent steering committee comprised of relevant representatives of industry, government, consumer groups and other experts (the **Steering Committee**). The Board shall delegate to the Steering Committee oversight of the activities of the Secretariat and the Assessment Panels and the appointment and activities of the Certification Reference Groups (the **Certification Reference Group(s)**), which have no delegated authority.
- 2.4. The Board shall appoint an Ombudsperson (the **Ombudsperson**) to make independent determinations regarding complaints and appeals.
- 2.5. The Board shall appoint an independent expert (the **Independent Expert(s)**) when required. The Independent Experts will provide technical advice to the Board on relevant Professional Certifications matters, including on assessment requirements, process and maintenance of certification requirements on establishment and renewal.

3. Board

- 3.1. The Board is constituted of directors elected under the EEC's Rules of Association (the **Rules of Association**).
- 3.2. The Board is responsible for all of the following:
 - 3.2.1. approving the Rules and the Professional Certification Sub-Rules;
 - 3.2.2. establishing and maintaining the Framework and each of the Professional Certifications in accordance with the Framework policy (the **Framework Policy**);
 - 3.2.3. establishing targets for Framework performance;
 - 3.2.4. appointing properly qualified individuals of good standing to the administration (Secretariat), assessment (Assessment Panels) and oversight (Steering Committee, Ombudsperson and Independent Expert(s)) bodies set out in the Rules;
 - 3.2.5. Delegating responsibility as set out in rule 2;
 - 3.2.6. setting the independent Steering Committee's terms of reference (the **Steering Committee Terms of Reference**). The Steering Committee Terms of Reference are set out in Schedule 3;

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- 3.2.7. all commercial decisions related to the Framework and associated Professional Certifications, including resourcing, budgets, and fees (set out in Schedule 4);
- 3.2.8. strategic decisions related to communications and marketing;
- 3.2.9. ensuring the Framework and Professional Certifications are properly administered;
- 3.2.10. establishing the parameters of the Framework's Annual Management Review (the **Annual Management Review**);
- 3.2.11. determining from time to time if a technical review of all, or part of the Professional Certifications, including the areas of assessment and assessment process, will be required; and
- 3.2.12. making changes to the Rules and the Professional Certification Sub-Rules.

4. Secretariat

- 4.1. The Secretariat is responsible for administering the processes required to ensure the effective operation of the Framework in accordance with the Rules and Professional Certification Sub-Rules, which includes:
 - 4.1.1. administration of applications for certification, including receipt of applications and documentation, processing fees, reviewing and scoring objective assessments as per the Professional Certification Sub-Rules, scheduling interviews where required and notifying candidates for certification of results;
 - 4.1.2. issuing certification materials, such as certificates, to successful candidates;
 - 4.1.3. administration of any Continuing Professional Development (**CPD**) program(s) required by the relevant Professional Certification Sub-Rules;
 - 4.1.4. administration of certification renewals;
 - 4.1.5. administration of complaints and appeals;
 - 4.1.6. co-ordinating the activities of the Assessment Panels, the Steering Committee, the Certification Reference Groups, the Ombudsperson and Independent Expert(s);
 - 4.1.7. maintaining a publicly accessible Directory of Certified Individuals (the **Directory of Certified Individuals**) under the EEC Professional Certifications Framework;
 - 4.1.8. managing the Framework and Professional Certifications budget;
 - 4.1.9. drafting communications strategies for approval by the Board, and managing all communications associated with the Framework and Professional Certifications;
 - 4.1.10. informing participants and other interested parties of the Framework's and the Professional Certifications' purpose, scope and processes, and notifying them of changes to the Framework and/or Professional Certifications;
 - 4.1.11. monitoring Framework and Professional Certifications performance against the targets set by the Board;
 - 4.1.12. providing regular updates on Framework and Professional Certifications administration to the Board;
 - 4.1.13. raising any material risk relating to the Framework or Professional Certifications with the Board as soon as reasonably practicable; and
 - 4.1.14. undertaking an annual review of legal requirements to ensure that the EEC complies with relevant legal obligations.

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- 4.2. The Secretariat is responsible for maintaining all significant data associated with the Framework and Professional Certifications operation in a secure database, including all of the following:
 - 4.2.1. submitted forms and supporting documentation;
 - 4.2.2. assessment outcomes and associated documentation;
 - 4.2.3. complaints, appeals, and the outcomes of reviews and investigations;
 - 4.2.4. agendas and minutes of meetings;
 - 4.2.5. formal communications with interested parties, and;
 - 4.2.6. suggestions and complaints from interested parties related to the operation of the Framework and/or Professional Certifications.
- 4.3. The Secretariat is responsible for undertaking an Annual Management Review of the Framework and Professional Certifications in consultation with the Steering Committee, for submission to the Board. The Annual Management Review shall address all of the following:
 - 4.3.1. the Framework's contribution to promoting the effective delivery of Professional Certifications;
 - 4.3.2. Framework and Professional Certifications performance against targets set by the Board;
 - 4.3.3. the performance of the Assessment Panels;
 - 4.3.4. any recommendations from the Assessment Panel(s), Steering Committee or Ombudsperson;
 - 4.3.5. an assessment of risks associated with operating the Framework and Professional Certifications, and proposed mitigation actions;
 - 4.3.6. changes in legal requirements associated with the Framework's and Professional Certifications operation;
 - 4.3.7. suggestions and complaints from interested parties;
 - 4.3.8. the Framework's and Professional Certifications communications strategy, and;
 - 4.3.9. the Framework's and Professional Certifications fee structure.
- 4.4. The Secretariat is responsible for administering technical reviews in accordance with the Rules.
- 4.5. From time to time the Secretariat may assist a candidate by sharing the contact details of an EEC certified individual that has indicated a willingness to act as a mentor to less experienced professionals. In these instances, the Secretariat has no direct involvement in mentoring relationships and assumes no liability for any advice given or received.
- 4.6. Any person performing duties on behalf of the Secretariat (including staff and contractors) that has access to confidential information related to candidates or certified individuals must sign a confidentiality deed (Schedule 5) which prevents them from utilising, disclosing or disseminating any information obtained in the course of executing their duties without written permission from the EEC.

5. Assessment Panels

- 5.1. The Assessment Panel for each Professional Certification may have additional requirements set out in the relevant Professional Certification Sub-Rules, which should be read in conjunction with these Rules.
- 5.2. Assessment Panel members shall be appointed by the Board on an ongoing basis based on recommendations from the Steering Committee.
- 5.3. Assessment Panel members shall, in the reasonable opinion of the Secretariat be individuals of good character that meet the requirements in Schedule 6.

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- 5.4. Only Assessment Panel members who meet the requirements of rule 5.3, shall act as assessors (**Assessor**) that review applications for certification and renewal of certification and make determinations regarding the candidate's suitability for certification, as stipulated in the relevant Professional Certifications Rules.
- 5.5. Each Assessment Panel member is responsible for undertaking all of the duties in accordance with and outlined in the Rules and relevant Professional Certification Sub-Rules.
- 5.6. If a clear and identifiable conflict of interest exists in respect of the participation of an Assessor in the performance of any of their functions in relation to the relevant Professional Certification, that member will do all of the following:
 - 5.6.1. notify the Secretariat and other members of the relevant Assessment Panel of that conflict of interest, and;
 - 5.6.2. will not carry out their functions as an individual Assessor or participate in the functions of the relevant Assessment Panel in relation to the matters in respect of which the conflict exists.
- 5.7. If a clear and identifiable conflict of interest exists in respect of the participation of an Assessor in the performance of any of their functions under these Rules or the relevant Professional Certification Sub-Rules, the Secretariat may:
 - 5.7.1. notify the other members of that Assessment Panel of that conflict of interest, and;
 - 5.7.2. exclude that Assessor from participating in the functions of that Assessment Panel in relation to the matters in respect of which the conflict exists.
- 5.8. Members of any Assessment Panel are required to sign a confidentiality deed (set out in Schedule 5) which prevents them from utilising, disclosing or disseminating any information obtained in the course of executing their duties on an Assessment Panel without written permission from the EEC.
- 5.9. Assessors are required to complete and keep up to date a conflicts of interest notification form and submit this form to the Secretariat.

6. Steering Committee

- 6.1. The Steering Committee is responsible for overseeing the activities of the Secretariat, Assessment Panels and Certification Reference Groups.
- 6.2. The Steering Committee will meet a minimum of two times each year.
- 6.3. The Steering Committee shall have a minimum of ten and a maximum of 18 members, made up of:
 - 6.3.1. a minimum of four members from governments, including energy, education and training departments, or agencies with up to one per jurisdiction and one for the Commonwealth Government, noting that they are being appointed as individuals, not as representatives of their organisations;
 - 6.3.2. a minimum of four members from industry, consumer groups and other experts (which can include experts from government in addition to the government members referenced in Part B, rule 6.3.1); and
 - 6.3.3. two Board members, at least one of which shall either be the Vice President (the **Vice President**) or Secretary (the **Secretary**), and another member of the Board with relevant experience.
- 6.4. Steering Committee members (including the Chair (the **Chair**)) shall be appointed by the Board based on recommendations of the Secretariat and may be removed by the Board at any time, in its sole discretion.

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- 6.5. The Chair of the Steering Committee shall be a member of the Board with relevant experience as determined by the Board.
- 6.6. The Chair shall be appointed by the Board for a term of a year in advance of the first Steering Committee meeting each calendar year.
- 6.7. The deputy chair of the Steering Committee (the **Deputy Chair**) shall be elected by a simple majority of Committee members for a term of a year in the first Steering Committee meeting each calendar year.
- 6.8. The Board, in its sole discretion, shall be responsible for filling casual vacancies on the Steering Committee as a result of a removal or resignation of a Steering Committee member. Where the Board appoints an individual to fill a casual vacancy, that individual will be appointed for the remaining duration of the term of appointment of the removed or resigned member.
- 6.9. Steering Committee members shall be appointed for a term of three years, unless otherwise stipulated by the Board.
- 6.10. The Steering Committee is responsible for undertaking all of the following duties in accordance with the Rules, the Professional Certifications Rules and associated Schedules:
 - 6.10.1. establishing and appointing members to Certification Reference Groups for each Professional Certification or, for multiple Professional Certifications if the Steering Committee considers it appropriate, as per the recommendation of the Secretariat. The Certification Reference Groups Terms of Reference (the **Certification Reference Group Terms of Reference**) are set out in Schedule 7;
 - 6.10.2. considering the interests of parties significantly concerned with the Framework and the Professional Certifications, including consideration of the public interest, in accordance with, and subject to, these Rules and the Professional Certifications Rules;
 - 6.10.3. monitoring the performance of the Secretariat, Certification Reference Groups and Assessment Panels;
 - 6.10.4. monitoring the performance of the Framework and Framework Certifications.
 - 6.10.5. making recommendations to the Board on matters related to the proper operation and governance of the Framework and Professional Certifications;
 - 6.10.6. overseeing the Annual Management Review conducted by the Secretariat;
 - 6.10.7. signing off on the report to the Board that results from the Annual Management Review;
 - 6.10.8. providing the Board with an annual statement that considers the Framework's efficacy in meeting the needs of industry, consumers and other stakeholders, and how the Framework could be improved;
 - 6.10.9. proposing or reviewing changes to the Rules and/or Professional Certification Sub-Rules for consideration by the Board;
 - 6.10.10. advising the Board on the appointment of Independent Expert(s) as required;
 - 6.10.11. reviewing the risk register at a minimum of two times each year and as otherwise required; and
 - 6.10.12. considering, on advice from the Assessment Panels, Certifications Reference Groups or Secretariat, whether to recommend to the Board that a technical review of all or part of the Professional Certifications,

including the areas of assessment and assessment process, should be carried out.

- 6.11. The operation of the Steering Committee shall be governed by the Steering Committee Terms of Reference (set out in Schedule 3). The Steering Committee Terms of Reference shall be maintained and updated when required by the Board in consultation with the Steering Committee.
- 6.12. If a member of the Steering Committee considers that they have a clear and identifiable conflict of interest in respect of their participation in the performance of any of the functions of the Steering Committee, that member will do all of the following:
 - 6.12.1. notify the Secretariat and other members of the Steering Committee of that conflict of interest, and;
 - 6.12.2. will not participate in the functions of the Steering Committee in relation to the matters in respect of which the conflict exists.
- 6.13. If the Secretariat considers that a member of the Steering Committee has a clear and identifiable conflict of interest in respect of that member's participation in the performance of any of the functions of the Steering Committee, the Secretariat may:
 - 6.13.1. notify the Steering Committee of that conflict of interest, and;
 - 6.13.2. exclude that member of the Steering Committee from participating in the functions of the Steering Committee in relation to the matters in respect of which the conflict exists.
- 6.14. Members of the Steering Committee are required to sign a confidentiality deed (set out in Schedule 5) which prevents them from utilising, disclosing or disseminating any information obtained in the course of executing their duties on the Steering Committee without written permission from the EEC.

7. Certification Reference Groups

- 7.1. The Certification Reference Groups provide advice to and industry engagement for the Steering Committee regarding the relevant Professional Certifications. They may service one or more related certifications.
- 7.2. The Certification Reference Groups shall be advisory groups only and have no authority to bind the Board or any delegated authority.
- 7.3. The Certification Reference Groups shall meet as required to carry out their duties.
- 7.4. The Certification Reference Groups shall have a minimum of six and maximum of 12 members, made up of:
 - 7.4.1. a minimum of one and maximum of five members from government departments or agencies, provided that the Commonwealth government and each State and Territory government may each only have one member appointed from their respective jurisdictions at any given time and provided that such members are only appointed in their individual capacities;
 - 7.4.2. a minimum of one member from industry, consumer groups and other experts (which can include experts from government in addition to the government members referenced in Part B, rule 7.4.1);
 - 7.4.3. one EEC staff member and subject matter expert, acting independently from the Secretariat; and
 - 7.4.4. a minimum of two Assessors for each relevant Professional Certification, provided that no more than half of the Certification Reference Groups' members being Assessors.
- 7.5. The Certification Reference Group members shall be appointed by the Steering Committee based on recommendations of the Secretariat and may be removed by the Steering Committee at any time, in its sole discretion.

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- 7.6. The Chair and Deputy Chair of each Certification Reference Group shall be elected by a simple majority of the relevant Certification Reference Group members for a term of a year in the first Certification Reference Group meeting each financial year.
- 7.7. The Steering Committee, in its sole discretion, shall be responsible for filling casual vacancies on the Certification Reference Groups as a result of a removal or resignation of a Certification Reference Group member. Where the Steering Committee appoints an individual to fill a casual vacancy, that individual will be appointed for the remaining duration of the term of appointment of the removed or resigned member.
- 7.8. Unless otherwise stipulated by the Steering Committee:
 - 7.8.1. Certification Reference Group members that are Assessors shall be appointed on an ongoing basis; and
 - 7.8.2. All other Certification Reference Group members shall be appointed for a term of three years.
- 7.9. Appointments to the Certification Reference Groups will be made by the Steering Committee so as to ensure that at least one third of the non-Assessor Certification Reference Group members will be reappointed on an annual basis.
- 7.10. Commencing from 1 July 2022, the Secretariat will run an expression of interest process every year on behalf of the Steering Committee to ensure that the non-Assessor members represent a broad range of expertise and skills in relation to the relevant Professional Certification(s) associated with the Certification Reference Groups.
- 7.11. The Secretariat will make a recommendation to the Steering Committee regarding proposed members of the Certification Reference Groups following the expression of interest process.
- 7.12. The relevant Certification Reference Group is responsible for undertaking the following duties in accordance with the Rules, the Professional Certifications Rules and associated Schedules:
 - 7.12.1. providing advice to and industry engagement for the Steering Committee regarding relevant Professional Certifications;
 - 7.12.2. providing advice to the relevant Assessment Panel regarding relevant Professional Certifications, areas of assessment and assessment frameworks; and
 - 7.12.3. sharing industry knowledge to ensure best practice is maintained in the relevant Professional Certifications.
- 7.13. The operation of the Certification Reference Groups shall be governed by the Certification Reference Group Terms of Reference (set out in Schedule 7). The Certification Reference Group Terms of Reference shall be maintained and updated when required by the Steering Committee in consultation with the Certification Reference Groups.
- 7.14. If a member of a Certification Reference Group considers that they have a clear and identifiable conflict of interest in respect of their participation in the performance of any of the functions of the Certification Reference Group, that member will do all of the following:
 - 7.14.1. notify the Secretariat and other members of the relevant Certification Reference Group of that conflict of interest, and;
 - 7.14.2. will not participate in the functions of the Certification Reference Group in relation to the matters in respect of which the conflict exists.
- 7.15. If the Secretariat considers that a member of a Certification Reference Group has a clear and identifiable conflict of interest in respect of that member's participation in

the performance of any of the functions of the Certification Reference Group, the Secretariat may:

- 7.15.1. notify the relevant Certification Reference Group of that conflict of interest, and;
 - 7.15.2. exclude that member of the Certification Reference Group from participating in the functions of the Certification Reference Group in relation to the matters in respect of which the conflict exists.
- 7.16. Members of the Certification Reference Groups are required to sign a confidentiality deed (set out in Schedule 5) which prevents them from utilising, disclosing or disseminating any information obtained in the course of executing their duties on the Certification Reference Groups without written permission from the EEC.

8. Ombudsperson

- 8.1. The Ombudsperson is responsible for considering complaints, appeals and suspected poor conduct of individuals certified under the Framework.
- 8.2. The Ombudsperson shall be a person of good standing without material commercial affiliations within the energy management sector.
- 8.3. The Ombudsperson shall be responsible for all of the following duties, in accordance with the Rules and the relevant Professional Certification Sub-Rules:
 - 8.3.1. reviewing appeals from candidates regarding the determinations of the relevant Assessment Panel on applications for certification or renewal of certification;
 - 8.3.2. reviewing complaints from Energy and Related Services customers against individuals certified under the Framework;
 - 8.3.3. reviewing appeals from individuals regarding the Secretariat's decision to suspend or revoke that individual's certification;
 - 8.3.4. reviewing the certification status of individuals suspected of breaching the Rules, and/or relevant Professional Certification Sub-Rules and/or Code of Conduct (the **Code of Conduct**); and
 - 8.3.5. reviewing complaints regarding Framework and Professional Certifications administration and governance.
- 8.4. Only stakeholders that are directly interested in or affected by the Framework's operation, as determined by the Ombudsperson, may access the Ombudsperson.
- 8.5. The Ombudsperson may decide not to consider complaints that are not made in accordance with the complaints and appeals mechanisms stipulated in the Rules.
- 8.6. If the Ombudsperson considers that they have a clear and identifiable conflict of interest in respect of their performance of any of these functions, the Ombudsperson will do all of the following:
 - 8.6.1. notify the Secretariat of that conflict of interest, and;
 - 8.6.2. not fulfil the role of Ombudsperson in relation to the relevant matters.
- 8.7. In these circumstances, the Board shall appoint another individual to fulfil the role of Ombudsperson in relation to the matters in respect of which the conflict exists.
- 8.8. Individuals occupying the position of Ombudsperson are required to sign a confidentiality deed (set out in Schedule 5) which prevents them from utilising, disclosing or disseminating any information obtained in the course of executing their duties as Ombudsperson without written permission from the EEC.

9. Independent Expert(s)

- 9.1. The Independent Expert(s) are responsible for providing technical advice to the Board on relevant Professional Certifications matters, when the Board considers that such appointment is required.

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- 9.2. The Independent Experts will provide information and advice to the Board or its delegates when requested, including in the following circumstances:
 - 9.2.1. the relevant Assessment Panel cannot come to an agreement on a recommendation;
 - 9.2.2. where there is a conflict between the Certification Reference Group and Assessment Panel that relates to the operation of the Framework which cannot be resolved, and the Steering Committee is unable to resolve the disagreement and/or make an executive decision;
 - 9.2.3. where the Ombudsperson requires technical advice on assessment requirements, process and maintenance of certification requirements and requests that the Secretariat appoints an Independent Expert on their behalf; and
 - 9.2.4. where the Board considers (in its sole discretion) that such a request is appropriate.
- 9.3. Independent Experts shall be individuals of good character that have satisfied the Board that they have:
 - 9.3.1. Independence from the Board and its delegated authorities and as otherwise may be appropriate in relation to the matter under review, as determined by the Board; and
 - 9.3.2. an appropriate level of expertise in the matter under review.
- 9.4. If an Independent Expert considers that they have a clear and identifiable conflict of interest in respect of their participation as an Independent Expert, that Independent Expert will do all of the following:
 - 9.4.1. notify the Board of that conflict of interest, and;
 - 9.4.2. will not participate in the functions of the Independent Expert in relation to the matters in respect of which the conflict exists.

10. Conflicts of interest

- 10.1. For the purpose of this Part B, a conflict of interest will be considered to arise in circumstances including, but not limited to, where there is a risk that the professional judgment or actions of the relevant person in relation to their function under the Framework, these Rules or the Professional Certification Sub-Rules (as the case may be) may be unduly influenced by matters including the person's personal, financial or relational interests, or legal or ethical duties.

11. Compliance with privacy laws

In carrying out its activities under the Framework, the EEC will comply with:

- 11.1.1. its privacy policy available on the EEC Professional Certification Framework website, as amended from time to time; and
- 11.1.2. the Privacy Act and all other applicable privacy laws as may be in force from time to time which regulate the collection, storage, use and disclosure of personal information (as defined under the Privacy Act (the **Privacy Act**)).

Part C: Scope of certifications

The scope of each certification is set out in the relevant Professional Certification Sub-Rules (see Schedule 2) which are to be read in conjunction with these Rules.

Part D: Terms of certification

1. General conditions

- 1.1. These Terms apply to any individual awarded registration or certification under the Framework.

2. Maintaining familiarity with requirements

- 2.1. From time to time, the Board or its delegates, in their sole discretion, may revise these Rules, the Professional Certifications Rules or the Code of Conduct.
- 2.2. These changes will be posted on the Framework website.
- 2.3. It is the responsibility of certified individuals to stay informed of any revisions to the Rules, the relevant Professional Certifications Rules and Code of Conduct, and to adhere to current requirements.

3. Adherence to the Rules and Code of Conduct

- 3.1. Individuals registered or certified under the Framework agree to be bound by and comply with the Rules, the Relevant Professional Certification Sub-Rules and Code of Conduct (set out in Schedule 8) as a condition of their participation in the Framework.
- 3.2. Breaches of the requirements set out in these documents may lead to an individual certified under the Framework having their certification status reviewed or revoked, in accordance with the mechanisms set out in the Rules.

4. Grounds for disciplinary actions

- 4.1. The Secretariat may impose any of the disciplinary actions set out in rule 5 if it finds, or reasonably expects, that the relevant individual has done any of the following:
 - 4.1.1. breached the Rules, relevant Professional Certification Sub-Rules or Code of Conduct;
 - 4.1.2. obtained and/or maintained certification as a result of fraud, deception or misrepresentation;
 - 4.1.3. engaged in other fraudulent behaviour;
 - 4.1.4. been negligent in the execution of certified activities;
 - 4.1.5. breached any Applicable Law (the **Applicable Law(s)**);
 - 4.1.6. failed to co-operate with an investigation associated with their certification;
 - 4.1.7. failed to respond to reasonable requests for information relating to their certification;
 - 4.1.8. made misleading representations to third parties regarding the level or scope of certification held; or
 - 4.1.9. engaged in conduct that may, in the reasonable opinion of the Secretariat, bring the EEC, the Framework or the energy management sector into disrepute.
- 4.2. The Secretariat shall document the reasons for any decision made in accordance with this rule, including any relevant evidence or other information and provide the individual with a Statement of Reasons (the **Statement of Reasons**).

5. Disciplinary actions

- 5.1. Where rule 4.1 applies, the Secretariat may impose any of the following disciplinary actions:
 - 5.1.1. issue a warning;
 - 5.1.2. direct the certified individual to remedy any such non-compliance with the Rules or the Professional Certification Sub-Rules (as applicable);

- 5.1.3. suspend certification for a given period until such time as:
 - 5.1.3.1. a review is completed by the Ombudsperson (set out in Part I), following a finding from the Secretariat that the complaint is reasonably likely to be upheld, but the Secretariat is unable to make a determination; or
 - 5.1.3.2. if directed to remedy any non-compliance in accordance with section 5.1.2, the certified individual has completed that remediation;
 - 5.1.4. revoke certification;
 - 5.1.5. ban a formerly certified individual from reapplying for certification before a certain date;
 - 5.1.6. ban a formerly certified individual from reapplying for certification in perpetuity; and/or
 - 5.1.7. post a notification of the revocation of certification on the Framework website.
- 5.2. No fees will be refunded upon suspension or revocation of certification. Certificates and associated certification documentation remain the property of the EEC and must be returned promptly upon revocation of the certification.

6. Warranties

- 6.1. Candidates for certification and certified individuals warrant that:
 - 6.1.1. all information submitted to the EEC is true, complete, and accurate, and;
 - 6.1.2. they will comply with the Rules, the relevant Professional Certification Sub-Rules, all Applicable Law ordinances, regulations, standards and codes when undertaking works for which they are certified under the Framework.

7. Use of branding materials

- 7.1. The EEC is the owner of all branding materials (i.e. names, trademarks and logos) associated with the Framework and/or Professional Certifications.
- 7.2. All rights (including goodwill) in the EEC's branding materials remain vested in the EEC.
- 7.3. The EEC grants currently certified individuals a non-exclusive licence to use branding materials in accordance with the Use of Logos Guidelines. Certified individuals must comply with the Use of Logos Guidelines when using EEC branding materials.
- 7.4. Notwithstanding rule 7.3, individuals with a conditional level of certification (as determined by the Professional Certification Sub-Rules) shall not use any of the branding materials to promote their services.
- 7.5. Branding materials may not be used in a manner that directly or indirectly suggests:
 - 7.5.1. that the EEC has endorsed a certified individual or the quality of their work or services;
 - 7.5.2. that any other person or organisation is associated with the Framework;
 - 7.5.3. in circumstances where a certified individual provides services through a company, that the company is certified under the Framework.
- 7.6. Branding materials may be used on promotional and business-related materials such as websites, letterheads and business cards, but may not be used on any invoices, terms of trade, agreements, or similar documents.
- 7.7. Certified individuals who withdraw from the Framework; fail to renew their certification; or have their certification suspended or revoked are required to immediately cease using EEC branding materials in their promotional documentation and activities.

- 7.8. If the Secretariat determines, in its sole discretion, that a certified individual has breached any of the requirements on the use of branding materials set out in these Rules (including the Use of Logos Guidelines (**Use of Logos Guidelines**)), the Secretariat may direct the certified individual in writing to stop using the branding materials in a way that breaches these requirements. Certified individuals must immediately comply with such a direction from the Secretariat.
- 7.9. Where a certified individual does not comply with a direction from the Secretariat given in accordance with rule 7.8, within ten business days from the date of receiving that direction, the Secretariat may suspend the individual's certification until such time as the certified individual can demonstrate to the Secretariat's reasonable satisfaction that the direction has been complied with.

8. Limitation of liability

- 8.1. None of the EEC or any of its employees, agents, contractors or affiliates, any person acting or having acted as Ombudsperson, Independent Expert or a member of the Steering Committee, an Assessment Panel, any Certification Reference Group or the Board will have any liability to any person for any reason whatsoever in relation to any cost, liability, loss, expense or damage arising from:
 - 8.1.1. the process by which applications for certification or renewal of certification are considered, or in relation to the administration or operation of the Framework and associated Professional Certifications; or
 - 8.1.2. products or services provided by certified individuals, including, for the avoidance of doubt, services provided by individuals with provisional, probationary or conditional certification (as granted in accordance with the relevant Professional Certification Sub-Rules).
- 8.2. Certified individuals agree to fully indemnify the EEC or any of its employees, agents, contractors or affiliates, any person acting or having acted as Ombudsperson, Independent Expert or a member of the Steering Committee, an Assessment Panel, any Certification Reference Group or the Board in respect of any costs, liabilities, losses, expenses or damages arising from the matters set out above.

Part E: Requirements for certification

The requirements for certification are set out in the relevant Professional Certification Sub-Rules (see Schedule 2) which are to be read in conjunction with the Rules.

Part F: Applying for certification

Applying for certification requirements are set out in the relevant Professional Certification Sub-Rules (see Schedule 2) which are to be read in conjunction with the Rules.

Part G: Maintaining certification

Requirements for maintaining certification are set out in the relevant Professional Certification Sub-Rules (see Schedule 2) which are to be read in conjunction with the Rules.

Part H: Renewing certification

Requirements for renewing certification are set out in the relevant Professional Certification Sub-Rules (see Schedule 2) which are to be read in conjunction with the Rules.

Part I: Complaints and reviews

1. General requirements

- 1.1 The Secretariat shall be responsible for administering the complaints process.
- 1.2 Where a complaint is made against a certified individual the Secretariat shall review all complaints or issues by:
 - 1.2.1 considering the complaint or issue along with any relevant evidence or information available; and
 - 1.2.2 providing the certified individual an opportunity to respond to the complaint or issue and any relevant evidence or information before making any determination in accordance with this Part I.
- 1.3 All complaints shall be logged for consideration as part of the Framework's regular review processes.
- 1.4 Where the Ombudsperson is engaged to review a complaint in accordance with this Part I, and the Ombudsperson requires technical assistance to complete that review, the Ombudsperson may request that the Board appoints an Independent Expert on their behalf.

2. Complaints from the clients of certified individuals

- 2.1. If a client of a certified individual (the complainant) believes that the certified individual has breached the Code of Conduct, Rules and/or relevant Professional Certification Sub-Rules, they may lodge a formal complaint.
- 2.2. Complainants must make complaints in writing to the Secretariat. Complaints must clearly state how the certified individual has breached the Code of Conduct, Rules and/or relevant Professional Certification Sub-Rules.
- 2.3. Complaints may only be made within a period ending 12 months after the matter in respect of which the complaint is sought to be made became apparent to the complainant.
- 2.4. The Secretariat shall follow the process outlined above in rule 1.1 to determine if disciplinary action is required. If the Secretariat determines that the certified individual has breached the Rules, the relevant Professional Certification Sub-Rules and/or the Code of Conduct, the Secretariat shall impose disciplinary actions (set out in Part D Section 5). The certified individual can appeal this decision in accordance with the provisions of Part I Section 4.
- 2.5. If the Secretariat determines that disciplinary action is not required and the complainant disagrees, the complainant can follow the process set out in Part I Section 5.
- 2.6. Where the Secretariat is unable to make a determination in accordance with rule 2.4, the Secretariat may in its sole discretion forward complaints to the Ombudsperson for review.
- 2.7. When making a referral for review, the Secretariat must provide the Ombudsperson a brief of information, which must include reasons for the referral (the **Brief**).
- 2.8. If the Ombudsperson regards the complaint as reasonably likely to be upheld, the certified individual may have their certification suspended by the Secretariat for the duration of the investigation.
- 2.9. The Ombudsperson shall:
 - 2.9.1. consider the complaint along with any evidence provided by the complainant; and

- 2.9.2. give the certified individual the opportunity to respond to the complaint and any relevant evidence or information available before making any determination regarding the complaint.
 - 2.10. The Ombudsperson may also:
 - 2.10.1. conduct interviews with the complainant, the certified individual, and other relevant parties;
 - 2.10.2. request information, including project documentation, from the certified individual; or
 - 2.10.3. take other reasonably necessary steps to gather evidence.
 - 2.11. If the Ombudsperson determines that the certified individual has breached the Rules, the relevant Professional Certification Sub-Rules and/or the Code of Conduct, the Ombudsperson has the power to, in their sole discretion, issue a range of sanctions depending on the severity of the breach. Possible sanctions are set out in Part D Section 5.
 - 2.12. The certified individual will be provided with a Statement of Reasons from the Ombudsperson explaining the determination and any penalties imposed.
 - 2.13. The certified individual may appeal to the Board if they believe that the Ombudsperson has not properly applied the Rules and/or the relevant Professional Certification Sub-Rules in reaching a determination. In this instance the Board may, at their sole discretion, appoint an appropriately qualified person to review the Ombudsperson's decision.
 - 2.14. No fees will be refunded upon suspension or revocation of certification.
- ### 3. Review of certification status by the Ombudsperson
- 3.1. Where the Secretariat receives information that leads them to reasonably suspect that a certified individual may have breached the Rules, the relevant Professional Certification Sub-Rules and/or the Code of Conduct, the Secretariat shall follow the process outlined above in rule 1.1 to determine if disciplinary action is required.
 - 3.2. If the Secretariat determines that the certified individual has breached the Rules, the relevant Professional Certification Sub-Rules and/or the Code of Conduct, the Secretariat shall impose disciplinary actions (set out in Part D Section 5). The certified individual can appeal this decision in accordance with the provisions of Part I Section 4.
 - 3.3. Where the Secretariat is unable to make a determination in accordance with rule 3.2, the Secretariat, in its sole discretion, may forward the issue to the Ombudsperson for review.
 - 3.4. When making a referral for review, the Secretariat must provide the Ombudsperson a Brief.
 - 3.5. If the Ombudsperson regards the issue as reasonably likely to be upheld, the certified individual may have their certification suspended by the Secretariat on behalf of the Ombudsperson for the duration of the investigation.
 - 3.6. In order for the issue to be investigated, the Ombudsperson shall:
 - 3.6.1. consider the Brief along with any available evidence, and;
 - 3.6.2. give the certified individual a reasonable opportunity to respond to the Brief and any other evidence before making any determination regarding the review.
 - 3.7. The Ombudsperson may also:
 - 3.7.1. conduct interviews with the certified individual and other interested parties;
 - 3.7.2. request information, including project documentation, from the certified individual, or;

- 3.7.3. take other reasonably necessary steps to gather evidence.
 - 3.8. If the Ombudsperson determines that the certified individual has breached the Rules, the relevant Professional Certification Sub-Rules and/or the Code of Conduct, the Ombudsperson has the power to, in their sole discretion, issue a range of sanctions depending on the severity of the breach. Possible sanctions are set out in Part D (Terms of certification).
 - 3.9. The certified individual under investigation will be provided with a Statement of Reasons from the Ombudsperson explaining the determination and any penalties imposed.
 - 3.10. The certified individual may appeal to the Board if they believe that the Ombudsperson has not properly applied the Rules and/or the relevant Professional Certification Sub-Rules in reaching a determination. In this instance the Board may, at their discretion, appoint an appropriately qualified person to review the Ombudsperson's decision.
 - 3.11. No fees will be refunded upon suspension or revocation of certification.
4. Appeals regarding disciplinary actions against certified individuals by the Secretariat
- 4.1. If the Secretariat imposes disciplinary actions impacting an individual's certification in accordance with these Rules or the applicable Professional Certification Sub-Rules, that individual may appeal the decision to the Ombudsperson.
 - 4.2. Appeals will incur an administration and review fee payable by the individual making that appeal (set out in Schedule 4). The required fee must be paid before the appeal will be considered.
 - 4.3. Appeals must be made in writing to the Secretariat within ten business days of the date the individual is notified of the disciplinary action, or an alternate timeframe, as agreed by the Secretariat. Appeals must clearly state how the Rules and/or the relevant Professional Certification Sub-Rules have not been properly applied.
 - 4.4. The Secretariat shall forward appeals that meet these requirements to the Ombudsperson for review, along with any information it used in determining the disciplinary action, and any other relevant information.
 - 4.5. The Ombudsperson shall consider the evidence provided by the Secretariat.
 - 4.6. The Ombudsperson may also:
 - 4.6.1. conduct interviews with the disciplined certified individual and other interested parties;
 - 4.6.2. request information, including project documentation, from the disciplined certified individual, or;
 - 4.6.3. take other reasonably necessary steps to gather evidence.
 - 4.7. The Ombudsperson may determine one of the following:
 - 4.7.1. the Secretariat has acted in accordance with the Rules and/or relevant Professional Certification Sub-Rules, in which case the decision shall stand; or
 - 4.7.2. the Secretariat has not acted in accordance with the Rules and/or relevant Professional Certification Sub-Rules, in which case the disciplinary action will be overturned. In such cases, the Ombudsperson may recommend that the fee paid to lodge the appeal is refunded. In such an instance, the Secretariat will issue a refund.
5. Complaints regarding Framework administration
- 5.1. Stakeholders that are directly affected by the Framework's operation may lodge a formal complaint regarding the administration of the Framework.

Framework Rules

- 5.2. Complainants must make complaints in writing to the Secretariat and must clearly state how the Rules and/or relevant Professional Certification Sub-Rules have been breached in the course of administering the Framework.
- 5.3. Prior to being reviewed:
 - 5.3.1. the Chair of the Steering Committee (in their capacity as a Board member) will, in their absolute discretion, determine if the stakeholder is directly affected by the Framework's operation; and
 - 5.3.2. the Ombudsperson will, in its absolute discretion, determine if the complaint will be accepted. No complaints regarding the administration of the Framework will be considered by or accepted from any person other than the Ombudsperson.
- 5.4. If the complaint is not accepted in accordance with rule 5.3, the Secretariat will notify the complainant about that determination.
- 5.5. If the complaint is accepted in accordance with rule 5.3, the Secretariat will review the complaint. All complaints shall receive a formal response from the Secretariat within a reasonable time period.
- 5.6. If the complainant is dissatisfied with the Secretariat's response, they may request that their complaint be forwarded to the Ombudsperson for review.
- 5.7. The Ombudsperson will then review the initial complaint and the Secretariat's formal response.
- 5.8. If the Ombudsperson determines that the complaint is well founded and the Secretariat's response is inadequate, the Ombudsperson may recommend an appropriate remedy to the Board. Implementation of remedies recommended by the Ombudsperson shall be at the discretion of the Board.
- 5.9. The Secretariat shall provide the complainant with a Statement of Reasons explaining the outcome of the Ombudsperson's review, any recommendations made and any actions taken in response.

6. Administration

- 6.1. All decisions relating to complaints and reviews shall be kept on file by the Secretariat along with associated materials and, where applicable, Briefs and Statement of Reasons, for a minimum of seven years (or arrangements shall be made to keep them in storage for an equivalent period).
- 6.2. Certified individuals that have their certification suspended shall have their name removed from the publicly accessible directory of certified individuals for the duration of that suspension.
- 6.3. Certified individuals that have their certification revoked, and if that revocation is appealed and upheld, shall have their name removed from the publicly accessible directory of certified individuals.
- 6.4. Certified individuals that have their certification revoked, and successfully appeal that revocation, shall have their name reinstated on the publicly accessible directory of certified individuals.

Part J: Process for establishing and revising certification conditions

1. Establishing and revising the requirements for certification

- 1.1. Pre-requisites for certification:
 - 1.1.1. The pre-requisites for new certifications are established by the Board on the recommendation of the Steering Committee with advice from an Independent Expert; and
 - 1.1.2. Adjustments to the pre-requisites for existing certifications may be made by the Board with advice from the relevant Assessment Panel and an Independent Expert (if required by the Board).
- 1.2. Assessment criteria:
 - 1.2.1. Assessment criteria for new certifications are established by the Board on the recommendation of the Steering Committee with advice from an Independent Expert (the **Assessment Criteria**);
 - 1.2.2. Adjustments to Assessment Criteria, including the areas of assessment and the required skills and knowledge for each Professional Certification as set out in the relevant Professional Certification Sub-Rules and as developed by the relevant Assessment Panel with input from any relevant Certification Reference Group, are submitted to the Steering Committee for review prior to approval by the Board;
 - 1.2.3. Adjustments to the Assessment Criteria may be made by the Board, generally on the recommendation of the relevant Assessment Panel or the Steering Committee with advice from an Independent Expert (if required by the Board); and
 - 1.2.4. The Assessment Criteria shall be reviewed by the relevant Assessment Panel as requested by the Board.

2. Establishing and revising assessment processes

- 2.1. Forms and cover sheets:
 - 2.1.1. The forms for the various levels of certification and renewal of certification are developed by the Secretariat in consultation with the relevant Assessment Panel and submitted to the Steering Committee for review;
 - 2.1.2. Minor adjustments to forms and cover sheets may be made by the Secretariat in consultation with the relevant Assessment Panel. Adjustments that significantly affect content or meaning shall be circulated to the Steering Committee for review; and
 - 2.1.3. The Steering Committee can request that the Board request advice from a relevant Independent Expert if required.
- 2.2. Guides for Candidates:
 - 2.2.1. Guides for Candidates (the **Guide(s) for Candidates**) are developed by the Secretariat in consultation with the relevant Assessment Panels and submitted to the Steering Committee for review;
 - 2.2.2. Minor adjustments to the Guide for Candidates may be made by the Secretariat in consultation with the relevant Assessment Panel. Adjustments that significantly affect content or meaning shall be circulated to the Steering Committee for review; and
 - 2.2.3. The Steering Committee can request that the Board request advice from a relevant Independent Expert if required.
- 2.3. Recognised Certifications:

- 2.3.1. Recognised Certifications (the **Recognised Certifications**) are set out in the relevant Professional Certification Sub-Rules (set out in Schedule 2);
 - 2.3.2. Recognised Certifications are determined by the relevant Assessment Panel and submitted to the Steering Committee for review;
 - 2.3.3. Minor adjustments to the Recognised Certifications may be made by the Secretariat in consultation with the relevant Assessment Panel. Significant adjustments to the Recognised Certifications shall be circulated to the Steering Committee for review;
 - 2.3.4. The Recognised Certifications shall be reviewed by the relevant Assessment Panel on an ad hoc basis and at least once every two years; and
 - 2.3.5. The Steering Committee can request that the Board request advice from a relevant Independent Expert if required.
 - 2.4. Evidence Guides:
 - 2.4.1. An Evidence Guide (the **Evidence Guide**) for each of the Professional Certifications is developed and maintained by the Assessment Panels;
 - 2.4.2. The Evidence Guides provide Assessors with guidance on how to judge the eligibility of candidates in each area of assessment, and assist in ensuring consistency in the assessment of candidates;
 - 2.4.3. The Evidence Guides shall remain confidential, reviewed only by the Secretariat and the Assessment Panels; and
 - 2.4.4. The Evidence Guide shall be reviewed by the relevant Assessment Panel.
 - 2.4.5. The Assessment Panel can request that the Board request advice from the relevant Independent Expert if required.
 - 2.5. Other assessment tools:
 - 2.5.1. Other assessment tools that assist in applying the assessment processes set out in these Rules and/or the relevant Professional Certification Sub-Rules, such as interview forms, scoring sheets and any associated guidelines shall be developed by the Secretariat in consultation with the relevant Assessment Panel; and
 - 2.5.2. The Assessment Panel can request that the Board request advice from a relevant Independent Expert if required.
3. Establishing and revising the requirements for maintaining certification
 - 3.1. Code of Conduct:
 - 3.1.1. The Code of Conduct is established by the Board on the recommendation of the Steering Committee; and
 - 3.1.2. Adjustments to the Code of Conduct may be made by the Board in its discretion or on the recommendation of the Steering Committee;
 - 3.2. CPD and case studies:
 - 3.2.1. Any requirements for CPD and the submission of case studies required under the Rules and/or the relevant Professional Certification Sub-Rules are developed by the Secretariat in consultation with the relevant Assessment Panel and submitted to the Steering Committee for review;
 - 3.2.2. Minor administrative adjustments to the requirements for CPD and submission of case studies may be made by the Secretariat in consultation with the relevant Assessment Panel. Significant adjustments in terms of content or meaning shall be circulated to the Steering Committee for review; and
 - 3.2.3. The Steering Committee can request that the Board request advice from a relevant Independent Expert if required.

Schedule 1: Framework policy

EEC Professional Certifications Framework

Policy

The purpose of EEC Professional Certifications Framework is to promote the effective delivery of Energy and Related Services across Australia.

The Framework does this by establishing and maintaining a national certification Framework under which multiple Professional Certifications are administered. The Framework is designed to define standards for industry participants, facilitate the procurement decisions of energy management customers, reduce project risk and support the achievement of energy management objectives and the successful delivery of government policy and programs.

The Energy Efficiency Council's role

The Energy Efficiency Council is the peak body representing Australia's energy management sector. The EEC administers the Framework to continually improve the capacity and capability of the sector to improve the comfort and health of buildings and the productivity and competitiveness of businesses while supporting deep decarbonisation across the Australian economy.

Policy commitments

In fulfilling its role administering the Framework, the EEC will:

- maintain an independent Steering Committee responsible for oversight of the Framework;
- maintain an impartial and confidential application process based on independent assessment by relevant experts;
- provide certification to parties that meet the certification criteria set out in the Rules and relevant Professional Certification Sub-Rules regardless of EEC affiliation;
- provide an impartial complaints process for the customers of certified parties;
- ensure efficiency and consistency by building on existing training, certifications and standards;
- comply with legal and regulatory requirements applicable to the Framework;
- provide a transparent process for continual improvement of the Framework, which considers Framework performance, government policy, industry requirements, and the views of interested parties; and;
- maintain the Framework as long as is necessary to meet the Framework's purpose, or until circumstances render the Framework unnecessary, as determined by the EEC's Board.

Schedule 2: Referenced Professional Certifications

The Referenced Professional Certifications listed below each have Professional Certification Sub-Rules that relate to them. These Professional Certification Sub-Rules should be read in conjunction with the Rules.

Referenced Professional Certifications:

- 1.1. Certified Emissions Reduction Leader for Commercial Buildings
- 1.2. Certified EnMS Advisor; and
- 1.3. Certified Insulation Installer.

Schedule 3: Steering Committee Terms of Reference

1. Foreword

- 1.1. These Terms of Reference should be read in conjunction with the role and functions of the Steering Committee set out and explained in more detail in the Rules.

2. Remit

- 2.1. The Steering Committee is responsible for overseeing the activities of the Secretariat, Assessment Panels and Certification Reference Groups, as set out in the Rules.

3. Membership

- 3.1. The Steering Committee shall have a minimum of ten and a maximum of 18 members, made up of:
 - 3.1.1. a minimum of four members from governments, including energy, education and training departments, or agencies with up to one per jurisdiction and one for the Commonwealth Government, noting that they are being appointed as individuals, not as representatives of their organisations;
 - 3.1.2. a minimum of four members from industry, consumer groups and other experts (which can include experts from government in addition to the government members referenced in Schedule 3, rule 3.1.1); and
 - 3.1.3. two Board members, at least one of which shall either be the Vice President or Secretary, and another member of the Board with relevant experience.
- 3.2. Members of the Steering Committee shall be appointed for a term of three years, unless otherwise stipulated by the Board.
- 3.3. The Steering Committee shall be:
 - 3.3.1. chaired for a term of one year by a member of the Board with relevant experience as determined by the Board; and
 - 3.3.2. deputy chaired for a term of one year by a member who shall be elected by a simple majority of Steering Committee members.
- 3.4. Steering Committee members shall act as individuals, not as representatives of their organisations. The decisions of Steering Committee members shall not be regarded as representative of the views of that individual's employer.
- 3.5. Members of the Steering Committee are required to sign a confidentiality deed which prevents them from utilising, disclosing or disseminating any information obtained in the course of executing their duties on the Steering Committee without written permission from the EEC.
- 3.6. Members of the Steering Committee shall:
 - 3.6.1. Maintain high standards of professional ethics at all times;
 - 3.6.2. Provide objective, accurate and outcome focussed advice;
 - 3.6.3. Support the EEC Professional Certifications Framework Policy and work in the best interests of the energy management sector;
 - 3.6.4. Not participate in collusive or anti-competitive conduct;
 - 3.6.5. Not advertise, present or discuss Energy and Related Services in a manner that may discredit the energy management sector, the profession or the Framework; and
 - 3.6.6. Not breach the Rules or Professional Certification Sub-Rules.

4. Operation

- 4.1. The Steering Committee shall meet a minimum of two times each year.
- 4.2. Attendance by five members of the Steering Committee shall constitute a quorum for the transaction of business.
- 4.3. A member of the Steering Committee may appoint an alternate to act in their place, subject to at least 24 hours' notice to the Secretariat.
- 4.4. The Chair or, in the Chair's absence, the Deputy-Chair, shall preside over meetings. If the Chair and the Deputy-Chair are absent or unwilling to act, the Steering Committee members present at the meeting may elect a member to chair.
- 4.5. Members with a potential conflict of interest must notify the Secretariat and Chair prior to the matter being discussed. At the Chair's discretion, and as advised by the Secretariat, members may be required to recuse themselves from discussion on the relevant matter, vote on the relevant matter, or both.
- 4.6. Agendas and minutes shall be prepared and disseminated by the Secretariat in line with best practice governance principles.

5. Votes

- 5.1. Decisions will be made by a simple majority vote of Steering Committee members. In the event of a tied vote, the person presiding, as per Schedule 3, rule 4.4, may exercise a second or casting vote.
- 5.2. Voting at Steering Committee meetings shall be determined on a show of hands, or a roll-call in a teleconference or videoconference.
- 5.3. Out of session votes will be determined via written or electronic communication. If a Steering Committee member does not respond within the allocated timeframe, it will be regarded as assent to the proposal.
- 5.4. Written notice of an 'out-of-session' vote by the Steering Committee must be given to each Steering Committee member a minimum of 48 hours' notice before the appointed time for vote.

Schedule 4: Fees

See the EEC Professional Certifications Framework website, ecccertified.org.au, for relevant fees.

Schedule 5: Confidentiality deed

This deed must be signed by members of the EEC Professional Certifications Framework Secretariat, Steering Committee, Assessment Panels, Certification Reference Groups, Ombudsperson and Independent Expert(s) prior to executing any of their duties in relation to the Framework.

I will not, without the prior written consent of the Energy Efficiency Council, for any reason, directly or indirectly, utilise, disclose or disseminate any confidential information, for my own benefit or the benefit of any other party, concerning:

- the content of confidential assessment materials, including the Evidence Guide used to assess candidates;
- the content of applications for certification, including attachments and supporting documentation;
- the Assessment of applications for certification;
- the Assessment of certification renewals;
- the outcome of unsuccessful applications for certification;
- consideration of appeals;
- investigations of complaints;
- Framework administration; and
- any and all other activities related to the execution of my duties in relation to the Framework.

This deed excludes information that

- the discloser has expressly consented to the release of; or
- is required by applicable law to be disclosed.

To the extent that any confidential information includes personal information (as defined under the *Privacy Act 1988* (Cth) (**Privacy Act**)), I agree to handle such personal information in accordance with the Energy Efficiency Council's privacy policy (available on the EEC Professional Certifications Framework website, as amended from time to time), the Privacy Act and all other applicable privacy laws as may be in force from time to time as applicable to the collection, storage, use and disclosure of personal information made available to me in connection with my duties in relation to the Framework.

I agree to comply with this confidentiality deed:

- for the period I am formally involved with the Framework, and;
- for three years after my formal involvement with the Framework has ceased.

I agree to notify the Energy Efficiency Council, in writing of any actual or potential conflict of interest in relation to my performance of my designated functions relating to the Framework.

Executed as a deed, by:

Name: _____

Framework role: _____

Signed: _____ Date: _____

Schedule 6: Assessment Panel Requirements

	Certified Emissions Reduction Leaders – Commercial Buildings	Certified EnMS Advisor	Certified Insulation Installer
Experience Requirements	<p>One or both of the following:</p> <ol style="list-style-type: none"> 1. Not less than five years of professional experience relevant to the particular Professional Certification; or 2. Not less than five years of broader experience in the energy management or commercial buildings retrofits sector that the Secretariat considers may be valuable in executing the duties of the Assessment Panel. <p>Note: Commercial Buildings is defined in Part A, Section 5 of the Certified Emissions Reduction Leader for Commercial Buildings Sub-Rules.</p>	<p>One or both of the following:</p> <ol style="list-style-type: none"> 1. Not less than five years of professional experience relevant to the particular Professional Certification; or 2. Not less than five years of broader experience in the energy management sector that the Secretariat considers may be valuable in executing the duties of the Assessment Panel. 	<p>One or both of the following:</p> <ol style="list-style-type: none"> 1) Not less than five years of professional experience relevant to the particular Professional Certification; or 2) Not less than five years of broader experience in the energy management or construction or training sector that the Secretariat considers may be valuable in executing the duties of the Assessment Panel.

Schedule 7: Certification Reference Groups Terms of Reference

1. Foreword

- 1.1 These Terms of Reference should be read in conjunction with the role and functions of the Certification Reference Groups set out and explained in more detail in the Rules.

2. Remit

- 2.1. The Certification Reference Groups are responsible for providing advice to and industry engagement for the Steering Committee regarding the relevant Professional Certifications, as set out in the Rules.
- 2.2. The Certification Reference Groups shall be advisory groups only and have no authority to bind the Board or any delegated authority.

3. Membership

- 3.1. The Certification Reference Groups shall include:
 - 3.1.1. A minimum of three subject matter experts, as recommended by the Secretariat, from:
 - 3.1.1.1. Government energy departments and/or agencies;
 - 3.1.1.2. Industry, consumer group and other experts;
 - 3.1.2. A minimum of two Assessors from each relevant Professional Certification; and
 - 3.1.3. An EEC staff member and subject matter expert, acting independently from the Secretariat.
- 3.2. Members of the Certification Reference Groups shall be appointed for a term of three years, unless otherwise stipulated by the Steering Committee.
- 3.3. The Certification Reference Groups shall be:
 - 3.3.1. chaired for a term of one year by a member who shall be elected by a simple majority of the Certification Reference Group members; and
 - 3.3.2. deputy chaired for a term of one year by a member who shall be elected by a simple majority of Certification Reference Group members.
- 3.4. Certification Reference Group members shall act as individuals, not as representatives of their organisations. The decisions of Certification Reference Group members shall not be regarded as representative of the views of that individual's employer.
- 3.5. Members of the Certification Reference Group are required to sign a confidentiality deed which prevents them from utilising, disclosing or disseminating any information obtained in the course of executing their duties on the Certification Reference Group without written permission from the EEC.
- 3.6. Members of the Certification Reference Groups shall:
 - 3.6.1. Maintain high standards of professional ethics at all times;
 - 3.6.2. Provide objective, accurate and outcome focussed advice;
 - 3.6.3. Support the EEC Professional Certifications Framework Policy and work in the best interests of the energy management sector;
 - 3.6.4. Not participate in collusive or anti-competitive conduct;
 - 3.6.5. Not advertise, present or discuss Energy and Related Services in a manner that may discredit the energy management sector, the profession or the Framework; and

3.6.6. Not breach the Rules or Professional Certification Sub-Rules.

4. Operation

- 4.1. The Certification Reference Groups shall meet as required to carry out its duties, as advised to the Steering Committee by the Secretariat. This is expected to be two (2) to four (4) times a year with meetings being held within three months prior to Steering Committee meetings.
- 4.2. Attendance by three members of the Certification Reference Groups constitutes a quorum for the transaction of business.
- 4.3. A member of the Certification Reference Group may appoint an alternate to act in their place, subject to at least 24 hours' notice.
- 4.4. The Chair, in the Chair's absence, the Deputy-Chair, shall preside over meetings. If the Chair and Deputy-Chair are absent or unwilling to act, the Certification Reference Group members present at the meeting may elect a member to chair.
- 4.5. Members with a potential conflict of interest must notify the Secretariat and Chair prior to the matter being discussed. At the Chair's discretion, and as advised by the Secretariat, members may be required to recuse themselves from discussion on the relevant matter, vote on the relevant matter, or both.
- 4.6. Agendas and minutes shall be prepared and disseminated by the Secretariat in line with best practice governance principles.

5. Votes

- 5.1. As an advisory body, voting may be used to agree on what advice should be provided to the Steering Committee and/or relevant Assessment Panel. The Certification Reference Groups have no authority to bind the Board or delegated authority.
- 5.2. Decisions will be made by a simple majority vote of Certification Reference Group members. In the event of a tied vote, the person presiding may exercise a second or casting vote.
- 5.3. Voting at Certification Reference Group meetings shall be determined on a show of hands, or a roll-call in a teleconference or videoconference.
- 5.4. Out of session votes will be determined via written or electronic communication. If a Certification Reference Group member does not respond within the allocated timeframe, it will be regarded as assent to the proposal.
- 5.5. Written notice of an 'out-of-session' vote by a Certification Reference Group must be given to each Group member a minimum of 48 hours' notice before the appointed time for vote.

Schedule 8: Code of conduct

The EEC Professional Certifications Framework Code of Conduct sets out the standards of professional conduct required of certified individuals. It provides guidance to assist them in carrying out their duties and responsibilities, and a basis for assessing complaints regarding their professional conduct. Adherence to this Code of Conduct is a mandatory requirement of certification.

Certification may be revoked if it is found that a certified individual has not adhered to this code.

Certified individuals shall:

- Maintain high standards of professional ethics at all times.
- Provide objective, accurate and outcome focussed advice, ensuring energy management opportunities are identified, considered and assessed from the earliest stages of project design through to project completion, and support the promotion and identification of opportunities for continuous improvement in energy performance where appropriate to do so.
- Ensure Energy and Related Services activities comply with Applicable Law, and undertake reasonable steps to ensure compliance by employees, sub-contractors, sub-consultants, or other third parties undertaking Energy and Related Services work for or on behalf of the certified individual.
- Undertake reasonable steps to ensure suitably qualified and experienced persons are engaged to undertake project activities.
- Conduct project work in accordance with appropriate frameworks, including all relevant legislation and Australian Standards, for quality assurance and occupational health and safety.
- Ensure that Energy and Related Services projects are developed on the basis of valid and accurate data.
- Ensure that clients are provided with the information necessary to fairly assess Energy and Related Services performance.
- Maintain appropriately detailed records, including accurate Energy and Related Services objectives and outcomes.
- If required, provide documentation to the Framework administrator within a reasonable timeframe when requested (subject to confidentiality requirements).
- Commit to ongoing professional development, including through undertaking any ongoing Continuing Professional Development in accordance with the Rules and relevant Professional Certification Sub-Rules.
- Identify and declare conflicts of interest to clients as soon as possible.
- Not participate in collusive or anti-competitive conduct.
- Adhere to project and client confidentiality requirements.
- Not advertise, present or discuss services in a manner that may discredit the energy management sector, the profession or the Framework.
- Use the name or Logos of the Framework and relevant Professional Certifications in the manner outlined in the Rules.
- Not breach the Rules or Professional Certification Sub-Rules.