



DESIGN MATTERS NATIONAL

Thermal Performance Assessor Code of Conduct

V2.4 (October 2021)

Design Matters National

Thermal Performance Assessor Code of Conduct v2.4 October 2021

In accordance with the NatHERS AAO Protocol v2 (October 2021)

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Introduction

The success of the NatHERS instrument is contingent upon accurate, consistent and repeatable ratings being achieved through the skilled and compliant use of NatHERS software. Given the level of complexity of NatHERS software, it is important that those who use the software to assess the thermal performance of buildings are adequately trained in its use and have a minimum level of understanding of building construction, building thermal performance and the applicable building regulations. Assessors also need to work within a quality assurance framework that encourages and maintains a high standard of ratings.

Scope

In accordance with the NatHERS Assessor Accrediting Organisation (AAO) Protocol v2 (October 2021), this Thermal Performance Assessor (TPA) Code of Conduct governs the terms and conditions that accompany initial and ongoing TPA Accreditation with Design Matters National (DMN).

This TPA Code of Conduct must be acknowledged and agreed to at the time of application to become and accredited TPA with DMN.

Background

- a) The Building Designers Association of Victoria Inc trading as Design Matters National (DMN) 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).
- b) 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).
- c) Where there is any conflict between this Code of Conduct and the AAO Protocol, the AAO Protocol shall prevail.
- d) Compliance with this Code of Conduct is a condition of accreditation.
- e) 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.
- f) Additional requirements apply for those seeking accreditation in ACT and NSW (BASIX)

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:

- a) Supply of accurate information at time of application;
- b) Agreeance to comply with this Code, NatHERS Technical Notes and BASIX Thermal Comfort Protocol (if applicable);
- c) Understanding of the requirement to achieve specified CPD points as outlined in this Code of Conduct;
- d) 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

1. Assessor Accreditation Requirements

1.1. Eligibility to Apply for Accreditation

To be eligible for TPA accreditation with DMN, the applicant is required to:

- a) Be a current financial member of DMN
- b) Have successfully completed one of the following qualifications:
 - Certificate IV in NatHERS Assessment - CPP41212 Certificate IV in Home Energy
 - Efficiency and Sustainability (Thermal Performance Assessment) - CPP41119
 - Certificate IV in Home Energy Efficiency and Sustainability (Home Sustainability Assessment and Thermal Performance Assessment) - CPP41119.
- c) Complete and submit the Thermal Performance Assessor application located on the Design Matters National website
- d) Payment of applicable accreditation fee

1.2. Requirements for Accreditation

An eligible applicant may apply for TPA accreditation with DMN where all of the following criteria are met:

- a) The Applicant has successfully completed the required qualifications in accordance with section 1.1 above.
- b) The Applicant provides a *certified* copy of the Certificate and Record of Results of the qualifications in accordance with Clause 1.1 above to the AAO as proof of completion
- c) The Applicant has notified the AAO of any current or previous accreditation with another AAO
- d) The Applicant has nominated to the AAO the software tools they will use, and the AAO has confirmed this to the Applicant
- e) The Applicant provides a *certified* copy of the Certificate of completion of software training to the AAO as proof

- f) The Applicant agrees they will comply with the AAO's Assessor Code of Practice
- g) The Applicant agrees to conduct Assessments in accordance with the current NatHERS Software Technical Note unless these contradict the laws of the jurisdiction in which the assessment is being conducted
 - State or Territory regulatory requirements prevail in the event of contradictions
 - Agreement to comply with BASIX Thermal Comfort Protocol (where applicable).
- h) The Applicant agrees that, when using NatHERS Software to demonstrate compliance with a jurisdiction's application of the NCC, they will create and use NatHERS Accredited Certificates exclusively
- i) The Applicant agrees to only use the trademarked NatHERS name and logo in sole conjunction with a NatHERS Certificate. No other part of the NatHERS tools output, such as summary diagnostic reports, will be used to demonstrate NCC compliance
 - Note: assessors can provide other supporting reports that accompany an official NatHERS Certificate. Any supporting reports that accompany an official NatHERS Certificate must include the NatHERS stamp, in accordance with clause 11 of the NatHERS tech notes.
- j) The Applicant agrees they will submit a minimum of 3 NatHERS Assessments per year in at least one of the Software Tools they are accredited in. It is the responsibility of the AAO to disable an Assessor's certificate portal access where there have been no NatHERS Certificates produced for 3 years.
 - After that time, the Assessor must go through reaccreditation of that software to reinstate use.
 - Note: where an assessor is unable to submit 3 NatHERS assessments, the AAO may permit the assessor to undertake a Benchmarking exercise.
- k) The Applicant agrees they will conduct their Assessments in a way which ensures the health and safety of themselves, and others, so far as reasonably practicable and which complies with all relevant workplace health and safety laws in the Jurisdictions in which they operate.

1.3. Notice of Accreditation

- a) Upon satisfying the accreditation criteria outlined in Clauses 1.1 and 1.2 above, DMN will:
 - I. Notify the Assessor in writing via email of their accreditation status
 - II. Assessors will then have access to their electronic profile which specifies the following:
 - The Assessor's unique accreditation number
 - The NatHERS software tool(s) in which the Assessor is accredited.
 - The jurisdictions in which assessments can be undertaken.
 - Any restrictions or limitations that apply to the Assessor.
 - The commencement date and duration of the accreditation.
 - Access to use the Design Matters National logo and branding for the duration of their accreditation.
- b) Outline 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.
- c) Provide an electronic copy of this Code of Practice and current NatHERS Technical Note5

1.4. Accreditation Renewal

For annual accreditation renewal and maintenance of TPA status, an assessor is required to:

- 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.

Accreditation after March 2020

From March 2020 accreditation will be renewed annually from the date accreditation is formally accepted.

Accreditation prior to March 2020

For assessors maintaining accreditation prior to March 2020 the default accreditation renewal date will be 1 July.

1.5. Cancellation of Accreditation

Should a TPA's accreditation be suspended, cancelled or withdrawn for any reason, Design Matters National is required to advise the NatHERS Administrator and other AAOs within ten (10) business days.

1.6. Reinstatement of Accreditation

- a) Where an Applicant applies to have their accreditation as an Assessor reinstated following cancellation by an AAO as a Disciplinary Action, or voluntarily withdrawal of their accreditation prior to Disciplinary Action taking effect, the AAO must seek agreement from the NatHERS Administrator.
- b) The Applicant must provide evidence to satisfy the AAO that they:
 - I. have undergone appropriate activities as directed by the AAO to improve their ratings accuracy or otherwise address their unsatisfactory behaviour, and
 - II. will comply with the requirements of the AAO's Code of Practice, and
 - III. agree to be subject to a Quality Assurance (QA) review within their first 12 months of re-accreditation, and
 - IV. agree to undertake a benchmark assessment prior to being granted accreditation as administered by the AAO.

Note: Reinstatement fees may apply if accreditation has been suspended, cancelled or voluntarily withdrawn.

1.7. Accreditation with another AAO

- a) Where a TPA applies to be accredited with another AAO after suspension, cancellation or withdrawal of accreditation with DMN, the potential new AAO must write to DMN and request

full details of any outstanding requirements to be met before deciding whether to take over accreditation of the assessor.

- b) An AAO may refuse to take on accreditation of an assessor where they have reasonable grounds to do so.

2. Accreditation with more than one AAO

TPAs may only be accredited with one AAO at any given time:

- a) Effective from October 2021 and;
- b) TPAs who are currently accredited with more than one AAO are granted a transition period and must elect which AAO they maintain accreditation with upon TPA's next accreditation renewal date.
- c) The NatHERS Administrator will manage this process.

3. Accreditation in additional NatHERS software tools

Assessors may only be accredited in more than one tool if they have completed:

- a) One of the Certificate IV qualifications listed in Clause 1.1 above, which includes the completion of a training course in at least one Software Tool; and
- b) A training course for the additional Software Tool that meets all of the requirements specified in Appendix I.

4. Assessor Professional Conduct and Assessment Quality

For Assessors to attain and maintain DMN TPA accreditation, Assessors are required to commit to the following:

- a) A high level of diligence and professionalism to ensure their assessments are as accurate as possible, thus providing home owners with a home that performs true to energy efficiency specifications
- b) Operating at all times in compliance with all applicable laws
- c) Producing Assessments in compliance with relevant building regulations, including any state or territory-specific requirements
- d) Only create and use NatHERS Certificates when using NatHERS Software to demonstrate compliance with a Jurisdiction's application of the NCC. There is no provision for NatHERS Accredited Assessors to create self created and/or branded certificates/reports
- e) Not knowingly publishing false or misleading information about their accreditation status or the assessments they have undertaken, DMN or NatHERS
- f) Avoiding conflicts of interest with their clients for whom they do Assessments. Where there is potential for conflict of interest, the Assessor must notify the client in writing immediately
- g) Applying the relevant version of the NatHERS Technical Note and using the most recent version of NatHERS Software accredited at the time an Assessment is commenced for regulatory purposes
- h) Where exceptional circumstances prevent the use of the appropriate version of the Software, the reasons must be documented and summarised in "the additional notes" of the NatHERS Certificate

- i) When requested by the DMN, providing a copy of all Assessments conducted for regulatory purposes
- j) Accepting responsibility and liability for each Assessment that has been lodged with their TPA Accreditation number and under their name, and not reassigning, delegating or transferring this responsibility to another Assessor;
- k) Maintaining a thorough knowledge of each Assessment and accepting responsibility and liability for each Assessment that has been lodged with their TPA Accreditation number and under their name, and not reassigning, delegating or transferring this responsibility to another Assessor
- l) Using the NatHERS name and logo only in accordance with the NatHERS Guidelines for using the NatHERS logo
- m) Maintaining professional indemnity insurance commensurate with the volume and scope of the work they undertake with a minimum indemnity value of no less than \$1m
- n) Cooperate with DMN, NatHERS Administrator, relevant jurisdictions, regulators and clients by submitting assessments for review, including providing access to all relevant documentation such as assessment data files, plans and specifications upon which the Assessments are based, and respond to questions
- o) Accepting the results of any reviews and diligently undertaking any remedial and/or Disciplinary Action that is prescribed by DMN
- p) Participating in the system for dealing with complaints about Assessors maintained by DMN and responding promptly, diligently and with courtesy to any complaints
- q) Meeting at least the minimum requirements of the AAO's CPD program
- r) Advising DMN promptly of any change in circumstances that may affect their accreditation or application for accreditation
- s) Maintain current contact details on the DMN Member Portal
- ;
- t) Agreeing to release to the NatHERS Administrator any information in relation to their accreditation held by DMN
- u) Keeping any information the Assessor collects on behalf of the NatHERS Administrator confidential and
- v) Only producing NatHERS certificates.

5. Continuing Professional Development

- a) Assessors must complete a minimum of twelve (12) CPD points during an accreditation year in order to renew/retain accreditation
- b) 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 understanding of the NatHERS Technical Note and the NatHERS Assessor Handbook.
 - 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 (for example blower door testing).

- Training in ways to improve building envelope thermal potential and/or performance.
 - Training in the NCC energy efficiency provisions and other regulatory instruments relevant to NatHERS.
- c) Where a TPA has accumulated more CPD points than the required amount of CPD points in an accreditation year, the TPA is able to apply to have up to 3 CPD points rolled over into the following CPD year
 - d) Certificate IV qualification required to gain accreditation cannot be included as CPD for assessors.
 - e) Training for accreditation in an additional software can be included for up to 6.0 NatHERS Technical CPD points.
 - f) 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.
 - g) Assessors must maintain CPD records via the My CPD tab in their Member portal.

6. Quality Assurance

- a) Under the AAO Protocol, DMN is required to Carry out Quality Assurance (QA) Reviews on a minimum of 20% of Assessors annually
- b) Upon request by DMN, an Assessor agrees to participate in the requested QA review providing access to all relevant documentation, including assessment data files, plans and specifications upon which the assessments are based
- c) Should the requested documentation not be received by DMN within one (1) week, the Assessor's accreditation may be suspended and/or membership cancelled at the discretion of the Committee of Management.
- d) The QA review may include, but may not be limited to:
 - I. Validation of current professional indemnity insurance.
 - II. An accuracy and/or compliance check of a selection of assessment file(s) completed by the TOA within the past 12 months.
 - III. Completion of a benchmarking assessment file in order to fulfil the requirements of the QA review.
- e) On completion of the QA review, results and feedback will be communicated to the Assessor within seven (7) days
- f) Should the QA review reveal unsatisfactory rating(s), DMN will work with the Assessor through remedial action outlined in Clause 8 below, in an endeavour to overcome any underperformance.
- g) In circumstances where DMN considers the result of a QA Review warrant it, the Assessor may be subjected to Disciplinary Action outlined in Clause 10 below.

7. Remedial Action

- a) DMN remedial action may include, but is not limited to, meetings between the Assessor and DMN subsequent QA Reviews (which may include the use of a benchmarking file for

- assessment), informal assessment reviews, examinations, targeted CPD, mentoring, refresher training or retraining, to ensure long-term satisfactory assessments are achieved.
- b) Assessors shall co-operate and participate in Remedial Action where required by DMN.

8. Breach of this Code of Conduct

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

9. Disciplinary Action

- a) 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.
- b) 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.
- c) If an Assessor withdraws their accreditation to avoid Disciplinary Action this will be deemed a cancellation of the Assessor's accreditation.

Note: Refer to Clause 1.6 of this Code of Conduct document regarding reinstatement of accreditation after suspension and/or cancellation.

10. Investigation of Complaints and Conduct of Assessors and Dispute Resolution

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 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.
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:
 - i. Be made in writing;
 - ii. Specify the name of the Assessor(s);
 - iii. Describe the circumstances or incident giving rise to the complaint; and
 - iv. 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.
3. DMN will log any complaint it receives and, within five (5) working days, will:
 - i. Write to the complainant acknowledging receipt of the complaint; and
4. 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. The action taken by DMN in response to a complaint, may include but is not limited to:
 - i. Dismissal of the complaint
 - ii. Issuing a warning to the Assessor
 - iii. Requiring the Assessor to submit to a quality assurance review
 - iv. Suspension of the Assessor's accreditation
 - v. Cancellation of the Assessor's accreditation; or

- vi. Cancellation of the Assessors membership.
- 5. If DMN determines that a complaint involves an allegation of corruption, criminal or other illegal behaviour, it will not be investigated by DMN. Complaints of this nature will instead be referred to the appropriate authority such as the police or a corruption investigation agency.
- 6. DMN may proceed to investigate the complaint at its discretion.
- 7. An Assessor shall provide DMN with such information or documents as DMN may require for the proper investigation of the complaint or conduct.
- 8. Depending upon the nature of the complaint or conduct in question, the matter may be capable of resolution by:
 - i. Telephone communication with the complainant and Assessor
 - ii. Written communication with the complainant and Assessor
 - iii. The DMN convening a meeting (either in person or by electronic means) between the Assessor and DMN.
- 9. If the matter is resolved by telephone communication, or at a meeting, DMN shall confirm the discussions and outcome in writing to both the complainant and the Assessor.
- 10. If the matter is not resolved, DMN shall refer the matter to the NatHERS Administrator for resolution.
- 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, DMN will issue a final outcome notice to the Assessor that:
 - i. 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
 - ii. 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;
 - iii. The period of time in which the complaint or breach is to be remedied;
 - iv. And notifies the Assessor of the suspension of the Assessor's accreditation pending compliance by the Assessor with Design Matters National' requirements.
- 12. If the Assessor fails to remedy the complaint or breach in accordance with any requirements of a final outcome notice given under Clause 10(11) above, Design Matters National will notify the Assessor of the cancellation of the Assessor's accreditation and when that cancellation is to take effect.
- 13. Upon giving notice of cancellation of an Assessor's accreditation in accordance with Clause 10(11) above, or Clause 10(12) above, Design Matters National will notify the Assessor that the Assessor has a right of appeal in accordance with clause 11.
- 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 accredited Assessor from the date of receipt of notice of that suspension or cancellation

11. Appeals

- a) If an Assessor is:
 - I. Required by Design Matters National to undertake Remedial Action;
 - II. Given a final outcome notice by Design Matters National in accordance with Clause 10(11) above; or
 - III. Given notice by Design Matters National of the suspension or cancellation of his or her accreditation as a consequence of an investigation under Clause 10 above, of this Code of Conduct, the Assessor may appeal to the Assessor Appeals Committee.
- b) 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.
- c) The Assessor's appeal will be considered and determined by the Assessor Appeals Committee, which shall be constituted by:
 - I. The Design Matters National President;
 - II. another member of the Design Matters National Committee of Management; and
 - III. a member of the Assessor Appeals Committee.
- d) The decision of the Assessor Appeals Committee on any appeal will be final.

12. Reporting to Government Agencies and Third Parties

- 1. Design Matters National is required to provide reports to relevant government agencies, including the NatHERS Administrator in accordance with the AAO Protocol.
- 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.
- 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.

13. Indemnity

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.

Appendix I - Training requirements for accreditation in additional software tools

1. General

- 1.1. Assessors may only be accredited in more than one software tool if they have completed one of the Certificate IV qualifications listed in Clause 1.1 of this document, which includes training in at least one NatHERS Accredited Software Tool.
- 1.2. Assessors must also have completed a training course for the additional Software Tool that meets all of the requirements listed in this appendix.
- 1.3. The training provider can assume that participants will have considerable prior knowledge in performing thermal assessments gained from the attainment of a relevant Certificate IV qualification. Therefore, this course need only focus on the technical aspects of using the additional Software Tool.

2. Minimum course content requirements

- 2.1. A course designed to meet the requirements of this appendix must, at a minimum, ensure an assessor is competent in the use of the software tool in regard to the following aspects:

- a) Main features of user interface
- b) Starting a new project (including importing plans if applicable)
- c) How Class 2 projects work in terms of single apartments versus whole buildings
- d) Finalising a project and producing a NatHERS Certificate(s) and stamp(s)
- e) How to get help, support or assistance using the tool
- f) Modelling specific objects in either Class 1 or Class 2 dwellings, including:
 - Uninhabited zones (e.g. subfloor spaces and attics)
 - Ceiling Fans
 - Ceiling Penetrations
 - Ceilings & Roofs
 - Wall
 - Floors
 - Windows
 - Doors
 - Horizontal Openings between Levels
 - Skylights & Roof Windows
 - Shading Objects (such as Horizontal, Vertical & External Screen shading schemes)
- g) How to model all relevant NatHERS modelling situations such as, but not limited to:
 - Complex geometry (such as split levels & clerestory windows)
 - Setting adjacencies
 - Use of custom windows from the NatHERS window library

- Ceiling floor & wall constructions (including custom creation & reflective airgaps as applicable)
- Walls in contact with ground
- How reflective air gaps are set
- Wing walls
- How colour/absorptance is set (as applicable)
- Double-storey with a double-height void (Class 1)

3. To cover the majority of the software tool features, the course must consist of, at a minimum, the following building designs:

- a) Two-storey Class 1 home, with, as a minimum:
 - A double height void
 - A skylight
 - A roof window
- b) A Single Occupancy Unit of a Class 2 apartment with the following adjacencies:
 - Basement carpark zone underneath
 - Apartment above
 - Apartment / neighbour to a wall
 - Adjacent glazed corridor to a wall
 - Outside air to a wall.