



NABERSNZ Accredited Assessor Code of Practice

Introduction

NABERSNZ is a voluntary performance-based rating system that measures an existing building's environmental performance during operation in comparison to other buildings of its type, in New Zealand. The Energy Efficiency Conservation Authority (EECA) as licensee¹ of NABERSNZ, has engaged the New Zealand Green Building Council (NZGBC) to act on their behalf as the Administrator of the programme.

Accredited Assessors² are responsible for providing Certified Ratings to existing buildings only using historical data. There is no other way for a building to obtain a Certified Rating except by using an Accredited Assessor.

Accredited Assessors report to the NABERSNZ Administrator.

Purpose

This Code of Practice has been developed to assist both the Accredited Assessor and Administrator gain a clear understanding of each other's responsibilities and obligations. The intention of this code is to ensure that all Accredited Assessors operating under NABERSNZ do so in a manner that is consistent with the standards and procedures that form a part of the NABERSNZ scheme.

Each Accredited Assessor is required to agree to this Code of Practice by way of being a signatory, and shall comply with the rules and obligations as set out in this document. If a person does not wish to comply with this Code of Practice, then they will not be accepted as an Accredited Assessor under NABERSNZ.

It is this Code of Practice that establishes Accredited Assessors as being able to act under the NABERSNZ scheme. The Administrator, when consented by the Office of Environment and Heritage (OEH), may amend the Code of Practice from time to time by notice in writing to the Accredited Assessor.

If there is a dispute relating to the interpretation or method of implementing this Code of Practice the issue may be raised with the Administrator. In the case where the Accredited Assessor is not satisfied with the Administrator's response, the issue may be raised by both parties with the EECA.

¹ The New South Wales Government through the Office of Environment and Heritage (OEH) has licensed EECA to modify and administer NABERS energy and water for offices in New Zealand.

² Any references to Accredited Assessors also apply to Trainee Assessors unless otherwise noted.

Both Parties

The term 'both parties' is defined as the Accredited Assessor and the Administrator. This Code of Practice binds both parties and defines their specific roles.

Both parties understand that all logos and trademarks are the intellectual property of the owner of the NABERSNZ scheme and cannot be used without authorisation.

Both parties have a clear understanding of their obligations including the duration of accreditation and payments that are to be made.

Both parties agree to abide by the procedures and processes as written and amended, when consented by the OEH, by the Administrator.

Both parties are clear about available dispute resolution, auditing and training requirements and understand what is required to terminate accreditation and therefore any agreement.

The Administrator shall:

- Make available to the Accredited Assessor specific marketing material. Initial quantities will be made available free of charge while additional quantities may be ordered by the Accredited Assessor,
- Provide general marketing for the NABERSNZ scheme,
- Provide specific NABERSNZ training and testing (fees may be payable),
- Ensure that all Accredited Assessors are performing to the same high standards to maintain the integrity of NABERSNZ,
- Provide support to the Accredited Assessor to enable them to carry out their work effectively and efficiently,
- Ensure that technical support is available to Accredited Assessors in order to clarify any uncertainty,
- Act in a timely manner so that any disruption to an Accredited Assessor's customer is minimised,
- Ensure that regular and random audits of ratings are conducted, this includes audits of ratings performed under previous agreements, and
- Notify the Accredited Assessor in writing of any amendments to the Processes and Procedures or this Code of Practice.

The Accredited Assessor shall:

- Act in accordance with the NABERSNZ processes and procedures as amended from time to time, and specifically the Accredited Assessor master documents, including but not limited to the Rules; process outline; dispute resolution procedure; Code of Practice; auditing procedure; information transfer procedures; renewal procedure; style guide; rulings; and any other document provided by the NABERSNZ Administrator to the Accredited Assessor,
- Complete Certified Ratings in accordance with the Rules, this Code of Practice and other master documents, and submit an application for a Certified Rating and certificate on behalf of the customer,
- Maintain current copies of the master documents,
- Ensure that they are covered by the required insurances to protect themselves in the performance of their duties,
- Ensure all payments as required by the Administrator under this agreement are made in a timely manner,
- Provide their own time to assist in the conduct of any audits and immediately act to remedy any issues raised during an audit, this includes audits of ratings performed under previous agreements. It is not the discovery of an error, but the failure to remedy that error that is to be considered grounds for accreditation being revoked,
- Undertake any training as required, and pay for the cost of that training. Failure to undertake training or the inability to adequately complete a test of skill will lead to accreditation being revoked,
- Maintain records and ensure that the Administrator or their agents have access to original documentation on request,
- Not disclose to other employees, employer, agents or otherwise any confidential information provided by the Administrator to the Accredited Assessor,
- Not assign, in whole or in part, the benefits under this Agreement, without the prior written consent of the Administrator,
- Ensure accreditation fees are paid up-to-date at all times,
- Use the words 'Trainee Assessor' to describe their accreditation status until advised by the Administrator that they have successfully completed their practical training,
- Conform to the requirements for use of Accredited Assessor logo in advertising and marketing material in the promotion of themselves in accordance with any requirements that the Administrator may issue from time to time regarding the use of the logo.

- Promote the use of the NABERSNZ Trademark to all commercial customers, and provide or arrange to provide those commercial customers that are eligible to use the NABERSNZ Trademark, with the style guide describing the use of the NABERSNZ Trademark by commercial customers, and
- On termination of accreditation, cease use of all NABERSNZ products, Processes and Procedures; withdraw any publicly available promotional materials consisting of, incorporating or displaying NABERSNZ Trademarks or Accredited Assessor logos; cease and thereafter refrain from representing that they are accredited or approved by, or affiliated in any way with the Administrator or NABERSNZ.

Code for Best Practice

- Accredited Assessors must exercise due skill, care and diligence in the performance of their duties.
- Accredited Assessors must complete the required tasks for a customer as soon as it is reasonably practicable.
- Accredited Assessors must inform customers or potential customers of their responsibilities and the implications of the scheme by referring them to the Terms and Conditions on the NABERSNZ website which must be accepted by the customer and the Accredited Assessor before the rating is lodged.
- Accredited Assessors must act on their own behalf and cannot represent themselves as acting on behalf of another individual or organisation without authority.
- Accredited Assessors must have a working knowledge of all relevant regulations in place such as trade practices legislation.
- Accredited Assessors must act promptly, fairly, and honestly with all available information and work to the standard reasonably expected by a practitioner in the industry.
- Accredited Assessors must not mislead or deceive any parties in negotiations or transactions.
- Accredited Assessors must at all times be aware of the confidentiality of information and not use or disclose this information for any purpose other than that required under the terms of the NABERSNZ scheme.
- Accredited Assessors must not accept a fee or commission from any person other than the customer or the customer's agent in relation to services provided under the NABERSNZ scheme.
- Accredited Assessors must only receive a fee for providing a rating certificate regardless of the final rating. A bonus of any kind, or commission based on the number of stars achieved is strictly prohibited.

- Accredited Assessors must disclose to the Administrator any potential conflict of interest when making an application for a Certified Rating and Certificate. Failure to notify a potential conflict of interest, whether real or perceived, will lead to accreditation being revoked.

Conflict of interest

A conflict of interest can be broadly defined as a situation where your actions as an Accredited Assessor may be at odds with another role. This conflict may be seen to encourage a rating that is either higher or lower than a true rating. This can include but is not limited to the following situations:

- o The Accredited Assessor is employed by the building owner,
- o The Accredited Assessor is employed by the building manager,
- o The Accredited Assessor is employed by the building energy consultant, or
- o The Accredited Assessor is employed by a competitor of the above.

It is acknowledged that a conflict of interest is possible in a large number of cases. The purpose of this document is to encourage full disclosure rather than to prohibit work in these areas, nor to prevent Accredited Assessors from seeking work in any area they may choose. This document intends to ensure that all potential conflicts of interest are known and openly understood by all parties and that Accredited Assessors act in the best interest of the NABERSNZ scheme, rather than any other interests.

Failure of the Accredited Assessor to declare a conflict of interest may result in the Administrator withdrawing accreditation.

Retraining

The Accredited Assessor may need to undergo retraining or re-examination at their own cost in accordance with the requirements of the Processes and Procedures (as amended from time to time).

Failure of the Accredited Assessor to attend training or an examination, when notified by the Administrator that training or examination is required, may result in the Administrator withdrawing accreditation.

Termination

- Upon signing this document and making all necessary payments, the Accredited Assessor is accredited, subject to annual renewal and the terms of the Agreement between the Administrator and The Assessment Company and the Accredited Assessor.
- Accreditation fees are to be paid on an annual basis.

- Accreditation may be revoked or not renewed under the following circumstances:
 - o Failure of the Accredited Assessor to declare a conflict of interest,
 - o Failure of the Accredited Assessor to act in accordance with this Code of Practice (as amended from time to time),
 - o Failure of the Accredited Assessor to undertake training or examination where notified by the Administrator that training or examination is required,
 - o Failure of the Accredited Assessor to rectify a rating error notified to them in the auditing process, whether the error occurred in a rating performed in accordance with this Agreement or previous agreements, or repeated ratings errors of a similar nature, or
 - o Failure of the Accredited Assessor to abide by the NABERSNZ processes and procedures (as amended from time to time),
 - o If all necessary payments (including annual accreditation fees and any other specified fees and charges) are not paid by the due date.
 - o Upon termination of any Agreement between the Administrator and the Assessment Company in relation to accreditation of the Accredited Assessor.

I hereby undertake to abide by the terms and conditions described herein.

Assessor

Signature

Name

Date

Witness

Signature

Name

Date