



NATIONWIDE HOUSE ENERGY RATING SCHEME
(NatHERS)
Stakeholder Consultative Group

TERMS OF REFERENCE

December 2019

Terms of Reference

Introduction

Introduction	<p>The Nationwide House Energy Rating Scheme (NatHERS) is administered by the NatHERS Administrator. The Department of the Environment and Energy is the current NatHERS Administrator.</p> <p>The NatHERS Administrator acts on behalf of the NatHERS Steering Committee, who oversees NatHERS activities. The NatHERS Steering Committee consists of representatives from the Commonwealth Government and all state and territory governments.</p> <p>The NatHERS Stakeholder Consultative Group (SCG) was established by the NatHERS Administrator (on behalf of the NatHERS Steering Committee) in October 2017. The SCG was formed to provide stakeholder and industry views on the development, implementation and continuous improvement of the Scheme. Note: it is not the role of the SCG to provide feedback on technical aspects of NatHERS, this role is fulfilled by the NatHERS Technical Advisory Committee.</p>
Duties	<p>The SCG will provide stakeholder and industry views on:</p> <ul style="list-style-type: none">• The strategic direction and design settings for NatHERS to ensure the most efficient and effective achievement of the Scheme’s priorities and the Government’s objectives for improving the energy efficiency of residential buildings in Australia.• Implementation issues or risks for NatHERS, including the effectiveness of achieving the Scheme’s outcomes.• Options and opportunities for continual improvement of the delivery of NatHERS, particularly in relation to engaging stakeholders and maintaining industry participation.• The implementation and review of the existing NatHERS Strategic Plan (as required) and development of future strategic plans (when required).• Other matters as requested by the NatHERS administrator.
Powers and responsibility	<p>The SCG has no executive power and functions as a consultative body to assist the NatHERS Administrator and NatHERS Steering Committee in their management of the Scheme.</p> <p>All SCG members and SCG member organisations have the following accountability:</p> <ul style="list-style-type: none">• Where a perceived or actual conflict of interest, or confidentiality, or privacy breach or data breach occurs, a member must bring this to the attention of the SCG Chair and the Chair must advise the Secretariat. Please also refer to the relevant legislation as to all the actions that are required to be taken in such a circumstance.• To respond to any recommendations or requests of the NatHERS Steering Committee, NatHERS Administrator or SCG Secretariat.• The <i>Privacy Act 1988</i> (Cth).

<p>Membership</p>	<p>The SCG consists of representatives from relevant industries (including building, appliance and solar industries), Assessor Accrediting Organisations, Software Developers and other NatHERS stakeholders. Guest attendees may be invited to contribute to meetings from time to time, at the discretion of the Chair.</p> <p>Members are expected to respond to the NatHERS Administrator’s requests in a timely manner. Where this is not possible, the SCG Secretariat should be notified so that alternative measures can be implemented.</p> <p>All SCG members (except representatives from the NatHERS Steering Committee) will be required to sign a member declaration (which will need to be updated whenever the committee is renewed). The declaration includes a disclosure of interest and an acknowledgement they will abide by a confidentiality clause (see Attachment A). SCG members will not be able to attend a meeting unless the declaration form has been signed and received by the NatHERS Administrator.</p> <p>Membership period</p> <p>Membership of the SCG will be for a period of two years from the date of the first meeting of a new SCG. Calls for a new SCG occur every two years. During this period members and proxies can be replaced by way of the Application for membership process.</p>
<p>Conflicts of interest</p>	<p>A conflict of interest is defined as a conflict between the public duty and private interests of a public official where the public official has private interests which could improperly influence their official duties and responsibilities. Please note that perceptions of conflict of interest may be as damaging as actual conflicts.</p> <p>Where a conflict of interest arises from any matter before the SCG, the relevant SCG member will bring the conflict to the attention of the Chair.</p>
<p>Confidential Information</p>	<p>From time to time the SCG may need to deal with information that is confidential.</p> <p>Members will respect the confidentiality of materials and conversation for matters declared by the Chair to be 'not in the public domain'. This allows for a robust and frank discussion of issues.</p> <p>All participants in these consultations will:</p> <ul style="list-style-type: none"> • respect the confidentiality of information provided by other participants to the consultation • engage in consultation in good faith and a transparent manner, demonstrating mutual respect for the expertise, contributions and role of other participants • disclose to the NatHERS Administrator any matters that could be perceived to be, or are, conflicts of interest - including actual or potential, direct or indirect effects on the participants themselves or their close associates or clients or business interests – noting this will be done without breaching client confidentiality, and that disclosure to other participants in the consultation committee or group may be warranted. <p>When other information that is not in confidence is either discussed or provided at SCG meetings, members are, of course, encouraged to share this with other industry representatives or members of their own organisation.</p>

<p>Appointments</p>	<p>Applications for membership</p> <p>Stakeholders will be required to submit applications to be on the SCG by way of an ‘Expression of interest’. The intention of this process is to assist the SCG to adapt and innovate over time through the consideration of multiple and new points of view, and to ensure the best available members are on the SCG.</p> <p>Application documents</p> <p>Each organisation is to propose by way of the completion of all of the application documents, two applicants (where possible). One applicant is to be nominated as the proxy. Note: only one representative from an organisation is allowed to attend meetings without prior approval.</p> <p>Documents that make up the Application for SCG Membership, which must be returned to the NatHERS Administrator, are:</p> <ul style="list-style-type: none"> • Expression of Interest. This outline is to be written by the nominating person and is to be no more than 1 page. Please provide reasons for the nomination and the specific skill set the applicant thinks they could contribute to the SCG. • CV. A CV of no more than 2 pages, which provides further details of the applicant’s previous experience. • Confidentiality, privacy and conflict of interest deed. A completed deed (Attachment A) should be provided with the above. <p>SCG appointment decisions</p> <p>Appointment decisions will be made by the NatHERS Steering Committee in consultation with the NatHERS Administrator.</p> <p>Change in representatives</p> <p>Where a member organisation of the SCG needs to update its member or proxy it should contact the NatHERS Administrator. The NatHERS Administrator will request a membership declaration for the new representative.</p> <p>Termination of membership</p> <p>An SCG may terminate their membership to the SCG at any time with at least 2 (two) weeks’ notice. If a member does decide to leave the SCG, the NatHERS Administrator will recommend the organisation provide a new representative (as per the process outlined above)</p> <p>Where a member does not act in accordance with the membership declaration, they may be asked to leave the SCG. In this situation it is the choice of the NatHERS Administrator (on behalf of the NatHERS Steering Committee) whether a different representative of the organisation is requested or the organisation is removed from the SCG.</p>
<p>Meetings</p>	<p>The SCG will meet at least two (2) times per year via teleconference.</p> <p>The SCG Secretariat will be responsible for meeting administration matters. This includes:</p> <ul style="list-style-type: none"> • Circulation of the agenda and meeting papers at least one (1) week prior to the meeting. • Circulation of meeting minutes within four (4) weeks of a meeting. <p>The SCG may be asked to give out-of-session consideration to specific matters from time-to-time and will be offered at least one (1) week to respond to such matters.</p>

Secretariat	<p>Managed within the Residential Buildings and NatHERS Policy Team, Commonwealth Department of the Environment and Energy.</p> <p>The SCG Secretariat can be contacted via email at admin@nathers.gov.au.</p> <p>The Secretariat will be responsible for administration matters, including the development and circulation of the agenda, meeting papers and meeting minutes.</p>
Chair	<p>The SCG is chaired by the Director of the Residential Buildings and NatHERS Policy Team, Commonwealth Department of the Environment and Energy.</p>
Resourcing	<p>The role of SCG members is honorary and there is no sitting fee for meetings.</p> <p>Members will cover the costs of their participation in the SCG.</p>
Review of SCG TOR	<p>The SCG TOR will be reviewed each two (2) years prior to its expiry and or where a directive, legislative, policy or guidance materials causes such a review.</p>

For more information please contact the NatHERS Administrator at admin@nathers.gov.au.



Australian Government

Department of the Environment and Energy

CONFIDENTIALITY, PRIVACY AND CONFLICT OF INTEREST DEED

In relation to duties to be performed as a member of the
Nationwide House Energy Rating Scheme (NatHERS)
Stakeholder Consultative Group (SCG)

[Insert name of Confidant] (Confidant)

Confidant

[Insert name of Confidant (and ABN, if applicable)] of **[insert address]** (the Confidant, I, me and my).

Recitals

- A. The Commonwealth of Australia represented by the Department of the Environment and Energy ABN 34 190 894 983 (**Department**) requires the provision of strategic guidance duties (the Duties) on the development, implementation and continuous improvement of NatHERS .
- B. The Confidant provides the undertakings set out below in respect of duties to be performed, and information to be acquired, directly or indirectly in connection to membership to the NatHERS Stakeholder Consultative Group (SCG).





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Agreed terms

1. Definitions

Confidential Information	means information that is by its nature confidential; and (a) is identified as part of the Duties as confidential; or (b) a party knows or ought to know is confidential; but does not include: (c) information that is or becomes public knowledge other than by breach of this deed or any other confidentiality obligation.
Conflict of Interest	any circumstance in which the Confidant has an interest (whether financial or non-financial) or an affiliation that is affecting, will affect, or could be perceived to affect, the Confidant's ability to perform the Duties or work associated with Duties fairly and independently.
Personal Information	has the meaning it has in section 6 of the <i>Privacy Act 1988</i> (Cth).

2. Access

I understand that in the course of performing Duties as part of membership to NatHERS SCG, I may have access to Personal Information and Confidential Information.

3. Non-disclosure

- (a) I will treat as secret and confidential all Personal Information and Confidential Information to which I have access or which is disclosed to me.
- (b) If the Department grants its consent for me to disclose Personal Information or Confidential Information, it may impose conditions on that consent. In particular, the Department may require that I obtain the execution of a deed in these terms by the person to whom I propose to disclose the Personal Information or Confidential Information.
- (c) My obligations under this deed will not be taken to have been breached where I am legally required to disclose the Personal Information or Confidential Information.

4. Restriction on use

- (a) I will use the Personal Information or Confidential Information only for the purpose of serving the Duties for the Department (whether directly or indirectly).
- (b) I will not:
 - (i) copy, reproduce or disclose the Personal Information or Confidential Information without the written approval of the Department: and





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- (i) immediately notify the Department in writing of the Conflict of Interest making a full disclosure of all relevant information relating to the Conflict of Interest and setting out the steps I propose to take to resolve or otherwise deal with the Conflict of Interest; and
- (ii) take such steps as the Department may reasonably require to resolve or otherwise deal with that Conflict of Interest.
- (c) I acknowledge that if a Conflict of Interest cannot be resolved or otherwise dealt with, my role in performing the Duties may be limited or I may be excluded from voting and providing recommendations as part of the Duties (at the discretion of the Department).

8. Survival

This deed will survive the termination or expiry of any contract in relation to the Duties between the Department and me, my employer, or any other organisation with which I am engaged or involved.

9. Applicable law

This deed will be governed by, and construed in all respects in accordance with, the law of the Australian Capital Territory and I agree to submit to the applicable jurisdiction of the Courts of that Territory in respect of all matters arising under, or in relation to, this deed.

Execution of

Confidentiality, privacy and conflict of interest deed

In relation to duties to be performed as a member of the NatHERS Stakeholder Consultative Group (SCG)

EXECUTED by deed poll

SIGNED by

in the presence of

Name of Confidant (print)

Name of witness (print)

Signature of Confidant

Signature of witness

Date

Date

