

Date Policy approved	
Policy prepared by	Risk and Governance Coordinator
Policy approved by	EGM Shared Services <i>Allyson</i>
Related documents	Compliance Procedure, Accredited Installer Record of Review Following Compliance Action
Document management	All proposed changes to be submitted to the Compliance and Risk Manager. Amendments to be approved by the EGM Shared Services
Next review date	

Accreditation Fit and Proper Person Policy

Introduction

The Clean Energy Council (the CEC) is committed to ensuring a high standard of quality, honesty and professional conduct across the renewable energy industry.

Purpose

1. This policy applies to all Accredited Persons including Applicants applying for accreditation (Accredited Person) under the CEC's Accreditation Scheme.
2. This policy is designed to:
 - a. provide guidance to its employees when assessing whether an Accredited Person is a fit and proper person to hold CEC accreditation.
 - b. provide assurance to consumers by reducing the risk of exposure to dishonesty or conduct of a lesser nature than would reasonably be expected of an Accredited Person
 - c. provide guidance to Accredited Persons on how assessments are made to ensure fairness and consistency
3. An Accredited Person must satisfy the CEC that they are a fit and proper person to hold accreditation.
4. The CEC have the right to refuse an application or vary, suspend or cancel an Accredited Person's accreditation if it is not satisfied that the Accredited Person is a fit and proper person.
5. An Accredited Person must continue to meet the provisions of a fit and proper person on a continual basis.
6. Procedural fairness and natural justice will be applied when assessing an Accredited Person's status as a fit and proper person to hold accreditation.

Fit and Proper Person Concept

A fit and proper person is not a one size fits all concept.

An assessment should consider the overall suitability of a person to hold accreditation including the seriousness of previous unacceptable behaviour, repetitive patterns of behaviour, reformed behaviour and any mitigating circumstances.

Fit and proper person criteria needs to be holistic, not rigid and capable of taking into consideration a person's character, honesty, integrity and reputation.

Although fit and proper person is mainly determined by a person's past conduct it should also take into consideration potential future conduct.

Automatic Show Cause Events

The CEC **must** take into consideration the following matters when assessing an Accredited Person's status as a fit and proper person to hold accreditation:

1. whether the Accredited Person has engaged in misconduct of a high degree of seriousness that may cause death or injury to a person, significant damage to property or is a serious risk to public safety
2. has the Accredited Person had an electrical workers licenced cancelled, suspended or restricted;
3. has the Accredited Person had their public liability cover cancelled or refused;
4. has the Accredited Person been convicted of an offence punishable by a term of imprisonment of two year or more; and
5. has the Accredited Person been convicted of a fraud or dishonesty offence.

Reportable Show Cause Events

The CEC **may** take into consideration the following matters when assessing an Accredited Person's status as a fit and proper person to hold accreditation:

1. the Accredited Person's professional history, including whether there has been:
 - a. any fraudulent behaviour;
 - b. reports of non-compliant work that has not been rectified;
 - c. any adverse finding in any Court or Tribunal relating to accreditation or works completed under their accreditation; or
 - d. worked performed outside the scope of the Accredited Person's accreditation;
2. the Accredited Person's reputation and character, including whether there has been:
 - a. any failure to comply with any legal, regulatory or professional requirements;
 - b. any obstructive, misleading or untruthful dealings with the CEC or any other regulatory body;
 - c. complaints of a serious nature made against the Accredited Person;
 - d. reports of negligent, misleading or deceitful business or professional practices;
 - e. unethical behaviour towards consumers or other Accredited Persons; or
 - f. failure to cooperate with or acting in a threatening way to CEC staff;

The CEC may also consider any other information that may be relevant in determining whether an Accredited Person is a fit and proper person to hold accreditation.

Assessment

An assessment will take into consideration all factors and will take into consideration the following:

1. Circumstances:
 - a. what led to the action being taken;
 - b. the nature of the offense
 - c. when the offense occurred
 - d. any penalty imposed including whether the conduct resulted in a fine, infringement, suspension, restriction, cancellation, prosecution or imprisonment
2. Seriousness:
 - a. the impact of the conduct on any victim, community, CEC staff member or the renewable energy industry

- b. any injury sustained, significant damage to property or risk to public safety resulting from the conduct
 - c. whether the conduct involved fraud or dishonesty
 - d. whether the conduct involved violent or threatening behaviour
 - e. whether the Accredited Person committed an indictable offence
3. Time:
- a. has the behaviour been repetitive or was it an isolated incident
 - b. was the offense disclosed to the CEC by the Accredited Person
 - c. have the circumstances that contributed to the offense been removed or are no longer relevant
4. Reformed Behaviour
- a. has the Accredited Person taken steps to address the offense
 - b. has the Accredited Person shown an understanding of the significance of the offense
 - c. has the Accredited Person taken any training to prevent reoccurrence
 - d. has the Accredited Person been cooperative and forthcoming in declaring previous adverse behaviour
 - e. has the Accredited Person shown remorse and a commitment to improve

Consideration must be given to any statements provided by the Accredited Person, reports from consumers, the Clean Energy Regulator, state based electricity regulators, distributed network service providers, REC agents, WorkSafe, court transcripts and orders and State Government bodies. Other sources of information may also be considered provided that they are relevant and credible.

Mitigating Circumstances

Consideration must be given to any mitigating factors that are identified. A mitigating circumstance will not automatically excuse the Accredited Person's conduct or behaviour but it may lessen the significance of the conduct in the overall assessment of the Accredited Person's status as a fit and proper person to hold accreditation.

The following mitigating circumstances may be considered:

- Did the Accredited Person knowingly commit the offense?
- Was the offense significant?
- Was any person or property placed at risk or injury or damage?
- Did the Accredited Person make misleading or false statements in an attempt to cover up or lessen the severity of the offense?
- Has the Accredited Person been cooperative and truthful?
- Was the Accredited Person's conduct affected by mental health issues?
- Was the Accredited Person's conduct affected by drug or alcohol issues?

Procedural Fairness

An Accredited Person will be notified in writing of any decision and the reasons for the decision with respect to their status as a fit and proper person to hold accreditation.

Right of Appeal

A decision to reject an application or cancel accreditation on the basis of an assessment that an Accredited Person is not a fit and proper person to hold accreditation may be appealed by the Accredited Person providing a Request for Appeal within 7 days.