

CODE OF CONDUCT FOR ACCREDITED DESIGNERS AND INSTALLERS

A. Scope

This Code of Conduct for Accredited Designers and Installers (Code) applies to any person who has applied for or obtained provisional or full accreditation from the Clean Energy Council for the following categories of accreditation.

Grid Connect (GC):

- Design
- Installation
- Design and Installation
- Design and Supervise
- Battery Storage Design
- Battery Storage Installation
- Battery Storage Design and Installation

Standalone Power Systems (SPS):

- Design
- Installation
- Design and Installation

Endorsements:

- Wind
- Hydro

Any applicant for accreditation must read and agree to be bound by this Code. This obligation is set out in the Application Form and is a condition of accreditation.

B. Purpose

This Code sets out the responsibilities of an Accredited Person and of the CEC as administrator of the Accreditation Scheme. The aim is to support the legislative framework, to enhance standards within the industry and to enable customers to deal with Accredited Persons with confidence.

C. Principles

The CEC expects Accredited Persons to exhibit the following characteristics in all dealings pertaining to Regulated Works

- Honesty
- Diligence
- Due care and skill
- Attention to client's interests
- Professionalism
- Transparency
- Compliance with the law

These principles underpin the Accredited Person obligations set out in this Code.

D. Accredited Person obligations

Accreditation application

1. A person applying for accreditation must not make any false or misleading statement in their application for accreditation and, once accredited, must comply with all declarations in their application.
2. A person applying for accreditation must meet all applicable accreditation criteria at the time of application and continue to meet these criteria to remain accredited.
3. When undertaking Regulated Works, an Accredited Person must be aware of and comply with all applicable Regulatory Requirements. This includes maintaining the currency of a State or Territory electrical workers licence where this is required for Regulated Works.

Scope of accreditation

4. An Accredited Person must not provide or offer to provide services which are Regulated Works that are outside the scope of their accreditation.
5. An Accredited Person must not misrepresent to a customer or other person the scope of their CEC accreditation.

Regulated Works

6. An Accredited Person must ensure that any conflict of interest is disclosed to a customer in advance of the provision of Regulated Works for the customer.
7. When undertaking Regulated Works for a client, an Accredited Person must ensure that they only involve individuals and businesses of good character and repute.
8. When undertaking Regulated Works, an Accredited Person must apply their skill and knowledge in the interests of the customer.
9. An Accredited Person's Regulated Works must not be of a lesser standard or nature than that which might reasonably be expected of an Accredited Person by members of the public or by the Accredited Person's peers.
10. When undertaking Regulated Works, an Accredited Person must comply with all relevant requirements of the Accreditation Scheme and all applicable Regulatory Requirements and Standards.
11. An Accredited Person must not provide Regulated Works while subject to an impairment, injury or other factor affecting the Accredited Person's physical or mental health (including illegal drug use or excessive alcohol intake) that may reasonably interfere with the ability of the Accredited Person to meet the obligations of this Code.
12. An Accredited Person must deal honestly with clients, employers and Government Representatives in all matters pertaining to Regulated Works including in relation to payments, discounts, rebates and grants and any conditions pertaining to any of them.
13. An Accredited Person must protect the confidentiality of any information that they obtain in connection with Regulated Works (whether client or employer confidential information). An Accredited Person may only use personal information obtained in connection with Regulated Works or proposed Regulated Works for the purpose of the Regulated Works.
14. If a client complains about an Accredited Person's provision of Regulated Works, the Accredited Person must respond to the complaint in good faith in a reasonable timeframe. This includes an obligation to rectify in a reasonable timeframe any work that does not meet the requirements of this Code.

General conduct

15. When carrying out Regulated Works and when advertising and promoting these services, an Accredited Person must at all times conduct themselves in a fit and proper manner and must not engage in any misleading or deceptive conduct.
16. An Accredited Person must not engage in conduct which brings, or may reasonably be apprehended to, bring the CEC or the clean energy industry into disrepute. This requires an Accredited Person to always behave in a respectful manner towards customers, competitors, CEC personnel and Government Representatives.

Co-operation with the CEC

17. An Accredited Person must pay any CEC Fees in connection with the person's accreditation. Fees are not refundable.
18. An Accredited Person must co-operate with the CEC on matters relating to or arising from accreditation, including complying in a timely manner with reasonable information or document requests made by the CEC in relation to any issue relating to Regulated Works or compliance with this Code.
19. An Accredited Person must promptly inform the CEC if the Accredited Person becomes aware that they are being investigated by a Regulatory Body.
20. An Accredited Person must promptly notify the CEC in writing or via the accreditation portal if the Accredited Person's email address changes.
21. An Accredited Person acknowledges that they are deemed to have received any email sent by the CEC to the Accredited Person's email address most recently notified by the Accredited Person to the CEC (whether or not the Accredited Person has read the email).
22. An Accredited Person consents to the CEC sharing information about the Accredited Person and the Accredited Person's Regulated Works with Government Representatives where the CEC considers that this is appropriate in order for the CEC to carry out its responsibilities under the Accreditation Scheme. An Accredited Person also consents to the CEC sharing information about the Accredited Person and the Accredited Person's Regulated Works with the Clean Energy Regulator if requested by the Clean Energy Regulator.

Liability and indemnity

An Accredited Person acknowledges that the CEC is not liable (whether in contract, tort or otherwise) for damages or other relief for, or in relation to, anything done by the CEC in good faith in the performance or purported performance of any function, or in the exercise or purported exercise of any power, in connection with this Code except to the extent that liability cannot, by law, be limited or excluded.

23. An Accredited Person indemnifies the CEC, its employees, officers and agents against any loss, cost, damage, claim, liability or expense (including any professional costs on a client paying basis) whether in tort, contract or otherwise, which any of them may incur in connection with:
 - a) any claim, demand or proceeding made or brought by any third party (Claimant) on account of any liability, loss, damage or cost (including professional costs and expense whether direct or otherwise) incurred or alleged by the Claimant or any of the Claimant's officers, employees or agents, arising in connection with:
 - i. the Accredited Person's act or omission; or

- ii. any transaction or arrangement of whatever nature (whether for value or not) between the Accredited Person and the Claimant or any other person relating to or in connection with the Accreditation Scheme;
- b) any negligent or unlawful act or omission or wilful misconduct on the part of the Accredited Person;
- c) any breach by the Accredited Person of this Code; or
- d) any misleading or fraudulent information submitted by the Accredited Person.

The CEC's right to be indemnified is in addition to, and not exclusive of, any other right, power or remedy provided by law, but the CEC is not entitled to be compensated in excess of the amount of the relevant cost, liability, loss, damage or expense.


E. Administration

The CEC is the administrator of the Accreditation Scheme.

The CEC's responsibilities include deciding applications for Accreditation and providing training and guidance to Accredited Persons to support their compliance with this Code.

The CEC is also responsible for sanctioning Accredited Persons. The CEC may do so if:

1. The CEC finds that an Accredited Person has breached this Code and/or/ including the Regulatory Requirements and Standards
2. The CEC finds that an Accredited Person is not a fit and proper person to hold accreditation taking into account the person's character, honesty, integrity and reputation
3. The Accredited Person refuses to allow the CEC to examine on reasonable notice documents and records in the Accredited Person's possession or control and which are relevant to matters relating to or arising from accreditation or Regulated Works
4. There are complaints of a serious nature made against the Accredited Person including unresolved complaints and/or complaints resulting in an adverse finding at a tribunal or court of law or by a Regulatory Body.
5. The Accredited Person is found guilty by a court of having committed an indictable offence
6. A disciplinary finding is made by a Regulatory Body against the Accredited Person
7. The Accredited Person has engaged in fraudulent behaviour, including but not limited to, fraudulent declarations made to the CEC, a Regulatory Body, distributed network service providers and/or an REC agent

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8. The Accredited Person becomes bankrupt or is an officer of an entity that is or becomes insolvent or is placed under administration
 9. The Accredited Person fails to maintain with the CEC up-to-date contact information for that person (including a street address, mailing address, email address and phone and email contact details)
 10. The Accredited Person fails to respond to or make contact within a reasonable time after the CEC has made reasonable attempts to contact that person using the most current contact information provided by that person to the CEC, or
 11. The Accredited Person fails to immediately advise the CEC of any change in that person's circumstances which may impact on that person's ability or entitlement to obtain or maintain accreditation or undertake Regulated Works in accordance with this Code.

The CEC's powers to sanction include:

1. Downgrading an Accredited Person's accreditation to provisional
2. Placing an Accredited Person on probation for a period of one year or such other period of time as the CEC deems fit
3. Imposing a variation, restriction or condition on the Accredited Person's accreditation
4. Suspending an Accredited Person's accreditation for a period of time during which the Accredited Person must remedy any deficiency in Regulated Works provided for one or more clients and/ or undergo additional training as may be required by the CEC, and
5. Cancelling the accreditation of an Accredited Person with immediate effect either on the basis that the person may apply again for accreditation (whether immediately or after a specified time) or on the basis that the person may never re-apply for accreditation.

F. Appeals

If the CEC decides to suspend or cancel an Accredited Person's accreditation, the person may appeal to the Accreditation Review Panel, an independent body with the power to review whether CEC suspension and cancellation decisions are appropriate.

Appeals must be lodged within 10 business days of the CEC informing the Accredited Person of the suspension or cancellation of accreditation.

An Accredited Person may appeal against a decision by sending an email to the Manager at compliance@cleanenergycouncil.org.au requesting the Panel to review the suspension or cancellation. The appeal will only proceed to the Panel if the Accredited Person pays the appeal fee set by the CEC within 10 business days of requesting the review.

G. Amendment of this Code

The CEC reserves the right to modify this Code at any time.

Changes to this Code are communicated to Accredited Persons via an email bulletin. Accredited Persons may also obtain the current version of this Code from the CEC's website at cleanenergycouncil.org.au/industry/installers/compliance-toolkit/accreditation-terms-and-conditions.

H. Glossary

Accredited Person	Person who the CEC has granted provisional or full accreditation under the Accreditation Scheme
Accreditation Scheme	CEC's Regulated Works accreditation scheme
CEC	Clean Energy Council
CEC Fees	Fees, at the rate set by the CEC from time to time, that are due by the Accredited Person to the CEC
Code	Code of Conduct for Accredited Designers and Installers as amended from time to time by the CEC
Government Representative	Commonwealth, State and Territory government departments, statutory bodies and other entities and their employees, contractors and agents. This includes Clean Energy Regulator, State and Territory-based electricity regulators, distributed network service providers and REC agents
REC agent	Registered Renewable Energy Certificate agent
Regulated Works	Design, supervision, and/or installation works undertaken by an accredited person where accreditation with the CEC is either required, or a feature of the Accredited Person's engagement to undertake the relevant works.
Regulatory Body	Commonwealth, State or Territory body with responsibility for establishing standards and monitoring compliance with these, for example, a State or Territory body responsible for the issue of electrical workers licences
Regulatory Requirements	All Commonwealth and State or Territory legislation, regulations, licensing and insurance requirements.
Standards	Codes of practice, standards and guidelines including Australian Standards, National Distributed Energy Resources Grid Connection Guidelines, and CEC Guidelines for Grid-Connected Solar PV Systems(no storage),

Approved 14 June 2022.