

Accreditation Review Panel Charter



- A. The Clean Energy Council (CEC) is the peak body for the clean energy industry in Australia, with a strong focus on raising standards and maintaining industry integrity.
- B. The CEC administers an accreditation scheme for installers of solar PV systems, battery energy storage systems, wind energy and insulation.
- C. The CEC is a clean energy organisation under the *Renewable Energy (Electricity) Regulations 2001* (the Regulations). Solar PV systems installed by CEC-accredited installers are eligible for the creation of renewable energy certificates under an existing federal government incentive program described in the Regulations.
- D. The Industry Integrity Administrative Review Panel (the Panel) is an independent panel established to provide CEC-accredited designers and installers with an avenue of appeal. The Panel is responsible for hearing appeals against decisions made by the Clean Energy Council to suspend or cancel a person's accreditation.
- E. The Panel must ensure that the CEC follows due process and affords procedural fairness to each individual Accredited Person.
- F. The powers and functions of the Panel are set out in detail in this Charter.
- G. The Panel and each of its members must observe this Charter.

1. Panel member roles

- 1.1 The Panel is an independent body with three or more members.
- 1.2 The Panel consists of a chairperson with substantial regulatory or administrative law experience, and further members with appropriate consumer, safety, industry and/or other relevant experience.
- 1.3 Panel members must serve in good faith in accordance with this Charter, putting aside their own interests and working together for the benefit of consumer protection and positive industry development.
- 1.4 Panel members must always work to affect the proper administration of the CEC Accreditation Scheme.

2. Panel responsibilities

- 2.1 The Panel is responsible for arbitrating appeals against sanctions imposed by the CEC, which relate to an Accredited Person's accreditation status.
 - (a) Accredited Persons who have had their accreditation suspended or cancelled by the CEC may request that the Panel reviews the CEC's decision to suspend or cancel their accreditation.
 - (b) In arbitrating any such appeal, the Panel will review the process by which the decision was made and the ultimate decision of the CEC.

- (c) The Panel will consider all arguments presented to it by the Accredited Person.
 - (d) The Panel will consider all relevant material presented to it by the CEC.
- 2.2 The Panel is required to comment on any proposed amendments to this Charter.
- 2.3 The Panel must demonstrate an understanding of the:
- (a) Accreditation Code of Conduct and
 - (b) Terms and Conditions of Accreditation
- both of which Accredited Persons are required to comply with and which are instrumental in properly assessing whether an accreditation can or should be suspended or cancelled.

3. CEC responsibilities

- 3.1 The secretariat functions for the Panel will be performed by the CEC.
- 3.2 The secretariat function includes:
- (a) having a representative at each Panel meeting to take minutes of the meeting and to answer any questions the Panel may have of the CEC
 - (b) presenting the Panel with material required for arbitration of cases
 - (c) preparing communications to external stakeholders regarding the work of the Panel
 - (d) establishing and developing reporting practices that enable the efficacy of the Panel
 - (e) appointing and removing Panel members in accordance with this Charter and
 - (f) publishing details of all Panel members on the CEC's website.
- 3.3 The CEC will, in consultation with the Chair, appoint an independent party to review the operation of the Panel at least once every three years from the date on which the Panel commenced.

4. Meetings

- 4.1 **Timing and location of meetings** - The Panel aim to meet within four weeks of an appeal being lodged. The Appellant will be allocated to the next available meeting. Meetings will be held electronically.
- 4.2 **Voting** - the Panel must decide any matters requiring its approval by a simple majority of those present and voting at a properly convened and quorate meeting.
- 4.2 **Attendance** - Where a Panel member, excluding the Chair, is unable to attend a meeting, he or she may nominate a substitute to attend on his or her behalf. The substitute must be made aware of and abide by the principles of service of Panel members. Any such substitute must be approved by the CEC and by the Chair. The CEC must be informed of the name and contact details of the nominated representative before the meeting. The Chair may not send a substitute to a Panel meeting.

- 4.3 Except to the extent of a leave of absence granted by the Chair, if a Panel member fails to attend at least 3 consecutive Panel meetings or at least 75 per cent of meetings over a period of 365 days, that Panel member's tenure will automatically end.
- 4.4 **Quorum** - a Panel meeting will be quorate where three Panel members are present.

5. Tenure

- 5.1 The term of each appointment to the Panel will be for a period of two years, with the option of applying for a second term. If a member resigns from the Panel before expiry of his or her term, the CEC can, in consultation with the Chair, make a casual appointment until a permanent appointment can be made. A permanent appointment will be decided by the CEC after consultation with the remaining Panel members.

6. Appointment of Panel members

- 6.1 The CEC will appoint a Chair at its discretion and in accordance with this Charter and the Industry Integrity Administrative Review Panel Appointment Procedure.
- 6.2 The CEC will appoint two appropriately qualified Panel members in addition to the Chair, with the Chair's approval, which approval will not be unreasonably withheld.

7. Departure of Panel members

- 7.1 A Panel member can depart the Panel:
- (a) by resigning his or her position (at or prior to expiry of a full term); or
 - (b) at the request of the Chair.
- 7.2 The Chair may, in consultation with the CEC, remove a Panel member if the Chair considers that the Panel member has failed to discharge his or her responsibilities in accordance with this Charter. The Panel member will receive a written warning detailing the issue and will be given two months from the date of that written warning to address the behaviour. If the behaviour is not addressed to the satisfaction of the Chair within the two months, a second written warning will be given to the Panel member with a final month's notice. Failing clearly demonstrated improvement in the behaviour by the end of that final period of time, the Chair can then remove the Panel member.
- 7.3 The Chief Executive or the Company Secretary of the CEC may remove the Chair from the Panel if it considers that the Chair has failed to discharge his or her responsibilities in accordance with this Charter. The Chair will receive a written warning from the Chief Executive or the Company Secretary of the CEC, detailing the concerns, and will be given two months from the date of that written warning to address the behaviour. If the behaviour is not addressed to the satisfaction of the Chief Executive or the Company Secretary within the two months, a second written warning will be given with a final month's notice. Failing clearly demonstrated improvement in the behaviour by the end of that final period of time, the Chief Executive or Company Secretary can then remove the Chair.
- 7.4 A Panel member can be removed immediately from the Panel if he or she:

- (a) has an ACCC or relevant court action against them;
- (b) is convicted of a relevant crime;
- (c) is found by the Chair or the CEC to have misrepresented their qualifications or experience;
- (d) becomes bankrupt or is an officer of an entity which is or becomes insolvent or is placed under administration;
- (e) brings the CEC, the CEC accreditation scheme, or the industry into disrepute; or
- (f) fails to attend three consecutive meetings notifying the Chair and the secretariat prior to commencement of the meeting.

7.5 Where a Panel member retires or is removed by the Chair or the Chief Executive or Company Secretary, the CEC or the Chair, whichever has the authority under the procedures described above, will exercise its discretion to select a replacement Panel member in accordance with this Charter and the Industry Integrity Administrative Review Panel Appointment Procedure.

8. Confidentiality

8.1 The CEC requires each Panel member to respect the confidentiality of the information the Panel receives. Panel members will be privy to confidential information about the industry, accredited persons and operations of the CEC. Disclosure of such confidential information, unless approved in writing by the CEC, is not authorised.

8.2 By signing this Charter, Panel members undertake:

- (a) not to disclose any written or electronic information sent to them for the Panel purposes;
- (b) not disclose any information from discussions at Panel meetings unless otherwise agreed; and
- (c) to use the information provided by the CEC for the sole purpose of discussion and decisions within the Panel meetings.

9. Conflict of interest

9.1 Panel members must declare any actual or potential conflict of interest by informing the Chair or the Chief Executive or Company Secretary of the CEC in writing as soon as practicable. Failure to do so may result in the removal of the Panel member.

9.2 A conflict of interest is any circumstance or set of circumstances whether actual, perceived or potential, where personal or organisational business interests may or may be perceived to unfairly influence or compromise decisions, responsibilities, advice, or conduct in a way that may diminish confidence in the Panel.

9.3 Every effort must be made to avoid conflicts of interest. Where a conflict cannot be avoided it must be managed. All conflicts of interest must be identified, disclosed and effectively managed in an open and transparent manner in order to ensure that Panel members exercise independent judgement in the performance of their duties as Panel members. Where a conflict of interest has

been identified, the Panel member may be required to remove himself or herself from involvement in any decision relating to that conflict. Any failure to notify the Chair and the Chief Executive or Company Secretary of the CEC of a conflict of interest may result in removal of the Panel member.

- 9.4 Any conflict will be discussed prior to the next Panel meeting. Actions must be agreed between the Panel and the Chief Executive or Company Secretary and recorded in minutes.

10. Remuneration

- 10.1 The CEC will remunerate Panel Members for time spent in meetings of the Industry Integrity Administrative Review Panel at the rates and on the terms described in their respective letters of appointment.
- 10.2 Panel members will be reimbursed for travel expenses to and from Panel meetings.
- 10.3 It is expected that each Panel member, including the Chair, will issue an invoice to the CEC after each meeting. Any payment above and beyond the amounts and circumstances set out in 10.1 to 10.3 above must be agreed between the Panel member and the CEC prior to accruing the expense(s).

11. Declaration

- 11.1 I have read and agree to operate under the provisions of this Industry Integrity Administrative Review Panel Charter. I understand the requirements of my role as a member of the Panel and confirm that I do not have any conflict of interest. I will declare any conflict of interest that arises in future and will treat all information provided to the Panel with appropriate confidentiality.

Signature: _____

Full name: _____

Date: _____

Contact details

For any questions or comments regarding the Industry Integrity Administrative Review Panel please contact:

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