

NABERS

**Steering Committee
Stakeholder Member**

Expression of Interest

Closing Date:

5pm Wednesday, 31 January 2018



Contents

| | |
|---|---|
| 1. Expression of Interest | 3 |
| 2. The NABERS Steering Committee | 3 |
| 3. Stakeholder Member Memorandum of Understanding and Steering Committee Terms of Reference | 4 |
| 4. Selection Criteria..... | 4 |
| 4.1 Organisation Selection Criteria | 4 |
| 4.2 Representative Selection Criteria | 5 |
| 5. Submitting an EOI | 6 |
| 6. Assessment Panel | 6 |
| 7. Further information | 6 |
| 8. Appendix One - Memorandum of Understanding and Terms of Reference | 6 |



1. Expression of Interest

The Office of Environment and Heritage (OEH) as the National Administrator of NABERS is seeking relevant organisations to participate as Stakeholder Members of the NABERS Steering Committee.

Organisations need to nominate a suitably experienced individual who has the authority to consult with and provide feedback on behalf of the organisation and its members.

2. The NABERS Steering Committee

The NABERS Steering Committee brings together Government and Industry Stakeholder members who have relevant experience and knowledge to guide the strategic direction of the NABERS program.

The Steering Committee has two membership types:

1. Government members: which represent the States, Territories and the Australian Government, and have voting rights; and
2. Stakeholder members: which represent key groups of stakeholders for NABERS and the sectors they operate in, and do not have voting rights.

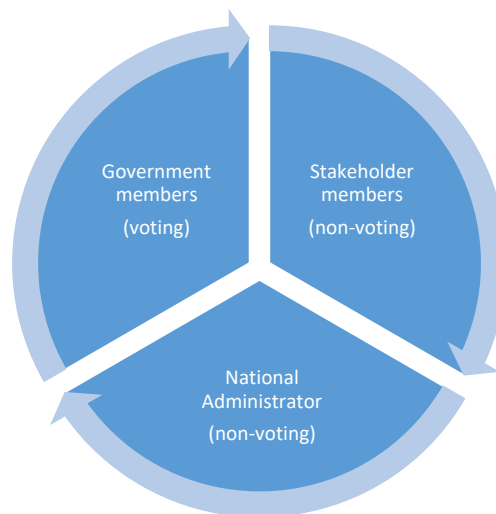


Figure 1: NABERS governance structure

The National Administrator is responsible for the day-to-day operational management of NABERS and does not have voting rights.

The NABERS Steering Committee is accountable to the NSW Minister for the Environment.

Stakeholder Members of the National Steering Committee will be selected every three years through an Expression of Interest (EOI) process. These members will offer valuable advice and insights to help shape the future direction of NABERS.



Up to 15 Stakeholder Members representing the various stakeholders actively participating in NABERS and building sustainability will be appointed to the Steering Committee.

3. Stakeholder Member Memorandum of Understanding and Steering Committee Terms of Reference

Successful organisations will be required to sign a Memorandum of Understanding (MoU) to confirm their commitment over the three-year period and outline their responsibilities as Steering Committee Stakeholder Members.

Applicants should refer to the NABERS Steering Committee Terms of Reference for further detail on the working arrangements of the NABERS Steering Committee. The Terms of Reference outlines the purpose, structure, membership, roles and responsibilities of the Steering Committee.

See the Appendix one for a copy of the draft MoU and Terms of Reference.

4. Selection Criteria

Applicants must address items listed under 4.1 and 4.2 in a written submission to OEH. The organisation selection criteria (4.1) must not exceed 1 A4 page, and the CV of the representative must not exceed 2 A4 pages. Please ensure that your submission addresses each of the criteria fully, using examples where appropriate. Do not simply restate the criteria.

4.1 Organisation Selection Criteria

| Item | Criteria | Assessment |
|--|---|--|
| 1. Organisational relevance | Describe the stakeholders that your organisation represents and the importance of NABERS to them. | Submissions will be assessed on how active or relevant the stakeholders represented by the organisation are, or could potentially be for NABERS. |
| 2. Professional Coverage and/or Industry Sector | Nominate from the following list the area(s) of professional coverage or industry sector coverage that your members operate in: Commercial buildings (Offices, Hotels, Retail) Residential Apartments Aged care and Health Data Centres Industrial buildings HVAC and/or Building Services Building Designers or Architects Property or Facility Management BMS data management Other (please describe) | This will be used to ensure representation from as many sectors that NABERS operates in as possible. |



4.2 Representative Selection Criteria

| Item | Criteria | Assessment |
|-------------------------------------|---|--|
| 3. Representative experience | <p>Nominate an appropriate representative to attend the Steering Committee meetings on behalf of your organisation.</p> <p>Describe the representative’s role in the organisation, their experience and understanding of NABERS and built environment sustainability issues. Outline their ability to provide feedback and advice on behalf of their members.</p> <p>Provide a copy of their Curriculum Vitae (no more than 2 A4 pages).</p> <p>If the nominated representative leaves the organisation during the three-year term, the Stakeholder Member will need to provide a new representative. The new representative will be assessed for suitability by the Steering Committee against the criteria in this EOI.</p> | <p>Submissions will be assessed on the suitability of the representative, as based on their experience and understanding of NABERS, sustainability and the built environment, and their ability to consult with their members to elicit feedback and advice.</p> <p>OEH may negotiate with successful organisations should the nominated representative be felt to have insufficient expertise or authority.</p> |
| 4. Attendance | <p>Provide a commitment that the representative will attend four Steering Committee meetings a year, including two which occur face to face in alternating cities.</p> <p>Organisations are permitted to provide a substitute representative in cases of illness or leave under the Steering Committee Terms of Reference.</p> <p>The Secretariat will track attendance and participation of Stakeholder Members. If Stakeholder Members are not regularly attending meetings, the Secretariat will contact the member to discuss their participation.</p> | <p>This is a minimum requirement. Organisations which cannot commit to regular attendance will not be considered for the Steering Committee.</p> |



5. Submitting an EOI

OEH must receive your EOI addressing each of the selection criteria in writing before the closing date and time: **5pm Wednesday, 31 January 2018.**

Submissions and any attachments must be emailed to: alberta.mcateer@environment.nsw.gov.au

6. Assessment Panel

A panel of government representatives will be formed to assess the Expressions of Interest.

Applications will be assessed soon after the closing date. Successful applicants will be informed in mid-February and forwarded a Memorandum of Understanding (Appendix 1) for signature.

7. Further information

If you require further information or have any questions please contact:

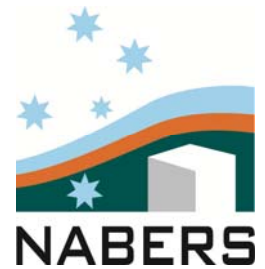
Alberta McAteer

Creative Content and Strategy - NABERS

email: alberta.mcateer@environment.nsw.gov.au

Phone: 02 9995 5407

8. Appendix One - Memorandum of Understanding and Terms of Reference



<Contact name>
<Position>
<Organisation>
<Address>
<email>

X February 2018

NABERS Steering Committee Stakeholder Member – Memorandum of Understanding (MOU)

Dear <Contact name>,

Congratulations on your successful Expression of Interest to become a Stakeholder Member of the NABERS Steering Committee. The NSW Office of Environment and Heritage for and on behalf of the Crown in Right of the State of NSW (**OEH**) is pleased to be working with you and <First name Last name> as your nominated representative.

1. Purpose

This MOU identifies the working relationships between OEH and <Organisation> as a Stakeholder Member of the NABERS Steering Committee.

2. Role of the NABERS Steering Committee

The NABERS Steering Committee brings together Government and Stakeholder Members who have relevant experience and knowledge to guide the strategic direction of the NABERS program.

Stakeholder Members represent key groups of stakeholders for NABERS and the sectors it operates in. Refer to the Steering Committee Terms of Reference (Appendix 1) for further detail on the working arrangements of Stakeholder Members within the NABERS Steering Committee.

3. Duration of MOU

This MOU will commence once both parties have signed the document and is valid through to <x day> February 2021. It can be modified by mutual consent of OEH and the <Organisation>. The MOU may be terminated prior to this date by either party in writing.

4. Meetings

Meetings are held quarterly; Stakeholder Members are expected to attend all meetings. An agenda and papers will be circulated to your representative the week before scheduled meetings, they must ensure

they have read and undertaken any required consultation within your members prior to attending. It is expected that your representative will:

- Consult on the issues with the represented membership (if applicable);
- Actively engage with and participate in the Steering Committee;
- Provide thoughtful and considered feedback; and
- Be constructive. All feedback (good and bad) is welcome, however it expected to be respectful and constructive.

5. Funding and Remuneration

This MOU is not a commitment of funds with the exception that Stakeholder Members shall each be responsible for the remuneration and expenses of their own representatives. (Refer section 12.3 of the Terms of Reference).

6. MOU not legally binding

This MOU is not legally binding and does not create or define legal obligations between the parties.

7. Contacts:

OEH

Name: Alberta McAteer
 Position: NABERS Creative Content & Strategy
 Address: 59 Goulburn St, Sydney NSW 2000
 Phone: 02 9995 5407
 Email: alberta.mcateer@environment.nsw.gov.au

<Organisation>

Name:
 Position:
 Address:
 Phone:
 Email:

Signed:

Signed:

Name _____

Name _____

Party NSW Office of Environment and Heritage
for and on behalf of the Crown in Right of the
State of NSW

Party _____

Date _____

Date _____

Signature _____

Signature _____

Appendix 1:

Terms of Reference <next page>



Steering Committee Terms of Reference

This Terms of Reference (ToR) establishes the working arrangements of the NABERS Steering Committee. It outlines the purpose, structure, membership, roles and responsibilities. The ToR should be considered in conjunction with the Program Management Agreement (PMA) for Government Members, or the Memorandum of Understanding (MoU) for Stakeholder Members. These outline the financial and other terms specific to those membership groups.

This Terms of Reference is effective from <insert start date> and will be reviewed three years from this date.

Definitions

“**Objectives**” means the objectives of NABERS, which are to:

- Provide a trusted, reliable and easy to use metric of the actual environmental performance of a building that compares buildings on a like-for-like basis.
- Provide a realistic rating scale that recognises and rewards current performance, and encourages best practice.
- Provide a common language through which industry and government can communicate and improve building sustainability.
- Provide an independent benchmark to support industry and government decision making.

“**Scope**” means the scope of NABERS, which is to address environmental performance of operational buildings in the following sectors:

- (1) Commercial offices;
- (2) Hotels;
- (3) Shopping centres;
- (4) Data centres;
- (5) Hospitals;
- (6) Multi-unit residential apartment buildings; and
- (7) Such other building types as the Steering Committee may agree in the future.

1. Governance Structure

The NABERS Steering Committee brings together Government and Industry Stakeholder members who have relevant experience and knowledge to guide the strategic direction of the NABERS program.

The Steering Committee has two membership types:

1. Government members: represent the states, territories and the Australian government, and have voting rights; and
2. Stakeholder members: represent key groups of stakeholders for NABERS and the sectors it operates in, and do not have voting rights.

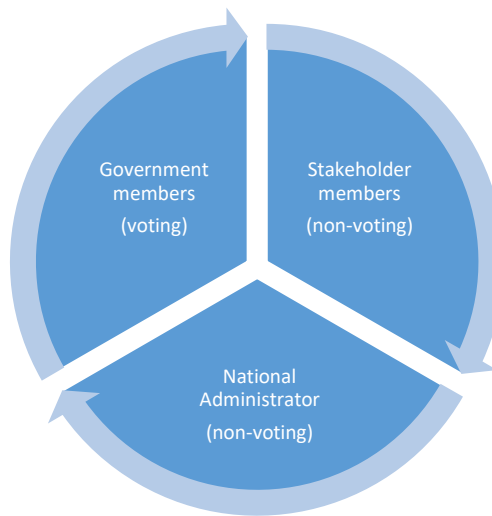


Figure 1: NABERS governance structure

The National Administrator is responsible for the day-to-day operational management of NABERS and does not have voting rights.

2. Purpose

- 2.1** The purpose of the NABERS Steering Committee is to make decisions on major issues and provide strategic direction for NABERS.
- 2.2** The Steering Committee also plays a consultative role, providing feedback and advice to the National Administrator.

3. Accountability

- 3.1** Government members of the Steering Committee have voting rights. Government members are expected to vote in the interest of NABERS and its objectives, ahead of their background or other roles.
- 3.2** The NABERS Steering Committee is accountable to the NSW Minister for the Environment.

4. Government Membership

- 4.1** Government membership of the Steering Committee shall be composed of Government Members. Government Members represent the states, territories and the Australian government and have voting rights. One representative can be appointed by each Government Member.
- 4.2** If more than one government agency from a state or territory wishes to be represented on the Steering Committee, the agencies shall decide amongst themselves which party will be represented on the Steering Committee. The represented agency will keep the other agencies informed of the Steering Committee's progress and activities. If such agencies cannot agree as to which will take the lead role, the National Administrator will seek a final and binding decision from the applicable Government.

5. Stakeholder Membership

- 5.1** Up to 15 Stakeholder Members representing key groups of stakeholders for NABERS and the sectors it operates in. Stakeholder Members do not have voting rights. One representative can be appointed by each Stakeholder Member.
- 5.2** Members are selected through an open Expression of Interest (EOI) process, for a term of three years. The EOI process will include a set of merit criteria to demonstrate relevance of the organisation.

- 5.3** Stakeholder Members are expected to largely include peak-industry bodies representing relevant organisations or professionals. Submissions from non-industry organisations (such as associations of local governments) will also be considered.
- 5.4** Additional Stakeholder Members can apply to join the Steering Committee outside the regular 3-year cycle. EOI's will be assessed by a panel that includes the Chair, National Administrator, Stakeholder Chair and Stakeholder Deputy Chair. The panel will consider the relevance of the organisation and the optimum working size of the Steering Committee.

6. Working Groups

- 6.1** From time to time smaller working groups of Steering Committee Members may be formed to facilitate discussion and investigation of specific issues. Working groups will report recommendations or findings back to the wider Steering Committee through the Steering Committee meetings.

7. Observer Membership

- 7.1** Key industry representatives or government organisations may be invited to act as Observer Members by majority agreement of Government Members. Observer Members do not have voting rights. One representative can be appointed by each Observer Member.
- 7.2** Observer membership is terminated by agreement of Government Members.

8. Government and Stakeholder Chairs

- 8.1** The Commonwealth will chair the Steering Committee and meetings. They will provide secretariat support.
- 8.2** One representative from the Stakeholder Members will be elected by the Stakeholder Members to act as stakeholder chair.
- 8.3** A second representative from the Stakeholder Members will be elected by the Stakeholder Members to act as deputy stakeholder chair.

8.4 The purpose of the stakeholder chair and deputy stakeholder chair roles is to act as a trusted representative of Stakeholder Members. Chairs will be responsible for receiving feedback from Stakeholder Members, following up on actions and communications, and liaising with the Secretariat and National Administrator.

9. Scope of Delegation

9.1 A Member may replace the representative appointed by it. Replacement representatives should be nominated in a timely manner to avoid periods where no representative is available.

9.2 Each representative shall be authorised and have delegation to represent the Member with respect to all notices and votes (where eligible) pertaining to NABERS.

9.3 In circumstances where the matter is to be referred to a higher delegation within the State or Territory jurisdiction, the representative shall report the decision to the Steering Committee within an agreed time frame.

10. Meetings of the Steering Committee

10.1 The Steering Committee shall meet four times a year. One to two meetings shall be face-to-face and the remainder via teleconference. The chair will nominate the location of the meetings in consultation with Government members, the stakeholder chair and deputy chair.

10.2 At least one of the four meetings will be dedicated to strategy and strategic projects.

10.3 Members are expected to attend all meetings. Substitute representatives will be allowed to attend on behalf of a Member if they are unable to attend (for example due to illness or leave).

10.4 A meeting agenda and papers shall be circulated at least seven (7) days prior to a scheduled meeting.

10.5 A quorum of three or the majority of Government Members, whichever is higher, including the Chair and National Administrator, excluding suspended Government Members or Government Members in caretaker mode, is required for a Steering Committee meeting to proceed and decisions to be made.

10.6 The Steering Committee may communicate with Member representatives in between meetings to discuss relevant issues as may arise.

- 10.7** Occasionally decisions may need to be deferred to an additional smaller meeting of the Government Members (for example if extra time or information was needed to make a final decision). Decisions made may include budget and financial decisions, such as funding arrangements for new projects.
- 10.8** In the event of additional meetings, the Stakeholder chair and Deputy chair will also attend and play an observing role, to ensure the interests of stakeholder members are represented.
- 10.9** Additional meetings may occur in instances where an issue already discussed by the Steering Committee requires additional time or information, or an agreement was not reached and a decision is needed (dispute resolution). At least seven days' notice must be provided for additional meetings.

11. Decision making scope

11.1 The Steering Committee is charged with a range of decision making responsibilities. These are largely strategic rather than operational in nature.

11.2 Government Members are charged with:

- a) Approving annual updates to the five-year Strategic Plan, changes to the Government Member Steering Committee fee, strategic policy and projects that affect the scale and reach of NABERS into the market;
- b) Approving new policies that provide long-term frameworks for program operation (for example consultation or auditing policies);
- c) Approving major changes to the program, including rulings that impact the strategic positioning of NABERS;
- d) Approving future changes to the governance structure;
- e) Approving development and innovation projects; and
- f) Providing decision making on the direction of the NABERS International Strategy.

11.3 Stakeholder Members are charged with:

- a) Advising on the impact to industry of new policies that provide long-term frameworks for the program operation (for example consultation or auditing policies);

- b) Advising on changes to the program, such as rulings that impact the strategic positioning of NABERS, international strategy and licencing;
- c) Advising on implementation and operation of the governance structure;
- d) Providing input into development and innovation projects each year; and
- e) Raising issues from industry to be discussed and addressed.

11.4 The National Administrator is responsible for operating and managing the NABERS program, and is responsible for:

- a) Managing the day to day operation of NABERS;
- b) Approving the content of the annual report and the program's annual action plan and budget;
- c) Approving enhancements to existing NABERS tools, training and compliance activities;
- d) Managing all aspects of projects including new tool development and IT projects (for example a new website, major deployments); and
- e) Approving the final release of new tools or major revisions to existing tools, once the development process has been completed.

12. Voting

12.1 Each Government Member of the Steering Committee shall have one vote. Votes can be cast at the quarterly Steering Committee meetings, within additional meetings as called by the chair or out of session. Any out of session decisions must be observed by the stakeholder chair and deputy chair.

12.2 Government Members may abstain from voting during periods of caretaker mode.

12.3 Government Members can not vote if they are suspended from the Steering Committee (per clause 12.2).

12.4 The following matters require the approval of a majority of all Government Members (which excludes those who abstain whilst in caretaker mode, or whom are suspended and can not vote):

- a) Amendments to this Terms of Reference;
- b) Amendments to the Scope or Objectives of NABERS; and

- c) Amendments to the five-year Strategic Plan, or Role of the National Administrator which would change the Scope or Objectives of NABERS.
- d) Alteration to the role of the National Administrator or the Government Member Steering Committee fees proposed by the National Administrator;
- e) Declaration that any proceedings, minutes or records of the Steering Committee are confidential;
- f) Decisions in respect of dispute resolution procedures instituted in accordance with dispute resolution clauses in the Project Management Agreement (PMA) for Government Members, or the MoU for Stakeholder Members;
- g) The commencement of any action or proceedings against the National Administrator;
- h) The introduction of new Government Members, including the approval of the chair; and
- i) The introduction of Observer Members.
- j) All other decisions.

12.5 In the event of deadlock, the chair has a casting vote.

13. Steering Committee funding and remuneration

13.1 Each Government Member shall pay the applicable Steering Committee Fee, as calculated in accordance with the NABERS PMA.

13.2 A Government Member failing to meet its prescribed financial contributions within thirty days of the amount falling due will be suspended from the Steering Committee until payment is made. A suspended Government Member is removed from the list of invitees to the quarterly Steering Committee meetings, but may still be invited to some meetings on a case by case basis as requested by other Government Members or the National Administrator.

13.3 Members shall each be responsible for the remuneration and expenses of their own representatives.

13.4 The National Administrator shall use its best endeavours to complete the approved development and innovation program and budget during the relevant financial year.

14. Jurisdictional Support for NABERS

14.1 In conjunction with their respective national responsibilities pursuant to NABERS as recorded in this Terms of Reference, each Government Member other than the Commonwealth shall in its State or Territory jurisdiction:

- a) be responsible for building relationships with local supporters of NABERS and other stakeholders;
- b) provide support to the National Administrator with any local policy and accreditation issues, and advise the National Administrator of specific local issues arising relating to or which may impact on NABERS; and
- c) forward NABERS reports, publications and other collateral to relevant community and industry stakeholders.

15. Dispute Resolution

- 15.1** Members shall attempt to resolve any dispute arising out of or relating to issues discussed in Steering Committee meetings, or decisions made by the Steering Committee, through negotiations between member representatives.
- 15.2** Matters that are not resolved are referred to the chair for a recommendation and then decision by majority of Government Members. All decisions made under this clause shall be made in accordance with the recognised principles of natural justice.