



Stakeholder Membership of the NABERS Steering Committee

Invitation to submit an Expression of Interest

Closing Date: 5pm AEDT, Thurs November 19, 2020

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1.Expression of Interest

NABERS, the National Australian Built Environment Rating System, provides reliable and comparable sustainability measurement for commercial buildings. NABERS’ mission is that all Australian buildings are healthy, comfortable and have zero environmental impact.

NABERS is managed by the NSW Department of Planning, Industry and Environment (DPIE) and is overseen by a national Steering Committee. For more information on the scale and impact of NABERS ratings, see www.nabers.gov.au or the [NABERS 2019-2023 Strategic Plan](#).

DPIE is seeking relevant organisations to participate as Stakeholder Members of the NABERS Steering Committee for a three year term from 01/01/21 to 31/12/23. Stakeholder Members are expected to largely include peak industry bodies representing relevant organisations or professionals. Non-industry organisations (such as associations of local governments) will also be considered.

To apply, 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 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 who represent the States, Territories and the Australian Government, and have voting rights; and
2. Stakeholder Members are organisations which represent key groups of stakeholders for NABERS and the sectors they operate in, and do not have voting rights.

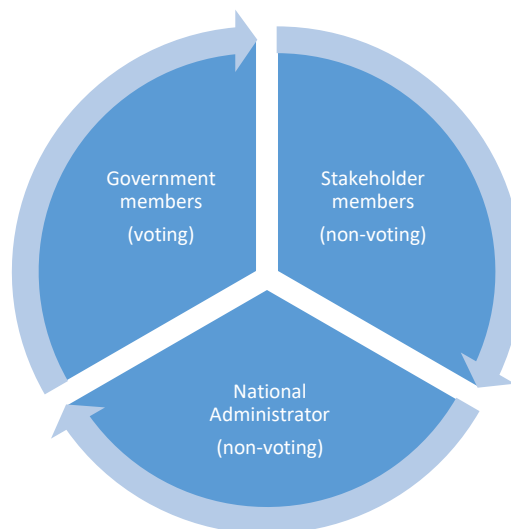


Figure 1: NABERS governance structure

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

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 NSC 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. The MoU template is provided at Appendix A

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

4. Selection Criteria

Applicants must address items listed under 4.1 and 4.2 in a written submission. The organisation selection criteria (4.1) should be no more than one page, and the CV of the representative no more than two pages. Please ensure that your submission addresses each of the criteria fully, using examples where appropriate.

NABERS strives to be an inclusive program. We recognise that we operate in a diverse community and welcome submissions which include a representative of any background. This includes any age or gender, Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse groups, the LGBTIQ+ community and people with disabilities.

4.1 Organisation Selection Criteria

Item	Criteria	Assessment
1. Organisational relevance	Briefly describe your organisation’s core mission and/or activities. Describe the stakeholders that your organisation represents and the importance of NABERS to them.	Submissions will be assessed on the relevancy of the organisation and its stakeholders to NABERS’ mission and strategic plan .
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	Information will be used to ensure representation from as many sectors as possible relevant to NABERS’ rating types and building types.

Aged Care, Retirement Living 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)

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.</p> <p>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 two A4 pages).</p> <p>N.B. 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>NABERS 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 may 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 do</p>	<p>This is a minimum requirement. Organisations which cannot commit to regular attendance will not be considered for the Steering Committee.</p>

not regularly attend meetings, the Secretariat will contact the member to discuss their participation.

5. Submitting an EOI

Address the EOI to Carlos Flores, Director, NABERS. Include it as a single attachment in an email to claire.morgan@environment.nsw.gov.au

Please review the selection criteria above and ensure you cover these in your submission.

The deadline is: **5pm AEDT, Thursday 19 November 2020.**

6. Assessment Panel

A panel composed of NABERS Steering Committee Government Members and a representative of the National Administrator will be formed to assess the Expressions of Interest against the criteria above.

Applications will be assessed soon after the closing date. All applicants will be informed of the outcome by 31 December 2020 and successful applicants will be forwarded a Memorandum of Understanding (Appendix A) for signature.

7. Further information

If you require further information or have any questions, please contact Claire Morgan, Policy and Partnerships Manager, NABERS.

email: claire.morgan@environment.nsw.gov.au phone: 02 9995 5738

Appendix A - Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING FOR STAKEHOLDER MEMBERS

<name>
<position>
<organisation>
<address>
(<email>



XXth Dec 2020

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

Dear <first name>,

Congratulations on your successful Expression of Interest to become a Stakeholder Member of the NABERS Steering Committee. The NSW Department of Planning, Industry and Environment for and on behalf of the Crown in Right of the State of NSW (**DPIE**) is pleased to be working with you as the nominated representative.

1. Purpose

This MOU identifies the working relationships between DPIE 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 B) 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 from 1 January 2021 through to 31 December 2023. It can be modified by mutual consent of DPIE 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. The representative must ensure he or she has 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 is expected to be respectful.

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:

DPIE

Name: Carlos Flores

Position: Director, NABERS

Address: 4 Parramatta Square, 12 Darcy Street, Parramatta, NSW 2150

Phone: 02 9995 5000

Email: nabers@environment.nsw.gov.au

<org>

Name:

Position:

Phone:

Email:

Signed:

Signed:

Name _____

Name _____

Party NSW Department of Planning, Industry
and Environment for and on behalf of the Crown
in Right of the State of NSW

Party _____

Date _____

Date _____

Signature _____

Signature _____

Appendix B - Terms of Reference



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 30 June 2020 and will be reviewed three years from this date.

Definitions

“**Government Chair**” means that party responsible for chairing the Steering Committee, in accordance with Schedule 5 of this Agreement, which for the Term will be the Commonwealth.

“**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 Stakeholder members who have relevant experience and knowledge to guide the strategic direction of the NABERS program.

The Steering Committee has two membership types:

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

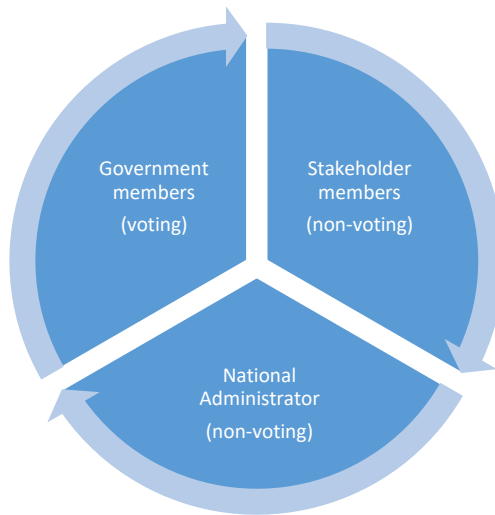


Figure 2: NABERS governance structure

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 must vote in the interest of NABERS and the Objectives, ahead of their background or other roles.

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 must 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.

5. Stakeholder Membership

- 5.1** The National Administrator may appoint up to 15 Stakeholder Members representing key groups of stakeholders for NABERS and the sectors it operates in to be part of the Steering Committee. Stakeholder Members will not have voting rights on the Steering Committee. One representative must be appointed by each Stakeholder Member.
- 5.2** Stakeholder Members will be selected through an open Expression of Interest (EOI) process and will be appointed for a term of three years. The EOI process will include a set of merit criteria to demonstrate relevance of the organisation to the functions of the Steering Committee.
- 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** EOIs will be assessed by a panel that includes the Government Chair, National Administrator, and at least one other Government Member. The panel will consider the relevance of the organisation and the optimum working size of the Steering Committee.

- 5.5** Additional Stakeholder Members can apply to join the Steering Committee outside the regular three-year cycle. Such applications will be put to the Steering Committee for decision (vote).

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 be assisted by the National Administrator who will report recommendations or findings back to the wider Steering Committee through the Steering Committee meetings.

7. Technical Working Groups

- 7.1** From time to time Technical Working Groups will be established by the National Administrator to provide industry input and expert advice to support the development of NABERS. The National Administrator will liaise directly with Technical Working Groups to resolve technical issues.
- 7.2** The National Administrator will establish the Technical Working Groups by Expression of Interest to key stakeholders, technical experts, and Steering Committee Members.
- 7.3** The National Administrator will consider the feedback obtained from the Technical Working Groups when deciding technical modifications to NABERS.

8. Observer Membership

- 8.1** 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.
- 8.2** Observer membership is terminated by agreement of Government Members.

9. Government and Stakeholder Chairs

- 9.1** The Government Chair will chair the Steering Committee and meetings and will provide secretariat support, including scheduling meetings and distribution of papers and proceedings.
- 9.2** One representative from the Stakeholder Members will be elected by the Stakeholder Members to act as stakeholder chair.
- 9.3** A second representative from the Stakeholder Members will be elected by the Stakeholder Members to act as deputy stakeholder chair.

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

10. Member Representatives

10.1 Each Member must appoint an individual person to represent it on the Steering Committee. Members can negotiate with the Government Chair and National Administrator to have two representatives who attend meetings on a rotating basis.

10.2 Each 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.

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

11. Meetings of the Steering Committee

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

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

11.3 Members are expected to attend all meetings. Substitute representatives will be allowed to attend on behalf of a Member if the Member's appointed representative is unable to attend (for example due to illness or leave).

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

11.5 A quorum of three, or the majority of, Government Members, whichever is higher, including the Government 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.

11.6 The National Administrator may communicate with Member representatives in between meetings to discuss relevant issues as may arise.

11.7 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). Additional meetings may be called for by the Government Chair on agreement by the Government Members. Decisions made may include budget and financial decisions, such as funding arrangements for new projects.

- 11.8** A quorum of three, or the majority of, Government Members, whichever is higher, including the Government Chair and National Administrator, excluding suspended Government Members or Government Members in caretaker mode, is required for an additional meeting to proceed and decisions to be made.
- 11.9** In the event of additional meetings, the Stakeholder chair and Deputy chair will also attend and participate, to ensure the interests of stakeholder members are represented.
- 11.10** 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.

12. Decision making scope

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

12.2 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.

12.3 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.

12.4 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).
- e) Approving the final release of new tools or major revisions to existing tools, once the development process has been completed.
- f) Reinvesting all revenue from NABERS fees and services into the NABERS program.

13. Voting

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

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

13.3 Government Members cannot vote if they are suspended from the Steering Committee (per clause 14.2).

13.4 The following matters require the approval of a majority of all Government Members, including the Government Chair and NSW Government Member (which excludes those who abstain whilst in caretaker mode, or who are suspended and cannot vote):

- a) Amendments to this Terms of Reference.
- b) Amendments to the Scope or Objectives of NABERS.
- 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) The commencement of any action or proceedings against the National Administrator.

- g) The introduction of new Government Members.
- h) The introduction of Observer Members.
- i) All other decisions.

13.5 In the event of deadlock, the Government Chair has a casting vote.

14. Steering Committee funding and remuneration

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

14.2 A Government Member failing to meet its prescribed financial contributions within 30 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 as Observer Members to some meetings on a case by case basis as requested by other Government Members or the National Administrator.

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

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

15. Jurisdictional Support for NABERS

15.1 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.
- c) Forward NABERS reports, publications and other collateral to relevant community and industry stakeholders.

16. Dispute Resolution

16.1 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.

16.2 Matters that are not resolved through negotiation will be referred to the Government Chair for a recommendation and then decision by a majority of Government Members.

All decisions made under this clause shall be made in accordance with the recognised principles of natural justice.

