

AFRC Accredited Simulator Code of Practice
Version 3.0 - 2012

Signed on behalf of AFRC

Name:

Position:

Signature: Date:

I have read, and undertake to act in accordance with, this Code of Practice.

Print name below and sign each page:

Name:

Signature: Date:

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Signature: Date:

1 Definitions

These terms shall have the following meaning, when used in this document.

1.1.1.1 AFRC

Australian Fenestration Rating Council, ABN: 45 092 250 506

1.1.1.2 AFRC Board

The Board of Directors and / or authorised representatives as defined in accordance with the AFRC Constitution.

1.1.1.3 Simulator (or AFRC Accredited Simulator or Accredited Simulator)

A person that has signed, and meets the requirements of, this Code of Conduct.

1.1.1.4 Accreditation

Recognised by the AFRC that a person meets the requirements of the AFRC Simulator Code of Conduct.

1.1.1.5 Accredited Simulator Number

A unique three-digit number assigned to a Simulator by the AFRC.

1.1.1.6 Simulation

The provision of simulation services by an Accredited Simulator.

Signature: Date:

2 Objective

- 2.1.1 The AFRC is committed to the:
- Development, administration and approval of comparative energy and related rating programs that serve the public and satisfy the need of its private sector partners by providing a fair, accurate and credible, user-friendly information on fenestration product performance;
 - Maintaining and improving the quality of services provided by professionals conducting simulations of fenestration products;
 - Promoting the benefits, to regulators, building practitioners and consumers, of utilising the services provided by AFRC Accredited Simulators and Auditors.
- 2.1.2 This *Code of Practice* defines the principles and standards of conduct that AFRC Accredited Simulators must maintain.

Signature: Date:

3 Reference Documents

3.1 AFRC Document Structure

- 3.1.1 This document is part of a set of documents which define simulation procedures and standards of conduct that AFRC Accredited Simulators must maintain.
- 3.1.2 This structuring of AFRC documentation has been designed to accommodate Simulators providing simulations.
- 3.1.3 This *Simulator Code of Practice* is the principle document that defines practice requirements for all simulators engaged in any type of fenestration simulation accredited by the AFRC.
- Simulator Procedures* define procedures for Simulators practicing under specific schemes or regulations.
- Simulation tool application* documents define procedures related to the use of specific simulation tools required by a scheme or regulations.
- Reference documents* may include policies, user manuals or other material relevant to schemes or tools.

3.2 AFRC Constitution

- 3.2.1 This *Code of Practice* must be read in conjunction with *AFRC Constitution* which defines the Rules of Incorporation of the AFRC.
- 3.2.2 Accredited Simulators must also be members of the AFRC. Accredited Simulators that are AFRC members may have rights and obligations defined in the AFRC constitution, additional to those defined in the *Code of Practice*.

3.3 Simulator Procedures

- 3.3.1 This *Code of Practice* must be read in conjunction with *AFRC Simulator Procedures*, and documents referenced therein, which define rules for the conduct of simulations by Accredited Simulators.
- 3.3.2 *AFRC Simulator Procedures* are determined by the AFRC Board and are subject to regular amendment by the AFRC Board.

3.4 AFRC Document Schedule

- 3.4.1 The *AFRC Document Schedule* identifies documents related to the practice of AFRC Accredited Simulators as well as the date and content of revisions of these documents.
- 3.4.2 Simulators will be notified by email, by the AFRC Board, prior to the implementation of any additions or amendments to documents included in the *AFRC Document Schedule*.
- 3.4.3 The *AFRC Document Schedule*, and included documents, are made available to Simulators at the AFRC website (www.afrc.org.au). Accredited Simulators that refer to printed copies of these documents must ensure that they maintain current editions.

Signature: Date:

4 Terms of Agreement

4.1 Agreement

- 4.1.1 This *Code of Practice* is an agreement between AFRC and an Accredited Simulator, being the signatories on page one of this document.
- 4.1.2 The AFRC will develop and maintain systems for the Accreditation of Simulators, as determined by the AFRC Board, for the purpose of:
- Enabling Accredited Simulators to practice in accordance with the requirements of specific building or development laws and regulations;
 - Promoting the services of Accredited Simulators to regulators, industry and the public;
 - Qualifying Accredited Simulators to access services and resources offered by the AFRC.
- 4.1.3 The Accredited Simulator must abide by the terms of this *Code of Practice*.

4.2 Amendment

- 4.2.1 This *Code of Practice* will not be amended without prior written consent of the AFRC and the Accredited Simulator.

4.3 Suspension

- 4.3.1 An Accredited Simulator may be prohibited from providing services as an Accredited Simulator, for a specified period due to failure to meet requirements of this *Code of Practice*, as specified in subsequent sections.
- 4.3.2 Suspension does not terminate this Agreement.

4.4 Cancellation of Accreditation

- 4.4.1 Accreditation of a Simulator may be cancelled due to failure to meet requirements of this *Code of Practice*, as specified in subsequent sections.

4.5 Termination

- 4.5.1 This Agreement will be terminated:
- By the Accredited Simulator upon receipt by the AFRC of written notification from the Accredited Simulator;
 - By the AFRC upon Cancellation of Accreditation of the Simulator.

Signature: Date:

5 Accredited Simulator Conduct

5.1 Professional conduct

- 5.1.1 Accredited Simulators must provide objective, accurate and impartial advice and simulation.
- 5.1.2 Accredited Simulators shall not engage in any conduct that is detrimental to the reputation of the best interests of the AFRC or fenestration profession.
- 5.1.3 Accredited Simulators must not offer services for which they can not demonstrate the skill, knowledge and experience required by:
- This *Code of Practice* and / or;
 - Applicable State or Federal laws and regulation and / or;
 - Industry practice.
- 5.1.4 Accredited Simulators release and indemnify the AFRC, Nominated Local, State and Federal Government departments, and all officers and agents of AFRC and Nominated Local, State and Federal Government departments, from and against all actions, proceedings, claims, and demands whatsoever, directly resulting from or arising out of:
- Any negligence or other wrongful act or omission of the Simulator; and
 - In connection with, or in the course of, the performance or breach of this *Code of Practice*.

Current Nominated Local, State, and Federal Government departments are listed in the AFRC Simulator Procedure documents.

5.2 Conflicting interests

Accredited Simulators must:

- 5.2.1 Not allow any personal or financial interest to affect the results of a simulation;
- 5.2.2 Declare to the AFRC, the client and relevant regulatory authority, any interest they have in relation to a simulation, including:
- Receipt of fees for the provision of professional services related to the simulated project, other than provision of results;
 - Receipt of financial benefit from the use of products or services assessed or recommended by the Accredited Simulator;
 - Any financial interest in the simulated project.

5.3 Communication with clients

- 5.3.1 Accredited Simulators must communicate with their clients to ensure that clients:
- Understand the fees, purpose, process and outcome of a simulation;
 - Understand the cost, performance and other implications of any recommendations to change the design of a project;

Signature: Date:

- 5.3.2 Accredited Simulators must have specific authorisation from the client in order to amend, alter or annotate specifications for the assessed project.

5.4 Privacy of information

- 5.4.1 Accredited Simulators shall not disclose information related to a simulation to parties other than:

- The client or the client's agent,
- Relevant regulatory and certifying authorities,
- Accredited AFRC Auditors,
- AFRC for the purpose of conducting auditing and quality assurance procedures,

Without written permission of the client or the client's agent.

5.5 Simulator fees

- 5.5.1 The AFRC cannot set or recommend fees for the services provided by Simulators. Simulators should determine their fees based on probable costs and perceived market value.
- 5.5.2 It is a breach of the Trade Practices Act 1974 (Commonwealth) for AFRC to set fees or for Simulators to collude to set fees.

Signature: Date:

6 AFRC Accreditation Requirements

6.1 Simulation

Accredited Simulators must:

- 6.1.1 Conduct simulations in accordance with AFRC *Simulator Procedures* as defined and amended by the AFRC Board and detailed in AFRC Document Schedule;
- 6.1.2 Familiarise themselves, and practice in accordance with, the requirements of applicable building or development laws and regulations.

6.2 Contact details

- 6.2.1 Accredited Simulators must ensure that their contact details are kept up to date on the AFRC database.
- 6.2.2 The Accredited Simulator contact details, as defined on the AFRC database will be used by the:
 - AFRC to communicate to Accredited Simulators, including any notices relating to requirements of, or changes to, *Simulator Procedures*;
 - Members of the public, Councils and Certifying Authority to contact or check the status of an Accredited Simulator.
- 6.2.3 Failure to maintain current contact details may result in the Suspension of an Accredited Simulator until their contact details are updated.
- 6.2.4 Failure to maintain current contact details for a period of greater than three months will result in the Cancellation of Accreditation.

6.3 Communication with AFRC

- 6.3.1 The AFRC will notify Accredited Simulators of any changes to *Simulator Procedures*, and other documents identified in the AFRC Document Schedule, by email or post, to the address listed by the Accredited Simulator on the AFRC database.
- 6.3.2 Communication from Simulators to the AFRC must be in the format required and to the address defined in *Simulator Procedures*.
- 6.3.3 AFRC contact details for general enquiries may be found on the AFRC website: www.afrc.org.au

6.4 AFRC Logo

- 6.4.1 The AFRC logo can be used and displayed by Accredited Simulators for:
 - Simulation reports
 - Business cards and letterhead
 - Promotional material such as newsletters, leaflets, brochures, etc
 - Other applications approved in writing by the AFRC Board.

Signature: Date:

- 6.4.2 The Simulator's Accredited Simulator Number must be included underneath the logo image, Arial font or similar, no smaller than 8pt or 5% of the height of the logo image.
- 6.4.3 Digital copies of these logos are available for download from the AFRC website: www.afrc.org.au .

6.5 Fees

- 6.5.1 Accredited Simulators must pay Accreditation fees on the date and of the amount determined by the AFRC Board and defined in *Simulator Procedures*.
- 6.5.2 Failure of the Accredited Simulator to pay Accreditation Fees by the required date will result in immediate Suspension of the Accredited Simulator, until receipt by the AFRC of payment of required fees.
- 6.5.3 Failure of the Accredited Simulator to pay Accreditation Fees within three months of the required date will result in the Cancellation of Accreditation.

6.6 Professional Indemnity

- 6.6.1 The AFRC and the AFRC Board do not take any liability for the performance of Accredited Simulators.
- 6.6.2 The Accredited Simulator indemnifies the AFRC and the AFRC Board from any actions and costs associated with the provision of their services as an Accredited Simulator.
- 6.6.3 Accredited Simulators must provide evidence to the AFRC of current Professional Indemnity Insurance as defined in *Simulator Procedures*. Professional Indemnity Insurance protects Simulators and their clients in the event that a simulation is improperly carried out, resulting in additional costs to the client.
- 6.6.4 Failure of the Accredited Simulator to provide evidence to the AFRC of current Professional Indemnity Insurance will result in the immediate Suspension of the Accredited Simulator until such evidence is provided.
- 6.6.5 Failure of the Accredited Simulator to provide evidence to the AFRC of current Professional Indemnity Insurance within three months of the expiry date of the required Professional Indemnity Insurance, will result in the Cancellation of Accreditation.

Signature: Date:

7 Qualifications

7.1 Qualifications

- 7.1.1 Qualifications required by an Accredited Simulator in order to provide specific Simulation services are as defined in *Simulator Procedures*.

7.2 Continuing Professional Development

Accredited Simulators must:

- 7.2.1 Conduct a minimum number of simulations in a specified period, as defined in *Simulator Procedures*;
- 7.2.2 Attend specific Professional Practice Briefings, as may be required by the AFRC Board, or demonstrate that the outcomes required of such Professional Practice Briefings have been met through means other than attendance;
- 7.2.3 Achieve the minimum requirements for Continuing Professional Development (CPD) as required by the AFRC Board.
- 7.2.4 Failure of the Accredited Simulator to meet the above Professional Development Requirements will result in the immediate Suspension of the Accredited Simulator, until those requirements are met.
- 7.2.5 Failure of the Accredited Simulator to meet the above Professional Development Requirements within three months of the required date, will result in the Cancellation of Accreditation.

Signature: Date:

8 Quality Assurance

8.1 Regular Auditing

- 8.1.1 An AFRC Accredited Auditor will audit Simulations conducted by Accredited Simulators to ensure compliance with this *Code of Practice* and *Simulator Procedures*.
- 8.1.2 The process for audit submissions is defined in *Simulator Procedures*.
- 8.1.3 Failure to submit a simulation for audit by the required date will result in the immediate Suspension of the Accredited Simulator until the required audit submission is received.
- 8.1.4 Failure to submit a simulation for audit, within three months of the required date, will result in the Cancellation of Accreditation.

8.2 Special Auditing

- 8.2.1 The AFRC may audit Simulations conducted by Accredited Simulators to ensure compliance with this *Code of Practice* and *Simulator Procedures*.
- 8.2.2 The process for audit submissions is defined in *Simulator Procedures*.
- 8.2.3 Failure to submit a simulation for audit by the required date will result in the immediate Suspension of the Accredited Simulator until the required audit submission is received.
- 8.2.4 Failure to submit a simulation for audit, within three months of the required date, will result in the Cancellation of Accreditation.

8.3 Declaration of Simulations

- 8.3.1 Accredited Simulators must notify the AFRC of simulations conducted in accordance with the requirements defined in *Simulator Procedures*.

8.4 Records

- 8.4.1 Accredited Simulators must maintain records of simulations conducted, for the period, and in accordance with the requirements, defined in *Simulator Procedures*.

Signature: Date:

9 Discipline of Simulators

9.1 Disciplinary Action

- 9.1.1 Accredited Simulators may be subject to disciplinary action by the AFRC if:
- The Accredited Simulator fails to meet requirements of this *Code of Practice* or
 - One or more simulations conducted by the Accredited Simulator fails to meet the performance requirements defined in *Simulator Procedures*.
- 9.1.2 The procedure for such disciplinary action is:
- On receipt of a complaint, or if a suspected breach of the *Code of Practice* has occurred, the AFRC shall contact the Simulator to discuss the matter;
 - If the matter cannot be resolved through the above process, the AFRC will provide the Accredited Simulator with written notification of the complaint or suspected breach of the *Code of Practice*;
 - The Accredited Simulator may provide the AFRC with a written response to the complaint or suspected breach of the *Code of Practice*, within two weeks of receipt of the notification;
 - If the matter cannot be resolved through the above process, the AFRC Board may determine to take disciplinary action.
- 9.1.3 The nature of the disciplinary action shall be determined by the AFRC Board and may include:
- A warning
 - A requirement for the Accredited Simulator to undertake additional training or demonstrate a specific competency
 - Suspension
 - Cancellation of Accreditation
- 9.1.4 The AFRC Board shall provide the Accredited Simulation with written notification of its determination of any disciplinary action.

9.2 Appeal

- 9.2.1 The AFRC Board's decision on an appeal will be final and is not subject to further appeal.
- 9.2.2 A Simulator that wishes to challenge the decision of the AFRC Board may do so through representation by an AFRC member implementing mechanisms provided in the AFRC Constitution and the AFRC Technical Protocols and Procedures Manual:
- Chapter 11 - Dispute Resolution (AFRC Technical Protocols and Procedures Manual)
 - Clause 15 - General Meetings (AFRC Constitution)

Signature: Date: