



By-law 16 – Certified Environmental Practitioner Scheme

In accordance with Rule 85 of the EIANZ Rules of Association ('the Association's Rules'), this By-law is prescribed by the Board of the Association ('the EIANZ Board') to give better effect to Rule 75A; which provides for the establishment and administration of the Certified Environmental Practitioner Scheme ('the Scheme'), a program administered by EIANZ ('The Association').

Note: the terms 'environment' / 'environmental' and 'environmental practice' are defined in Rule 4 of the Rules of Association, including that 'environmental practice' relates to aspects of both the biophysical and socio-economic environment.

16.1 Objectives, Purpose and International Standard

- (1) The objectives of the Scheme are to:
 - (a) assess, recognise, and hold persons accountable as proficient and ethical environmental practitioners; and
 - (b) to assure governments, courts, industry, educational institutions, and the community of the professional standing of environmental practitioners.
- (2) The purpose of the Scheme is to provide a documented process by which suitably qualified and experienced persons are independently and impartially assessed as being proficient and ethical environmental practitioners.
- (3) The Scheme shall generally conform to the International Standard for *Conformity Assessment – General Requirements for bodies operating certification of persons (ISO/IEC 17024:2012)*.

16.2 Legal status

- (1) EIANZ is a single entity established under the *Associations Incorporation Reform Act 2012 (Vic)*, a registrable Australian body under the *Corporations Act 2001 (Cth)*, a corporation registered as trading in New Zealand under the *Companies Act 1993 (NZ)*, and a registered charity under the *Australian Charities and Not-for-profits Commission Act 2012 (Cth)*.
- (2) The Scheme is an identified program and property of the Association established by Rule 75A of the Rules of Association.

16.3 Role of the EIANZ Board

- (1) In relation to the Scheme, the EIANZ Board shall be responsible for:
 - (a) appointing members of the Certification Board and Certification Appeals Committees;



- (b) approving the annual budget for the Scheme;
- (c) general administration of the Scheme, including,
 - i. approving the fields of specialised environmental practice and criteria for certification after consulting with the Certification Board;
 - ii. the marketing and promotion of the Scheme; and
 - iii. oversight of the operation of the Scheme.

(2) The EIANZ Board may refer matters within the scope of the purposes of the Scheme to the Certification Board for consideration and advice.

16.4 Role of the Certification Board

(1) In relation to the Scheme, the Certification Board shall be responsible for:

- (a) ensuring impartiality relating to the certification and re-certification of persons, that processes followed are fair among all persons seeking certification, and that commercial, financial or other pressures do not compromise impartiality;
- (b) the appointment and oversight of Registrars to assist with the administration of the assessment process;
- (c) the establishment, appointment to and oversight of technical committees with terms of reference approved by the EIANZ Board;
- (d) promotion of the Scheme to government and industry bodies;

(2) While the Certification Board is a subsidiary body reporting to the EIANZ Board, responsibility for the process followed and decisions made relating to the certification of persons under the Scheme is solely vested in the Certification Board.

(3) The Certification Board shall furnish advice to the Board with respect to:

- (a) the fields of specialised environmental practice;
- (b) the criteria for certification;
- (c) the fees, levies and charges collected by the Scheme;
- (d) the marketing and promotion of the Scheme;
- (e) the strategic direction of the Scheme; and
- (f) appointments to the Certification Board.

(4) The Certification Board may, at its own discretion, consider and provide the Board with advice in writing on any matter of the kind referred to in sub-rule (3) or on any matter within the scope of the purposes of the Scheme.

16.5 Certification Board – powers and delegation

(1) The Certification Board, within the limits of the financial and other resources



available to the Scheme, and the policies and practices of the Association, is delegated power to:

- (a) certify persons who satisfy the criteria for certification under the Scheme;
 - (b) represent and advocate for the Scheme to government and industry bodies;
 - (c) develop and document the elements of the Scheme within the scope of its responsibilities;
 - (d) suspend or withdraw the certification of persons who do not satisfy the criteria for certification under the Scheme;
 - (e) establish and oversee committees consisting of Certified Environmental Practitioners, EIANZ members and other persons, with terms of reference approved by the EIANZ Board;
 - (f) within budget, determine honoraria payable to persons voluntarily involved in the operation of the Scheme, other than sitting fees or honoraria for members of the Certification Board which shall be determined by the EIANZ Board;
 - (g) make and approve documentation regarding the process of certification of persons under the Scheme.
- (2) The Certification Board may delegate its powers to any member of the Certification Board, a Registrar or Certification Assessment Panel, staff, technical specialist, or committees appointed by the Certification Board, other than:
- (a) this power of delegation;
 - (b) the power to certify persons who satisfy the criteria for certification under the Scheme;
 - (c) the power to suspend or withdraw the certification of persons who do not satisfy the criteria for certification under the Scheme.
- (3) Any delegation by the Certification Board must be made by an absolute majority of the Certification Board, be in writing, and may be subject to conditions and limitations it considers appropriate.
- (4) Any delegation may be revoked in writing, in whole or in part, at the sole discretion of the Certification Board.

16.6 Particulars of certification

- (1) Certification under the Scheme shall be for a period of two (2) years; and a Certified Environmental Practitioner may be re-certified for further periods of two (2) years, subject to them satisfying the criteria for re-certification established by clause 16.9.
- (2) The Scheme shall be open to all suitably qualified persons, whether members of the Association or not.
- (3) Certification under the Scheme shall be available in the field of general



environmental practice; and such fields of specialised environmental practice as shall be determined by the EIANZ Board, after consulting with the Certification Board.

- (4) The completion of training offered or accredited by the Association should not be seen to give any special advantage to, nor be an exclusive prerequisite for, persons seeking certification under the Scheme.

16.7 Criteria for certification in the field of general environmental practice

The minimum criteria for certification in the field of general environmental practice are:

- (1) evidence in the form of copies of original documents, certified by a person authorised by law to certify copies of original documents, that the applicant has been awarded a degree, post graduate qualification, or higher degree, that is related to the functional areas of environmental practice;
- (2) independently verified evidence that, post the award of the lowest level of qualification produced at 16.7(1), the applicant has had the equivalent of five (5) years full-time experience, during the immediately previous twelve (12) year period, working in one or more of the functional areas of environmental practice;
- (3) the names of three (3) environmental practitioners with experience or knowledge of the work of the applicant, no more than one (1) of whom must be from the person's current place of employment; and written statements by any two (2) of the referees attesting to:
 - (a) the experience and technical competence of the applicant in one or more of the areas of environmental practice: and
 - (b) the standing of the applicant as a respected, proficient, ethical and active environmental practitioner;
- (4) a written statement by the applicant, supported by such documentation as may be required by the Certification Board, describing:
 - (a) the applicant's experience in one or more of the functional areas of environmental practice; and
 - (b) how they demonstrate that they are a respected, proficient, ethical and active environmental practitioner;
- (5) evidence, in writing, that the applicant has regularly participated in ongoing training and continuing professional development activities relevant to one or more areas of environmental practice, and service to professional practice;
- (6) a statutory declaration made by the applicant stating:
 - (a) that, if certified, the person agrees to be bound by:
 - (i) the Association's Rules and By-laws related to the Scheme;
 - (ii) the Association's Code of Ethics and Professional Conduct;



- (b) that, if certified, the person will be subject to the same disciplinary and grievance procedures as Association members, set out in the Association's Rules;
- (c) that all of the information provided in the application documents and documents that support the application for certification is true, complete and correct;

(7) payment of the applicable fee(s) determined by the EIANZ Board.

16.8 Criteria for certification in a field of specialised environmental practice

The minimum criteria for certification in fields of specialised environmental practice are all of the criteria outlined in 16.7, plus:

- (1) independently verified evidence that, post the award of the lowest level of qualification produced in satisfying 16.7(1), the applicant has had the equivalent of ten (10) years full time experience, during the immediately previous seventeen (17) year period, working in one or more of the functional areas of environmental practice;
- (2) independently verified evidence that the person applying for certification has had at least five (5) years of that experience in the field of specialised environmental practice in which certification is sought;
- (3) evidence, in writing, that at least fifty percent (50%) of the required ongoing training and continuing professional development activities undertaken by the applicant is relevant to the field of specialised environmental practice in which certification is sought;
- (4) with the advice of a relevant technical committee, or other specialist organisation; such other criteria for each field of specialised environmental practice, that are approved and published by the EIANZ Board after consulting with the Certification Board.

16.9 Criteria for re-certification

The minimum criteria for re-certification are:

- (1) a statutory declaration made by the person that states:
 - (a) that the person continues to satisfy the criteria for certification in the field of environmental practice in which they are certified; and
 - (b) that, if re-certified, the person agrees to be bound by:
 - (i) the Association's Rules and By-laws related to the Scheme; and
 - (ii) the Association's Code of Ethics and Professional Conduct; and
 - (c) that, if re-certified, the person will be subject to the same disciplinary and grievance procedures as Association members, set out in the Association's Rules;



- (d) that, during the time that the person has been certified, the person has not engaged in conduct that would breach the Association's Code of Ethics and Professional Conduct; and
 - (e) that all of the information provided in the application documents and documents that support the application for re-certification is true, complete and correct;
- (2) payment of the applicable fee(s);
- (3) evidence that the Certified Environmental Practitioner has undertaken at least one hundred (100) points of ongoing training, continuing professional development activities, and service to professional practice;
- (a) The eligibility, criteria and calculation method(s) for different types of professional development and service may be specified by the Certification Board.
 - (b) The manner and form of how to provide such evidence may be specified by the Certification Board.

16.10 Appeals on decisions on applications for certification or re-certification

- (1) A person whose properly made application for certification or re-certification is rejected by the Certification Board, has a right to appeal that decision to a Certification Appeal Committee.
- (2) Where the Certification Board has resolved not to certify or re-certify a person, it shall, as soon as practicable, advise the person in writing:
- (a) that the Certification Board has resolved not to certify or re-certify the person, setting out the grounds on which the decision was based; and
 - (b) that the person may:
 - i. accept the decision of the Certification Board; or
 - ii. appeal to a Certification Appeal Committee within twenty-eight (28) calendar days from the date of the notice, by advising the Chair of the Certification Board in writing that they wish to appeal the decision; and
 - (c) of any applicable fee for lodging an appeal.
- (3) On being notified that a person intends to appeal the decision of the Certification Board, the Chair of the Certification Board shall, as soon as practicable, write to the person stating:
- (a) that the person may provide a written statement setting out the grounds and any supporting evidence on which the appeal is based;
 - (b) that the applicable fee must be paid, and any written statement and supporting evidence must be provided not less than seven (7) calendar days

prior to the date set for the appeal to be heard;

i. Failure to pay the applicable fee or submit a written statement within the time are grounds for the Certification Appeal Committee to dismiss an appeal.

(c) that the person may appear before a Certification Appeal Committee, either in person, or through an electronic form of communication that allows both the members of the committee and the person to simultaneously see and speak with each other; and

(d) the date, place and time of the meeting of a Certification Appeal Committee at which the appeal will be heard.

(4) The date of the meeting of a Certification Appeal Committee at which an appeal is to be heard shall be not less than twenty-eight calendar (28) days after notification that a person intends to appeal against a decision of the Certification Board.

(5) At any hearing, a Certification Appeal Committee shall:

(a) give the person who has appealed an opportunity to be heard;

(b) consider any written statement and supporting evidence submitted by the person;

(c) consider the documentation and reports available to the Certification Board when it made its decision;

(d) have regard to the criteria in this By-law and any additional criteria approved and published by the EIANZ Board; and

(e) decide whether to confirm the original decision of the Certification Board, or revoke the original decision and make a new decision.

(6) The decision of a Certification Appeal Committee is final and stands in place of the decision of the Certification Board.

(7) The person may, in writing addressed to the Chair of the Certification Board, withdraw an appeal at any time.

16.11 Fees

(1) The Association may collect fees for the administration of the Scheme as follows:

(a) application fees for certification;

(b) application fees for re-certification;

(c) annual fees; and

(d) such other fees, levies and charges determined by the EIANZ Board after consulting with the Certification Board.



- (2) The Association shall, once in each financial year, review and set the fees for the administration of the Scheme.
- (3) The Association may differentiate the scale of fees charged, between the fields of environmental practice in which certification is offered; between EIANZ members and non-members; and between working persons, persons taking leave, and retired persons, and other classes of persons as determined by the EIANZ Board.
- (4) Non-payment of fees, when due and payable, is grounds for the Certification Board to:
 - (a) not process an application for certification or re-certification; or
 - (b) withdraw the certification of a Certified Environmental Practitioner.

16.12 Certificates

- (1) The Certification Board shall provide to a Certified Environmental Practitioner, an individually numbered certificate bearing the full name of the person, the field of environmental practice in which they have been certified, a reference to the Scheme and the Association, and the authorisation of the Certification Board.
- (2) The certificate is the property of the Certification Board, and where a person's certification has been suspended or withdrawn, may be recalled by the Certification Board.

16.13 Register of certified environmental practitioners

- (1) The Association shall maintain a register of Certified Environmental Practitioners containing, for each certified person, their:
 - (a) full name;
 - (b) field of environmental practice in which certified;
 - (c) certificate number;
 - (d) date of initial certification;
 - (e) whether certification is active, suspended or withdrawn; and
 - (f) any such other information as determined by the Association.

16.14 Complaints concerning Certified Environmental Practitioners

- (1) The Association shall have a documented process for receiving and managing complaints concerning a Certified Environmental Practitioner.
- (2) Disciplinary action shall be conducted in accordance with Division 3 of the Rules of Association.



16.15 Certification board - membership and appointment

- (1) Members of the Certification Board shall be appointed by a resolution of an absolute majority of the EIANZ Board.
- (2) The Certification Board shall consist of at least five (5) and not more than seven (7) suitably qualified persons of which there shall be:
 - (a) a majority who are Certified Environmental Practitioners;
 - (b) a majority who are EIANZ members;
 - (c) a fair representation of genders, and a diversity of representation with respect to areas of environmental practice and geographic locations (and should include representation of both Australia and New Zealand).
- (3) Prior to the expiration of the term of office of a member of the Certification Board, or as soon as practical following notification of a vacancy, the Association shall implement an open and transparent process that engages EIANZ members and current Certified Environmental Practitioners, to call for applications for membership of the Certification Board.
- (4) A member of the Certification Board shall be appointed for a term of three (3) years and shall be eligible for re-appointment for two (2) further terms.
- (5) Each member of the Certification Board shall receive a formal letter of appointment setting out the responsibilities of the Certification Board, and the duties and obligations of members of the Certification Board.

16.16 Certification Board - Chair

- (1) The Certification Board, on a resolution by an absolute majority, shall appoint one of its members to be the Chair.
- (2) The Chair shall serve for the term of their appointment to the Certification Board, and shall be eligible for reappointment as Chair if reappointed to the Certification Board.
- (3) The Chair of the Certification Board shall preside at its meetings, liaise with the EIANZ Board, and represent and advocate for the Scheme to other audiences.
- (4) In the absence of the Chair at any meeting of the Certification Board, the members present shall appoint one of their number to chair the particular meeting.
- (5) The Chair of the Certification Board may resign their appointment as Chair in writing, addressed to the Secretary of the Association.
- (6) The appointment as Chair of the Certification Board may be revoked in accordance with a resolution of an absolute majority of the members of the Certification Board or an absolute majority of the EIANZ Board.



16.17 Certification board - resignation and removal of Certification Board members

- (1) A member of the Certification Board may resign their appointment in writing, addressed to the Chair of the Certification Board and the Secretary of the Association.
- (2) A member of the Certification Board who fails to attend three (3) consecutive regular scheduled Certification Board meetings, without leave of absence approved by the Chair of the Certification Board, shall be automatically deemed to have resigned, and a casual vacancy shall exist from the date of the third meeting.
- (3) A member of the Certification Board who becomes disqualified from managing a corporation, within the meaning of the *Corporations Act 2001 (Cth)* or the *Companies Act 1993 (NZ)*; or is disqualified from being a responsible person of a registered charity under the *Australian Charities and Not-for-profits Commission Act 2012 (Cth)* shall be automatically deemed to have resigned, and a casual vacancy shall exist from the date of the deemed resignation.
- (4) A member of the Certification Board found by the Disciplinary Committee to be in breach of the Association's Rules, By-laws or Code of Ethics and Professional Conduct, shall be automatically deemed to have resigned, and a casual vacancy shall exist from the date of the deemed resignation.
- (5) A member of the Certification Board may be removed from office in accordance with a resolution of an absolute majority of the members of the EIANZ Board, and a casual vacancy shall exist from the date of the resolution of the EIANZ Board.
 - (a) A member of the Certification Board should not be removed from office for exercising their responsibility for the independent, objective assessment of applicants for certification and re-certification.
 - (b) A member of the Certification Board should not be removed from office unless that member is not acting in good faith in the best interests of the Scheme.

16.18 General duties of members of the Certification Board

- (1) As soon as practical after being appointed to the Certification Board, a member shall become familiar with the Association's Rules, this By-law, the Code of Ethics and Professional Conduct, and the policies and administrative procedures that inform the operation of the Association and the Scheme.
- (2) The Certification Board is collectively responsible for the certification of persons under the Scheme in accordance with the Rules and this By-law; and ensuring that its individual members comply with the Association's Rules, this By-law, and the Code of Ethics and Professional Conduct, and any laws and regulations with which the Association must comply.



- (3) Members of the Certification Board are bound by the policies of the Association.
- (4) Members of the Certification Board must exercise their powers and discharge their duties with reasonable care and diligence:
 - (a) in good faith in the best interests of the Scheme; and
 - (b) for a proper purpose.
- (5) Members and former members of the Certification Board must not make improper use of:
 - (a) their position; or
 - (b) information acquired or accessed by virtue of holding their position; so as to gain an advantage for themselves, any other person or organisation, or cause detriment to the Scheme or the Association.

16.19 Conflicts of Interest

- (1) A member of the Certification Board, or any person who is engaged in the implementation of the Scheme, who has a material personal or pecuniary interest in a matter being considered at a meeting must disclose the nature and the extent of that interest to the meeting.
- (2) The person:
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.
- (3) This requirement does not apply to a material personal or pecuniary interest:
 - (a) that exists only because the person belongs to a class of persons for whose benefit the Scheme is established; or
 - (b) that the person has in common with all, or a substantial proportion of, a class of persons recognised under the Scheme.

16.20 Meetings of the Certification Board

- (1) The Certification Board must meet at least four (4) times per calendar year, at the dates, times and places it determines, either in person, using electronic means of communication, or in combination.
- (2) Notice stating the date, place and time of each meeting of the Certification Board, and the business to be conducted, must be given to its members no later than seven (7) days before the date of the meeting.
- (3) The business to be conducted at a meeting of the Certification Board is to be the business for which notice is given, unless otherwise agreed by an absolute majority of the Certification Board.



- (4) The procedures to be followed and the order of business at a meeting are to be determined from time to time by the Certification Board.
- (5) The Certification Board may meet without notice for the transaction of urgent specific business:
 - (a) subject to resolutions made at the meeting being passed by an absolute majority of the Certification Board; and
 - (b) the only business conducted at the meeting being the business for which the meeting is convened.
- (6) The chair of a meeting of the Certification Board may, with the approval of a majority of members present at a meeting, permit other persons to be present and contribute to, but not vote, at a meeting.
- (7) No business may be conducted at a Certification Board meeting unless a quorum is present.
- (8) The quorum for a meeting of the Certification Board is the presence of an absolute majority of its members.
- (9) If a quorum is not present within thirty (30) minutes of the notified time for a meeting of the Certification Board, the meeting must be adjourned and notice given of a new meeting.

16.21 Decision making

- (1) On any question arising at a meeting of the Certification Board, each member has one (1) vote.
- (2) A decision is passed if a majority of members present at the meeting vote in favour of the decision.
- (3) Sub-rule 16.21(2) does not apply if the decision is required to be made by an absolute majority of the members of the Certification Board.
- (4) In the event of an equality of votes, the chair of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

16.22 Records of meetings of the certification board

- (1) The Certification Board must ensure that minutes of each meeting are taken and kept.
- (2) The minutes must record the following:
 - (a) the date, time and place of the meeting;
 - (b) the names of persons in attendance at the meeting, and the capacity of that attendance;
 - (c) the business considered at the meeting;



- (d) any resolution on which a vote is taken and the result of the vote; and
- (e) any material personal or pecuniary interest disclosed and the action taken following that disclosure.

16.23 Registrars

- (1) The Certification Board may appoint, on such terms as it determines, one or more Registrars to assist with the administration of the certification process under the Scheme.
- (2) The appointment of Registrars shall be an open and transparent process that engages EIANZ members, and current Certified Environmental Practitioners.
- (3) Registrars may be responsible for:
 - (a) determining whether applications for certification have been properly made;
 - (b) determining whether applications for re-certification have been properly made; and
 - (c) such other responsibilities as may be determined by the Certification Board within the scope of its responsibilities.
- (4) Registrars may be paid honoraria for services rendered, at a rate determined by the Certification Board.
- (5) Registrars are bound by the policies of the Association.

16.24 Certification Assessment Panels

- (1) The role of a Certification Assessment Panel is to review a person's application for certification, interview the person, and advise the Certification Board on the eligibility and of the person for certification having regard to the criteria for the field of certification.
- (2) The Certification Board may appoint Certification Assessment Panels, each consisting of three (3) Certified Environmental Practitioners.
 - (a) A decision to vary the composition of a Certification Assessment Panel to include members who are not Certified Environmental Practitioners must be made on a case by case basis by an absolute majority of the Certification Board.
 - (b) Where a Certification Assessment Panel is considering applications for certification in a field of specialised environmental practice, the panel shall include persons who are Certified Environmental Practitioners in that field of specialised environmental practice, or are recognised experts in that field of specialised environmental practice.
- (3) The appointment processes for Certification Assessment Panels shall be open and transparent, and engage EIANZ members and current Certified Environmental Practitioners.



- (4) Certification Assessment Panels shall review applications for certification and report to the Certification Board on whether a person's application should be approved, rejected or deferred for further assessment.
- (5) Each Certification Assessment Panel shall appoint one of its members to be the Chair of the panel, and to take responsibility for convening meetings of the panel, keeping records of meetings, and compiling reports for the Certification Board on a person's application for certification.
- (6) Certification Assessment Panel members may be paid honoraria for services rendered, at a rate determined by the Certification Board.
- (7) Certification Assessment Panel members are bound by the policies of the Association.

16.25 Certification Appeal Committees

- (1) The EIANZ Board shall appoint on a continuing or ad-hoc basis, one or more Certification Appeal Committees to receive, hear and determine appeals against decisions of the Certification Board relating to the certification or re-certification of a person.
- (2) A Certification Appeal Committee shall consist of three (3) senior environmental practitioners of at least ten (10) years standing, who are not members of the Certification Board, who have not contributed to the decision of the Certification Board being appealed, and are:
 - (a) Fellow Members of the EIANZ; or
 - (b) Certified Environmental Practitioners;
- (3) A Certification Appeal Committee shall elect one of its members to be the Chair of the committee, and take responsibility for convening meetings of the committee, keeping records of meetings, and compiling reports to the Certification Board and EIANZ Board on the decisions of the committee.
- (4) A Certification Appeal Committee may regulate its own proceedings while:
 - (a) acting in accordance with the principles of natural justice;
 - (b) acting in accordance with principles of equity and good conscience without regard to technicalities and legal forms;
 - (c) conducting hearings in a manner that avoids unnecessary formality; and
 - (d) informing itself on matters in ways that it considers appropriate, and without notice to the person that has lodged the appeal.
- (5) The members of a Certification Appeal Committee appointed on a continuing basis shall be eligible to serve for a period of three (3) years, and shall be eligible for re-appointment.
- (6) A member of a Certification Appeal Committee may resign in writing

addressed to the Chair of the Certification Board and the Secretary of the Association.

- (7) A member of a Certification Appeal Committee may be removed by resolution of an absolute majority of the EIANZ Board.
 - (a) A member of the Certification Appeal Committee should not be removed from office for exercising their responsibility for the independent, objective assessment of applicant appeals.
 - (b) A member of the Certification Appeal Committee should not be removed from office unless that member is not acting in good faith in the best interests of the Scheme.
- (8) Members of Certification Appeal Committees may be paid honoraria for services rendered, at a rate determined by the EIANZ Board.

16.26 Finance

- (1) All funds, from whatever source, associated with the Scheme are the property of the Association.
- (2) The funds for the operation of the Scheme may be derived from fees, levies, grants received and the sale of goods and services.
- (3) Any surplus funds or assets arising from the operation of the Scheme must not be distributed directly or indirectly to persons engaged in the administration of the Scheme, or who have the benefit of the Scheme.
 - (a) this clause does not prevent the Association from paying a person engaged in the administration of the Scheme, or who has the benefit of the Scheme:
 - (i) sitting fees or honoraria; or
 - (ii) reimbursement for expenses properly incurred; or
 - (iii) for goods or services provided on a competitive commercial basis to implement the Scheme;
 - (iv) provided that this is done in good faith on terms no more favorable than if the person was not engaged in the administration of the Scheme or had the benefit of the Scheme.
- (4) The funds for the Scheme shall be sourced and identified, separately and independently from the general funds of the Association.
- (5) Costs incurred in conducting the Scheme shall be charged against funds of the Scheme.
- (6) The Association shall keep and prepare financial records and statements that correctly record and explain the transactions, financial position and performance of the Scheme.



16.27 Annual financial auditing

- (1) The financial and other activities of the Scheme shall be audited annually by the independent auditor appointed to audit the annual financial statements and activities of the Association.
- (2) The cost of preparing annual financial statements and conducting an annual audit of the Scheme shall be a charge against the funds of the Scheme.
- (3) The Certification Board shall collaborate in a timely manner with the Association's appointed accountant and the independent auditor in the provision of information for the preparation of financial statements and the conduct of the audit.

16.28 Staff

- (1) Staff may be employed by the Association to support the administration and operation of the Scheme.
- (2) Staff members may have roles and responsibilities related to the Scheme and other aspects of the Association's activities.

16.29 Reporting and Consultation

- (1) The Association shall report annually to EIANZ members and Certified Environmental Practitioners on the operations, achievements and financial performance of the Scheme through the annual report of the Association.
- (2) The Certification Board shall report regularly, and at least each financial quarter year, to the EIANZ Board on the general performance and achievements of the Scheme.
- (3) The EIANZ Board and the Certification Board shall keep each other informed, consulting regularly, and at least each financial quarter year; on the general management and promotion of the Scheme, matters which may affect its operations and performance, and other matters of mutual interest.

16.30 Indemnity

- (1) The Association shall arrange such insurance cover as is necessary to protect it, and persons acting on its behalf, from any liability arising from the operation of the Scheme.
- (2) The cost of such insurance cover, whether separately arranged or included in the Association's general insurance cover, shall be a charge against the funds of the Scheme.
- (3) The Association shall establish and regularly review the risk profile of the activities associated with the Scheme and implement appropriate risk management strategies.



16.31 Intellectual Property

- (1) The Association shall arrange to trademark, copyright or otherwise protect, to the extent practicable, the intellectual property of the Association in the Scheme, including but not limited to:
 - (a) the mark that identifies a Certified Environmental Practitioner;
 - (b) the names "Certified Environmental Practitioner Scheme" and "Certified Environmental Practitioner";
 - (c) the acronym "CEnvP"; and
 - (d) the certificate issued to Certified Environmental Practitioners.
- (2) The cost of protecting the intellectual property of the Association in the Scheme shall be a charge against the funds of the Scheme.
- (3) The Association shall, on such terms as it sees fit, license and appropriately manage, the use of any intellectual property, including by a Certified Environmental Practitioner.
- (4) A Certified Environmental Practitioner must not use the intellectual property of the Scheme, other than in accordance with the terms of a license given for its use by the Association.

16.32 Custody and Inspection of Books and Records

- (1) Any register of Certified Environmental Practitioners, minutes of meetings of the Certification Board, financial records, books, and any other relevant documents relating to the administration of the Scheme, are books and records of the Association for the purpose of Rule 83 of the Rules of Association.
- (2) The Certification Board may not refuse to permit a member of the EIANZ Board, or a person acting under delegated authority of the EIANZ Board, or the Association's accountants and auditor, to inspect books and records relating to the Scheme.

16.33 Scheme reviews and audits

- (1) The Association shall continuously monitor and review the operation of the Scheme, to ensure that it remains focused on its objectives and purpose.
- (2) The Certification Board shall conduct and document an annual internal review of the scheme's processes and report to the EIANZ Board on its continuing suitability, adequacy and effectiveness, and material conformity with ISO 17024.
- (3) Every five (5) years, or as determined by the EIANZ Board, the EIANZ Board shall establish an external review to examine the operation and performance of the Scheme and make recommendations for its further development.



16.34 Winding-up of the Scheme

- (1) The Scheme may only be wound-up in accordance with a special resolution of the Association.
- (2) In the event of the winding up of the Scheme, all funds, records and surplus assets must be returned to the direct control of the EIANZ Board.