By-law 16

16 CERTIFIED ENVIRONMENTAL PRACTITIONER SCHEME

In accordance with Rule 85 of the EIANZ Rules of Association, 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’).

16.1 Objectives, Purpose and Standards

(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 formal process by which qualified and experienced persons are independently and impartially assessed as being proficient and ethical environmental practitioners.


16.2 Legal status

(1) The Scheme is an identified program of the Association, which is an incorporated body 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).

16.3 Independence of decisions

(1) The Certification Board shall be the certifying body for the Scheme.

(2) Responsibility for decisions relating to the certification of persons; and the scope, criteria, and administrative processes of the Scheme are solely vested in the Certification Board, except as stated in the EIANZ Rules and this By-law.

16.4 Impartiality and fairness

(1) The Certification Board shall ensure impartiality in relation to decisions concerning the certification of persons, and shall not allow commercial, financial or other pressures to compromise impartiality.

(2) The Certification Board shall ensure that policies and administrative procedures for certification are fair among all persons, and are not used to impede or inhibit access by persons to the Scheme.
(3) 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.

(4) The Certification Board shall regularly review and safeguard the impartiality and fairness of the Scheme’s policies and administrative procedures concerning the certification of persons.

16.5 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.

16.6 Certified Environmental Practitioner Scheme

16.6.1 Period 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 two (2) year periods, subject to them satisfying the criteria for re-certification established by clause 16.6.6.

16.6.2 Access to certification

(1) The Scheme shall be open to all qualified persons, whether EIANZ members or not.

16.6.3 Fields in which environmental practitioners maybe certified

(1) Certification under the Scheme shall be available in the field of general environmental practice; and such other fields of specialised environmental practice as may be determined by the Certification Board.

environment is a term defined in Rule 4, with environmental having a corresponding meaning.

environmental practice is a term defined in Rule 4 of the Rules of Association.
fields of specialised environmental practice are as determined and published by the Certification Board.

16.6.4 Criteria for certification in the field of general environmental practice

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

(a) 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, or higher level qualification in an environment related field;

(b) independently verified evidence that, post the award of the lowest level of qualification(s) produced at (a), the applicant has had the equivalent of five (5) years full-time experience, during the immediately previous ten (10) year period, working in one or more of the areas of environmental practice;

(c) 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:

i. the experience and technical competence of the applicant in one or more of the areas of environmental practice; and

ii. the standing of the applicant as a respected, proficient, ethical and active environmental practitioner;

(d) a written statement of claim, by the applicant, and supported by such documentation as may be required by the Certification Board, describing:

i. their experience in one or more of the fields of environmental practice; and

ii. how they demonstrate that they are a respected, proficient, ethical and active environmental practitioner;

(e) 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;

(f) a statutory declaration made by the applicant stating:

i. that if certified, the person will be bound by:

(a) the Association’s Rules and By-laws with respect to the Scheme;

(b) the Association’s Code of Ethics and Professional Conduct; and
(c) subject to the Association’s disciplinary and grievance procedures set out in Part 3, Division 3 and Division 4 of the Rules;

ii. that the person has not been charged with or convicted of a criminal offence;

iii. that the person has not engaged in conduct that would breach the Association’s Code of Ethics and Professional Conduct; and

iv. that all of the information provided in the application documents and documents that support the application for certification, is true and correct;

(g) payment of the applicable fee(s) determined by the Certification Board; and

(h) such other criteria that are approved and published by the Certification Board.

16.6.5 Criteria for certification in a field of specialised environmental practice

(1) The minimum criteria for certification in fields of specialised environmental practice are:

(a) all of the criteria for certification in the field of general environmental practice;

(b) independently verified evidence that, post the award of the lowest level of qualification(s) produced in satisfying (a), the applicant has had the equivalent of ten (10) years full time experience, during the immediately previous fifteen (15) year period, working in one or more of the fields of environmental practice; and

i. 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.

(c) evidence, in writing, that at least fifty (50) percent of the 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; and

(d) with the advice of a relevant Special Interest Section or other specialist organisation; such other criteria for each field of specialised environmental practice, that are approved and published by the Certification Board.

16.6.6 Criteria for re-certification

(1) The minimum criteria for re-certification are:

(a) a statutory declaration made by the person that states:
i. that the person continues to satisfy the criteria for certification in
the field of environmental practice in which they are certified;

ii. that if re-certified, the person agrees to be bound by:
   (a) the Association’s Rules and By-laws with respect to the
       Scheme;
   (b) the Association’s Code of Ethics and Professional
       Conduct; and
   (c) subject to the Association’s disciplinary and grievance
       procedures set out in Part 3, Division 3 and Division 4 of
       the Rules;

iii. that the person has not been charged with or convicted of a
    criminal offence;

iv. that the person has not engaged in conduct that would breach the
    Association’s Code of Ethics and Professional Conduct;

v. that all of the information provided in the application documents
    and documents that support the application for re-certification, is
    true and correct;

(b) payment of the applicable fee(s) determined by the Certification Board;

(c) evidence in the form of a Certified Professional Development Log (‘a CPD
    Log’), signed and witnessed, that the Certified Environmental Practitioner
    has undertaken the number of hours of ongoing training, continuing
    professional development activities, and service to professional practice, as
    specified by the Certification Board; and

(d) such other criteria that are approved and published by the Certification
    Board.

16.6.7 Processing applications for certification

(1) The Certification Board shall publicly invite applications for certification in the field of
    general environmental practice, and in each field of specialised environmental
    practice, at least once in each calendar year, and otherwise as it determines.

(2) Every application shall be forwarded to a Registrar, who shall determine whether it
    has been properly made, and where an application is not properly made, advise the
    applicant and request such documentation or fee(s) as may be required for it to be
    properly made.

(3) Where an applicant fails to respond, provide any requested documentation, or has
    not paid the applicable fee(s) within a reasonable time, the person’s application shall
    be deemed to be not properly made.

   (a) There is no right of appeal against the decision of a Registrar that an
       application is not properly made.
A Registrar shall cause all properly made applications to be forwarded to a Certification Assessment Panel Convener who shall appoint a Certification Assessment Panel to:

(a) review the application material and determine whether there is evidence that the person satisfies the criteria for certification for general environmental practice, or in a field of specialised environmental practice;

(b) formally interview the person seeking certification, and make such other enquiries as the Certification Assessment Panel deems necessary, to be assured that the person meets the criteria for certification;

(c) administer such other evaluative measures as may be determined by the Certification Board; and

(d) make a report to the Certification Board that recommends whether a person’s application should be approved, rejected or deferred for further assessment.

The Certification Assessment Panel Convener shall cause reports from Certification Assessment Panels to be forwarded to the Certification Board for its consideration and decision.

The Certification Board may, as it sees fit, make enquiries of regulatory authorities to determine the good standing of a person applying for certification;

(a) The Certification Board must, on receipt of advice from a regulatory authority that is prejudicial to an applicant:

i. inform the applicant in writing, providing a copy of the advice;

ii. seek a response from the applicant; and

(b) The Certification Board must consider any response given by the applicant when deciding whether they should be certified.

The Certification Board shall consider the report of a Certification Assessment Panel, and any information concerning the good standing of an environmental practitioner, and shall:

(a) approve the certification of a person; or

(b) reject the certification of a person; or

(c) defer consideration of the application for further assessment.

If the Certification Board cannot, within a reasonable period, be satisfied that the person meets the criteria for certification it must reject the application.

16.6.8 Processing of applications for re-certification

The Certification Board, prior to the expiry of a person’s certification, shall advise the person:
(a) of the date of expiry;
(b) that a CPD Log is required;
(c) of the criteria for certification in the field of general environmental practice, and, if relevant, the field of specialised environmental practice in which the person is certified; and
(d) invite the person to make an application for re-certification.

(2) Every application shall be forwarded to a Registrar, who shall determine whether it has been properly made, and where an application is not properly made, a Registrar shall advise the applicant and request such documentation, fee(s), or CPD Log as may be required for it to be properly made.

(3) Where an applicant fails to respond, provide any requested documentation, or has not paid the applicable fee(s) within a reasonable time, the person’s application shall be deemed to be not properly made.

(a) There is no right of appeal against the decision of a Registrar that an application is not properly made.

(4) The Certification Board may, as it sees fit, require a class of applicants for re-certification to be assessed by a Certification Assessment Panel to ensure that they continue to meet the criteria for certification in the relevant field of environmental practice.

(a) Where such an assessment takes place it shall be conducted in accordance with the process set out in 16.6.7(4) and (5).

(5) A Registrar shall otherwise make a report to the Certification Board on whether a person’s application for re-certification has been properly made and should be approved.

(a) Where an application is not properly made a Registrar must recommend that it be rejected.

(6) The Certification Board may, as it sees fit, make enquiries of regulatory authorities to determine the good standing of a person applying for re-certification;

(a) The Certification Board must, on receipt of advice from a regulatory authority that is prejudicial to an applicant;
   i. inform the applicant in writing, providing a copy of the advice;
   ii. seek a response from the applicant; and

(b) The Certification Board must consider any response given by the applicant when deciding whether they should be re-certified.

(7) The Certification Board shall consider the report of a Certification Assessment Panel or Registrar, and any information concerning the good standing of an environmental practitioner, and shall:
(a) approve the re-certification of a person; or
(b) reject the application for recertification.

(8) The Certification Board may audit the CPD Log to satisfy itself as to the veracity of the record and its conformity with the requirements for continuing professional development.

(a) The results of the audit of a person’s CPD Log shall be reported to the Certification Board which shall decide to:

i. continue the person’s certification; or

ii. suspend the person’s certification for a specified period and subject to stated relevant conditions; or

iii. withdraw the person’s certification.

(b) A decision to suspend or withdraw a person’s certification as a result of an audit of a CPD Log shall be appealable as if it were an application for re-certification that is rejected.

16.6.9 Appeals on decisions about 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 Appeals Committee.

(2) Where the Certification Board has resolved not to certify or re-certify a person, it shall advise the relevant Registrar who shall, as soon as is practicable, cause a letter to be sent to the person that:

(a) sets out the resolution of the Certification Board and the grounds on which it is based;

(b) states that the person may:

i. accept the decision of the Certification Board; or

ii. appeal to a Certification Appeal Committee; and

(c) states that the person has twenty-eight (28) days from the date of the letter to advise the Registrar, in writing, that they wish to appeal the decision of the Certification Board; and

(d) states the applicable non-refundable fee for lodging an appeal.

(3) On being notified that a person intends to appeal the decision of the Certification Board, a Registrar shall, as soon as practicable, cause a letter to be sent to the person that states:

(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 to the Registrar not less than seven (7) days prior to the date set down 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 (28) days after a Registrar is notified 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 Certification 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) A person may, in writing addressed to a Registrar, withdraw an appeal at any time.

16.6.10 Fees

(1) The Certification Board 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 as it may determine.
(2) The Certification Board shall, once in each financial year, review and set the fees for the administration of the Scheme.

(3) The Certification Board 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 it may determine.

(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.

16.6.11 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 Board.

16.6.12 Register of certified environmental practitioners

(1) The Certification Board shall maintain a register of Certified Environmental Practitioners containing the:

   (a) full name;

   (b) field of environmental practice in which certified;

   (c) certificate number;

   (d) date of initial certification; and

   (e) whether certification is active, suspended or withdrawn;

for each certified person, and such other information as it may determine.

16.7 Leave for Certified Environmental Practitioners

(1) On application to the Certification Board, a Certified Environmental Practitioner may be granted a period of leave during which they may maintain the active status of their certification by:

   (a) paying a reduced annual fee; and

   (b) undertaking a reduced number of hours of continuing professional development;

as determined by the Certification Board.
(2) An application for leave must state the reasons why and the period for which leave is sought.

(3) The granting of a period of leave shall not incur an obligation by the Certification Board to repay a proportion of annual fees already paid.

(4) The granting of a period of leave does not remove the requirement for a Certified Environmental Practitioner to be re-certified every two (2) years.

16.8 Complaints concerning Certified Environmental Practitioners

(1) The Certification Board shall have a documented formal process for managing complaints concerning a Certified Environmental Practitioner.

(2) The Certification Board is delegated the power to take disciplinary action in accordance with Part 6, Division 3 and Division 4 of the Rules.

(3) If a complaint concerns a matter for which there are sufficient grounds for taking disciplinary action, the Certification Board must refer the matter to the Disciplinary Committee to hear the matter and determine what action, if any, to take against the individual.

16.9 Public Notification of the Certified Environmental Practitioner Scheme

(1) The Certification Board shall publish, and make available on the Association’s website, and such other places as it may determine, the following information about the Scheme:

   (a) a description of the fields in which certification is available;

   (b) the criteria that apply to certification and re-certification for general practice, and each specialised field of environmental practice;

   (c) the procedures that apply for processing applications;

   (d) the procedures that apply for lodging and processing an appeal against a decision of the Certification Board on certification or re-certification;

   (e) an extract of the register of currently Certified Environmental Practitioners; and

   (f) the formal process for making and managing complaints concerning Certified Environmental Practitioners.

16.10 Certification Board

(1) The business of the Scheme shall be managed by and under the direction of the Certification Board.

16.10.1 Powers of the certification board

(1) The Certification Board, within the limits of the financial and other resources available to the Scheme, is delegated power to:
(a) develop, document, represent and promote the Scheme;
(b) certify persons who satisfy the criteria for certification under the Scheme;
(c) suspend or withdraw the certification of persons who do not satisfy the criteria for certification under the Scheme;
(d) acquire, hold and dispose of personal property;
(e) open and operate accounts only with the financial institution used by the Association;
(f) raise money through fees, levies, receipt of grants, loans and the sale of goods and services, and secure the re-payment of monies owed as a debt or liability;
(g) authorise payments to staff, agents and contractors, and the payment of sitting fees and honoraria;
(h) appoint and remove staff of the Association employed for the purposes of the Scheme, in accordance with the policies and procedures of the Association;
(i) appoint agents to act on its behalf;
(j) enter into other contracts it considers necessary and desirable;
(k) establish committees consisting of Certified Environmental Practitioners, EIANZ members and other persons, with terms of reference it considers appropriate;
(l) determine sitting fees or honoraria payable to persons involved in the administration and operation of the Scheme, other than sitting fees or honoraria for members of the Certification Board which shall be determined by the EIANZ Board; and
(m) make and promulgate plans, a management system, policies and administrative procedures, consistent with the Rules and By-laws of the Association, for the good governance of the Scheme.

(2) The Certification Board may delegate its powers to any member of the Certification Board, a Registrar, a Certification Assessment Panel Convener or Certification Assessment Panel, staff 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; and
(c) the power to make and promulgate plans, a management system, policies and administrative procedures consistent with the Rules and By-laws of the Association, for the good governance of the Scheme.
(3) Any delegation by the Certification Board must be made by an absolute majority of the 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.

(5) Any delegation or revocation of a delegation by the Certification Board must be notified to the EIANZ Board at the time the delegation or revocation of a delegation is made.

**16.10.2 Membership and appointment of the certification board**

(1) The Certification Board shall consist of five (5) and not more than seven (7) suitable persons of which there shall be:

(a) three (3) who are continuing members of the Certification Board;

(b) a majority who are voting EIANZ members;

(c) members from both the Australian and New Zealand Chapters of the Association;

(d) a majority who are Certified Environmental Practitioners;

(e) a fair representation of genders, and a diversity of representation with respect to areas of environmental practice and geographic locations; and

(f) there may be up to two (2) persons who are not EIANZ members.

(2) The Certification Board shall be appointed by a resolution of an absolute majority of the EIANZ Board.

(3) Prior to the expiration of the term of office of the members of the Certification Board, it shall implement an open and transparent process that engages EIANZ members, and current Certified Environmental Practitioners, to identify a panel of suitable persons who satisfy the requirements set out in 16.9.2 (1);

(a) the panel of suitable persons shall be at least two (2) more in number than the number of persons required to comprise the Certification Board;

(b) the panel of suitable persons shall be accompanied by:

   i. a statement of the relevant qualifications and experience that each person would bring to the activities of the Certification Board;

   ii. a detailed curriculum vitae;

   iii. a statement of commitment that the person supports the Scheme and is prepared to serve; and if appointed, to abide by the Rules and By-laws with respect to the Scheme and the Code of Ethics and Professional Conduct;
iv. a declaration, in the approved form, that the person is not disqualified from managing a corporation within the meaning of the Corporations Act 2001 (Cth), and has not been disqualified under the Australian Charities and Not-for-profits Commission Act 2012 (Cth) from being a responsible person of a registered charity; and

(c) not less than two (2) months prior to the expiration of the term of office of the Certification Board, the Chair of the Certification Board shall send the details of the panel of suitable persons to the Secretary of the EIANZ Board for its consideration.

(4) Not less than two (2) months prior to the expiry of the term of office of the members of the Certification Board, the EIANZ Board shall decide the membership of the Certification Board.

(5) A member of the Certification Board shall be appointed for a term of three (3) years, and shall be eligible for re-appointment for three (3) consecutive terms.

(6) Each member of the Certification Board shall receive a formal letter of appointment signed on behalf of the EIANZ Board, a copy of the Rules of the Association, a copy of this By-law, and a copy of the Code of Ethics and Professional Conduct.

(7) In the event of a casual vacancy in the membership of the Certification Board, the EIANZ Board may appoint a person to fill the vacancy.

(a) A person appointed to fill a casual vacancy shall serve out the remainder of the term of office of the person vacating the Certification Board.

(b) The process for the appointment of a person to fill a casual vacancy shall be substantially the same as that for the appointment of the Certification Board, with a minimum of three (3) names being proposed by the Certification Board.

(c) The Certification Board and EIANZ Board are obliged to ensure that the composition of the Certification Board set out in 16.9.2 (1) is maintained.

16.10.3 Resignation and removal of members of the certification board

(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.

(a) A member of the Certification Board who fails to attend three (3) consecutive regular scheduled 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.

(b) 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) must resign forthwith, and a
casual vacancy shall exist from the date of resignation.

(c) A member of the Certification Board found by the Disciplinary Committee to be in breach of the Rules, By-laws and Code of Ethics and Professional Conduct of the Association, must resign forthwith, and a casual vacancy shall exist from the date of resignation.

(2) Where a member of the Certification Board chooses not to resign, in circumstances of ill health and incapacity, they may only be removed from office:

(a) on a recommendation, in writing, signed by an absolute majority of the members of the Certification Board; and

(b) in accordance with a resolution of an absolute majority of the members of the EIANZ Board.

16.10.4 General duties of members of the certification board

(1) As soon as practical after being appointment to the Certification Board, each member shall become familiar with the Rules of the Association, this By-law, and the policies and administrative procedures that inform the operation of the Scheme.

(2) The Certification Board is collectively responsible for the governance of the Scheme in accordance with the Rules and this By-law; and ensuring that its individual members comply with the Rules and By-laws with respect to the Scheme, and any laws and regulations with which the Association must comply.

(3) 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 the Association; and

(b) for a proper purpose.

(4) Members of the Certification Board must perform any other duties required by resolution of the Board.

(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.

16.10.5 Chair of the certification board

(1) As soon as practical after the appointment of the Certification Board, its members shall meet, and on a resolution by an absolute majority, appoint one of the members to be the Chair of the Certification Board.
(2) The Chair shall serve for the term of their membership of the Certification Board, and shall be eligible for reappointment if re-appointed to the Board.

(3) The Chair of the Certification Board shall preside at its meetings, represent the Scheme to the EIANZ Board, and lead the representation of the Scheme to other organisations and the wider community.

(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.

16.10.6 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.

(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 a 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 by post, telephone or other means of electronic communication:

(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 persons and support staff to be present and contribute to, but not vote, at a meeting.

16.10.7 Quorum for meetings of the certification board

(1) No business may be conducted at a Certification Board meeting unless a quorum is present.

(2) The quorum for a meeting of the Certification Board is the presence, in person or by use of technology that allows the members to clearly and simultaneously speak with each other, of an absolute majority of its members.

(3) 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.
16.10.8 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 two (2) does not apply if the decision is required to be passed 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.

16.10.9 Records of meetings of the certification board

(1) The members of 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 decision on which a vote is taken, and the result of the vote as recorded for each member; and

(e) any material personal or pecuniary interest disclosed under clause 16.5 and the action taken following that disclosure.

16.11 Registrars

(1) The Certification Board shall appoint, on such terms as it determines, one or more Registrars to assist with the general administration of the Scheme.

(2) The appointment of Registrars is to be an open and transparent process that engages EIANZ members, and current Certified Environmental Practitioners.

(3) Registrars shall be responsible for:

(a) determining whether applications for certification have been properly made;

(b) determining whether applications for re-certification have been properly made;

(c) notifying persons appealing against the decisions of the Certification Board of the rights of an appellant and the arrangements for hearing an appeal;
16.12 Certification Assessment Panel Conveners and Panels

(1) The Certification Board shall appoint one or more Certification Assessment Panel Conveners on such terms and in such geographic areas and jurisdictions as it determines.

(2) The Certification Board may maintain pools of qualified members of Certification Assessment Panels, consisting of EIANZ members, Certified Environmental Practitioners, and, at the discretion of the Certification Board, may include senior environmental practitioners who would be eligible for certification.

(3) The appointment of Certification Assessment Panel Conveners and the creation of a pool of qualified members for appointment to Certification Assessment Panels, are to be open and transparent processes that engage EIANZ members, and current Certified Environmental Practitioners.

(4) A Certification Panel Assessment Convener coordinates the certification assessment process by appointing one or more Certification Assessment Panels to 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 be composed of three (3) persons, a majority of whom must be EIANZ members, unless the Certification Board determines otherwise.

(a) A decision to vary the composition of a Certification Assessment Panel must be made on a case by case basis by an absolute majority of the Certification Board.

(6) Where a Certification Assessment Panel is considering applications for certification in a field of specialised environmental practice, the panel shall include at least one (1) person who is a Certified Environmental Practitioner or recognised expert in that field of specialised environmental practice.

(7) 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.

(8) Decisions of a Certification Assessment Panel shall be taken by an absolute majority vote of its members.

(9) Certification Assessment Panel Conveners, and members of a pool of qualified members or a Panel, may resign in writing, addressed to the Certification Board.

(10) Certification Assessment Panel Conveners and Panel members may be paid
honoraria for services rendered, at a rate determined by the Certification Board.

16.13 Certification Appeal Committees

(1) The Certification 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, and are:

(a) Fellow Members of the EIANZ; or
(b) Certified Environmental Practitioners;

who have not contributed to the decision of the Certification Board being appealed.

(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 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 two (2) years, and shall be eligible for appointment for further periods of two (2) years.

(6) A member of a Certification Appeal Committee may resign in writing addressed to the Chair of the Certification Board.

(7) Members of Certification Appeal Committees may be paid honoraria for services rendered, at a rate determined by the Certification Board.

16.14 Finance

16.14.1 Sources of funds

(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) The Certification Board may, with the approval of an absolute majority of the EIANZ Board, borrow monies to fund specific activities that are consistent with achieving the objectives and purpose of the Scheme.

(4) Funds may not be borrowed to fund the operational expenses associated with the implementation of the Scheme.

16.14.2 Protecting the not for profit status of the association

(1) 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.

(2) Sub-clause (1) does not prevent the Certification Board from paying a person engaged in the administration of the Scheme, or who has the benefit of the Scheme:

(a) sitting fees or honoraria; or

(b) reimbursement for expenses properly incurred; or

(c) for goods or services provided on a competitive commercial basis to implement the Scheme;

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.

16.14.3 Management of funds

(1) The Certification Board, within the limits of the financial resources available to the Scheme, is delegated authority to undertake all financial transactions associated with the implementation of the Scheme.

(2) The Certification Board must not operate a deficit financial position, and must maintain operating reserve funds equivalent to six (6) months of expenditure, to meet its ongoing financial commitments.

(3) The funds for the Scheme shall be sourced, identified, held and operated by the Certification Board separately and independently from the general funds of the Association.

(4) The Certification Board must open and operate accounts only with the financial institution used by the Association.

(5) The Certification Board may authorise, in writing, one or more of its members, or permanent employees of the Association appointed by the Certification Board, to expend funds up to a specified limit without requiring the formal approval of the Certification Board for each item of expenditure.

(6) All funds received in the name of the Scheme must be deposited into the accounts operated by the Certification Board no later than seven (7) days after receipt.
(7) All payments made in the name of the Scheme, other than those made by an authorised credit card, must be signed or electronically authorised by:

(a) two (2) members of the Certification Board; or

(b) one (1) member of the Certification Board and one (1) person who is a permanent employee of the Association appointed by the Certification Board.

(8) The Certification Board may establish with the financial institution used by the Association, credit/debit card facilities for use by members of the Board, or permanent employees of the Association appointed by the Board, for the payment of accounts rendered and official expenses, provided:

(a) payments and the purpose of the payment is accurately recorded at the time of the transaction; and

(b) that transactions are regularly reconciled and reported to the Certification Board.

16.14.4 Financial records

(1) The Certification Board shall keep and prepare, using the same electronic accounting system used by the Association, financial records and statements that correctly record and explain the transactions, financial position and performance of the Scheme.

16.15 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, reimbursable to the Association.

(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.

16.16 Reporting and Consultation

(1) The Certification Board 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 no less frequently than each financial quarter year, to the EIANZ Board on the general and financial performance and achievements of the Scheme.
(3) The EIANZ Board and the Certification Board shall keep each other informed, consulting regularly, and no less frequently than 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.

16.17 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, reimbursable to the Association.

(3) The EIANZ Board shall keep the Certification Board advised of the insurances arranged, providing details of certificates of currency, costs, and policy terms and conditions.

(4) The Certification Board shall establish and regularly review the risk profile of the activities associated with the Scheme, and implement appropriate risk management strategies.

16.18 Intellectual Property

(1) The Certification Board 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 Certification Board 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 Certification Board.

16.19 Custody and Inspection of Books and Records

(1) Any register of Certified Environmental Practitioners, minutes of meetings of the Certification Board, financial records, books, securities 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.

(2) The Certification Board may refuse to permit a member of the Association to inspect records relating to the administration of the Scheme that relate to confidential, personal, employment, commercial or legal matters, or where to do so may be prejudicial to the interests of the Scheme.

(3) The Certification Board may not refuse to permit a member of the EIANZ Board, or a person acting under specifically delegated authority of the EIANZ Board, or the Association’s accountants and auditor, to inspect books and records relating to the Scheme.

16.20 Management System

(1) The Certification Board shall establish, document, implement and maintain a management system that is capable of supporting and demonstrating the consistent achievement of the requirements of the EIANZ Rules and this By-law.

(a) The management system shall be informed by:

i. the legislative obligations of the EIANZ;

ii. the EIANZ Rules and this By-law;

iii. ISO/IEC 17024, 2nd Edition, 2012-07-01; and

iv. any plans, policies, and administrative guidelines of the Certification Board.

16.21 Review

(1) The Certification Board shall continuously monitor and review the operation of the Scheme, to ensure that it remains focused on its objectives and purpose.

(2) Every five (5) years the Certification Board shall establish a review committee to examine the operation and performance of the Scheme and make recommendations for its further development.

(3) The Certification Board shall consult with and have regard to the advice of the EIANZ Board, on the membership and terms of reference for a review committee.

(4) The Certification Board may as a result of its own deliberations, or as a result of recommendations received from a review committee, request the EIANZ Board to make changes to this By-law.
16.22 Winding-up of the Scheme

(1) The Scheme may only be wound-up in accordance with a special resolution of the Association, and in accordance with the provisions of Rule 85 for the repeal of this By-law.

(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.