



GREEN LOANS PROGRAM ENQUIRY APRIL 2010.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE

SUBMISSION RELATIVE TO MATTERS ADMINISTRATIVE (a) (i) (B), (C), (E) and (a) (ii) (B) BY INDEPENDENT HSAS ASSESSOR ROBERT JOHN ANDREWS

- (a) (i) (B) : regulation of HSA practices, including promotion of assessments;
(i) (E): mismanagement

Regulation of HSA practices

Submission is about regulation of HSA Assessor practices Section 17.1(a) of DEWHA Contracts for Individual Assessors and Section 6.6.3 of Assessor Code of Professional Practice, to “act impartially at all times” (my emboldening).

It is about interpretation and intent.

Submission is that at **no** time, meaning no time prior to, during, or following an Assessment, is an Assessor free to promote personal or commercial interests with or concerning that household, directly or indirectly, other than personal interest associated with an Assessor’s HSAS remuneration derived for carrying out required HSAS Assessment services efficiently, correctly, and at all times impartially.

Although Contract and Code documents extend to provide more detailed guidance applicable during Assessments, neither the “at all times” wording referred to above, nor preceding **Conflict of interests** Sectional paragraph headings confine interpretive application to behavioural requirement only during Assessments.

Had this been the intention, Sectional headings reasonably could and should have been extended to include “during Assessments”, and “at all times” in Contracts similarly.

“At all times”, I Submit, therefore, is intended to remove all doubt about interpretation and application.

My experience with the Program however is that Companies associated with or employing Assessors or operatives have interpreted the presence of “at all times” with regard to conflict of interest provisions in Assessor contracts as applying only

to the period within a household of just the Assessor carrying out the HSAS Assessment.

Provided that interpretation and intent of “at all times” by the Environment, Communications, and the Arts Committee accords as Submitted, supplementary Submission relating to **(a) (i) (E) management** is that failure of any Assessor to adhere strictly to this regulatory activity requirement attracts management consideration of termination of their HSAS Contract for default, according to Contract Section 22.3; also therefore that management failure to not detect and recognise Assessor failure promptly for action in accordance with Section 22.3, constitutes failure in management.

Involvement of Assessors with households, service providers, and contractors (including insulation suppliers/installers) by those Assessors, Assessments of whom indicated such product requirement, in all probability raises questions of Assessor public liability and personal professional indemnity consequences.

Extensive direct product Company access by HSAS Assessor employees or Assessors with whom they are associated to within households through the HSAS Program, unlikely achievable in most commercial circumstances otherwise, provides irresistible opportunity for enthusiastic competitive sales forces of reputable Companies as well as those of dubious standing, to use the HSAS Program as a platform for primarily commercial gain.

In these circumstances HSAS Assessments become secondary, completed in the shortest possible time (some perhaps completed “theoretically” by support staff at base) to allow greater Assessor field coverage availability.

Early in the Program as an independent Assessor, a former fellow trainee, by then an Assessor of a Company, told of carrying out most HSAS Assessments in about twenty minutes, completing six or seven a day.

Seldom do I manage to complete an Assessment in less than two hours.

More recently have I become aware of households believing a HSAS Green Loans Assessment already carried out on their household, which led to installation of photo-voltaic cells or insulation involving thousands of Dollars and establishment of loans, yet no documentation available that could be produced to me to show

that the HSAS Green Loans Assessment allegedly offered and referred to as such by the Companies concerned, actually was involved.

If interpretation of “at all times” in HSAS Contracts as Submitted accords with the Committee Enquiry’s view, I Submit that

- only Assessors having no personal gain or commercial interest other than interest as an HSAS Assessor according to this interpretation, should qualify for Accreditation as HSAS Assessors ;
- “at all times” in future Contract wording should be emboldened, italicised, or underlined, for additional emphasis;
- “at all times” as defined, should be included at Section 26.1 “Dictionary” of Contracts;
- as additional deterrent to conflict of interests malpractice, or for practical application , as required, “Audit and access” Section 19.1(a) of Contracts should be extended to contain Assessor agreement of access to their tax records for verification of absence of other interests, for example by the addition of wording “and of their tax records to determine absence of conflict of interest”;
- to support existing Contract Section 16.2(e) prohibiting disclosure of any detail concerning households or householders (including therefore their contact details) other than to the HSAS Government Department concerned, at all times, Contracts should contain additional wording to prohibit Assessor contact completely with Householders after completion of Assessments;
- in documents accompanying Contracts forwarded for signature by prospective Assessors, consultation with solicitors about Contract interpretation and implications should be more strongly urged.

Promotion of Assessments

Commercial enthusiasm for the opportunities offered through the HSAS Program has led to rapid additional demand for Assessor training by product Companies, for their acquisition of more (“dual function”) Company Assessors to follow-up Assessments (not necessarily carried out as HSAS Assessments) with Company product marketing, as well as extensive marketing to householders of Assessments, to support Company demand for Assessors.

Both the statistical rise in public demand for HSAS Assessments and increase in the number of Assessors as a consequence, are unlikely to be representative of the true scale of free-range public demand, likely, I Submit, to be much less.

The Review outcome will determine the extent to which HSAS Assessment and Assessor demand returns and whether supplementary promotion is required.

It is conceivable that the Government's initial requirement for 2000 Assessors was well cast in a market serviced only by completely independent Assessors. Selection of those of the latter from among existing qualified independent HSAS Assessor contractors before determination of a revised target number of Assessors to service revised public demand following the Review, would seem a sensible conservative Review option likely to help restore public confidence.

(a) (i)(C) Accreditation of HSAs

If Submission about interpretation of "at all times" in Contracts and Code at (a)(i)(B) above is accepted, it should follow, I Submit, that only Assessors verifiable as not having other personal or commercial interest should qualify for accreditation by ABSA or any similar body as HSAS Contract Assessors.

Even perceived likelihood of association with product Companies, for example by prospective Call-centre or Marketing Company Assessors, should disqualify.

I Submit also that because of the Questionnaire nature of HSAS Assessment work and the research put into that in advance by qualified people, it is probably not the level of qualification of Assessors (eg. Certificate 3 or 4 in Sustainability or whatever) that needed or yet needs focus for improvement of the Program.

(a) (ii) (B) effectiveness of the Booking System

There was management proposal at one point in recent months for Assessors and Assessor Companies to more comprehensively manage their own Bookings. I quickly opposed this on the grounds I considered it likely to become a vehicle for further rotting of the Program.

I adhere to that view. I Submit that the Booking System to date and the staff manning it a most efficient aspect of the HSAS Program.

Robert John Andrews