

# Code Review Panel member

Expression of Interest

December 2020



Australian  
Carbon Industry  
**Code of Conduct**



Job title	Code Review Panel members
Positions available	Three Panel members, including a Chair
Duration and Attendance	3-year appointment and will be eligible for reappointment. Minimum of four Panel meetings per year with out of session meetings to be negotiated as required (Estimate up to 6 meetings per year).
Remuneration	For the Panel Chair – sitting fees are set at \$3,000 per meeting. For the Panel members – sitting fees are set at \$2,000 per meeting.

Contact officer	Brad Kerin
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Applications	To apply please submit a cover letter and CV.
Applications close	29 January 2020
Declarations	Declaration of impartiality required on appointment.

## Overview

On the 1<sup>st</sup> of July 2018, the Carbon Market Institute (CMI) began implementation of one of the world's first voluntary domestic Carbon Industry Code of Conduct (the Code), designed to promote market integrity, consumer protection and accountability for industry practitioners and service providers across Australia. Developed over two years, with input from a wide range of industry, community and government stakeholders, and support from the Queensland Government, the Code provides guidance for project developers, agents, aggregators and advisers undertaking carbon offset projects including under the Australian Government's Emissions Reduction Fund and other Voluntary Offset Schemes.

It is a voluntary consumer protection code that aims to promote market integrity, transparency and accountability - and appropriate interaction with project stakeholders, including Native Title Holders, representative bodies, land managers and project owners. Code Signatories agree to meet the minimum best practice requirements for operating in the carbon industry, as set out in the Code, including during pre-project activities, ongoing project management, documentation and general business practices.

The Code's initial 'Foundation Stage' commenced on 1 July 2018 for a period of two years, with CMI appointed as Code Administrator. The following 'Operational Stage' commenced on 1 July 2020, with an initial transition year taken to undertake expansion of capabilities and functions. During this transition year, the Code Administrator is consulting on and implementing recommendations presented by the Code's FY20 Independent Review. Various elements of the Code will come into effect at the commencement of the Operational Stage including the establishment of a Code Review Panel (the Panel), delivery of compliance audits, investigation of complaints and breaches, and enforcement of sanctions.

The Panel is now being formed to provide Code oversight and monitoring, as well as acting as an arbiter of Code cases and appeals. The Panel will also have a greater role in the initial years of the Operational stage by providing a second review of proposals to apply severe sanctions or penalties and to transfer skills from the Panel to the Code Administrator. The Panel is to consist of three suitably qualified, independent panel members, including a Chair.

The Code Administrator now requests expressions of interest for these Code Review Panel members.



## Code Review Panel Member Responsibilities

The Panel will be responsible for the oversight, monitoring and direction of the Code, including:

- Arbitrating cases referred by the Code Administrator.
- Arbitrating appeals against sanctions imposed by the Code Administrator in accordance with Section 3.9 of the Code.
- Conducting inquiries into Code compliance.
- Provide ongoing sponsorship and support to the Code Administration team.
- Reviewing the Code Administrator's performance.
- Producing an annual report on the Code's operation, including reporting on the Code compliance, to enable a periodic assessment of the Code's effectiveness, ensure the Code standards meet the identified objectives, and to identify systemic issues and areas for improvement.
- Assist independent reviewers of the Panel and the Code in accessing all necessary information including procedures and reporting from the Panel and Code Administrator.
- Provide input and advice into the Code Administrator's systems and processes developed in preparation for the commencement of the Operational Stage. This includes the Code Review Panel Terms of Reference and frameworks for compliance audits, the investigation of complaints and breaches, and the enforcement of sanctions.

## Skills & Experience

The below skills and experiences are those required of the Panel as a whole. CMI as the Code Administrator accepted the recommendations of the [Code's FY20 Independent Review](#) (Recommendations 34 and 35) that stakeholder representation not be included in the consideration of the Panel, and to rather consider the skills needed by the Panel as whole.

Applicants are not required to have all the below qualifications but are expected to have suitable skills and experiences in some of the areas outlined to demonstrate suitability for the positions:

### Consumer Protections

- Be suitably qualified to arbitrate cases referred to it by the Code Administrator, and to hear appeals against sanctions imposed by the Code Administrator.
- Consumer advocacy, protection and the law.
- Regulatory or government administration of consumer law.
- Legal structures and advice, including an understanding of current frameworks to manage disputes for market participants.
- Financial services laws, including consumer protection provisions in the Australian Securities and Investments Commission Act 2001 (Cth) (ASIC Act).
- Consumer-facing procurement and contract management issues.

### Technical

- Ownership and legal right frameworks knowledge and experience.
- Best practice governance and risk mitigation experience.
- Skills and experience in developing and managing carbon projects in the carbon industry.

### Qualifications

- Tertiary qualifications in finance/economics/commerce; legal services; government administration and regulation preferred.



## Eligibility

- Code Review Panel members must not be a current Signatory to the Code. They must not have any conflict of interest, for example, be an employee of, or advisor to, any Code Signatory.
- The Code Review Panel member must not include individuals from the Carbon Market Institute Executive Team.
- The Code Review Panel member must not include a representative of the Code Administrator.
- The Code Review Panel member can be a Carbon Market Institute Member organisation as long as there is no conflict with the above criteria.
- All Panel members will be required to sign a Declaration of Impartiality on appointment.

## Term

The term of appointment of the Code Review Panel member will be for 3 years and will be eligible for reappointment (consideration will be taken of some shorter appointments in this initial term, to ensure that future Panel renewals retain institutional memory).

Panel members will be required to attend a minimum of four Panel meetings per year and will be remunerated through a sitting fee to attend meetings. Attendance at Panel meetings above the mandatory meetings, must be attended to ensure there is appropriate time to complete members responsibilities.

for more information please contact

Code Administrator

[code.administrator@carbonmarketinstitute.org](mailto:code.administrator@carbonmarketinstitute.org)

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