



Regulator suspends accredited business over alleged misleading social media marketing activity

The Essential Services Commission has taken action against accredited business Elite Sales Engine Solutions Pty Ltd – trading as Elite Smart Energy Solutions – due to marketing activity that allegedly breached the Victorian Energy Upgrades program code of conduct.

The commission has suspended Elite Smart Energy Solutions from the program until 31 January 2024 in relation to its activities under the Victorian Energy Upgrade program.

A commission investigation identified that a business contracted by Elite Smart Energy Solutions allegedly generated social media advertising which implied upgrades are provided by the Victorian Government, rather than Elite Smart Energy Solutions as an accredited business under the program.

This led to the creation of energy efficiency certificates for weather sealing upgrades associated with the alleged non-compliant marketing activity.

The conduct is a breach of the code of conduct which requires accredited businesses to take reasonable steps to ensure that a person understands the upgrade is not being undertaken by the Victorian Government. This rule is to prevent consumers being misled about who is providing the upgrades.

The commission has ordered Elite Smart Energy Solutions to surrender 592 energy efficiency certificates associated with the alleged non-compliant activity, which were valued at over \$50,000¹. No financial cost to consumers was identified as a result of this alleged misconduct.

While a contractor carried out the alleged non-compliant marketing activity, Elite Smart Energy Solutions was responsible as the accredited business for ensuring it complied with program rules.

Commissioner Sitesh Bhojani says the commission has zero tolerance for non-compliant, unethical, unsafe, fraudulent or misleading behaviour in the program.

¹ Value of certificates in this media release is based on the current spot price (\$87).

“All accredited businesses and their contractors must comply with the program code of conduct, and accredited businesses must have appropriate systems and processes in place to ensure activities carried out on their behalf are compliant.

“If they don’t, accredited businesses risk enforcement action and it may impact eligibility to have their accreditation renewed,” said Commissioner Bhojani.

Consumers should report concerns about the program to the commission via 03 9032 1310 or veu@esc.vic.gov.au.

Elite Smart Energy Solutions can apply for a review of the decision to suspend their accreditation.

Ends –

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About the Victorian Energy Upgrades program

The Victorian Energy Upgrades (VEU) program helps Victorians reduce their energy bills and greenhouse gas emissions by providing access to discounted energy efficient products and services. The program also encourages investment, employment and innovation in industries that supply these products and services.

Large energy retailers are required to acquire and surrender Victorian energy efficiency certificates (VEECs) to meet annual targets set in Victorian legislation. ‘Accredited persons’ that carry out eligible upgrade activities by installing energy-efficient products in residential or non-residential premises can create VEECs.

The greenhouse gas savings associated with the installation of an energy efficient product and/or decommissioning of an inefficient product determines the number of VEECs that can be created. The level of incentive or discount received by households and businesses varies depending on the market activity and certificate price.