

VEU code of conduct workshop for community advocates – 13 September 2022

Presenters' key points

Introduction

- Acknowledgement of Country, agenda, housekeeping.

Commissioner's welcome

- Welcome to the workshop, introductions of commissioners, Executive Director VEU Program and participants.
- Following the introduction of the code of conduct on 1 July 2022, the Essential Services Commission felt it important to discuss our engagement with key stakeholders.
- The code affords protections to consumers for all activities conducted under the Victorian Energy Upgrades (VEU) scheme, including all businesses and persons involved in the Victorian Energy Efficiency Certificates (VEECs) creation process.
- The commission recently completed a series of workshops for accredited persons and scheme participants, which were well received with most providers seeing the benefits of the code to their own business models and the VEU program.
- The commission would like consumers to be aware of their rights under the newly implemented code.
- The commission recognises consumer advocates are critical to the protection of consumers under the code.

About the VEU program

- The VEU program aims to reduce greenhouse emissions, improve access to discounted energy efficient products and services, reduce energy use and lower the cost of energy bills for consumers.
- The [Victorian Energy Efficiency Target Act 2007](#) established the regulatory framework for the VEU program.
- Since the VEU program commenced in 2009, over 2 million households and 141,000 businesses have participated in the program.
- The VEU program is a market-based program that sells a state-wide target for energy savings.
- Only accredited persons can create certificates resulting from the prescribed activity carried out. The number of VEECs generated will vary depending on the activity.
- In 2021, 7.5 million tons of greenhouse gas emissions were reduced.
- The volume of upgrades delivered in 2021 are highest number of upgrades undertaken since 2013.
- In 2021 the VEU program was also expanded to include new participants, technologies, products and services.

- There are 248 business currently registered to deliver prescribed activities under the program, with 84 accredited persons currently active.
- Over 900 new products were approved in 2021. There are over 18,300 approved products.
- The commission's foremost responsibility is maintaining the integrity of the program through its rapid expansion, working with stakeholders to promote and monitor compliance with the program rules.
- The commission recognises that consumer confidence is critical to the VEU program's ongoing success. With consumers in mind, the code was implemented to shape the future direction of the VEU program.
- The code was developed to ensure industry is incentivised to take a 'consumer first' approach, and outlines what accredited persons and scheme participants must do across the certificate creation lifecycle.
- Where the code is breached, VEECs cannot be created.

Code of conduct, consumers first

Accredited persons

- An accredited person is a person or organisation approved by the commission to create VEECs following the completion of prescribed activities.
- It is the accredited person's ultimate responsibility to ensure full compliance with the code. This includes considering the consumer's capacity, requirements to provide written documents, the prohibition of using high pressure tactics, lead generation requirements, activity scheduling and providing notice to residents.
- Providers must provide a schedule of activities to be undertaken during the upgrade itself to denote what will happen and when in simple terms for the consumer.
- Accredited persons and their representatives must not use high pressure tactics to achieve a lead or sale, nor should telemarketers contact consumers who have their number registered on the [Do Not Call Register](#).
- Leads should not be generated at the consumer's premises where the resident has indicated they do not wish to be approached by canvassers or doorknockers.
- Consumers must expect the following from an accredited person or their representative, at the time of entering a contract
 - a statement of rights outlining the consumer's right and obligations
 - terms and conditions that may apply, including any standard fees and charges or cooling off periods that may apply, and clear information about the upgrade
 - the consumer must also provide their consent for the upgrade to take place.
- The contract must include
 - a schedule of all activities undertaken as part of the upgrade including what will happen, where it will happen and when it will happen
 - information about the installer/s including names and contact details
 - information about the accredited person including business name and contact details.
- The code requires advance notice must be provided to all residents that may be affected by the works to be undertaken.
- The code also requires that the installer commence, undertake, and complete works agreed with consumer in the time frames specified. If any changes need to be made, the consumer should be advised ahead of time.
- The code also requires that products comply with program requirements.
- The consumer must also be provided with the accredited person's dispute resolution process.

- Any activity undertaken under the VEU program must be conducted only where a person 18 years or older is present.
- The commission acknowledges in the past, there may have been instances of industry taking advantage of vulnerable members of the community.
- The commission does not prescribe a specific method to determine a consumer's capacity to understand, however the accredited person must undertake reasonable steps to determine that a person aged over 18 and who is able to understand is present (given any mental impairment, illness, or language barriers). If there is no person present at the premises who has the capacity to understand, the accredited person/scheme participant must leave immediately.
- Accredited persons must provide written information about the code unless the consumer has provided consent for electronic copies.
- Consumers or consumer representatives may wish to [contact the Department of Environment, Land and Water Planning \(DELWP\)](#) to clarify any information about the program.

Supporting consumers

First step for complaint resolution

- Contact the accredited person.
- If unhappy with this response, then to go to the second step.

Second step

- [Contact the commission](#).
- Register client's telephone number on the [Do Not Call Register](#) (for telemarketing).
- Contact the [Australian Communications and Media Authority](#) (for telemarketing to persons already on the Do Not Call Register).
- Contact [Consumer Affairs Victoria](#) (for product related faults or issues).

Dispute resolution

- All accredited persons must provide consumers with a clear dispute resolutions framework.
- The framework must be able to manage complaints internally, including complaints raised by a third party on a consumer's behalf.
- The dispute resolution process must also provide other avenues and assistance to a consumer if their complaint is unresolved or not covered by the framework.

Commission complaints process

- Commission contacts accredited person and advises that we will expect a response on how the issue has been resolved.
- Commission may investigate a suspected breach of the code. Your client may be contacted by an investigator seeking more information. This is voluntary, and the consumer is not under any obligation to provide evidence if they do not wish to do so.

Complaints

- The commission is particularly concerned with misconduct affecting consumers who may be experiencing vulnerability, or where any misleading conduct has occurred.
- If, as a consumer advocate, you become aware of a serious breach of the code where a person's vulnerability has been taken advantage of or deliberately misleading information was given to a consumer, we would encourage you to contact the commission.
- Consumer complaint examples
 - Client is feeling pressured to say yes to installation: may be a breach of code clause 11 – high pressure tactics.
 - Water saving shower rose is leaking – not a code of conduct complaint, this is a product issue.

- Paperwork not supplied for in-home display unit installation – code breach as installer and lead generator were obliged to provide contact information for the accredited person.
- No resolution from the accredited person in over a month – should be referred to the commission, as the consumer has not had success with the accredited person’s dispute resolution process.
- Most alleged code of conduct complaints received by the commission from 1 July 2022 involve lead generation and marketing. Most of this is due to telemarketing. The next two common types of complaints include contract requirements and undertaking of prescribed activities.
- The commission has a range of enforcement tools available where breaches are substantiated.

Q&A session

- **Participant (Zoom chat):** Question in relation to engagement with accredited persons – does the commission have any resources on the work undertaken with accredited persons and the information provided to them?
- **Commission:** The commission has engaged with accredited persons over four workshops conducted prior to today’s session, with Q&A sessions. We have received their feedback on materials provided, published the [code of conduct guideline](#) to assist with interpretation of the code, published the [consumer information resource](#) to assist with understanding obligations and [website material](#) to detail their obligations. The commission seeks to have ongoing discussions with accredited persons to ensure continued compliance and to improve processes.
- **Participant (verbal):** In relation to engagement with accredited persons, would there be any open-source or resources or toolkits available for accredited persons that are publicly accessible?
- **Commission:** We have published the [code of conduct guideline](#) and a [consumer information resource](#). Resources from the [first workshop are currently available online](#), with resources from the second, third and fourth workshops in the process of publication. The commission is also reviewing feedback received from accredited persons and may publish additional materials as required to assist providers to achieve compliance.
- **Participant (verbal):** I assume these materials will be accessible on the commission’s website once published?
- **Commission:** Yes.

Closing remarks

- Provided [commission contact information](#) (email, social media, [VEU newsletter](#), phone).
- We hope the session was informative and assists to build a foundational knowledge of the VEU program to assist your clients.