

16th November 2022

Victorian Energy Upgrades Program
Essential Services Commission
Level 8, 570 Bourke Street
Melbourne 3000

Electronic Lodgement

SUBMISSION ON NEW VEU CODE OF CONDUCT IMPLEMENTATION REQUIREMENTS

Dear VEU Team,

Energy Savers Victoria would like to thank the department for the opportunity to comment on the Victorian Energy Upgrades Code of conduct implementation requirements.

Question one: Are there any additions to the dropdown list you would propose to be included?

We have no additions to propose for the dropdown.

Question two: Are there any barriers to collecting and providing the information required?

We would note that while the VEU code provides a definition of “lead generation” it does not provide a definition of “lead generator”. This definition is critical as the supply chain for lead generation will ordinarily contain multiple parties – for example a lead generation campaign via advertising on TV could include the AP, their agent/installer, a marketing agency who produces the advert, a media buying agency who buys the airtime and the TV channel on which the advertisement is ultimately shown. All these parties would be considered scheme participants undertaking some aspect of lead generation and it is not clear from the consultation materials which party it is intended should be captured on the assignment form as the “lead generator”.

This may also apply to telemarketing and door knocking where an AP contracts with an agent/installer for certificate creation and that agent/installer engages a 3rd party to undertake outreach activities to customers.

Given any ambiguity in this area could significantly weaken the utility of the data collected in helping to guide the ESCs enforcement action, our recommendation would be to define the lead generator as the scheme participant with whom an Accredited Provider contracts to undertake lead generation activities in relation to a prescribed activity (i.e. the scheme participant one step down in the value chain from the Accredited Provider).

We would also note that where advertising is used for lead generation it may not always be possible to link a customer enquiry/booking back to a specific lead generation source – for example where advertising is running across TV, radio and print simultaneously it will not be possible to determine with accuracy which channel generated a given lead. In most cases this should not be a concern if the above proposed definition of lead generator were to be adopted.

Regarding the proposed requirement to acknowledge the code, we see no apparent barriers.

Question three: Is there alternative information that accredited persons can provide instead to achieve the same objective?

The objective of the proposed changes is not stated clearly in the consultation paper, other than a general comment that the changes are to regulate accredited persons and ensure compliance with the Victorian Energy Upgrades (VEU) code of conduct. Our assumption based on the background information provided is that the commission is seeking to identify APs who are contracted with scheme participants who are undertaking activities in a non-compliant manor so they can take appropriate enforcement action.

To prevent the risk of “AP shopping” where scheme participants simply recontract with an alternative AP following compliance action it may be beneficial for the commission to request a full list of lead generators from each AP proactively, in addition to collecting this data retrospectively via assignment forms – noting that certificates may be submitted for creation several months after an activity has been undertaken.

Question four: Does the proposed commencement date of 23 January 2023 raise any concerns?

We have no concerns in regard to the proposed commencement date of 23 January 2023.

If the commission would like to further discuss our responses, please do not hesitate to contact me at

Best regards,

Pete.