

VEU code of conduct workshop for aggregator accredited persons – 2 August 2022

Presenters' key points

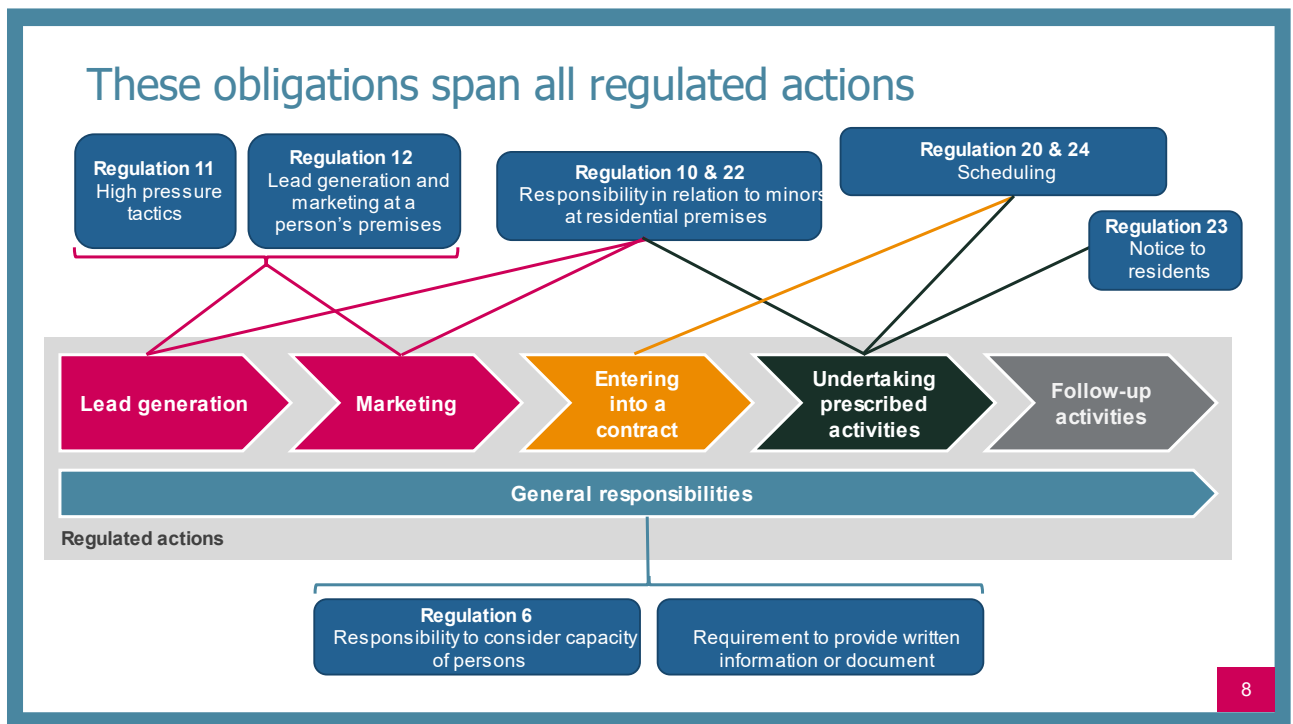
Commissioner's welcome

- Thank you for attending today's 'Know your obligations' code of conduct workshop. This workshop's purpose is to inform relevant stakeholders about aspects of the code relating to engaging with customers and the requirements for when non-complying products and services are provided, thereby building upon the information provided at the first workshop on 14 July.
- The code incentivises accredited persons and scheme participants to take a 'consumer first' approach and achieves this by including protections for consumers that are in step with Australian consumer law and cover:
 - marketing and sales of the program
 - contracts
 - installation and after sale follow-up
 - customer dispute resolution.
- Considering how to effectively engage with your customers at each point in the certificate creation lifecycle will help support your compliance with the code but will also deliver important benefits to you as a business owner by:
 - better informing your customer's choices
 - promoting confidence in your business and the program
 - developing trust and building relationships.
- It will also ensure your activities meet the program rules in place to reduce greenhouse gas emissions and increase energy efficiency and energy savings for consumers.
- Providing or using non-complying products and services is prohibited in the [Victorian Energy Efficiency Target Regulations](#) – often called the VEET Regulations – and the [Secretary's specifications](#) and can result in the potential surrender of certificates.
- It is important that accredited persons are aware, and keep records, of the activities your scheme participants undertake, and the products they use to comply with the program rules.

- While the commission cannot advise each business how to comply with the code, the workshops are designed to educate accredited persons and scheme participants on designing processes that will achieve compliance.

Engaging with consumers

- The code of conduct establishes how the industry engages with consumers and includes different aspects of consumer protections that apply when accredited persons and scheme participants interact with Victorian consumers as part of the VEU program. It also defines a minimum standard of service that is specific to interactions with consumers.
- Accredited persons are responsible for ensuring that all parties, including scheme participants, adhere to the code, and need to be in a position to demonstrate with evidence how compliance with these regulations has been achieved.
- Specific clauses within the code that apply to how to engage with consumers at different stages of the value chain are outlined in the figure below:



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Regulation 6

Considering consumers' capacity

- You must take reasonable steps to ensure to consider whether the person you are engaging with is capable of, or has difficulty, understanding the information or contract you provide due to mental illness/impairment or language barriers.

Regulation 7

Requirement to provide written information or document

- Where an accredited person or scheme participant is required to provide written information or a document to a person under the code, they may, with the consent of the person, provide an electronic link to access that information or document.

- Regulations 10 & 22** **Responsibilities in relation to minors**
- You must also leave immediately when you establish that no person aged 18 or over is present at the time of lead generation and marketing activities or when undertaking prescribed activities.
- Regulation 11** **High pressure tactics**
- When generating leads and conducting marketing campaigns, accredited persons and scheme participants must not engage in high pressure tactics. This includes pressuring or manipulation, acting aggressively, asking questions that aren't relevant or unreasonable or contacting someone who has previously requested no further contact.
- Regulation 12** **Generating leads at a person's premises**
- Conducting a sale at a person's premises is prohibited if signs such as "no canvassing" or "no doorknocking" are prominent.
 - If you/scheme participant is asked to leave, you must immediately.
- Regulation 20 & 24** **Scheduling**
- Reasonable steps must be undertaken to commence and complete prescribed activities on the dates and times agreed with the consumer. This applies to all installations, replacements and decommissioning activities.
- Regulation 23** **Giving notice to residents**
- All reasonable steps must be taken to give reasonable notice to a resident of each residential premises that is likely to be directly affected by undertaking the prescribed activity.
 - Prescribed activities must not take place unless residents affected in this way are notified first.

Non-complying products and services

- It is essential for products and services provided to consumers through the VEU program to comply with the [VEET Regulations](#) and the [Secretary's specifications](#) to enable certificates to be created.
- The ability to use **any** product that does not fulfill the criteria for use, despite it being cheaper or believed to achieve similar outcomes to those that have been approved, is not permitted.
- Likewise, certain services are required to be completed ahead of certificate creation to ensure the activity complies with the code. For example, installation of new products, decommissioning and disposal of the consumer's old products by licenced and registered tradespeople. Where a tradesperson needs to be licenced to install or decommission a product, it is prohibited for an unlicenced tradesperson to decommission the old product.
- Under the code of conduct, accredited persons are required to be aware of, ensure and document:
 - that scheme participants' provision of services and products comply with regulated requirements
 - that consumers are notified where non-compliant services and products have been identified
 - that any repairs or replacements undertaken comply with regulated requirements.

- Certificates generated using products and services that do not comply with the [Regulations](#), or do not work as intended and are not replaced or repaired, or where obligations under the code have not been fulfilled, will be invalid and likely result in non-registration or surrender.

Example

Your scheme participant installs a new hot water system at a business address.

It is significantly cheaper than most of the others on the market but only achieves half the required greenhouse gas emissions and improved energy efficiency levels required under the [VEET Regulations](#). You receive paperwork from the installer with details of the make and model and identify that it does not comply with the [Regulations](#).

Based on this example, you are required to notify the consumer, either directly or through the installer, of what has occurred and replace the non-complying item with one that does comply with the [Regulations](#).

- Accredited persons need to have record keeping systems in place that ensure they are confident their scheme participants have complied with the [VEET Regulations](#). They must also ensure any certificates they register fully comply with the code of conduct (e.g. products, dates and locations of installation, customer details).
- Under the code, you must also confirm all documentation provided by suppliers and installers is compliant with the VEET Regulations and the code.
- You should maintain **close supervision and oversight** of any prescribed activities conducted by your scheme participants.
- Reviewing complaints from consumers can help you audit scheme participants' compliance with the code.

We strongly encourage you read the [code](#) and the [commission's guideline](#) to fully understand and be able to undertake your obligations.