



23 Marcus Clarke Street  
Canberra ACT 2601

Our ref: AA1000439  
Contact officer: Theo Kelly  
Contact phone: 02 6243 1179

GPO Box 3131  
Canberra ACT 2601

tel: (02) 6243 1111  
adjudication@acc.gov.au

1/08/2019

www.acc.gov.au

Interested Party  
*By email*

Dear Sir/Madam

## **Clean Energy Council & Ors application for authorisation of New Energy Tech Consumer Code [AA1000439] - draft determination**

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation lodged by the Clean Energy Council, the Australian Energy Council, the Smart Energy Council and Energy Consumers Australia (together **the Applicants**) on 30 April 2019.

The Applicants are seeking authorisation, including on behalf of future signatories to the New Energy Tech Consumer Code (**Consumer Code**), to agree, sign up and give effect to the provisions of the Consumer Code.

### **Draft determination**

A copy of the ACCC's draft determination is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for the Applicants and future signatories to the Consumer Code to agree to, sign up to, and comply with, the Consumer Code for five years.

### **Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

### **Making a submission**

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **23 August 2019**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "AA1000439 – New Energy Tech Consumer Code – submission". If you prefer to make an oral submission, please contact Theo Kelly via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called (see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

### Optional pre-decision conference

In some cases the applicant(s) or an interested party requests that the ACCC convene a pre-decision conference in relation to the draft determination. If a conference is called in this matter it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **16 August 2019**.

### Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
<b>30 April 2019</b>	Lodgement of application and supporting submission.
<b>8 May 2019</b>	Public consultation process begins.
<b>22 May 2019</b>	Closing date for submissions from interested parties.
<b>1 August 2019</b>	Draft determination.
<b>August/September 2019</b>	Public consultation on draft determination including any conference if called.
<b>September/October 2019</b>	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Theo Kelly on 02 6243 1179.

Yours sincerely



Susie Black  
Director (A/g)  
Adjudication