
From: Adjudication
Sent: Monday, 7 September 2020 6:05 PM
Subject: ACCC seeking further views - Clean Energy Council's amended Solar Code [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID2593377]
Attachments: Attachment A Solar Retailer Code - marked- draft determination Aug 20.pdf; CEC Submission in response to draft determination dated 7 Sept 20 .pdf

Security Classification:
OFFICIAL

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Good afternoon

Following on from our email in August and the ACCC's [draft determination](#), the Clean Energy Council have provided submissions in response to the draft determination along with an amended Solar Retailer Code of Conduct which will be placed on the [public register](#) shortly. In the meantime, we have **attached** copies of both documents. The ACCC is seeking your comments about the specific changes that the CEC is proposing to make to the Code. In particular, we would be interested in your views on the following:

- the CEC has provided further information on why it needs re-authorisation for 3 years and why 2 years is insufficient (**see page 1 – 2 of the CEC submission**)
- the new appeals mechanism, which allows a retailer to appeal the CEC's decision to reject their application to become a signatory. The retailer has 15 days to lodge an appeal (for a \$750 fee), which will be heard by the Code Review Panel (or its appointed delegate) who will provide a written ruling as soon as reasonably practical (**clause 4.2 of the amended Code**)
- the CEC's proposal to introduce a corresponding fee for existing signatories who appeal a CEC decision, to maintain consistency across both appeals mechanisms and cover the CEC's costs as fees for signatories have not increased since 2015. The CEC has advised that it welcomes feedback on this proposal
- whether the reduced exclusion periods for rejected applicants are appropriate. The online application page will be changed so that rejected applicants must only wait 1, 2 and 3 months after a first, second and third rejection (rather than 3, 6 and 12 months), noting the CEC may increase the fees for subsequent applications (**see page 3 of the CEC submission**)
- the changes to the privacy provisions, as suggested by the Office of the Australian Information Commissioner (**clauses 2.2.12-13 of the amended Code**)
- the changes to the 12-month operating requirement for retailers seeking to become a signatory. CEC has proposed to amend the application form so that where a retailer which has been operating less than 12 months, the CEC can request further information from them to demonstrate relevant experience (**see page 3 of the CEC submission**).

The ACCC invites interested parties to provide submissions on these issues by **Monday 14 September 2020**.

Kind regards
Miriam

Miriam Kolacz

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The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.