



Our ref: AA1000514
Contact officer: Miriam Kolacz
Contact phone: (03) 9658 6476

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

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adjudication@acc.gov.au
www.acc.gov.au

Dear Sir/Madam

Clean Energy Council – application for revocation of authorisations A91495 and A91496 and substitution of AA1000514 – interested party consultation

On 15 May 2020, the Australian Competition and Consumer Commission (the **ACCC**) received an application for re-authorisation from the Clean Energy Council (**CEC**). This letter is to invite you to comment.

You are welcome to pass this letter on to others who may wish to make submissions.

The application for re-authorisation

The CEC is seeking re-authorisation¹ under the *Competition and Consumer Act 2010* (Cth) in relation to the Solar Retailer Code of Conduct (the **Solar Retailer Code**), subject to certain amendments. The Solar Retailer Code is a voluntary code intended to improve consumer protection and promote best practice for retail businesses selling solar photovoltaic systems.

The Solar Retailer Code was first authorised in 2013 and was re-authorised in 2015. Authorisations A91495 and A91496 are due to expire on 15 October 2020.

The amendments to the Solar Retailer Code are primarily directed at clarifying the minimum standards of good practice, such as requiring that certain information be included in a contract or provided to consumers in writing; enhanced monitoring and sanctioning of non-compliance; and updating outdated references.

The CEC's intention is that the Solar Retailer Code will be replaced by the New Energy Tech Consumer Code (**NETCC**) and that Solar Retailer Code signatories will transfer across to the NETCC (which covers a range of products beyond solar photovoltaic systems). However, the commencement of the NETCC has been delayed pending the outcome of a review of the [ACCC's NETCC determination](#) by the Australian Competition Tribunal. Further information on the Tribunal proceedings is available [here](#).

The CEC is seeking re-authorisation of the Solar Retailer Code for three years. This period is intended to cover the resolution of the NETCC Tribunal proceedings, and the transfer of signatories to the NETCC in stages over a two-year period.

A full copy of the application for re-authorisation is available on the ACCC's [authorisations public register](#).

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

Invitation to make a submission

The ACCC is now conducting a public consultation process on the Solar Retailer Code and invites you to make a submission commenting on the CEC's application for authorisation on the following issues:

- The likely public benefits and detriments arising from the Solar Retailer Code, and any other effects on competition that you consider will result from the code.
- The Solar Retailer Code includes amendments to setting minimum standards of good practice and enhanced monitoring by the Code Administrator and sanctioning non-compliance. What effect do these amendments have on the likely public benefits and detriments to result from the Solar Retailer Code? For further details, see the attached version of the Solar Retailer Code with all amendments marked up.
- The CEC's intention is that the Solar Retailer Code will be replaced by the NETCC and is proposing a three year transitional period to move signatories over to the NETCC. Is the three year period for which authorisation is sought appropriate?
- Any other issues you consider relevant to the ACCC's assessment of this matter.

We request submissions by **16 June 2020**.

How to make a submission

Submissions should be emailed to adjudication@accc.gov.au with the subject 'CEC Code - AA1000514 – Submission'.

We recognise that the COVID-19 situation may be causing disruptions to your normal operations. For this reason, we are taking a flexible approach to receiving feedback on the Proposed Conduct. You may wish to contact us by phone to discuss your views or submission before the deadline. If you would like to provide comments orally, please contact Miriam Kolacz on (03) 9658 6476 to organise a suitable time.

If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register (see [Guidelines for Excluding Information from the Public Register](#) for more information on how to make a request and how we assess requests).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
15 May 2020	Lodgement of application and supporting submission.
26 May 2020	Public consultation process begins.
16 June 2020	Closing date for submissions from interested parties.

Indicative date	Stage in assessment process
June 2020	Applicant responds to issues raised in the public consultation process.
July 2020	Draft determination.
July/August 2020	Public consultation on draft determination including any conference if called.
September/October 2020	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Miriam Kolacz on (03) 9658 6476 or adjudication@accc.gov.au.



Yours sincerely
Danielle Staltari
Director
Adjudication