

# Energy Assured Limited Procedures Guideline

## Introduction

### 1 Aims

- 1.1 The Code and these Guidelines, provide Members with a uniform and standardised industry approach for the training and recruitment of Sales Agents; the tracking and registering of Sales Agents; the assessment of Sales Agents through an accreditation process; and a framework in which Members can apply to the Code Manager to deregister an Agent from the EAL Register for material breaches of the EAL Standards.

### 2 Interpretation

- 2.1 This document is called the Energy Assured Limited Procedures Guideline (“**Guideline**”).
- 2.2 This Guideline sets out the procedures, principles and processes that underpin the Code for the operation of the EAL Scheme for:
- (1) registering and maintenance of Sales Agents on the EAL Register; and
  - (2) recruiting, training and assessing Sales Agents.
- 2.3 If any part of this Guideline is inconsistent with the Code, the Code will prevail to the extent of the inconsistency.
- 2.4 Capitalised words appearing in this Guideline have the meaning given to them in the Dictionary at the end, or defined in **bold** in the body, of this Guideline.

### 3 Operational Personnel

- 3.1 Each Member must ensure that they have an appropriate governance framework and operational personnel to comply with the Code and this Guideline including appointing personnel to fulfil the roles set out in Annexure C.

## EAL Register

### 4 Registration of New Sales Agents

- 4.1 Members must:
- (1) obtain the following information about each Sales Agent (“**Details**”) in writing:
    - (a) First Name;
    - (b) Middle Name;
    - (c) Surname;
    - (d) Date of birth;
    - (e) Passport Number or Australian Drivers License Number or Proof of ID number;
    - (f) Australian State or Territory;

- (g) Sales Agent photograph; and
  - (h) any additional information required by the Code Manager from time to time
- (2) ensure that the Sales Agent understands that the Details will be used on the EAL Register, how those Details will be used, and who will have access to those Details;
  - (3) obtain the written agreement of the Sales Agent to use their Details on the EAL Register; and
  - (4) retain copies of the Details of, and the written agreements signed, by each Sales Agent.

4.2 Before the Sales Agent undertakes Sales Activities, the Member must create or update a record for each Sales Agent engaged by it by populating the EAL Register with the Details about each Sales Agent with the following information (**Sales Agent Profile**):

- (1) Sales Agent ID Number given by the Member;
- (2) Energy Retailer;
- (3) Energy Marketer (if applicable);
- (4) Start Date;
- (5) Accreditation Status;
- (6) Award Date;
- (7) Extension Award Date;
- (8) Expiry Date;
- (9) Extension Expiry Date; and
- (10) any additional information required by the Code Manager from time to time

4.3 Upon the creation of each Sales Agent Profile, the Sales Agent will be allocated a unique SIDN.

4.4 The SIDN will be the primary means by which the Member will store records on the EAL Register. The SIDN can be different to a Sales Agent's ID number issued by the Member.

4.5 Once an SIDN is issued, the Member can affix the EAL Logo to the Member's Identification Badge, highlighting to the consumer that the Sales Agent is being accredited under the EAL Scheme.

## **5 Register Maintenance**

5.1 Members must ensure that the data contained in the EAL Register is accurate and up-to-date within the timeframes prescribed in this Procedures Guideline.

5.2 All Members must routinely check the EAL Register for all Sales Agent recruits during both the recruitment process and when creating or updating a Sales Agent Profile.

5.3 Members must keep a record of Sales Agent's details that will reconcile with information contained in the EAL Register.

5.4 Each Member must carry out a monthly reconciliation between the Sales Agent's detailed on the EAL Register for that Member and the Member's own internal database of Sales Agents (**Reconciliation**). The Reconciliation should be prepared in accordance with the guidance notes issued by the Code Manager and should be submitted to the Code Manager at the

same time as an Energy Retailer would be required to submit a Monthly Report under the Code.

## **6 Access to EAL Register**

6.1 A Member will only be permitted to access the Sales Agent Profiles of Sales Agents directly or indirectly engaged by it. A Member will not have access to the Sales Agent Profiles of Sales Agents engaged by other Members unless:

- (1) the Member is an Energy Retailer and those Sales Agents are engaged indirectly by the Energy Retailer through an Energy Marketer; or
- (2) the Sales Agent has been given an Accreditation Status of Leaver or Deregistered.

6.2 The Code Manager may inform any Member of the deregistration of any Sales Agent.

6.3 Any Member may view the following details of any Sales Agent registered on the EAL Register, in accordance with clause 6.1:

- (1) First Name;
- (2) Middle Name;
- (3) Surname;
- (4) Sales Agent photograph;
- (5) SIDN; and
- (6) history of Accreditation Status.

6.4 In order to view the information about a Sales Agent listed in clause 6.2, a Member must have the Sales Agent's:

- (1) SIDN; or
- (2) Passport number; or
- (3) Driver's Licence Number (Class C or Class R); or
- (4) Proof of ID number.

6.5 Each Member may nominate persons who are authorised to access the EAL Register on its behalf (**Authorised Users**). The role of an Authorised User is set out in Annexure C. Members must provide up to date details of Authorised Users and their level of permitted access to the Code Manager on a monthly basis.

6.6 The Code Manager may access any Sales Agent Profile recorded on the EAL Register.

6.7 EAL and Members must ensure that they have procedures in place to protect the confidentiality of the information contained on the EAL Register and protect the privacy of Sales Agents.

## **7 Accreditation Procedures**

7.1 In this clause 7, a reference to a Member is a reference to the Member that has engaged the Sales Agent.

7.2 The Sales Agents' Accreditation Status and corresponding privileges may be one of the following:

Accreditation Status	Description	Duration of Status	Privileges
Provisional	Applies to new Sales Agents pending completion of training and passing Competency Assessment	Between four and six weeks	Can undertake Sales Activities under supervision by an Experienced Sales Agent after Off-job Training and Off-job Assessment have been successfully completed. Can display EAL Logo.
Approved	Sales Agent has passed a Formal and Annual Competency Assessment by an Approved Assessor	1 year	Can undertake Sales Activities. Can display EAL Logo.
Development	Sales Agent has not passed Competency Assessment or has committed a Level 2 Breach under the Code of Practice and is undergoing further training.	Up to 15 Business Days	Can undertake Sales Activities under supervision by an Experienced Sales Agent. Can display EAL Logo.
Suspended	Sales Agent suspended from undertaking Sales Activities pending outcome of investigation and determination of Deregistration Application as a result of an alleged Level 3 Breach under the Code of Practice.	Up to 15 Business Days or until the Deregistration Application is finally determined	Cannot undertake Sales Activities or display EAL Logo.
Deregistered	Agent has been deregistered in accordance with the Code	5 Years	Cannot undertake Sales Activities or display EAL Logo.
Inactive	Sales Agent on authorised leave	Up to 3 Months	Cannot undertake Sales Activities or display EAL Logo.
Active	Sales Agent returned from leave but not yet re-taken and passed Competency Assessment	Generally up to 10 Business Days	Can undertake Sales Activities under supervision by an Experienced Sales Agent. Can display EAL Logo.
Leaver	Sales Agent is no longer engaged by Member or is "Inactive" for more than 3 months	Unspecified	Cannot undertake Sales Activities or display EAL Logo.

### 7.3 Provisional Accreditation Status

A Member may enter a Provisional Accreditation Status for a Sales Agent in the EAL Register:

- (1) if a Sales Agent has never been registered on the EAL Register or was deregistered from the EAL Register more than five years ago, after the process specified in clauses 4.1 and 4.2 has been followed; and
- (2) if a Sales Agent is already registered on the EAL Register but had a Leaver Accreditation Status, the Member must log into the EAL Register, search for the Sales Agent and update all information contained in the EAL Register with the Sales Agent's Details in accordance with clauses 4.1 and 4.2. If there are any discrepancies between the information existing on the EAL Register about a Sales Agent and the

Details provided, an explanatory note must be placed on record in the Sales Agent's file.

The first day that the Sales Agent engages in Sales Activities in the field will be listed as the start date in the EAL Register for that Sales Agent (**Start Date**).

#### 7.4 Approved Accreditation Status

A Sales Agents' Provisional Accreditation Status will automatically change to Approved four weeks after the Start Date (**Award Date**). The Member must ensure that the Sales Agent has passed the Formal Competence Assessment prior to the Award Date.

If a Sales Agent does not pass the Formal Competence Assessment by the Award Date, but is considered to have the potential to do so, the Provisional Accreditation Status period can be extended for a further two weeks and a new Award Date must be noted in the EAL Register (**Extension Award Date**). The Compliance Manager (whose role is set out in Annexure C) or their authorised delegate must agree to the Provisional Accreditation Status being extended to the Extension Award Date. The Extension Award Date must be noted on the EAL Register, and be kept on record for audit purposes.

The Approved Accreditation Status will expire twelve months from the Award Date, or the Extension Award Date (**Expiry Date**).

One month before the Expiry Date, a notice in writing will be sent to the Member stating the date on which the Sales Agent's Accreditation Status will expire (**Renewal Notice**).

Before the Expiry Date, the Sales Agent must pass a Formal Competence Assessment.

Should an Agent not pass the Formal Competence Assessment before the Expiry Date, the Member must seek an extension of up to a period not exceeding 4 weeks past the Expiry Date (**Extension Expiry Date**) and reflect a change in status in the EAL Register as depicted in clauses 7.5 or 7.6. The Compliance Manager or their authorised delegate must agree to the extension of the Expiry Date to the Extension Expiry Date. The Extension Expiry Date must be noted on the EAL Register, and be kept on record for audit purposes.

On the Expiry Date, or the Extension Expiry Date, the EAL Register will automatically renew the Sales Agent's Approved Accreditation Status for a further 12 months (resetting the Expiry Date for a further 12 months); unless the Member advises that the Sales Agent has not passed the Formal Competence Assessment.

#### 7.5 Development Accreditation Status

A Member must enter a Development Accreditation Status for a Sales Agent in the EAL Register:

- (1) if a Sales Agent with an Approved Accreditation Status is found not to have been meeting the EAL Standards in accordance with the Code of Practice and a period of re-training or development is assessed as being necessary;
- (2) within five Business Days of determining that the Sales Agent does not meet the EAL Standards.

The relevant training and development must be undertaken and a Formal Competence Assessment must be performed within ten Business Days of the Development Accreditation Status being entered for the Sales Agent. After that time, the Sales Agent must be given an Approved or Suspended Accreditation Status as the case may be.

#### 7.6 Suspended Accreditation Status

Where a Member is of the reasonable belief that a Sales Agent has breached the EAL Standards in a way that may warrant Deregistration, the Member must enter a Suspended Accreditation Status for the Sales Agent in the EAL Register and that status will remain on the

EAL Register for the Sales Agent until the investigation of the Sales Agent's conduct is completed (**Suspension Period**).

The Member must inform the Sales Agent in writing that the Sales Agent's EAL Accreditation Status will be suspended pending the outcome of a thorough investigation (**Suspension Notice**). The Suspension Notice must contain:

- (1) details of the Sales Agent's right to appeal under clause 29 of the Code should suspension lead to a Deregistration Application; and
- (2) a direction that within 1 Business Day, the Sales Agent must cease to undertake Sales Activities on behalf of the Member cease to use the EAL Logo when conducting Sales Activities and return any identification that displays the EAL Logo.

Wherever possible, and subject to a Member's documented disciplinary procedures, the Suspension Period should not be greater than 15 Business Days or until the Deregistration Application is finally determined.

If, at the end of the Suspension Period, there is found to be no issue regarding a Sales Agent's competence, the Sales Agent's Accreditation Status will be returned to the Accreditation Status which was registered immediately prior to their suspension and the details of the suspension will be removed from the EAL Register.

If, at the end of the Suspension Period, the Sales Agent is found to have failed to meet the EAL Standards in a way that warrants Deregistration, the Member must make an application to the Code Manager to Deregister the Sales Agent from the EAL Register in accordance with the Code.

#### 7.7 Deregistration Accreditation Status

A Member who finds that a Sales Agent no longer meets the EAL Standards in a manner that cannot be remedied by re-training and development must, in accordance with the Member's internal procedures, make a Deregistration Application.

Deregistration from the EAL Register will usually occur after a Suspension Period. However, if a serious breach of the EAL Standards has occurred there is no requirement that there first be a Suspension Period.

Where a Member lodges a Deregistration Application, the Member must send the Sales Agent a notice in writing (by recorded delivery) that the Member has made a Deregistration Application (**Deregistration Notice**). The Deregistration Notice must contain:

- (1) details of the Sales Agent's right to appeal under clause 29 of the Code; and
- (2) a direction that within 1 Business Day, the Sales Agent must cease to undertake Sales Activities on behalf of the Member cease to use the EAL Logo when conducting Sales Activities and return any identification that displays the EAL Logo.

The Code Manager will review the Deregistration Application and administer any resulting Deregistration in accordance with the Code.

#### 7.8 Inactive/Active Accreditation Status

A Member must enter an Inactive Accreditation Status for a Sales Agent in the EAL Register where the Sales Agent has an Approved Accreditation Status but has temporarily ceased Sales Activities on behalf of a Member (but has not left the Member). The Member must update the EAL Register to reflect the change in the Sales Agent's Accreditation Status within 5 Business Days of the Sales Agent being deemed "Inactive".

If a Sales Agent's Accreditation is Inactive for more than 3 months, the Sales Agent's Accreditation Status will be automatically changed to Leaver.

During any period that the Sales Agent has an Inactive Accreditation Status, the Member must not allow the Sales Agent's SIDN to be used, and must maintain any of the Sales Agents' collateral displaying the EAL Logo at its premises.

A Member may enter an Active Accreditation Status for a Sales Agent where the Sales Agent has an Inactive Accreditation Status and wishes to re-commence Sales Activities on behalf of the Member. The Member must update the EAL Register to reflect the change in the Sales Agents' Accreditation Status within 15 Business Days of the Sales Agent returning from leave. During the Active Accreditation Status period the Sales Agent must undertake Sales Activities under supervision of an Experienced Sales Agent until deemed competent to resume Sales Activities under an "Approved Status" after completing an On-job Assessment.

An Active or Inactive Accreditation Status will expire 12 months from the Award Date, or the Extension Award Date applying to the Sales Agents' Approved Accreditation Status. If a Sales Agent has an Approved Accreditation Status for part of a 12 month period, an Active or Inactive Accreditation Status will form the remainder of the 12 month Accreditation Period.

On the Expiry Date, the EAL Register will automatically renew the Sales Agents' Active or Inactive Accreditation Status for a further 12 months (resetting the Expiry Date for a further 12 months); unless the Member advises that some other status is appropriate.

#### 7.9 Leaver Accreditation Status

A Member must enter a Leaver Accreditation Status for a Sales Agent in the EAL Register where the Sales Agent leaves the employment or engagement of the Member or has had an "Inactive" Accreditation Status for more than 3 months. The Member must update the EAL Register to reflect the change in the Sales Agents' Accreditation Status within 5 Business Days of the Sales Agent no longer being engaged by the Member.

### 8 Registration Fees

8.1 A Member must pay a fee (**Registration Fee**) to EAL when the Sales Agent is first registered on the EAL Register (**Provisional Fee**) and when the Sales Agent attains an Approved Accreditation Status (**Approved Fee**).

8.2 A Provisional Fee is payable in relation to a Sales Agent 6 days from the Start Date. Should the Sales Agent no longer be employed by the Member on that date, the Member should remove the Sales Agent from the EAL Register, and no Provisional Fee will be incurred.

8.3 An Approved Fee is payable in relation to a Sales Agent on the Award Date, or the Extension Award Date (as applicable).

8.4 An Approved Fee is also payable every 12 months on the Expiry Date or Extension Expiry Date (as applicable), to maintain a Sales Agents' Approved, Active or Inactive Accreditation Status.

8.5 Registration Fees will be collated and forwarded to the Member in electronic format for payment (**Batch Bill**) on the same date each month (**Batch Date**). A Member must pay a Batch Bill within 14 days of the Batch Date. The Batch Bill will be based on all Provisional and Approved Fees due for the month preceding the Batch Date.

8.6 Registration Fees will be determined by the Board of EAL and will be set for a period of six months.

## Recruitment, Training and Competence

### 9 Recruitment

9.1 Members may only engage Sales Agents that have:

- (1) sufficient knowledge and skills;

- (2) sufficient previous relevant experience and training with supporting references; and
  - (3) an appropriate demeanour and present themselves in a respectable manner,
- to enable them to suitably perform the role of a Sales Agent, noting the important role that Sales Agents play as the 'public face' of the industry.

9.2 Members may only engage Sales Agents that have:

- (1) passed a 100-point identification check in accordance with Annexure A;
- (2) provided relevant Details and consented to the use of those Details for the EAL Register;
- (3) provided proof of address; and
- (4) passed a criminal history check.

9.3 A record must be kept in the Sales Agent's HR file that provides consent for the criminal history check, the date the check was requested, the report, and any subsequent action taken as a result of the report, subject to the Member's Recruitment Policy.

9.4 When a Sales Agent has previously been listed on the EAL Register and has provided an SIDN, the Member must obtain the consent of the Sales Agent to review the Agents Accreditation Status history in the EAL Register and may contact the EAL Member that previously engaged the Sales Agents for reference purposes. Where a Sales Agent has not previously been registered on the EAL Register, the Member must obtain appropriate references in accordance with the Members' internal recruitment policies.

9.5 Members must keep a record of all background checks and eligibility checks on the Sales Agents' file.

9.6 If a Sales Agent ceases to represent the Member, a copy of his or her record must be retained by the Member for a minimum of 12 months.

## 10 Training

10.1 All new Sales Agents must undergo:

- (1) Off-job Training; and
- (2) On-job Training under the supervision of an Experienced Sales Agent whilst on an Accreditation Status of Provisional.

10.2 For the purposes of clause 10.1(2) an Experienced Sales Agent (**Experienced Sales Agent**) must be registered within the EAL Register as an Experienced Sales Agent and at the time of conducting the supervision has:

- (1) an Approved Accreditation Status under the EAL Register;
- (2) not had a breach of the EAL Standards registered against their performance in last 12 months in the Competence Register Record; and
- (3) been provided with training to effectively supervise new Sales Agents under the EAL Standards.

10.3 Members must ensure that the outcomes of the Off-job Training and On-job Training are clearly documented to ensure consistency in the training methodologies used.



- 10.4 Off-job Training can be run in conjunction with On-job Training as long as the new Sales Agents do not meet with consumers unsupervised until they have passed an Off-job Assessment.
- 10.5 Whilst it is the responsibility of the Member to ensure that Sales Agents are trained appropriately to standards that meet the requirements of Applicable Laws, there are a number of minimum requirements that must be covered in Off-job Training as set out in the Code of Practice.
- 10.6 Each new Sales Agent must complete a written assessment that demonstrates that the Sales Agent has successfully attended and understood the Members' Off-job Training (**Off-job Assessment**). The Member must keep the Off-job Assessment in the Sales Agents' file, signed and dated by the Sales Agent and the trainer that conducted the Off-job Training.
- 10.7 During On-job Training, the new Sales Agent must demonstrate the ability to perform to the EAL Standards as determined by the Member, including demonstrating the ability to promote and sell the product. The Sales Agent must be assessed on their performance (**On-job Assessment**) based on the sample provided in Annexure B and in accordance with Annexure D. The Member must keep the On-job Assessment in the Sales Agents' file, signed and dated by the Sales Agent and the Sales Agent that conducted the On-job Training.
- 10.8 Prior to obtaining an Accreditation Status of Approved, the new Sales Agent must demonstrate that they are competent in and can consistently meet all of the EAL Standards by completing a formal competency assessment. The Formal Competency Assessment:
- (1) must be based on the sample provided in Annexure B;
  - (2) must be in accordance with Annexure D;
  - (3) must be administered by an Assessor who must observe the Sales Agent directly and consider other key performance evidence, as determined by the Member; and
  - (4) cannot be completed until the Sales Agent has successfully completed the On-job Assessment and Off-job Assessment.
- 10.9 For the purposes of clause 10.8 (3), an Assessor must be registered as an Approved Assessor within the EAL Register at the time of conducting the supervision and have:
- (1) worked for the member for not less than three months;
  - (2) an Approved Accreditation Status under the EAL Register;
  - (3) not had a breach of the EAL Standards registered against their performance under the Competence Records Register in last 12 months; and
  - (4) been provided with training to effectively assess new Sales Agents under the EAL Standards,
- or have been engaged externally by the Member to perform the role of Assessor and have received appropriate training to perform assessments on Sales Agents under the EAL Standards.
- 10.10 Members must ensure that they have policies and procedures in place that detail what is involved in conducting a Formal Competency Assessment on a Sales Agent.
- 10.11 Stages of Accreditation in the first 4 weeks:

Training/Assessment Outcome	Accreditation Status	Sales Agent Privileges
Completion of Off-job Training	Provisional	If passed "Off-job Assessment" can commence On-job Training.

Commencement of On-job Training	Provisional	Must be accompanied by an Experienced Sales Agent when visiting consumers.  When deemed competent and passed "On-job Assessment" can visit consumers unsupervised, however with ongoing support
Formal Competency Assessment (within 4 weeks)	Approved	When deemed competent and reviewed by qualified Assessor under a "Formal Competency Assessment", may visit consumers alone with normal supervision.
Assessments demonstrate Sales Agent has not been operating to the EAL Standards	Withdrawn for serious or persistent Sales Complaints or misconduct, or  Changed back to Development if was at Approved	See clause 7.

## 11 Annual Competence Assessment

- 11.1 In addition to the training and assessment that must be undertaken by a new Sales Agent in accordance with clause 10, Members must ensure that they conduct a Formal Competency Assessment on Sales Agents with an Approved Status each year before the Expiry Date (**Annual Competence Assessment Process**).
- 11.2 The Annual Competence Assessment Process will be reviewed by the Compliance Manager whose role is set out in Annexure C to ensure that it is carried out against the EAL Standards.
- 11.3 The Code Auditor will review the Annual Competence Assessment Process to ensure consistency across all Members.
- 11.4 The Code Manager retains the right to visit Members in order to verify that appropriate measures are being taken in respect of the Annual Competence Assessment Process.
- 11.5 Roles & responsibilities of individuals involved in the Annual Competence Assessment Process are set out in Annexure C.
- 11.6 Members must ensure that they keep a record of Sales Agent assessments, including results of the Formal Competency Assessment and the date by which the next Formal Competency Assessment must be administered.
- 11.7 Members must:
- (1) appoint and train their Assessors/Experienced Sales Agent and keep records of those appointments and training;
  - (2) ensure that for all assessments conducted on Sales Agents that a record of which Assessor/Experienced Sales Agent conducted the assessment is maintained;
  - (3) demonstrate to the Compliance Manager that the Member has adequate internal control processes to monitor the quality and consistency of the work of Assessors/Experienced Sales Agents including:
    - (a) sampling the assessments of Assessors/Experienced Sales Agents to ensure consistency and quality in assessments conducted;
    - (b) ensuring up to date records of internal verification and sampling activity are maintained and these are available for audit purposes;

- (c) ensuring that Assessors/Experienced Sales Agents remain competent to assess and are provided with information and guidance to ensure that they understand their responsibilities under the EAL Standards and are provided guidance on the Sales Complaint Handling Process;
  - (d) ensuring that all assessment forms are signed by both the Sales Agent and the Assessor/Experienced Sales Agents performing the assessment; and
  - (e) where a failure in an assessment is identified, have in place procedures to review previous assessments done by the Assessor/Experienced Sales Agents where the failure has been identified, and if required conduct reassessments of any suspect historical assessments.
- (4) where an Assessor/Experienced Sales Agents has breached their responsibilities in ensuring Sales Agents are competently assessed under the EAL Standards, have procedures in place to ensure that corrective action is taken, which may include Deregistration.

## Dictionary

### 12 Definitions

#### 12.1 In this Guideline:

- (1) **Accreditation Status** means one of the levels of accreditation that may be attained by a Sales Agent as set out in clause 7;
- (2) **Applicable Law** means all rules, regulations, codes, statutes, guidelines, licences, legislation, orders in council, tariffs, proclamations, directions or standards that relate to the marketing, sale and supply of energy;
- (3) **Business Day** means a day that is not a Saturday, Sunday or public holiday in jurisdiction in which the Sales Agent conducts Sales Activities;
- (4) **Code Auditor** means an independent body (which will be a reputable firm of auditors) engaged by EAL to review Member compliance with the Code;
- (5) **Code Manager** means the individual appointed by EAL to carry out the day to day administration and management of the Code whose role is set out in the Code;
- (6) **Code** means this Code of Practice and any documents incorporated in this Procedures Guideline;
- (7) **Code Panel** means the panel of four people who are independent of the EAL, the Code Manager and the Members whose role is set out in the Code;
- (8) **Competence Assessment Process** means controls, processes and systems that enable the assessment of the competency of Sales Agents to comply with the EAL Standards;
- (9) **Competence Records Register** means the record that is used to measure Levels of breaches that are recorded against a Sales Agent under clause 19 of the Code of Practice;
- (10) **Compliance Audit** means a formalised audit conducted by the Code Auditor on individual Member compliance with the Code;
- (11) **Deregistration Application** means an application made to the Code Manager requesting that a Sales Agent be deregistered from the EAL Register;
- (12) **EAL** means Energy Assured Limited;

- (13) **EAL Logo** means the EAL logo that demonstrates that the Sales Agent complies with this Code;
- (14) **EAL Register** means the database register of Sales Agents accredited under the EAL Scheme which is administered and monitored by EAL;
- (15) **EAL Scheme** means the training and accreditation scheme for Sales Agents;
- (16) **EAL Standards** means the standards for the conduct of Sales Activities as set out in the Code;
- (17) **Energy Marketer** means a company that engages in Sales Activities on behalf of Energy Retailers;
- (18) **Energy Retailer** means an entity that holds a valid licence or similar authorisation, issued by the relevant government regulator, to retail electricity and/or gas in the State or Territory to which the retail licence relates.
- (19) **Formal Competency Assessment** means an assessment of the competency of the Sales Agent to comply with the EAL Standards that must be undertaken by a Sales Agent before they can achieve or maintain an Accreditation Status that enables them to conduct Sales Activities unsupervised;
- (20) **Member** means an Energy Retailer or Energy Marketer that has signed the EAL Constitution and in doing so, agreed to adhere to this Code;
- (21) **Off-job Training** means a classroom-based Sales Agent induction program which should be conducted in a formal environment by an individual that is qualified to provide such training;
- (22) **On-job Training** means field training undertaken by a Sales Agent under the supervision of an experienced Sales Agent;
- (23) **Sales Activities** means the face-to-face marketing of energy supply to consumers;
- (24) **Sales Agent** means any individual authorised by a Member who solely represents a Member (and/or a Member's associated companies) for the purposes of engaging in Sales Activities where the principal function of such individual is to market energy supply alone or energy supply and other domestic utility services to domestic consumers;
- (25) **Sales Complaint** means a complaint made by a consumer, energy Ombudsman, relevant regulator, government agency or other interested party about a Sales Agents' Sales Activities;
- (26) **Sales Complaint Handling Process** means the process for handling Sales Complaints established by an Energy Retailer under the Code;
- (27) **Sanction** means disciplinary action or any other sanction imposed on a Member under the Code; and
- (28) **SIDN** means Sales Agent Identification Number allocated to a Sales Agent when they are first registered on the EAL Register.

## Annexure A

### 100-point identification check

IDENTIFICATION	SCORE	TICK
<b>Primary</b>		
Passport – a current passport or expired passport (can be expired maximum of two years, but not cancelled)	70	
Citizenship certificate – or certified copy	70	
Birth Extract/Birth certificate – or certified copy	70	
<b>Secondary</b>		
Licence issued under an Australian State law (e.g. Drivers licence)	40	
Identification Card issued under an Australian State Law (e.g. Proof of Age)	40	
Employment ID		
• ID card issued by employer (name & address)	35	
• ID card issued by employer (name only)	25	
Letter from employer (within last two years)		
• Confirming name and address	35	
Student ID Card (Tertiary)		
• Must contain a photo and/or signature	40	
Rates Notice	25	
Credit/debit cards/passbooks (only one per institution)	25	
Medicare Card (signature not required)	25	
Membership card (club, union or trade, professional bodies)	25	
Foreign Driver License (name & signature)	25	
Records of a public utility – phone, water, gas or electricity bill (must have name & address)	25	
Rent receipt from a licensed real estate agent	25	
Recent arrival in Australia– Valid Passport	100	
<b>TOTAL</b>		

## Annexure B

### On-job Assessment Form (Sample)

<b>Sales Agent</b>	<b>Name</b>	<b>Energy Assured ID Number</b>	
	<b>Date of Assessment</b>	<b>Date of previous Assessment</b>	

<b>Assessor</b>	<b>Name</b>	<b>Energy Assured ID Number</b>	
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<b>Personal Preparation</b>	<b>Appearance</b>	<b>YES</b>	<b>NO</b>
	<b>ID card visible and in good condition</b>	<b>YES</b>	<b>NO</b>
	<b>Sales presenter up to date and complete</b>	<b>YES</b>	<b>NO</b>
	<b>Walk sheet understood and current</b>	<b>YES</b>	<b>NO</b>
<b>Out in the field</b>	<b>Uses walk sheet (or equivalent) accurately</b>	<b>YES</b>	<b>NO</b>
	<b>Respects "no sales callers" signs</b>	<b>YES</b>	<b>NO</b>
	<b>Respects property and OH&amp;S obligations</b>	<b>YES</b>	<b>NO</b>
<b>Approach to Consumer</b>	<b>States name</b>	<b>YES</b>	<b>NO</b>
	<b>Presents ID</b>	<b>YES</b>	<b>NO</b>
	<b>States purpose of visit</b>	<b>YES</b>	<b>NO</b>
	<b>States name of Company (Member) they represent</b>	<b>YES</b>	<b>NO</b>
	<b>Established is decision maker</b>	<b>YES</b>	<b>NO</b>
<b>Presentation</b>	<b>Uses sales presenter during sales pitch</b>	<b>YES</b>	<b>NO</b>
	<b>Carries out accurate price comparisons</b>	<b>YES</b>	<b>NO</b>
	<b>Correct feature of the product is given (inclusive of eligibility for concessions, rebates or grants)</b>	<b>YES</b>	<b>NO</b>
	<b>Does not use cooling off as a sales pitch</b>	<b>YES</b>	<b>NO</b>

	Does not provide false, derogatory or misleading statements	YES	NO
	Recognises when to end visit	YES	NO
Sales Agent behaviours	Courteous & Professional	YES	NO
	Does not exaggerate or use high pressure techniques	YES	NO
	Takes into account ethnicity/diversity	YES	NO
	Recognises and respects a vulnerable situation	YES	NO
	Ensure understands that they are switching retailers	YES	NO
Contract	Leaves a copy of the contract & right to cancel notice	YES	NO
	Leaves welcome pack inclusive of complaints procedure	YES	NO
	Leaves pricing form	YES	NO
	Leaves written acknowledgement & price fact sheet where required	YES	NO
	Leaves contact details	YES	NO
Contract administration	All boxes filled in correctly	YES	NO
	Signed and dated by	YES	NO
	Signed by agent with ID number easily displayed	YES	NO
Other	Understands complaints & levels raised against them	YES	NO
	Displays behaviours that addresses the complaint	YES	NO
	Sales Agent Cancellation Rate within average benchmark	YES	NO
	Other Key Performance Indicator's	YES	NO

## Annexure C

### Roles and Responsibilities

<b>Role</b>	<b>Appointed by</b>	<b>Responsibilities within the Assessment &amp; Monitoring Process</b>
Code Auditor	EAL	<ul style="list-style-type: none"> <li>Independent annual Compliance Audit done on Energy Retailers, to ascertain whether the Energy Retailer, and the Energy Marketer they use, meets the EAL Standards.</li> </ul>
EAL Compliance Manager	Energy Retailer	<ul style="list-style-type: none"> <li>Oversees the operation of the EAL Scheme and fully understands the Members' obligations under the Code and Guideline.</li> <li>Ensures that the Energy Marketer that they may use adheres to the Code and this Procedures Guideline.</li> <li>Ensures that all systems and procedures are open to the scrutiny of the Code Auditor and Code Manager as requested and within the prescribed time frames.</li> <li>Ensures compliance under the Code and Guidelines by ensuring that:               <ol style="list-style-type: none"> <li>Sales Agents are recruited as determined in accordance with the Code and Guideline;</li> <li>appropriate measures are adopted to ensure that Sales Agents are competent under the EAL Standards;</li> <li>the registration process is being followed;</li> <li>Sales Agents are properly assessed under the Formal and Annual Competence Assessment;</li> <li>issues are monitored as determined in the Sales Complaints Handling Process and the Competence Register;</li> <li>that there is appropriate documentation, systems and processes to meet these requirements.</li> </ol> </li> <li>Responsible for applications to Code Manager for deregistration of Sales Agent.</li> <li>Provides Compliance Reports to Code Manager.</li> <li>Liaises with Code Manager.</li> </ul>
Member Operations Manager	Member	<ul style="list-style-type: none"> <li>Providing assistance and support to Assessors.</li> <li>Providing information that supports application for change in Accreditation Status of the Sales Agent.</li> <li>Ensuring Assessors are accurately interpreting the EAL Standards and have the systems in place that identify discrepancy with interpretations.</li> <li>Monitoring that all assessments are fair, valid, qualitative and reliable.</li> <li>Liaising with the Compliance Manager.</li> <li>Monitoring the EAL Register, the Sales Complaint Handling Process and the Competence Register.</li> <li>Ensuring that all relevant information is provided to the Assessors to facilitate an appropriate assessment of a Sales Agent.</li> <li>Ensuring that it has appropriate systems, procedures &amp; documentations in place that meet requirements under the Code and Guideline.</li> <li>Maintaining accurate and verifiable Sales Agent assessment and achievement central records as required</li> </ul>



		<p>by the Code and Guideline for all Off-Job, On-Job and Formal Competency Assessments.</p> <ul style="list-style-type: none"> <li>• Approving changes in Accreditation Status' of Sales Agents and responsibility for ensuring Authorised Users update the EAL Register as required.</li> </ul>
Assessor	Member	<ul style="list-style-type: none"> <li>• Administers Formal Competency Assessment on Sales Agents.</li> <li>• Depending on outcome of assessment, makes recommendations of training needs of Sales Agent and/or a change in Accreditation Status in the EAL Register as required by the Member's Operation Manager.</li> <li>• Assessing evidence of Sales Agent competence against the EAL Standards.</li> <li>• Is independent to the Sales Agent and their team leader.</li> <li>• Conduct random assessments in accordance with the Code.</li> </ul>
Experienced Sales Agent	Member	<ul style="list-style-type: none"> <li>• Delivery of On-job Assessment on new Sales Agents, prior to new Sales Agent being allowed to visit unaccompanied.</li> <li>• Providing accurate and verifiable On-job Assessment and achievement records to the Operations Manager.</li> </ul>
Authorised User	Member	<ul style="list-style-type: none"> <li>• Dependent on level of access can: <ul style="list-style-type: none"> <li>○ Search Agents</li> <li>○ Amend Agents</li> <li>○ Create Agents</li> <li>○ Run Reports</li> </ul> </li> <li>• Sole individual allowed to search and change the Accreditation Status of a Sales Agent in the EAL Register being: <ul style="list-style-type: none"> <li>○ Provisional</li> <li>○ Approved</li> <li>○ Inactive</li> <li>○ Active</li> <li>○ Leaver</li> <li>○ Suspended</li> <li>○ Development</li> </ul> </li> </ul>

## Annexure D

### On-job and Formal Competency Assessment

<b>On-job Assessment</b>	
<p>Visit by Sales Agent to consumer accompanied by Experienced Sales Agent. The Sales Agent must clearly understand the standards he/she is to be assessed against and the way in which he/she is going to be informally assessed.</p>	<p>Sample of what may be used:</p> <ul style="list-style-type: none"> <li>• Experienced Sales Agent to ensure new Sales Agent understands the requirements under the On-job Competence Assessment.</li> <li>• Experienced Sales Agent ensures that the new Sales Agent understands how the EAL Accreditation Status works and under what circumstances it may be changed.</li> <li>• Experienced Sales Agent to ensure that the new Sales Agent is aware of the EAL Standards and how they are going to be assessed in the future.</li> <li>• Experienced Sales Agent to conduct an On-job Assessment on the new Sales Agent.</li> </ul>
<b>Formal Competency Assessment</b>	
<p><b>Stage 1</b> Prepare for the Assessment (Sales Agent and Assessor). The Sales Agent must clearly understand the standards he/she is to be assessed against and the way in which he/she is going to be Formally assessed.</p>	<p>Sample Questions that may be asked</p> <ul style="list-style-type: none"> <li>• Are you aware of the purpose of this Assessment?</li> <li>• Can you explain the various levels of Accreditation Status and under what circumstances can the Accreditation Status be Deregistration?</li> <li>• Have you read the Code and do you understand it?</li> <li>• Can you describe some of the EAL Standards and how you can be in breach of them?</li> <li>• When you were last accompanied by on a visit to a consumer, by whom and what feedback did you receive?</li> <li>• Have you received any other feedback about your performance, e.g. from Sales complaints, audits etc...</li> <li>• What have you learnt from previous feedback and what have you changed?</li> <li>• Have you been informed about the disciplinary procedures that apply to you if you breach the EAL Standards and do you understand your rights of appeal, if a change in Accreditation Status to Development or deregistration is being investigated?</li> </ul>
<p><b>Stage 2</b> Collecting the Evidence (Sales Agent &amp; Assessor)</p>	<p>Responsibilities:</p> <ul style="list-style-type: none"> <li>• Assessor to ensure he/she understands the Competency Assessment.</li> <li>• Assessor to gather any supplementary documentary evidence before the assessment (this will vary dependent on tenure of the Sales Agent).</li> <li>• Assessor to gather information as a result of the Competency Assessment.</li> <li>• Assessor to gather results of Off-job Assessment and On-job Assessment of Sales Agent.</li> <li>• Sales Agent to introduce the Assessor to consumers, but assure that the Assessor is simply there as an observer.</li> <li>• Assessor to record activities on the Members' Formal Competency Assessment form.</li> </ul>
<p><b>Stage 3</b></p>	<ul style="list-style-type: none"> <li>• Assessor to take into account achievements noted during observation.</li> <li>• Assessor to identify evidence that does not meet the requirements of the EAL Standards and to discuss the identified.</li> </ul>

	<p>evidence with the Sales Agent and give feed back</p> <ul style="list-style-type: none"><li>• Assessor to agree an action plan if necessary, to undertake further training and record the agreed actions in writing</li><li>• Assessor to provide a written recommendation as to the Sales Agents' competence. Members are to ensure that they provide Sales Agents with a guide as to how this is to be determined. The Code Auditor and Code Manager will review these to ensure consistency across all Members</li><li>• Assessor to inform the Sales Agent of the recommendation, inclusive a change in status if warranted, that all assessments are subject to verification by the Operations Manager, and that if he/she disagrees with the assessment decision, he/she has a right to appeal under the Members Dispute Resolution Process</li><li>• Sales Agent to enter his/her comments in the appropriate section inclusive of how they felt with the process or the decision</li></ul>
<b>Stage 4</b> Agent Verification Process (EAL Responsible Person)	<ul style="list-style-type: none"><li>• The Members' Operations Manager to ensure assessments have been appropriately and consistently carried out by the Assessors</li><li>• Subject to the disciplinary procedures that apply to you under the Code, the Members' Operations Manager to authorise any change in Accreditation Status in the EAL Register as an outcome of the assessment</li></ul>