

**Blanch, Belinda**

**From:** Howes, Neil  
**Sent:** Tuesday, 21 June 2011 6:16 PM  
**To:** !Adjudication Administration Team  
**Cc:** Channing, Darrell  
**Subject:** FW: EAL Response to Issues Raised by the ACCC [SEC=IN-CONFIDENCE]  
**Importance:** High  
**Security Classification:** IN-CONFIDENCE

**From:** Rebecca Karp [mailto:Rebecca@eraa.com.au]  
**Sent:** Thursday, 16 June 2011 4:19 PM  
**To:** Howes, Neil; Channing, Darrell  
**Cc:** Ramy Soussou; Cameron O'Reilly  
**Subject:** EAL Response to Issues Raised by the ACCC

Good afternoon,

Thank you for organising the conference call between the ACCC and EAL today. As discussed on the phone today attached are the revised words that can be included for the following clauses:

- In **clause 4.1 (10)**, we are happy to change the following wording from:

4.1 Sales Agents must:  
 (10) provide the consumer with a copy of EAL Marketing Material in accordance with clause 9.5, if requested by the consumer or where a consumer expresses an interest to enter into a contract

To read

4.1 Sales Agents must:  
 (10) provide the consumer with a copy of EAL Marketing Material in accordance with clause 9.5, if requested by the consumer or where a consumer expresses an interest in **obtaining more information**.

- In **clause 28.2**, under the examples provided for in systemic breaches.

Replace

"Statements that are intentionally misleading or deceptive in nature being made consistently in relation to a particular matter by numerous Sales Agents as opposed to being an isolated incident and reported to the Code Manager under clause 26.1 (3)."

to

"Where under clause 26.1 (3) the Code Manager receives a Member Complaint of statements that are intentionally misleading or deceptive in nature being made consistently in relation to a particular matter by one or more Sales Agents and the Member, to which the Member Complaint relates, cannot demonstrate that the breach was not an inherent issue with the Member's compliance to the Code or due to a specific, individual or isolated factor"

We will need to run this through our Members, however, I do not foresee any issue with the way this has now been redrafted. We will forward you an updated Code for your records by next Tuesday.

22/06/2011

In the meantime should you have any questions please feel free to contact either Rebecca or myself.

Kind Regards

Ramy Soussou

Energy Assured Limited (EAL)

Suite 2, Level 4 ,189 Kent Street ,SYDNEY NSW 2000

Tel: 02 9241 6556 Mob: +61 408 059 881 Fax: 02 9251 5425