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17 March 2011

Mr Richard Chadwick  
General Manager, Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 520  
Melbourne Vic 3000

By email: richard.chadwick@acc.gov.au; gavin.jones@acc.gov.au; adjudication@acc.gov.au

Dear Mr Chadwick,

**Energy Assured Limited applications for authorisation A91258 & A91259**

We refer to the submissions made by interested parties and added to the public register since 8 March 2011 relating to the revised EAL Scheme documentation submitted on 11 February 2011.

EAL appreciates the opportunity to respond to those submissions, particularly the submissions lodged by the Energy and Water Ombudsman Victoria (EWOV) and:

- the Brotherhood of St Laurence;
- the Ethnic Communities' Council;
- the Consumer Utilities Advocacy Centre (CUAC)
- the Queensland Council for Social Services (QCOSS);
- the Council on the Ageing (SA); and
- the UnitingCare Australia,

**(consumer group submissions).**

**1 Consumer protection is an EAL priority**

- 1.1 The EAL Scheme has been developed with the protection of consumers as the key objective. A good door-to-door sales experience is a priority for EAL. The effectiveness of the Scheme and the already substantial investment made by the industry in the Scheme will not be realised if energy consumers do not also benefit.
- 1.2 Accordingly, EAL takes very seriously the concerns about the Scheme raised in the consumer group submissions. Even with the clear public benefits to be delivered by the Scheme, EAL made significant alterations to the Scheme documentation to incorporate feedback from consumer groups in earlier rounds of consultation under the authorisation process. These were submitted to the ACCC on 11 February 2011. EAL is also willing to address many of the comments received in the current consumer group submissions (as is set out in Part 5 of this letter).
- 1.3 That said, EAL notes that consumer groups have particular interests and priorities which go beyond the scope of the issues relevant to this authorisation. It is not for EAL to respond in full to a "wish list" of consumer group demands beyond the reach of the Scheme and it is not within the ACCC's role to consider matters such as:
  - (1) the merits of doorstep selling and whether or not it should be outlawed entirely;
  - (2) avenues for consumer redress (additional to the right to complain), should seller misconduct occur. This is extensively dealt with in regulation, including the Australian Consumer Law, which provides a customer with termination and reimbursement rights

against a retailer where an unsolicited agreement has been entered into without complying with the necessary processes and standards;

- (3) the appropriate structure of Sales Agent remuneration and incentives; and
- (4) the need for EAL itself to have a complaints handling system to receive and action complaints from consumers which would duplicate, at considerable cost, the existing Ombudsman and fair trading avenues of complaint that already exist.

- 1.4 The consumer group submissions also do not acknowledge that the Scheme can be expected to improve the overall standard of door-to-door marketing in the energy industry. For example, the vulnerability of ethnic or elderly customers is raised as an issue not adequately dealt with by the Scheme. As stated below in Part 5, EAL is eager to adopt some of the recommendations made about catering for vulnerable customers through the establishment of industry training packages and making translations of the EAL Marketing Material available on its website. At the same time, however, EAL is of the view that the Scheme already seeks to address the issue by increasing the overall standard of door-to-door marketing. By preventing against (through improved and standardised training and re-training) and sanctioning (through deregistration) Sales Agents that engage in unconscionable or misleading or deceptive conduct, the treatment of vulnerable customers will improve.
- 1.5 EAL, itself, is not able to entirely answer the concerns relating to vulnerability of customers or other instances of Sales Agent misconduct. It is unreasonable and distracting for consumer groups to imply that the EAL Scheme should solve all imperfections in door-to-door regulation. That is, respectfully, not the assessment that the ACCC must apply when considering the application for authorisation.
- 1.6 EAL is also aware that the ACCC has convened meetings with the consumer groups, including one on 3 March 2011. EAL is concerned that it does not have any visibility of the issues discussed at these meetings, making it impossible for EAL to respond to the issues raised at these meetings to the extent to which any such issues are not also included in written submissions.

## **2 Other public benefits**

- 2.1 Whilst improving the consumers' experience is a very important public benefit to result from the Scheme, the Scheme also offers other important public benefits. As previously submitted these include, however are not limited to:
  - (1) the promotion of competition in the retail energy market by encouraging customer churn (refer to submissions from Lumo Energy, TRUenergy, Australian Power & Gas, Red Energy and Simply Energy); and
  - (2) assisting energy retailers and energy marketers to comply with regulatory requirements relating to, and establish higher standards of, door-to-door marketing (refer to submissions from Aegis Direct, Appco Group Energy and the Smart Group).

## **3 The test to be applied**

- 3.1 Numerous submissions lodged acknowledge the improvements made to the Scheme following the amendments lodged by EAL on 11 February 2011. EAL maintains the strong view that the EAL Scheme, even absent those amendments (and the further alterations suggested below in response to the concerns of EWOV and the consumer groups), would realise the public benefits identified above and in earlier submissions. Accordingly, EAL is concerned that the Scheme should not be judged against the standards espoused by the consumer groups but as to whether or not the Scheme offers a net public benefit. Indeed,

*"It [is] not the [the ACCC's] role to design, or insist upon, the development of an ideal code of conduct and it is constrained in this respect by its statutory duty".<sup>1</sup>*

Furthermore, EAL is not seeking ACCC endorsement of the EAL Code and resulting Scheme, only a determination as to whether or not the Scheme passes the relevant legal test.<sup>2</sup>

<sup>1</sup> Determination on the Application for revocation of authorisation A40077 and its substitution by authorisation A90876 lodged by the Australian Direct Marketing Association Limited, 29 June 2006, 13.

<sup>2</sup> Determination on the Application for authorisation A91106 lodged by the Australasian College of Cosmetic Surgery in respect of the ACCS Code of Practice, 18 June 2009, ii.

3.2 In imposing standards, including for training, retraining and monitoring Sales Agents and establishing a Sales Agent Register, the EAL Scheme complements and, in many ways, goes beyond existing laws and practices to deliver a net public benefit. EAL sought authorisations because these benefits will be better realised if there is a level of compulsion on members to comply with the applicable processes and standards. That is why the Scheme has a sanction regime in place and requires all Sales Agents to be registered. Without authorisation, the Scheme will either:

- (1) not be implemented at all such that the level of consumer protection and associated public benefits would be unlikely to be improved beyond the status quo; or
- (2) be significantly paired back to conduct not requiring authorisation, comprising the following elements:
  - (a) a set of standards and core competencies which members are encouraged to adhere to;
  - (b) members being provided with materials to assist them with the training of Sales Agents; and
  - (c) Sales Agents that pass the training being permitted to wear an EAL logo and/or indicate that they are members of the EAL Scheme.

There would be no compulsory compliance, no sanctions to apply, and no register.

3.3 Applying a “future with-and-without test” in either scenario would favour the Scheme being authorised. If, however, the ACCC still has concerns about the value of the Scheme, EAL encourages the ACCC to grant authorisation subject to conditions to the extent that to do so would not,

*“use the conditions power and its discretion in order to construct and impose its ideal or preferred system of self-regulation”.*<sup>3</sup>

#### **4 Ombudsman Support**

4.1 The Scheme has strong Ombudsmen support. As independent bodies with significant experience in dispute resolution, investigation and complaint handling, specifically in the energy industry, that support is extremely relevant to, and should be given significant weight in, the assessment of likely net public benefit under the Scheme.

4.2 The Energy and Water Ombudsman NSW (EWON), the Energy and Water Ombudsman QLD (EWOQ) and Energy Industry Ombudsman SA (EIOSA) variously state that the Scheme has clear public benefits including stating that:

*“There is a clear public benefit in a code of practice and greater accountability being applied to energy marketing, especially in regard to door to door sales.”*

*“EIOSA views the proposal as an opportunity to raise energy consumers’ confidence about door to door marketing activities and considers the initiative as a positive step by industry to improve accountability for this sales channel.”*

4.3 The EWOV also supports the Scheme and “welcomes EAL’s approach to self-regulation of energy retailers’ door-to-door marketing activities”. In acknowledging the superior and independent insights offered by EWOV and other Ombudsman, EAL has closely considered, and would be willing to adopt, some of the recommendations made by EWOV as set out below so that the Scheme can be assured of achieving the consumer benefits that EWOV anticipates.

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<sup>3</sup> Ibid, referring to *Application by Medicines Australia Inc* [2007] A CompT 4, 49.

## 5 Specific matters raised in submissions

- 5.1 EAL has considered and sought to adopt the feedback received in the consumer group submissions and EWOV submission. However, as stated above, EAL is unable to act upon suggested measures which seek to overreach, or would be impractical, or prohibitively expensive to comply with.

### **Consumer Awareness**

#### *Information provided to all consumers*

- 5.2 EAL shares the views of the ACCC and EWOV that consumer awareness of the Scheme is important to ensure its effectiveness. Clauses 2.4, 2.5 and 10 of the re-submitted Code of Practice impose obligations on EAL and Members, to promote the Code effectively through:
- (1) material left behind for consumers that enter into a contract;
  - (2) material provided to consumers on request;
  - (3) displaying Code information on Member websites;
  - (4) displaying Code information on the EAL website;
  - (5) promotion to consumer and stakeholder associations;
  - (6) marketing and advertising campaigns necessary to ensure awareness; and
  - (7) post sale verification procedures.
- 5.3 In the latest round of submissions, EWOV suggested that greater consumer awareness could be achieved through:
- (1) pamphlets being provided to all customers who receive door-to door marketing;
  - (2) bill insertions by all retailer members;
  - (3) a letter drop to all consumers; and
  - (4) details of EAL on bills.
- 5.4 EAL and its Members are strongly of the view that the promotional requirements in the Code are more than sufficient to ensure its effective promotion. An unfocussed dissemination of information on the EAL Scheme (such as proposed in (2), (3) and (4) above), would be exceedingly expensive to undertake.
- 5.5 As for option (1), the cost and effort required to undertake the above may be so significant as to discourage retailers and energy marketers from becoming members of the Scheme. This would clearly undermine its success and the realisation of its public benefits.
- (1) Current AEMO data indicates that over 1.5 million customers elected to switch providers in the 2010 calendar year.<sup>4</sup> Of these, more than 50% (approximately) affected the switch due to door-to-door sales. That means that in 2010, the EAL Scheme would have resulted in the distribution of at least 750,000 scheme brochures (as all customers that enter into a contract must be given EAL Marketing Material).
  - (2) Approximately 40,000 premises are knocked on each day in the energy industry. That amounts to over 12 million premises per year (assuming selling occurs 6 days per week). As submitted by Simply Energy in its letter dated 4 March 2011, it would not only be extremely costly to provide each door-knocked consumer with information about the Code, it would be impractical. For example, Sales Agents cannot carry a significant number of pamphlets with them and a consumer may refuse to accept information about the Code. The negative environmental impact is also a relevant consideration.
  - (3) Members may elect to adopt the recommendations of EWOV or may elect to provide the EAL Marketing Material to all consumers that switch to them (whether through door-to-door sales, some other sales channel or because the customer moves house). However, to enshrine these requirements in the Code itself would be cost prohibitive and may impede participation in the Scheme, particularly by smaller energy retailers.

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<sup>4</sup> Source: AEMO Retail Transfer Statistical Data, [http://www.aemo.com.au/data/retail\\_transfers.html](http://www.aemo.com.au/data/retail_transfers.html).

## Foreign Languages

- 5.6 Uniting Care recommended that the Code of Practice be made available in 5 languages other than English and that interpreter services be provided by EAL.
- 1) Under Clause 10.2 of the Code, it is a requirement that EAL Marketing Material be provided to consumers to promote the Code. The purpose of this material is to distil information that is of key importance to consumers. Whilst 6 different printed versions of the EAL Marketing Material would be cost prohibitive, EAL would be willing to display this information in most common languages on the EAL Website. The Code of Practice and associated documents are in effect a legal contract between EAL and its Members, and it is uncommon to translate such documents into different languages.
  - 2) Many energy retailers offer interpreter services as part of their regulatory compliance obligations. It would be unnecessary and costly for EAL to duplicate those services by offering its own interpreter service.

## The Scheme's Complaints and Sanction Processes

### Consumer's right to seek recourse to the energy ombudsman

- 5.7 EWOV has recommended that a sales complaints process flowchart (**flowchart**) would enhance the understanding of the Scheme. EAL would be willing to annex the flowchart enclosed with this letter to the EAL Code of Practice.
- 5.8 Furthermore, EAL welcomes EWOV's recommendation that a clearer statement about the role of EAL be inserted. Accordingly EAL would be willing to include words to the following effect in the Code of Practice in clause 2.1:

*"EAL has been established to administer the Code. It was established to achieve the same objects as the Code seeks to achieve. For the purposes of this Code EAL:*

- (1) is not a dispute resolution body;*
- (2) will refer consumers back to their Energy Retailer to resolve their dispute directly if they have not contacted the retailer previously;*
- (3) will also refer consumers to the relevant Ombudsman if they are dissatisfied with the Energy Retailer's response to their complaint; and*
- (4) will investigate allegation of non-compliance with the Code, to complement existing regulatory regimes and promote uniformity and consistency in door-to-door marketing in the energy industry"*

### Classification of complaints received about Sales Agents

- 5.9 The consumer group submissions raise concerns about the classification of complaints received about Sales Agents as being too lenient.
- (1) EAL has sought to address this by significantly clarifying the way in which an energy retailer should classify a complaint (as Level 1, 2 or 3) in clause 15 of the Code. Whether or not the examples of conduct would constitute breaches of jurisdictional energy marketing codes, the regime here is focused on when an energy retailer should take disciplinary action and when suspension or deregistration of a Sales Agent is appropriate. The Levels exist to give Sales Agents a chance to correct improper behaviour (where the breaches are not wilful or examples of gross misconduct) so that unwarranted dismissal and deregistration from the industry does not result. Deregistration is a serious penalty that could deprive a Sales Agent of their livelihood for some time.
  - (2) Similarly, the provision in the Code of Practice that requires a Sales Agent to have breached the EAL Code on two occasions in different months before the breach is escalated is to protect against the possibility that a recurrent technical breach or more than one breach arising from one course of conduct could result in a Sales Agent being unreasonably punished. On the other hand, if a higher level breach is appropriate, clause 15.2 allows the energy retailer to impose that level of breach. Furthermore, clause 19.4 requires the Code Manager to regularly assess the Competence Records to ensure the Levels are being appropriately applied.

### *Addressing systemic issues*

5.10 EWOV raised a query about how systemic Member issues will be addressed under the Code.

- (1) The flowchart enclosed with this letter demonstrates how systemic issues generated from Sales Complaints are identified and addressed through monthly reporting. This reflects clause 19 of the Code. The Code Manager can investigate and require remedial action to be taken by members and, if necessary, resort to the formal sanction process under the EAL Complaints Process.
- (2) Additionally, the annual compliance audit (set out in clause 18 of the Code) provides for systemic issues to be identified by an independent auditor and addressed by Members.

### *EAL Complaint's Process – who can bring a complaint against a member?*

5.11 There remains a concern that consumers cannot raise a complaint against a Member under the Complaints Process.

- (1) EAL addressed this issue in its previous submission on 11 February 2011.
- (2) EAL also refers to its response to the ACCC of 21 December 2010 where it states that *"The EAL Scheme is intended to complement and monitor compliance with applicable regulations that govern energy retailing. When a consumer makes a complaint about a Sales Agent it is usually as a result of a specific incident. A consumer is not typically in a position to make a complaint about any systemic problem with a member's compliance."*
- (3) This does not mean that a consumer that does identify a systemic issue is without avenues of complaint. For example:
  - (a) QCOSS, in its letter of 4 March 2011, gives an example of a "systemic issue" that was identified by a consumer when they found a marketing script left on their property containing instructions which would likely be a breach of the EAL Code of Practice.
  - (b) The Code of Practice stipulates that all complaints made by a consumer be recorded and investigated by the energy retailer within 5 business days.
  - (c) Upon investigation by the energy retailer and a breach of the Code being established, the energy retailers would lodge a complaint under the Complaints Process against the energy marketer. Appropriate sanctions would then be imposed.
  - (d) As it is an obligation for an energy retailer to provide feedback on the customer's complaint within 21 days, if the customer is unsatisfied with the investigation or the outcome, they can refer their complaint to the relevant Ombudsman or regulator who can lodge a complaint under the Complaints Process or take independent action.
  - (e) Even if the energy retailer did not take action against the energy marketer, the Monthly Reporting and Compliance Audit processes within the Code of Practice would ensure that the complaint is detected and given due attention, inclusive of imposing sanctions on the energy retailer and energy marketer for failure to comply with the Code of Practice.
- (4) The flowchart enclosed with this letter explains how the avenues of sales complaints operate against a sales agent. To provide another avenue for making of consumer complaints about Members would be to duplicate the regulatory and Ombudsman complaint processes already in place. In addition to being wasteful, it could risk creating consumer confusion.
- (5) However, acknowledging that consumer associations may be in a position to identify systemic compliance issues, EAL would be willing to allow consumer associations to lodge a complaint against a Member pursuant to the EAL Complaints Process.

### *Complaints - composition of the Code Panel*

5.12 Uniting Care Australia's submission alleges that appointment of the Code Panel by EAL is not good practice and that the consumer representative on the Code Panel should be endorsed by the relevant consumers association or network.



- (1) Appointment of panel members by governing boards is entirely orthodox. In addition, the Code requires the relevant person to have experience, at a senior level, in consumer advocacy such that EAL is sufficiently bound to make an appropriate choice.
  - (2) EAL submits that any complaints about the composition of the Code Panel are adequately addressed in the revised Code of Practice. However, as a compromise, EAL would be willing to consider inserting a clause in the Code of Practice that states that the EAL Board will consider any recommendations of candidates to the appointment of Code Panel member. Where a recommendation is not adopted, the interested party will be provided with reasons as to why the recommendation was not approved.
- 5.13 Uniting Care Australia further recommends that consideration should be given to the establishment of a consumer reference group to allow for stronger consumer engagement.
- (1) It is already an obligation under clause 2.4(3) of the Code that EAL promotes the Code to relevant consumer associations at industry round tables, consumer forums and through correspondence.
  - (2) EAL would be willing to enshrine in the Code that at least two round tables occur in a calendar year, and that the purpose of the round table is to also gauge feedback as to the development of the Code and discuss appropriate training packages to address some of the concerns raised in the submissions. Feedback gathered at the round table would be referred to EAL and the Code Panel for consideration. Where recommendations are made for changes to the Code or provision of additional training packages, EAL will provide feedback to consumer groups on how those recommendations are being addressed.

*Publication of complaints on the EAL website*

- 5.14 It was submitted that EAL should publish outcomes of the Complaints Process on its website. The Code of Practice already requires EAL to publish the statistical information about complaints under the Complaints Process in its Annual Report (which is published on the EAL website). The Annual Report will also include statistics about complaints received by energy retailers about the conduct of Sales Agents. Information such as this would be disclosing matters not caught by existing Ombudsman reporting regimes.

*Sanctioning EAL Members*

- 5.15 EAL is unable to accept that the sanction regime applying to Members under the Complaints Process is unsound.
- (1) It is unreasonable that CUAC compare the EAL Sanctions to those adopted by regulators such as the Essential Services Commission of Victoria that apply to energy retailers through a licensing regime. The EAL Code of Practice is a voluntary self-regulatory scheme and the applicable sanctions are appropriate.
  - (2) Nonetheless, EAL submits that the sanctions are sufficiently strong and does not agree with the QCROSS submission that "the proposed sanctions are too weak to provide an effective deterrent against breaches of the EAL Code."
- Consistent with the submission by Red Energy dated 4 March 2011, EAL submits that the imposition of sanctions is meaningful and will have deterrent effects. As previously stated in earlier submissions, any sanction higher than a "sanction 1" will impose a tangible cost on the Member either be it a material cost (such as audit costs or costs of investigating a breach and answering a letter of admonishment) or a reputational cost (either by reason of being named to the EAL Board or named to the public as having contravened the Code of Practice).
- (3) EAL must emphasise that these sanctions supplement sanctions available under the applicable regulatory regimes. Additionally, sanctions can also be attributed to energy marketers. Under current regulatory obligations, energy marketers are not bound to the same extent as energy retailers, as recognised in EWOQ's submission which states that "the marketing companies...will also be members of the Code and thereby regulated".
  - (4) QCROSS also acknowledges improvements in the sanction regime. It has stated in its submission that "...the provisions relating to breaches of the Energy Assured Code

*have been amended so that the highest level of sanctions can be imposed on a member earlier. QCOSS believes that these changes are improvements in the proposed scheme”.*

#### **Annual independent compliance audits**

- 5.16 In its submission, CUAC highlights that consumer groups or the public will not be provided with a copy of the consolidated audit report. EAL does not accept that it should be required to do so. This would be unlikely, EAL submits, to improve the effectiveness of the Compliance Audits or deliver any significant public benefit.
- 5.17 In any case, consumer groups will have access to an overview of the compliance audits undertaken through the Annual Report.
- 5.18 EAL would be willing to include interested consumer associations as one of the groups to be consulted in the review of the Code, and feedback to be provided to consumer groups at the round table mentioned in paragraph 5.13(2).

#### **Vulnerable customers**

- 5.19 Submissions have been concerned to ensure that the Code adequately addresses the treatment of vulnerable customers or customers with limited decision-making capacity.
  - (1) As stated in paragraphs 1.4 and 1.5, EAL is of the view that vulnerable customers will be able to benefit significantly from the overall improvements in marketing standards brought about by the Scheme.
  - (2) Also, clause 12.2(8), 18.2 (2), 23.1(6) and 24.1 (6) of the Code deal with ensuring that appropriate training is delivered on such matters, and this is further enhanced by additional requirements as mentioned in paragraphs 5.6 and 5.13(2).

#### **Design of the Code**

- 5.20 EWOV has recommended that EAL consider amalgamating the three core Scheme documents into one document and have it re-written to make it easier to understand by consumers.
  - (1) EAL submits that the revised Code of Practice, Procedures Guideline and Complaints Process are expressed as simply and clearly as possible given the complexity of the Scheme. Importantly, these documents constitute a contract between Members and EAL and must be sufficiently certain and of a legal nature to be effective. Additionally, the consumer-facing documents that are being developed will distil the information that is of key importance to consumers such as the actual EAL Standards, how complaints can be made, and what happens to Sales Agents and Members if they fail to comply with the EAL Standards. A copy of a draft EAL Marketing Material (**EAL Flyer**) is enclosed with this letter to give an indication of the type and form of information that will be provided to customers about the Code during visits. Additional information will also be available on the EAL website.
  - (2) EAL also adopts the submission by Australian Power & Gas of 4 March 2011 that provide that:

*“The EAL scheme documentation is no more complex in its drafting than the current regulatory and marketing codes that govern a retailer’s activities. We would go further to say that the EAL code in its drafting is more simplistic and clearer to understand than many other current existing regulatory instruments.....Regardless of this, customers will have access to additional information on the scheme through consumer information brochures, website information and other direct marketing material, as specified in the Code”.*



**Consultation**


5.21 EAL had only one week to revise the EAL Scheme documentation before submitting it to the ACCC on 11 February 2011. Accordingly, EAL and its members had no opportunity to consult with consumer groups or other interested parties in relation to the revised Scheme documentation. That said the amendments made to the documentation were directly responsive to the concerns raised by interested parties.

EAL requests that the ACCC consider this letter as part of the Energy Assured Limited applications for authorisation A91258 & A91259.

Should the ACCC consider it appropriate that the proposed further amendments to the Scheme outlined above be incorporated, EAL would enshrine these in the Code documentation prior to a determination of its applications for authorisation.

If there is any further information you require or we can provide any assistance. Please do not hesitate to contact us.

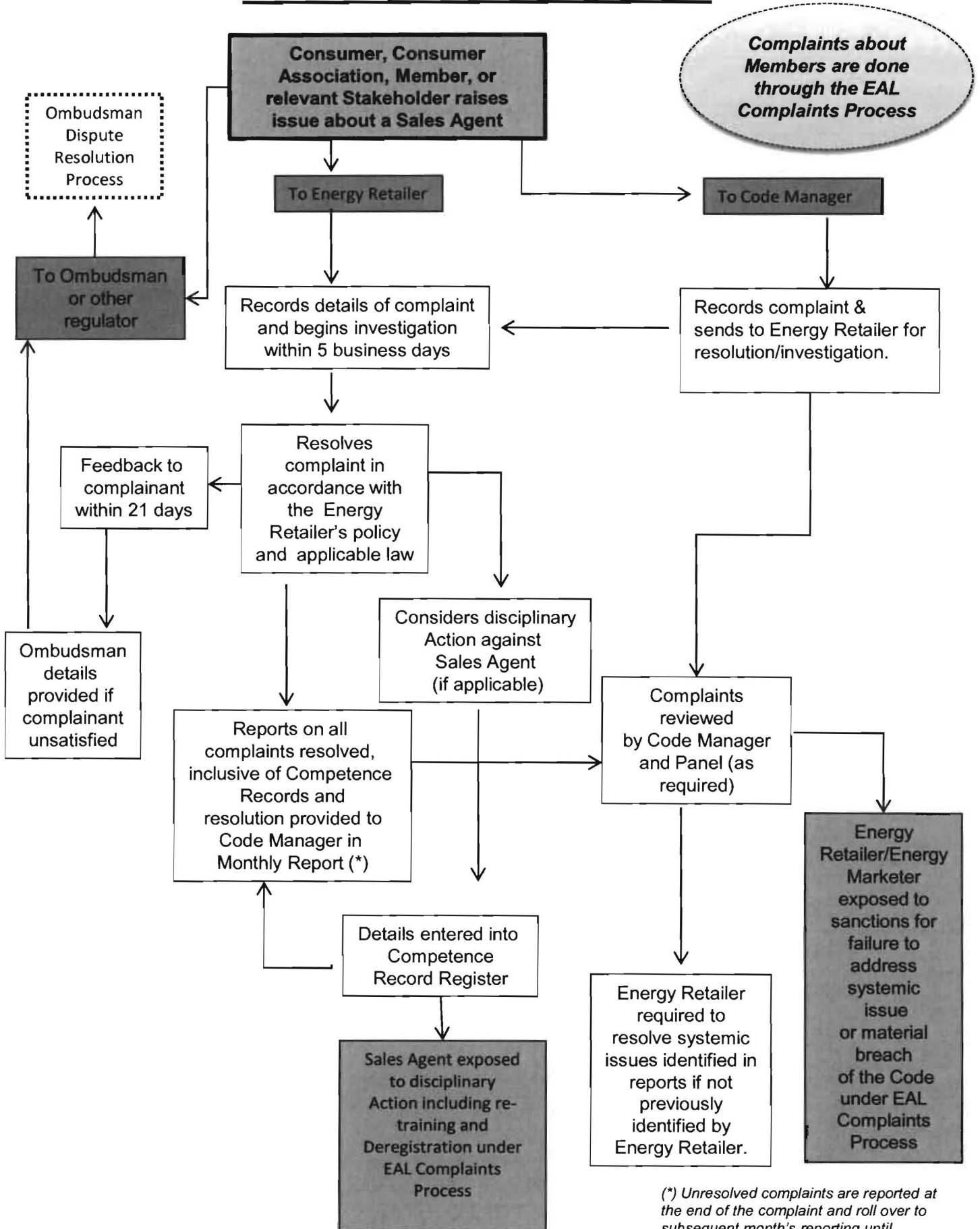
Yours sincerely

A handwritten signature in black ink, appearing to be 'Ramy Soussou', with a stylized, scribbled flourish underneath.

Ramy Soussou  
Acting Chief Executive Officer



# Sales Complaint Handling Process





## Be assured

As a member of the Code, we go to great lengths to ensure that we employ the right people to sell at your door.

- All prospective sales agents are screened using a 100 point identification check, a criminal history check, and reference check.
- New sales agents who succeed in achieving screening standards are then registered on an industry central register. Only fully registered sales agents may display the Energy Assured logo and undertake sales activities on our behalf.
- Sales agents undergo an ongoing training, accreditation and assessment process to ensure they always comply with the Code and meet your expectations.
- Any sales agent who breaches the Code faces disciplinary action which can include retraining, having their Energy Assured accreditation suspended and/or deregistration for up to 5 years.

## Feedback

We monitor the performance of our sales agents regularly and have rigorous processes to ensure they provide you with the best service possible.



If you have had a visit from one of our sales agents and you were happy with your experience, why not let us know (see back page for details).

If your experience was in any way unsatisfactory, or if you would like to make a complaint, please contact us. We will action your complaint and provide you with feedback within 21 days. We can also provide you with a full copy of the Code.

If you're still unsatisfied with the outcome or would like further advice to understand your rights as a consumer, you can always contact the relevant energy Ombudsman in your State or Territory (see back for details). The Code operates separately to the ombudsman scheme.

There are also consumer laws that apply to door-to-door negotiations. If you have a complaint about a sales agent you may also contact the Australian Competition and Consumer Commission or fair trading office in your State or Territory.

## Who are we?

We are a member of Energy Assured and we have adopted and will comply with the Code. Our details are:

[Insert Energy Retailer's and, if applicable, Energy Marketer's details]

## Ombudsman

New South Wales: [www.ewon.com.au](http://www.ewon.com.au); Tel: 1800 246 545  
Queensland: [www.eoq.com.au](http://www.eoq.com.au); Tel: 1800 662 837  
South Australia: [www.eiosa.com.au](http://www.eiosa.com.au); Tel: 1800 665 565  
Victoria: [www.ewov.com.au](http://www.ewov.com.au); Tel: 1800 500 509

## For further information on the Code please write to:

If you have questions about the Code itself please contact the Code Manager or visit the Energy Assured website at [www.energyassured.com.au](http://www.energyassured.com.au).

The Code Manager  
Energy Assured Limited  
Suite 4, Level 4, 107 Kent Street  
Sydney, NSW 2000  
[codemanager@energyassured.com.au](mailto:codemanager@energyassured.com.au)

Greek . Italian . Arabic . Vietnamese . Cantonese . Mandarin

Αυτό μπορεί να αντιμετωπισθεί στα ελληνικά με την επίσκεψη του ανωτέρω ιστοχώρου.

Ciò può essere osservata in italiano visitando il suddetto Website.

إذا فة الاموقعة زورب ال عرب ية ف ي شاهت ك نت ي س تط يع ها

Điều này có thể được xem ở Việt Nam bằng cách truy cập các trang web trên.

這可以透過造訪上述網站在廣東人中被檢視。

这可以通过访问以上网站用普通话被查看。



Be confident in  
buying energy at  
your doorstep

## Be confident in buying

### What is Energy Assured?

Energy Assured operates a voluntary Code of Practice for face-to-face marketing of energy contracts. The Code aims to ensure the highest standards in door-to-door selling practices by energy salespeople.

Members of Energy Assured comprise both energy retailers and the marketing companies that they use to perform door-to-door sales. The Code requires members to only engage sales people that meet the Code's stringent requirements.

### Why the Code?

The Code was established by the energy industry in 2011 to reduce complaints, improve the consumer experience and increase consumer confidence in the door-to-door sale of retail energy products.



While recognising that there are laws, such as the Australian Consumer Law, that govern door to door sales, the Code aims to lift the bar further and ensure the strictest compliance and most ethical practices by sales agents that represent energy retailers at the door.

Thus the name

# 'Energy Assured'

## Energy at your doorstep

### What to expect from our salespeople

#### Be assured that our sales people will:

- be courteous, professional and respect your wishes;
- only call during permitted times of the day;
- cease contact when you advise them that the contact is inconvenient, unwelcome or inappropriate;
- always identify themselves and provide you with their name, the company they represent and their ID;
- communicate with you clearly and truthfully and never use high pressure sales tactics;
- explain to you fully the terms of any contract, inclusive of price and any associated fees;
- ensure that you understand any agreements made;
- explain any cooling-off period and what will happen next;
- never exploit your inexperience or vulnerability; and
- comply with applicable regulatory requirements.

After a sale has been completed, the Code requires an independent person to verify that you were satisfied with the way the sale was conducted, and that you understand that a contract has been entered into.



## High Standards Assured

The success of the Code relies on a member's full compliance with the Code and a robust approach taken to ensuring compliance which includes:

- the employment of a full time and independent Code Manager to oversee the day-to-day operational compliance of members;
- a range of sanctions available to the Code Manager if members' breach the Code, including requiring remedial action and formal and public admonishments;
- monthly reporting by members to the Code Manager; and
- annual code audits to inspect members' systems and controls, report on any areas of non-compliance and implement remedial action if required.

## Independent Code Panel

An independent Code Panel has also been appointed to oversee the strategic operations of the Code. The Code Panel is a group of experienced representatives from a variety of backgrounds that are independent to members. The Panel approves sanctions, judges any appeals, and reviews and recommends further developments to the Code.

