



15 July 2013

By email: adjudication@acc.gov.au

Mr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 520
MELBOURNE VIC 3001

Dear Mr Chadwick

**Clean Energy Council Limited application for authorisation A91365 & A91366 –
Draft determination**

Consumer Action Law Centre (**Consumer Action**) is pleased to provide a submission on the Australian Competition and Consumer Commission's (**ACCC**) draft decision on the Clean Energy Council Limited application for authorisation A91365 & A91366 (the **draft determination**).

We have had the opportunity to review the ACCC's draft determination and believe the Clean Energy Council's (**CEC**) proposed Code to be substantive and a very positive step forward for the industry. Certainly, if implemented effectively, it should result in increased accountability and protection for consumers, and an industry that performs to a higher standard of consumer protection than the general law.

We note that while we did not provide direct input into ACCC's process following the CEC's initial lodgement of the authorisation, we had been in contact with the CEC and had provided input into the Code's development. As a result we are pleased that the Code appears to address issues in the industry that have arisen (including in complaints to our Centre), and is about making Photo Voltaic retailers more responsible for their behaviour.

We are further confident that additional comments made by the Energy and Water Ombudsman will further provide the necessary consumer protections based on the issues it sees arising from the sector.

We highlight that we have not reviewed the sanction and breach levels closely, and while the industry are probably best placed to determine appropriate levels—we do think it important that they provide for a real prospect of retailer being suspended or removed as code signatory.

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We thank you for the opportunity to comment.

Should you have any questions, please contact me on 03 9670 5088.

Yours sincerely

CONSUMER ACTION LAW CENTRE

A handwritten signature in black ink that reads "Janine Rayner". The signature is written in a cursive style and is placed on a light-colored rectangular background.

Janine Rayner
Senior Policy Officer