



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2013/298  
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15 May 2013

Ms Kate Allsopp  
Accreditation Manager  
Level 15  
222 Exhibition Street  
Melbourne VIC 3000

Dear Ms Allsopp

**Re: Clean Energy Council Limited application for authorisation A91365 & A91366 -  
interested party submissions**

I refer to the above application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 4 April 2013.

As you are aware, on 9 April 2013 the ACCC wrote to interested parties seeking submissions in relation to the application. The ACCC requested that submissions be provided by 1 May 2013.

The ACCC has received submissions from the following interested parties:

- Energy and Water Ombudsman Victoria
- Energy Australia Pty Ltd

A copy of each of these submissions is attached. All publicly available submissions are also posted on the ACCC internet site at [www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister).

**Request for Further Information**

As discussed with you on 14 May 2013, the ACCC is seeking clarification regarding some of the clauses contained in the Code (set out in Attachment A) and also that the CEC consider amending the severity of breaches of the Code so that all breaches of the Australian Consumer Law (ACL) would be classified as severe and would be reported to the relevant regulator (as required under section 3.6.1). The current drafting of these sanctions under the Code may mislead signatories as to their obligations under the ACL or the seriousness of those obligations.

The specific clauses that this concern relates to include:

- Any advertisements, promotions, quotations and statements must be legal, truthful, and comply with relevant legislation (currently classified as major)
- Receipts must be issued for all deposits collected (currently classified as medium)
- Before the contract is signed the signatory must provide the consumer with the address of the local office or showroom, or a telephone number where any queries can be answered (currently classified as minor).

Please provide any comments on the submissions, and a response to the questions at Attachment A by **29 May 2013**.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Anna Giannakos on (03) 9290 6920 or by email at [anna.giannakos@accc.gov.au](mailto:anna.giannakos@accc.gov.au).

Yours sincerely



Marie Dalins  
Director  
Adjudication Branch