
From: [REDACTED]
Sent: Tuesday, 16 June 2020 1:11 PM
To: Adjudication
Subject: CEC Approved Solar Retailer code

Dear ACCC,

I have recently dealt with the CEC in relation to the conduct of a business known as [REDACTED], which until today was registered as a CEC Approved Solar Retailer. I commend the CEC for investigating my complaint against [REDACTED] in relation to false and misleading advertising and the use of advertising methods and content that bring the residential solar energy sector into disrepute. The CEC compliance manager took his role seriously, and kept me informed about the investigation process and how long it would take due to the ASR member having particular rights of appeal. I felt that the CEC took a relatively long time to investigate the matter but was pleased that it agreed with my concerns as well as raising some of its own, and that it ultimately suspended [REDACTED] ASR registration indefinitely or until it could prove that it was willing and able to comply with the ASR code of conduct. Despite what was and remains grossly non-compliant behaviour by [REDACTED], this is as much as the CEC could do to penalise its operators. No fines, no convictions, no prohibition from operations, just suspension of its ASR membership.

Having looked into the ASR code and how the CEC operates, I can't support either. There is clearly good intent to raise industry standards, but the methods used are problematic, especially in terms of the scheme functioning as an example of 'the fox guarding the hen house' and the CEC not having any significant regulatory 'teeth'. The ASR code looks and seems to function more like a marketing ploy than like a system that can effectively and fairly lift industry standards to the benefit of consumers and associated businesses.

I've read the submission about the ASR code and scheme drafted by Ronald Brakels on the Solar Quotes website, and I agree with his case against the CEC and the ASR code, based on direct experience of its limitations and flaws. I believe those negatives outweigh the few positives that the ASR code has generated. I am particularly concerned about the conflict of interest that Brakels shows that the CEC has in relation to the operation and financing of the ASR code, as well as the harmful effects that the ASR code has had on businesses where ASR membership was made compulsory for enterprises to access certain government rebates. I don't believe that the CEC is an appropriate body to regulate the solar retail sector, at least not in its current form, and particularly because of the problem of conflicted interests.

If the Commission requires further details from me about the matters raised here, I am happy to assist.

[REDACTED]

Regards,
[REDACTED]