

16th June 2020

RE: ACCC submission for CEC Code of Conduct,

For ACCC attention:

Although the CEC Code of Conduct is stated as voluntary however in Victoria and South Australia (soon to be NSW) it is mandatory to have CEC Approved Retailer accreditation. Solar Retailers who aren't signatories to the Code of Conduct simply can't compete against those who are. Incentives offered are:

1. Solar Victoria program offers
 - \$1,850 solar PV rebate (almost 50% of total net out of pocket for customers)
 - \$4,174 solar battery rebate (around 40% of the purchase price)
 - Interest-free finance over 4 years for up to \$1850
2. SA Home Battery Scheme
 - \$4,000 battery storage rebate (around 40% of purchase price)
 - Cost-effective finance product
3. NSW will shortly offer interest-free finance on battery systems

Please note the impacts for Solar Retailers are:

- Given the incentives offered at state level are so large, without having a CEC Approved Retailer Accreditation Solar Retailers are not competitive
- If Solar Retailers lose their CEC Approved Retailer Accreditation they will lose their business as they will no longer be competitive

Before the ACCC endorses the CEC code of code I would like the below concerns addressed:

1. List the eligibility criteria to become a signatory to the code. Amendments to eligibility need to be approved by the ACCC and must not lessen competition. Eligibility criteria must be just and equitable to encourage consumer competition

EXAMPLE: The CEC proposed that Solar Retailers must have a Registered Electrical Contractors license in order to maintain a CEC Approved Retailer Accreditation. The only way of getting a Registered Electrical Contractors Licence is by completing an Electrical Apprenticeship then completing the license test for an Electrical Contractor. Registered Electrical Contractors typically run their own business and becoming an employee is not desirable for them. This requirement would lessen competition.

2. Obligations of the code must be simplified in order for small business owners to meet the code requirements without needing resources they don't have. Many business owners are owner-operators not large corporate with massive financial backing.

3. Breaches must have clear definitions, examples must be given, a clear process and a timeline for the Signatory to Remedy the breach. Remedy processes must support Solar Retailer's improving business practices rather than Solar Retailers being suspended or terminated. Solar Retailers in Victoria, South Australia and New South Wales are un-competitive without accessing the relevant state solar incentives, so no accreditation means no business.

4. All subjective breaches must be removed from the code entirely. See the below example. How can the Code Administrator's opinion lead to a Severe Breach?

Systematic breaches This is a breach of the Code that is not a singular event but is, in the Code Administrator's opinion, a procedural lack of compliance with the Code by the Signatory.	Severe
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5. The Code must outline an appeals process for Signatories to Appeal that includes an external tribunal, body or court. For example the Administrative Appeals Tribunal, external court or body like the ACCC to ensure that decisions of the CEC are just, equitable and have a legal basis.

6. Reference to voluntary in the Code of Conduct are to be removed for states where schemes mandate that Solar Retailers must be a signatory to the code or have CEC Approved Retailer Accreditation.

Regards,

John Kurta
Director