
From: Rod Woolley [REDACTED]
Sent: Friday, 4 September 2020 4:52 PM
To: Adjudication
Subject: AA1000514 – Clean Energy Council – submission

ATTN: Commissioner Stephen Ridgeway, ACCC.

Dear Commissioner Ridgeway,

Thank you for this opportunity to provide a brief submission supporting the ACCC's Draft Determination in respect of the application for re-authorisation lodged by the Clean Energy Council Limited (CEC).

Solar Service Group (Solar SG) companies are market leaders involved in the research and development, manufacture, wholesale and retail, and installation of residential solar energy storage and management systems across Australia. Trading inter alia as Sunbank Solar and SouthAus Solar, we are an Approved Solar Retailer under the CEC Code of Conduct and operate in all jurisdictions, including those whose government-sponsored schemes mandate CEC approval in order to participate. Solar SG's senior management have a combined 30 years' experience in the renewable energy industry.

At a personal level, for nine years I administered a similar industry accreditation and product approval regime on behalf of the Victorian Government, so bring some experience and relevant insights to the process.

Solar SG is a senior member of the Smart Energy Council (SEC), the most effective and broadly representative peak body of the solar and energy storage industry in Australia, and supports that body's separate submission in respect of your Draft Determination. Solar SG is not a member of the CEC.

Solar SG supports a voluntary code of conduct for industry participants, broadly to support the ongoing viability, safety and sustainability of the solar and storage industry, but submits that the CEC Code, in its current application, has become blatantly anti-competitive and not fit for its original purpose. Solar SG thus welcomes the advent of the New Energy Technology Consumer Code (NETCC) to be administered jointly by representatives from across the industry, including the SEC, and urges that the NETCC be introduced as soon as practicable.

A major failing of the CEC Code, as identified by the ACCC, is the absence in the code of a genuinely independent appeals process available to industry participants seeking relief from decisions (often of an arbitrary nature) by the CEC. This lack of natural justice, which would never be permitted in a government-administered accreditation process and should not continue to be permitted here, needs to be remedied not just to ensure that applicants are not inappropriately rejected from becoming signatories but also to *ensure that existing signatories are not inappropriately sanctioned as a result of alleged breaches of the code.*

In effect, and in contradiction of competition principles, the CEC is currently free to operate as 'judge, jury and executioner' in administering its code, with no equitable relief for injured parties, some of whom report being forced to devote considerable sums in legal protection that must be passed on to consumers to no public benefit, indeed to public detriment. For these reasons, Solar SG supports the ACCC's draft determination that temporary re-authorisation of the CEC Code should be conditional on inclusion of an independent appeals process, and that the re-authorisation should be for a maximum of no more than two years to allow for orderly transition to the NETCC.

Should you seek further information from Solar SG in support of this submission, including information about potential independent appeals mechanisms, please do not hesitate to contact the company as below.

Yours sincerely,

SOLAR SERVICE GROUP

Rod Woolley I Chairman

Ground Floor, 990 Whitehorse Road, Box Hill VIC 3128

1300 40 41 42

www.solarsg.com.au



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