

1 July 2020

Ms Danielle Staltari
Director – Adjudication
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Ms Staltari

CEC CODE - AA1000514 – SUBMISSION OF SOLAR VICTORIA

I refer to your letter of 26 May 2020 advising of the ACCC's consideration of the application for re-authorisation of the Solar Retailer Code of Conduct (Solar Retailer Code).

I am writing to offer Solar Victoria's support for the application.

Background

Solar Victoria is delivering the Victorian Government's Solar Homes program, a \$1.3b initiative to support Victorians to access to clean and affordable energy.

Over 10-years, the Solar Homes program will enable the installation of solar panels, solar hot water systems or batteries on 770,000 homes across the State, resulting in over one million Victorian homes powered by renewable energy. Critical to the success of the Solar Homes program is ensuring that systems installed as part of the program meet safety and quality standards, and that solar customers are afforded an appropriate level of consumer protection.

On 1 July 2019, we mandated that the top 150 solar retailers participating in our program were approved signatories to the Solar Retailer Code (referred to as Approved Solar Retailers, or ASRs). On 1 November 2019 we mandated that all remaining retailers were required to be ASRs.

While the Solar Retailer Code is a voluntary scheme, Solar Victoria has determined that it offers a range of protections to consumers that provide an efficient and effective complement to current regulatory protections and are appropriate for our program where the solar industry is a delivery partner and where community expectations for safety and quality are paramount.

I advise that it is Solar Victoria's observation that mandating membership of the Solar Retailer Code through the Solar Homes program has been successful in raising industry standards and will continue to do so if the scheme is re-authorised by the ACCC. The number of ASRs operating in Victoria has increased significantly in recent years, with less than 50 retailers approved in 2018 while there are 703 retailers now approved as at 24 June 2020. While this increase is likely to be predominantly a function of the Solar Homes program requirement, it does mean that many more solar customers are able to enjoy the additional protections of the Solar Retailer Code.

We welcome the Clean Energy Council's efforts over recent months to increase the level of scrutiny and consequence for breaches of the Solar Retailer Code. Since 1 July last year, the CEC in its capacity as code administrator, has acted to suspend or cancel the ASR status of seven retailers for

various breaches of the Solar Retailer Code. As a consequence, those retailers have been removed from participating in the Solar Homes program until such time as they have been able to demonstrate that the business is again able to adhere to the requirements of the code. Solar Victoria is also aware that many other retailers have been subject to compliance action by the CEC that did not necessitate suspension or cancellation from the scheme.

Solar Victoria considers that the scheme thus far has been both proportionate and effective in improving the business practices of those retailers who have been subject to compliance action. Importantly, the CEC's approach, which include appropriate publication of its actions, has also served to raise industry standards as a whole.

If the ACCC determine not to re-authorise the Solar Retailer Code, it is Solar Victoria's view that doing so would have an adverse impact on our administration on the Solar Homes program which would in turn increase costs for industry members in order to deliver a commensurate level of consumer protection to customers of the program.

Having regard to the recent application for re-authorisation, Solar Victoria notes that the applicant has not proposed substantial changes to the terms of the existing code. Those changes that have been proposed are supported by Solar Victoria and appear to be measured and are necessary to ensure that the code remains contemporary and promotes best practice.

If you would like more information, please contact Paul Corkill of Solar Victoria on [REDACTED] or by email [REDACTED]

Yours sincerely

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Stan Krpan
Chief Executive Officer, Solar Victoria