

2 September 2020

Ms Susie Black  
Director – Adjudication  
Australian Competition and Consumer Commission

**BY EMAIL: [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au)**

Dear Ms Black

**AA1000514 – Clean Energy Council – submission**

I refer to your letter dated 13 August 2020 advising of the ACCC's Draft Determination in respect of the application for re-authorisation of the Solar Retailer Code of Conduct (Solar Code) lodged by the Clean Energy Council Limited (CEC) on 15 May 2020.

I am writing to provide Solar Victoria's submission in support of the ACCC's conditional re-authorisation of the Solar Code.

**Background**

By way of my letter dated 1 July 2020, I offered Solar Victoria's support for the CEC's application for re-authorisation of the Solar Code, including the CEC's proposed amendments to the Solar Code.

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

Solar Victoria considers that mandating membership of the Solar 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.

I note that the ACCC has proposed, by way of the Draft Determination dated 13 August 2020, to grant re-authorisation of the Solar Code for two years, subject to a condition that provides:

- (a) an independent appeals mechanism for retailers seeking to become Signatories of the Solar Code;
- (b) the Code Administrator implement a waiting period for retailers who are unsuccessful applicants of no longer than one month (for first time rejection), two months (for second time rejection) and three months (for third time rejection).

I confirm that the ACCC has invited submissions from interested parties in response to the Draft Determination including, in particular, on:

- (a) the form and content of the ACCC's proposed condition. In particular, whether, in addition to including an appeals mechanism, it is also necessary to require that the exclusion periods for rejected applicants be reduced. Views are also sought on the mechanism for the appeals process;
- (b) whether the proposed duration of the authorisation (two years) is appropriate; and
- (c) the issues relating to the Solar Code's privacy provisions, as raised by the Office of the Australian Information Commissioner (OAIC) and set out in paragraphs 4.18-4.21 of the Draft Determination.

### **Solar Victoria's submissions**

I confirm that Solar Victoria supports the ACCC's proposed condition for re-authorisation of the Solar Code.

Solar Victoria does not envisage that the proposed condition will negatively impact the effective administration of the Solar Homes program. Specifically, Solar Victoria does not consider that the proposed condition, if adopted, would diminish confidence that retailers entering the Solar Homes program meet the high standards of safety, quality and consumer protection required under the program.

Solar Victoria considers that it is appropriate that exclusion periods for retailers, who are unsuccessful applicants to the Solar Code, be reduced. The specific waiting periods proposed by the ACCC, being no longer than one month (for first time rejection), two months (for second time rejection) and three months (for third time rejection), appear to be suitable.

Solar Victoria makes no submission in relation to the mechanism for an appeals process for rejected applicants to the Solar Code or on the proposed two-year duration of re-authorisation of the Solar Code.

Further, Solar Victoria makes no submission in respect of the issues raised by the OAIC set out at paragraphs 4.18-4.21 of the Draft Determination, save to say that Solar Victoria considers that the privacy provisions within the Solar Code should be consistent with applicable privacy legislation.

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

Yours sincerely

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**Stan Krpan**  
Chief Executive Officer, Solar Victoria