

The logo for CHOICE, featuring the word "CHOICE" in a bold, blue, sans-serif font with a horizontal blue line underneath.The logo for consumer action law centre, featuring a green circular icon made of connected dots and the text "consumer action law centre" in a grey, sans-serif font.The logo for COTA VICTORIA, featuring the text "COTA VICTORIA" in a grey, sans-serif font next to a stylized green and yellow sunburst icon.The logo for FCRC, featuring a stylized red and purple flame icon to the left of the text "FCRC Financial & Consumer Rights Council Inc." in a grey, sans-serif font.The logo for Financial Rights LEGAL CENTRE, featuring a green and blue speech bubble icon above the text "Financial Rights LEGAL CENTRE" in a grey, sans-serif font.The logo for Moreland Energy Foundation, featuring a blue and orange circular icon with a white spiral inside, next to the text "Moreland Energy Foundation" in a grey, sans-serif font.The logo for public interest ADVOCACY CENTRE, featuring a red network of connected dots above the text "public interest ADVOCACY CENTRE" in a grey, sans-serif font.The logo for VCOSS, featuring a stylized blue and yellow mountain range icon above the text "VCOSS Victorian Council of Social Service" in a grey, sans-serif font.The logo for Uniting Church in Australia, featuring a black and white cross icon with a red flame inside, next to the text "Uniting Church in Australia SYNOD OF VICTORIA AND TASMANIA" in a grey, sans-serif font.

22 May 2019

By email: [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au)

Susie Black  
Director (A/g) Adjudication Branch  
Australian Competition and Consumer Commission

Dear Ms Black,

**Re: Support for AA1000439 New Energy Tech Consumer Code**

Our organisations write to express our support for strong consumer protections being contained in the New Energy Tech Consumer Code (Energy Tech Code).

Australia is undergoing a renewable energy boom, more than 2 million households now have rooftop solar installed, and reliable, affordable renewable energy will play a critical role in helping people to take back control of their power bills and bring down Australia's greenhouse gas emissions. However, as our energy market undergoes rapid change, our regulatory system is struggling to keep up. This is what makes the Energy Tech Code critical, as it will help to strengthen consumer protections and ensure that new energy technologies like solar panels, batteries and electric vehicles are safe, reliable and live up to the promises of the businesses providing them.

The Energy Tech Code is a voluntary code which clearly sets out the service standards that new business should adhere to. We strongly support the proposal that the Energy Tech Code requires businesses to only provide finance arrangements through providers that are licensed under the National Consumer Credit Protection Act (2009). The new energy technology industry must avoid

partnering with businesses that have caused significant consumer harm as they are not regulated under credit law protections.<sup>1</sup>

However, the Energy Tech Code must go one step further when it comes to protecting consumers from high pressure sales. This can be achieved by requiring businesses to not conduct 'unsolicited' sales. Simply requiring businesses to 'avoid high pressure sales tactics'<sup>2</sup> as the Energy Tech Code currently proposes, is too broad and still allows for unsolicited sales. There is significant evidence that high pressure selling of new energy products is driving significant consumer harm, with households pressured to make rapid decisions in their homes or over the phone about expensive, confusing and complex pieces of technology. No one should be forced into making significant financial decisions without the ability to compare options or seek independent advice.

It is essential that the New Energy Tech code and other initiatives that seek to shape the transformation of the energy system through the uptake of new technologies incorporate strong consumer protections. Consumers need to be able to trust that the provision of these technologies will live up to what is promised be it safety, financial benefits or actual benefits for our environment.

Yours sincerely,

**CHOICE, Consumer Action Law Centre, COTA Victoria, Financial and Consumer Rights Council Inc, Financial Rights Legal Centre, Moreland Energy Foundation Limited, Public Interest Advocacy Centre, Victorian Council Of Social Service and Uniting Church in Australia Synod of Victoria and Tasmania.**

Jake Lilley at Consumer Action is the best point of contact in relation to this communication on 03 9670 5088 or at [jake@consumeraction.org.au](mailto:jake@consumeraction.org.au).

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<sup>1</sup> Consumer Action Law Centre, 2019. Sunny Side Up; Strengthening the Consumer Protection Regime for Solar Panels in Victoria.

<sup>2</sup> Clean Energy Council, 2019. *RE: Application for authorisation made under sections 88(1) of the Competition and Consumer Act 2010* Appendix B, p.6.