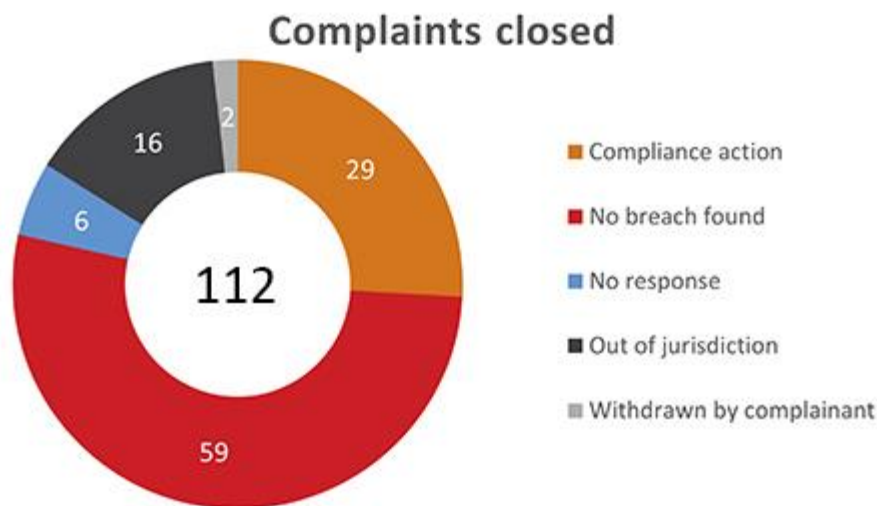


# APPROVED SOLAR RETAILER QUARTERLY COMPLIANCE REPORT JAN-MAR 2022

Welcome to the Clean Energy Council's quarterly compliance report, providing information about compliance activities in the Approved Solar Retailer program.

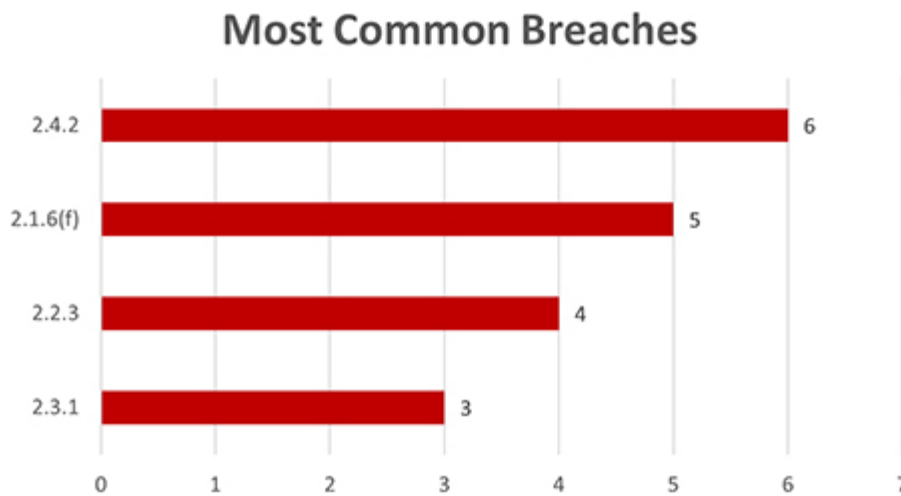
Please refer to the [compliance activity page](#) on our website for the latest information on what compliance activity has taken place in the previous quarter, including information on suspensions and cancellations.



**Note:**

- No response refers to the complainant not responding to our queries.
- Out of jurisdiction occurs when the incident took place prior to the retailer becoming a Signatory.

The Code Administrator closed 112 complaint cases between 1 January 2022 and 31 March 2022. 29 of these complaints resulted in compliance action against an Approved Solar Retailer (ASR).



- 2.4.2 – Failing to be responsive to, and deal appropriately with the consumer at all times.
- 2.1.6 (f) – Failing to provide the consumer a compliant site-specific system design at the point of contract.
- 2.2.3 – Failing to have a variation to the system design documented and signed off prior to installation.
- 2.3.1 – Failing to provide the consumer the required post installation documentation

## Most common breach

### Clause 2.4.2 – Failing to be responsive to, and deal appropriately with the consumer at all times.

There were six instances this quarter where an Approved Solar Retailer failed to be responsive to, and deal appropriately with the consumer at all times. The Code Administrator is finding repeated instances of Retailers failing to respond to a consumer’s complaint or keep them updated on what steps they are taking to resolve a matter.

If you maintain a clear, written record of correspondence with a consumer, you will not only be able to demonstrate compliance with the Code of Conduct for Approved Solar Retailers (the Code) but have a written record of events should the consumer escalate their complaint to a dispute resolution body.

There have been instances where a consumer’s complaint is unreasonable, and the Retailer is not necessarily at fault. Instead of the Retailer responding to the consumer with reasons for why they are not at fault, they dismiss the complaint and do not respond. This is not compliant with clause 2.4.2 of the Code.

In such instances, you still need to respond to the consumer clearly describing why you are not at fault and explain the reasons for why you are unable to resolve their issue. You must also provide the consumer with the appropriate contact details for escalating their complaint either internally or externally to the relevant state or territory industry consumer protection organisation or dispute resolution body to comply with clause 2.4.5 of the Code.

The risk of commercial dispute is higher if you are not responsive to the consumer because the consumer does not have your reasons for why you are not at fault. To protect your company from the commercial risk associated with these disputes, you must be responsive to, and deal appropriately with the consumer at all times. This involves responding to consumer complaints/enquiries promptly, and giving clear reasons to support your position. Please ensure this correspondence is via written communication (email) to minimise the risk of miscommunication.

## Case study

### **Clause 2.4.2 & 2.4.5 – Failing to be responsive to, and deal appropriately with the consumer at all times**

The Code Administrator received a complaint from a consumer stating that their system was producing significantly less than expected and that their system was wrongly installed in a heavily shaded area.

The consumer emailed the Retailer with their complaint on 30 April 2021. On 29 June 2021, the consumer sent a follow-up email to the Retailer requesting an update on the matter, more than eight weeks after the original complaint. A further email was sent on 14 July 2021 regarding the lack of response from the Retailer. The Retailer failed to provide an update to the consumer until 27 September 2021, five months after the complaint was initially raised. Eventually, the matter was resolved with the consumer in October 2021, however the Retailer failed to keep the consumer updated and did not respond to the consumer's complaints in a timely manner until the CEC commenced an investigation.

Clause 2.4.2 of the Code states that Signatories must be responsive to, and deal appropriately with the consumer at all times. The Code Administrator alleged that the Retailer failed to comply with this clause (among multiple other allegations) by failing to respond to the consumer's complaint within a reasonable timeframe or keep them updated accordingly.

The Code Administrator also alleged a breach of clause 2.4.5 of the Code. Clause 2.4.5 of the Code states that Signatories must have an appropriate internal complaint handling procedure in which the Retailer:

- makes every reasonable effort to advise the complainant as soon as possible of receipt of their complaint and expected timeframe for resolution of that complaint
- provides feedback on the outcome of the complaint within 21 days.

The allegations were substantiated by the Code Administrator and the Retailer was required to complete an audit at their own cost. The audit involved reviewing their business procedures and implementing strategies/procedures to prevent non-compliance in future.

The Retailer found the below when completing the audit:

- they failed to respond to consumer complaints within a reasonable timeframe on multiple occasions
- there was no sufficient document control or record keeping of complaints
- consumers were not being referred to the relevant authorities to escalate their complaint.

The Retailer implemented the below strategies as a result of the audit:

- A compliance manager was appointed to manage consumer complaints. All staff members were required to report consumer complaints to the compliance manager and be retrained to ensure complaints were escalated immediately to the compliance manager for action.
- All complaints were to be recorded and responded to immediately with an estimated timeframe for investigation of the complaint.
- Feedback of the complaint was to be provided within 21 days. If more time was required, the Retailer committed to advising the consumer in writing.
- Consumers were to be referred to the appropriate dispute resolution body for their state should the consumer not be satisfied with their response to the complaint.

Following receipt of the audit results, the Code Administrator closed this case.

Please note the below learnings from this case:

- You must respond to a consumer's complaint even if it is unreasonable to comply with clause 2.4.2 and 2.4.5 of the Code of Conduct. You are required to explain and give reasons for why you are not liable for the matter. This will reduce the risk of the matter being escalated to a dispute resolution body. If the matter is escalated to a dispute resolution body, you will be able to demonstrate why you did not attend to the consumer's requests and that you clearly informed them of this.
- If you are unable to return to site for a period of time due to reasons beyond your control, you must still inform the consumer of this to keep them updated and request more time to complete an investigation in accordance with clause 2.4.5 of the Code. A consumer may be more understanding of delays if they are kept informed.

## Cancellations

The Code Administrator did not cancel any Signatories this quarter.

## Suspensions

Signatory name	Start date	End date
Kobi Energy Solutions	11/1/2022	2/2/2022
Sunlife Energy	4/3/2022	Ongoing

Signatories that are suspended are not permitted to promote themselves as Approved Solar Retailers, use the Code brand mark or utilise any of the benefits of being approved until remedial action imposed by the Code Administrator has been satisfactorily completed. Further information relating to suspensions can be found on the [compliance activity page on the CEC website](#).

### Kobi Energy Solutions

Kobi Energy Solutions were found to have made false and misleading statements to the consumer. They also failed to provide the consumer a compliant contract, have a variation to

the system design documented and signed off prior to installation, or supply the consumer post installation documentation.

## Sunlife Energy

Sunlife Energy were found to have made false and misleading statements to the consumer, failed to provide a compliant contract to the consumer and failed to have system design variations documented and signed off prior to installation. They were also found to have not taken remedial actions to warrant the performance of the system, failed to be responsive to and deal appropriately with the consumer, and failed to provide the requested documentation and information to the Code Administrator.

## Complaints received

The Code Administrator received 112 complaints this quarter (January 2022 – March 2022).



Please refer to our [Compliance Activity Page](#) on our website for the latest information on what compliance activity has taken place in the previous quarter, including information on suspensions and cancellations.

## Appeals

There were no appeals of the Code Administrator's decisions this quarter.

## Feedback

We value your input as an Approved Solar Retailer and welcome any suggested topics or issues that you would like to have covered in these reports.

Under section 2.4.11 of the Code, Signatories must undertake to inform the Code Administrator of any breaches to the Code made by other Signatory companies.

Please submit any suspected breaches of the Code via our online [Complaint Form](#).

Please contact [compliance@cleanenergycouncil.org.au](mailto:compliance@cleanenergycouncil.org.au) if you would like further information or wish to discuss this report.

## The New Energy Tech Consumer Code is coming in 2023



The clean energy industry has evolved significantly in recent years and Approved Solar Retailers are offering consumers an increasingly broad range of products and services. Recognising this, the CEC has been working with leading industry bodies and consumer advocates to develop a program which more accurately reflects the future of our industry.

This has led to the creation of the New Energy Tech Consumer Code (NETCC) which will replace the Approved Solar Retailer (ASR) program in 2023.

Like the Solar Retailer Code of Conduct, the NETCC seeks to raise industry standards and enhance consumer confidence to purchase small-scale energy technologies. Whilst it still provides for solar PV, the NETCC also covers a range of new energy products and services, including battery storage and electric vehicle charging services.

From 1 February 2023, ASRs will be transitioned to the NETCC and become New Energy Tech Approved Sellers. As the Administrator of the NETCC, we are committed to ensuring that this transition is as simple and straightforward as possible. As an existing ASR, your business will not be required to submit a new application and your renewal date will stay the same.

Importantly, the NETCC program will continue to offer your business access to the key benefits of the ASR program, such as exclusive government tender opportunities and rebate schemes, together with additional support for new technologies.

More information about the program, including a copy of the NETCC and FAQs, can be found [here](#) and we will share further updates in the months leading up to the launch of the NETCC program.

We look forward to working with all our retailers on this exciting next step in the growth of the Australian solar and clean energy industry.

