

Energy Efficiency Certificate Creators Code of Conduct

October 2009 V.5.0

Contents

1	Introduction	3
1.1	Objectives	3
1.2	Scope	3
2	Sales and Marketing	4
2.1	Training	4
2.2	Direct Marketing to Consumers	4
2.3	Customer Service	5
2.4	Dispute Resolution Process	5
2.5	Insurance, Guarantees and Warranties	5
3	Signatories	Error! Bookmark not defined.

1 Introduction

The Energy Efficiency Certificate Creators (Certificate Creators) Code of Conduct (“The Code”) aims to ensure high standards are met in the marketing and delivery of energy efficiency services to consumers.

The Code reinforces the key provisions of The Trade Practices Act 1974, state based Fair Trading acts and the other regulatory guidelines provided by each energy efficiency scheme and provides additional guidance to Certificate Creators on issues unique to the energy efficiency industry.

The Code is voluntary and supported by those signatories listed in Appendix 1.

1.1 Objectives

The objectives of the Code are to:

- protect consumers and promote confidence in the energy efficiency industry by setting minimum standards for the delivery of energy efficiency services;
 - provide customers with correct product and service information, in a manner that can be clearly understood
 - ensure services are provided in a way that maximises the benefits to consumers and the environment;
 - promote transparency and collaboration between Certificate Creators, consumers, regulatory authorities and other relevant stakeholders
 - promote competition and further development of energy efficiency schemes
 - provide a clear and effective framework for complaints and dispute resolution
 - promote adherence to regulatory and compliance obligations
- promote the objectives of the relevant energy efficiency scheme

1.2 Scope

The Code applies to Certificate Creators across Australia in all relevant jurisdictions who have voluntarily adopted the Code. The Code also applies to the conduct of all Certificate Creators’ agents and contractors who are involved in the delivery of energy efficiency services to consumers.

2 Sales and Marketing

2.1 Training

It is the responsibility of Certificate Creators to ensure their staff and representatives are adequately trained and demonstrate the necessary competencies to market and / or deliver energy efficiency services. Certificate Creators must provide installers initial and ongoing training and testing so they are aware of their obligations under existing codes and guidelines, industry acts, privacy legislation and consumer protection legislation.

More specifically, Certificate Creators are responsible for ensuring their representatives are trained to:

- understand and clearly explain the purpose and nature of the relevant energy efficiency scheme;
- understand and clearly explain the process and rights of a consumer in assigning their rights to create energy efficiency certificates;
- understand and provide information on the product(s) and service(s) that are provided;
- demonstrate customer service skills, including dealing with customers with special needs, or those without or with limited English language skills
- understand the principles of consumer protection laws; the National Privacy Principles (as outlined in the Privacy Act 1988), and relevant trade practices and fair trading legislation as applicable to the jurisdiction the Certificate Creator is operating in;
- provide customers with information about the company's dispute resolution process;
- understand what is misleading, deceptive and/or unconscionable conduct, and false representation (including coercion and harassment); and
- understand and abide by the principles, terms and requirements of the Energy Efficiency Certificate Creators Code of Conduct.

Certificate Creators must also ensure their representatives are familiar with and understand all relevant regulatory requirements.

Certificate Creators must maintain records showing the training that each representative has completed and that they have demonstrated acceptable competence and understanding.

2.2 Direct Marketing to Consumers

Direct Marketing to consumers for the purpose of this Code is defined as either contact or non-contact sales as described in the consumer protection legislation. It can be summarised as "the unsolicited approach of a Certificate Creator to a consumer with the view to selling products and / or services at the time the contact is made (i.e. with no prior booking)".

Certificate Creators who undertake direct marketing programs must ensure their representatives:

- have completed all relevant training in line with this Code;
- clearly identify themselves and the Certificate Creator they represent and wear an identification card that clearly displays
 - the representative's photo and full name;
 - the full name and contact details (including ABN and telephone number) of the Certificate Creator they represent;
- advise the customer as to the purpose of the marketing contact
- leave the premises immediately when asked;

- take all reasonable steps to ensure the customer is an adult and authorised to allow the work to be undertaken;
- prior to undertaking any work, clearly explain to the customer their rights in relation to creating energy efficiency certificates;
- are in possession of the necessary equipment to complete the service compliantly and safely
- leave a copy of the energy efficiency certificate assignment form which must include contact details for the Certificate Creator, a record of the representative who undertook the installation and a record of the work undertaken
- leave a copy of or direct the consumer to an on-line version of the Certificate Creator's dispute resolution process; and
- respect 'no canvassing' signs.

To assist in the timely and easy identification of installers and marketers and to assist in the resolution of enquires and complaints, Certificate Creators will ensure they maintain sufficient records.

2.3 Customer Service

Certificate Creators must provide a customer service line or contact number so customers can easily contact the Certificate Creator if and when required during normal business hours and the hours in which installers and marketers are conducting in person contact with consumers.

A clear documented set of customer service procedures and standards for their representatives should be maintained and made available to customers upon request.

2.4 Dispute Resolution Process

Certificate Creators shall have an internal dispute resolution process for handling customer complaints and disputes, which is consistent with the Australian Standard on Complaints Handling (AS ISO 1002-2006). This process will be available and provided at no cost to the consumer.

2.5 Insurance, Guarantees and Warranties

Certificate Creators must have all necessary insurances for the work they are undertaking and provide as a minimum statutory warranties and guarantees for any products or services they provide to customers.

2.6 Escalation Process

Certificate Creators shall work collaboratively with stakeholders and energy efficiency scheme administrators to investigate and remedy issues that arise through the sales, marketing and delivery of energy efficiency services to consumers.

Certificate Creators agree to follow the Certificate Creator Escalation process and respond to requests for information in a timely manner.

3 Ratification of The Code

All Certificate Creators and energy efficiency service providers are encouraged to ratify and adhere to the Energy Efficiency Certificate Creators Code of Conduct.

By signing the Certificate Creators Voluntary Code of Conduct Declaration form, Certificate Creators agree to abide by all requirements outlined in this code and to enforce this code across their business, agents and contractors involved with the sales, marketing and delivery of energy efficiency services.

A list of businesses who are signatories to the code are made available to energy efficiency scheme administrators and stakeholders across Australia. This includes but is not limited to:

State	Organisation	Contact Details	
Victoria	Department of Primary Industries	GPO Box 4440 Melbourne Vic 3001 Tel.: +61 (03) 9658 4918	energysaverincentive@dpi.vic.gov.au
	Essential Services Commission of Victoria	Level 2, 35 Spring Street Melbourne Vic 3000 Tel.: +61 (03) 9651 4911	veet@esc.vic.gov.au
South Australia	Department of Transport Energy & Infrastructure	Level 8 ANZ Building (City Central Tower 1) 11 Waymouth Street ADELAIDE SA 5000 Tel.: +61 (08) 8226 5500	dtei.energydivision@sa.gov.au
	The Essential Services Commission of South Australia	GPO Box 2605, Adelaide SA 5001 Tel.: +61 (08) 8463 4444	www.escosa.sa.gov.au
New South Wales	The Independent Pricing and Regulatory Tribunal	Energy Savings Scheme Administrator PO Box Q290 QVB POST OFFICE NSW 1230 Tel: +61 (02) 9290 8452	ess@ipart.nsw.gov.au
National	The Energy Retailers Association of Australia	Suite 306 460 Pacific Highway St Leonards NSW 2065 Tel.: +61 (02) 9437 6180	aphillips@eraa.com.au

4 Appendix

4.1 Energy Efficiency Certificate Creators Code of Conduct Declaration Form

I *[Name of Authorised Representative]* as an authorised representative of *[Certificate Creators' Business Name]* hereby declare that *[Certificate Creators' Business Name]*

- I. agrees to adhere to the minimum standards of conduct set out in the Code for the sales, marketing and delivery of energy efficiency services to consumers
- II. agrees to implement processes, procedures and act in good faith to ensure the business, its agents and contractors comply with the Code
- III. acknowledges that breaches of the Code may result in formal notification to relevant scheme administrators and stakeholders outlined in the code

Signed for and on behalf of)
[Certificate Creators Business Name])
[Certificate Creators ABN])
[Authorised Representative])
[Position])

Signature

in the presence of

[Witness Name]

Signature of Witness

Dated: / /