

VEU Code of Conduct workshop – 14 July 2022

Presenters key points

Welcome and general discussion about the code

- Thank you for attending the first code of conduct workshop. This workshop's purpose is to inform relevant stakeholders about the code of conduct.
- Accredited persons and scheme participants are encouraged to attend future workshops to better understand their obligations under the code.
- Essentially, the code requires accredited persons to monitor the behaviour of anyone involved with creating energy efficiency certificates. This typically starts with lead generation, moves into the installation phase and includes any follow-up services or the handling of complaints.
- Under the code, you must have oversight of how all aspects of your business are managed, including those you may contract out. The code requires accredited persons to be aware of the consumer's experience and their participation in the VEU program.
- While the commission cannot advise each business how to comply with the code, the workshops are designed to educate accredited persons and scheme participants on designing processes that ensure compliance.

Enforcement and compliance

- The VEU program has delivered considerable success since it was implemented in 2009. Introducing the code will help ensure ongoing support for the program.
- The code is built on the principle of supporting consumer rights and outlines the behaviours and standards consumers should expect from accredited providers and scheme participants when carrying out relevant activities that will guarantee the integrity of the program. A customer focus built on the requirements of the code is more likely to result in achieving compliance and may help reduce your costs, simply through not having to resolve complaints.
- Under the code, you are required to demonstrate that all parts of your business have complied. This includes contractors, sub-contractors and any employees.
- The commission can take enforcement action where there is non-compliance with the code. Critically, the introduction of the code from 1 July means that a certificate cannot be created unless accredited persons and scheme participants are compliant.
- The commission is aware it may take time for accredited persons to implement the necessary processes. However, the commission will not hesitate to act against accredited persons who do not seek to comply with the code.
- Further changes to the regulatory framework that supports the program can be expected. The Victorian Energy Efficiency Target Amendment Bill is currently before parliament. It stands to increase the commission's regulatory powers.

Introduction to the code of conduct

- The code is a wide-ranging regulatory tool that embedded into legislation that encompasses the entire certificate creation lifecycle.
- It introduces new key terms, such as scheme participants, which encompasses anyone involved with creating certificates, other than accredited persons and consumers.
- Accredited persons are accountable and they need to ensure scheme participants comply with the code, as the obligations on accredited persons also apply to scheme participants.
- The consumer is at the heart of the code. Accredited persons need to **respect, engage** with and **support** consumers.
- The [commission website](#) contains resources designed to help industry understand its obligations under the code.

Provision of information and scheme participant compliance

- Accredited persons must provide certain information to consumers, in particular at the lead generation, contracting and installation stages. Accredited persons will likely need to work with lead generators and installers to ensure compliance.
- Anyone carrying out lead generation or marketing activities must inform the consumer which accredited person will create certificates. Accredited persons are responsible for ensuring and being able to verify this has occurred.
- Part of the purpose of this regulation is so consumers can access an accredited person's dispute resolution process immediately.
- Accredited persons and scheme participants conducting lead generation and marketing activities must offer consumers a copy of the VEET scheme consumer factsheet. Accredited persons need a way of verifying consumers were offered the VEET scheme consumer factsheet, as well as other information required by the code.
- **We strongly encourage all of you to read the code and the commission's guideline to fully understand your obligations to provide information to consumers at each stage in the program.**

Dispute resolution framework

- The code requires all accredited persons to have a dispute resolution framework.
- Certificates should not be created for the period where an accredited person does not have a compliant dispute resolution process. Certificates created during that period will need to be surrendered.
- Accredited persons need to be aware of all consumer complaints, even if the complaint was made directly to a scheme participant.
- Scheme participants need to understand the accredited person's dispute resolution framework. Furthermore, an accredited person's dispute resolution framework should include a mechanism to ensure they are aware of all complaints made to scheme participants.
- The commission recommends accredited persons' dispute resolution framework includes:
 - how complaints are documented when they are received
 - how to determine who is responsible for addressing complaints
 - how to track progress in addressing complaints
 - how to escalate serious complaints

- The accredited person's dispute resolution framework must include:
 - a complaint-handling process, noting complaints could come directly to the accredited person or via a third party e.g. the commission
 - details of the information accredited persons provide consumers about their dispute resolution framework
 - provision of information to customers about other avenues to pursue the matter where complaints cannot be resolved, such as Consumer Affairs Victoria or the commission
 - information about the party that can assist with the complaint and assisting the party resolve the complaint where the matters are not covered by your dispute resolution framework
- The code mandates complaints are acknowledged within five business days of the consumer's initial complaint, regardless of whether it is made to the accredited person or to a scheme participant and that disputes are resolved within 20 business days of the initial complaint.