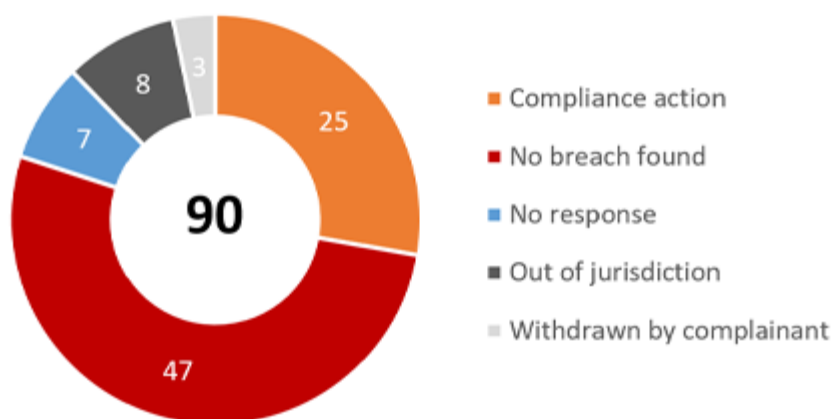


APPROVED SOLAR RETAILER QUARTERLY COMPLIANCE REPORT AUG-OCT 2021

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.

Complaints closed

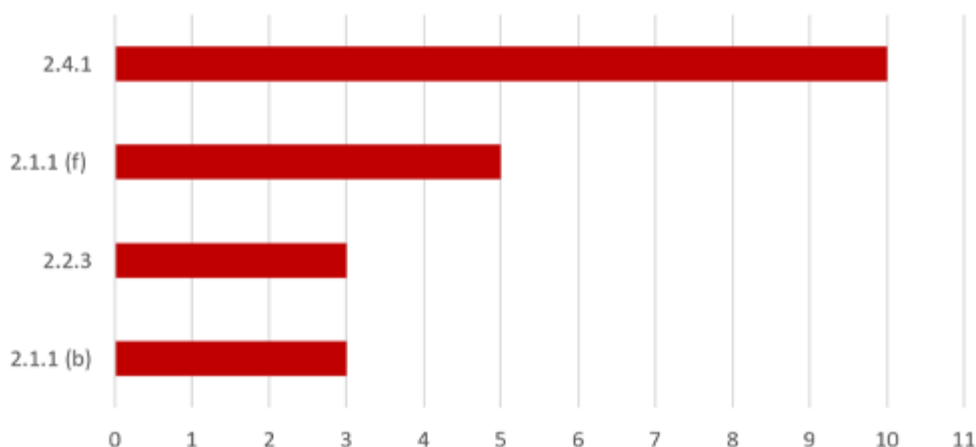


Note:

- 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 90 complaint cases this quarter. Of these complaints, 25 resulted in compliance action against an Approved Solar Retailer.

Most common breaches



- 2.4.1 – Failing to comply with CEC Accreditation Guidelines and the Law.
- 2.1.1 (f) – Advertisements and promotions that have been found to be misleading and deceptive in conduct in relation to price, value or quality of goods and services.
- 2.2.3 – Failing to have a variation to the system design documented and signed off prior to installation.
- 2.1.1 (b) – Making misleading claims relating to the company, product or services being offered

Note: The 2020 edition of the Code has been referenced. In some cases, the 2015 edition was applied as the contract took place prior to the 2020 edition being authorised by the ACCC.

Avoiding most common breaches

Failure to comply with CEC Accreditation Guidelines and the Law – 2.4.1

The Clean Energy Regulator may notify the Code Administrator when an Approved Solar Retailer fails to comply with the *Clean Energy Regulator Act 2011*. This notification may include findings that an installer signed off as the accredited person on multiple installations during which time that installer was not on site.

Clause 2.4.1 of the Code requires Signatories to comply with all local, state and federal legislation, CEC Accreditation Guidelines, and regulations. Under clause 2.4.25 of the Code, Signatories will be held responsible for all the actions of their employees, contractors, agents and any other individuals or businesses acting on the Signatory's behalf to the extent that such actions are governed by the Code.

Under Section 6 of the CEC Install and Supervise Guidelines for Accredited Persons, an Accredited person shall only sign off on systems where they have personally undertaken the installation or supervised the installation by others. Supervision requires attending site at the commencement, mid-installation and testing and commissioning of an installation.

Approved Solar Retailers will be held accountable for their installers failing to comply with the Install and Supervise Guidelines. The Code Administrator will breach companies under clause 2.4.1 for having an installer sign off on installations while they were not present for installation. The CEC will hold the Approved Solar Retailer and Accredited Installer jointly responsible for non-compliance with CEC Accreditation Guidelines. This may result in suspension or cancellation of your Approved Solar Retailer status. Please note, separate compliance action will be undertaken against installers on these occasions.

Please ensure you have administrative steps in place to verify the identity of installers on site who sign off as the accredited installer or designer. The Code Administrator will request evidence of these steps should an incident arise.

Breaches of the Code/complaints against ASRs

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.

We take all complaints seriously and the Code Administrator will investigate potential breaches of the Code and provide an outcome of the investigation to the complainant.

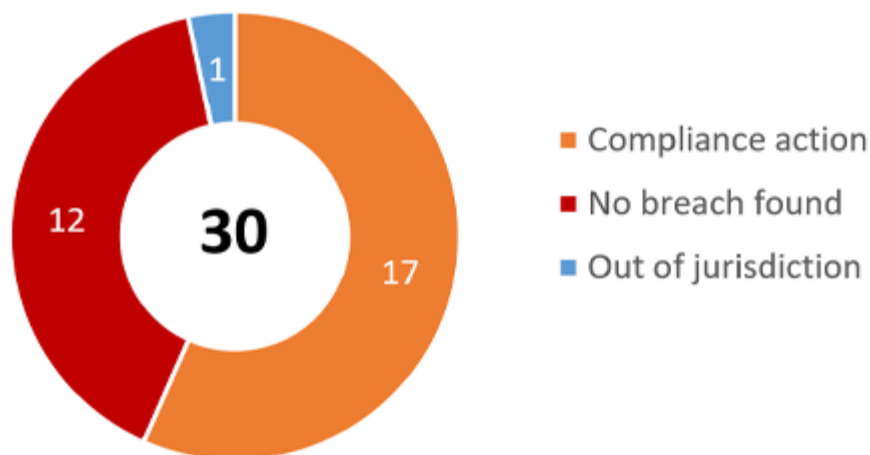
Please submit any suspected breaches of the Code via our online [complaint form](#).

Auditing of Signatories

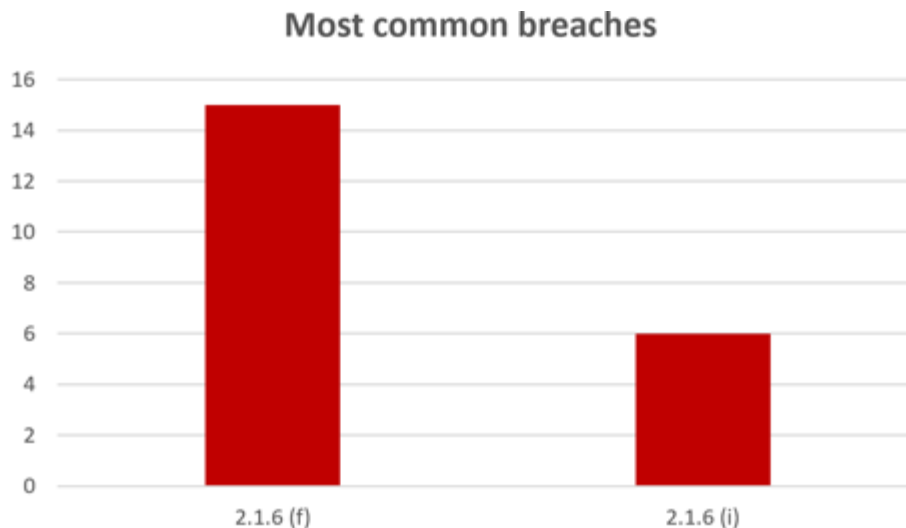
The Code Administrator has put in place arrangements for monitoring Approved Solar Retailers' compliance with the Code. The Code Administrator must be confident that retailers conduct their business in line with industry best practice and understand their responsibilities as a Signatory to the Code.

Signatories must agree to comply with the requirement for regular monitoring and to allow audits on their compliance with the Code in accordance with section 3.4.1.

Audits closed



The Code Administrator audited 30 Signatories this quarter. Of these audits, 17 resulted in compliance action against an Approved Solar Retailer. One audit fell outside the Code Administrator's jurisdiction because the company did not renew their Approved Solar Retailer status while the audit took place. The Code Administrator found that all Signatories were mostly compliant with the Code, but there were common issues that required attention (refer below).



2.1.6 (f) – Inverter location – site-specific performance estimate

The Code Administrator found that 15 out of 30 Signatories failed to provide the inverter location on the site-specific performance estimate as per clause 2.1.6 (f). This is a new requirement that was added to the reauthorised 2020 edition of the Code. Please ensure that you provide the inverter location to the consumer at the point of contract. We have received multiple complaints from consumers who claim the inverter was not installed in the location agreed at the point of sale.

The inverter location can be described in writing and does not need to be on an image. The Code Administrator just requires that a consumer is clearly informed in writing where the inverter will be located to avoid misunderstanding and potential disputes.

2.1.6 (i) – Estimated timetable for completion

The Code Administrator found that six Signatories failed to provide an estimated timetable for supplying and installing the system at the point of contract. The estimated timetable is required to ensure consumers have a committed target date for completion.

In the event a Signatory cannot meet the estimated date for completion for reasons reasonably within their control, and the consumer does not consent to a revised timetable, the Signatory must provide the consumer with a full refund upon request. If the estimated date for completion is not included at the point of contract, the consumer may lose their right to claim a full refund under clause 2.2.4 (c) of the Code.

Cancellations

The Code Administrator did not cancel any Signatories this quarter.

Suspensions

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](#).

Signatory name	Start date	End date
Sunbank Solar	20/7/2021	10/8/2021
Solar Arena	21/10/2021	26/10/2021
Smart Energy Answers	22/10/2021	28/10/2021

Sunbank Solar

Sunbank Solar was found to have engaged in high-pressure sales tactics and made false and misleading statements to a consumer at the point of sale. Sunbank Solar completed an audit and made amendments to its sales procedures to prevent future non-compliance.

Solar Arena

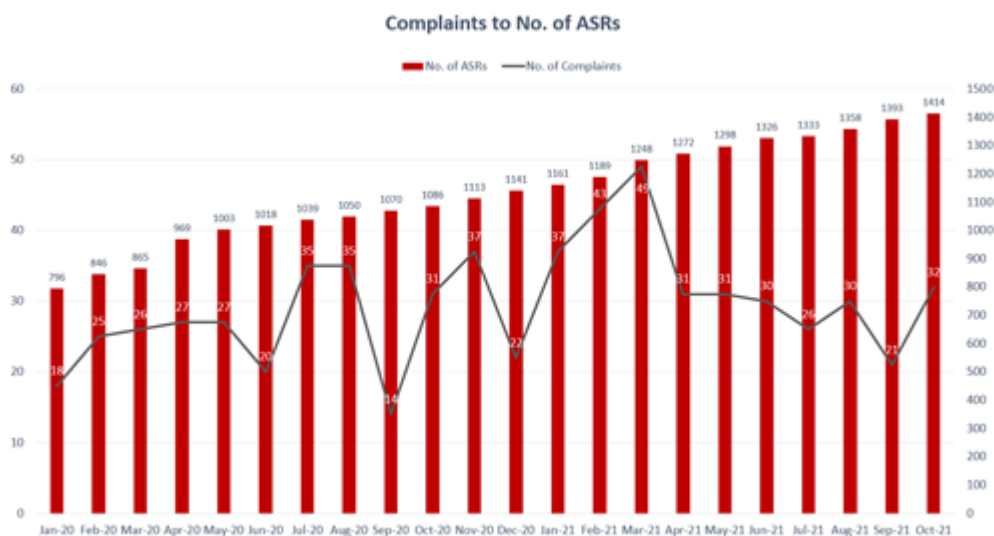
Solar Arena failed to comply with CEC Accreditation Guidelines. Solar Arena has put in place new business procedures and systems to prevent similar breaches reoccurring. Solar Arena has also provided a written undertaking confirming that the non-compliance will not be repeated.

Smart Energy Answers

Smart Energy Answers failed to comply with CEC Accreditation Guidelines. Smart Energy Answers has put in place new procedures to prevent the breach reoccurring. Solar Arena has also provided a written undertaking confirming that the non-compliance will not be repeated.

Complaints received

The Code Administrator received 83 complaints this quarter (August – October 2021). This is a decrease from 87 total complaints for the May – July quarter.



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.

Please contact compliance@cleanenergycouncil.org.au if you would like further information or wish to discuss this report.

