

# REES BULLETIN NO. 6 CONSUMER PROTECTION OBLIGATIONS

*REESB6/2*

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The Residential Energy Efficiency Scheme Code (“REES Code”) provides consumer protection measures for residential customers that receive either an energy audit or energy efficiency activity under the REES.<sup>1</sup>

An obliged retailer is required to provide a customer with an information statement at the time it undertakes REES activity so that the customer can contact the relevant entity if there is an issue that requires follow-up, such as to make a complaint regarding the work undertaken.

These obligations apply to all obliged retailers regardless of whether the retailer undertakes the REES activity itself or uses a third-party supplier of energy efficiency services.

The requirements for each obligation are set out in more detail below.

## Information provision

The REES Code requires an obliged retailer to ensure that an information statement is provided to a residential customer where it undertakes an energy audit or energy efficiency activity in their household.

Clause 8.1.2 of the REES Code provides that the information statement must include the following information, as a minimum:

- ▲ The name and contact details of the person or entity that performed the REES activity;
- ▲ A description of the energy audit and/or energy efficiency activities undertaken in the residential premises;
- ▲ Notification that the REES activity undertaken will be counted in satisfaction of an obliged retailer’s REES obligations; and
- ▲ The process for accessing the dispute resolution procedures in place to address any concerns arising from the REES activity undertaken.

The information statement must be provided to the residential customer at the time the activity is undertaken.

## Complaint handling and dispute resolution procedures

The Commission has been approached with a query in relation to the complaints and dispute resolution procedures referred to in Clause 8.2 of the REES Code.

Clause 8.2.1 of the Commission's REES Code provides that:

*An **obliged retailer** must ensure that a **residential customer** has access to complaint handling and dispute resolution procedures established in accordance with AS ISO 10002-2006 for any complaints in relation to an **energy audit** or **energy efficiency activity** arising under the **Residential Energy Efficiency Scheme** or this Residential Energy Efficiency Scheme Code”.*

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<sup>1</sup> In particular refer to chapter 8 of the REES Code, available at:  
<http://www.escosa.sa.gov.au/library/111130-REESCode04.pdf>

Where an obliged retailer is undertaking the REES activity itself, it is clear that the requirement is on the retailer to ensure that it informs the customer at the time of the activity of the availability of its own complaint handling and dispute resolution procedures.

However, an issue arises when an obliged retailer chooses to outsource the conduct of REES activity to third party suppliers of energy efficiency services or purchase a REES activity from a third party which the third party has completed earlier.

The Commission has been advised that it is not always possible for third party suppliers to identify the retailer for which the activity is being undertaken at the time the activity is undertaken, such as through door-knocking activity.

In recognition of this practicality, the Commission drafted clause 8.2.1 to require that the obliged retailer ensure that any customer has "access to" complaints and dispute handling procedures established in accordance with the relevant standard.

It is the Commission's expectation that this avenue be made available to the customers at the time the activity is undertaken, even where the specific retailer is not known at that time. The requirement that all obliged retailers ensure customers have access to the same procedures would require that all contracts with a third party supplier include such a term (unless the retailer was providing this avenue itself).

In an instance where audits and activities have been carried out by a third party contractor at a time when the retailer for which the activity was undertaken was not known, the retailer must ensure (through third party contractual arrangements) that the third party provided the customer with:

- ▲ contact information should a complaint or dispute arise; and
- ▲ access to AS ISO 10002-2006 compliant complaint handling and dispute resolution procedures at the time the activity is being conducted.

## *Identification*

The REES Code requires an obliged retailer to ensure that a person conducting a REES activity wears appropriate identification, with clause 8.3.1 requiring the person to wear an identification badge containing:

- ▲ The person's full name; and
- ▲ A photograph of the person; and
- ▲ Full name of the company that they are representing (including ABN); and
- ▲ A contact telephone number of the company that they are representing.

## *General Conduct Standards*

The REES Code requires an obliged retailer to ensure that a person conducting a REES activity complies with the following minimum standards of conduct (clause 8.4.1):

- ▲ All applicable Commonwealth and State laws must be complied with; and
- ▲ The residential customer must be advised as to the purpose of the contact; and
- ▲ No misleading, deceptive or unconscionable conduct; and

- ▲ No undue pressure, with no harassment or coercion; and
- ▲ Information provider to residential customers must be truthful and in plain language; and
- ▲ The person must leave the premises immediately when asked.

## *Mandatory Safety Requirements*

The REES Code (clause 8.5) requires an obliged retailer to ensure that a person conducting a REES activity has undertaken all necessary training (including, without limitation, occupational health, safety and welfare training).

## *Fit and Proper Person*

The REES Code (clause 8.6) requires an obliged retailer to ensure that an assessment is made of the fitness and propriety of each person conducting a REES activity and be satisfied that the person is a fit and proper person to conduct REES activities in a residential customer's premises.

### **Summary:**

- ▲ Residential customers must be provided with an information statement, including information on how to access the complaints and dispute handling procedures in place, at the time the energy audit or energy efficiency activity is undertaken; and
- ▲ Residential customers must be provided with access to complaint handling and dispute resolution procedures established in accordance with AS ISO 10002-2006, regardless of whether the activity or audit is being conducted by a REES obliged retailer or a third party contractor.
- ▲ Persons conducting a REES activity must wear appropriate identification and meet minimum standards of conduct.
- ▲ Persons conducting a REES activity must have undertaken all necessary training and be assessed as a fit and proper person.

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