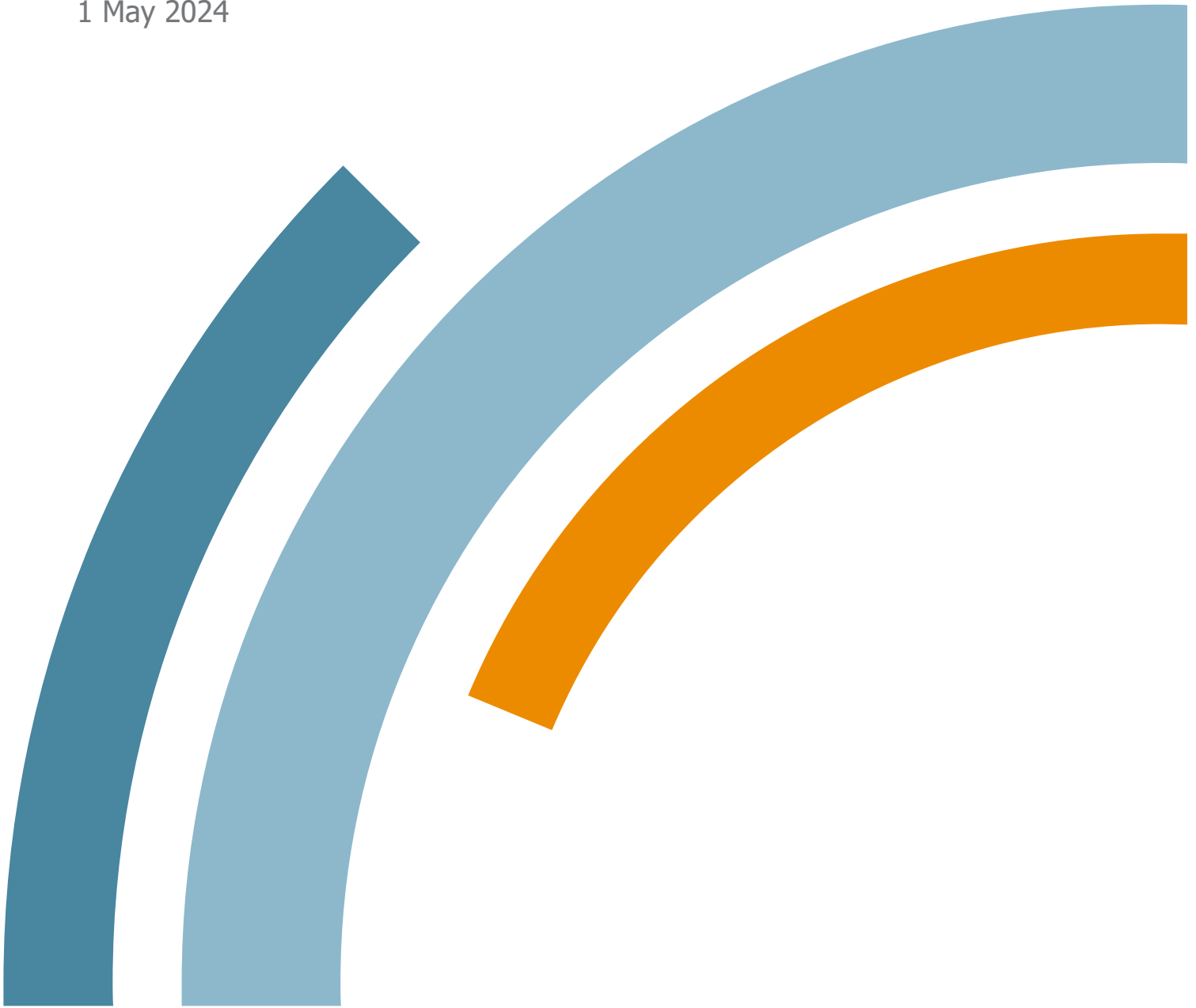


VEET Code of Conduct Guideline

1 May 2024



Introduction

What is the code of conduct?

The Victorian Energy Upgrades program code of conduct ('the code') outlines the mandatory behaviours and actions industry participants must adhere to when engaging with consumers in activities that may lead to the creation of a Victorian Energy Efficiency Certificate ('certificate'). It took effect from 1 July 2022.

The code outlines what accredited persons and scheme participants must do at various points along the certificate creation lifecycle. Though many of these obligations are not new, a certificate must not be created unless the code has been followed.

The code was made under Sections 17(3)(d) and 75 of the *Victorian Energy Efficiency Target Act 2007* ('the Act'). The Act gives the Essential Services Commission ('the commission') a range of functions, including to accredit persons who can create certificates, to check and administer the creation of certificates, and to undertake audits of the creation of certificates. The commission does this through the Victorian Energy Efficiency Target Regulations 2018, which now include the code.

Scope of the code

The code covers **accredited persons** and **scheme participants** carrying out a **regulated action** in relation to a **prescribed activity**. That is, any activity of an accredited person or someone acting on their behalf, which may lead to the creation of a certificate. The term '**relevant activities**' is used in this guideline to refer to these actions and activities covered by the code. These key terms are defined in the box below.

An **accredited person** is a person or organisation approved by the commission to create certificates for a range of prescribed activities. Accredited persons (and their employees undertaking relevant activities) are responsible for carrying out activities in compliance with the Victorian Energy Upgrades program's legislative framework, which includes the code.

A **scheme participant** is any person (other than an accredited person) who undertakes any or part of any prescribed activity on behalf of an accredited person. This stays true even if the accredited person's accreditation is suspended, expired or cancelled, or if their actions do not meet the full requirements of a prescribed activity. Anyone claiming to undertake any part of a prescribed activity on behalf of an accredited person is also a scheme participant.

Under the code, anyone who undertakes any relevant activities is considered to be a scheme participant. Third-parties do not need to have a formal agreement with an accredited person in place to be considered a scheme participant.

Regulated actions include lead generation and marketing for a prescribed activity, entering into a contract for a prescribed activity, undertaking any part of a prescribed activity, and any after-sales services or follow-on activities related to a prescribed activity.

Prescribed activities are those activities named in Regulation 10 of the VEET Regulations. They are energy efficiency activities which are recognised under the Victorian Energy Upgrades program to reduce greenhouse gas emissions.

More detail on these definitions is included in the code (see [Appendix A](#)).

In this guideline, regulated actions carried out in relation to a prescribed activity are referred to as **relevant activities**.

Purpose of the code

The purpose of the code is to:

- regulate the conduct of accredited persons and scheme participants carrying out a relevant activity under the Victorian Energy Upgrades program
- ensure that accredited persons and scheme participants provide sufficient information to a person to enable them to properly understand, and make informed decisions about:
 - the Victorian Energy Upgrades program
 - a relevant activity
 - their rights and obligations under the Act, the VEET Regulations and the code
 - the obligations of accredited persons and scheme participants under the Act, the VEET Regulations and the code

- ensure accredited persons have a dispute resolution framework in place to handle complaints by energy consumers in relation to relevant activities.

The code puts the consumer's welfare at the centre of how accredited persons and scheme participants deal with energy consumers in Victoria. It does this by requiring accredited persons and scheme participants who are carrying out relevant activities to:

- act in a professional and ethical manner
- protect consumers' interests and promote confidence in the Victorian Energy Upgrades program
- meet high standards of conduct in their dealings with consumers
- comply with:
 - the Act
 - the VEET Regulations
 - the Victorian Energy Upgrades Specifications¹
 - the code
 - the Australian Consumer Law (Victoria).

Together, these obligations define a minimum standard of service energy consumers can expect when engaging with the Victorian Energy Upgrades program.

From 1 May 2024, the code imposes a ban on accredited persons and scheme participants engaging in 'cold-call' telemarketing and doorknocking practices.

Failure of any accredited person or scheme participant to comply with the code at any stage means a certificate cannot be created for that activity.

Purpose of this guideline

This guideline is provided by the commission to help accredited persons and scheme participants to understand the code, as well as the commission's expectations regarding compliance with the code. It is organised around the main regulated actions accredited persons and scheme participants may undertake or subcontract to other entities (making those entities scheme participants).

¹ These are referred to as 'Secretary's specifications' in the VEET Regulations, and are published by the Department of Energy, Environment and Climate Action. They outline key aspects of the Victorian Energy Upgrades program, including how relevant activities can be carried out, and how to determine the amount of carbon dioxide equivalent of greenhouse gas emissions that are reduced by carrying out a relevant activity. They can be viewed at [the commission website](#).

This guideline has been approved for publication by the commission pursuant to section 13 of the *Essential Services Commission Act 2001*. This guideline does not provide or create legal obligations. Its purpose is to aid compliance by accredited persons and scheme participants. You should obtain professional advice if you have any specific concern, before relying on the accuracy, currency or completeness of this information.

As an accredited person or scheme participant you must read, understand and comply with the code, which is included in [Appendix A](#) and available at [the commission website](#).

Accredited Persons' broader obligations under the Victorian Energy Upgrades program

In addition to complying with the code, accredited persons have broader obligations under the Victorian Energy Upgrades program. These include:

- meeting all relevant legal requirements
- meeting occupational health and safety legislation obligations
- mandatory safety training for installers
- complying with the Australian Consumer Law (as it applies to accredited persons and their subcontractors,)
- meeting Victorian Energy Efficiency Certificate (VEEC) assignment form requirements
- meeting decommissioning declaration requirements
- meeting the Victorian Environment Protection Authority's waste management requirements
- meeting recycling requirements for mercury-containing equipment under the Victorian Energy Upgrades program
- audit obligations.

More information about all of these broader obligations can be found in the commission's [Obligations and Program Guide for Accredited Persons](#).

Accredited persons' recordkeeping requirements

Accredited persons are required to keep records under the Victorian Energy Upgrades program which substantiate the activity undertaken and the certificates created for the activity. Accredited persons must also show that they have reliable and accurate recordkeeping arrangements in place. Records must be retained for six years after the certificates are created.

These records must provide evidence of activities being undertaken in accordance with the VEET Regulations, which now include the code of conduct. Accredited persons must be able to demonstrate that the code was adhered to when regulated actions are conducted in relation to prescribed activities. This includes activities by scheme participants.

An overview of accredited persons' recordkeeping requirements are included in the [Obligations and Program Guide for Accredited Persons](#). More specific details are included in each activity guide, available from [the commission website](#).