

3 March 2011

The General Manager Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601
adjudication@accc.gov.au

Thank you for the opportunity to comment on the request by Energy Assured Limited (EAL) for authorisation for its Code of Practice and Complaints Process. EWON notes that this Code is designed to regulate door-to-door energy sales that are undertaken on behalf of electricity and gas retailers.

The Energy & Water Ombudsman NSW investigates and resolves complaints from customers of electricity and gas providers in NSW. This includes customer complaints about marketing, and this category of complaint saw a 34% increase during 2009/2010.

Marketing issues raised with EWON were 4% of all issues raised by customers.

- 1023 customers complained about marketing related issues.
- 617 customers complained about being misled by a marketer.

EWON expects that following the sale of the three state owned retailers, marketing activity in NSW will increase significantly. The EAL proposal will be a welcome discipline for retailers and more importantly for marketing companies and agents.

EWON welcomes the initiative undertaken by energy retailers to self regulate this area of activity and try to reduce marketing complaints and raise marketing standards. There is a clear public benefit in a code of practice and greater accountability being applied to energy marketing, especially in regard to door to door sales.

The activities proposed in the Energy Assurance Limited application supplement the consumer protections provided by the National Energy Retail Law. Energy ombudsman schemes will continue to deal with individual complaints from

customers about marketing conduct, and we expect a positive relationship and referral process with Energy Assured Limited.

EWON notes the considerable improvement in the written documents provided, especially in the EAL Code of Practice. We are therefore pleased to support this initiative.

We consider that an attempt to take action and encourage improvement in the area of marketing through self regulation adds value to the current situation. This proposal does not reduce regulatory requirements or obligations.

If there are any concerns or questions about the effectiveness or otherwise of a self regulatory approach, our preference would be approval with conditions, and a review of the EAL scheme after a designated period.

If you would like to discuss this matter further, please contact me or Chris Dodds Senior Policy Officer, on 02 82185250.

Yours sincerely



Clare Petre
Energy & Water Ombudsman NSW