

Large Business Third Party Intermediary (TPI) Code of Conduct

Do the right thing: A code for the sale of energy products and services to large business customers through TPIs

EnergyAustralia provides gas and electricity to more than 2.5 million residential and business customer accounts in Victoria, New South Wales, the Australian Capital Territory, South Australia and Queensland.

We supply our customers with energy we purchase from wholesale markets. We also generate electricity from our own coal and gas-fired power stations and renewable energy sources and sell this electricity into the wholesale market.

Today, customers expect more from us and we need to be living up to those expectations at all times. We do this against the backdrop of increased scrutiny on energy procurement from government, regulators and industry bodies.

Third-Party Intermediaries (TPIs) play a major role in assisting large business customers to procure energy. The challenges we face as a sector cannot easily be solved by one company acting alone. That's why EnergyAustralia has developed a Code of Conduct for TPIs.

The Code has been produced with input from different parts of our business, which we believe gives it authenticity. We hope this will be reflected in the large number of TPIs that adopt the Code and its four principles.

Given the size, range and diversity of the energy sector, implementation of this Code will represent an achievement. Ultimately, EnergyAustralia and others acting in the interests of customers will be judged on actions alone.



Vaughan Furniss

EnergyAustralia
Head of Commercial and Industrial

Content and Objective of this Code

This Code provides four guiding principles to support TPIs in their decisions and behaviours during their day to day interactions with retail energy customers and EnergyAustralia. Because these principles are directed to TPIs, in the four guiding principles, TPIs are referred to as 'you'. 'Customers' refers both to existing and potential customers.

The objective of this Code is to give large business electricity and gas customers confidence that their TPI will act in a fair, honest, appropriate and transparent way and effectively assist them with their energy needs.

EnergyAustralia will work only with TPIs who are committed to acting in a manner consistent with this Code. EnergyAustralia requires TPIs who act as brokers for its energy products to interpret and apply the four principles in a manner which is consistent with this Code's objective.

Principle 1

Act in the customer's best interests

- You must only offer products or services that are appropriate for the customer's requirements, after making appropriate inquiries with the customer. For example, if you receive different levels of commission from different retailers, you must not make a recommendation based on the highest commission received by you.
- You must not give your staff, and must ensure that your staff do not otherwise receive, inducements or incentives to prioritise products that generate higher levels of commission over products that best suit the customer's requirements. Consistently with this, where practicable, you should not disclose to your staff any differences in the level of commission paid by different energy providers.
- You must take appropriate steps to confirm that the customer representative has the necessary authority to enter into an energy contract.
- You must adhere to the reasonable instructions of the customer.
- You must act promptly and appropriately in managing customer procurements.
- You must maintain the customer's privacy.
- You must respect the confidentiality of business information provided to you and use it only for the purpose for which it was given.
- If the customer requests you to cease contact at any time, you must do so and must not initiate future contact without their consent.
- Your personal views or bias, and those of your staff, must not influence your recommendations to customers or be used to influence a customer's decision.

Principle 2

Act with honesty & integrity

- You must act in good faith towards customers in all your dealings with them.
- When you first communicate with or meet with a customer, you must:
 - clearly identify who you are, the services you offer and all the organisations whose products you recommend;
 - provide customers with adequate and accurate information about:
 - the nature of your relationship with EnergyAustralia and any other energy providers;
 - the nature of the remuneration you receive, including if you will receive a commission from any energy provider and any direct fees payable by the customer;
 - your role in relation to both the customer and energy providers;
 - obtain the customer's informed consent to you offering them products or services in circumstances in which you have relationships with energy providers.
- You must facilitate like-for-like comparisons. This can be achieved in a number of ways and will normally involve:
 - presenting results in descending order, with the 'best match' to a customer's stated needs appearing at the top;
 - the factors you have taken into account in ranking different offers, and how you have applied those factors to the customer's needs;
 - accurately calculating any potential and explaining the basis for those savings representations or claims, including by providing information on exit fees;
 - having systems in place to ensure the accuracy and quality of product information;
 - disclosing assumptions built into searches to identify the offers presented to a customer, including the assumptions underpinning any algorithms used to conduct the searches.
- You must communicate in an appropriate and transparent manner with customers.
- You must ensure that any claim you make in respect of product or organisation is not false, misleading or deceptive, and can be substantiated.
- You must not exert pressure upon a customer, including pressure to disclose information to you (or another person) or agree to enter into a contract with you or an energy provider.

Principle 3

Provide accurate and complete information

- You must provide the customer with accurate information regarding the market searches and the inquiries you have made to obtain the offers you propose to that customer. For example:
 - If you have a commercial relationship with a number of energy providers but have only considered the products of some of these energy providers in preparing a list of offers for the customer, you must disclose both the names of those energy providers which have products which would be available to the customer and the names of those providers who have been considered in your market search for that customer.
 - You must inform customers that your searches may not consider the entire market for energy products available to them, if that is the case, and that they should make their own enquiries in relation to products and providers you have not named.
- You must provide customers with accurate and complete information sufficient to make an informed decision, including information that relates to:
 - Unit rates and standing charges
 - Consumption and load shape (where applicable)
 - Other additional charges
 - Credit check requirements
 - Consequences for non-payment
 - Contract term
 - Early termination fees
 - Process for contract renewals
 - Metering requirements
 - Your services and commission
 - Any other matter that the customer reasonably requires to make an informed decision, having regard to the customer's particular needs.
- You must provide the customer with easily understandable and comparable information about the principal terms of the EnergyAustralia (and other) product(s) being offered.
- You must satisfy yourself that the customer is aware that if it accepts the offer, it will be entering into a legally binding contract, and keep written records regarding the steps taken to ensure that the customer is aware that this is the case. You must retain these written records for 7 years from the date the customer's contract is made.

Principle 4

Act in professional manner

- You must ensure that you, your staff and any third parties you engage receive appropriate training on:
 - the requirements of this Code; and
 - your and their legal obligations to customers.
- You must maintain a robust complaint handling procedure that customers can access easily at all times during normal business hours.
- You must investigate all complaints fully and act quickly to remediate any issues that arise.
- You must keep written records of each complaint, investigations made and the outcome of the complaint for 7 years from the date of the complaint.
- If a customer complaint is related to a supply arrangement with EnergyAustralia, you must make EnergyAustralia aware of the complaint within one business day and inform the customer of this fact.
- In addition to complying with applicable law, you must immediately report breaches of the law or this Code in connection with an offer of an EnergyAustralia energy product or a supply arrangement with EnergyAustralia to EnergyAustralia.

For more information on the TPI code of conduct please email

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