

## ENERGY FACTS: MARKETING

In Victoria, all energy retailers must comply with both the **Fair Trading Act** the **Energy Marketing Code of Conduct** for both telephone and door-to-door sales. This leaflet explains the key obligations in the Marketing Code, which reinforce and expand on those under the Fair Trading Act, for a copy of the code visit [www.esc.vic.gov.au/yourchoice](http://www.esc.vic.gov.au/yourchoice) or call **1300 134 575**.

### Marketing Conduct

Retailers and their representatives:

- Must not contact you (at home or over the phone) on Sunday or public holidays.
- May only contact you between 9am and 5pm on Saturday and 9am and 8pm on any other day.
- Must carry identity cards.
- Must not engage in unconscionable conduct or misleading or deceptive conduct.
- Must cease negotiations with you immediately upon request and must then refrain from contacting you for 30 days.

### Information to be Provided

Retailers must provide you with information **before you enter into a contract**, including:

- The type and frequency of your bills and payment methods.
- Details of all applicable prices, charges, tariffs and service levels.
- Your right to cancel the contract, and any charges for doing so.
- Any difference between your contract and the terms and conditions of the Energy Retail Code.
- The expected date when the retailer will become responsible for your energy supply. The retailer should advise you if there is a change of more than 1 week to this date.

Within 2 business days of entering into a market contract, the retailer must also provide you with:

- The full terms, conditions and applicable costs of the contract.
- Advice about your right to cancel the contract (cooling off rights), and how to do that.
- Information about concessions and other Government energy assistance schemes.
- Information about how to make a complaint and the existence of the Ombudsman.

- Information about the existence and scope of the Marketing Code.

### Consent

You can enter into a market contract over the telephone or in person. Entering a contract over the telephone means that you won't have a written contract to sign.

Whether you enter the contract in person or over the telephone, you must provide your explicit informed consent before you are bound by the contract. This means that:

- The retailer must have provided you with clear information about the contract terms and conditions in plain English and given you adequate time to consider them;
- You must be capable of understanding what you are doing and be authorised to enter the contract. If you are not the current account holder, it is best to get the consent of the authorised account holder before entering into a new market contract; and
- You have to specifically say that you want to sign up to the contract.

Your retailer may use your personal information for direct marketing if it is impractical for your retailer to seek your consent before that particular use.

Generally, the Essential Services Commission believes that as energy retailers are in regular contact with their customers it would not be deemed impractical for them to gain your consent before using your information for direct marketing.

Any circumstances where to gain consent would be deemed impractical would be assessed by the situation and circumstances.

### Complaints

If you have any concerns about the way in which the contract was marketed to you, or if you are unsure about your rights in relation to cancelling a contract, you should raise your concern with the retailer. If you are not satisfied with the retailer's response, you can contact the Energy and Water Ombudsman on **1800 500 509** or [www.ewov.com.au](http://www.ewov.com.au) or Consumer Affairs Victoria on **1300 55 81 81** or [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au).

#### About this Document

This Document has been prepared by the Essential Services Commission - the independent regulator of the energy and water industries in Victoria. For further information, visit [www.esc.vic.gov.au/yourchoice](http://www.esc.vic.gov.au/yourchoice) or call 1300 134 575.