



# Electricity and gas *marketing explained*

## USE THIS FACT SHEET IF YOU:

- want to know the rules on energy marketing
- don't want marketers to contact you
- have a complaint about marketing
- important tips before signing a contract



Energy companies can promote their business to you but there are strict rules about what they can and can't do and penalties if they breach these rules.

## MARKETING CODE OF CONDUCT

Energy retailers and their marketers (telemarketers/door-to-door sellers) are governed by a strict Marketing Code of Conduct which outlines how and when they can contact you to promote their services. They can contact you in person, by phone or by mail.

Under the Code, marketers must:

- clearly identify who they are, the company they represent and why they're contacting you
- only contact you on weekdays between 9am-6pm or call between 9am-8pm; Saturdays between 9am-5pm; and not at all on Sundays or public holidays.
- tell you about the 10-day cooling-off period
- explain any fees or charges, including cancellation/termination fees
- provide you with written terms and conditions before asking you to sign a contract
- provide you with a written disclosure statement after agreeing to a contract
- provide timely, accurate, verifiable and truthful comparisons
- provide truthful, easy to understand and relevant information
- leave your home immediately or end the phone call when you ask
- not contact you again for 20 business days if you indicate that you are not interested in their service
- not contact you again for one year if you ask not to be contacted again.

Marketers cannot:

- engage in misleading or deceptive conduct
- exert pressure or otherwise harass or coerce you
- contact you again if you have indicated that you do not want to be contacted or you have registered your phone number on the 'do not call' register.

## 'DO NOT CONTACT AGAIN' AND 'DO NOT CALL' ARRANGEMENTS

If you clearly state that you do not want to be contacted again, the retailer must not contact you again for one year. However, this applies only to the marketing channel used (e.g. door-to-door) and the retailer can still contact you by other means (e.g. direct mail).

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## 'DO NOT CONTACT AGAIN' AND 'DO NOT CALL' ARRANGEMENTS (continued)

The 'do not call' register is a free service which applies to most telemarketing activity, including energy marketers. By law, if you add your name to the register, energy marketers (other than your own supplier) will not be allowed to contact you by phone. **Call 1300 792 958 or visit [www.donotcall.gov.au](http://www.donotcall.gov.au).**

## COMPLAINTS ABOUT MARKETERS

If you have experienced improper behaviour by an energy marketer (e.g. coercion, pressure, or untruthful information) you should contact the energy retailer they represent to make a complaint. If you are unable to resolve the problem, you can lodge a complaint with EWOQ. Breaches of the Code are treated very seriously and penalties of up to \$100,000 for individuals and \$500,000 for corporations may apply.

## IMPORTANT TIPS

### Misleading statements

Some marketers will tell you misleading statements to pressure or coerce you into signing a contract. Some common statements include:

- your energy supply will be disconnected
- ask to see previous bills to ensure you're getting a rebate
- offer a discount for your area
- ask you to sign to show they've spoken to you

Be aware of giving out information from previous bills and check what you're signing – you may be transferred to another energy retailer.

### Read the fine print

A contract is legally binding so it makes sense to take the time to read it carefully and ensure you understand what you're agreeing to. Don't allow yourself to be pressured into agreeing to a contract you haven't read or don't understand. If unsure, don't sign anything.

### Seek clarification

If you don't understand something, ask your energy supplier or get independent advice (EWOQ cannot provide advice about whether a contract is suitable for you). Market contracts must comply with the customer protection requirements specified in the Electricity Industry Code. However, it is a good idea to

check that all the minimum terms and conditions are included.

### Early termination/transfer fees

You may be charged a fee if you choose to end your contract early so it is important to know if you will be allowed to transfer your account if you move. Marketers must tell you about any termination fees and it must be clearly stated in your contract.

### Disclosure statements

A disclosure statement is a written document provided to you by your energy retailer. It should be in plain English and explain the key terms of the contract, including price, service levels, bill frequency, duration of the contract, available payment methods, fees and charges and any early termination penalties.

### Cooling-off period

All energy contracts have a 10-business day cooling-off period which means you can change your mind and cancel the contract within 10 business days after agreeing, without paying cancellation fees.

### Keep copies

Always keep a copy of the information provided to you by the marketers as well as a copy of any contract you sign – if there's a dispute in the future you will need all the original paperwork.

## TIPS FOR RESOLVING COMPLAINTS

- 1 If you have any problems with your energy or water company, contact them first and explain your situation. Keep records of letters, names, times and dates.
- 2 If the call centre staff can't help you, ask to speak to a supervisor.
- 3 If the problem is still not fixed, contact EWOQ to make a complaint.

## ABOUT EWOQ

Energy and Water Ombudsman Queensland (EWOQ) is a free, fair and independent dispute resolution service for residential and small business energy customers across Queensland and water customers in south east Queensland.



energy+water  
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QUEENSLAND