

Senate Finance and Public Administration Legislation Committee
Additional Estimates Hearing – February 2010
ANSWER TO QUESTION ON NOTICE

Topic: Green Loans – ‘Cold Calling’ by Assessors

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Question: (Senator Milne)

Senator MILNE—Perhaps you can take on notice three issues. The first is cold calling and canvassing. The second is promoting a brand, product or company. The third is branding. My understanding is that the assessors are bound by rules in terms of identifying the program as Green Loans and having to use government artwork and branding and that several people are advertising the program in their own branding. I want to know whether those three things are contractual obligations, whether they apply to everybody and, if so, who is auditing, following up and enforcing compliance.

Senator Wong—In relation to the third question, that may be an issue that is picked up in the audit that has been announced. In relation to the first two, unless Mr Thompson is able to assist further, we will take that on notice in terms of the detail that you have asked.

Answer:

Assessors are required to comply with the terms and conditions of the contract for provision of assessor services under the Green Loans Program. The terms and conditions specify the service obligations of assessors, including that:

- services are carried out in accordance with all applicable Laws;
- the assessor must not, at the time of the assessment, undertake any additional services;
- the assessor must act impartially at all times and provide assessments that are free of commercial influence and commercial branding; and
- must advertise the services in accordance with the *Green Loans Program Style Guide*.

‘Cold Calling’

‘Cold calling’ is not prohibited under the current Terms and Conditions of the assessor contract. However, the Department of the Environment, Water, Heritage and the Arts and more recently the Department of Climate Change and Energy Efficiency have always discouraged the activity of ‘cold calling’ as part of the Green Loans Program, particularly in regards to privacy concerns and numbers listed on the ‘Do Not Call Register’.

Breaches relating to the ‘Do Not Call Register’ are investigated by the Australian Communications and Media Authority (ACMA); the Department provides any necessary information to assist ACMA with its investigations.

Promoting a brand, product or company

The Assessor Code of Professional Practice clearly states that assessors must not promote or direct households to products when conducting a Home Sustainability Assessment:

- 6.6.3 Assessors must act impartially at all times. When conducting a Home Sustainability Assessment they must not (unless otherwise approved by the National Administrator in writing):
- a) communicate commercial product or service branding, or
 - b) direct households towards a product range developed or supported by an enterprise with which the assessor is associated or from whom the assessor receives a commission or other benefit.

As noted above, these requirements are also set out in the terms and conditions of assessor contracts. The contracts specify that the assessor must not, at the time of conducting the assessment, undertake any additional services on its own behalf or on behalf of or for any person, that do not form part of the services, unless those additional services have been approved in writing by the Department.

Branding

Assessors have access to the *Green Loans Program Style Guide* and promotional material for the Green Loans Program which they are encouraged to use. Only assessors contracted with the Department may use the Green Loans Program promotional materials. Green Loans assessors may promote their Green Loans assessment services in accordance with the Style Guide, so long as they do not promote other services at the same time. The Style Guide allows for assessors to include their logo on the marketing material templates. If assessors propose to deviate from these templates in any way they are required to seek approval of their marketing materials from the Department.

Audit and Compliance activities for the Green Loans Program

The Department captures complaints and concerns about the program to inform its compliance activities. Further assessments of specific complaints and analysed trends are initiated and actioned in accordance with a risk-based compliance strategy.

The Department strengthened its compliance program with the signing of AECOM Australia Pty Ltd in late April 2010. AECOM will conduct a comprehensive audit program for the Green Loans Program, comprising over 10,000 audits (desktop and site based) of assessors and assessor organisations. Audit activity will be conducted against the Program Guidelines, assessor contract terms and conditions, and the Assessor Code of Professional Practice to identify potential non-compliance or fraudulent activity.