

NOTICE OF LODGMENT
AUSTRALIAN COMPETITION TRIBUNAL

This document was lodged electronically in the AUSTRALIAN COMPETITION TRIBUNAL and has been accepted for lodgment pursuant to the Practice Direction dated 3 April 2019. Filing details follow and important additional information about these are set out below.

Lodgment and Details

Document Lodged:	Affidavit of Ursula Claire Noye
File Number:	ACT1 of 2019
File Title:	Re Application for authorisation AA1000439 lodged by Australian Energy Council, Clean Energy Council, Smart Energy Council and Energy Consumers Australia in respect of the New Energy Tech Consumer Code and the determination made by the ACCC on 5 December 2019
Registry:	VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



DEPUTY REGISTRAR

Dated: 7/05/2020 5:16 PM

Important information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Tribunal and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.



IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019

**AFFIDAVIT OF URSULA CLAIRE NOYE
RE EXTERNAL CONSUMER COMPLAINTS DATA**

Affidavit of: Ursula Claire Noye
Address: Level 6, 179 Queen Street, Melbourne
Occupation: Solicitor
Date: 4 May 2020

Contents

A	INTRODUCTORY MATTERS	2
B	EXTERNAL REQUESTS FOR CONSUMER COMPLAINTS DATA	3
C	SUMMARY OF THE CONSUMER COMPLAINTS DATA.....	4
D	ENERGY AND WATER OMBUDSMAN VICTORIA	6
E	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION.....	6
F	CONSUMER AFFAIRS VICTORIA	9
G	AUSTRALIAN FINANCIAL COMPLAINTS AUTHORITY.....	14
H	FLEXIGROUP LIMITED.....	15

Filed on behalf of (name & role of party)	Consumer Action Law Centre
Prepared by (name of person/lawyer)	Ursula Noye
Law firm (if applicable)	Consumer Action Law Centre
Tel 03 9670 5088	Fax 03 9629 6898
Email	ursula@consumeraction.org.au / rex@consumeraction.org.au
Address for service (include state and postcode)	Level 6/179 Queen Street, Melbourne, VIC 3000

Table of Exhibits

<i>Document</i>	<i>Description</i>	<i>Paragraph</i>	<i>Page</i>
1	Affidavit of Ursula Claire Noye re External Consumer Complaints Data affirmed on 5 May 2020		1
2	Exhibit UCN-1 being copy of the letter from CALC to AFCA dated 31 March 2020	9	17
3	Exhibit UCN-2 being a copy of the letter from CALC to EWOV dated 31 March 2020	9	22
4	Exhibit UCN-3 being a copy of the letter from CALC to CAV dated 6 April 2020	9	25
5	Exhibit UCN-4 being a copy of the letter from CALC to ASIC dated 16 April 2020	9	28
6	Exhibit UCN-5 being a copy of the letter from CALC to Flexigroup dated 17 April 2020	9	32
7	Exhibit UCN-6 being a copy of the letter from EWOV to CALC dated 8 April 2020	16	35
8	Exhibit UCN-7 being a copy of the letter from ASIC to CALC dated 30 April 2020 and attached Excel spreadsheet	20	40
9	Exhibit UCN-8 being a copy of the data from CAV received 1 May 2020 comprising two Excel spreadsheets	26	49
10	Exhibit UCN-9 being a copy of the letter from AFCA to CALC dated 1 May 2020	31	86
11	Exhibit UCN-10 being a copy of the email from Flexigroup to CALC dated 24 April 2020, with partial redactions	36	90

I URSULA CLAIRE NOYE of Level 6, 179 Queen Street Melbourne, in the State of Victoria, Solicitor, do solemnly and sincerely affirm that:

A Introductory matters

1. I am Special Counsel at Consumer Action Law Centre ("**CALC**") and together with Rex Punshon, Solicitor at CALC, I have care and conduct of this matter on behalf of CALC.
2. Between 31 March and 17 April 2020, I made requests for consumer complaints data concerning new energy technology ("**NET**") and buy now pay later ("**BNPL**") finance to bodies external to CALC for the purpose of collating the data set out in this affidavit. Those bodies included Flexigroup Limited, ("**Flexigroup**"), the Australian Securities and Investments

Commission, an intervener, (“**ASIC**”), the Consumer Affairs Victoria (“**CAV**”), the Australian Financial Complaints Authority (“**AFCA**”) and the Energy and Water Ombudsman Victoria (“**EWOV**”).

3. I make this affidavit on the basis of my own knowledge, except where indicated. Where I depose to matters on information and belief, I set out the basis of my belief and I believe such matters to be true.

B External requests for consumer complaints data

4. On 31 March 2020, I sent written requests for consumer complaints data to:
 - a. AFCA, in its capacity as the national external dispute resolution scheme handling complaints about financial services, which includes complaints about its BNPL provider members, including Flexigroup and Ratesetter Australia RE Limited (“**Ratesetter**”); and
 - b. EWOV, in its capacity as the state external dispute resolution service handling complaints about energy and water issues in Victoria, which includes complaints about energy retailers and distributors.
5. On 6 April 2020, I sent a written request for consumer complaints data to CAV in its capacity as the state consumer affairs regulator in Victoria, which includes the regulation of the supply and installation of solar products and services.
6. On 16 April 2020, I sent a written request for consumer complaints data to ASIC in its capacity as the national regulator of corporate, markets and financial services, which includes the regulation of BNPL finance, including in the sales of NET, under the *Australian Securities and Investments Commission Act 2001*.
7. On 17 April 2020, I sent a written request for consumer complaints data to Flexigroup in its capacity as a BNPL finance provider in the national supply of NET and the Applicant to this application before the Tribunal.
8. While each request was tailored to the addressee, all requested the following:
 - a. Consumer complaints data concerning NET and BNPL finance;
 - b. Data recorded from 1 January 2016; and

c. Any other matters which may assist the Tribunal.

9. The requests referred to in the paragraphs above are exhibited to this affidavit as follows:

- a. Exhibit **UCN-1** is a copy of the request to AFCA dated 31 March 2020;
- b. Exhibit **UCN-2** is a copy of the request to EWOV dated 31 March 2020;
- c. Exhibit **UCN-3** is a copy of the request to CAV dated 6 April 2020;
- d. Exhibit **UCN-4** is a copy of the request to ASIC dated 16 April 2020; and
- e. Exhibit **UCN-5** is a copy of the request to Flexigroup dated 17 April 2020.

C Summary of the consumer complaints data

10. There does not appear to be any uniformity in the way that consumer complaints data is recorded across the bodies to which requests were made for the purpose of preparing this affidavit.
11. However, it is possible to chart the number of complaints identified by the bodies below, having regard to the limitations on the data, including that either different or unknown search terms have been used to identify the complaints, different date ranges have been applied to the searches and that the different bodies providing the data have jurisdiction over a diverse range of products, services and conduct:

Table 1. Number of complaints received by body by date by search term

Body	Date range	Consumer complaints about NET	Search term	Consumer complaints about NET & BNPL	Search term	Consumer complaints about BNPL	Search term
EWOV ¹	14/08/17-7/04/20	3,487	Solar cases	7	Solar - Finance		
ASIC ²	1/01/16-20/04/20			18	Purchase of NET product	56	Main BNPL finance providers known to ASIC
CAV ³	1/01/16-29/04/20* 1/01/16-8/04/20**	1601*	Solar Electricity Systems*	216**	At least one of: Certegy, Ezi-Pay. Easy		

¹ See Exhibit **UCN-6** - letter from EWOV to CALC dated 8 April 2020

² See Exhibit **UCN-7** – ASIC Excel spreadsheet entitled 'De-identified - ROMs for BNPL providers 20160101 – 20200420'

³ See Exhibit **UCN-8** – CAV Excel spreadsheets entitled 'CALC request 1 May 2020' and 'Solar Electricity Complaints 2016 to 29 Apr 20'

					Pay, Humm, Ragtesetter, Flexigroup, Finance, BNPL, Buy Now Pay Later, Bright Capital, Bright Capital or Door-to-door**		
AFCA⁴	1/11/18-31/12/19					165	Certegy Ezi-Pay Pty Ltd; Ratesetter Australia RE Limited
Flexigroup⁵							

12. Noting again the inherent difficulties with the data, and specifically with the divergent search terms used to produce the data and the jurisdiction of each body that provided data, the data indicates that the main three issue types for consumer complaints regarding NET and BNPL recorded by ASIC and CAV are (percentages rounded up to the nearest percentage point):

Table 2. Three main types of complaints about NET and BNPL received by body

Body	Issue type #1	Issue type #2	Issue type #3
ASIC⁶ (nb. more than one issue recorded per complaint)	Responsible lending (89%)	Providing credit without a license (78%)	Misleading and deceptive conduct (73%)
CAV⁷ (nb. only one issue recorded per complaint)	Quality (38%)	Supply issues (25%)	Conduct (17%)

13. Only CAV was able to provide detailed data on the outcomes of consumer complaints about NET and BNPL, which indicates, among other things, that 39.4% of complaints between 1 January 2016 and 8 April 2020 were resolved by CAV and that 28.2% of complaints did not meet CAV's eligibility criteria or were better addressed by another agency.

⁴ See Exhibit **UCN-9** – letter from AFCA to CALC dated 1 May 2020

⁵ See Exhibit FLX.001.002.0064 to Witness Statement of Taras Mysak dated 24 April 2020

⁶ See Exhibit **UCN-7** –ASIC Excel spreadsheet entitled 'De-identified - ROMs for BNPL providers 20160101 – 20200420'

⁷ See Exhibit **UCN-8** – CAV Excel spreadsheet entitled 'CALC request 1 May 2020'

14. EWOV also provided that it referred 877 solar cases that were outside its jurisdiction to CAV between 14 August 2017 and 7 April 2020, noting that 66% of those referrals raised issues of “Solar installer (non-scheme participant)” and “Solar – Installation”.

D Energy and Water Ombudsman Victoria

15. On 8 April 2020, Cynthia Gebert, the Energy and Water Ombudsman of Victoria, responded to my request for consumer complaints data.
16. Exhibit **UCN-6** is a copy of EWOV’s letter in response dated 8 April 2020.
17. Ms Gebert’s response indicated that EWOV does not systematically collect information on the financing arrangements relating to solar products. as EWOV does not resolve these complaints. EWOV does have some limited data on “Solar – Finance” cases where this is recorded as the reason that a case falls outside of EWOV’s jurisdiction.
18. According to Ms Gebert’s response:
- a. From 14 August 2017 to 7 April 2020, EWOV received 3,487 solar cases, 1,015 (29%) of which were deemed to lie outside of its jurisdiction.
 - b. Of those 1,105 cases, seven were designated “Solar – Finance” and a further two were designated as both “Solar Installer (non-scheme participant)” and related to “Credit”.
 - c. Ms Gebert stated that “Unfortunately, it is not possible to determine with any certainty which ... cases may have involved BNPL finance, if any”.
 - d. All nine cases were referred by EWOV to regulators, seven to CAV and two to the Australian Competition and Consumer Commission (“**ACCC**”).
 - e. The vast majority of EWOV’s solar cases that are deemed to lie outside of jurisdiction are referred to CAV, with 877 such referrals being made between 14 August 2017 and 7 April 2020. Sixty-six per cent (66%) of those referrals were for cases designated “Solar installer (non-scheme participant)” and “Solar – Installation”. Ms Geber stated that there is no current external dispute resolution service for those complaints.

E Australian Securities and Investments Commission

19. On 30 April 2020, James Walker, Senior Specialist at ASIC, provided a partial response to my request and released consumer complaints data pursuant to s 127(1A) of the ASIC Act.
20. Exhibit **UCN-7** is a copy of ASIC's response to the request dated 16 April 2020 and attached Excel spreadsheet.
21. In his response, Mr Walker explained that the data produced by ASIC in the Excel spreadsheet:
 - a. concerns the period 1 January 2016 to 20 April 2020;
 - b. was collated on the basis of entity searches in ASIC's database, such entities being chosen as the main BNPL finance providers known to ASIC;
 - c. concerns complaints by consumers and by consumer representatives;
 - d. includes flagged records where the complaint specifically concerns a NET product purchased using BNPL finance; and
 - e. provides a summary of the complaint description, which is not exhaustive;
 - f. is flagged to indicate the occurrence of the following issues: 'solar panels', 'responsible lending', 'fail to produce docs', 'unlicensed credit', 'misleading and deceptive conduct', 'payment pursued during cool off', 'unfair sales practices';
 - g. in some cases, the record of the complaint does not contain sufficient information to conclude whether or not it concerns a NET product.
22. On reviewing the Excel spreadsheet, I observe that:
 - a. Between 1 January 2016 and 20 April 2020, ASIC received 56 consumer complaints about the main BNPL finance providers known to ASIC;
 - b. Of those 56 complaints, 33% (n=18) of all complaints about BNPL finance were specifically flagged as concerning the purchase of a NET product, with an additional 2 containing insufficient information to determine whether they related to the purchase of a NET product (rounding up to the nearest percentage point).
 - c. For those 18 complaints about BNPL and NET products (percentages rounded to the nearest one decimal percentage point):

- i. All 18 concerned the sale of solar panels;
- ii. All 18 raised more than one of the flagged issues;
- iii. The issues recorded in the complaint descriptions summary as a percentage of the total complaints relating to BNPL and NET products (n=18) were:

Issue	No of complaints	Percentage of complaints
Responsible lending	16	88.9%
Unlicensed credit	14	77.8%
Misleading / deceptive conduct	13	72.2%
Payment pursued during cooling off period	1	5.6%
Unfair sales practices	1	5.6%
Failing to produce documents	1	5.6%

- iv. A total of 32.1% of complaints about BNPL (total n=56) relate to the purchase of NET (total n=18) products between 2016 and 2020. Specifically, the percentage of complaints relating to BNPL and NET products as a proportion of the total number of complaints about BNPL per year were:

Year	No of BNPL and NET complaints	Total number of complaints about BNPL	BNPL and NET complaints as percentage of total complaints about BNPL
2016	10	18	55.6%
2017	5	16	31.3%
2018	0	10	0
2019	2	10	20%
2020	1	2	50%
TOTAL	18	56	32.1%

- 23. In his response, Mr Walker also stated that if CALC seeks further or more detailed complaints data, it may choose to seek a summons from the Tribunal.

24. On 4 May 2020, Mr Walker provided ASIC's consent to CALC making application to the Tribunal for directions regarding the provision of information by ASIC.

F Consumer Affairs Victoria

25. On 1 May 2020, Gemma Dodson, General Manager Information & Analysis at CAV, responded to my request for consumer complaints data.
26. Exhibit **UCN-8** is a copy of CAV's response to the request dated 20 April 2020, comprising two Excel spreadsheets.
27. The Excel spreadsheet entitled 'Solar Electricity Complaints 2016 to 29 April 2020', records that 1,601 complaints were received about "Solar Electricity Systems" in the period 1 January 2016 to 29 April 2020.
28. In relation to the Excel spreadsheet entitled 'CALC request 1 May 2020', I observe that:
- a. This spreadsheet contains cases extracted from CAV's case management system which met the following case criteria (**the Case Criteria**):
 - i. contained, as a keyword, any of the following: Certegy, Ezi-Pay, Ezi Pay, Easy Pay, Humm, Ratesetter, Flexigroup, Finance, BNPL, Buy Now Pay Later, Brighte Capital, Bright Capital; **or**
 - ii. recorded, as the sales method, a door to door sale;
 - b. Between 1 January 2016 and 8 April 2020, CAV received 216 consumer complaints relating to "Solar Electricity Systems" where at least one or more BNPL providers or door-to-door sales method were recorded in their case management system;
 - c. For those 216 complaints (percentages rounded to the nearest one decimal percentage point):
 - i. **Dates:** The following dates of receipt for complaints were recorded:

Year	No of complaints
2016	54
2017	34
2018	45

2019	73
2020	10
TOTAL	216

- ii. **Sales method:** The following sales methods were recorded, expressed here as a proportion of the sales methods recorded in all 216 complaints:

Sales Method	No of complaints	Percentage of all complaints
Door to Door	125	57.9%
Other – on-business premises sale	31	14.4%
Method unknown	31	14.4%
Off-business premises sale	19	8.8%
No sale	4	1.9%
Telemarketing	3	1.4%
Not recorded	2	0.9%
Online shopping	1	0.5%
Total	216	100%

- iii. **Issues for complaint:** The following main issues and sub-issues were recorded as follows, expressed here as a proportion of all 216 complaints:⁸

Issues	Count	Percentage of all complaints
Quality	82	38.0%
Goods – Major Failures / Defects	46	21.3%
Goods – Minor Failures / Defects	22	10.2%
Repairs – Unsatisfactory / Defective	1	0.5%
Services – Unsatisfactory / Defective	13	6.0%
Supply Issues	53	24.5%
Delayed Supply of Goods & Services	17	7.9%

⁸ See Exhibit **UCN-8** – CAV Excel spreadsheet entitled 'CALC request 1 May 2020'

Non-supply / Partial Supply of Goods & Services	23	10.6%
Rebates / Free Items Not Provided as Offered	1	0.5%
Required Documentation Not Provided	9	4.2%
Supply of Incorrect Goods & Services	1	0.5%
Unsolicited Goods	1	0.5%
Unsolicited Services	1	0.5%
Conduct	35	16.2%
High Pressure Sales Tactics	1	0.5%
Misleading / Deceptive Conduct	14	6.5%
Misrepresentations about Goods / Services	7	3.2%
Non-disclosure / Misleading Omissions	2	0.9%
Poor Customer Service / Unresponsive to Issues	4	1.9%
Required Documentation In Inappropriate Form / Flawed	3	1.4%
Unconscionable / Harsh Conduct	3	1.4%
Unfair Contract Terms	1	0.5%
Rights and Responsibilities	31	14.4%
Consumer Guarantee & Statutory Warranty Rights	1	0.5%
Contract Cancellations	6	2.8%
Cooling-off Rights	3	1.4%
Express Warranty Claim Not Honoured / Rejected	4	1.9%
Express Warranty Terms Issues	1	0.5%
General Requirements	6	2.8%
Refund / Return Rights	10	4.6%
Charges / Fees & Pricing	14	6.5%
Billing Problems	4	1.9%
Charges Above Quote	2	0.9%
Contract Termination Fees	1	0.5%
Deposits / Upfront Fees	3	1.4%
Disputed / Unreasonable Charges	3	1.4%
Unauthorised Charges	1	0.5%
Safety / Information Standards	1	0.5%
Safety Standards Check	1	0.5%
Grand Total	216	100.0%

- iv. **Outcomes of complaint:** The following outcomes were recorded, expressed here as a proportion of the outcomes recorded in all 216 complaints:

Outcome	No of complaints	Percentage of all complaints
Resolved	85	39.4%
Did not meet CAV eligibility criteria	55	25.5%
Unable to conciliate	19	8.8%
No action required	18	8.3%

Conciliation undertaken but unable to be resolved	16	7.4%
Withdrawn	7	3.2%
Lapsed	6	2.8%
Better addressed by another agency	5	2.3%
Unfounded / not substantiated	2	0.9%
Referred to advocate for assistance to complainant	1	0.5%
Possible breach investigated but did not meet eligibility criteria	1	0.5%
Referred to group case	1	0.5%
Total	216	100%

d. **Main issues where complaint arose from door to door or telemarketing sales:**

Of the “Solar Electricity Systems” complaints which met the Case Criteria and where door to door (n=125) and telemarketing sales (n=3) methods were recorded (n=128), the main issue types and sub-issue types recorded were as follows, expressed here as a percentage of all complains where sales method of door-to-door and telemarketing was recorded:

Issue	Count	Percentage of ‘unsolicited sales’
Quality	41	32.0%
Goods - Major Failures / Defects	25	19.5%
Goods - Minor Failures / Defects	11	8.6%
Services - Unsatisfactory / Defective	4	3.1%
Repairs - Unsatisfactory / Defective	1	0.8%
Supply Issues	33	25.8%
Non-supply / Partial Supply of Goods & Services	14	10.9%
Delayed Supply of Goods & Services	9	7.0%
Required Documentation Not Provided	6	4.7%
Rebates / Free Items Not Provided as Offered	1	0.8%
Supply of Incorrect Goods & Services	1	0.8%
Unsolicited Goods	1	0.8%

Unsolicited Services	1	0.8%
Conduct	29	22.7%
Misleading / Deceptive Conduct	12	9.4%
Misrepresentations about Goods / Services	7	5.5%
Unconscionable / Harsh Conduct	3	2.3%
Required Documentation In Inappropriate Form / Flawed	2	1.6%
Non-disclosure / Misleading Omissions	2	1.6%
High Pressure Sales Tactics	1	0.8%
Poor Customer Service / Unresponsive to Issues	1	0.8%
Unfair Contract Terms	1	0.8%
Rights and Responsibilities	18	14.1%
Contract Cancellations	5	3.9%
Refund / Return Rights	4	3.1%
Cooling-off Rights	3	2.3%
Express Warranty Claim Not Honoured / Rejected	2	1.6%
General Requirements	2	1.6%
Express Warranty Terms Issues	1	0.8%
Consumer Guarantee & Statutory Warranty Rights	1	0.8%
Charges / Fees & Pricing	7	5.5%
Billing Problems	4	3.1%
Contract Termination Fees	1	0.8%
Deposits / Upfront Fees	1	0.8%
Charges Above Quote	1	0.8%
Grand Total	128	100%

29. Based on the Excel spreadsheets, I further observe that:

- a. Of all complaints made to CAV between January 2016 and April 2020 about “Solar Electricity Systems”, approximately 14% involved met the Case Criteria (re BNPL providers or door-to-door sales) (rounding up to the nearest percentage point);
- b. “Solar Electricity Systems” complaints which met the Case Criteria decreased by 37% (from 54 in 2016 to 34 in 2017), but then steadily increased from 2017 to 2019, when the peak number of 73 complaints was recorded;
- c. Of the “Solar Electricity Systems” complaints which met the Case Criteria (n=216), the main issue types recorded included 38% (n=82) complaints about quality, 25% (n=53) complaints about supply issues and 17% (n=35) complaints about conduct (rounding up to the nearest percentage point);
- d. Where the sales method was known, recorded and a sale occurred (n=179), door to door sales (n=125) and telemarketing (n=3), both known unsolicited sales methods, accounted for 72% of the sales methods used in “Solar Electricity Systems” complaints which met the Case Criteria;

- e. Of the “Solar Electricity Systems” complaints which met the Case Criteria recording unsolicited sales methods (as defined in paragraph 29.d. above) (n=128), 29% (n=36) of the main issues type were recorded as conduct and charges / fees & pricing (rounding up to the nearest percentage point);
- f. Of the “Solar Electricity Systems” complaints which met the Case Criteria and that weren’t withdrawn, lapsed or where no action was required of CAV (n=185), 33% (n=61) fell outside of CAV’s eligibility criteria or were better addressed by another agency to which complainants were referred (rounding up to the nearest percentage point);
- g. Of the “Solar Electricity Systems” complaints which met the Case Criteria and that did not meet CAV’s eligibility criteria or were better addressed by another agency to which complainants were referred (n=61), 30% (n=18) of the main issues type recorded as conduct and charges / fees & pricing (rounding up to the nearest percentage point); and
- h. There is a higher proportion of ‘conduct’ issues recorded for complaints arising from door to door and telemarketing sales transactions (n=128) than there are for all complaints generally (n=216), being 22.7% (n=29) compared to 16.2%(n=35).

G Australian Financial Complaints Authority

- 30. On 1 May 2020, Justin Untersteiner, Chief Operating Officer at AFCA, responded to my request for information about the consumer complaints data published online in its Datacube in accordance with ASIC Regulatory Guide 267 and AFCA’s Rules.
- 31. Exhibit **UCN-9** is a copy of AFCA’s response to the request dated 31 March 2020.
- 32. In his response, Mr Untersteiner confirmed that:
 - a. data from two reporting periods is available on the Datacube – 1 November 2018 to 30 June 2019 (“**reporting period one**”) and 1 July 2019 to 31 December 2019 (“**reporting period two**”);
 - b. **Certegy:**
 - i. AFCA received a total of 118 complaints against Certegy Ezi-Pay Pty Ltd (“**Certegy**”) from 1 November 2018 to 31 December 2019 (consisting of 63

complaints during reporting period one and 55 complaints during reporting period two);

ii. The numbers referred to above consist of all complaints received against Certegy which, once received, are then accepted by AFCA as within jurisdiction where appropriate;

iii. Certegy is classified as a “very small” business size;

c. **Ratesetter:**

i. AFCA received a total of 47 complaints against RateSetter from 1 November 2018 to 31 December 2019 (consisting of 26 complaints during reporting period one and 21 complaints during reporting period two);

ii. Ratesetter is classified as a “small” business size for the purposes of the AFCA Datacube;

d. the business size classifications are based on self- assessments, taken into account when calculating a business’s annual levy for membership of AFCA.

33. I observe from the above that Certegy is classified as a smaller business than Ratesetter but has received a greater number of complaints.

34. Mr Untersteiner also stated in his letter as follows:

“Under our Rule framework we are only able to provide information that is in the public domain. Given that two parties to the Proceeding, Flexigroup Limited and RateSetter Australia RE Limited, are or are related to two AFCA members, and that CALC represents consumers at AFCA from time to time, AFCA wishes to maintain impartiality and therefore is unable to provide any information not in the public domain.”

H Flexigroup Limited

35. On 24 April 2020, Mihkel Wilding, Special Counsel at Clayton Utz, responded to my request to Flexigroup for consumer complaints data.

36. Exhibit **UCN-10** is a copy of Flexigroup’s response to the request dated 24 April 2020.

37. In Mr Wilding's response, he stated that his client Flexigroup "is addressing the issue of complaints data in the statement of Taras Mysak which it intends to file today".

38. Later, on 24 April 2020, CALC was served with the witness statement of Taras Mysak, Head of Credit Risk - BNPL at Flexigroup. Paragraphs [44] – [51] of Mr Mysak's statement, headed 'humm solar lending outcomes', and Exhibit TM-2 at Tab 8 [FXL.001.002.0064], headed 'Solar', refer to Flexigroup's internal consumer complaints data and hardship enquiries data.

39. Mr Mysak's Exhibit TM-2 is

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

AFFIRMED by the deponent
at Melbourne on 4 May 2020



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Before me:

IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019

Certificate identifying exhibit

This is the exhibit marked **UCN-1** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit

Our Ref: 495916
Contact: Ursula Noye

31 March 2020

Justin Untersteiner, Chief Operating Officer
Australian Financial Complaints Authority Limited
GPO Box 3
Melbourne, VIC 3001

Copy to: Ben Rashid, Senior Manager Digital Integration & Governance

By email only: JUntersteiner@afca.org.au; BRashid@afca.org.au

Dear Mr Untersteiner

ACT 1 of 2019 – Request relating to AFCA Datacube

Background to request

1. As you would be aware, the Consumer Action Law Centre ('CALC') is an independent, not-for profit consumer organisation with specialist expertise in consumer credit law and policy and of the consumer experience in modern markets, including that of New Energy Tech.
2. CALC has recently been granted leave to intervene in the matter of ACT 1 of 2019 (Re Application for authorisation AA1000439 lodged by Australian Energy Council, Clean Energy Council, Smart Energy Council and Energy Consumers Australia in respect of the New Energy Tech Consumer Code) ("**the Proceeding**") in the Australian Competition Tribunal ("**the Tribunal**").
3. The Proceeding concerns the New Energy Tech Consumer Code ("**the Code**"), an industry code which sets minimum standards that suppliers of "New Energy Tech" products (e.g. solar panels, energy storage systems and other emerging products and services) must comply with when interacting with customers. In a determination dated 5 December 2019 ("**the Determination**"), the ACCC authorised the Code subject to certain conditions.
4. The parties involved in the Proceeding include:

- a. the Authorisation Applicants (i.e. the four bodies that collectively applied to the ACCC for authorisation of the Code) – the Clean Energy Council, the Australian Energy Council, the Smart Energy Council and Energy Consumers Australia;
 - b. the Applicant for Review of the ACCC’s Determination – Flexigroup Limited (“**Flexigroup**”);
 - c. the ACCC;
 - d. the three Interveners:
 - i. ASIC;
 - ii. CALC; and
 - iii. RateSetter Australia RE Limited (“**RateSetter**”).
5. We enclose a copy of both CALC’s application and the authorisation with this letter for your information, noting that further information about the Proceeding, including copies of all documents filed by the parties, is available on the Tribunal’s website at <https://www.competitiontribunal.gov.au/current-matters/act-1-of-2019>.

Request

6. Flexigroup provides buy-now-pay-later credit to consumers through its subsidiary Certegy Ezi-Pay Pty Ltd trading as Humm (“**Humm**”). Humm does not hold an Australian Credit Licence and operates on the basis that the credit it provides is not regulated by the *National Consumer Credit Protection Act 2009* (Cth) (“**NCCPA**”) or the *National Credit Code* (“**NCC**”). Humm is an AFCA member (member number 66920).
7. RateSetter holds an Australian Credit Licence and provides credit to consumers which is regulated by the NCCPA and the NCC. RateSetter is also an AFCA member (member number 32003).
8. In the Proceeding, CALC is contemplating submitting information to the Tribunal concerning consumer complaints data derived from both EWOV and AFCA in relation to Humm and RateSetter. From AFCA, we are concerned to ensure that CALC’s understanding of the data available on the Datacube is correct and that the Tribunal is properly informed. Accordingly, we have set out a list of questions relating to the Datacube below.
9. We would be grateful if AFCA could provide responses to these questions by **10 April 2020**, given that CALC is required to file the evidence with the Tribunal by 21 April 2020.
10. The questions are as follows:
 - a. AFCA’s website states: “In accordance with ASIC Regulatory Guide 267 and our Rules, AFCA must publicly report information about complaints we receive and close against each scheme member, including comparative complaint data ... The AFCA Datacube is a visualisation of this data – showing how many complaints are made about financial firms and what kind of outcomes are reached.” Is this an accurate description of the Datacube?



- b. At present, we understand that data from two reporting periods is available on the Datacube – 1 November 2018 to 30 June 2019 (“**reporting period one**”) and 1 July 2019 to 31 December 2019 (“**reporting period two**”). Is this correct?
 - c. We understand that AFCA received a total of 118 complaints against Humm from 1 November 2018 to 31 December 2019 (consisting of 63 complaints during reporting period one and 55 complaints during reporting period two). Is this correct?
 - d. We understand that AFCA received a total of 47 complaints against RateSetter from 1 November 2018 to 31 December 2019 (consisting of 26 complaints during reporting period one and 21 complaints during reporting period two). Is this correct?
 - e. Given that Humm does not hold an Australian Credit Licence and operates on the basis that the credit it provides is not regulated by the NCCPA or the NCC, are there any jurisdictional limits on AFCA’s ability to consider complaints against Humm (aside from the usual matters set out in Sections B and C of the AFCA Rules)? If so, what are those limits?
 - f. Are there any jurisdictional limits on AFCA’s ability to consider complaints against RateSetter (aside from the usual matters set out in Sections B and C of the AFCA Rules)? If so, what are those limits?
 - g. Does the total number of complaints referred to in question (c) consist of all complaints which consumers have attempted to make to AFCA against Humm, or only those complaints which have been accepted by AFCA as within jurisdiction?
 - h. If the answer to question (g) is that the number of complaints refers only to those complaints which have been accepted by AFCA as within jurisdiction, does AFCA have any data about the number of complaints against Humm which AFCA has excluded due to lack of jurisdiction? (If yes, please advise how many additional complaints have been excluded.)
 - i. Does the total number of complaints referred to in question (d) consist of all complaints which consumers have attempted to make to AFCA against RateSetter, or only those complaints which have been accepted by AFCA as within jurisdiction?
 - j. If the answer to question (i) is that the number of complaints refers only to those complaints which have been accepted by AFCA as within jurisdiction, does AFCA have any data about the number of complaints against RateSetter which AFCA has excluded due to lack of jurisdiction? (If yes, please advise how many additional complaints have been excluded.)
 - k. According to the Datacube, Humm’s business size is classified as “very small” whereas RateSetter’s business size is classified as “small”. What metrics are used to classify business size in the Datacube?
 - l. Are there any other matters that you believe would assist in our – and the Tribunal’s – understanding and consideration of this data?
11. Please direct any queries to Ursula Noye by telephone to 0409 542 314 or email at ursula@consumeraction.org.au.



12. We look forward to your response.

Yours faithfully,

CONSUMER ACTION LAW CENTRE



Ursula Noye
Special Counsel



**IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019**

Certificate identifying exhibit

This is the exhibit marked **UCN-2** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit

Our Ref: 495916
Contact: Ursula Noye

31 March 2020

Cynthia Gebert
Energy and Water Ombudsman (Victoria)
Central Tower
Level 8/360 Elizabeth St
Melbourne VIC 3000

Copy to: Janine Rayner, Communications and Policy Manager and Zac Gillam, Senior Policy & Stakeholder Engagement Officer

By email only: cynthia.gebert@ewov.com.au; janine.rayner@ewov.com.au; Zac.Gillam@ewov.com.au

Dear Ombudsman,

ACT 1 of 2019 - Request for EWOV data

1. As you would be aware, the Consumer Action Law Centre ("**CALC**") is an independent, not-for profit consumer organisation with specialist expertise in consumer credit law and policy and of the consumer experience in modern markets, including that of New Energy Tech.
2. CALC has recently been granted leave to intervene in the matter of ACT 1 of 2019 (Re Application for authorisation AA1000439 lodged by Australian Energy Council, Clean Energy Council, Smart Energy Council and Energy Consumers Australia in respect of the New Energy Tech Consumer Code) ("**the Proceeding**") in the Australian Competition Tribunal ("**the Tribunal**").
3. The Proceeding concerns the New Energy Tech Consumer Code ("**the Code**"), an industry code which sets minimum standards that suppliers of "New Energy Tech" products (e.g. solar panels, energy storage systems and other emerging products and services) must comply with when interacting with customers. In a determination dated 5 December 2019 ("**the Determination**"), the ACCC authorised the Code subject to certain conditions.
4. We enclose a copy of both CALC's application and the authorisation with this letter for your information, noting that further information about the Proceeding, including copies of all documents filed by the parties, is available on the Tribunal's website at <https://www.competitiontribunal.gov.au/current-matters/act-1-of-2019>.

Request

5. We understand that Flexigroup, the applicant to the Proceeding, through its subsidiary Certegy Ezi-Pay Pty Ltd trading as Humm ("**Humm**") is one of the largest providers of BNPL finance in the purchase of solar panels. Flexigroup is a member of the Australian Financial Complaints Authority ("**AFCA**") for the purpose of external dispute resolution of consumer disputes. We further understand another large financier of solar is Ratesetter Australia RE Limited ("**Ratesetter**"), also a member of AFCA.
6. In the Proceeding, CALC is contemplating submitting information to the Tribunal concerning consumer complaints data derived from EWOV and AFCA, with the latter concerning Humm and RateSetter in particular.
7. CALC is due to file evidence before the Tribunal by 21 April 2020. We note that given the current climate of responding to COVID-19, your organisation's workflow may be disrupted. However, we hope that you are able to respond to our request as soon as possible and by **10 April 2020**.
8. We request information collected between 1 January 2016 and the present from consumer complaints to EWOV about solar panels and related finance products as follows:
 - a. complaints raising issues of the finance of New Energy Tech - solar products in particular - and what proportion of those complaints relate to BNPL finance; and
 - b. the number, frequency and nature of referrals to the Australian Financial Complaints Authority ('AFCA') by EWOV of complaints about New Energy Tech – solar products in particular - and/or the finance of those products; and
 - c. any other information that you think might assist our understanding of these matters.
9. Given the current division of jurisdiction between external dispute resolution providers for consumer complaints about solar products (eg EWOV) and the related provision of finance (eg AFCA), we also seek your insight into the existence and nature of any challenges posed for EWOV in resolving consumer disputes about either or both of the solar product and the finance for that product.
10. We would also appreciate any information that EWOV can provide concerning the experience of complainants in seeking to resolve these issues.
11. Please direct any queries to Ursula Noye by telephone to 0409 542 314 or email at ursula@consumeraction.org.au.
12. We look forward to your response.

Yours faithfully,

CONSUMER ACTION LAW CENTRE



Ursula Noye
Special Counsel



IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019

Certificate identifying exhibit

This is the exhibit marked **UCN-3** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit

Our Ref: 495916
Contact: Ursula Noye

6 April 2020

David Joyner
Director, Regulatory Services
Consumer Affairs Victoria
GPO Box 123
Melbourne VIC 3000

By email only: David.Joyner@justice.vic.gov.au

Dear Sir,

ACT 1 of 2019 - Request for Consumer Affairs Victoria ("CAV") data

1. As you would be aware, the Consumer Action Law Centre ("**CALC**") is an independent, not-for profit consumer organisation with specialist expertise in consumer credit law and policy and of the consumer experience in modern markets, including that of New Energy Tech.
2. CALC has recently been granted leave to intervene in the matter of ACT 1 of 2019 (Re Application for authorisation AA1000439 lodged by Australian Energy Council, Clean Energy Council, Smart Energy Council and Energy Consumers Australia in respect of the New Energy Tech Consumer Code) ("**the Proceeding**") in the Australian Competition Tribunal ("**the Tribunal**").
3. The Proceeding concerns the New Energy Tech Consumer Code ("**the Code**"), an industry code which sets minimum standards that suppliers of "New Energy Tech" products (e.g. solar panels, energy storage systems and other emerging products and services) must comply with when interacting with customers. In a determination dated 5 December 2019 ("**the Determination**"), the ACCC authorised the Code subject to certain conditions.
4. We enclose a copy of both CALC's application and the Determination with this letter for your information, noting that further information about the Proceeding, including copies of all documents filed by the parties, is available on the Tribunal's website at <https://www.competitiontribunal.gov.au/current-matters/act-1-of-2019>.

Request

5. We understand that there are hundreds of solar technology providers operating in Victoria, and that CAV is currently pursuing one particular provider in the Federal Court for breaches of consumer protection laws. We understand further that Flexigroup, the applicant to the Proceeding in the Tribunal, through its subsidiary

Certegy Ezi-Pay Pty Ltd trading as Humm ("**Humm**") is one of the largest providers of BNPL finance in the purchase of solar panels. Flexigroup is a member of the Australian Financial Complaints Authority ("**AFCA**") for the purpose of external dispute resolution of consumer disputes. We further understand another large financier of solar is Ratesetter Australia RE Limited ("**Ratesetter**"), also a member of AFCA.

6. In the Proceeding, CALC is contemplating submitting information to the Tribunal concerning consumer complaints data derived from the Energy and Water Ombudsman of Victoria ("**EWOV**"), CAV and AFCA, with the latter concerning Humm and RateSetter in particular.
7. CALC is due to file evidence before the Tribunal by 21 April 2020. We note that given the current climate of responding to COVID-19, your organisation's workflow may be disrupted. However, we hope that you are able to respond to our request as soon as possible and by **16 April 2020**.
8. We request information collected between 1 January 2016 and the present from consumer complaints to CAV about solar panels and related finance products as follows:
 - a. complaints, either direct or through referrals from other bodies (eg EWOV), raising issues of the finance of New Energy Tech - solar products in particular - and what proportion of those complaints relate to BNPL finance; and
 - b. the number, frequency and nature of referrals to the Australian Financial Complaints Authority ("**AFCA**") by CAV of complaints about New Energy Tech – solar products in particular - and/or the finance of those products; and
 - c. any other information that you think might assist our understanding of these matters.
9. Given the current division of jurisdiction between external dispute resolution providers for consumer complaints about solar products (eg CAV and EWOV) and the related provision of finance (eg AFCA), we also seek your insight into the existence and nature of any challenges posed for CAV in resolving consumer disputes about either or both of the solar product and the finance for that product.
10. We would also appreciate any information that CAV can provide concerning the experience of complainants in seeking to resolve these issues.
11. Please direct any queries to Ursula Noye by telephone to 0409 542 314 or email at ursula@consumeraction.org.au.
12. We look forward to your response.

Yours faithfully,

CONSUMER ACTION LAW CENTRE



Ursula Noye
Special Counsel



IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019

Certificate identifying exhibit

This is the exhibit marked **UCN-4** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit

Our Ref: 495916

Contact: Ursula Noye

16 April 2020

James Walker
Senior Specialist
Administrative Law Team, Chief Legal Office
Australian Securities and Investments Commission
Level 5, 100 Market Street
Sydney NSW 2000

By email only: James.Walker@asic.gov.au; kevin.foo@asic.gov.au

Dear Mr Walker

Application by Flexigroup Ltd - Australian Competition Tribunal Proceeding No 1 of 2019 ("the Proceeding")

Request for consumer complaints data

1. CALC is of the view that the Australian Competition Tribunal ("**the Tribunal**") would be assisted if it had consumer complaints data regarding the provision of credit to purchasers generally and of New Energy Tech (solar) in particular.
2. Relevant external dispute resolution schemes – the Energy and Water Ombudsman Victoria ("**EWOV**") and the Australian Financial Complaints Authority ("**AFCA**") – and regulators – ASIC and Consumer Affairs Victoria ("**CAV**") – may have data of that kind.
3. We have written separately to EWOV, CAV and AFCA seeking information from them about consumer complaints.
4. The purpose of this letter is to seek information about consumer complaints data that ASIC may have. We have copied this request to Kevin Foo, Senior Manager - Credit, Retail Banking and Payments, who we would ordinarily direct enquiries of this nature to. Given your carriage of the Proceeding, however, we have directed our request to you.
5. We would be grateful if ASIC could provide responses to the questions listed below by **24 April 2020**, given that CALC is required to file its evidence with the Tribunal by 5 May 2020.

6. The questions are as follows:

- a. If able to do so, please provide details of consumer complaints received about BNPL providers in connection with the sale of (a) any consumer products and (b) new energy tech (solar) products between the period 1 January 2016 and the present, including –
 - i. the date of the complaint;
 - ii. the type and source of the complaint (consumer, consumer rights organisation, EDR scheme/regulator, etc.);
 - iii. the BNPL provider the subject of the complaint;
 - iv. the conduct complained of; and
 - v. the details of the response to the complaint.
 - b. Are there any jurisdictional limits on ASIC’s ability to consider and/or investigate or respond to complaints against Humm?
 - c. Are there any jurisdictional limits on ASIC’s ability to consider and/or investigate or respond to complaints against RateSetter?
 - d. Do the total number of complaints referred to in question (a) consist of all complaints which consumers have made to ASIC against BNPL providers in the new energy tech (solar) industry, or only those complaints which have been accepted by ASIC as within its jurisdiction?
 - e. If the answer to question (d) is that the number of complaints refers only to those complaints which have been accepted by ASIC as within jurisdiction, does ASIC have any data about the number of complaints against BNPL providers which ASIC has excluded due to lack of jurisdiction? (If yes, please advise how many additional complaints have been excluded.)
 - f. Are there any other matters that you believe would assist in our – and the Tribunal’s – understanding and consideration of this data?
7. Given the current division of jurisdiction between (a) external dispute resolution providers for consumer complaints about solar products (eg CAV and EWOV), and (b) consumer complaints about the related provision of finance (eg AFCA), we also seek your insight into the existence and nature of any challenges posed for consumers in resolving consumer disputes about either or both of the solar product and the finance for that product.
8. If you are of the view that our request above would be better facilitated by way of an order from the Tribunal pursuant to r 22(2) of the *Competition and Consumer Regulations 2010* (Cth), or by any other means within the Proceeding, please advise without delay, or call us if you wish to discuss.
9. Please direct any queries to Ursula Noye by telephone to 0409 542 314 or email at ursula@consumeraction.org.au.



10. We look forward to your response.

Yours faithfully,

CONSUMER ACTION LAW CENTRE



Ursula Noye
Special Counsel



**IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019**

Certificate identifying exhibit

This is the exhibit marked **UCN-5** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit

Our Ref: 495916
Contact: Ursula Noye

17 April 2020

Mihkel Wilding, Special Counsel
Clayton Utz
Level 15
1 Bligh Street
Sydney NSW 2000

By email only: mwilding@claytonutz.com

Dear Mr Wilding

Application by FlexiGroup - ACT 1 of 2019 ("the Proceeding") - Request for consumer complaints data

1. CALC is of the view that the Australian Competition Tribunal ("**the Tribunal**") would be assisted if it had consumer complaints data regarding the provision of BNPL credit to purchasers generally and of New Energy Tech (solar) in particular.
2. The purpose of this letter is to seek information about consumer complaints data that your client FlexiGroup may have.
3. We would be grateful if your client could respond by **24 April 2020**, given that CALC is required to file its evidence with the Tribunal by 5 May 2020.
4. Please provide details of consumer complaints received in connection with the sale of (a) new energy tech (solar) products; and (b) any consumer products more generally; between the period 1 January 2016 and the present, including –
 - a. the date of the complaint;
 - b. the type and source of the complaint (consumer, consumer rights organisation, external dispute resolution scheme/regulator, etc.);
 - c. the conduct complained of; and
 - d. the details of the response to the complaint.
5. Should we not receive a satisfactory response to this request, we will seek an order from the Tribunal pursuant to r 22(2) of the *Competition and Consumer Regulations 2010* (Cth) that this data be produced in the Proceeding.



6. Please direct any queries to Ursula Noye by telephone to 0409 542 314 or email at ursula@consumeraction.org.au.

7. We look forward to your response.

Yours faithfully,

CONSUMER ACTION LAW CENTRE



Ursula Noye
Special Counsel



IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019

Certificate identifying exhibit

This is the exhibit marked **UCN-6** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit

8 April 2020

Ursula Noye
Special Counsel
Consumer Action Law Centre
Level 6, 179 Queen St
Melbourne VIC 3000

Copy to: Gerard Brody, Chief Executive Officer and Jake Lilley, Senior Policy Officer (Energy)

By email: Ursula@consumeraction.org.au; Gerard@consumeraction.org.au;
Jake@consumeraction.org.au

Dear Ms Noye,

Re: Act 1 of 2019 – Request for EWOV data

Thank you for your request for data in relation to ACT 1 of 2019, specifically regarding the prominence of Buy Now Pay Later Finance (**BNPL**) related issues in solar related complaints received by us since 1 January 2016.

Unfortunately, we are not well placed to respond to your request as we do not typically capture product finance arrangements in our complaints data, and on the occasion that we do, it tends to be very limited in detail.

As you would be aware, our staff are trained to resolve energy and water related complaints of the kind generally caught by the Energy Retail Code, the Electricity and Gas Distribution Codes, the Customer Service Codes for water businesses, and other related legislation and regulation. While these complaints very often involve billing, credit and debt collection issues related to overdue utility amounts, we do not currently resolve complaints regarding the financing arrangements for the purchase of New Energy Technology. As a result, we do not systematically gather data on BNPL practices, or indeed any other financing practice for the purchase of solar panels.

That being said, solar cases have been a focus for us in recent times and we are increasingly aware that typically 25-30% of solar complaints raised with us lie outside our jurisdiction. As a result we have been gathering data on solar cases more generally, and can provide some insights on solar cases received by us since 14 August 2017 (when we established our current solar data gathering practices), and the present.

This data-set does contain a small number of cases highlighting solar finance issues, but I stress they have been captured incidentally rather than through any concerted or systematic effort to gather data on product financing practices. As a result, they do not necessarily reflect the prominence or otherwise of BNPL finance in the solar industry. Many consumers are unlikely to contact us in relation to finance related disputes, and our staff are not trained to assess complaints in terms of the responsible lending issues that BNPL finance may raise.

Unfortunately, we are not able to provide this data back to 1 January 2016 as you have requested, but you will see that the majority of our cases highlighting solar financing were received in the past six months - so it is potentially unlikely that earlier data would have yielded significantly different results.

Our data set is summarised below.

EWOV Solar Cases - Data Summary

In the period from 14/8/2017 to 7/4/20 we have received:

- 3,487 Solar Cases.
- 2,472 of those Solar Cases were deemed in jurisdiction (i.e. 71%).
- 1,015 of those Solar Cases were deemed out of jurisdiction (**OOJ**) (i.e. 29%).

Of the 1,015 OOI Solar Cases received by us over that period, only seven were classified as OOI for the reason “Solar – Finance”.

The case reference, date received and outcomes for those seven cases are set out in the table below:

Table 1.

Case Reference	Date Received	Outcome
2019/6455	2/4/19	Referred to CAV
2019/6861	9/4/19	Referred to CAV
2019/21780	28/11/19	Referred to ACCC
2019/14923	20/8/19	Referred to CAV
2020/761	15/1/20	Referred to CAV
2020/774	15/1/20	Referred to CAV
2020/869	16/1/20	Referred to CAV

I can confirm that the terms ‘Certegy Ezi-Pay’, ‘Humm’ and ‘Ratesetter’ do not appear in any of the above case records, although I stress the entries are only very brief given the OOI nature of the cases. Unfortunately, it is not possible to determine with any certainty which of the above cases may have involved BNPL finance, if any.

In addition to the above cases, we did receive two cases that may be relevant even though they were classified as OOI for reasons other than “Solar - Finance” (they were both deemed OOI for the reason “Solar Installer (non-scheme participant)”). Nonetheless, these were both cases categorised under the issues *Credit > Collection > Debt Collection Agency* and therefore may have related to BNPL finance.

They are summarised below:

Table 2.

Case Reference	Date Received	Outcome
2018/16816	12/7/2018	Referred to ACCC
2018/18927	2/8/2018	Referred to CAV

Further, in relation to EWOV Solar Cases categorised under the issue *Credit* I can confirm that only six OOI cases were classified as such, along with 71 in jurisdiction EWOV Solar Cases. In both instances, *Credit* forms a small issue category in terms of our Solar Case numbers, and sits well below the issues of *Billing, Provision, General Enquiry and Customer Service*.

I can also confirm that of the seven cases listed in Table 1 above, only two were categorised under the issue *Credit*. Case 2019/14923 was categorised as *Credit > Collection > Debt Collection Agency* and case 2020/869 was categorised as *Credit > Payment Difficulties > Arrears > Account Holder*.

Referrals

In relation to your query regarding referrals to AFCA, I can confirm that we have not referred any cases to AFCA, and have only made seven referrals to the ACCC.

We refer the vast majority of our OOI Solar Cases to Consumer Affairs Victoria (**CAV**), making 877 such referrals in the period from 14/8/2017 to 7/4/2020. The two most common reasons for designating a Solar case as OOI are “Solar Installer (non-scheme participant)”, with 429 cases, and “Solar – Installation” with 244 cases. Together these equate to 673 cases, or 66% of all our OOI Solar Cases. Overwhelmingly, installer and installation issues also form the bulk of our referrals to CAV.

While it is not possible to demonstrate from our data that BNPL is cause for a large number of consumer complaints, (which is not to say that it is not, only that our data doesn’t capture it), it is possible to say that solar installers and solar installation issues are a significant cause of solar complaints. Furthermore, current external dispute resolution arrangements do not serve those installer and installation related complaints.

I am sorry we are not able to be of more assistance in this matter, but please do not hesitate to contact Zac Gillam, Senior Policy and Stakeholder Engagement Officer, on (03) 8672 4285 should you have any

queries regarding the data presented here, or require any further information in preparation for your hearing at the Australian Competition Tribunal.

Yours sincerely



Cynthia Gebert
Energy and Water Ombudsman (Victoria)

IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019

Certificate identifying exhibit

This is the exhibit marked **UCN-7** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

Office address (inc courier deliveries):
Level 5, 100 Market Street,
Sydney NSW 2000

Mail address for Sydney office:
GPO Box 9827,
Brisbane QLD 4001

Tel: +61 1300 935 075
Fax: +61 1300 729 000

www.asic.gov.au

Ursula Noye
Special Counsel
Consumer Action Law Centre
Level 6, 179 Queen Street
Melbourne VIC 3000

Our Reference: ACT 1 of 2019
Your Reference: 495916

By email only: ursula@consumeraction.org.au

30 April 2020

Dear Ursula

ACT 1 of 2019 - Application by FlexiGroup Limited

1. We refer to your letter dated 16 April 2020 and the teleconference between ASIC and CALC on 24 April 2020 in relation to the above matter.
2. In response to paragraph 6(a) of your letter, please find enclosed a spreadsheet containing de-identified complaints (also referred to as reports of misconduct) to ASIC for the period 1 January 2016 to 20 April 2020. This data is released by ASIC pursuant to s 127(1A) of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**) as "summaries of information" from which "information relating to any particular person cannot be found out".
3. We explain the spreadsheet as follows:
 - a. The data contained in the spreadsheet was gathered through entity searches on ASIC's database. The entities searched were selected on the basis that they are the main BNPL providers known to ASIC.
 - b. With the exception of CALC, all reporters of misconduct have been de-identified. Equally, the spreadsheet does not identify the subject(s) of the complaints, other than indicating if the BNPL provider is known to offer BNPL finance for new energy technology (**NET**) products.

- c. The column *NET product* flags whether the complaint specifically concerns a NET product purchased using BNPL finance. In some cases, the report of misconduct does not contain sufficient information to conclude whether or not it concerns a NET product.
 - d. The column *Complaint Description* provides a relevant key word summary of each report of misconduct. The descriptions do not intend to reproduce the detail of each complaint. This column does not include any information about ASIC's views or responses to a report of misconduct.
 - e. As CALC's request is confined to consumer complaints in connection with the sale of consumer or NET products, we have removed complaints received from persons other than consumers and consumer representatives.
4. If CALC seeks further or more detailed complaints data, or the identity of the reporters of misconduct or the subject of the reports, CALC may choose to seek a summons from the Australian Competition Tribunal (**the Tribunal**).
 5. In response to paragraph 6(b) of your letter, by 'Humm' we take this to be a reference to the Humm product issued by Certegy Ezi-Pay Pty Ltd (**Certegy**).
 - a. In Report 600: *Review of buy now pay later arrangements* (**REP 600**) ASIC described how 'buy now pay later' arrangements the subject of that review were and remain generally exempt from the *National Consumer Credit Protection Act 2009* (Cth) (**National Credit Act**): see paragraph 21.
 - b. At Table 2 of REP 600 we identify Certegy as a provider that relies on the 'continuing credit exemption'. Where Certegy acts in compliance with the continuing credit exemption, the provisions of the National Credit Act, including the National Credit Code, do not apply to them and ASIC generally will not have jurisdiction to investigate reports of misconduct that relate to matters covered by the Act and the Code (for example, responsible lending, disclosure of key terms and enforcement and recovery rules).
 - c. The Humm product is a 'credit facility' under the ASIC Act and we have jurisdiction to investigate reports of misconduct in relation to (alleged) contraventions of the ASIC Act (for example, misleading and deceptive conduct, unconscionable conduct and unfair contract terms). Similarly, because Humm is an ASIC

Act credit facility it is open to ASIC to consider the use of its product intervention power in relation to Humm.

6. In response to paragraph 6(c) of your letter, where complaints about Ratesetter are in relation to the provision of consumer credit, ASIC has jurisdiction both under the National Credit Act and the ASIC Act.
7. In response to paragraph 6(d) of your letter, the attached spreadsheet contains all reports of misconduct in respect of the main BNPL providers, regardless of the underlying product purchased using the BNPL arrangement.
8. We anticipate ASIC will comment on jurisdictional issues like the ones raised in your letter in its submissions to the Tribunal.

Yours sincerely



James Walker
Senior Specialist
Australian Securities and Investments Commission

De-identified reports of misconduct received against buy now pay later providers 20160101 - 20200420

Date Report of Misconduct registered	Matter ID	Reporter Type	NET product	Subject(s) of Report of Misconduct	Complaint Description
7 January 2016	634/16	Individual	No	NET BNPL Provider	Individual - purchased item from bedding store financed by BNPL - disputes late fees charged by BNPL
21 January 2016	2143/16	Lawyer/consumer advocate/financial counsellor	Yes	NET BNPL Provider	Community Legal Centre - solar panel financed by BNPL - responsible lending - BNPL Provider failing to produce documents requested within NCC timeframes
30 March 2016	11138/16	Individual	No	Non-NET BNPL Provider	Individual - identity theft - default entry in credit history for BNPL purchase, which reporter never knew about – alleged item financed was a phone
16 May 2016 & 25 January 2017	17760/16 & 3311/17	CALC	Yes	NET BNPL Provider and another	Two ROMs relate to the same client complaint: CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
3 June 2016	20197/16	CALC	Yes	NET BNPL Provider and others	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
7 July 2016	24595/16	CALC	Yes	NET BNPL Provider and others	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
11 July 2016	25066/16	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
25 July 2016	26612/16	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
17 August 2016	29370/16	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
22 August 2016	30313/16	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
22 August 2016	30314/16	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
13 September 2016	33084/16	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct

16 September 2016	33531/16	Lawyer/consumer advocate/financial counsellor	No	NET BNPL Provider and others	Community Legal Centre - BNPL finance to clad the shed of client's property - responsible lending - BNPL not licensed
5 October 2016	36055/16	CALC	No	NET BNPL Provider and others	CALC - bed, mattress, recliner chair and pillow financed by BNPL - responsible lending - misleading advertising - hardship
12 October 2016	36846/16	Lawyer/consumer advocate/financial counsellor	No	NET BNPL Provider	Community legal centre - vacuum cleaner financed by BNPL - high pressure sales tactics - misleading or deceptive conduct
14 October 2016	37497/16	CALC	No	NET BNPL Provider and another	CALC - bed purchase financed by BNPL - unlicensed credit activity - misleading and deceptive conduct - failure to disclose merchant fees
25 October 2016	38987/16	Individual	No	NET BNPL Provider	Individual - product and service package from beauty salon financed by BNPL - business went under but BNPL provider kept contacting the reporter to collect payment
8 November 2016	41344/16	Individual	Unknown: insufficient	NET BNPL Provider	Individual - reporter closed account with BNPL provider - BNPL Provider continued to take money from the reporter's credit card
24 February 2017	6371/17	Individual	No	Non-NET BNPL Provider	Individual - identity theft - daughter set up BNPL account using reporter's name
24 February 2017	6479/17	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending
11 April 2017	13482/17	Individual	No	Non-NET BNPL Provider and others	Individual - BNPL provider indicated reporter could increase credit limit of \$1000 - later advised this increase was no longer available to them
26 May 2017	CAS-06589-X5Z7F3	Individual	Yes	NET BNPL Provider and another	Individual - salesperson tried to sell solar panel financed by BNPL - reporter was told that there was no interest charged - false and misleading
14 June 2017	CAS-07182-J9Z5F0	CALC	Yes	NET BNPL Provider, and others	CALC - solar panel financed by BNPL - BNPL providing credit without a license - payment being pursued despite attempt to cancel during cooling off period
19 June 2017 & 30 June 2017	CAS-07308-C6X2F6 & CAS-07602-G8D6F3	Individual	No	Non-NET BNPL Provider, and others	Two ROMs made by the same client about the same issue: Individual - identity theft - ex-husband set up BNPL account using reporter's name
24 July 2017	CAS-08236-P7W0F0	CALC	Yes	NET BNPL Provider, and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending
21 August 2017	CAS-08988-D9D5Z9	Individual	No	NET BNPL Provider, and others	Individual - identity theft - fraudulent purchase of jewellery using BNPL

28 August 2017	CAS-09168-S6Y4L5	Individual	No	NET BNPL Provider	Individual - BNPL failed to provide reporter access to account details - issues with unlicensed builder and BNPL failed to assist completion of a fence
28 August 2017	CAS-09171-Q4R2N3	Individual	No	NET BNPL Provider	Individual - concern that BNPL provider is providing credit but not a member of any EDR - reporter previously made a complaint about her BNPL finance CAS-09168-S6Y4L5
7 September 2017	CAS-09534-K1J8C4	Individual	No	NET BNPL Provider	Individual - air conditioner system financed by BNPL - concerned BNPL Provider does not have a credit license - not a member of an EDR Scheme - overcharged - misleading and deceptive conduct
12 September 2017	CAS-09664-V3W6X7	Individual	No	NET BNPL Provider	Individual - watch and chain financed by BNPL - responsible lending - poor hardship practices - harassment by debt collectors
16 October 2017	CAS-10552-X8R3G3	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
10 November 2017	CAS-11415-D3X9M6	CALC	No	NET BNPL Provider	CALC - mobility scooter financed by BNPL - concern BNPL provider is trying to evade NCCPA - misleading and deceptive conduct
11 December 2017	CAS-12361-J3X4G4	Individual	No	NET BNPL Provider and another	Individual - fridge financed by BNPL - vendor made a mistake on the credit contract and the balanced owed is incorrect
15 December 2017	CAS-12558-R3R7V0	Individual	No	NET BNPL Provider, Non-NET BNPL Provider, and others	Individual - provided copies of their bank statements to show how various credit providers, including two BNPL providers, over lends to people who cannot afford it - responsible lending
16 January 2018	CAS-13305-N5H2S2	CALC	No	NET BNPL Provider, and others	CALC - purchase of extended warranty financed by BNPL - concern about unfair contract terms - responsible lending
26 April 2018	CAS-16502-H0F2Q6	Individual	No	Non-NET BNPL Provider and others	Individual - "mystery shopped" BNPL and was approved by BNPL provider using fake name, address and age - concerns BNPL provider allowed accounts to be created without identity checks - concern BNPL provider arbitraging the Consumer Credit Code
6 July 2018	CAS-19062-Y9L0M1	Individual	No	Non-NET BNPL Provider	Individual - outstanding \$371.76 on BNPL account - BNPL not accepting payment from overseas credit card
11 July 2018	20806/18	Individual	No	Non-NET BNPL Provider and others	Individual - made purchases using BNPL finance from a business that was bankrupt - concern that BNPL Provider allows people to purchase from a bankrupt
9 August 2018	CAS-20268-V8T7V3	Individual	Unknown: insufficient	NET BNPL Provider	Individual - BNPL provider kept charging dishonour fees despite the reporter having money in the nominated bank account.

3 September 2018	CAS-21212-L5B8W3	Individual	No	Non-NET BNPL Provider	Individual - identifies as 'a client' of the subject - concerned that BNPL provider does not hold AFSL and concern about the company's credit risk and its impact on Australia's financial market
14 September 2018	CAS-21635-X8L2C5	Individual	No	Non-NET BNPL Provider and another	Individual - failed to meet BNPL payment schedule for \$720 - responsible lending - debt collector harassment
4 October 2018	CAS-22344-V1M6X6	Individual	No	Non-NET BNPL Provider	Individual - purchased retail product using BNPL - charged penalty fees by BNPL despite having funds in her account
15 October 2018	CAS-22692-S2Q0B5	Individual	No	Non-NET BNPL Provider	Individual - vacuum cleaner financed by BNPL - BNPL failed to deduct direct debts when planned - later reporter had insufficient funds and was penalised by BNPL provider
26 November 2018	CAS-24401-B7R3H2	Individual	No	Non-NET BNPL Provider	Individual - purchased item they cannot afford using BNPL - responsible lending
15 January 2019	CAS-25902-W2L5V8	Individual	No	Non-NET BNPL Provider	Individual - purchased retail item financed by BNPL - transaction was cancelled but did not receive a refund from BNPL provider
13 May 2019	CAS-30874-H1P1K5	CALC	No	Non-NET BNPL Provider, Non-NET BNPL Provider	CALC - two BNPL providers both provided credit to a highly vulnerable consumer, for amounts \$159.08, \$665, \$149, and \$346.36 - unaffordable payments - responsible lending
6 June 2019	CAS-31914-H4T5T5	Individual	No	Non-NET BNPL Provider	Individual - \$3,000 store card from BNPL - unauthorised debit taken from account - BNPL provider offered to refund
17 July 2019	CAS-36142-M6B1R8	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - BNPL providing credit without a license - responsible lending - misleading and deceptive conduct
22 July 2019	CAS-36348-G8K9S0	Individual	No	Non-NET BNPL Provider	Individual - item purchased through BNPL was recalled and refund was issued in four payments of just over \$100 - BNPL then made 2 unauthorised deductions which caused reporter significant financial hardship
29 July 2019	CAS-36684-T3L6D8	Lawyer/consumer advocate/financial counsellor	No	Non-NET BNPL Provider	Community legal centre - vulnerable consumer - BNPL provider breached responsible lending
29 October 2019	CAS-40698-L6D1M3	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed through BNPL - responsible lending - misleading and deceptive
13 November 2019	CAS-41367-V6H0S6	Individual	Unknown: insufficient	NET BNPL Provider and others	Individual - identity theft - son is receiving letters from BNPL provider requesting payment for purchases they did not make
30 December 2019	CAS-43157-K6H4P9	Lawyer/consumer advocate/financial counsellor	No	Non-NET BNPL Provider	Community legal centre - work items and bedroom furniture financed by BNPL - client could not afford repayments - responsible lending
30 December 2019	CAS-43158-J3H2B2	Lawyer/consumer advocate/financial counsellor	No	Non-NET BNPL Provider	Community legal centre - BNPL approved credit of \$250 and \$1000 - client could not afford repayments - responsible lending

4 March 2020	CAS-45652-P0J0B7	CALC	Yes	NET BNPL Provider and another	CALC - solar panel financed by BNPL - responsible lending - unfair sales practices
6 March 2020	CAS-45794-C7S6R2	Individual	No	NET BNPL Provider	Individual - identity theft - received outstanding balance letters from BNPL provider regarding purchases from a retail store - never made these purchases

**IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019**

Certificate identifying exhibit

This is the exhibit marked **UCN-8** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit

About this data

Cases have been extracted from Resolve, CAV's case management system, using the following criteria:

Date = 1 January 2016 - 8 April 2020, *and*

Stage = Complaint, *and*

Product = Solar Electricity Systems, *and*

At least one of the following "key words" in the free text issue summary:

Certegy

Ezi-Pay

Ezi Pay

Easy Pay

Humm

Ratesetter

Flexigroup

Finance

BNPL

Buy Now Pay Later

Brighte Capital

Bright Captial

Or:

Sales method = Door-to-door

Outcome categories

Resolve contains a number of outcome codes for case officer to select when they close a complaint.

See the tab "Outcome Code" definitions for more detail.

Outcome code outcomes

The following outcome codes on Resolve should be used when logging conciliation cases. Other outcome codes on Resolve should not be used for conciliation cases. A description of all outcome codes are provided.

Complaint unfounded/not substantiated

This code should be used when the complaint appears not to be justified i.e. where a trader does not seem to be at fault on the information available.

This code should not be used where the conciliator believes there is a reasonable basis for a claim even if such claims may not ultimately be able to be proven. This code should not be used as a simple alternative to the code 'conciliation undertaken but unable to resolve'.

Complaint better addressed by another agency

This code should be used where a matter is referred to another agency either prior to CAV action or during a conciliation, where the available information indicates another agency would be better able to handle the matter, for example, referral to the Telecommunications Industry Ombudsman or to an interstate or international consumer affairs agency.

This code should not be used where a person is advised to try another place for help when a conciliation at CAV takes place but is unsuccessful. In particular it should not be used where a complainant is advised of their option to apply to VCAT after conciliation is not successful.

Unable to conciliate

This code should be used where conciliation is unable to be commenced, for example:

Where a trader has closed or is bankrupt,
where a trader cannot be located and contacted, or

where a trader advises it will not engage in any discussion with CAV over the dispute e.g. does not respond to correspondence or calls.

Reasonable attempts should be made to contact a business prior to a case being closed with this outcome.

This code should not be used where a business initially engages in discussion of the dispute with CAV but later chooses not to respond further. In such cases the code 'conciliation undertaken but complaint unable to be resolved' should be used if no agreement is reached between the parties

Conciliation undertaken but complaint unable to be resolved

This code should be used where conciliation is commenced but no agreement can be reached between the parties.

This code should not be used where conciliation is unable to be commenced, for example, where a business cannot be contacted or does not respond to correspondence to CAV – use 'unable to conciliate'.

Complaint resolved

This code should be used where conciliation is commenced and an agreement between the parties is able to be reached. Cases should generally be closed using this code at the time the agreement is made rather than after the agreement is completely followed through unless there is reason to believe the agreement may fall over or a follow up may be necessary.

This code should also be used where CAV may not have actively conciliated a matter but has in some other way assisted, for example, where a refund is obtained after a consumer follows advice from CAV, where a refund is given after a consumer advises a trader that they have or are going to lodge a complaint with CAV (trading on CAV's reputation), or where a consumer receives a refund prior to specific CAV involvement in their case, but where they are 'piggy-backing' on previous systemic approaches made by CAV to the trader involved.

In such cases, CAV has assisted the resolution and the code 'complaint resolved' may be used.

No action required by CAV

This code should be used where CAV is not required to take any action on a complaint and CAV has not assisted in some way. This may include situations where a consumer lodges a complaint and then manages to resolve it prior to any involvement by CAV.

This code should not be used where CAV has assisted in some way as in the previous section.

Complaint lapsed

This code should be used where a consumer does not respond to correspondence/calls from CAV. Reasonable attempts should be made to contact the consumer prior to this code being used to close a case. Where a case is closed as 'lapsed', staff have the discretion to reopen the case if subsequent contact is made by a consumer at a later date.

This code should not be used where a trader does not respond to correspondence from CAV.

Complaint withdrawn by complainant

This code should be used where a consumer indicates that they now wish to cancel or withdraw their complaint i.e. take back their allegations against a trader.

It should not be used where a consumer simply does not respond to CAV – use 'complaint lapsed'.

Complaint did not meet CAV eligibility criteria

This code should be used where a complaint does not meet the criteria in CAV's Conciliation Policy.

Complaint Referred to Advocate for assistance to Complainant

This is not an outcome but rather an action

Date Received Year	(All)
Row Labels	Sum of Count
Charges / Fees & Pricing	14
Billing Problems	4
Charges Above Quote	2
Contract Termination Fees	1
Deposits / Upfront Fees	3
Disputed / Unreasonable Charges	3
Unauthorised Charges	1
Conduct	35
High Pressure Sales Tactics	1
Misleading / Deceptive Conduct	14
Misrepresentations about Goods / Services	7
Non-disclosure / Misleading Omissions	2
Poor Customer Service / Unresponsive to Issues	4
Required Documentation In Inappropriate Form / Flawed	3
Unconscionable / Harsh Conduct	3
Unfair Contract Terms	1
Quality	82
Goods - Major Failures / Defects	46
Goods - Minor Failures / Defects	22
Repairs - Unsatisfactory / Defective	1
Services - Unsatisfactory / Defective	13
Rights and Responsibilities	31
Consumer Guarantee & Statutory Warranty Rights	1
Contract Cancellations	6
Cooling-off Rights	3
Express Warranty Claim Not Honoured / Rejected	4
Express Warranty Terms Issues	1
General Requirements	6
Refund / Return Rights	10
Safety / Information Standards	1
Safety Standards Check	1
Supply Issues	53
Delayed Supply of Goods & Services	17
Non-supply / Partial Supply of Goods & Services	23
Rebates / Free Items Not Provided as Offered	1
Required Documentation Not Provided	9
Supply of Incorrect Goods & Services	1
Unsolicited Goods	1
Unsolicited Services	1
Grand Total	216

Solar complaints to CAV potentially involving third-party finance, 1/1/2016 - 8/4

Refer to "About this data tab"

Count	Case Number	Practice Level 1 (Primary)	Practice Level 2 (Primary)	Practice Level 3 (Primary)
1	C2016/01/000627	Charges / Fees & Pricing	Contract Termination Fees	
1	C2016/01/008357	Conduct	Non-disclosure / Misleading Omissions	
1	C2016/01/008847	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
1	C2016/01/012319	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Goods - Warranty Against Defects / Manufacturer Warranty
1	C2016/02/003199	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	C2016/02/004043	Supply Issues	Delayed Supply of Goods & Services	
1	C2016/02/006994	Conduct	Misrepresentations about Goods / Services	Charges / Fees
1	C2016/02/012286	Conduct	Non-disclosure / Misleading Omissions	
1	C2016/02/012971	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/02/013605	Rights and Responsibilities	Contract Cancellations	
1	C2016/03/002640	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/03/006338	Supply Issues	Supply of Incorrect Goods & Services	
1	C2016/03/007442	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/03/007741	Supply Issues	Delayed Supply of Goods & Services	
1	C2016/04/006123	Charges / Fees & Pricing	Deposits / Upfront Fees	
1	C2016/04/007182	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2016/04/008185	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/04/010030	Conduct	Required Documentation In Inappropriate Form / Flaw	Contract
1	C2016/05/000006	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/05/002875	Conduct	Misrepresentations about Goods / Services	Place of Origin of Goods
1	C2016/05/009578	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct

1	C2016/05/011508	Supply Issues	Delayed Supply of Goods & Services	
1	C2016/06/003054	Supply Issues	Unsolicited Services	
1	C2016/07/000158	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/07/002457	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2016/07/003377	Conduct	Unconscionable / Harsh Conduct	
1	C2016/07/004287	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2016/07/004351	Charges / Fees & Pricing	Charges Above Quote	
1	C2016/07/006465	Supply Issues	Delayed Supply of Goods & Services	
1	C2016/07/008436	Quality	Repairs - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
1	C2016/08/003259	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
1	C2016/08/010019	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/08/012079	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2016/08/012218	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/08/014416	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
1	C2016/08/014995	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query
1	C2016/08/015397	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/09/001930	Rights and Responsibilities	Contract Cancellations	
1	C2016/09/002075	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	C2016/09/003533	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2016/09/005647	Safety / Information Standards	Safety Standards Check	
1	C2016/09/007296	Conduct	Misrepresentations about Goods / Services	Nature of Goods / Services
1	C2016/09/009990	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
1	C2016/09/010885	Rights and Responsibilities	General Requirements	
1	C2016/09/011111	Rights and Responsibilities	General Requirements	
1	C2016/10/001502	Supply Issues	Unsolicited Goods	
1	C2016/10/004034	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/10/007330	Rights and Responsibilities	General Requirements	

1	C2016/10/010741	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/10/012766	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2016/11/004638	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2016/11/004935	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
1	C2016/11/004973	Conduct	Misrepresentations about Goods / Services	False Affiliation / Approval / Sponsorship Claims
1	C2016/11/009076	Conduct	Misrepresentations about Goods / Services	Price of Goods / Services
1	C2017/01/009776	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/02/006153	Quality	Goods - Minor Failures / Defects	Unsatisfactory Durability
1	C2017/02/007186	Rights and Responsibilities	General Requirements	
1	C2017/03/004577	Rights and Responsibilities	Contract Cancellations	
1	C2017/03/005881	Rights and Responsibilities	Cooling-off Rights	Denial of Rights / Non-compliance with Provisions
1	C2017/04/002291	Conduct	Poor Customer Service / Unresponsive to Issues	
1	C2017/04/006347	Quality	Goods - Minor Failures / Defects	Unsatisfactory Durability
1	C2017/04/007455	Conduct	Required Documentation In Inappropriate Form / Flaw	Contract
1	C2017/05/000488	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	C2017/05/007973	Supply Issues	Required Documentation Not Provided	Receipt / Bill
1	C2017/05/008551	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/05/009018	Quality	Goods - Major Failures / Defects	Unsatisfactory Durability
1	C2017/05/011755	Supply Issues	Required Documentation Not Provided	Receipt / Bill
1	C2017/05/012313	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/05/013063	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/06/000277	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Goods - Warranty Against Defects / Manufacturer Warranty
1	C2017/06/001686	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/07/003786	Conduct	Misrepresentations about Goods / Services	Nature of Goods / Services
1	C2017/07/004774	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/07/005438	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	C2017/07/009267	Rights and Responsibilities	Cooling-off Rights	Denial of Rights / Non-compliance with Provisions

1	C2017/07/009584	Charges / Fees & Pricing	Billing Problems	
1	C2017/08/008150	Supply Issues	Required Documentation Not Provided	Contract
1	C2017/08/010552	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2017/08/010657	Conduct	Misrepresentations about Goods / Services	False / Misleading Testimonials
1	C2017/08/014137	Supply Issues	Required Documentation Not Provided	Receipt / Bill
1	C2017/10/001190	Charges / Fees & Pricing	Disputed / Unreasonable Charges	
1	C2017/10/003603	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/10/007083	Rights and Responsibilities	Cooling-off Rights	Denial of Rights / Non-compliance with Provisions
1	C2017/11/003809	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/11/009199	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query
1	C2017/12/002858	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2017/12/007755	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2017/12/011117	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2018/01/005579	Supply Issues	Delayed Supply of Goods & Services	
1	C2018/02/003518	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	C2018/03/003203	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
1	C2018/03/004991	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
1	C2018/03/005115	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
1	C2018/03/009465	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2018/03/012346	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2018/03/013436	Charges / Fees & Pricing	Deposits / Upfront Fees	
1	C2018/04/005229	Supply Issues	Delayed Supply of Goods & Services	
1	C2018/05/013836	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2018/05/014448	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
1	C2018/06/000515	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2018/06/006407	Quality	Goods - Major Failures / Defects	Unsatisfactory Durability
1	C2018/06/006472	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective

1	C2018/06/007981	Rights and Responsibilities	Contract Cancellations	
1	C2018/07/000451	Rights and Responsibilities	Contract Cancellations	
1	C2018/07/004678	Supply Issues	Delayed Supply of Goods & Services	
1	C2018/07/005195	Charges / Fees & Pricing	Billing Problems	
1	C2018/07/005815	Supply Issues	Delayed Supply of Goods & Services	
1	C2018/07/007967	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2018/07/008717	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2018/07/008893	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2018/07/013400	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	C2018/08/004232	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2018/09/000882	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2018/09/002558	Quality	Goods - Minor Failures / Defects	Unsatisfactory Durability
1	C2018/09/003823	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2018/09/005713	Charges / Fees & Pricing	Billing Problems	
1	C2018/09/006923	Conduct	Poor Customer Service / Unresponsive to Issues	
1	C2018/09/010201	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2018/10/003702	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2018/10/004728	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2018/10/010604	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2018/11/002056	Supply Issues	Rebates / Free Items Not Provided as Offered	
1	C2018/11/007612	Supply Issues	Required Documentation Not Provided	Contract
1	C2018/11/010632	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
1	C2018/11/012452	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
1	C2018/11/012596	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	C2018/12/001115	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2018/12/001917	Supply Issues	Delayed Supply of Goods & Services	
1	C2018/12/004708	Rights and Responsibilities	Consumer Guarantee & Statutory Warranty Rights	Responsibilities Not Met

1	C2018/12/005266	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
1	C2018/12/006499	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2018/12/008733	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2018/12/010155	Rights and Responsibilities	Contract Cancellations	
1	C2019/01/001845	Conduct	Poor Customer Service / Unresponsive to Issues	
1	C2019/01/004221	Rights and Responsibilities	Express Warranty Terms Issues	Goods - Warranty Against Defects / Manufacturer Warranty
1	C2019/01/004694	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/01/005546	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/01/006328	Supply Issues	Delayed Supply of Goods & Services	
1	C2019/01/006470	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/01/007422	Supply Issues	Delayed Supply of Goods & Services	
1	C2019/01/008995	Supply Issues	Delayed Supply of Goods & Services	
1	C2019/01/009755	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/01/011210	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/02/002028	Conduct	Poor Customer Service / Unresponsive to Issues	
1	C2019/02/004632	Supply Issues	Delayed Supply of Goods & Services	
1	C2019/02/004976	Supply Issues	Required Documentation Not Provided	Statement of Information
1	C2019/02/005050	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
1	C2019/02/005111	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/02/005232	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/02/005673	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/02/006809	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/02/007679	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/02/007865	Supply Issues	Required Documentation Not Provided	Statement of Information
1	C2019/02/010214	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
1	C2019/02/010324	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/02/010420	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)

1	C2019/02/010476	Charges / Fees & Pricing	Disputed / Unreasonable Charges	
1	C2019/02/011957	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/02/012096	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/03/003493	Supply Issues	Delayed Supply of Goods & Services	
1	C2019/03/003555	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/03/004516	Charges / Fees & Pricing	Disputed / Unreasonable Charges	
1	C2019/03/004676	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
1	C2019/03/004716	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Extended Warranty
1	C2019/03/004829	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	C2019/03/005656	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2019/04/000945	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/04/001334	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/04/001739	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/04/002805	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query
1	C2019/04/004455	Charges / Fees & Pricing	Charges Above Quote	
1	C2019/04/004932	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/04/008248	Supply Issues	Required Documentation Not Provided	Statement of Information
1	C2019/04/008627	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/04/010427	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2019/05/006255	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/05/008111	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2019/05/008401	Supply Issues	Delayed Supply of Goods & Services	
1	C2019/05/008735	Charges / Fees & Pricing	Billing Problems	
1	C2019/05/009446	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/05/011163	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2019/05/011515	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/06/002753	Supply Issues	Delayed Supply of Goods & Services	

1	C2019/06/007597	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/06/010065	Supply Issues	Required Documentation Not Provided	Receipt / Bill
1	C2019/06/011010	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2019/06/011162	Conduct	Unconscionable / Harsh Conduct	
1	C2019/07/001699	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/07/002441	Conduct	Unconscionable / Harsh Conduct	
1	C2019/07/002906	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/07/005042	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
1	C2019/08/004852	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2019/08/005109	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/08/005725	Rights and Responsibilities	General Requirements	
1	C2019/09/001914	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/09/005968	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
1	C2019/09/008059	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/09/011473	Conduct	Required Documentation In Inappropriate Form / Flaw	Receipt / Bill
1	C2019/10/000284	Charges / Fees & Pricing	Unauthorised Charges	
1	C2019/10/001123	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Goods - Warranty Against Defects / Manufacturer Warranty
1	C2019/10/001939	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2019/10/006293	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2019/10/008149	Conduct	High Pressure Sales Tactics	
1	C2019/10/011431	Conduct	Unfair Contract Terms	
1	C2019/11/007039	Charges / Fees & Pricing	Deposits / Upfront Fees	
1	C2019/12/008801	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2020/01/003036	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2020/01/004594	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	C2020/01/006645	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	C2020/02/002501	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods

1	C2020/02/007547	Supply Issues	Delayed Supply of Goods & Services	
1	C2020/02/008450	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query
1	C2020/02/013823	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	C2020/02/014146	Rights and Responsibilities	General Requirements	
1	C2020/03/005199	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
1	C2020/04/002351	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct



Case Number	Date Re	Date Re	Product Level 2 (Primary)	Info Advice	Sales Method Level 2	Outcome
C2016/01/000627	01	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/01/008357	01	2016	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2016/01/008847	01	2016	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2016/01/012319	01	2016	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Conciliation undertaken but complaint unable to be resolved
C2016/02/003199	02	2016	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2016/02/004043	02	2016	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2016/02/006994	02	2016	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2016/02/012286	02	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/02/012971	02	2016	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2016/02/013605	02	2016	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2016/03/002640	03	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/03/006338	03	2016	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2016/03/007442	03	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/03/007741	03	2016	Solar Electricity Systems	Complaint	Door to door	Complaint withdrawn by complainant
C2016/04/006123	04	2016	Solar Electricity Systems	Complaint	No Sale	Complaint withdrawn by complainant
C2016/04/007182	04	2016	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint unfounded/not substantiated
C2016/04/008185	04	2016	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint resolved
C2016/04/010030	04	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/05/000006	05	2016	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2016/05/002875	05	2016	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2016/05/009578	05	2016	Solar Electricity Systems	Complaint	Door to door	No action required by CAV

C2016/05/011508	05	2016	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2016/06/003054	06	2016	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2016/07/000158	07	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/07/002457	07	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/07/003377	07	2016	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2016/07/004287	07	2016	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2016/07/004351	07	2016	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2016/07/006465	07	2016	Solar Electricity Systems	Complaint	Method Unknown	Conciliation undertaken but complaint unable to be resolved
C2016/07/008436	07	2016	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2016/08/003259	08	2016	Solar Electricity Systems	Complaint	Method Unknown	Conciliation undertaken but complaint unable to be resolved
C2016/08/010019	08	2016	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2016/08/012079	08	2016	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2016/08/012218	08	2016	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2016/08/014416	08	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/08/014995	08	2016	Solar Electricity Systems	Complaint	On Business Premises Sale	Unable to Conciliate
C2016/08/015397	08	2016	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2016/09/001930	09	2016	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2016/09/002075	09	2016	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint resolved
C2016/09/003533	09	2016	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint resolved
C2016/09/005647	09	2016	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2016/09/007296	09	2016	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2016/09/009990	09	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/09/010885	09	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/09/011111	09	2016	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2016/10/001502	10	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/10/004034	10	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/10/007330	10	2016	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved

C2016/10/010741	10	2016	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2016/10/012766	10	2016	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2016/11/004638	11	2016	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2016/11/004935	11	2016	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2016/11/004973	11	2016	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2016/11/009076	11	2016	Solar Electricity Systems	Complaint	Door to door	Complaint lapsed
C2017/01/009776	01	2017	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2017/02/006153	02	2017	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2017/02/007186	02	2017	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2017/03/004577	03	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/03/005881	03	2017	Solar Electricity Systems	Complaint	Door to door	Complaint withdrawn by complainant
C2017/04/002291	04	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/04/006347	04	2017	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2017/04/007455	04	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/05/000488	05	2017	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2017/05/007973	05	2017	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2017/05/008551	05	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/05/009018	05	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/05/011755	05	2017	Solar Electricity Systems	Complaint	On Business Premises Sale	Unable to Conciliate
C2017/05/012313	05	2017	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2017/05/013063	05	2017	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2017/06/000277	06	2017	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2017/06/001686	06	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/07/003786	07	2017	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2017/07/004774	07	2017	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint resolved
C2017/07/005438	07	2017	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2017/07/009267	07	2017	Solar Electricity Systems	Complaint	Door to door	Possible breach investigated but did not meet CAV eligibility criteria

C2017/07/009584	07	2017	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2017/08/008150	08	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/08/010552	08	2017	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2017/08/010657	08	2017	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2017/08/014137	08	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/10/001190	10	2017	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2017/10/003603	10	2017	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2017/10/007083	10	2017	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2017/11/003809	11	2017	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2017/11/009199	11	2017	Solar Electricity Systems	Complaint	Method Unknown	No action required by CAV
C2017/12/002858	12	2017	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2017/12/007755	12	2017	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Conciliation undertaken but complaint unable to be resolved
C2017/12/011117	12	2017	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2018/01/005579	01	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/02/003518	02	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/03/003203	03	2018	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2018/03/004991	03	2018	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2018/03/005115	03	2018	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2018/03/009465	03	2018	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint resolved
C2018/03/012346	03	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint lapsed
C2018/03/013436	03	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/04/005229	04	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint better addressed by another agency
C2018/05/013836	05	2018	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2018/05/014448	05	2018	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2018/06/000515	06	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2018/06/006407	06	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/06/006472	06	2018	Solar Electricity Systems	Complaint	Online Shopping	Complaint did not meet CAV eligibility criteria

C2018/06/007981	06	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/07/000451	07	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/07/004678	07	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/07/005195	07	2018	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2018/07/005815	07	2018	Solar Electricity Systems	Complaint	Door to door	Complaint lapsed
C2018/07/007967	07	2018	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2018/07/008717	07	2018	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2018/07/008893	07	2018	Solar Electricity Systems	Complaint	Door to door	Complaint lapsed
C2018/07/013400	07	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2018/08/004232	08	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/09/000882	09	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/09/002558	09	2018	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint resolved
C2018/09/003823	09	2018	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2018/09/005713	09	2018	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2018/09/006923	09	2018	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint referred to advocate for assistance to complainant
C2018/09/010201	09	2018	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint lapsed
C2018/10/003702	10	2018	Solar Electricity Systems	Complaint	Telemarketing	Unable to Conciliate
C2018/10/004728	10	2018	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2018/10/010604	10	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/11/002056	11	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/11/007612	11	2018	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2018/11/010632	11	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint did not meet CAV eligibility criteria
C2018/11/012452	11	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint better addressed by another agency
C2018/11/012596	11	2018	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2018/12/001115	12	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Unable to Conciliate
C2018/12/001917	12	2018	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint lapsed
C2018/12/004708	12	2018	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate

C2018/12/005266	12	2018	Solar Electricity Systems	Complaint	No Sale	Complaint resolved
C2018/12/006499	12	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2018/12/008733	12	2018	Solar Electricity Systems	Complaint	On Business Premises Sale	Conciliation undertaken but complaint unable to be resolved
C2018/12/010155	12	2018	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/01/001845	01	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2019/01/004221	01	2019	Solar Electricity Systems	Complaint	Telemarketing	Complaint better addressed by another agency
C2019/01/004694	01	2019	Solar Electricity Systems	Complaint		Complaint resolved
C2019/01/005546	01	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2019/01/006328	01	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2019/01/006470	01	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/01/007422	01	2019	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2019/01/008995	01	2019	Solar Electricity Systems	Complaint	Door to door	Complaint withdrawn by complainant
C2019/01/009755	01	2019	Solar Electricity Systems	Complaint	Method Unknown	No action required by CAV
C2019/01/011210	01	2019	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2019/02/002028	02	2019	Solar Electricity Systems	Complaint	No Sale	No action required by CAV
C2019/02/004632	02	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint did not meet CAV eligibility criteria
C2019/02/004976	02	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/02/005050	02	2019	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint did not meet CAV eligibility criteria
C2019/02/005111	02	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/02/005232	02	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/02/005673	02	2019	Solar Electricity Systems	Complaint	Door to door	Complaint better addressed by another agency
C2019/02/006809	02	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/02/007679	02	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2019/02/007865	02	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/02/010214	02	2019	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint did not meet CAV eligibility criteria
C2019/02/010324	02	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/02/010420	02	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint did not meet CAV eligibility criteria

C2019/02/010476	02	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/02/011957	02	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/02/012096	02	2019	Solar Electricity Systems	Complaint	Telemarketing	Complaint resolved
C2019/03/003493	03	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2019/03/003555	03	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/03/004516	03	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	No action required by CAV
C2019/03/004676	03	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/03/004716	03	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2019/03/004829	03	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/03/005656	03	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/04/000945	04	2019	Solar Electricity Systems	Complaint	Door to door	Unable to Conciliate
C2019/04/001334	04	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/04/001739	04	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/04/002805	04	2019	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Unable to Conciliate
C2019/04/004455	04	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/04/004932	04	2019	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint did not meet CAV eligibility criteria
C2019/04/008248	04	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint withdrawn by complainant
C2019/04/008627	04	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/04/010427	04	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/05/006255	05	2019	Solar Electricity Systems	Complaint	Door to door	Complaint unfounded/not substantiated
C2019/05/008111	05	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/05/008401	05	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint did not meet CAV eligibility criteria
C2019/05/008735	05	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/05/009446	05	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/05/011163	05	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/05/011515	05	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/06/002753	06	2019	Solar Electricity Systems	Complaint	Door to door	Complaint withdrawn by complainant

C2019/06/007597	06	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2019/06/010065	06	2019	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint resolved
C2019/06/011010	06	2019	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2019/06/011162	06	2019	Solar Electricity Systems	Complaint	Door to door	No action required by CAV
C2019/07/001699	07	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/07/002441	07	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/07/002906	07	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/07/005042	07	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2019/08/004852	08	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/08/005109	08	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/08/005725	08	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2019/09/001914	09	2019	Solar Electricity Systems	Complaint	Door to door	Conciliation undertaken but complaint unable to be resolved
C2019/09/005968	09	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/09/008059	09	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/09/011473	09	2019	Solar Electricity Systems	Complaint	Other Off Business Premises Sale	Complaint resolved
C2019/10/000284	10	2019	Solar Electricity Systems	Complaint	No Sale	No action required by CAV
C2019/10/001123	10	2019	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2019/10/001939	10	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/10/006293	10	2019	Solar Electricity Systems	Complaint	Door to door	Referred to group case
C2019/10/008149	10	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/10/011431	10	2019	Solar Electricity Systems	Complaint	Door to door	Complaint did not meet CAV eligibility criteria
C2019/11/007039	11	2019	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2019/12/008801	12	2019	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint resolved
C2020/01/003036	01	2020	Solar Electricity Systems	Complaint	Door to door	Complaint resolved
C2020/01/004594	01	2020	Solar Electricity Systems	Complaint	Method Unknown	Complaint resolved
C2020/01/006645	01	2020	Solar Electricity Systems	Complaint	Door to door	Complaint better addressed by another agency
C2020/02/002501	02	2020	Solar Electricity Systems	Complaint	On Business Premises Sale	Complaint did not meet CAV eligibility criteria

C2020/02/007547	02	2020	Solar Electricity Systems	Complaint	Method Unknown	Complaint withdrawn by complainant
C2020/02/008450	02	2020	Solar Electricity Systems	Complaint	Other Off Business Premises Se	Unable to Conciliate
C2020/02/013823	02	2020	Solar Electricity Systems	Complaint		Complaint resolved
C2020/02/014146	02	2020	Solar Electricity Systems	Complaint	Other Off Business Premises Se	Conciliation undertaken but complaint unable to be resolved
C2020/03/005199	03	2020	Solar Electricity Systems	Complaint	Method Unknown	Complaint did not meet CAV eligibility criteria
C2020/04/002351	04	2020	Solar Electricity Systems	Complaint	Door to door	No action required by CAV

About this data

Cases have been extracted from Resolve, CAV's case management system, using the following criteria:

Date = 1 January 2016 - 29 April 2020, *and*

Stage = Complaint, *and*

Product = Solar Electricity Systems

Tab 1. Main issue category - displays the complaints broken down by their high level issue category

Tab 2. Issue sub-cateogry displays the complaints further broken down by their issue sub-category

Both Tab 1 and Tab 2 have a page filter to allow filtering by the year the complaint was received.

Date Received Year	(All)
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Row Labels	Sum of Count
Charges / Fees & Pricing	86
Conduct	178
Credit & Debt	1
Quality	699
Rights and Responsibilities	202
Safety / Information Standards	8
Supply Issues	427
Grand Total	1601

Date Received Year	(All)
Row Labels	Sum of Count
Charges / Fees & Pricing	86
Billing Problems	25
Charges Above Quote	5
Component Pricing	1
Contract Termination Fees	3
Deposits / Upfront Fees	24
Disputed / Unreasonable Charges	17
Excessive Deposits / Upfront Fees	1
Home Maintenance Charges	1
Multiple Pricing	1
Non-competitive Prices & Fees / Fair Value Issues	2
Overcharging	1
Unauthorised Charges	2
Undisclosed Charges	3
Conduct	178
Harassment / Coercion / Intimidation	7
High Pressure Sales Tactics	3
Misappropriation of Funds / Property	1
Misleading / Deceptive Conduct	69
Misrepresentations about Goods / Services	29
Non-adherence to Terms of Agreement	11
Non-disclosure / Misleading Omissions	6
Poor Customer Service / Unresponsive to Issues	32
Required Documentation In Inappropriate Form / Flawed	12
Unconscionable / Harsh Conduct	3
Unfair Contract Terms	3
Unwanted Marketing (e.g. Unwelcome Telemarketing)	2
Credit & Debt	1
Debt Collection Procedures	1
Quality	699
Goods - Major Failures / Defects	330
Goods - Minor Failures / Defects	219
Repairs - Unsatisfactory / Defective	20
Services - Unsatisfactory / Defective	128
Workmanship - Unsatisfactory / Defective	2
Rights and Responsibilities	202
Consumer Guarantee & Statutory Warranty Rights	9
Contract Cancellations	16
Cooling-off Rights	3
Express Warranty Claim Not Honoured / Rejected	43
Express Warranty Terms Issues	17
General Requirements	65
Insurance Claim Rejected	1
Refund / Return Rights	46
Trader Closed Down / No Longer Operating	1
Trader Query - General Legal Obligations	1
Safety / Information Standards	8
Safety Standards Check	3
Supply of Unsafe Product	4
Supply of Unsafe Service	1
Supply Issues	427
Delayed Supply of Goods & Services	121
Non-supply / Partial Supply of Goods & Services	212
Rebates / Free Items Not Provided as Offered	13
Required Documentation Not Provided	46
Supply of Incorrect Goods & Services	9

Unsolicited Goods	17
Unsolicited Services	5
Unsolicited Supply	4
Grand Total	1601

Solar Electricity Systems Complaints to CAV, 1/1/2016 - 29/04/2020

Count	Date Received	Practice Level 1 (Primary)	Practice Level 2 (Primary)	Practice Level 3 (Primary)
4	2016	Charges / Fees & Pricing	Billing Problems	
3	2016	Charges / Fees & Pricing	Charges Above Quote	
2	2016	Charges / Fees & Pricing	Contract Termination Fees	
6	2016	Charges / Fees & Pricing	Deposits / Upfront Fees	
5	2016	Charges / Fees & Pricing	Disputed / Unreasonable Charges	
1	2016	Charges / Fees & Pricing	Home Maintenance Charges	Disputed / Unreasonable Charges
2	2016	Conduct	Harassment / Coercion / Intimidation	
14	2016	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	2016	Conduct	Misrepresentations about Goods / Services	Charges / Fees
1	2016	Conduct	Misrepresentations about Goods / Services	False Affiliation / Approval / Sponsorship Claims
3	2016	Conduct	Misrepresentations about Goods / Services	Nature of Goods / Services
1	2016	Conduct	Misrepresentations about Goods / Services	Offering of Rebates / Prizes / Free Items
1	2016	Conduct	Misrepresentations about Goods / Services	Place of Origin of Goods
1	2016	Conduct	Misrepresentations about Goods / Services	Price of Goods / Services
2	2016	Conduct	Non-adherence to Terms of Agreement	
2	2016	Conduct	Non-disclosure / Misleading Omissions	
9	2016	Conduct	Poor Customer Service / Unresponsive to Issues	
1	2016	Conduct	Required Documentation In Inappropriate Form / Flawed	Contract
2	2016	Conduct	Required Documentation In Inappropriate Form / Flawed	Cooling-off Notice
1	2016	Conduct	Unconscionable / Harsh Conduct	
1	2016	Conduct	Unfair Contract Terms	
1	2016	Conduct	Unwanted Marketing (e.g. Unwelcome Telemarketing)	
64	2016	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)

3	2016	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
14	2016	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
12	2016	Quality	Goods - Major Failures / Defects	Unsatisfactory Durability
1	2016	Quality	Goods - Minor Failures / Defects	Cosmetic Irregularities / Cosmetic Damage
63	2016	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
3	2016	Quality	Goods - Minor Failures / Defects	Unsatisfactory Durability
2	2016	Quality	Repairs - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
6	2016	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
20	2016	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	2016	Quality	Workmanship - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
1	2016	Rights and Responsibilities	Consumer Guarantee & Statutory Warranty Rights	Query about Rights for Goods / Services
3	2016	Rights and Responsibilities	Consumer Guarantee & Statutory Warranty Rights	Responsibilities Not Met
5	2016	Rights and Responsibilities	Contract Cancellations	
8	2016	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Goods - Warranty Against Defects / Manufacturer Warranty
3	2016	Rights and Responsibilities	Express Warranty Terms Issues	Goods - Warranty Against Defects / Manufacturer Warranty
20	2016	Rights and Responsibilities	General Requirements	
9	2016	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
2	2016	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query
1	2016	Safety / Information Standards	Safety Standards Check	
1	2016	Safety / Information Standards	Supply of Unsafe Service	
17	2016	Supply Issues	Delayed Supply of Goods & Services	
22	2016	Supply Issues	Non-supply / Partial Supply of Goods & Services	
3	2016	Supply Issues	Rebates / Free Items Not Provided as Offered	
4	2016	Supply Issues	Required Documentation Not Provided	Contract
1	2016	Supply Issues	Required Documentation Not Provided	Receipt / Bill
3	2016	Supply Issues	Supply of Incorrect Goods & Services	
2	2016	Supply Issues	Unsolicited Goods	

1	2016	Supply Issues	Unsolicited Services	
5	2017	Charges / Fees & Pricing	Billing Problems	
1	2017	Charges / Fees & Pricing	Component Pricing	
1	2017	Charges / Fees & Pricing	Deposits / Upfront Fees	
3	2017	Charges / Fees & Pricing	Disputed / Unreasonable Charges	
1	2017	Charges / Fees & Pricing	Undisclosed Charges	
1	2017	Conduct	Harassment / Coercion / Intimidation	
3	2017	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	2017	Conduct	Misrepresentations about Goods / Services	False Affiliation / Approval / Sponsorship Claims
1	2017	Conduct	Misrepresentations about Goods / Services	False / Misleading Testimonials
1	2017	Conduct	Misrepresentations about Goods / Services	Nature of Goods / Services
5	2017	Conduct	Non-adherence to Terms of Agreement	
9	2017	Conduct	Poor Customer Service / Unresponsive to Issues	
4	2017	Conduct	Required Documentation In Inappropriate Form / Flawed	Contract
37	2017	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
3	2017	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
7	2017	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
7	2017	Quality	Goods - Major Failures / Defects	Unsatisfactory Durability
1	2017	Quality	Goods - Minor Failures / Defects	Cosmetic Irregularities / Cosmetic Damage
52	2017	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
4	2017	Quality	Goods - Minor Failures / Defects	Unsatisfactory Durability
5	2017	Quality	Repairs - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
3	2017	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
23	2017	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	2017	Quality	Workmanship - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
2	2017	Rights and Responsibilities	Consumer Guarantee & Statutory Warranty Rights	Responsibilities Not Met
2	2017	Rights and Responsibilities	Contract Cancellations	

3	2017	Rights and Responsibilities	Cooling-off Rights	Denial of Rights / Non-compliance with Provisions
1	2017	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Extended Warranty
12	2017	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Goods - Warranty Against Defects / Manufacturer Warranty
4	2017	Rights and Responsibilities	Express Warranty Terms Issues	Goods - Warranty Against Defects / Manufacturer Warranty
9	2017	Rights and Responsibilities	General Requirements	
1	2017	Rights and Responsibilities	Insurance Claim Rejected	
2	2017	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query
1	2017	Rights and Responsibilities	Trader Closed Down / No Longer Operating	
1	2017	Rights and Responsibilities	Trader Query - General Legal Obligations	
1	2017	Safety / Information Standards	Safety Standards Check	
1	2017	Safety / Information Standards	Supply of Unsafe Product	
13	2017	Supply Issues	Delayed Supply of Goods & Services	
39	2017	Supply Issues	Non-supply / Partial Supply of Goods & Services	
3	2017	Supply Issues	Rebates / Free Items Not Provided as Offered	
6	2017	Supply Issues	Required Documentation Not Provided	Contract
3	2017	Supply Issues	Required Documentation Not Provided	Receipt / Bill
1	2017	Supply Issues	Supply of Incorrect Goods & Services	
4	2018	Charges / Fees & Pricing	Billing Problems	
1	2018	Charges / Fees & Pricing	Contract Termination Fees	
6	2018	Charges / Fees & Pricing	Deposits / Upfront Fees	
1	2018	Charges / Fees & Pricing	Disputed / Unreasonable Charges	
1	2018	Charges / Fees & Pricing	Multiple Pricing	
1	2018	Charges / Fees & Pricing	Non-competitive Prices & Fees / Fair Value Issues	
1	2018	Conduct	Misappropriation of Funds / Property	
12	2018	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	2018	Conduct	Misrepresentations about Goods / Services	Bait Advertising
1	2018	Conduct	Misrepresentations about Goods / Services	False Affiliation / Approval / Sponsorship Claims

1	2018	Conduct	Misrepresentations about Goods / Services	False / Misleading Testimonials
1	2018	Conduct	Misrepresentations about Goods / Services	Nature of Goods / Services
8	2018	Conduct	Misrepresentations about Goods / Services	Offering of Rebates / Prizes / Free Items
3	2018	Conduct	Non-adherence to Terms of Agreement	
1	2018	Conduct	Non-disclosure / Misleading Omissions	
4	2018	Conduct	Poor Customer Service / Unresponsive to Issues	
1	2018	Conduct	Required Documentation In Inappropriate Form / Flawed	Cooling-off Notice
1	2018	Conduct	Unfair Contract Terms	
1	2018	Credit & Debt	Debt Collection Procedures	Prohibited Debt Collection Practices
1	2018	Quality	Goods - Major Failures / Defects	Cosmetic Irregularities / Cosmetic Damage
57	2018	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
12	2018	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
11	2018	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
7	2018	Quality	Goods - Major Failures / Defects	Unsatisfactory Durability
1	2018	Quality	Goods - Minor Failures / Defects	Cosmetic Irregularities / Cosmetic Damage
37	2018	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
4	2018	Quality	Goods - Minor Failures / Defects	Unsatisfactory Durability
6	2018	Quality	Repairs - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
8	2018	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
29	2018	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	2018	Rights and Responsibilities	Consumer Guarantee & Statutory Warranty Rights	Responsibilities Not Met
4	2018	Rights and Responsibilities	Contract Cancellations	
3	2018	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Extended Warranty
9	2018	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Goods - Warranty Against Defects / Manufacturer Warranty
1	2018	Rights and Responsibilities	Express Warranty Terms Issues	Extended Warranty
3	2018	Rights and Responsibilities	Express Warranty Terms Issues	Goods - Warranty Against Defects / Manufacturer Warranty
12	2018	Rights and Responsibilities	General Requirements	

7	2018	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
10	2018	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query
1	2018	Safety / Information Standards	Safety Standards Check	
2	2018	Safety / Information Standards	Supply of Unsafe Product	
40	2018	Supply Issues	Delayed Supply of Goods & Services	
58	2018	Supply Issues	Non-supply / Partial Supply of Goods & Services	
2	2018	Supply Issues	Rebates / Free Items Not Provided as Offered	
2	2018	Supply Issues	Required Documentation Not Provided	Contract
1	2018	Supply Issues	Required Documentation Not Provided	Receipt / Bill
3	2018	Supply Issues	Required Documentation Not Provided	Statement of Information
2	2018	Supply Issues	Supply of Incorrect Goods & Services	
15	2018	Supply Issues	Unsolicited Goods	
4	2018	Supply Issues	Unsolicited Services	
4	2018	Supply Issues	Unsolicited Supply	
12	2019	Charges / Fees & Pricing	Billing Problems	
2	2019	Charges / Fees & Pricing	Charges Above Quote	
9	2019	Charges / Fees & Pricing	Deposits / Upfront Fees	
6	2019	Charges / Fees & Pricing	Disputed / Unreasonable Charges	
1	2019	Charges / Fees & Pricing	Excessive Deposits / Upfront Fees	
1	2019	Charges / Fees & Pricing	Non-competitive Prices & Fees / Fair Value Issues	
1	2019	Charges / Fees & Pricing	Unauthorised Charges	
2	2019	Charges / Fees & Pricing	Undisclosed Charges	
3	2019	Conduct	Harassment / Coercion / Intimidation	
2	2019	Conduct	High Pressure Sales Tactics	
35	2019	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
2	2019	Conduct	Misrepresentations about Goods / Services	False Affiliation / Approval / Sponsorship Claims
1	2019	Conduct	Misrepresentations about Goods / Services	Misleading Use of Disclaimers / Small Print

1	2019	Conduct	Non-adherence to Terms of Agreement	
2	2019	Conduct	Non-disclosure / Misleading Omissions	
8	2019	Conduct	Poor Customer Service / Unresponsive to Issues	
1	2019	Conduct	Required Documentation In Inappropriate Form / Flawed	Contract
2	2019	Conduct	Required Documentation In Inappropriate Form / Flawed	Receipt / Bill
2	2019	Conduct	Unconscionable / Harsh Conduct	
1	2019	Conduct	Unfair Contract Terms	
49	2019	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
7	2019	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
25	2019	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
2	2019	Quality	Goods - Major Failures / Defects	Unsatisfactory Durability
2	2019	Quality	Goods - Minor Failures / Defects	Cosmetic Irregularities / Cosmetic Damage
35	2019	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)
8	2019	Quality	Goods - Minor Failures / Defects	Unsatisfactory Durability
2	2019	Quality	Repairs - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
4	2019	Quality	Repairs - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
8	2019	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
25	2019	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	2019	Rights and Responsibilities	Consumer Guarantee & Statutory Warranty Rights	Query about Rights for Goods / Services
3	2019	Rights and Responsibilities	Contract Cancellations	
2	2019	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Extended Warranty
8	2019	Rights and Responsibilities	Express Warranty Claim Not Honoured / Rejected	Goods - Warranty Against Defects / Manufacturer Warranty
1	2019	Rights and Responsibilities	Express Warranty Terms Issues	Extended Warranty
3	2019	Rights and Responsibilities	Express Warranty Terms Issues	Goods - Warranty Against Defects / Manufacturer Warranty
20	2019	Rights and Responsibilities	General Requirements	
4	2019	Rights and Responsibilities	Refund / Return Rights	Non-compliant Refund / Returns Policy
8	2019	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query

1	2019	Safety / Information Standards	Supply of Unsafe Product	
41	2019	Supply Issues	Delayed Supply of Goods & Services	
81	2019	Supply Issues	Non-supply / Partial Supply of Goods & Services	
4	2019	Supply Issues	Rebates / Free Items Not Provided as Offered	
6	2019	Supply Issues	Required Documentation Not Provided	Contract
3	2019	Supply Issues	Required Documentation Not Provided	Receipt / Bill
13	2019	Supply Issues	Required Documentation Not Provided	Statement of Information
2	2019	Supply Issues	Supply of Incorrect Goods & Services	
2	2020	Charges / Fees & Pricing	Deposits / Upfront Fees	
2	2020	Charges / Fees & Pricing	Disputed / Unreasonable Charges	
1	2020	Charges / Fees & Pricing	Overcharging	
1	2020	Charges / Fees & Pricing	Unauthorised Charges	
1	2020	Conduct	Harassment / Coercion / Intimidation	
1	2020	Conduct	High Pressure Sales Tactics	
5	2020	Conduct	Misleading / Deceptive Conduct	Other Misleading / Deceptive Conduct
1	2020	Conduct	Misrepresentations about Goods / Services	False Affiliation / Approval / Sponsorship Claims
1	2020	Conduct	Misrepresentations about Goods / Services	Nature of Goods / Services
1	2020	Conduct	Misrepresentations about Goods / Services	Quality of Goods / Services
1	2020	Conduct	Non-disclosure / Misleading Omissions	
2	2020	Conduct	Poor Customer Service / Unresponsive to Issues	
1	2020	Conduct	Required Documentation In Inappropriate Form / Flawed	Contract
1	2020	Conduct	Unwanted Marketing (e.g. Unwelcome Telemarketing)	
7	2020	Quality	Goods - Major Failures / Defects	Defects (Affecting Use of Goods)
1	2020	Quality	Goods - Major Failures / Defects	Failed to Match Description / Sample / Demonstration
1	2020	Quality	Goods - Major Failures / Defects	Not Fit For Purpose
3	2020	Quality	Goods - Major Failures / Defects	Unsatisfactory Durability
7	2020	Quality	Goods - Minor Failures / Defects	Defects (Affecting Use of Goods)

1	2020	Quality	Goods - Minor Failures / Defects	Unsatisfactory Durability
1	2020	Quality	Repairs - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
4	2020	Quality	Services - Unsatisfactory / Defective	Damage Caused to Consumer's Property / Goods
2	2020	Quality	Services - Unsatisfactory / Defective	Unacceptable Quality / Ineffective
1	2020	Rights and Responsibilities	Consumer Guarantee & Statutory Warranty Rights	Responsibilities Not Met
2	2020	Rights and Responsibilities	Contract Cancellations	
1	2020	Rights and Responsibilities	Express Warranty Terms Issues	Extended Warranty
1	2020	Rights and Responsibilities	Express Warranty Terms Issues	Goods - Warranty Against Defects / Manufacturer Warranty
4	2020	Rights and Responsibilities	General Requirements	
4	2020	Rights and Responsibilities	Refund / Return Rights	Refund / Return Rights Query
10	2020	Supply Issues	Delayed Supply of Goods & Services	
12	2020	Supply Issues	Non-supply / Partial Supply of Goods & Services	
1	2020	Supply Issues	Rebates / Free Items Not Provided as Offered	
1	2020	Supply Issues	Required Documentation Not Provided	Contract
1	2020	Supply Issues	Required Documentation Not Provided	Cooling-off Notice
2	2020	Supply Issues	Required Documentation Not Provided	Statement of Information
1	2020	Supply Issues	Supply of Incorrect Goods & Services	

IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019

Certificate identifying exhibit

This is the exhibit marked **UCN-9** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

Signature of person taking affidavit

01/05/2020

Ms Ursula Noye
Special Counsel
Consumer Action Law Centre
Level 6
179 Queen Street
MELBOURNE VIC 3000

By email: ursula@consumeraction.org.au.

Dear Ms Noye

ACT 1 OF 2019 – REQUEST RELATING TO AFCA DATACUBE

I refer to your letter dated 31 March 2020 and request for information relating to the Datacube.

The Australian Financial Complaints Authority (AFCA) has no concerns with the Consumer Action Law Centre (CALC) using all publicly available records and information, including the Datacube information, for the matter currently before the Australian Competition Tribunal in which CALC is involved as an Intervener.

Under our Rule framework we are only able to provide information that is in the public domain. Given that two parties to the Proceeding, Flexigroup Limited and RateSetter Australia RE Limited, are or are related to two AFCA members, and that CALC represents consumers at AFCA from time to time, AFCA wishes to maintain impartiality and therefore is unable to provide any information not in the public domain.

In response to the questions raised in your letter, responses to 10(a), 10(b), 10(c), 10(d), 10(g) and 10(k) of your letter have been provided as this information is available in the public domain. The remaining questions raised in section 10 of your letter are not able to be answered with information in the public domain and so we are unable to provide further information in regard to these.

- 10(a) *“AFCA’s website states: “In accordance with ASIC Regulatory Guide 267 and our Rules, AFCA must publicly report information about complaints we receive and close against each scheme member, including comparative complaint data ... The AFCA Datacube is a visualisation of this data – showing how many complaints are made about financial firms and what kind of outcomes are reached.” Is this an accurate description of the Datacube?”*

Yes

- 10 (b) *“At present, we understand that data from two reporting periods is available on the Datacube – 1 November 2018 to 30 June 2019 (“reporting period one”) and 1 July 2019 to 31 December 2019 (“reporting period two”). Is this correct?”*

Yes

- 10 (c) *“We understand that AFCA received a total of 118 complaints against Humm from 1 November 2018 to 31 December 2019 (consisting of 63 complaints during reporting period one and 55 complaints during reporting period two). Is this correct?”*

Yes. Certegy Ezi-Pay Pty Ltd received 118 complaints from the total period 1 November 2018 to 31 December 2019.

- 63 complaints received during 01 November 2018 to 30 June 2019; and
- 55 complaints received during 01 July 2019 to 31 December 2019.

- 10 (d) *“We understand that AFCA received a total of 47 complaints against RateSetter from 1 November 2018 to 31 December 2019 (consisting of 26 complaints during reporting period one and 21 complaints during reporting period two). Is this correct?”*

Yes. Ratesetter Australia RE Limited received 47 complaints from the total period 1 November 2018 to 31 December 2019.

- 26 complaints received during 01 November 2018 to 30 June 2019; and
- 21 complaints received during 01 July 2019 to 31 December 2019.

- 10 (g) *“Does the total number of complaints referred to in question (c) consist of all complaints which consumers have attempted to make to AFCA against Humm, or only those complaints which have been accepted by AFCA as within jurisdiction?”*

The numbers referred to in question (c) consist of all complaints received against Certegy Ezi-Pay Pty Ltd. Once received, they are then accepted by AFCA as within jurisdiction where appropriate.

- 10 (k) *“According to the Datacube, Humm’s business size is classified as “very small” whereas RateSetter’s business size is classified as “small”. What metrics are used to classify business size in the Datacube?”*

AFCA categorises firms according to a business size to support comparability between member firms that operate similar businesses. All AFCA members, except superannuation trustees, complete an annual business size assessment as part of their membership. AFCA classifies members into 5 categories that reflect their business; Very small, Small, Medium, Large and Very Large. These categories are taken into account when calculating the appropriate annual levy for a member based on the size and type of business. AFCA also uses these categories for comparative reporting purposes.

Further information about the annual business size assessment can be found at www.afca.org.au/members/annual-assessment.

As per my email on 29 April 2020, I apologise for the delay in responding to your request.

Yours sincerely



Justin Untersteiner
Chief Operating Officer
Australian Financial Complaints Authority

IN THE AUSTRALIAN COMPETITION TRIBUNAL
APPLICATION BY FLEXIGROUP LIMITED
ACT 1 OF 2019

Certificate identifying exhibit

This is the exhibit marked **UCN-10** now produced and shown to Ursula Claire Noye at the time of affirming her affidavit on 4 May 2020.

Before me:

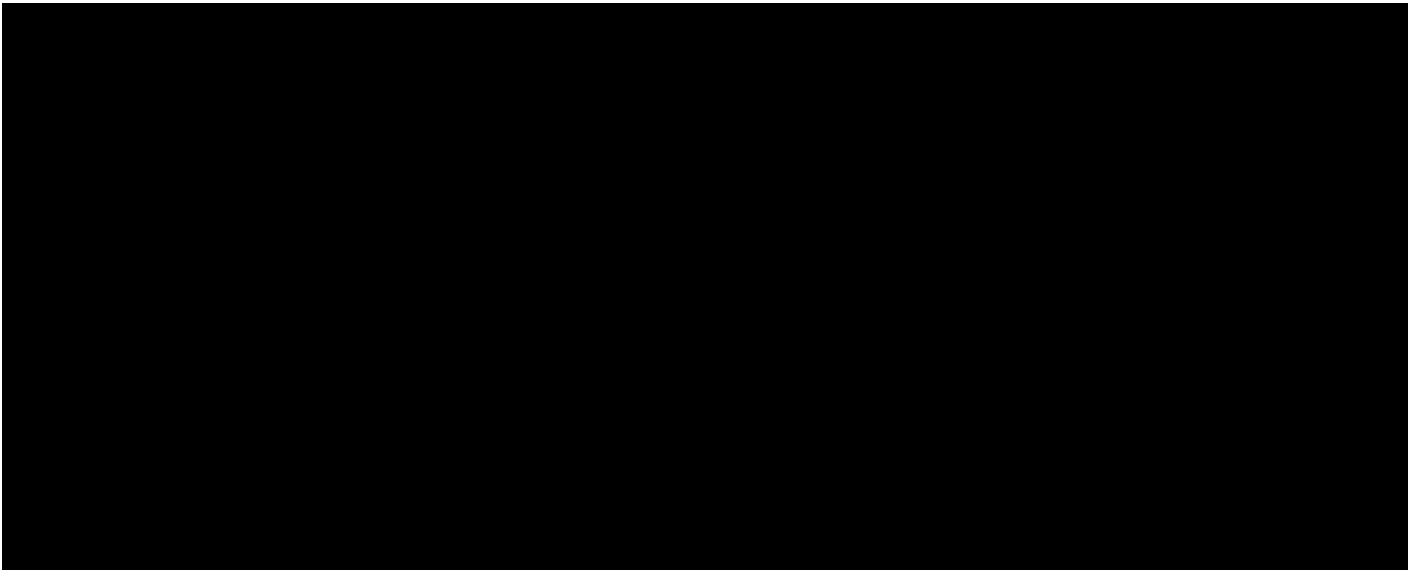
Signature of person taking affidavit

Ursula Noye

From: Wilding, Mihkel <mwilding@claytonutz.com>
Sent: Friday, 24 April 2020 12:58 PM
To: Ursula Noye; Rex Punshon
Cc: Webb, Kirsten; Thompson, Doug; Crosby, James; Lara Kuhn
Subject: RE: ACT 1 of 2019 - Final requests [CU-Legal.FID2700600]

Dear Ursula and Rex

We refer to your email of 20 April 2020, and your subsequent letter of 23 April 2020.



Your letter of 23 April 2020 - your request for complaints data

This letter refers to your letter of 17 April 2020 seeking complaints data from our client by 24 April 2020 (today).

Our client is addressing the issue of complaints data in the statement of Taras Mysak which it intends to file today.

Please could you also ensure you include Kirsten Webb, Doug Thompson and James Crosby on all future correspondence (copied).

Your sincerely,

Mihkel Wilding, Special Counsel
Clayton Utz

Level 15, 1 Bligh Street, Sydney NSW 2000 Australia | D +612 9353 5814 | F +612 8220 6700 | M +61 410430449 |
mwilding@claytonutz.com | www.claytonutz.com
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