

## 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 Karl Roland Shami

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



A handwritten signature in blue ink, consisting of a stylized 'A' followed by a 'U'.

DEPUTY REGISTRAR

Dated: 5/05/2020 4:53 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 KARL ROLAND SHAMI  
RE SOLAR PANEL QUOTATIONS

Affidavit of: **Karl Roland Shami**  
Address: Level 21 / 380 La Trobe Street, Melbourne, Victoria, 3000  
Occupation: Solicitor  
Date: 5 May 2020

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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](mailto:ursula@consumeraction.org.au) / [rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)  
**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)

- Exhibit <b>KS-3</b> being a copy of the list of solar panel providers dated 31 March 2020	8	18
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I KARL ROLAND SHAMI, of 380 La Trobe Street, MELBOURNE, VIC, 3000, solemnly and sincerely affirm and declare:

1. I am a Lawyer at Maurice Blackburn Lawyers (**Maurice Blackburn**).
2. I make this affidavit from my own knowledge, unless otherwise indicated. Where I depose to information provided to me, I believe that it is true.

### **Background**

3. On 31 March 2020, the Consumer Action Law Centre ("**CALC**") requested pro bono assistance from Maurice Blackburn in relation to the collection and collation of survey data evidence for proceeding number ACT 1 of 2019, currently before the Australian Competition Tribunal.
4. CALC's request is contained in the brief to Samuel Habteslassie, Solicitor at Maurice Blackburn, ("the CALC brief"), which is exhibited to this affidavit at [**EXHIBIT KS-1**].

### **Methodology**

5. Mr Habteslassie, my supervisor, provided me with a copy of the CALC brief, which I have read. In the CALC brief, CALC requested that data be collected from different

solar panel providers operating in different Australian states, using a telephone script and a reference list of solar providers.

6. The telephone script is here extracted from the CALC brief and exhibited to this affidavit at **[EXHIBIT KS-2]**.
7. This script provided me with the questions I was to ask. Specifically, I was asked to collect the following data:
  - a. The price of a mid-range 5kW inverter and 6.6kW solar panels;
  - b. Whether this price included the solar rebate;
  - c. Whether I would have to pay upfront or if I can pay in instalments; and
  - d. The details of the companies' finance provider, including the calculation of interest.
8. The list of solar panel providers is here extracted from the CALC brief and exhibited to this affidavit at **[EXHIBIT KS-3]**. I used this list as a starting point to select providers. Other providers were found through further online research.
9. Using the telephone script and the list of solar panel providers, I made contact with four representatives from four different solar panel providers by telephone between 23 and 28 April 2020. In accordance with the telephone script, I requested quotes for the installation of residential solar panels together with finance, including BNPL finance, for homes in Victoria. I was able to obtain a quotes from two solar panel providers, one of which did offer BNPL finance. I was not able to obtain quotes from two solar panel providers.
10. During the telephone conversations with the solar panel providers, I gave the following responses when asked for personal information;
  - a. Name: Karl Sharp
  - b. Contact number: 0423 892 244
  - c. Email: [ksesharp@gmail.com](mailto:ksesharp@gmail.com)
11. Below are detailed summaries of information provided by the solar panel providers' representatives in telephone calls and email correspondence I undertook. The

summaries are based on my contemporaneous notes of telephone calls and my email correspondence. These summaries are organised as follows:

- a. Solar Panel Providers Offering Buy Now Pay Later (**BNPL**) Finance
- b. Solar Panel Providers Not Offering Buy Now Pay Later (**BNPL**) Finance
- c. Other Solar Panel Providers Contacted

## **Solar Panel Providers Offering Buy Now Pay Later (BNPL) Finance**

### **SunEnergy**

12. On 24 April 2020 at 12:30PM, I contacted SunEnergy using the phone number listed on their website. I spoke briefly to a person who identified themselves as ██████ who took some basic contact details. ██████ then transferred me to a specialist.
13. I was put through to a person who identified themselves as ██████ who introduced himself as a Senior Consultant. ██████ began the call with a short sales pitch after confirming I was interested in solar panels for my house.
14. ██████ asked me what my electricity cost was per quarter. I instructed ██████ that it was approximately \$500 a quarter.
15. I explained to ██████ that I was looking at getting a solar panel for my house, and my partner and I just wanted to get an idea of costs, and whether we could afford it.
16. ██████ explained that they had a program called 'Pay As You Save', which had no upfront cost and no installation fee. He explained that the repayments for the system would be cheaper than my current power bill. He estimated that it would be approximately \$350 a quarter for the repayments. ██████ provided me with this information unprompted.
17. ██████ then asked if I had any thoughts as to why our electricity bill was so high. I explained that I did not know, but perhaps it was the cost of running our heater. ██████ asked if we had any fish tanks, spas, or similar appliances. I explained that we did not. He suggested that it might possibly be the Air-Conditioning, which I agreed that it could be since we would use it quite a bit in summer.
18. ██████ asked if we used power frugally. I instructed that we were not frugal, but also not wasteful. I suggested that we were conscious of our use but didn't avoid using heating.

19. █████ asked whether we pay our bills when they are due, or at a different time. I instructed that we pay when they were due.
20. █████ asked me for my address. I told █████ that I was not comfortable giving him my address at this stage, but that I had spoken to a friend and had noted the information that I thought might help. I instructed that I was living in a single storey house, with a one phase connection, a north facing roof, and that the roof was tiled. I said that my understanding was that I would need 6.6kw for the panel, with a 5kw inverter.
21. █████ advised that if there are trees, telephone poles or anything else that might impact shading, this will affect the quote. I said that I understood this, and I was looking for a rough estimate at this stage. I said to █████ that I understood the quote could change as more detail emerged, but a rough estimate would be helpful.
22. █████ explained that there were government subsidies, but that these would not exist forever, and so this is a good time to enter. He told me that based on what I had said so far, I was a perfect fit for the program. He said that I would get free electricity from the sun, and that any electricity sent back to the grid would offset my power bill.
23. █████ explained that a lot of older solar panel systems use a string system, which had a lot of limitations. He likened these systems to Christmas tree lights and said that if one panel doesn't work, the rest of the panels don't work. Similarly, he explained that if one panel operates at 20%, the entire system operates at 20%.
24. █████ said that the system they were offering was a fully optimised system and that every panel runs independent. At this stage I asked █████ if that this meant this was the top-end of the panels on offer, which he confirmed that it was.
25. █████ then asked me what our plans were for the house. I said that we were planning on being in the home long term, and that there was room for the family to grow if needed.
26. █████ advised that if we were planning on being in the home for longer than five years, he would recommend the premium option as it will save me more money. He advised that the premium option will save me \$600 per year, but cost around \$2000 extra, so at the five year point it would be better value. █████ also explained it was a safer inverter, which came with an automatic shutdown feature.
27. █████ said he would design a program so my payments would be offset by the bill.

28. █████ asked some further details about the house. I confirmed that it was built before 2012 and that it had a standard roof.
29. █████ said that he could provide me with a quote, but without a site inspection he would have to assume that the arrays would fit. The price could possibly change if the arrays did not fit. I explained to █████ I understood that the amount could change but a rough estimate would be helpful at this stage.
30. █████ then said that the premium solar system would save me around \$260 per month, as long as the electricity usage didn't increase, that would be the saving.
31. I explained to █████ that I was a bit confused by the savings, and wasn't sure how much I would be paying.
32. █████ explained that the cost would be \$202 a month, over a five year term.
33. I asked █████ if this was the premium product he was offering. He confirmed. I asked him what the upfront cost of the system was, and I also asked him what the mid-range product would cost. I said I didn't want the cheapest, but something middle of the range so I could compare.
34. At this stage I had the sense that █████ was reluctant to provide me either with the upfront amount, or details about the mid-range product. My impression was that █████ was encouraging me to purchase the premium product on the 'Pay As You Save' program. This impression is based on the fact that despite having enquired about paying up front for a middle of the range product █████ responded to my request with details of a premium product obtained through the 'Pay As You Save' program.
35. █████ then advised that the upfront cost would be:
  - a. \$8299 for the premium product; and
  - b. \$5799 for the mid-range product.
36. I asked █████ if these amounts included any rebates. █████ confirmed that this included the rebate.
37. I said to █████ that I wanted to know more about the 'Pay As You Save' program and how it worked.

38. I asked if the program was through a financier. [REDACTED] said yes, and I would be paying fortnightly. He said it would be cheaper than what I was paying as long as the power bill doesn't get higher.
39. I asked [REDACTED] who the financier was. He said that it was a company called Humm, and described them as a local company in South Australia.
40. I asked [REDACTED] if there was any interest. He said there is no interest ever, only an \$8 dollar accounting fee.
41. I asked [REDACTED] if this meant that the program would cost the same amount of money as compared to buying the panels upfront, but with an additional \$8 accounting fee each month. [REDACTED] said no, and that it was more expensive.
42. [REDACTED] said that the longer the program is for, the more expensive it is.
43. I said I was a bit confused, and asked what the total would be. [REDACTED] said it would be \$7,434, which was approximately \$1600 more than upfront, in addition to the \$8 dollar account keeping fee per month,
44. [REDACTED] explained that it would be \$226 a month, repayments at \$125 a month cheaper, so I would be spending \$125 a month, multiplied by three months, meaning \$375 a quarter.
45. I said to [REDACTED] that I was a little bit confused by this. I asked him to walk me through these numbers again as I wasn't sure what I was saving or what the different numbers meant.
46. [REDACTED] explained that I would be saving \$226 a month. He said the repayments would be \$125 a month, which totalled to \$375 a quarter. He explained that I was saving on my electricity bill with this program, but also getting an asset that would stay after the life of the program.
47. I said that I wanted to clarify, that in total, that this meant that the price would be \$125 a month for sixty months, with an additional \$8 monthly account keeping fee. [REDACTED] confirmed this amount.
48. [REDACTED] also explained that there were options of three, four, and five years for the 'Pay As You Save program'. There was also an option to pay a deposit and have a shorter length of the term.



49. █████ explained that there were two savings:
- a. I would save money by not spending any money on my electricity bill provided that my current electricity usages did not increase from the amount that I quoted to him; and
  - b. Any excess kw the providers would take the money and sell them to my neighbours and give it to me as credit on my bill.
50. █████ said that I would be taking control of an asset, and there was a 30% rebate that covers the system.
51. I said I would like to see the numbers so I could talk to my partner, and would it be possible for him to send me an email? █████ said he would send through a quote. I provided █████ with my email address, [ksesharp@gmail.com](mailto:ksesharp@gmail.com).
52. █████ pushed for a further phone call. I said that my partner and I were still thinking and we would talk about finances before getting back in touch. █████ confirmed he would call back if he hadn't heard back from us by a certain period of time.
53. I thanked █████ for his time and patience, and ended the call at 1:04PM.
54. On 24 April at 1:21PM, I received an email from █████ at SunEnergy attaching a quote. [EXHIBIT KS-4]. This quote reflected our conversation.
55. On 24 April at 1:22PM, I received a further email from █████ at SunEnergy advertising the 'Pay As You Save' program, and a video linked also advertising the 'Pay As You Save' program and SunEnergy more generally [EXHIBIT KS-5].

***Solar Panel Providers Not Offering Buy Now Pay Later (BNPL) Finance***

56. On 23 April 2020, I entered my details into two lead generation sites, Solar Choice and Solar Calculator.
57. On 23 April 2020 at 6:51PM I received an email from Solar Choice providing me with the details of three installers. The email said that the installers would be in contact shortly and also provided me with contact details [EXHIBIT KS-6].
58. On 24 April 2020 at 9:55AM, a person who identified themselves as █████ from Solar Calculator left a voice mail on my phone asking me for my full address.

59. On 24 April 2020 at 9:55AM I received an email from [REDACTED] also asking for my full address in order to provide me with a quote [EXHIBIT KS-7]. I did not respond to the voice mail or email and did not receive any details of installers from Solar Calculator.

### **RevoluSun Power**

60. On 24 April 2020 at 10.27AM I received a voicemail from a person who identified themselves as [REDACTED] at RevoluSun Power requesting that I return her call.
61. On 24 April at 4:26PM, I telephoned [REDACTED] and explained that I was exploring solar panel options for my home and whether I could afford a solar panel system.
62. [REDACTED] replied that in Victoria, solar panels are very affordable due to the government rebate and interest free loan that is available.
63. [REDACTED] requested my address and I explained that I did not want to provide this information at this stage.
64. I confirmed that my single storey property has 2.5 bedrooms, single phase power and a tiled roof that was not shaded.
65. I informed [REDACTED] that I had done some research and was interested in a 5kw inverter and 6.6 kw solar panels.
66. [REDACTED] advised that I could fit approximately 20 to 25 panels and that their inverters are always 5kw.
67. [REDACTED] again asked for my address and I repeated that I was not comfortable providing this information. She advised that she wouldn't use the information and that it was only to assist with providing a quote.
68. I went on to confirm that my energy usage was approximately \$500 per quarter.
69. [REDACTED] advised that my address was required for a proper quote but that she could give me an idea of price.
70. I requested an approximate figure for a middle of the range product so that I could discuss the matter with my partner. I provided [REDACTED] my email address and ended the call at 4:50PM.
71. On 28 April 2020 at 1:33PM, I received an email from [REDACTED] at RevoluSun Power attaching a quote [EXHIBIT KS-8]. This quote provided the price of \$3,602 including

GST and after both the Victorian state government grant of \$1,888 and an interest free loan of \$1,888. This quote did not discuss finance.

**Other Solar Panel Providers Contacted**

**Evergreen Solar Power**

72. On 27 April 2020 at 10:27AM I missed a call from an unknown number. I called back at 11:05AM and a person who identified themselves as a representative from Evergreen Solar Power answered. I apologised and said I was expecting another call and I would call them back. As at 30 April, I had not returned the representative's call.

**SolarLink**

73. On 28 April 2020 at 9:33AM I received a voicemail from a person who identified themselves as [REDACTED] at SolarLink. The message said I qualified for the Victorian rebate and asked me to return this call. As at 30 April, I had not returned the representative's call.

AFFIRMED by the deponent  
at Melbourne on 5 May 2020

Karl Roland Shami

.....

.....  
Before

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

**Certificate identifying exhibit**

This is the exhibit marked **KS-1** now produced and shown to Karl Roland Shami at the time of affirming his affidavit on 5 May 2020.

Before me:

Signature of person taking affidavit

Karl Roland Shami

---

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](mailto:ursula@consumeraction.org.au) / [rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)  
**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)

---

## MEMO

**To:** Maurice Blackburn  
**From:** Ursula Noye  
**Date:** 31 March 2020  
Request for pro bono assistance  
Consumer evidence - ACT 1 of 2019  
**Re:** Our ref 495916

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### 1. Summary

- Consumer Action Law Centre (**CALC**) requests your pro bono assistance in the collection and collation of consumer evidence ('shadow shopping') for review and advice from its counsel, and (subject to that review) for filing in support of its intervention in proceeding number ACT 1 of 2019 before the Australian Competition Tribunal (**Tribunal**). We note that the evidence collated, and any other documents prepared for that purpose, ought to be regarded as confidential and subject to legal professional privilege.
- The proceeding is an application by FlexiGroup Ltd (**FlexiGroup**) to the Tribunal (see **attachment A**) for review of the Australian Competition and Consumer Commission (**ACCC**) Determination to conditionally authorise the New Energy Tech Consumer Code (**Code**) (see **attachment B**).
- On 16 March 2020, CALC was granted leave to intervene in the proceeding, together with ASIC and Ratesetter, a competitor of Flexigroup (see **attachments C and D**).
- By orders amended on that date, CALC is due to file its evidence by 21 April 2020 (see **attachments D and E**). We note that given the current climate of responding to COVID-19 (coronavirus), there may be delays in the hearing of the proceeding and consequent deferrals of Tribunal filing dates.

### 6. Parties and representatives

- FlexiGroup Ltd (ACN 122 574 583) - Applicant for review of the Determination – Represented by Clayton Utz

- Australian Competition and Consumer Commission - Author of the Determination – Represented by Australian Government Solicitor
- Australian Energy Council (**AEC**), Clean Energy Council (**CEC**), Smart Energy Council (**SEC**) and Energy Consumers Australia (**ECA**) - Applicants for authorisation of the Code – Represented by Allens
- Australian Securities and Investments Commission (ASIC) – Intervener – Represented in house
- Ratesetter – Intervener – Represented by Johnson Winter & Slattery

## 7. Assistance sought

8. Specifically, Consumer Action seeks your assistance with the following:

- A. Collection of data from a survey of solar panel providers on the provision of options, including BNPL products, to finance the purchase of residential solar panels; and
- B. Collation of that evidence, including:
  - a. the survey data results; and
  - b. preparation and settling of witness statements from those collecting the survey data.

## 9. Proposed methodology

10. It is important that a consistent approach to the data collection is maintained. We therefore set out below a guide to its collection and collation.
11. In order to provide meaningful data, we request that data be collected from at least 12 different solar providers, including 4 small providers, 4 medium sized providers and 4 large providers. We enclose a list of solar panel providers for your reference (see **attachment F**).
12. We also request that addresses for properties be given in Victoria, New South Wales and Queensland in order to understand the impact, if any, of the varying rebate schemes on the provision of finance options.
13. This means that, in total, 36 attempts will be made to obtain quotes (4 small, 4 medium and 4 large, in each of 3 states).
14. To collect the survey data, we request that staff:

- A. Contact the solar panel provider, either by:
- a. Telephone; or
  - b. By adding a telephone number to the lead generation sites:
    - i. Solar Calculator: <https://solarcalculator.com.au/solar-quotes/>
    - ii. Solar Choice: <https://www.solarchoice.net.au/>
- B. Request a quote for solar panels, using the attached draft script (see **attachment G**).
- C. Record the responses systematically, in a database that is able to be shared with CALC.
15. We understand that you may have difficulty obtaining quotes where an inspection of the property is required. In this case, we do not require that a quote be pursued but do request that this data be recorded for completeness.
16. We note the different rebate schemes in operation in different states and request that details of these rebates be recorded in order that we can obtain a fuller picture of the costs to consumers of purchasing and installing residential solar panels in different states.
17. We request your assistance to prepare and settle witness statements for the persons contacting the solar panel companies detailing their conduct.

## 18. Contact

19. Please advise CALC, contact details as follows:

Ursula Noye, Special Counsel  
Consumer Action Law Centre  
(03) 9670 5088 / 0409 542 314  
[ursula@consumeraction.org.au](mailto:ursula@consumeraction.org.au)

Rex Punshon, Solicitor  
Consumer Action Law Centre  
(03) 9670 5088  
[rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)

## 20. Attachments

21. We attach the following documents for your information:

- A. Application by FlexiGroup Limited for review of the ACCC Determination to conditionally authorise the Code dated 30 December 2019

- B. ACCC Final Determination dated 5 December 2019
- C. CALC application for leave to intervene and attachments dated 21 February 2020
- D. Application by Flexigroup Limited [2020] ACompT 1 dated 16 March 2020
- E. Orders dated 4 February 2020
- F. List of solar panel providers (amended)
- G. Draft script



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

**Certificate identifying exhibit**

This is the exhibit marked **KS-2** now produced and shown to Karl Roland Shami at the time of affirming his affidavit on 5 May 2020.

Before me:

Signature of person taking affidavit

Karl Roland Shami

---

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](mailto:ursula@consumeraction.org.au) / [rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)  
**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)

---

## Solar Panel Secret Shopping

### Draft script

- “Looking to get just a rough quote for solar panels for my house”
- “It is something new that my partner and I are looking into so that we can get an idea of how much it will cost us/ if we can afford it”
- They may then ask: How much do you spend per quarter on electricity?
  - Reply: “About \$540 per quarter”
- They will generally then ask: What is your address?
  - Reply: “I only want a rough quote for now before proceeding further and therefore am not comfortable providing specific address.”
- At this point, they may try to push for a street address so it may be useful to say to them:
  - “I’ve done some research and I want to know about a 5kw inverter and 6.6kW solar panels”
    - Alternatively, you can also add that “your friend” who has a similar house has a unit that is of those specifications
  - Other details that might be good to share here:
    - 1 phase connection
    - Single storey house
    - North facing roof
    - Tiled roof
- They will then give you a quote, usually a wide range; they may also mention that it depends on what you want
  - “What I want depends on how much it costs; maybe something mid-range?”
- When they provide you with a quote, they may mention the solar rebate.
  - If they don’t, ask about whether the price includes the rebate
  - They may run through whether you are eligible for the rebate with you
- Next, ask about how you can pay:
  - “So... that is a lot of money. Do I have to pay upfront? OR Can I pay by instalments?”
  - If they say yes, then find out more details like:
    - Do you guys go through a finance provider? (e.g. Humm, Brighte)
    - Do I need to pay interest?
    - If they say it is interest free, ask whether it costs the same as when you pay upfront (in a subtle way). Generally, if you ask to pay by instalments they may tell you that the price they just quoted you will be different. Then they may ask you about how you want to pay (e.g. fortnightly for 3 years/ in 4 instalments...), \*sound unsure\* then ask whether they can provide you with written quotes for different amounts so that you can “discuss with your partner what we can afford”.

**Commented [UN1]:** If pushed, provide a street and suburb in the proximity of the business address the caller is using

**Commented [UN2]:** This information ought only be given if pressed and in the context that it was information passed on by a friend or that the caller saw online

**Commented [UN3]:** This information ought only be given if pressed and in the context that it was information passed on by a friend or that the caller saw online

**IN THE AUSTRALIAN COMPETITION TRIBUNAL  
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ACT 1 OF 2019**

**Certificate identifying exhibit**

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Before me:

Signature of person taking affidavit

Karl Roland Shami

---

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  
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**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)

**List of 12 Australian solar providers:**

1	Energy Matters
2	Oz Smart Energy
3	Nemco
4	SunBoost
5	Instyle Solar
6	NRG7
7	Solargain
8	Arise Solar
9	Hello Solar
10	More Green Energy
11	Your Choice Solar
12	Fair Value Energy

Additional solar providers in the event that any of the above cease to exist:

13	Solar Naturally
14	Sun Power
15	Alliance Solar
16	Sun Opt

**IN THE AUSTRALIAN COMPETITION TRIBUNAL  
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ACT 1 OF 2019**

**Certificate identifying exhibit**

This is the exhibit marked **KS-4** now produced and shown to Karl Roland Shami at the time of affirming his affidavit on 5 May 2020.

Before me:

Signature of person taking affidavit

Karl Roland Shami

---

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](mailto:ursula@consumeraction.org.au) / [rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)  
**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)



Kate Sharp <ksesharp@gmail.com>

# Pay As You Save Solar Solution

2 messages

[Redacted]@sunenergy.com.au  
To: Karl Sharp <ksesharp@gmail.com>

Fri, Apr 24, 2020 at 1:21 PM

Hi Karl

We would like to thank you for the time on the phone today.

Please find attached your Solar Power Estimation PDF, so you can see the benefit of getting solar with PAYS!

A quick recap, there is NO deposit and NO Upfront cost. You can now use your electricity savings to acquire an asset for your home.

Your highly efficient solar system will be maintained throughout the program and you can even monitor your production.

Get the best of your solar savings and switch to a 'Pay As You Save' solar system now.

If you have any questions feel free to give me a call on 1800 786 765 or hit reply to this email.

Thank you!



Senior Sales Consultant

E: [Redacted]@sunenergy.com.au

P: 1800 786 765

A: Level 5, 44 Pirie Street, ADELAIDE SA 5000

W: www.sunenergy.com.au



Please consider the environment before printing my email

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you have received this email in error and any use, dissemination, forwarding, printing or copying of this email or any attachments is strictly prohibited. If you received this email in error, please immediately notify SunEnergy by telephone on 1800 786 765, or reply email, delete the email and destroy any printed copy. You must not disclose or use in any way the information in the email. Any views expressed in this email are those of the individual sender, except where specifically stated to be the view of SunEnergy.

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 **Karl S.pdf**  
546K

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**Kate Sharp** <ksesharp@gmail.com>  
To: SHabteslassie@mauriceblackburn.com.au

Mon, May 4, 2020 at 2:14 PM

[Quoted text hidden]

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 **Karl S.pdf**  
546K

**Your property details**

Name:	<input type="text" value="Karl S"/>	State:	<input type="text" value="SA"/>
Double Storey	<input type="text" value="No"/>	Electricity bill per Qtr (Ave)	<input type="text" value="500.00"/>
Over 25 degree pitch	<input type="text" value="No"/>	Roof Type	<input type="text" value="Concrete Tile"/>
Built after 2012	<input type="text" value="No"/>	Travel (if over 100 klms)	<input type="text" value="0"/> klms (return trip)

**Your energy profile**

Profile:	<input type="text" value="Night &amp; Weekend"/>	Expected Increase in electricity	<input type="text" value="8.0%"/> pa	Estimated FiT:	<input type="text" value="\$ 0.18"/> / kWh
----------	--	----------------------------------	--------------------------------------	----------------	--

**Your system details**

System size (Panel kW)	<input type="text" value="6.62"/>	Your system's expected daily output:	<input type="text" value="27.78"/>
Total Panels inc 4 FREE (limited promo)	<input type="text" value="21"/>	Panel Orientation	<input type="text" value="Portrait"/>
Panel Brand	<input type="text" value="Canadian 315w Mono Perc Split"/>	Number of arrays	<input type="text" value="2"/>
Inverter Model	<input type="text" value="Goodwe 5.0D - 1ph"/>	Site Inspection	<input type="text" value="No"/>
Power Storage	<input type="text" value="Future Ready"/>	Tilt Frames	<input type="text" value=""/>
		Consumption Meter	<input type="text" value="No"/>

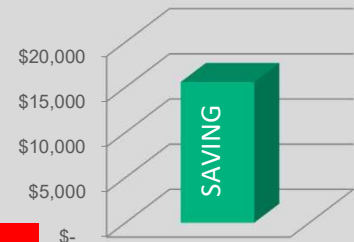
**Your finance solution**

Finance product:	<input type="text" value="P.A.Y.S Promo 60"/>	Your estimated repayments:	Fortnightly: <input type="text" value="\$ 57.84"/>
Amount to be paid before install:	<input type="text" value="\$ -"/>		Monthly: <input type="text" value="\$ 125.33"/>
Your chosen finance term:	<input type="text" value="60 Months"/>	Average savings after repayments per month	<input type="text" value="\$ 147.63"/>

**Your benefits**

- In just the FIRST YEAR, your solar system could:**
- Save on average **\$272.00 per month off your electricity bill - increasing every year!**
  - Generate **\$3275.00 worth of free electricity from the sun - increasing every year!**
  - Save you an extra **\$1771.55, per year after repayments! - increasing every year!**

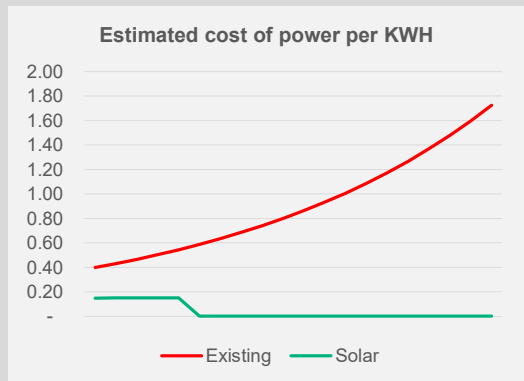
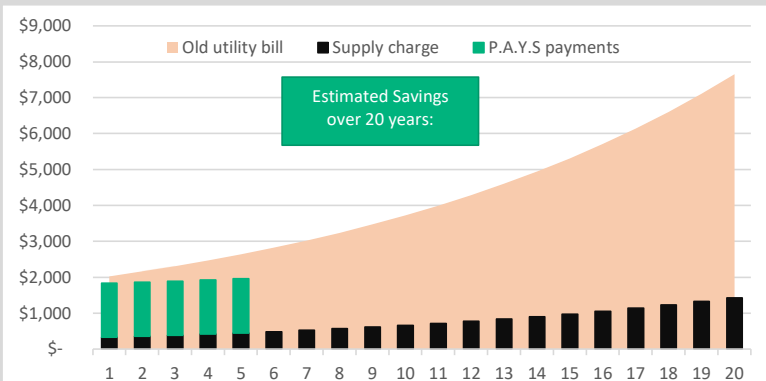
**Estimated Savings over 10 years:**  
**\$15,567**



**Investment analysis:**

Return on Investment **44% per annum**  
**Estimated Savings over 10 years: \$15,567 after all costs**  
 Effective cost per kWh with Solar **0.08 per kWh (over 10 years)**

**IF YOU DO NOTHING AT ALL YOU WILL SPEND \$11,997.84 on electricity bills over the finance term**



Notes:

The figures in this preliminary assessment are for illustrative purposes only, they should not be relied on as final numbers. It assumes premises is north facing and roof angle of 23.5 degrees. Terms, conditions, fees, charges and credit criteria apply. PLEASE NOTE: This preliminary assessment has been prepared based on minimal information supplied and is an estimate only of the likely benefits of installing a solar PV system. Changes to regulations, feed in tariffs and electricity pricing may affect the outcome of this investment.



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

**Certificate identifying exhibit**

This is the exhibit marked **KS-5** now produced and shown to Karl Roland Shami at the time of affirming his affidavit on 5 May 2020.

Before me:

Signature of person taking affidavit

Karl Roland Shami

---

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](mailto:ursula@consumeraction.org.au) / [rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)  
**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)



Kate Sharp &lt;ksesharp@gmail.com&gt;

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**Thanks for the chat...here's some more info for you**

1 message

---

██████████@sunenergy.com.au  
To: Karl Sharp <ksesharp@gmail.com>

Fri, Apr 24, 2020 at 1:22 PM

**SUNENERGY**<sup>TM</sup>  
EMPOWERING AUSTRALIANS



## We Make Solar Simple!

Hi Karl!

It's ██████████ from SunEnergy...it was great chatting to you, I really appreciate you taking time out of your day!

From what you were telling me, ever increasing energy costs are a real concern for you. I hear that a lot, it's a real issue right now for so many of us.

But there is good news! I can help you, with **no money upfront**, get a high quality Solar system installed on your home in just 3 weeks!

Best of all approval can be done over the phone in only 3 minutes!

Rather than bore you with a long email full of information, we've put together a handy (and quick!) video that will explain in detail, how our extraordinary Pay-As-You-Save offer works and how we can get you into the right Solar system for your home today!

## If you can afford to pay your electricity bill, you can afford Solar!

### We make it that simple.

By installing with SunEnergy you can start to save money straight away, even whilst paying off your system, with our unique **'Pay As You Save'** offer...seriously Karl your new power bill *plus* the repayments combined, will be **LESS** than you are currently paying for power...I'm not kidding, you could be paying less AND getting a valuable new asset for your home!

## Karl, it's your turn to get empowered with SunEnergy!

I will be calling you shortly to answer any questions you may have and get your savings started... or, if you can't wait, and who could blame you, you can call me on **1800 786 765** now!

I can't wait to see how much SunEnergy will help you and your household save.

Warm and sunny regards,

[Redacted signature]

**P:** 1800 786 765  
**E:** [Redacted]@sunenergy.com.au



SunEnergy Company  
44 Pirie Street, Adelaide, South Australia, 5000  
106 Bundall Road, Bundall, Queensland, 4217

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

**Certificate identifying exhibit**

This is the exhibit marked **KS-6** now produced and shown to Karl Roland Shami at the time of affirming his affidavit on 5 May 2020.

Before me:

Signature of person taking affidavit

Karl Roland Shami

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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](mailto:ursula@consumeraction.org.au) / [rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)  
**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)

---



Kate Sharp &lt;ksesharp@gmail.com&gt;

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## Your Solar Choice Quote Comparison

1 message

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**Solar Choice** <sales@solarchoice.net.au>  
Reply-To: Solar Choice Sales <sales@solarchoice.net.au>  
To: KSESharp@gmail.com

Thu, Apr 23, 2020 at 6:51 PM



Hi Karl,

Well done making a preliminary selection of three installers from your [personalised Solar Choice platform](#) which you can always refer back to.

The installers should be in contact with you shortly. Feel free to contact any of these installers directly and quote your Solar Choice job number as follows: SC198380

**1. Evergreen Solar Power**

Speak with: [REDACTED], [sales@evergreensolarpower.com.au](mailto:sales@evergreensolarpower.com.au) [REDACTED]

**2. RevoluSun Power**

Speak with: [REDACTED] [\[REDACTED\]@revolusun.com.au](mailto:[REDACTED]@revolusun.com.au) [REDACTED]

**3. Solar Link Australia**

Speak with: [REDACTED], [info@solarlinkaustralia.com.au](mailto:info@solarlinkaustralia.com.au) [REDACTED]

Cheers for now,

The Solar Choice Team

Solar Choice  
Level 3, [39 East Esplanade Manly, NSW 2095](#)  
1300 78 72 73

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

**Certificate identifying exhibit**

This is the exhibit marked **KS-7** now produced and shown to Karl Roland Shami at the time of affirming his affidavit on 5 May 2020.

Before me:

Signature of person taking affidavit

Karl Roland Shami

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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](mailto:ursula@consumeraction.org.au) / [rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)  
**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)



Kate Sharp &lt;ksharpg@gmail.com&gt;

---

**Quote Request Follow Up – Please Confirm Your Address**

1 message

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**Solar Calculator** <mail@solarcalculator.com.au>  
To: KSESharp@gmail.com

Fri, Apr 24, 2020 at 9:55 AM

Dear Karl,

It appears that the address you supplied is incomplete. Could you please confirm your full address so that we can arrange for installer companies to contact you and provide a detailed quote.

Kind regards,



Solar Calculator

–

PO Box 486

Balnarring, VIC 3926

Telephone 1300 921 527

[mail@solarcalculator.com.au](mailto:mail@solarcalculator.com.au)<https://solarcalculator.com.au/>



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

**Certificate identifying exhibit**

This is the exhibit marked **KS-8** now produced and shown to Karl Roland Shami at the time of affirming his affidavit on 5 May 2020.

Before me:

Signature of person taking affidavit

Karl Roland Shami

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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](mailto:ursula@consumeraction.org.au) / [rex@consumeraction.org.au](mailto:rex@consumeraction.org.au)  
**Address for service** Level 6/179 Queen Street, Melbourne, VIC 3000  
(include state and postcode)

# Attn. Karl Sharp ☀️⚡ Your Premium Solar System Proposal ⚡RevoluSun Power

1 message

RevoluSun Power <vic@revolusun.com.au>  
To: ksharp@gmail.com

Tue, Apr 28, 2020 at 1:32 PM

Hello Karl,

I hope you are having a fantastic day!

**Thank you for your time on the phone and for discussing your solar system requirements.**

As discussed, below is our systems recommendations, together with additional info about the products used and the value we offer:

**6.6 kW Jinko 330W Mono PERC Panels + 5 kW Sungrow Inverter combo System: \$3,602 inc GST (After the VIC SOLAR \$1,888 Grant)**

**Minus - Victoria Solar Interest-free Loan: \$1,888 in GST**

Cash payment balance: \$1,714 inc GST

**Please note; The Victorian Solar rebate is subject to approval. Please refer to the attached document to find out about eligibility.**

**The quoted system includes the following;**

330W Jinko Mono PERC Split-Cell Panels, Sungrow SG5K-D Inverter, Clenergy Rail & Mountings, and Single Storey-Tile roof installation.

**- JINKO MONO panels: 12 years product warranty and 25 years performance warranty The Largest Tier-1 panel manufacturer & The only "positive Quality Certified brand in Australia"...**

**- Sungrow SG5K-D Inverter: 10 years warranty (5+5) world's Largest Inverter Manufacturer since 1997 & Australia's #1 Inverter brand with a Local office in Australia for prompt after-support...**

**- 10 years workmanship warranty**

## ABOUT REVOLUSUN POWER

**RevoluSun Power is a locally Owned & Operated CEC APPROVED SOLAR RETAILER, specialized in the highest quality products with market-leading service.**

### **Why choose a CEC-approved retailer?**

**The Clean Energy Council Solar Retailer Code of Conduct** is a voluntary industry code that ensures retailers adhere to ethical and compliant sales and marketing behaviors.

<https://mail.google.com/mail/u/2?ik=fc198e80b8&view=pt&search=all&permthid=thread-f%3A1665185657382306269&siml=msg-f%3A16651856...> 1/4

The code is **authorized by the ACCC**.

The code is designed to lift quality higher than regulations require.

It has strict requirements for pre- and post-sale activities, documentation and general business practices.

### The Main Guys - our Installation Teams and Suppliers

- The installation will be done by the Clean Energy Council accredited electricians and installers
- All responsibility for the system is taken by RevoluSun Power, a **CEC & SMART ENERGY COUNCIL MEMBER**
- We control the quality of all supplied components including frames, switches, and isolators
- Our range of components have been selected for their proven reliability and performance
- The Manufacturers have Australian offices with an excellent warranty and technical support

### The Value

- We guarantee the quality of our workmanship for a genuine 10 years
- Installation can usually take place in 2 to 4 weeks - no waiting months to start saving
- Price includes full installation and commissioning - no hidden costs or extra charges
- A deposit of 10% is all that is needed to lock in this offer (**No Deposit needed if opting for the payment plan**)

Please remember you are dealing with a **Clean Energy Council APPROVED RETAILER** who has made a strong commitment to good business practices and improving standards in the solar industry.

We pride ourselves on the quality of our workmanship and our customer service both pre and post-installation. We are the only company you will ever have to contact for service and support!

## Check out the independent Reviews by our customers [HERE](#)

**What do you need to do now?** Take advantage of our Special Offer and Call us on **1300 REVOLUSUN** (1300 738 658) or reply to this email with your confirmation to proceed.

**What happens next?** We will apply for approval with your Energy Distributor to ensure that it is safe to install a solar system at your property. Once we receive the approval you will be placed in the Queue for installation.

**Then what?** Nothing at all, just relax and we will take care of all necessary work to start you on the path to savings.

**Please let me know if you have any additional questions to help you make an informed decision.**

I look forward to speaking with you and having you onboard as another happy customer of the RevoluSun Power Family.

Kind Regards,



| **RevoluSun Power Pty Ltd**

**A:** 6/15 Nathan Drive, Campbellfield 3061 Victoria

**P:** 1300 738 658 |

04/05/2020

Email - Attn: Karl Sharp ☉ Your Premium Solar System Proposal #RevoluSun Power



PRODUCT REVIEW  
 ★★★★★ 4.8 from 43 reviews

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12 attachments

File Name	Size
Jinko pvel-publishes-2019-pv-module-reliability-scorecard.png	20K
approved-solar-retailer-consumer-flyer.pdf	1117K
CEC_CODEOFCONDUCT_CERTIFICATE.pdf	441K
Complaints Procedure-RevoluSun Power 2020.pdf	1464K
Jinko positive-quality.pdf	2289K
Fact Sheet-Victoria Solar Rebate.pdf	1579K
Sungrow S Plus 5 Years Warranty FAQs_V1.0.pdf	151K
Clenergy Mounting System.pdf	1902K
Tier-1 Panels List.pdf	1615K
SG3K4K-6K-D-2.pdf	306K
JinkoSolarCheetahC_JKM320.340M-60HB.pdf	2129K
Solar Proposal for Karl Sharp at 3058 VIC (VIC-6752-7906-1).pdf	448K

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