

Am I the only one?

How regulators can use
complaints data to help
consumers, businesses
and themselves



CPRC

The Consumer Policy Research Centre (CPRC) is an independent, not-for-profit, consumer think-tank. CPRC aims to create fairer, safer and inclusive markets by undertaking research and working with leading regulators, policymakers, businesses, academics and community advocates.

Acknowledgements

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Statement of Recognition

CPRC acknowledges the Traditional Custodians of the lands and waters throughout Australia. We pay our respect to Elders, past, present and emerging, acknowledging their continuing relationship to land and the ongoing living cultures of Aboriginal and Torres Strait Islander peoples across Australia.

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Introduction

Which businesses are most trustworthy? What problems am I likely to face when I make a purchase? And if I have a problem, how do I know if I am not the only one?

Many regulators in Australia have the answers to these questions in the data they hold, but often the information is not easily accessible or even made public.

This contrasts with the situation in many international agencies and other state and Australia-wide external dispute resolution (EDR) schemes. In Australia, ombuds tend to take the lead on publishing complaints data—the Telecommunications Industry Ombudsman (TIO), the Australian Financial Complaints Authority (AFCA), and the Energy and Water Ombudsman in New South Wales, Victoria and South Australia all make complaints data publicly available.

In looking at the range of practices of regulators and complaints bodies we found that federal and state agencies enforcing the Australian Consumer Law (ACL) publish scant information about complaints.

This is not the first report to look at ways regulators can improve how they publish data, however there has been little change.¹ Consumers still have limited access to data about the businesses they deal with or common consumer issues.

This report examines the benefits and challenges for public reporting of complaints, and outlines different approaches to publication. An assessment of each ACL regulator's approach is provided, together with recommendations for best practice. Although this report focuses on the data held by regulators relevant to the ACL, its findings can be easily applied to data about the rental market and to other regulators that collect information about consumer experiences in telecommunications, therapeutic goods or food markets.

This report was completed through research and analysis of publicly available information, as well as consultations with Australian consumer protection agencies.

Key insights

Publishing complaints data can:



Improve business practices and markets as industry responds to public signals about where improvement is needed



Help regulators and other public bodies with limited resources to set priorities based on data about major problems and trends



Help academics, consumer groups and other interested parties to study trends



Help governments and decision-makers to make better quality decisions based on stronger evidence about the challenges consumers face



Facilitate informed consumer choice because people can identify businesses with fewer complaints or problems



Of the consumer law regulators within Australia, NSW Fair Trading, and to a limited extent Queensland Office of Fair Trading, have better developed approaches to publishing complaints and contact data.

All ACL agencies could develop and improve their data publication practices.

What is best practice data publication?

Our analysis found that approaches to publication of consumer complaints are most useful when:



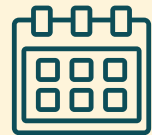
Data is comprehensive—inclusive of the name of the business, industry, product, service and issue a complaint relates to, as well as the number of complaints received



Data is published in a variety of formats, including CSV or Excel files, interactive tables and written reports



Publication is frequent, occurring quarterly or monthly



Publication is consistent, with the same data released in each wave allowing comparisons over time



Data is usable (can be utilised in different ways by a range of audiences)



Data is highly accessible



The publication of minimal data in agencies' annual reports does not provide sufficient information and is not a recommended approach.

Ideally, raw data is published together with headline analysis, recognising that conducting analysis can be resource intensive and may delay publication, so need only be done periodically.

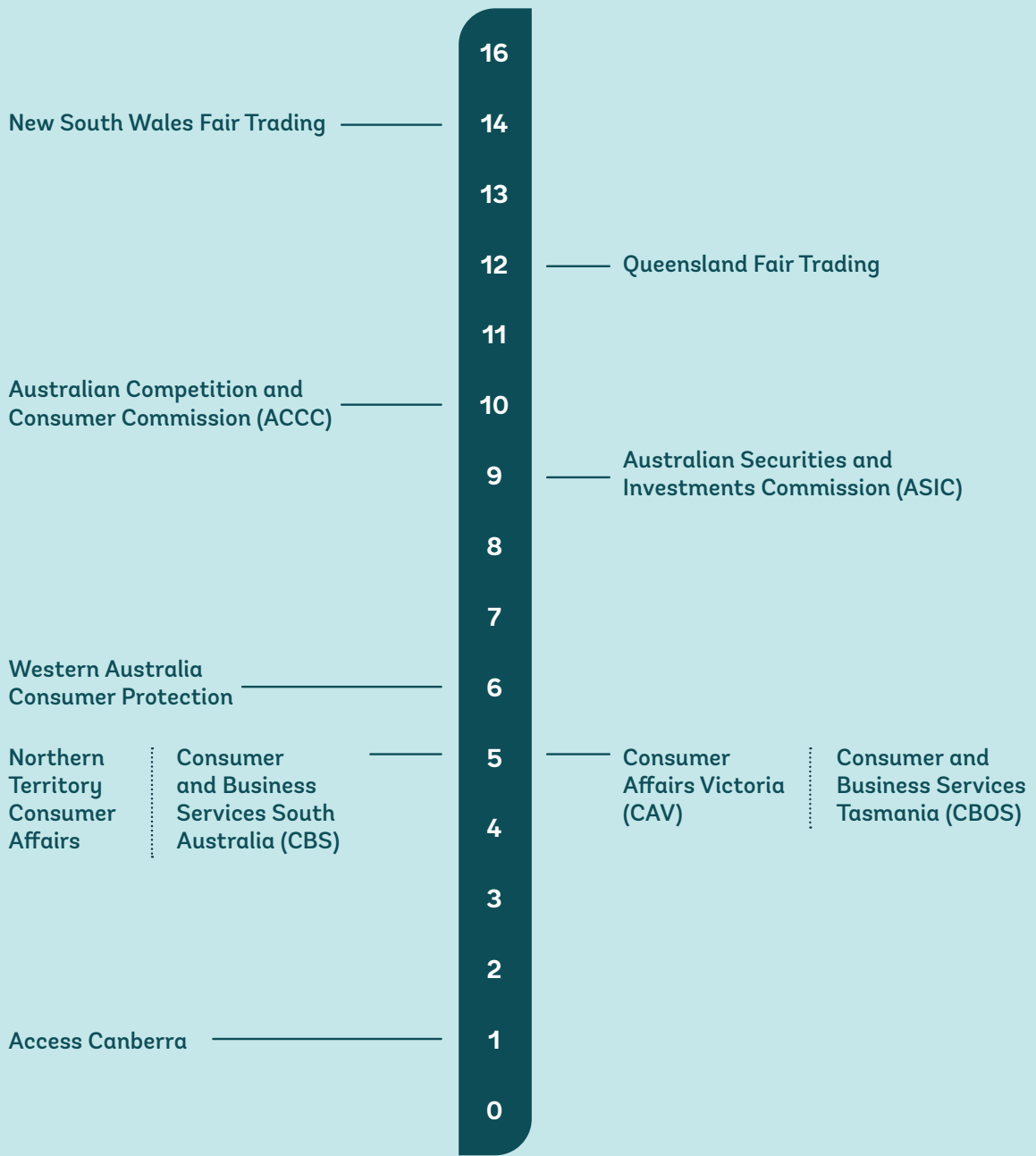
The interactive dashboard is considered exemplary practice. The searchable database, league table and regular reports on data trends are also useful approaches, which are more valuable when regulators combine these approaches.

Assessing the performance of each regulator

The scale below ranks Australian consumer protection agencies according to their current practice of publishing consumer complaints data when compared with the best practice approach. These rankings were developed through research and analysis of publicly available information, and through consultation with regulators.

A scoring rubric outlining the basis for each ranking is available in Table 3, followed by a detailed overview of the assessment of each regulator’s approach to publishing consumer complaints data.

A variety of data is published across multiple formats, and is frequent, consistent, usable and accessible



What's the next step for regulators?

Regulators should publish more complaints data, more often

Publishing relevant and comparable data on complaints is achievable across all ACL agencies.

Resourcing is essential to enable regulators to further develop their approaches to data publication. Consultation with ACL agencies highlighted that state and territory regulators are dependent on resourcing and direction from government, including ministerial priorities. Some agencies are also constrained by having their website nested within a broader government service website, which potentially makes these agencies less visible and more difficult for consumers to locate.

A commitment from government to establish a nationally funded, comprehensive ACL database of reported complaints data would be a significant improvement. However, state and territory regulators should not delay action while waiting for a national initiative. The OECD's GlobalRecalls portal is a prominent best practice example of what Australia can achieve. Implementing and maintaining such a database would help regulators of different sizes with varied resources to attain consistency across Australian jurisdictions.²

The following guide lays out tangible steps that can be taken by each regulator to publish more complaints data (see Table 1). The table takes into account the different jurisdictional settings and contextual factors, such as varying degrees of resourcing, and different starting points regulators are beginning from when looking to do more. Ideally, regulators would progress through each tier over time towards an effective and best practice approach to data publication.

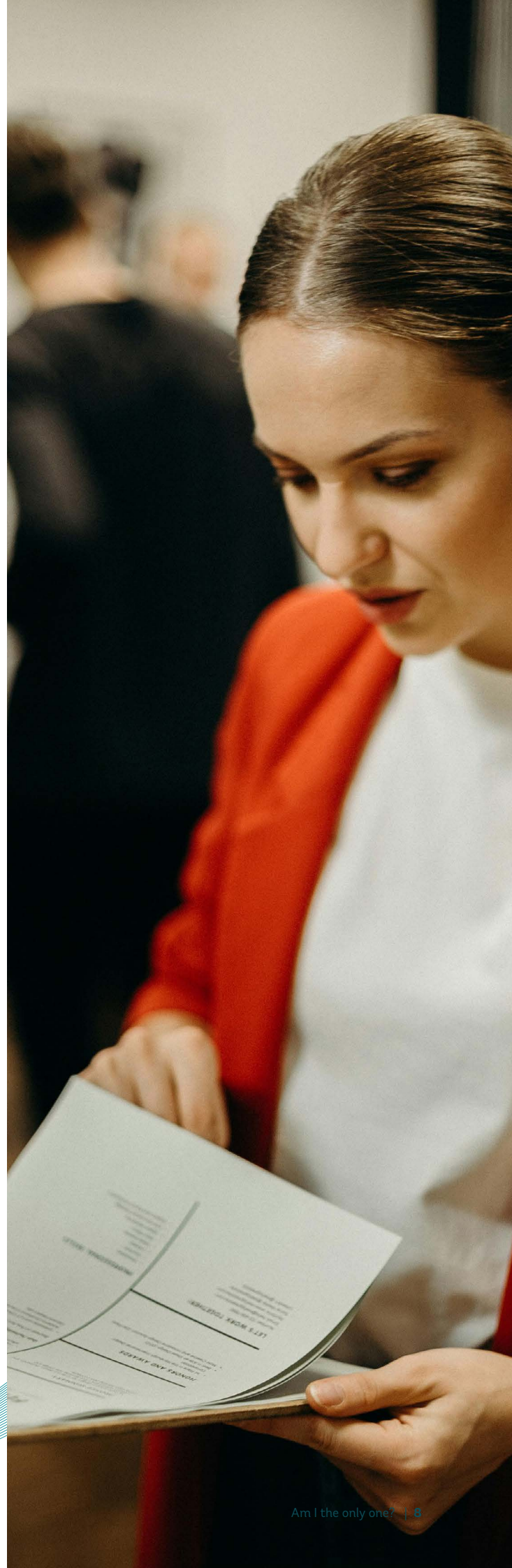
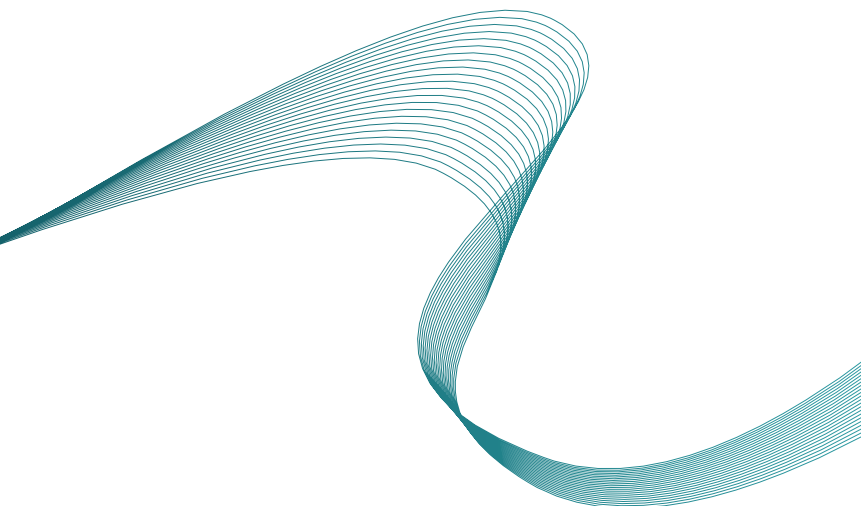


Table 1. How regulators can improve data publication practices

Minimum standard: Publication of key metrics in a variety of formats

A. At a minimum, all regulators should publish key complaints metrics and contact data consistently and frequently. Publication of the number of complaints made (contacts) is well established as a meaningful indicator across numerous schemes, sectors and countries.

Publishing key complaints and contact data on a regular basis would be an excellent first step for Access Canberra, which does not currently publish complaints data.

B. ACL agencies should publish complaints metrics and analyses in addition to their annual reporting processes.

There is significant scope for agencies currently publishing minimal data to highlight emerging trends and issues in consumer complaints more frequently and consistently.

At this step, published data could be in aggregate and in the form of a regular report. This may not involve naming businesses, although there is great power in naming companies that are the source of many complaints. Reports could focus on key issues and trends in data, like sectors causing the greatest number of complaints or the nature of complaints. We suggest data be published on a quarterly basis, following the steps of numerous Australian ombuds schemes. The Australian Energy Regulator, for example, publishes quarterly data on complaints made to energy retailers, as do ombuds schemes in energy, water and financial services.³

This step is directly applicable to CAV, CBS SA, CBOS Tasmania, NT Consumer Affairs and WA Consumer Protection.

Intermediate standard: Reporting of additional metrics for added context

A. Agencies publish data beyond an aggregate level, including:

- industry
- name of business
- product or service type the consumer law problem experienced (what the complaint relates to, e.g. right to repair, refund or exchange, consumer guarantee, unfair trading or customer service)
- steps taken by the regulator to assist consumers with reported complaints
- details of the outcome or resolution of the complaint reported to the regulator, where available.

While the inclusion of each metric outlined above would be a big improvement, the publication of a combination of any of these metrics would be beneficial.

Reporting on quantitative data in combination with high level analysis would be excellent practice.

This stage is recommended as a next step for all agencies to implement to varying degrees, noting that NSW Fair Trading already publishes a lot of this data.

B. Regulators publish detailed data as outlined above, on a regular and consistent basis.

This is recommended as a next step for the ACCC and ASIC which publish some of these data but in an ad hoc way that makes it difficult to compare trends over time.

Ideal standard: Development of interactive tools for accessible and usable third-party analysis

Publish data to enable in-depth analysis of broader trends, and the analysis of data for third parties.

This stage could involve each agency developing a model like that of the AFCA Datacube, featuring sophisticated, downloadable spreadsheets, and containing raw data alongside key oversights, to enable the analysis of data by third parties such as researchers and academics.

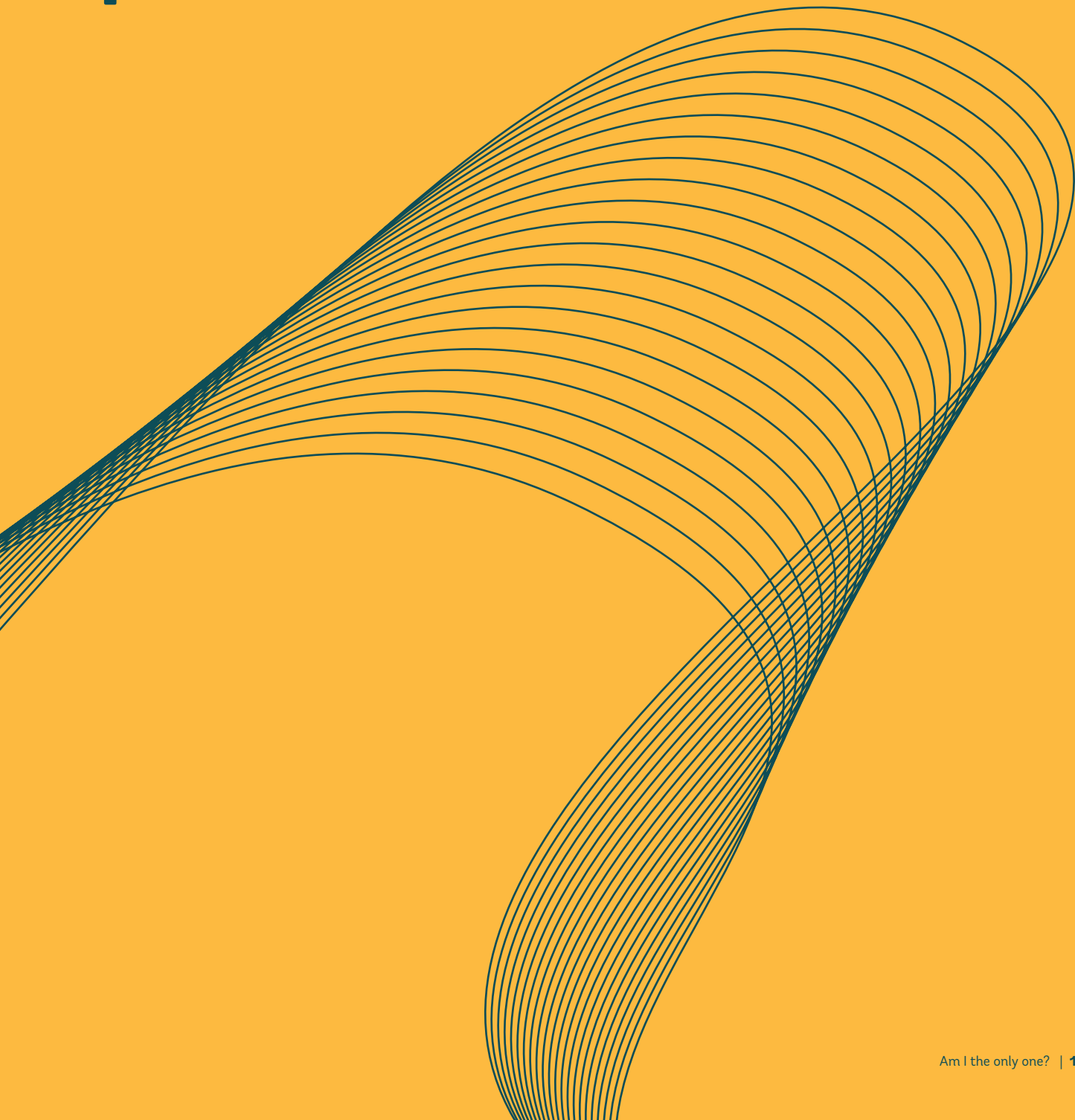
Each agency could develop a regulatory data strategy and policy that considers the role of data in supporting compliance and consumer empowerment.

Publication of data could be via a dashboard listing every complaint in a searchable database and incorporating contextualised data, where available, to account for the size of businesses and enable comparisons.

*This would be an applicable next step for NSW Fair Trading and Queensland Fair Trading **which are the entities with the most developed approach to data publication in Australia.***

PART 1

The case for data publication



The case for publishing complaints data in Australia is not new. Over the last decade, there has been a growing commitment by the Australian Government to publish public sector data in a streamlined way, both in the interests of consumers, as well as for market growth.⁴

For this report a complaint is understood to mean any issue relating to a market or individual business communicated by a consumer to an ACL agency, in line with the Australian/New Zealand Standard AS/NZS 10002:2022 Guidelines for complaint management in organisations definition:

“

Expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.⁵

In many of these instances the consumer will be looking for their problem to be resolved, or at least looking for advice about their rights. However, consumers also often raise issues with consumer protection agencies to ensure that other people do not have the same negative experience. Without public data on complaints, there is no way for a consumer to know if they are the only one experiencing a problem.

Why publish complaints data?

Publishing complaints data is beneficial for consumers, regulators and the market as a whole. Publishing complaints can:

- promote consumer education, protection and informed choice
- improve markets and business systems
- better equip regulators to set priorities and optimise (often limited) resources
- help identify emerging trends by locating specific sectors, issues and products causing issues
- make regulators and businesses more accountable.

The key benefits to publication are explored below.



Transparency of complaints data promotes informed consumer choice

Publishing complaints data helps consumers choose between different businesses on the basis of quality, as well as price.

Consumers are increasingly overwhelmed with information on products and services that help shape their purchasing decisions. Ultimately, consumers rely on information that is publicly available and accessible when deciding on a purchase or service provider.

The Ramsay Review of internal and external redress in financial services concluded that increased transparency alongside comparability, facilitated through public reporting, both better informs consumers and improves processes and outcomes.⁶ In 2016, the Productivity Commission further highlighted the risks associated with data opacity in inhibiting consumer choice:

“

Public sector data collected in the provision of services and regulation of industries is, more often than not, inaccessible to members of the public ... [this] impedes consumer decision making by preventing the public from obtaining information that could help them make the best choice among service providers.⁷

Publishing complaints means consumers will not only be able to make informed purchase decisions but will also be better informed about their ACL rights. CPRC research has found that many consumers are unaware of protections offered under ACL. Survey findings in relation to consumer guarantees revealed that many people accepted that a business would not help them outside of the short manufacturers' warranty period.⁸

Helps improve businesses and markets

It is not just consumers who reap the benefits from increased transparency through the publication of complaints. Many businesses also seek data on how their performance compares with their competitors.

Publication of complaints data can create positive competitive tension within industries by providing information about the quality and performance of different service providers and products.

One example of publication encouraging improved business practices comes from the UK-based customer service business Resolver. The platform not only helps consumers lodge complaints and makes it easier for businesses to deal with complaints, but also allows businesses to identify markets from the data and insights produced as a result.⁹ According to the company:

“

Resolver has one of the biggest data sets covering the issues that consumers seek help with in practically every sector in the UK. Therefore, Resolver Data allows you (businesses) to access extensive and actionable insights into how other brands in your sector are performing.



Effective for regulatory strategy, priorities and decision-making

Use of data and evolving technologies also presents significant opportunities for regulators.

The UK has seen a growth in the use of ‘reputational regulation’, with complaints being publicised to both empower consumers and drive business performance improvement in a way that is positioned as being part of a better regulation agenda.¹⁰ Regulators publishing data can send strong signals to businesses to address problems. Done effectively, data publication can encourage competitive tension around customer care and complaints, helping to focus business attention on the efforts needed to reduce complaints (discussed in detail above).

Businesses can then identify areas for improvement and innovation, while being more aware of the importance of managing their reputation by addressing customer concerns promptly and effectively. In effect, public complaints data can create reputational pressure on businesses to maintain high standards and avoid negative feedback from their customers. This awareness can motivate businesses to implement proactive measures to prevent and resolve issues before they escalate, and resolve complaints effectively while stopping them from recurring.

A review of the first few years of the NSW complaints register¹¹ noted a change in behaviour of businesses named in the register, as well as finding a high level of satisfaction among users, and fairly steady engagement with use:

“

There were 51 grouped traders that had more than 10 complaints a month for at least one month between November 2014 to June 2016. Out of those, 42 saw a decrease in the number of complaints against them in the 20 following months. This suggests that the register acted as an incentive for these businesses to improve their customer service and/or complaints handling processes.

Through effective data use, regulators can manage risks and effectively collaborate with one another to optimise processes and minimise time and cost burden. Indeed, various competition agencies including the ACCC now have data units with increasingly sophisticated capabilities.¹² Publishing existing complaints data would be a light-touch business intervention that would represent regulatory innovation consistent with wider aspirations for increased transparency among regulators.

Critical for identifying emerging trends

Publishing complaints data is crucial to uncover and understand emerging trends, including what products and services are causing problems for consumers, and what issues are resulting in customer need for redress.

Having examined practical examples internationally, the Ramsay Review of internal and external redress in financial services concluded that increased transparency in internal dispute resolution (IDR) reporting can enable financial firms and ASIC to identify trends over time, as well as provide evidence to ASIC on emerging issues.¹³ Case study 1 from the UK, exemplifies how considered compilation of complaints data can highlight emerging trends and prompt action from regulators:

Case study 1

The Competition and Markets Authority's (CMA) (UK) approach to tracking complaints to identify emerging trends

[Following the introduction of COVID-19 regulations and a lockdown] the CMA needed up-to-date information and intelligence on where there were problems to be tackled, such as companies not meeting their obligations to consumers. We launched a webform to collect complaints. In order not to limit the topics of the complaints, many fields of the form were free text boxes...

The CMA needed to understand what was in each complaint—the issue, the company, the sector. Creating a data pipeline allowed us to take in the complaints [data] from the webform, perform many steps to clean them, infer their content and turn text into actionable data, using machine learning...

The data pipeline allowed weekly (or more frequent) internal reporting on the key markets and firms that people were worried about, and it allowed us to track these issues over time as the pandemic evolved. It led specifically to the launch of several consumer enforcement cases and enabled us to work out which sectors and traders to prioritise. And it allowed us to check that complaints had significantly decreased after our interventions.

Stefan Hunt, former Chief Data and Technology Insight Officer at the CMA in the UK, on how his team supported the CMA's COVID-19 Taskforce in 2020.¹⁴

Intrinsic to promoting accountability

Publishing complaints helps keep regulators and businesses accountable.

The federal government's Regulator Performance Guide identifies best practice regulators as being transparent, open and responsive to feedback.¹⁵

The former UK regulator, Dame Suzi Leather, also agrees that there is a need for regulators to be open in their practices as a default.¹⁶ Knowing how regulatory agencies respond to the publication of information on complaints and concerns also means businesses can make adjustments and reduce the risk of future regulatory intervention.

Publishing data allows stakeholders to assess how an agency is using its evidence base to inform its priorities. Interested parties can also judge the robustness of the agency's analysis and actions on particular issues, creating an opportunity to challenge.

What's the downside of publishing complaints data?

Compared to ombuds schemes, it can be more challenging for regulators to publish data on complaints. Regulators operate across multiple sectors, dealing with international businesses and a wider range of legislation. They may not have access to the types of information available to ombuds schemes, such as total number of businesses in a market or the size of those businesses. Regulators are also less likely to know whether a complaint has been resolved or how.

The main arguments opposing publication of complaints data among businesses and regulators are concerns and questions about:

- **fairness around naming businesses**
- **incomplete data and difficulty sourcing contextual data**
- **accuracy of data**
- **resourcing constraints.**

Fairness around naming businesses

In smaller jurisdictions there may be a reluctance to publish business names due to concerns the market is inherently smaller, making it easier to identify individual businesses. Naming a business can certainly have powerful implications and should only be done when sufficient data verification and checking processes are in place. This concern links to one of the strong reasons to publish data in the first place: the act of naming businesses is powerful and has the potential to create changes in behaviour.

Incomplete data and difficulty sourcing contextual data

Some businesses and regulators have concerns that consumers may not interpret complaints data in the context of the size of the jurisdiction, or the size of the business. Publishing data may disadvantage larger businesses as they tend to receive higher volumes of complaints compared to smaller businesses.

Contextualising the data (e.g. representing the number of complaints as a proportion or per thousand sales), is one way ACL agencies can deal with this concern. For this approach it is essential that ACL agencies have access to the necessary information, which may not always be the case. Unlike ombuds schemes, state regulators are unlikely to have verified information about the size of a specific market or of the businesses receiving complaints, making it difficult to present accurate contextual information.

In the Ramsay Review of external dispute resolution and complaints arrangements in financial services, the Australian Bankers' Association suggested that metrics need to take into account the business context and the size of the business (such as the number of customers and volume of transactions), and present the IDR statistics as a percentage rather than raw numbers only.¹⁷ The final report of the review did not take a position on this, leaving it to ASIC to decide what and how it should publish this data. However, it suggested that reporting should be aggregated and comparable for the benefit of ASIC, consumers and industry.

Regulators often only know about the issues raised by consumers and not the resolution, prompting concerns about incomplete data. In some instances, limited funding for regulators impedes their capacity to effectively collect and record data, and to invest in technology to assist with and enable publication.

Challenges arising from incomplete data or a lack of contextual data are not insurmountable. Acknowledgement of challenges should shape how information is presented, especially to consumers, but not prevent the publication of data in the first place. As explored in the next section, there is also value in publishing the information collected by consumer regulators about the issues presented in complaints, potentially without business names.

Accuracy of data

Consultation with regulators revealed some agencies are resistant to publishing complaints data owing to concerns about the inaccuracy of data. Multiple regulators do not consider their current internal data collection, categorisation or coding processes to be of a sufficient standard. Without reliable data systems (which will be challenging and resource intensive to reform), these agencies are hesitant to make a commitment to publishing more data.

NSW Fair Trading acknowledges that accurately publishing data on consumer complaints is highly dependent on the quality of the data systems that back it up. As an example, distinguishing between consumer enquiries (contacts) and complaints through a triage process, and coding data to capture the specifics of what a consumer is complaining about, are important aspects of setting up any model. NSW Fair Trading's reflection is an important lesson for other ACL agencies aiming to publish more data on complaints.

Creating accurate datasets requires clear systems and some technology to support the process. However, we note that regulators with better practices are doing well with extremely limited resources and, in some cases, quite old technology.

Resourcing constraints

To improve their data publication practices, some regulators require 'people power' as well as resourcing to support development and delivery of modern technologies. Some regulators need to 'overhaul' their data collection system, which would be resource intensive and require staff training, policy development and other investment.

Several regulators emphasised that adequate resourcing and clear direction from government and relevant ministers are essential for setting up better data hygiene practices.



Ultimately, the benefits of publication far outweigh the perceived negatives

The NSW complaints register review¹⁸ also notes an academic study on the US Consumer Financial Protection Bureau (CFPB) complaints database,¹⁹ which found that publishing identified complaints data has a positive impact on the complaints management and customer relationships of businesses.

The UK Office of Rail and Road reported that publishing complaints data has enabled train operators to measure the success of their operation as a business, while offering consumers the ability to compare across operators.²⁰

An openness to data publication means regulators can work towards addressing complaints while also keeping businesses accountable.

PART 2

Approaches to publication

There are many ways to classify and publish data about consumer complaints. This section considers the different approaches for publishing consumer complaints data.

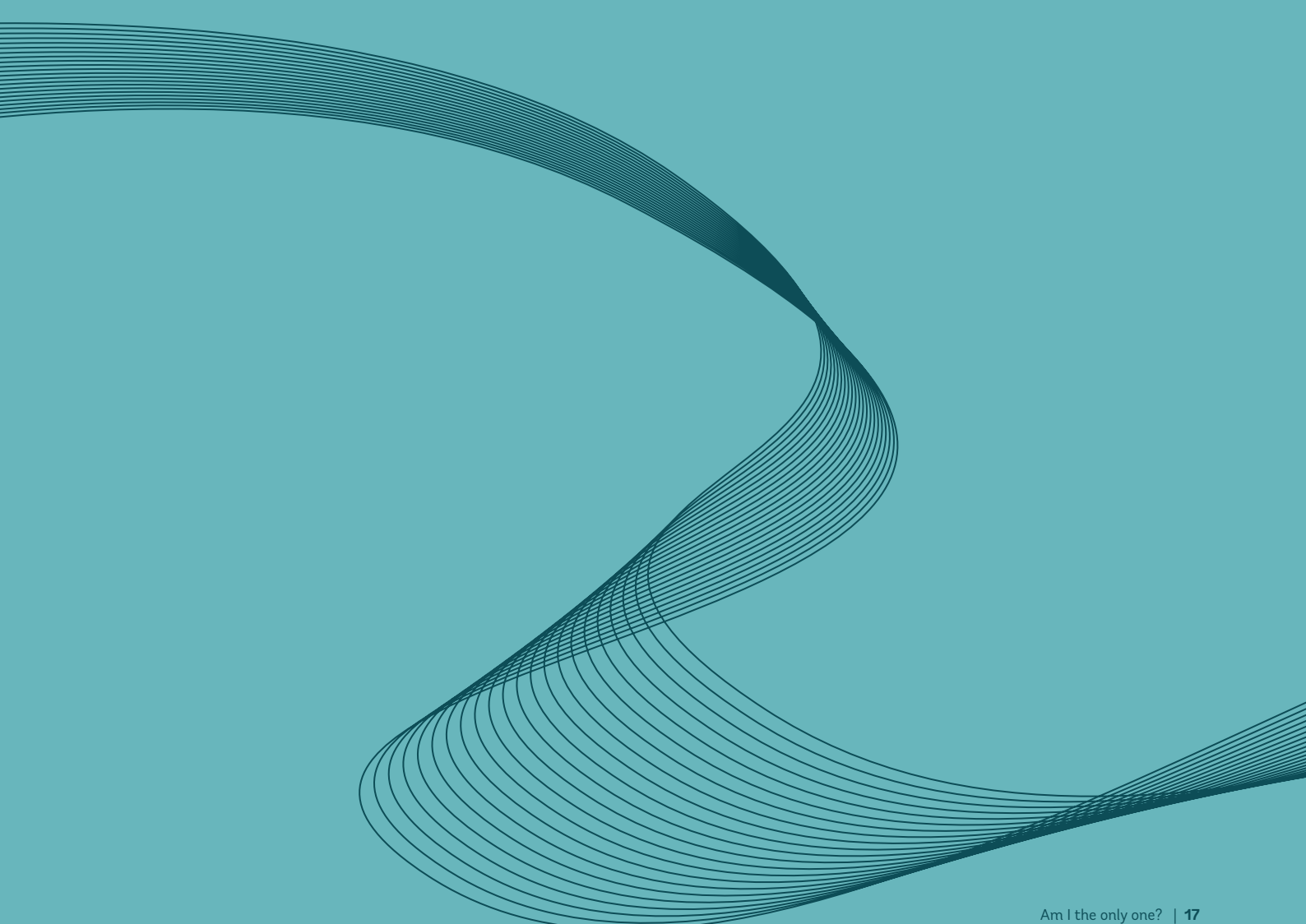


Table 2. Primary factors to consider when publishing data

Factor	Description
<p>Type of data published</p>	<p>What data is included in the publication? Will data cover the type of issue, the industry, business, service? And will it name the actual or type of product a complaint relates to? Will it address the problems raised, the advice provided and/or the resolution of the complaint?</p> <p>In choosing what type of data to publish, regulators should be mindful of the impact that different data can have:</p> <ul style="list-style-type: none"> • Data about issues or problems in markets assists researchers, regulators and governments to identify trends and explore reform ideas. It provides limited guidance to consumers. • Data about specific businesses helps consumers to make informed choices and allows regulators to encourage better behaviour in markets through reputational regulation. <p>Any public body releasing complaints data also needs to decide whether data publication is limited to complaints upheld, or reflects all complaints and contacts made.</p> <p>Many consumer protection agencies are contacted by consumers with a complaint at a relatively early stage in the complaints process. The agency may not hear from that consumer again to understand the resolution or even whether next steps were taken. Data about issues raised with a regulator are more easily available than data about the resolutions, which may require connections into tribunals or other bodies.</p> <p>More benefits are realised when more data is released. For this report we have applied a higher rating to organisations that release more data types.</p>
<p>Publication format</p>	<p>How will the data be presented? Will it be in the form of:</p> <ul style="list-style-type: none"> • a written narrative (insights or analysis pertaining to the data)? • static graphs (e.g. list, league table)? • interactive graphs (e.g. dashboard)? • raw data files? <p>Ideally, publication formats should be highly informative.</p> <p>Interactive graphs are an excellent tool for consumers, while static graphs and written narratives can also provide consumers with helpful information.</p> <p>Data released for research or analysis purposes can be presented in raw formats with less effort required to translate the information for these expert audiences.</p> <p>It is difficult to favour one or the other, as both approaches have been criticised for either imposing a view on what the data means or leaving consumers struggling to make sense of what can often be cumbersome datasets.</p> <p>Five examples representing publication formats are described and discussed in Part 2 of this report in the section 'How is data published?'</p>

Table 2. Primary factors to consider when publishing data (continued)

Factor	Description
Frequency of publication	<p>How often will data be updated for publication?</p> <p>Approaches that list all complaints tend to feature regular updates to the database, whereas approaches based on a league table or company-specific reporting, or involving detailed analysis, are generally released quarterly or annually. The more often data is published, the more up-to-date are the insights that can be drawn.</p>
Consistency of publication	<p>How consistent is the publication of data?</p> <p>Is it the same each year or different from one year to the next? Inconsistency prevents comparability over time. This can make it more difficult for consumers to find answers and other stakeholders to compare trends.</p>
Usability of data	<p>Is the data that is published easy to use, and can it be downloaded in raw format?</p> <p>While headline data covering key insights is useful, the availability of complete data (such as in a downloadable CSV file), enables deeper analysis.</p>
Accessibility of data	<p>How easy is it to find data?</p> <p>Data presented only in an annual report, or not easily findable on a website, presents barriers to accessibility.</p>



Secondary factors for consideration

Contextualisation of data to compare businesses

Contextualising data makes it easier to compare complaints made across different businesses. Complaints can be grouped according to market, or by other contextual information such as the size of the business or its customer base. Contextualising data means users can derive greater and more specific meaning from it. It also makes the information more engaging and interpretable.

This approach is the most meaningful method for comparison between businesses of different sizes, so it is valuable to consumers who are choosing between a relatively small number of businesses within a market. Data should be clearly presented and engaging, so it is relatively easy to see trends, even when a business is growing (or shrinking) quickly.

Contextualising data requires access to reliable and standardised data and is only likely to work when a regulator has access to this data, for example, through a licensing regime. This approach is likely to be highly effective when combined with other approaches, such as the publication of raw data for further analysis.

Contextualisation (also referred to as normalisation) is the exception rather than the rule in publication schemes. For example, NSW Fair Trading's examination of 25 schemes across 7 countries, showed that only 6 schemes contextualised data.²¹

Ofcom²², Ombudsman Services²³, and Citizens Advice (see case study 9) in the UK all publish contextualised data. Each of these organisations present comparative data as the number of complaints per 10,000 or 100,000 customers.

Ability for businesses to comment on complaints data

Some businesses may wish to provide context for a specific complaint or for issues raised in batches of complaints. This becomes more relevant when information is released about individual complaints rather than trends in complaints received. Some agencies, such as the CFPB and Consumer Product Safety Commission (CPSC) in the US, publish a database of every complaint, and also publish the company's comment alongside the original complaint. This is a very resource-intensive approach for regulators and businesses, often adding little additional useful information for consumers.

Publication of historical data

Databases that include every complaint tend to have no time restrictions (i.e. every case is published since the database was established). More managed publication options may have a cut-off point, with data only available for a set number of years.

Data verification and checking

Verification by the publishing body of the accuracy of complaints received again introduces resourcing considerations. Some forms of verification can be intensive, such as confirming the identity of all complainants and the issue with a business.

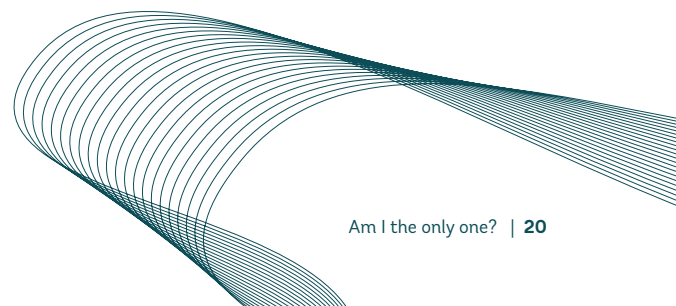
To mitigate this, publishing bodies could use strategies to consider or verify only 'high risk' complaints received, such as a spike in complaints received with no clear cause or with potential connections to competitors. Alternatively, publishing bodies could publish all data with clear information or caveats about the nature of the data released—for example, although there have been no detailed checks of the data, it is indicative of trends in complaints received.

Data source

Is the data presented and collected by a consumer protection agency the only data? Or is additional data collected from industry or other sources?

One approach involves a regulator that has mandated businesses to report data on complaints made to the business. This is then typically published both on the relevant business' website and by the regulator.

This is the approach taken by the Australian Energy Regulator²⁴ and the Essential Services Commission Victoria²⁵ under the National Energy Retail Law. International examples include Ofcom²⁶, Ofgem²⁷, the Office of Rail and Road,²⁸ Consumer Council for Water²⁹ and the Financial Conduct Authority³⁰ in the UK.





How is data published? Approaches in practice

Five distinct examples (in order from best practice to suboptimal) of how data is published are explored in detail in this section:

1. **Interactive dashboard**
2. **List of every complaint in a searchable database**
3. **League table of most complained about businesses**
4. **Regular report identifying trends in data**
5. **Inclusion in agencies' annual reports**

The publication of minimal data in agencies' annual reports does not provide sufficient information and is not recommended as an approach.

Ideally, raw data is published alongside headline analysis, recognising that analysis can be resource intensive and may delay publication, so need only be done periodically.

Our analysis finds the interactive dashboard approach represents exemplary practice. The searchable database, league table and a regular report on data trends are also effective approaches, which would be strengthened further if combined.

1. Interactive dashboard

The interactive dashboard is a leading example of an effective approach to complaints publication. The dashboard approach is an interactive, engaging, accessible and easy-to-navigate way of publishing complaints data. It can allow assessment of individual businesses and identification of wider trends. The dashboard approach also allows consumers, as well as other parties such as academics and stakeholders who use data for research, to locate the information they are most interested in.

While the dashboard approach is likely to be costly to establish and maintain, and can require contextual data about the size of a business or sector that may be unavailable to some regulators, it fulfils most requirements in terms of accessibility and outcomes.

Examples of this in practice include the AFCA Datacube,³¹ (see case study 2) the CFPB³² (see case study 3) and, to an extent, the Victorian Energy and Water Ombudsman (EWOV) data hub.³³

Case study 2

Australian Financial Complaints Authority Datacube

See: <https://data.afca.org.au>

The AFCA Datacube is a discrete website containing data on complaint types, outcomes and causes, as well as the steps being taken by financial firms to deal with complaints. Updated every 6 months, it provides an engaging visualisation of the data. It can be searched by firm, location and product, and contains historic comparisons, information about the different stages at which a firm resolves complaints, as well as comparisons between firms operating in the same market, such as banks.

The AFCA Datacube is exceptionally well-presented. It is the only model comparable to the approach taken by the CFPB in the US.

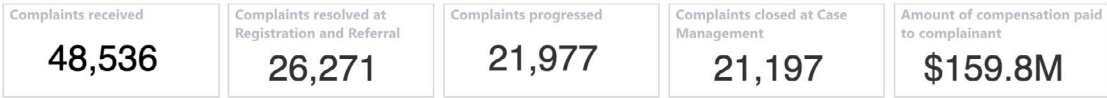
Case study 2 (continued)

Select period 01/07/2023 - 31/12/2023

All members selected

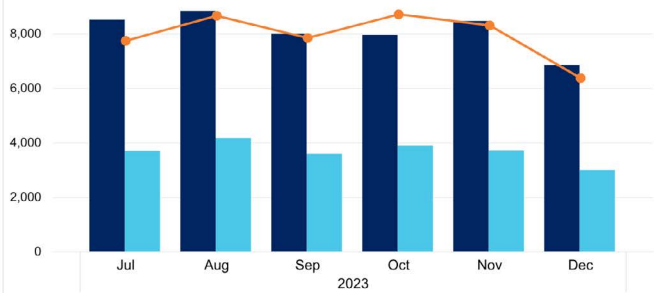
Legacy Complaints

All

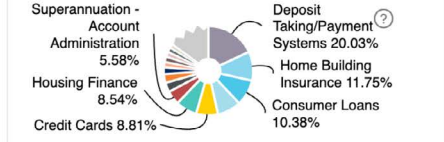


Complaints in the current period

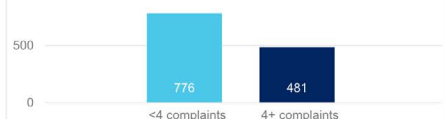
Complaints received (dark blue), Complaints progressed (light blue), Complaint closed at reg and case management (orange)



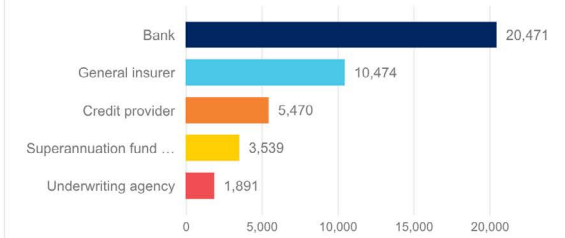
Complaints progressed by product group



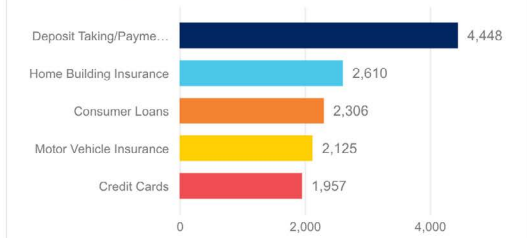
Number of firms for reporting threshold



Complaints received by top five financial firm type



Complaints progressed by top five product groups



Select period 01/07/2023 - 31/12/2023

All members selected

Legacy Complaints

All

Primary business

All

Business size

All

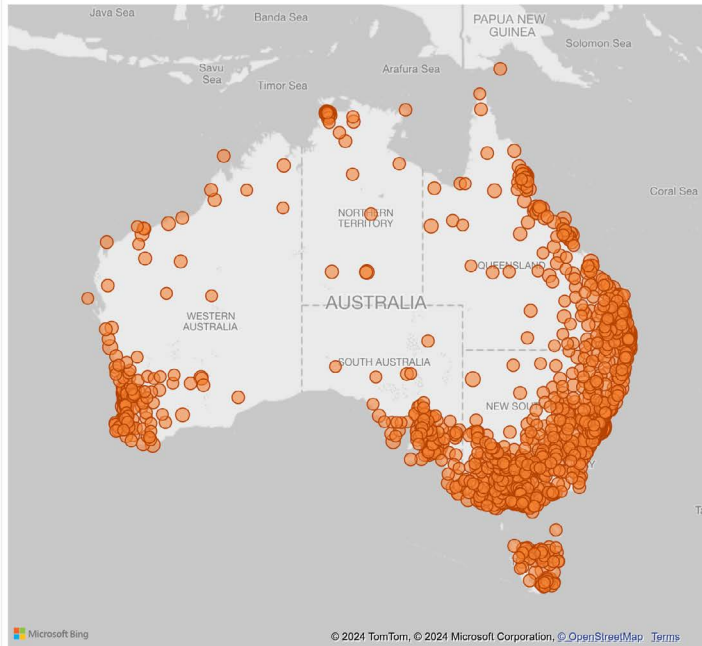
Product group

All

Product

All

Complaints received by postcode

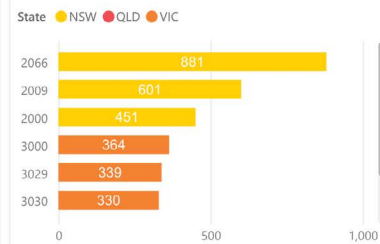


310

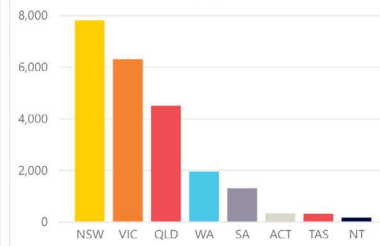
International complaints progressed

Number of complaints originated from outside Australia

Most affected postcodes



Ranking by state



Case study 3

Consumer Financial Protection Bureau (CFPB) (US) Complaints Database

(See <https://www.consumerfinance.gov/data-research/consumer-complaints>)

The CFPB receives thousands of complaints each week, which it then sends to businesses for a response. It publishes these complaints after the company responds or after 15 days, whichever comes first. As at August 2024, the database has registered 5,957,060 complaints since 2011. Data can be searched by company name, product, date range and location, and by how the company responded to the complaint. The database displays trend data and presents information as a list or on a map. This includes contextualised information in the form of complaints per 1,000 residents.

The database also includes the narrative text provided by the consumer, if the consumer has agreed to this. This text is searchable, covering 1.2 million cases.

The full data, or the results of a particular search, can be downloaded as a CSV or JSON file for further analysis. There is also an application programming interface (API) allowing developers to build their own tools for interpreting the data.

A detailed breakdown of complaint numbers, responses from companies and types of complaints and issues received by the CFPB is also provided in its annual report.

9804890

Date CFPB received the complaint
8/15/2024

Consumer's state
CA

Consumer's zip
93612

Submitted via
Referral

Tags

Did consumer dispute the response?
N/A

Company information

Date complaint sent to company
8/15/2024

Company name
WELLS FARGO & COMPANY

Product
Credit card
Sub-product: General-purpose credit card or charge card

Issue
Problem with a purchase shown on your statement
Sub-issue: Credit card company isn't resolving a dispute about a purchase on your statement

Consumer consent to publish narrative
 N/A

Timely response?
 Yes

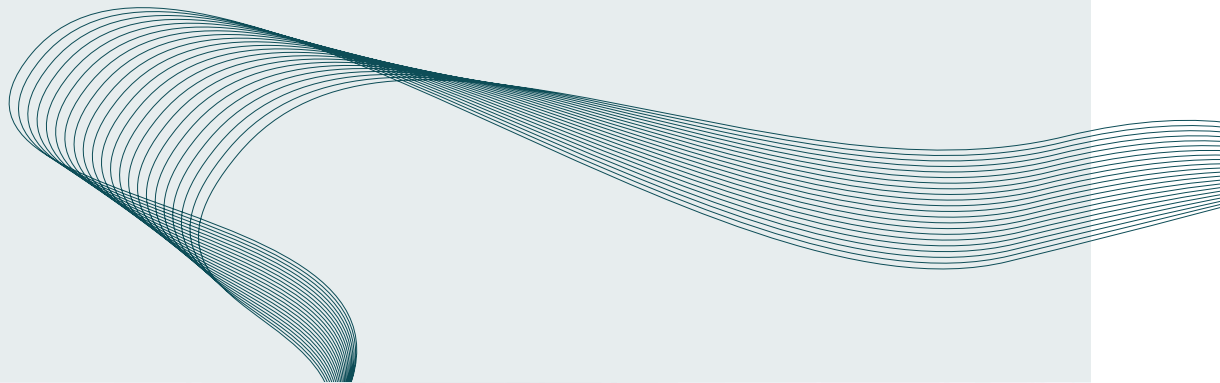
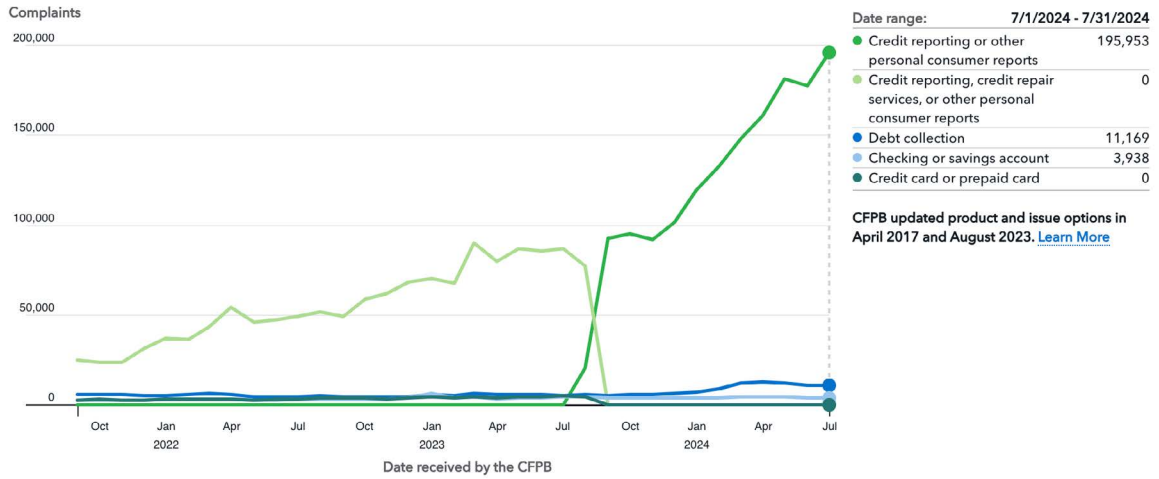
Company response to consumer
Closed with explanation

Company public response
Company has responded to the consumer and the CFPB and chooses not to provide a public response

Complaints by date received by the CFPB

A time series graph of the (up to five) highest volume complaints for the selected date range. However, you can view all of your selections in the bar chart, below. Hover on the chart to see the count for each date interval. Your filter selections will update what you see on the graph.

Note: Data from incomplete time intervals are not shown



2. List of every complaint in a searchable database

The searchable database approach is a comprehensive and transparent way of publishing information on complaints data. The details of every complaint made about every business are made available and in machine-readable tables, making it easy for third parties to extrapolate raw data on the specific information they require.

The searchable database is generally updated on a near-daily basis, and is effective for finding complaints on specific issues or involving a particular company (provided the search engine works well). The approach builds on what the agency is likely to be using internally and can be useful for public interest groups and research institutes that may want to conduct further analysis through their own analytics tools.

Barriers to this approach include the need for proficient software and an excellent search engine, which may involve additional investment. This approach may also be less accessible to consumers as the scale of the database may feel overwhelming, with no analysis of the data to help audiences identify trends. It is also not contextualised by customer numbers.

The searchable database approach is currently utilised by multiple US regulators and consumer protection agencies, as shown in case studies 4, 5 and 6.

Case study 4

Office of Consumer Protection (OCP), Hawaii—Complaints History Search site (See <https://web2.dcca.hawaii.gov/ocp/#/search>)

OCP provides a searchable database of complaints filed with OCP against individuals and companies who have provided goods or services in the State of Hawaii for which a professional or vocational licence is required.

A consumer can look up a particular business through the database, although little information is provided about the specifics of a complaint other than an outcome such as a fine.

The screenshot displays the 'COMPLAINTS HISTORY REPORT' page for GLAXOSMITHKLINE LLC. The page header includes the OCP logo and the text 'Office of Consumer Protection DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS'. The report title is 'COMPLAINTS HISTORY REPORT' with a 'CURRENT AS OF 20/08/2024' timestamp. A search bar contains 'New search' and a 'Print' icon. The 'SUMMARY OF NAMES' section shows 'GLAXOSMITHKLINE LLC' with 'Other Names: ADVAIR'. Below this, a dropdown menu is open, showing 'GLAXOSMITHKLINE LLC' selected and 'ADVAIR' as an alternative. The 'COMPLAINT NO: OCP-2013-0145 N' is displayed. The report details include: OUTCOME: JUDGMENT, DATE: 13/06/2014, REMEDY: INJUNCTION, EFFECTIVE DATE: 13/06/2014, MONETARY SANCTIONS: COST: \$1,270,986.53, COMPLIANCE DATE: 10/07/2014, and ACTION: COMPLAINT FILED. The footer contains contact information for the OCP and a navigation menu with links for 'Glossary of Terms', 'Search Instructions', 'Terms of Use', 'Accessibility', and 'Disclaimer'.

Case study 5

Massachusetts Attorney General's Consumer Advocacy and Response Division—list of complaints

(See <https://www.mass.gov/service-details/list-of-complaints-received-by-the-attorney-generals-consumer-advocacy-and-response-division>)

Case study 5 demonstrates a downloadable spreadsheet of complaints received by the division, requiring the user to have the skills to know how to find and analyse relevant information. Information captured includes the type of business, its name and location, as well as the date and nature of the complaint. However, the division states that the posting of data does not mean the validity or merits of each complaint have been assessed.

AGO CARD - Complaint Data

Attorney General's Office Consumer Advocacy and Response Division - Consumer Complaint Data

Complaints							
	Received Date	Complaint #	Complainant City	Complainant State	Industry	Subject	Business Name
117,163 Total # of Complaints	08/08/2024	1252078	West Springfield	MA	Internet Services	Social networking service	Facebook/Meta
Year Received	19/07/2024	1259115	Ridgeland	SC	Financial Services	Identity theft	Homesite Insurance
<input type="checkbox"/> (All)	19/07/2024	1259118	Longmeadow	MA	Scams	Other scams	Craigslist, Inc.
Business State	19/07/2024	1259121	Wenham	MA	Scams	Imposter: business	Phone Scam, Robocall or Do Not C
<input type="checkbox"/> (All)	19/07/2024	1259126	Brockton	MA	Debt Collection	Debt collector	First Premier Bank
<input type="checkbox"/>	19/07/2024	1259136	Acton	MA	Scams	Imposter: business	Phone Scam, Robocall or Do Not C
Industry	19/07/2024	1259139	Acton	MA	Scams	Other scams	Phone Scam, Robocall or Do Not C
<input type="checkbox"/> (All)	19/07/2024	1259140	Medford	MA	Scams	Other scams	Luxe Rx
<input type="checkbox"/>	19/07/2024	1259142	Acton	MA	Scams	Other scams	Phone Scam, Robocall or Do Not C
Subject	19/07/2024	1259148	Acton	MA	Scams	Imposter: business	Phone Scam, Robocall or Do Not C
<input type="checkbox"/> (All)	19/07/2024	1259154	South Weymouth	MA	Scams	Imposter: business	Online Scammer
<input type="checkbox"/>	19/07/2024	1259155	Acton	MA	Scams	Other scams	Phone Scam, Robocall or Do Not C
	19/07/2024	1259188	Acton	MA	Scams	Imposter: business	Phone Scam, Robocall or Do Not C
	18/07/2024	1258999	Boston	MA	Financial Services	Credit card or prepaid card	PLS
	18/07/2024	1259033	Boston	MA	Scams	Identity theft	McCullough, Tonia



Case study 6

US Consumer Product Safety Commission (CPSC) website

(See www.saferproducts.gov)

In 2008, the US Congress passed legislation to require the CPSC to create a searchable public database of reports of harm related to the use of consumer products and other products or substances within the CPSC's jurisdiction. Legislation required that the database be publicly available, searchable and accessible through the CPSC's website. Launched in 2011, the CPSC-owned website enables consumers to file safety-related complaints about consumer products within the agency's jurisdiction.

After a short turnaround time for review by the agency and named manufacturer, reports go live on the website where they are searchable by consumers, who can also export search results or download the entire public database.

Businesses are notified if any of their products are reported. The CPSC provides the opportunity for businesses to respond to reports about potentially dangerous consumer products, with their comments published alongside the reports in the database.

Consumers can search the database by date, product type, company, brand, model, injury information, location and victim's age. There are currently over 53,000 entries.

The screenshot displays the SaferProducts.gov website interface. At the top, the United States Consumer Product Safety Commission logo is visible. The main header features the 'SaferProducts.gov' logo and the tagline 'Report. Search. Protect.' Below this, a navigation menu includes 'Report', 'Search', 'Business', 'About', and 'FAQs'. The search results page shows a search for 'hoverboard' with 262 results. The results are sorted by 'Relevance' and shown in 'Summary' view, with 10 results per page. A filter sidebar on the left allows users to filter results by type (All Types, Reports, Recalls/Repairs), date (All Dates, Past Month, Past 6 Months, Past 12 Months, Custom Dates), and other criteria like Product Type, Company, Brand, Model, Injury Information, Location, and Victim's Age. The main content area displays several incident reports, each with a title, a date, and a brief description. The first report is titled 'FD responded to a house fire that originated in a hoverboard. A...' and describes a fire incident in Worcester, MA. The second report is titled 'The Submitter reported that while a hoverboard was charging for approximately 3...' and describes a fire incident caused by a hoverboard charging for 3 hours. The third report is titled 'The consumer stated that after charging the hoverboard for approx 1-2 hours...' and describes a fire incident caused by a hoverboard charging for 1-2 hours. The fourth report is titled 'While consumer's 12 YO son was riding the hoverboard on concrete surface & on...' and describes an incident where a 12-year-old child was riding a hoverboard on a concrete surface.

3. League table of most complained about businesses or issues

The league table approach presents data in a ranking, focusing on specific subsets of businesses or types of issues (e.g. most complained about businesses or most complained about issues).

Data may be published directly on a website, in a bespoke report, or as part of another corporate document such as the annual report. The list of businesses in a league table is limited to the subset that is represented, meaning it is not a comprehensive list of the businesses complained about. For example, the NSW Fair Trading approach only names businesses with 10 or more complaints received in a month. Another approach is to list the top 25 most complained about businesses, for example. This ensures the data focuses attention on those businesses that appear to have the most issues.

The league table approach is relatively accessible, is good for comparing businesses (particularly where there are relatively few) and is a low-tech solution that is easy for agencies to implement as long as data collection processes are sound.

League tables can be presented with other relevant consumer-facing data and optional analysis. When implemented without the additional raw data, it is more difficult for third parties to reuse data. It can also be more work to compare trends over time if the agency has not already done their own analysis, as data is usually contained within a series of reports (e.g. monthly, quarterly or annual).

While simple and straightforward, the league table only works optimally where a smaller number of businesses are included.

NSW Fair Trading (see case study 7), the Telecommunications Industry Ombudsman³⁴ and the Airline Customer Advocate all adopt the league table approach in Australia.³⁵ Other users of this approach worldwide include the US Department of Transportation (see case study 8), the South African Ombudsman for Long-Term Insurance³⁶ and the UK's Financial Ombudsman Service.³⁷

Case study 7

NSW Fair Trading complaints register

(See <https://www.fairtrading.nsw.gov.au/help-centre/online-tools/complaints-register>)

NSW Fair Trading receives approximately 45,000 online complaints a year, and nearly as many phone contacts. 'Complaint' is defined as any expression of dissatisfaction where a response is expected or required (as per the definition in Aus/NZ Standards).

Complaints are published monthly, with a lag of 3–4 weeks. Businesses must have a minimum of 10 complaints a month to be listed on the register, enabled through section 86AA of the NSW Fair Trading Act 1987. The register typically lists around 15 businesses each month and displays 24 months of data, which can be viewed either as a list of businesses for each month or in more detail for a single business for either one month or the entire 24-month period. Some historical information can be found on the Data NSW website.³⁸

The register shows the name of each business, number of complaints, business location (online or a particular store), product group and reported issue. Complaints are grouped by trading name (e.g. franchisees are listed together, while retailers with different brands, even where all are part of a wider

group, are not). NSW Fair Trading also engages with businesses prior to publishing their name in the register. It reports that businesses respond well to this approach and reach out to the regulator proactively as a result. NSW Fair Trading reported a big increase in complaints following the COVID-19 pandemic, which has revived its focus on effective engagement with businesses and business conduct at an earlier stage.

The process undertaken by NSW Fair Trading involves interaction with the business to verify that the complainant is a real person, and asking the consumer for supporting information to demonstrate their complaint. This means that the complainant cannot be anonymous and must provide their name and contact details, though this information is not published.

The register does not contain details of complaint outcomes, since NSW Fair Trading does not have a decision-making role. Further, the register does not contextualise the results, as NSW Fair Trading does not have the necessary data on customer numbers.

Case study 7 (continued)

Detailed Complaint Register

Click on a **Location** to see **Products & Issues** for that **Location**
 Click on a **Product Group** to see **Locations & Issues**
 Click on an **Issue** to see which **locations** had that issue & with what **products**

Show Summary

Tap or Click twice to view the Complaints Register Summary

Select a Trader from this drop down list:

Ticketek

Select a month from this drop down list:

(All)

Complaint Totals by Store Location

Click on a location to display details

ONLINE	895
--------	-----

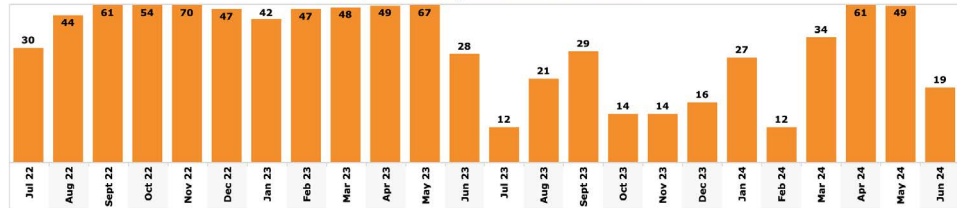
Complaint Totals by Product

Retail - Entertainment (Incl bookings)	24
Retail - Ticket Selling/Re-selling Platform	860
Retail - Vouchers/Coupons/Gift Car..	1

Complaint Totals by Issue (only displayed from January 2019 onwards)

Accuracy of delivery/supply	7
Cancellation/Cooling off terms	308
Charges/Quantum of charges	23
Conduct	5
Goods/Parts/Repairs availability	1
Quality of goods	2
Quality of service	399
Representation of quality	29
Representation of uses/features of product	11
Representation of warranty/rights/remedies	1
Request for refund	5

Complaint Totals by month for last 24 months



Select a month from this list.

June 2024

Show Detailed Register

Business List - June 2024

Business Name	Complaints
Samsung Electronics	28
Sports Leisure	27
T & R Sports	26
Apple	25
TravelWorld Sydney	25
Harvey Norman	24
Ashley Homestore	23
Johnny's Furniture	21
Ticketek	19
Qantas	17
Booking.com	15
The Good Guys	15
Ray White	14
Kogan	13
Tru Water Filters	13
Uber	13
Amart Furniture	11
Carpet Call	11
LG Electronics	11
Starpower Advance Solar Te..	10

Case study 8

US Department of Transportation

(See <https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports>)

The US Department of Transportation publishes a monthly Air Travel Consumer Report (ATCR) which includes data on complaints about airlines presented as a series of tables. The report also includes data on flight delays, mishandled baggage, wheelchairs and scooters, oversales, airline reports of loss, injury, or death of animals during air transportation, and customer service reports to the Transportation Security Administration. While the release of complaints data since mid-2023 has been delayed due to the volume of complaints received, future iterations of the ATCR will reflect consumer enquiries and opinions together with complaints.

AIR TRAVEL CONSUMER REPORT

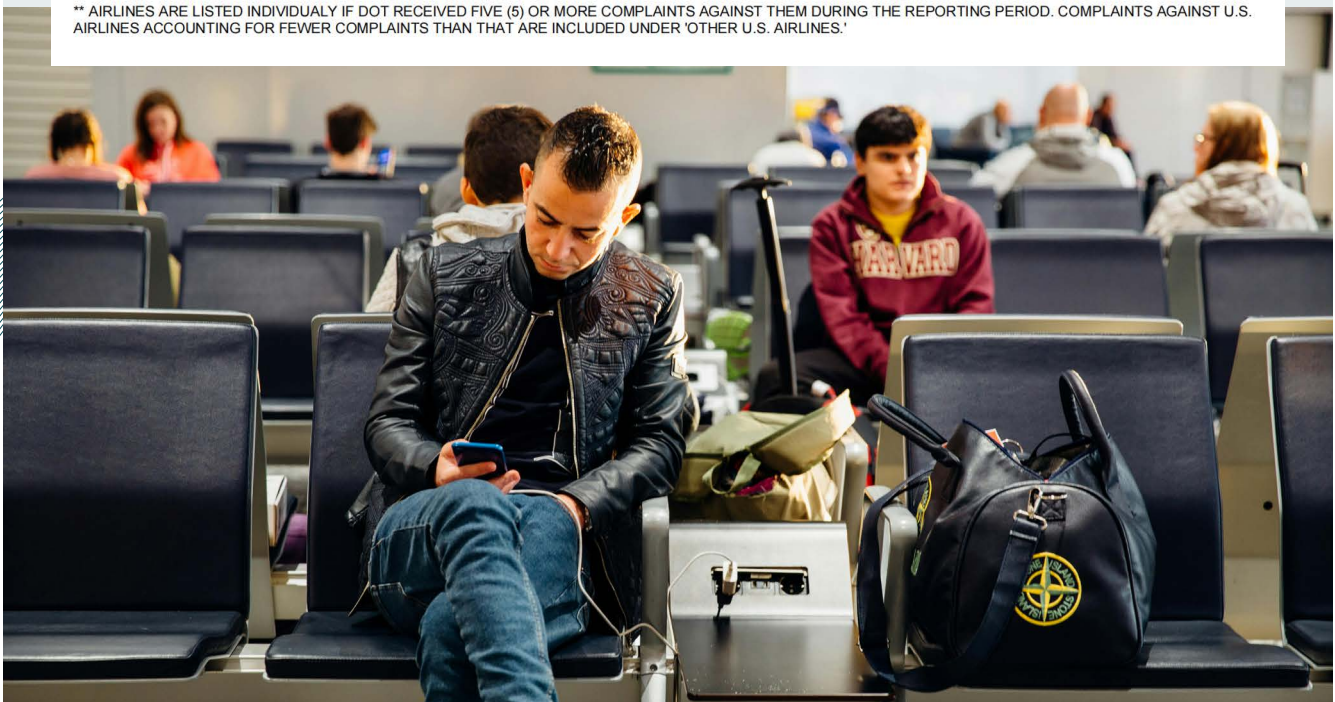
Table 3

COMPLAINTS AGAINST U.S. AIRLINES BY COMPLAINT CATEGORIES*
FEBRUARY 2023

U.S. AIRLINES** ALPHABETICAL	FLIGHT PROBLEMS	OVER- SALES	RES/TKT/ BOARDING	FARES	REFUNDS	BAGGAGE	CUSTOMER SERVICE	DIS- ABILITY	ADVERT- ISING	DISCRIM- INATION	ANIMALS	OTHER	TOTAL
ALASKA AIRLINES	37	4	10	4	8	20	8	5	0	1	0	1	98
ALLEGiant AIR	24	0	12	7	5	19	6	11	0	0	0	0	84
AMERICAN AIRLINES	246	12	46	98	90	87	43	27	1	8	0	14	672
AveLO AIRLINES	5	1	1	3	3	1	1	1	0	0	0	0	16
BREEZE AIRWAYS	15	0	2	1	3	1	0	1	0	0	0	0	23
CONTOUR AIRLINES	5	0	0	0	4	0	0	0	0	0	0	0	9
DELTA AIR LINES	138	10	19	16	30	43	31	18	0	4	0	5	314
ENDEAVOR AIR	15	0	5	1	1	6	2	1	0	0	0	1	32
ENVOY AIR	19	2	3	0	11	3	0	5	0	0	0	0	43
FRONTIER AIRLINES	179	54	94	121	144	70	37	13	1	4	0	7	724
HAWAIIAN AIRLINES	8	0	0	12	13	7	3	1	0	0	0	1	45
JETBLUE AIRWAYS	128	4	14	27	41	29	11	23	0	1	0	1	279
MESA AIRLINES	4	0	2	0	2	1	0	1	0	0	0	0	10
MOKULELE AIRLINES	3	0	0	0	1	1	0	0	0	0	0	0	5
PIEDMONT AIRLINES	7	1	0	2	4	3	0	0	0	0	0	0	17
PSA AIRLINES	11	0	4	0	5	2	1	2	0	0	0	0	25
REPUBLIC AIRWAYS	9	0	1	2	3	3	2	2	0	1	0	0	23
SILVER AIRWAYS	14	0	3	0	2	1	0	0	0	0	0	0	20
SKYWEST AIRLINES	21	8	7	2	8	7	2	2	0	0	0	0	57
SOUTHWEST AIRLINES	540	3	31	16	103	96	29	15	1	0	0	9	843
SPIRIT AIRLINES	151	18	39	41	73	58	28	14	0	1	0	3	426
SUN COUNTRY AIRLINES	5	0	0	3	1	4	7	1	0	0	0	0	21
UNITED AIRLINES	197	12	42	34	127	102	59	18	0	0	0	13	604
OTHER U.S. AIRLINES	11	1	0	0	1	2	0	0	0	0	0	0	15
TOTAL FEBRUARY 2023	1,792	130	335	390	683	566	270	161	3	20	0	55	4,405
% of TOTAL COMPLAINTS	40.7	3.0	7.6	8.9	15.5	12.8	6.1	3.7	0.1	0.5	0	1.2	
TOTAL FEBRUARY 2022	489	49	181	210	533	194	112	102	5	3	0	11	1,889
% of TOTAL COMPLAINTS	25.9	2.6	9.6	11.1	28.2	10.3	5.9	5.4	0.3	0.2	0	0.6	

* A DETAILED EXPLANATION OF THE COMPLAINT CATEGORIES FOLLOWS THIS SECTION.

** AIRLINES ARE LISTED INDIVIDUALLY IF DOT RECEIVED FIVE (5) OR MORE COMPLAINTS AGAINST THEM DURING THE REPORTING PERIOD. COMPLAINTS AGAINST U.S. AIRLINES ACCOUNTING FOR FEWER COMPLAINTS THAN THAT ARE INCLUDED UNDER 'OTHER U.S. AIRLINES.'



Citizens Advice (UK) energy retailer performance

(See <https://www.citizensadvice.org.uk/consumer/your-energy/get-a-better-energy-deal/compare-domestic-energy-suppliers-customer-service>)

Case study 9 presents a league table of energy suppliers which draws on a range of sources, including 3 sets of complaints data. Consumers can rank businesses by different elements, such as complaint numbers or contact waiting time. The complaints data comes from 3 third-party sources: the Citizens Advice Consumer Service, its Extra Help Unit for vulnerable consumers, and the Energy Ombudsman. The table includes all retailers with more than 25,000 customer accounts, and the complaints data used is contextualised (i.e. it takes account of the size of each business). No underlying data is made available.

The screenshot shows the Citizens Advice website interface. At the top left is the Citizens Advice logo. To its right is a search bar with a 'Search' button. Below this is a navigation menu with categories: Benefits, Work, Debt and money, Consumer, Housing, Family, Law and courts, Immigration, Health, and More from us. A breadcrumb trail reads: Home > Consumer > Your energy supply > Compare energy suppliers' customer service.

Compare energy suppliers' customer service

This advice applies to England. See advice for [Scotland](#), [Wales](#)

If you're thinking of switching, you should check how well different energy suppliers deal with customer service.

We've compared the largest suppliers across 3 different categories and ranked their customer services. We've scored each supplier out of 5. [Find out how the scores are worked out.](#)

Scores for July to September 2023

We will publish updated scores for the following 3 months in March 2024.

Rank	Supplier	Fewer complaints received	Contact waiting time	Customer commitments	Overall rating
1	Shell Energy	3 out of 5 ★★★★☆	4 out of 5 ★★★★☆	5 out of 5 ★★★★★	3.8 out of 5 ★★★★☆ More details
2	Outfox The Market	3 out of 5 ★★★★☆	3 out of 5 ★★★★☆	5 out of 5 ★★★★★	3.3 out of 5 ★★★★☆ More details
3	Ecotricity	2 out of 5 ★★★☆☆	4 out of 5 ★★★★☆	3 out of 5 ★★★☆☆	3.2 out of 5 ★★★★☆ More details
4	E (Gas and Electricity)	1 out of 5 ★★☆☆☆	4 out of 5 ★★★★☆	3 out of 5 ★★★☆☆	3.1 out of 5 ★★★★☆ More details
5	EDF Energy	1 out of 5 ★★☆☆☆	4 out of 5 ★★★★☆	5 out of 5 ★★★★★	2.9 out of 5 ★★★★☆ More details

4. Regular report

Publishing complaints data in a regular report can be an effective way of building data publication into business-as-usual systems. Depending on the nature, scope and frequency of the report, it can assist in the reporting of trends over time and provide a spotlight on a particular consumer issue.

Publications may be annual, biannual or quarterly, and report on the meaning of the data and changing trends over time. A regular report may connect complaints data to other relevant data, or complaints data from other agencies, presenting a wider picture of market dynamics.

5. Inclusion in agencies' annual reports

Reporting on complaints data in an annual report often entails minimal information on aggregate complaint and contact data. Data can be spread throughout the document, in a discrete section or included as part of reporting against selective key performance indicators (KPI).

While data can be built into the business-as-usual systems of the agency, and is low effort so likely to be maintained over time and may be accompanied by some narrative, it is limited in the value it can provide. Data reported can be ad hoc and inconsistent, and there is no ability to reuse data, other than manually, or to analyse trends over multiple time periods.

On the downside, regular reports offer no ability to reuse data, other than manually. Often such reports will focus solely on market trends rather than presenting data on individual businesses.

If combined with publication of the underlying data in a CSV or similar format (raw data), it could be a suitable approach to complaints publication.

Some data may even be 18-months or older by the time of publication, and many people may not read annual reports. Where the focus is on reporting against KPIs, this tends to be about productivity (e.g. how many calls answered), rather than meaningful and useful content.

While this approach is better than none, publication of complaints in this format results in poor accessibility and is likely to be inconsistent over time. This approach is inappropriate for consumers who rarely engage with corporate documents like annual reports and is unlikely to meet the needs of other stakeholders, including other agencies, ministers and researchers seeking to understand data trends over time.





The case for a national, aggregate model

Combining a variety of publication approaches is the most effective way to implement a consistent, aggregate, national framework for publication.

In its 2008 review of Australia's consumer policy framework³⁹, which prompted creation of the ACL, the Productivity Commission recommended that all consumer regulators participate in a shared national database of serious complaints, known at the time as AUZSHARE. Nine years later, the Productivity Commission argued that the case for a national database should be revisited:⁴⁰

“

The ACL regulators individually collect data and information from sources such as consumer complaints and their own inspection and compliance activity, but the mechanisms they use for sharing it are relatively slow and resource intensive. Better intelligence sharing through a nationally aggregated complaints and incidents database would enhance the ability of ACL regulators to assess regulatory risks and allocate their resources ...

A 2019 United Nations Conference on Trade and Development peer review of the consumer protection regime in Indonesia,⁴¹ similarly recommended that consolidated complaints data from sectoral ministries and regulators be integrated, including at the local level.

Consultation with the ACCC highlighted that Australia's mandatory reporting framework is estimated to receive only 5–10 per cent of all reports of serious injuries and deaths. As well as a lack of awareness about mandatory reporting obligations, especially in small-to-medium size sectors and businesses, another limitation is that people report injuries to a range of sources (such as the Coroner's Court), meaning that some reports are not incorporated into the ACCC's data. The ACCC is reportedly taking steps to raise awareness of the framework, as well as working towards building its product-safety data-sharing capacity with other state and territory regulators, and improving relationships with its international counterparts.

There is an opportunity to apply a consistent and cohesive approach to the publication of complaints in the Australian context. While data must be aggregated, it is essential that consumers, regulators and businesses are able to draw reliable insights and conclusions from reported data. For this reason, approaches to publication are most effective when data is also classified according to business type, product type and consumer law problem, at a minimum. The OECD's GlobalRecalls portal,⁴² which brings together data on a global scale, is an excellent example of what is achievable in Australia at the national level.

There is certainly value in a national approach to data collection and release. However, given the lack of progress on this reform since 2008, resources may be better spent in improving state-based approaches before attempting a more ambitious national project.

PART 3

Who publishes complaints and what do they do with them?

Performance of federal and state ACL agencies

This section provides a comprehensive assessment and ranking of all ACL agencies' approaches to complaint data publication, according to the rubric outlined in Table 3.

Table 3. Scoring rubric for ranking of regulators

Factor	Basis for ranking
Type of data published	<p>Points awarded for each type of data published (name of business, industry, complaint issue, product or service, number of complaints, contacts and other metrics overall).</p> <p>Penalty point (point deducted) where published data covers some industries / sectors but not others.</p> <p>1 point awarded for evidence of at least one public register, such as a public warning notice register, enforceable undertakings register or list of infringement notices issued.⁴³</p>
Publication format	<p>Points awarded for each format, to reward variety and multiple approaches.</p>
Frequency of publication	<p>1 point for annual release, 2 for quarterly, 3 for monthly. 0 points if publication is ad hoc or less than annual.</p>
Consistency of publication	<p>1 point for consistency, 0 for inconsistency.</p>
Usability of data	<p>Points awarded for each example of usability (headline key insights beyond annual reporting, availability of complete data such as downloadable CSV files, comprehensive breakdown such as a league table, evidence of ability for user to interact with data).</p>
Accessibility of data	<p>1 point for consistency, 0 for inconsistency.</p>

Agencies are presented in alphabetical order.



Access Canberra

Access Canberra overall score: 1

Factor	Notes	Score
Type of data published	No data released about consumer complaints. Access Canberra does publish a public warning notice register and an enforceable undertakings register.	1
Publication format		0
Frequency of publication		0
Consistency of publication		0
Usability of data		0
Accessibility of data		0

Access Canberra is just initiating data publication. A first step would be to release information about the number of consumer complaints received and the issues raised.

Approach to data publication

Access Canberra is part of the Chief Minister, Treasury and Economic Development Directorate of the ACT Government.⁴⁴ The Access Canberra website invites consumers to report an issue with a product or service under the ACL, so that the matter can be mediated by Access Canberra.⁴⁵ Access Canberra's approach to seeking a remedy for consumers is to engage, educate and enforce.

There is no publicly available information on the number or content of issues reported by consumers to Access Canberra.

Compulsory Conciliation Scheme

In 2022–23, Access Canberra implemented a pilot Compulsory Conciliation Scheme that requires businesses to attend compulsory conciliations with consumers to attempt dispute resolution in a collaborative way. The pilot operated from May 2022 to April 2023.⁴⁶ Of the 53 matters referred to the conciliation unit from 2022–23, 41 were resolved, 15 of which were through an early resolution process. Twelve complaints were deemed unsuitable or were withdrawn.

Use of registers

Access Canberra's public warning notice register lists 2 businesses relating to matters from 2018 and 2022,⁴⁷ while the enforceable undertakings register lists each undertaking with a summary and a link to the full notice.⁴⁸ No register of infringement notices exists, as the ACT does not have enforcement powers for infringement notices under the ACL.

Australian Competition and Consumer Commission (ACCC)

ACCC overall score: 10

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none"> • Number of consumer contacts and complaints, including mandatory injury reports assessed by the ACCC and the number of voluntary recall notifications published through the ACCC's mandatory reporting framework. • Some data on complaints issues (top 3 contact categories and reporting on broadband performance and airline competition). • Top 10 complained about industries. • The ACCC also has a public warning notice register, enforceable undertakings register and list of infringement notices. <p>Point deducted as reporting on complaints issues is incomprehensive.</p>	3
Publication format	Data is published in the ACCC's annual report, quarterly reporting and media releases.	3
Frequency of publication	Annual, but quarterly with respect to reports on specific issues (airline competition and broadband performance).	2
Consistency of publication	Annual reporting and quarterly publications are consistent.	1
Usability of data	Headline key insights are provided relating to some consumer issues and industries.	1
Accessibility of data	While the ACCC undertakes some quarterly reporting, it predominantly reports on complaints data in annual reporting, making it largely inaccessible.	0

The ACCC has an inconsistent approach to publishing data. Data about some sectors or problems, like airlines or scams, is published regularly. Data collected through the ACCC Infocentre about general consumer problems is released in an ad hoc way. There are limited insights in an annual report and some data points released through media releases and speeches. The ACCC should publish more data, more often about consumer complaints and product safety issues.

Approach to data publication

The ACCC's 2022–23 annual report provides just under 2 pages of information about contacts received to the ACCC Infocentre, revealing over 111,000 contacts and complaints made during 2022–23, not including those relating to scams.⁴⁹ This far exceeds the total number of ACL-related contacts received by all other consumer protection agencies across Australia. The top 10 industries for complaints and enquiries (excluding scams) are listed in the relevant section contained within the annual report with the number of contacts for each. In its report the ACCC also provides some brief further information about the top contact categories: 'Misleading and deceptive conduct and false representations', followed by 'Guarantees and warranties'.

As an example of ACCC's ad hoc reporting, it recently published data on the rate of consumer contacts received relating to consumer guarantees or warranties, including types of products for most of the complaints. This data, published in a media release, aims to educate consumers about their ACL rights.⁵⁰

Quarterly and issue-specific reporting

Up until mid-2020 the ACCC also released a quarterly analytical publication, ACCCount, which included some contacts data and provided an update on compliance and enforcement activity.⁵¹ Publication has been suspended for the last 3 years as it is under review—it is unclear when or if further data will be published in the future.

The ACCC is much more active in analysing and releasing its scams data, most notably in Targeting scams, which it has published annually for the last 13 years.⁵² While this report is unsurprisingly unable to name perpetrators of scams, it does go into some depth in analysing types of scams, using data from both consumer complaints to the ACCC and information supplied by other agencies and financial institutions. The ACCC's approach to data release on scams helps government, industry and consumer stakeholders to understand how they can reduce the impact of scams on consumers. It is a case study in the power of data release and reporting that should be applied to other parts of the ACCC's remit.

Since 2018 the ACCC has also published quarterly data on broadband performance,⁵³ including a dashboard comparing 11 providers.⁵⁴ The data comes from volunteers who agree to have a testing device on their broadband connection. Of note is that the ACCC's description of the purpose of the program,⁵⁵ is remarkably similar to the case for complaints data publication:

“

The Measuring Broadband Australia program provides information on the real-world performance of broadband plans. The program aims to better understand how Australians are experiencing internet performance in their homes, provide Australian consumers with accurate and independent information about broadband performance to assist their purchasing decisions, and encourage greater performance-based competition and better internet performance.

Further, in March 2023 the ACCC published its latest quarterly monitoring report on airline competition in Australia.⁵⁶ This included some detail about the volume and nature of airline complaints and contacts to the ACCC in 2021–22, particularly in relation to Qantas (case study 10). This is a powerful example of what is possible with the ACCC's data beyond the limited uses currently employed by the regulator.



Qantas

“ Qantas figured prominently in reports made to the ACCC by the general public in 2021–22. The ACCC received 1,740 contacts involving Qantas in 2021–22, the most of any company and 68% higher than the previous year. The number of contacts involving Qantas was over a third higher than the second most reported company. Key causes of the increased reports included issues around remedies for flights cancelled due to COVID-19 travel restrictions and the high levels of cancelled or delayed flights in mid-2022 that occurred during the post-pandemic surge in demand.

While it has been well recognised that the broader travel industry struggled with processing COVID-19-related cancellations and remedies, and has also struggled with a surge in demand since pandemic-related restrictions were eased, both Jetstar (down 33% from 2020–21 to 544) and Virgin Australia (down 27% from 2020–21 to 359) were the subject of fewer contacts in 2021–22.

These contact numbers are raw data. Contacts do not always mean that a business has acted in breach of the Australian Consumer Law (ACL) or broader Competition and Consumer Act 2010. These figures will include:

- **contacts where consumers have enquired about their rights on an issue (as opposed to making a complaint about an airline's conduct)**
- **contacts where consumers are complaining about conduct that would not give rise to a breach of the ACL or the CCA**
- **contacts where an airline is perceived to be responsible for parts of the aviation supply chain they do not control (e.g. airport facilities, air traffic control)**
- **complaints about the airlines' conduct where the allegations have not been confirmed or verified.**

Notwithstanding these caveats, such an increased level of contacts is generally indicative of a high level of dissatisfaction with that company, and issues with that company's ability to handle and resolve customer complaints... The ACCC is continuing to investigate a number of issues that consumers have raised about Qantas, and whether these issues raise concerns under the ACL.

”

Source: ACCC's Airline Competition Monitoring Report – March 2023.



Case study 10 is a good example of how the ACCC can use complaints data to draw critical insights. In this instance, complaints and other contacts assisted the ACCC to identify, prioritise and understand a consumer issue, set in train enforcement investigations, and apply public pressure on the business to improve its practices. It shows a sophisticated understanding of both the value and the limitations of this data, and assumes that consumers can be trusted to share this understanding. Indeed, the objectives and communication approach outlined in case study 10 could be applied to the ACCC's large complaints dataset in a rigorous and planned way, instead of data being revealed on an ad hoc basis.

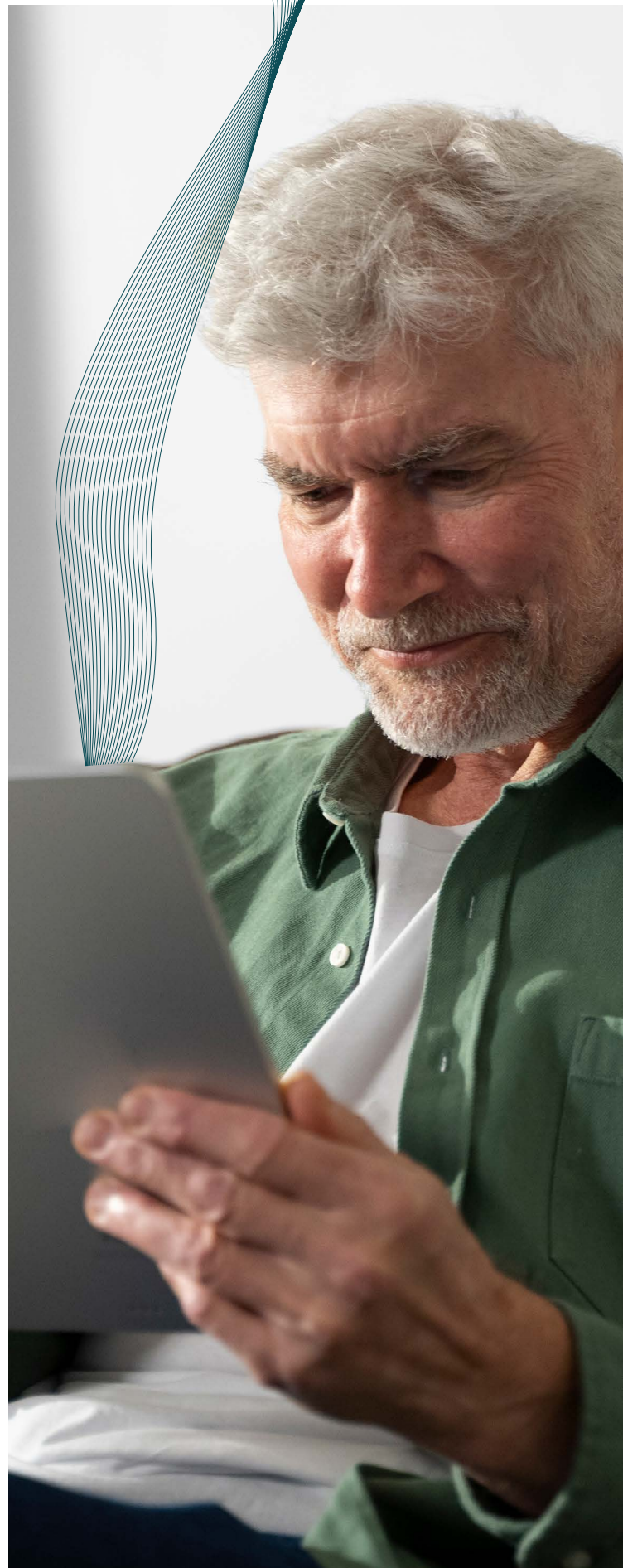
Mandatory reporting framework

The ACCC's mandatory reporting framework outlines mandatory reporting requirements of suppliers through the ACL. This provision mandates suppliers to report an incident resulting in death, serious injury or illness associated with a consumer good or product supplied, within 2 days of becoming aware of an incident.⁵⁷ The framework is another prominent example of a missed opportunity where data is not published, even though in 2022–23, the ACCC assessed 2,586 mandatory injury reports and published 263 voluntary recall notifications.⁵⁸ Mandatory reporting requirements ensure data on consumer complaints (relating to injury or death) with products or a related service are being captured, yet the lack of availability to the public means consumers are unable to make comparisons across products and services, businesses are not held publicly accountable, and emerging trends cannot be uncovered and understood. Most recently the ACCC reported receiving consumer complaints data together with mandatory reports from suppliers on product safety incidents involving lithium-ion batteries, from both consumers and businesses.⁵⁹

While publication of complaints data made through its mandatory reporting framework is constrained through guidelines under the ACL relating to confidentiality requirements, there is nothing preventing the ACCC from publishing more aggregate data.⁶⁰

Use of registers

The ACCC also has an easy-to-access public warning notice register, however the most recent entry is from 2021.⁶¹ Its enforceable undertakings register is similarly both accessible and comprehensive, containing a simple search tool.⁶² Although infringement notices are listed, they only specify the name of the business concerned and the section of the Act that the notice relates to.⁶³



Australian Securities and Investments Commission (ASIC)

ASIC overall score: 9

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none"> • Rate of reportable situations made to ASIC. • Type of misconduct (issue) dealt with by the regulator. • Misconduct issue outcome. • A public warning notice register, enforceable undertakings register, infringement notice register, banned and disqualified register and an investor alert list are also published. 	4
Publication format	Annual reporting. ASIC has also published 2 'insights' reports.	2
Frequency of publication	Annual, alongside some ad hoc reporting.	1
Consistency of publication	Annual reporting is consistent.	1
Usability of data	2 reports containing high level insights demonstrate usability.	1
Accessibility of data	Most data is included in annual reports, in addition to 2 'insights' reports. While the 'insights' reports are an improvement on the annual reports, neither are sufficiently accessible.	0

ASIC has a large remit as a regulator. In ASIC's role of enforcing consumer protections, there is opportunity to increase the volume of data released about consumer reports to the regulator. The greatest opportunity for ASIC is to publish data about internal dispute resolution at financial firms.



Approach to data publication

ASIC collects data on consumer complaints (reports of alleged misconduct), reportable situations, and IDR data from relevant licensees. As part of its role managing laws relating to companies and financial markets and services in Australia, ASIC may take action on reports of non-compliance.⁶⁴ Consumers are able to report a complaint to ASIC through its website.⁶⁵ Like the ACCC, ASIC is unique to other state regulators, as it does not directly assist consumers with complaints. Reports of misconduct are received from a range of sources and are used along with other information to detect misconduct and identify patterns, trends and broader systemic problems in the financial system that may require ASIC's intervention. ASIC also collects data for regulatory purposes, often through the use of compulsory powers.

ASIC publishes minimal data on complaints and associated outcomes in its annual reports. ASIC's most recent 2022–23 annual report indicates the regulator dealt with 8,149 reports of alleged misconduct during 2022–23.⁶⁶ The report sets out the type of misconduct issue and outcome in a table format, indicating that 14 per cent of misconduct issues resulted in some form of action by ASIC. Action by ASIC in this context may include investigation, surveillance and/or further consideration of the issue but does not necessarily mean an outcome such as prosecution.

Reportable situation regime

ASIC's reportable situation regime commenced in October 2021. Reportable situations are those involving significant or likely significant breaches of core obligations and the investigations into such matters, or conduct involving gross negligence or fraud. Some reportable situations may relate to consumer complaints or issues. The key purpose of the reportable situation regime is the collection of regulatory intelligence for ASIC. During 2022–23 a total of 28,493 reportable situation form lodgements were made to ASIC from licensees, with an additional 160 made from licensees reporting another licensee. Of the 3,281 reportable situations noted, which include breach reports from auditors, 7 per cent were referred for action by ASIC.⁶⁷

Reporting of high level trends

ASIC has published 2 reports that contain high level insights into trends identified through reports submitted by licensees.⁶⁸ Although there is a quarterly enforcement and regulatory update, this does not connect back to consumer reports.⁶⁹ ASIC does publish thematic reviews and media releases that identify ASIC action in cases where consumer issues were identified.

Publication of IDR data

ASIC has also commenced collection of structured IDR data from relevant licensees (to be undertaken every 6 months). Although it has committed to publishing IDR data, ASIC reports that this recurrent data collection is in early stages with a publication approach yet to be decided.⁷⁰ ASIC states that its approach to publication will be guided by principles of transparency, comparability, usefulness and timeliness, and that data quality will also be a key consideration. To increase performance, it also encourages financial firms using published IDR data to benchmark and make comparisons across other entities.⁷¹

Use of registers

ASIC has an accessible public warning notice register, and its enforceable undertakings register similarly represents good practice.⁷² ASIC's infringement notice register provides a link to the full text of each notice and any associated media releases.⁷³ Furthermore, ASIC has a banned and disqualified register and an investor alert list.⁷⁴

Consumer Affairs Victoria (CAV)

CAV overall score: 5

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none"> Rate of consumers CAV provides advice and information to and number of disputes finalised. A public warning notice register and enforceable undertakings register covering recent undertakings are available. 	2
Publication format	Annual report.	1
Frequency of publication	Annual.	1
Consistency of publication	Annual reporting is consistent.	1
Usability of data	Data is not usable.	0
Accessibility of data	Data is published in annual reporting and is therefore largely inaccessible.	0

CAV publishes limited information about consumer complaints in its annual report. As a next step, CAV could create greater value from the data it holds by publishing information about trends in the complaints it receives, such as top sectors complained about and issues raised. CAV should work towards publishing richer data in time, releasing information about the traders who receive the most complaints.



Approach to data publication

CAV collects data on consumer contacts and complaints but does not publish consumer complaints data in a comprehensive format. Where data is publicly available, it is ad hoc. Up until 2019, CAV published some data on its activity on its website in CSV (comma-separated values) format, including the broad issues consumer contacts raised.⁷⁵

As well as trying to resolve complaints when providing voluntary dispute services, CAV keeps a record of any information received for possible further compliance or enforcement action.⁷⁶ CAV reports that a core element of its regulatory approach results from consumer reports, which are a crucial source of intelligence used to inform decision-making regarding the management of compliance risks.⁷⁷

CAV's 'Policy on Publicising of our Activities' specifies that it does not publicly comment on specific compliance activities or outcomes, unless in the public interest:⁷⁸

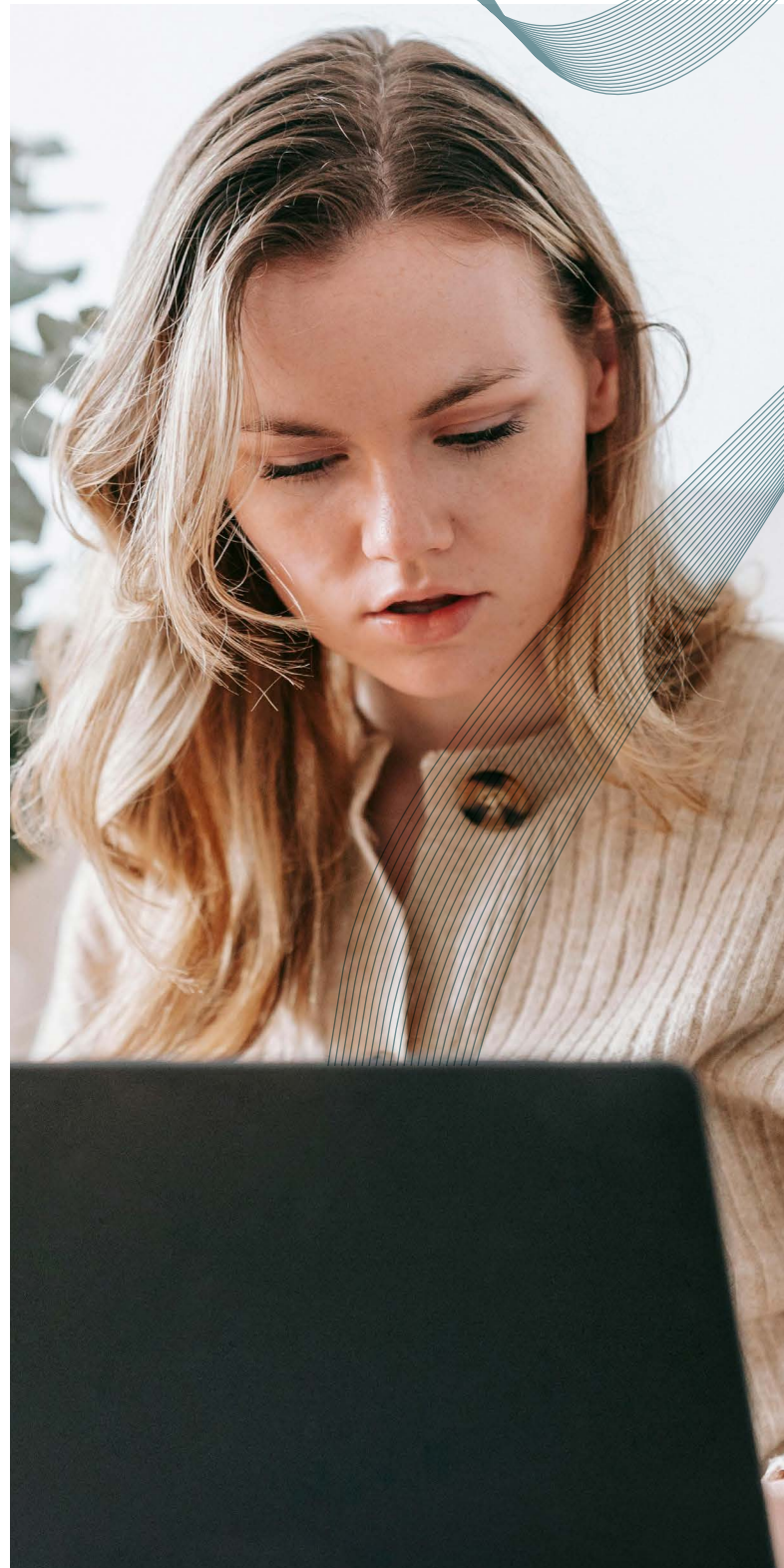
“

We do not generally comment on individual contacts we receive from the public in relation to a specific issue or trader or on individual businesses or traders. From time-to-time we will publish de-identified aggregated investigation and/or infringement data for reporting purposes or to keep the community informed of our activities.

CAV reports that it **may** publicise compliance activity or outcomes to promote confidence among consumers and businesses concerning the efficacy of the ACL, for the purposes of deterrence, to promote compliance and to demonstrate accountability.

In 2022-23, CAV's annual report stated that it provided information and advice by telephone to more than 206,000 consumers and businesses, and to a further 115,000 (approx.) through other channels including written correspondence, face-to-face and dispute assistance. CAV also reported that 4,730 disputes were finalised.⁷⁹

These figures provide no further breakdown or context as to how much of this contact relates to complaints and disputes, or other matters. There is also no breakdown of the types of issues raised or sectors involved, or whether consumers from specific regions may be experiencing higher than usual issues.



Use of registers

CAV's searchable public warning notice register provides a summary and link to the full notice.⁸⁰ The enforceable undertakings register covers 'recent undertakings' only.⁸¹ CAV does not publish the names of persons or entities in infringement notices, due to offences not having been proven, and conforming with privacy requirements and its enforcement approach.

Consumer and Business Services South Australia (CBS)

CBS overall score: 5

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none"> Rate of consumer contacts (advice provided), disputes conciliated and disputes referred to compulsory conciliation. Data on assurances, public warnings and some compliance notices and expiations is available. 	2
Publication format	Annual report.	1
Frequency of publication	Annual.	1
Consistency of publication	Annual reporting is consistent.	1
Usability of data	Data is not usable.	0
Accessibility of data	Data is published in annual reporting and is therefore largely inaccessible.	0

CBS publishes limited information about consumer complaints in its annual report. As a next step, CBS could create greater value from the data it holds by publishing information about trends in the complaints it receives, such as the sectors that receive the most complaints and issues raised. CBS should work towards publishing richer data in time, releasing information about the traders that receive the most complaints.

Approach to data publication

CBS collects data on the rate of consumer contacts, disputes conciliated and disputes referred to compulsory conciliation. As part of its function, CBS provides consumer advice in a range of situations, including complaints and enquiries about businesses, tradespeople and scammers.⁸² CBS aims to educate the parties and provide the necessary tools to enable resolution of issues between parties. It gathers some information about potential legislative breaches through complaints it receives from consumers.⁸³

In 2022–23, CBS reported that the agency offered advice on 26,764 ACL-related cases and 18,798 tenancy-related cases, conciliated 1,007 disputes and referred 468 disputes to compulsory conciliation.⁸⁴ It reports that advice provided related to a broad range of goods and services, including scams, motor vehicles, building, travel and real estate.

All of CBS's assurances and public warnings can be found on the CBS website and in its annual report.⁸⁵ It publishes a free newsletter, CBS Connect, to provide consumers with information on CBS campaigns, industry news and public warnings. It also has a licensing register to assist consumers to make informed decisions relating to persons or entities selling consumer goods and/or services that are licensed by or registered with CBS.

Although aggregate data on some compliance notices is referenced through the annual reporting process, there is no register on infringement notices.⁸⁶

Consumer, Building and Occupational Services Tasmania (CBOS)

CBOS overall score: 5

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none"> Rate of consumer contacts and complaints received. Public warning notices, infringements issued, and court outcomes are available. 	2
Publication format	Annual report.	1
Frequency of publication	Annual.	1
Consistency of publication	Annual reporting is consistent.	1
Usability of data	Data is not usable.	0
Accessibility of data	Data is published in annual reporting and is therefore largely inaccessible.	0

CBOS publishes limited information about consumer complaints in its annual report. As a next step, CBOS could create greater value from the data it holds by publishing information about trends in the complaints it receives, such as sectors that receive the most complaints and issues raised. CBOS should work towards publishing richer data in time, releasing information about traders that receive the most complaints.

Approach to data publication

Tasmania's building and consumer regulator, CBOS, provides advice on consumer issues provided the matter has been raised with the business first.⁸⁷ The agency collects data on consumer contacts and complaints, and reported receiving 66,188 consumer enquiries and complaints between October 2022 and September 2023.⁸⁸ CBOS's approach is to work directly with the business and the affected consumer to come to a resolution. It also provides information about the extent to which it can assist consumers:⁸⁹

“

Our main aim with any serious complaint is to stop it happening again. We may be able to gain an outcome for you, but this is a secondary issue for us.

There is no further information relating to consumer contacts or complaints published by CBOS.

Use of registers

CBOS has a short list of public warning notices and court outcomes, each of which links to a media release.⁹⁰ CBOS does not publish enforceable undertakings. The rate of infringements issued is published in CBOS's annual reporting.⁹¹

New South Wales Fair Trading

NSW Fair Trading overall score: 14

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none"> • Rate of complaints. • Name of the business a complaint relates to (businesses must have at least 10 complaints a month to be listed). • Business location (online or at a particular store) • Product or service group. • Reported issue. • A public warning notice register and enforceable undertakings register are available. 	6
Publication format	Comprehensive breakdown (league table) and annual report.	2
Frequency of publication	Monthly and annual.	2
Consistency of publication	The league table is consistently updated.	1
Usability of data	Data is usable in the league table format and enables user interactivity.	2
Accessibility of data	While the league table could be more interactive, the NSW complaints register is relatively accessible.	1

NSW Fair Trading has the most evolved approach to data publication. There is opportunity to build on its existing approach by making it easier to search for historical data and trends, and by including high level insights. There is also opportunity to promote the complaints register so that more businesses and consumers are aware of the valuable information it contains.

Approach to publication — Complaints register

NSW Fair Trading's complaints register,⁹² is published monthly and summarised in case study 7. It is superior to all other Australian agencies' approaches. The register was established in August 2016 and reviewed in 2018, which resulted in updates to the guidelines, functionality and the addition of a search function.⁹³ In establishing the register, NSW Fair Trading aimed to inform consumers and positively change the behaviour of businesses.

The legislation is underpinned by section 86AA of the Fair Trading Act 1987, which ensures the information published in the register is accurate, making it foundational to the register's success.

A distinct feature of NSW Fair Trading's approach to publishing data on consumer complaints is its engagement with businesses. NSW Fair Trading connects with the business prior to publishing their name in the register. This provides the regulator with an opportunity to inform and educate businesses, improving overall compliance with consumer protection laws.

NSW Fair Trading has a register review team that monitors individual businesses receiving high volumes of complaints. Using a case manager model, it monitors the complaints received daily and appoints a case manager if more than 7 complaints are received for a single business. It also has a 12-month rotational process so that a single officer does not work with the same business beyond that time.

While the register does not have the volume of data or analytical tools of some of the major international case studies (most notably the CFPB and CPSC in the US), nor the accessibility of the AFCA Datacube, it is a straightforward, engaging tool for NSW consumers and consumer advocates.

Use of other registers

NSW Fair Trading's public warning notice register dates back to 2017.⁹⁴ Although its enforceable undertakings register is easy to locate,⁹⁵ there appears to be no register of infringement notices.



Northern Territory Consumer Affairs

NT Consumer Affairs overall score: 5

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none">• Rate of consumer contacts and complaints received.• Infringement notices and a public warning register are available.	2
Publication format	Annual report.	1
Frequency of publication	Annual.	1
Consistency of publication	Annual reporting is consistent.	1
Usability of data	Data is not usable.	0
Accessibility of data	Data is published in annual reporting and is therefore largely inaccessible.	0

NT Consumer Affairs publishes limited information about consumer complaints in its annual report. As a next step, NT Consumer Affairs could create greater value from the data it holds by publishing information about trends in the complaints received, such as top sectors complained about and issues raised. NT Consumer Affairs should work towards publishing richer data in time, releasing information about top traders complained about.

Approach to data publication

NT Consumer Affairs can provide conciliation services if a consumer has made every effort to resolve a problem with the business and the business has refused to provide redress.⁹⁶ Community engagement, particularly with First Nations people, is an important and significant focus for NT Consumer Affairs. A free enquiry service is also available to assist with consumer and fair trading issues.⁹⁷ In 2022–23, the agency dealt with 15,688 enquiries and 181 consumer conciliation requests.⁹⁸

Use of registers

NT Consumer Affairs public warnings register dates back to 2013⁹⁹ and links to full notices, however there is no register of enforceable undertakings. The NT Consumer Affairs 2022–23 annual report lists the details of 2 infringement notices issued to businesses.¹⁰⁰

Queensland Office of Fair Trading (OFT)

OFT overall score: 12

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none"> • Rate of complaints and contacts. • Product complaint relates to. • Complaint location. • Industry (by region). • Date of complaint. • Infringement notices, a public warning register, enforceable undertakings register, prosecution action register and licensing register are all available. 	6
Publication format	Annual 'outcomes' reports, CSV files and media releases.	3
Frequency of publication	Annual.	1
Consistency of publication	Data across formats is published relatively consistently, however there is inconsistency with CSV data published from 2023.	0
Usability of data	Open data on the details of consumer complaints received is published annually in a CSV application for third-party use.	1
Accessibility of data	Although its open data is not easy to locate, data is ultimately accessible. Its annual 'outcomes' report is also relatively accessible.	1

OFT publishes a large amount of data about complaints, but this data is difficult to find and may not be widely used. OFT should be supported to promote the high quality and quantity of useful data it publishes. The regulator can add to this dataset by naming top traders complained about and conducting its own analysis of trends over time.

Approach to data publication

OFT collects data on consumer contacts and complaints, including the reason for contact, and the location and nature of the complaint. OFT explains that its role is providing information to consumers and businesses and helping to resolve disputes in the marketplace.¹⁰¹ With respect to complaints:

“

We [OFT] might investigate your complaint; refer it to another agency for consideration; conciliate the issue between you and the business; [and] return the complaint for you to resolve... We keep a record of all complaints.

In 2022–23, it handled 20,056 complaints and approximately 143,654 calls from consumers seeking information and advice; 58 per cent of calls received related to consumer rights.¹⁰²

OFT publishes annual media releases reporting on the details of consumer complaints received. Its 2024 media release cited consumer complaints from 2023 by region, specifying the most complained about industries and the monetary redress obtained by OFT for consumers.¹⁰³

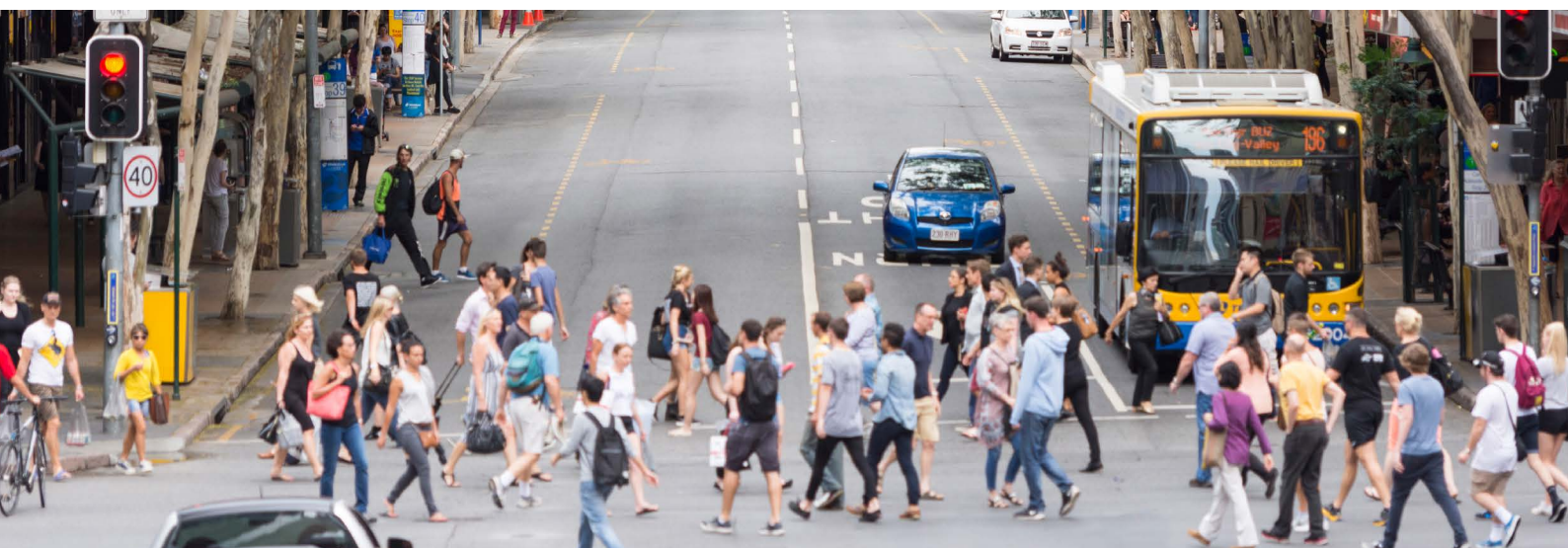
OFT has taken steps to make its publications more accessible and readable by reporting on data in an outcomes report¹⁰⁴ in place of an ‘annual report’. The annual outcomes report is approximately one-third the length of a traditional annual report and contains visualisations such as infographics to reduce the amount of text and make the information more accessible.

Open data

OFT publishes a considerable volume of open data. It reports that there is a Queensland Government mandate to input data into a CSV application and make this publicly available, to enable third-party use. Data on complaints received from consumers in this format is available from 2021. Data is reported annually, with some inconsistencies regarding the frequency of publication in 2023.¹⁰⁵ Data is broken down by the date a complaint was received, the origin of the complaint (for example, received online, via email or over the phone), the industry and type of product a complaint relates to, the location of the complainant and an indicator if the complainant is from a ‘vulnerable group’. There is no descriptor of what metrics are used to determine that a complainant belongs to a vulnerable group. OFT also publish data on occupational and industry licensing statistics by region.¹⁰⁶

Use of registers

A list of public warnings with a search function is available through the website, though only dating back to 2020.¹⁰⁷ A prosecution action register with the details of actions taken by OFT and a licensing register are available on the website.¹⁰⁸ Although the enforceable undertakings register is restricted to listing the name of the business, the date of the undertaking and the legislation alleged to have been breached,¹⁰⁹ access to open data on enforcement actions according to legal action and type, industry group, business type, date action initiated and outcome date is available in downloadable CSV format (annually) through the Queensland Government’s Open Data Portal.¹¹⁰ The number of infringement notices issued by OFT is listed in its annual report.¹¹¹



Western Australia Consumer Protection (WA Consumer Protection)

WA consumer protection overall score: 6

Factor	Notes	Score
Type of data published	<ul style="list-style-type: none"> • Rate of complaints conciliated. • Complaint outcomes for completed compliance and investigation files according to industry. • Complaint issue for conciliated complaints (sorted into 10 issue categories) and complaint issue within industry for compliance and investigation files. • Public warning notices, lists of compliance actions and enforceable undertakings are available. 	4
Publication format	'Year in review' report.	1
Frequency of publication	Annual.	1
Consistency of publication	WA Consumer Protection's 'year in review' report is the first of its kind published to date.	0
Usability of data	Data reported in the 'year in review' report is a similar format to annual reporting, meaning it does not promote accessibility.	0
Accessibility of data	Data is largely inaccessible.	0

WA Consumer Protection publishes limited information about consumer complaints in its annual report. The agency has a robust and clear policy about naming traders that could support further data publication. As a next step, WA Consumer Protection could create greater value from the data it holds by publishing information about trends in the complaints it receives, such as top sectors complained about and issues raised. WA Consumer Protection should work towards publishing richer data in time, releasing information about top traders complained about.

Approach to data publication

WA Consumer Protection assists consumers and businesses to resolve disputes by providing information and accepting formal complaints, and acting as an informal negotiator. WA Consumer Protection takes further action as required in instances where the law has been broken to prevent future problems for consumers.¹¹² As part of its 2023–24 initiatives to support its Consumer Justice Strategy 2021–25, the agency also strives to emphasise and develop better processes for data capture and analysis to inform compliance activities, among other initiatives.¹¹³

In 2023, WA Consumer Protection published its 'Year in Review' report, which showed that it conciliated 9,733 complaints during 2022–23. This document reports on the type of complaints conciliated (e.g. retail, building and services, motor vehicle or tenancy complaints) and states the complaint outcome for compliance and investigation files by industry and issue.¹¹⁴ WA Consumer Protection also provides some Act-specific reporting on high level compliance matters, including investigations, enquiries and outcomes in a second report.¹¹⁵

Public Naming of Traders Policy

Distinct from other agencies, WA Consumer Protection has published a detailed Public Naming of Traders Policy.¹¹⁶ First published in 2011 and updated in 2019, the policy notes that the Commissioner for Consumer Protection has wide discretion when deciding to name a business reasonably suspected of contravening the ACL. Warnings relating to specific products, services or business practices may also be provided. The policy explains that:

“

Naming is a compliance and enforcement tool available to [WA] Consumer Protection. It can be used to: influence problem traders to remedy their unfair practices or comply with specific legislative protections; deter other traders from adopting such practices; warn the public about particular unsatisfactory traders, goods or services; or provide information to the public about ways to deal with problem traders and how to obtain any redress to which they may be entitled. [WA] Consumer Protection's objective in naming is to ensure a fair and informed marketplace.

While acknowledging that naming businesses can be an effective tool, WA Consumer Protection largely confines its naming to public warning notices, and emphasises the potential harm to businesses and legal risk to the department in doing so.

Use of registers

Public warning notices are included in longer lists of consumer alerts and compliance actions.¹¹⁷ A list of enforceable undertakings dating back to 2011 is also available, however no reference to infringement notices was found.¹¹⁸



Benefits of publishing consumer complaints data

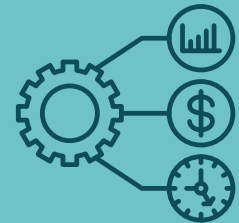
Improves Business Practices

Industries respond to public signals, improving markets



Enhances Regulatory Efficiency

Helps regulators to set priorities



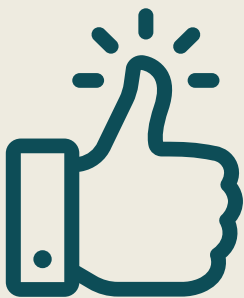
Boosts Research and Analysis

Aids academics and consumer groups study trends effectively



Strengthens Government Decision-making

Decision-makers have stronger evidence of consumer challenges on major problems and trends



Builds Informed Consumers

Facilitates informed consumer choice



Data publication best practice checklist

Quality

Comprehensive information about complaints issues is released including data about:



- Industry
- Service
- Number of complaints
- Product
- Issue type

Formats

Data is released in a range of ways to allow different uses



- CSV files
- Interactive tables
- Written reports
- Excel files

Frequency

Data is released monthly or quarterly



Consistency

The same data is in each release, allowing for comparisons over time



Usability

Data is useful to consumer, industry, academic and government audiences



Accessibility

Data is easy to find and use



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