

31 August 2023



Official Information Act #23.025 – Response

1. We refer to your request received on 4 August 2023 on behalf of [REDACTED]
[REDACTED]
[REDACTED] for information about Smart Compliance Management/Smart Parking Technology Limited (trading as Smart Parking). You have requested:
 - 1.1 the number of consumer complaints received by the Commerce Commission (the Commission) regarding Smart Compliance Management and/or Smart Parking for the financial years 2021-2022 and 2022-2023; and
 - 1.2 copies of any and all consumer complaints received by the Commission regarding the Smart Compliance Management and/or Smart Parking by for the financial years 2021-2022 and 2022-2023.
2. On 7 August 2023, [REDACTED] clarified the scope of its request to the financial year used by the Commission from 01 July to 30 June.
3. On 16 August 2023, [REDACTED] agreed to receive the complaint issues(s) and outcome for each complaint.
4. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

5. We have searched our database for complaints or enquiries about Smart Compliance Management and Smart Parking.

6. All complaints received by the Commission are entered into our complaints database by reference to the name of trader complained or enquired about.
7. In response to request at [1.1], we received a total of 42 complaints or enquiries for both Smart Compliance Management and Smart Parking for the 01 July to 30 June financial years 2021-2022 and 2022-2023. This information is in **Appendix A** below.
8. In response to your request at [1.2], we have provided the complaint number, date received, Smart Parking entity complained about, outcome and issue for each complaint or enquiry. This information is set out at **Appendix B** below.
9. Complaint issues are allocated by our Screening and Analysis Team during the assessment described at paragraph [10] below. We have provided an explanation of each issue at **Appendix C** below.

The Commerce Commission complaint process

10. All complaints received by the Commission are logged in our complaints database and assessed by our Screening and Analysis team on the basis of the information available at the time. When conducting this initial assessment, the Screening and Enquiries Team considers:
 - 10.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
 - 10.2 the Commission's Enforcement Response Guidelines;¹ and
 - 10.3 the Commission's strategic priorities and resourcing constraints.
11. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
12. If a complaint is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which complaints are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.²
13. This process enables us to identify complaints that best reflect our current enforcement priorities.³ The outcomes of the process are not final, and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

¹ Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

² Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf.

³ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

Further information

14. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss with you any concerns with you first.
15. Please note the Commission will be publishing this response to your request on its website. Your personal information will be redacted prior to publication.
16. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

Appendix A	
Financial Year (01 July – 30 June)	Total complaints or enquiries
2021-2022	5
2022-2023	37
TOTAL	42

Appendix B				
Financial Year 2021-2022				
Enquiry number	Date received	Trader	Outcome	Issue
ENQ0560239	22/11/2021	SMART PARKING TECHNOLOGY LIMITED	NFA ⁴	Breach notices
ENQ0562150	01/02/2022	SMART PARKING TECHNOLOGY LIMITED	NFA	Breach notices
ENQ0563227	09/03/2022	Smart Compliance Management	NFA	Breach notices
ENQ0565579	30/05/2022	Smart Compliance Management	NFA	Breach notices
ENQ0565743	06/06/2022	Smart Compliance Management	NFA	Breach notices
Financial Year 2022-2023				
Enquiry number	Date received	Trader	Outcome	Issue
ENQ0567552	27/07/2022	Smart Compliance Management	NFA	Contractual issues
ENQ0568468	19/08/2022	Smart Compliance Management	NFA	Breach notices
ENQ0568585	24/08/2022	Smart Compliance Management	NFA	Breach notices
ENQ0569032	06/09/2022	Smart Compliance Management	NFA	Undisclosed charges
ENQ0569187	09/09/2022	Smart Compliance Management	NFA	Miscellaneous
ENQ0569290	13/09/2022	Smart Compliance Management	NFA	Miscellaneous
ENQ0569705	26/09/2022	Smart Compliance Management	NFA	Breach notices
ENQ0569960	30/09/2022	Smart Compliance Management	NFA	Debt collection

⁴ No further action. The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints on information we receive as we look to future prioritisation.

Enquiry number	Date received	Trader	Outcome	Issue
ENQ0570222	11/10/2022	Smart Compliance Management	NFA	Breach notices
ENQ0570707	26/10/2022	Smart Compliance Management	NFA	Breach notices
ENQ0570744	26/10/2022	Smart Compliance Management	NFA	Undisclosed charges
ENQ0571011	03/11/2022	Smart Compliance Management	NFA	Right to collect debt
ENQ0571206	08/11/2022	Smart Compliance Management	NFA	Debt collection
ENQ0571558	16/11/2022	Smart Compliance Management	NFA	Debt collection
ENQ0572315	29/11/2022	Smart Compliance Management	NFA	Breach notices
ENQ0572534	05/12/2022	Smart Compliance Management	NFA	Miscellaneous
ENQ0572602	05/12/2022	Smart Compliance Management	NFA	Breach notices
ENQ0572573	05/12/2022	Smart Compliance Management	NFA	Breach notices
ENQ0573255	20/12/2022	Smart Compliance Management	NFA	Debt collection
ENQ0573749	10/01/2023	Smart Compliance Management	NFA	Breach notices
ENQ0573773	10/01/2023	Smart Compliance Management	NFA	Debt characteristics
ENQ0573963	17/01/2023	Smart Compliance Management	NFA	Debt collection
ENQ0574412	26/01/2023	Smart Compliance Management	NFA	Breach notices
ENQ0574434	26/01/2023	Smart Compliance Management	NFA	Contractual issues
ENQ0574884	07/02/2023	Smart Compliance Management	NFA	Breach notices
ENQ0576517	12/03/2023	Smart Compliance Management	NFA	Debt collection
ENQ0576797	17/03/2023	Smart Compliance Management	NFA	Debt collection
ENQ0576973	21/03/2023	Smart Compliance Management	NFA	Breach notices
ENQ0577239	28/03/2023	Smart Compliance Management	NFA	Breach notices
ENQ0577515	02/04/2023	Smart Compliance Management	NFA	Debt collection

Enquiry number	Date received	Trader	Outcome	Issue
ENQ0578790	02/05/2023	Smart Compliance Management	NFA	Debt collection
ENQ0578951	05/05/2023	Smart Compliance Management	NFA	Breach notices
ENQ0579657	23/05/2023	Smart Compliance Management	NFA	Undisclosed charges
ENQ0580180	06/06/2023	Smart Compliance Management	NFA	Unreasonable fees
ENQ0580536	08/06/2023	Smart Compliance Management	NFA	Contractual issues
ENQ0581013	25/06/2023	Smart Compliance Management	NFA	Breach notices
ENQ0581088	26/06/2023	Smart Compliance Management	NFA	Breach notices

Appendix C	
Issue	Detail
Breach notices	Where the complaint concerns a breach notice.
Contractual issues	Complaints regarding the contract between the consumer and trader. Can include unfair contract terms, not fulfilling the contract etc.
Debt collection	Complaints that relate to the use of debt collectors within this category, but does not relate to the conduct of the actual debt collector or their agents.
Debt Characteristics	Where the complaint is regarding characteristics of the debt being collected (outside of credit check complaints) <ul style="list-style-type: none"> • Remaining balance dispute • Debt in wrong name • Disputed debt
Miscellaneous	Where the main aspect of the complaint does not fit any Other Issue, or as 'Other Issue' where the complaint raises multiple issues and one or more of these do not fit any other issues.
Undisclosed charges	Complaints relating to or including charges that were not disclosed to the consumer prior to purchasing the good or service.
Unreasonable fees	Where a lender is allegedly charging unreasonable fees.
Right to collect debt	Complaints that concern a collector's right to collect debt, this may be an issue with the right itself, or the way the right is represented to the debtor.