

4 June 2021

[REDACTED]

By email only [REDACTED]

Dear [REDACTED]

Official Information Act #20.210 – Ola New Zealand PTY Ltd

1. We refer to your request received on 19 May 2021 for details of the 37 complaints which the Commerce Commission (**Commission**) has received about Ola New Zealand Pty Ltd (**Ola**), spanning November 2018 and April 2021. Details including:
 - 1.1 what those complaints were about;
 - 1.2 what the Commission did to assess those complaints; and
 - 1.3 what the outcomes of those complaints were.
2. We have treated this as a request for information under the Official Information Act 1982 (**OIA**).

The Commission's complaints screening process

3. To provide context to the information released to you, we have outlined the Commission's complaint screening process below.
4. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
5. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Screening and Enquiries Team on the basis of the information available at the time. When conducting this initial assessment, the Screening and Enquiries Team considers:
 - 5.1 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);

- 5.2 the Commission's Enforcement Response Guidelines,¹ and;
- 5.3 the Commission's strategic priorities and resourcing constraints.
6. 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.
7. If a report 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 reports are to be prioritised for further assessment by the Branch.
8. This process enables us to identify reports that best reflect our current enforcement priorities.² The outcomes of the process are not final and we may revisit any report at a later stage, should we wish to reconsider the issues it presents.

Our response

9. We have decided to grant your request.
10. We have provided details of the 39 complaints received by the Commission at **Attachment A**.³ We note the Commission received two further complaints about Ola since your request.
11. We have included the number assigned to the complaint, the date the complaint was made, the key issue(s) of the complaint and the outcome of the complaint.
12. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
13. Please do not hesitate to contact us at ola@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard
OIA Coordinator

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

² For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

³ As at 25 May 2021

Attachment A – Summary of complaints received about Ola

Key	
C	Complainant
T	Trader
Outcomes	
NFA	No Further Action
IPTT	Information Passed to Trader
Enforcement Criteria Letters	
G	Conduct is unclear/unlikely breach
Q	Appropriate for other agency or private action
V	Issues may not be timely
B	One off behaviour or appear accidental

Details	Summary	Outcome
Enquiry: ENQ0554420 Date: 20/05/2021	C alleges that T advertised 5km rides for \$5, but their ride was significantly more expensive.	Not yet assessed
Enquiry: ENQ0554412 Date: 19/05/2021	C states that T's advertising is deceptive.	Not yet assessed
Number: ENQ0553707 Date: 29/04/2021	C alleges that T advertised 5km rides for \$5 but did not offer this due to surge pricing. C states that this is misleading.	Not yet assessed
Number: ENQ0553675 Date: 28/04/2021	C states that T's drivers are inappropriate towards them and complaints to T does not change anything.	Not yet assessed
Number: ENQ0553288 Date: 18/04/2021	C states that T is bait advertising by advertising \$5 rides but not honouring them.	Not yet assessed
Number: ENQ0550693 Date: 5/02/2021	C states that T is charging them when a service has not been provided. C states that complaints to T are not actioned.	NFA, G, Q
Number: ENQ0549675 Date: 28/12/2020	C states that the estimate provided with was not what they were then charged.	NFA, G
Number: ENQ0543479 Date: 11/08/2020	C states that they are being charged extra fees by T. C states that complaints to T are not actioned.	NFA, G

Number: ENQ0541599 Date: 23/06/2020	C states that T's driver took them on a long route and has not been compensated by T for this.	NFA, G
Number: ENQ0536400 Date: 1/03/2020	C states that T overcharges the quoted fare. C alleges that this is intentional practice.	Assessed by Screening Panel, NFA, G, V
Number: ENQ0535238 Date: 29/01/2020	C is a driver for T. C alleges that T will not reimburse a cleaning fee which was incurred while driving for T.	NFA, G, Q
Number: ENQ0533861 Date: 9/12/2019	C states that T's app is misleading customers by showing cars available when booking, but fewer cars available when you have made the booking.	NFA, G
Number: ENQ0533635 Date: 4/12/2019	C states that the estimate provided with was not what they were then charged. C states T told them they also owed another fare.	NFA, V
Number: ENQ0533624 Date: 4/12/2019	C states that T have put a temporary hold on their account. C states that complaints to T are not actioned.	NFA, Q
Number: ENQ0532413 Date: 27/10/2019	C states that T advertised 50% off for new subscribers, but that this was not honoured.	NFA, G, V
Number: ENQ0530313 Date: 5/09/2019	C states that an advertisement for "50% off" was not honoured.	IPTT (Project number: 44016)
Number: ENQ0530322 Date: 29/08/2019	C states that T's billing is fraudulent.	NFA, G
Number: ENQ0530094 Date: 28/08/2019	C states that T's advertisement of "50% off" is misleading as in fine print it states "up to \$10 max".	IPTT (Project number: 44016)
Number: ENQ0529935 Date: 26/08/2019	C states that T will not refund them for a ride which was not taken. C states that contacting T has been difficult.	NFA, B
Number: ENQ0529854 Date: 23/08/2019	C states that when they ordered a ride from T, someone else took it and C was charged for it. C states that this was refunded after they complained to T. C states they booked a second ride for which they were charged three times the normal amount. C states T claimed it was a busy period. C states this was not clear at the time of booking.	IPTT (Project number: 44016)
Number: ENQ0529720 Date: 21/08/2019	C states that T advertised 50% off for new subscribers, but that this was not honoured. C states that their driver cancelled their ride and charged them a \$10 fee. C states that contacting T has been difficult.	NFA, G

Number: ENQ0529990 Date: 18/08/2019	C states that they had a verbal agreement with their driver to charge a certain price in cash, but were still charged the full amount via the app.	NFA, G, B
Number: ENQ0529608 Date: 17/08/2019	C states that T's advertisement of "50% off" is misleading as in fine print it states "up to \$10 max".	IPTT (Project number: 44016)
Number: ENQ0529250 Date: 8/08/2019	C states that T have been advertising that they are the cheapest ride share. C alleges that T are not the cheapest.	IPTT (Project number: 44016)
Number: ENQ0528978 Date: 31/07/2019	C is a driver for T. C alleges that T advertised a bonus if you signed up before a certain date. C alleges that it would be impossible to receive this bonus due to the limited application time frame and required information for signing up.	Assessed by Screening Panel, NFA
Number: ENQ0528855 Date: 29/07/2019	C states that T's advertisement of "50% off" is misleading as in fine print it states "up to \$10 max".	NFA, Q
Number: ENQ0528152 Date: 5/07/2019	C states that T's driver never arrived, but they were charged for the ride and charged a cancellation fee.	NFA, G
Number: ENQ0527901 Date: 3/07/2019	C states that they left something in one of T's cars. C states that contacting T has been difficult. C states that taking action against T would be difficult as they are not New Zealand based.	NFA, G
Number: ENQ0527884 Date: 2/07/2019	C states that T advertised 50% off for new subscribers, but that this was not honoured. C states that the maximum discount is \$10, which will not always be 50% of a fare.	IPTT (Project number: 44016)
Number: ENQ0527280 Date: 23/06/2019	C states that T charged them double the price initially quoted. C states that contacting T has been difficult.	NFA, G
Number: ENQ0527231 Date: 20/06/2019	C states that they are shown a low price by T but then charged a much higher price at the end of their ride. C states that contacting T has been difficult.	NFA, G

	C states that taking action against T would be difficult as they are not New Zealand based.	
Number: ENQ0527692 Date: 18/06/2019	C states that T advertised 50% off, with a maximum of \$8. C states that T does not understand their complaint.	IPTT (Project number: 44016)
Number: ENQ0527623 Date: 15/06/2019	C states that T advertised 50% off for new subscribers, but that this was not honoured. C states that the maximum discount is \$10, which will not always be 50% of a fare.	IPTT (Project number: 44016)
Number: ENQ0526763 Date: 1/06/2019	C states that T is advertising that they are the cheapest rideshare, but that the discounts they are providing are only temporary. C alleges that this means that they are not the cheapest rideshare.	IPTT (Project number: 44016)
Number: ENQ0526250 Date: 28/05/2019	C states that a credit they received when first signed up did not work.	NFA, G
Number: ENQ0525861 Date: 30/04/2019	C states they were offered a 50% discount but were charged full price.	NFA, B
Number: ENQ0525553 Date: 18/04/2019	C states that T charges \$10 cancellation fees when drivers do not arrive. C states that they have been unable to receive a refund.	Assessed by the Screening Panel, NFA B
Number: ENQ0525402 Date: 13/04/2019	C states that vouchers offered by T do not work if 'peak pricing' applies. C states that the estimates provided are never accurate of the actual cost charged.	NFA, G
Number: ENQ0519608 Date: 1/11/2018	C states that they had difficulty contacting T. C states that T advertises that they have customer service available 24/7, but that they received no support when they tried.	NFA, G