

**COMMONWEALTH OF AUSTRALIA**  
**COMPETITION AND CONSUMER ACT 2010**

**PROPOSED RECALL NOTICE:**

**SPECIFIED LG HOME ENERGY STORAGE SYSTEM BATTERIES SUBJECT TO  
VOLUNTARY RECALL IN AUSTRALIA**

I, Stephen Jones, Assistant Treasurer, issue this notice pursuant to section 132A of the *Competition and Consumer Act 2010* (Cth) (**CCA**) in relation to the proposed issue of a recall notice for consumer goods of a particular kind, being LG Home Energy Storage System Batteries manufactured by LG Energy Solution Ltd (**LGES**) containing cells manufactured between 21 January 2016 and 30 June 2019 and supplied in Australia for personal, domestic or household use (**affected LG batteries**).

For the reasons set out below, I propose to issue a recall notice for the affected LG batteries because it appears to me that:

- (a) the affected LG batteries will or may cause injury to any person and/or a reasonably foreseeable use of the affected LG batteries may cause injury to any person; and
- (b) one or more suppliers of the affected LG batteries have not taken satisfactory action to prevent those consumer goods causing injury to any person.

**DRAFT RECALL NOTICE**

A copy of the draft recall notice is attached (**Draft Recall Notice**) in respect of the consumer goods.

In accordance with section 123 of the *Australian Consumer Law* (**ACL**) (which is Schedule 2 to the CCA), the Draft Recall Notice requires LGES and LG Energy Solution Australia Pty Ltd (**LGESAU**) (collectively **LG**) to take actions to recall the affected LG batteries, disclose the nature of the defect to consumers and replace, refund or install specified diagnostic software in the consumer goods (as specified) supplied by them in Australia.

The Draft Recall Notice also requires LG to use best endeavours to replace, refund or have the specified diagnostic software installed on the affected LG batteries, where permitted by consumers to do so, within 12 months from the date of the notice. LG is also required to undertake a range of additional actions including to take steps to locate and communicate with consumers including those who have purchased the consumer goods.

## SUMMARY OF REASONS FOR THE PROPOSED ISSUE OF A RECALL NOTICE

The following is a summary of the reasons for the proposed issue of a recall notice in relation to the affected LG batteries.

### ***Affected LG batteries***

LG batteries are large and heavy lithium-ion batteries that form a part of residential solar energy systems and allow the capture and storage of energy from solar panels. The storage systems are usually installed on the external wall of dwellings but can also be installed under carports, in attached garages and within dwellings.

LG batteries are manufactured and supplied globally by LGES, which is one of the world's largest lithium-ion battery manufacturers and is based in South Korea.

LGES is undertaking a global recall of affected LG batteries that may overheat and catch fire (**thermal runaway**) with voluntary product safety recalls in USA<sup>1</sup>, [UK](#), Europe, New Zealand<sup>2</sup> and Australia (via LGESAU).

Thermal runaway in the affected LG batteries is caused by lithium-plating in the cells that constitute the batteries due to manufacturing issues that led to defects in the composition and alignment of the electrodes that constitute the cells.

Lithium plating is the build-up of lithium metal in the electrodes within the cells as the batteries charge and discharge that causes short circuits. As lithium plating continues to build, short circuits increase in size and frequency raising the temperature of the cells until a catastrophic release of heat occurs that propagates through the battery (i.e. thermal runaway) leading to release of toxic smoke, gasses and fire.

The affected LG batteries were supplied in Australia by LGES directly to around 22 known Australian distributors for on supply to consumers. The affected LG batteries supplied in Australia comprise 13 models of high and low voltage batteries supplied in LG branded, non-LG branded and unbranded energy storage systems.

In Australia, the affected LG batteries are subject to the following voluntary recalls:

- [PRA 2020/18529](#) notified by LGESAU in August 2020 and [PRA 2022/19420](#) notified by SolaX Power Aus Pty Ltd (**SolaX**) in March 2022 (collectively the **Initial Voluntary Recall**); and
- [PRA 2022/19550](#) notified by LGESAU in August 2022 (the **Software Fix Recall**).

Together the Initial Voluntary Recall and the Software Fix Recall (the **Voluntary Recalls**) include affected LG batteries with cells produced between 21 January 2016 and 30 June 2019 and currently involve 18,054 affected LG batteries. The known number of affected LG batteries in Australia continues to change as LG and SolaX

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<sup>1</sup> There are multiple recalls for the affected LG batteries in the USA: [December 2020](#), [August 2021](#), [January 2022](#) and [October 2022](#)

<sup>2</sup> There are two recalls for affected LG batteries in New Zealand: [June 2021](#) and [September 2022](#)

continue to locate affected LG batteries globally and in Australia, with some batteries expected to be located overseas being found in Australia and vice versa.

As at 25 January 2024, 4,950 affected LG batteries supplied to consumers in Australia had not been located.

### ***Risk of injury or death***

Thermal runaway is the most damaging and potentially catastrophic hazard associated with lithium-ion batteries. Fires arising from lithium-ion batteries undergoing thermal runaway are difficult to extinguish and may spontaneously reignite. Additionally, lithium-ion batteries in thermal runaway can release toxic, flammable gasses. Fire risk threatens injury or death not just of residents or neighbours of an affected property, but whole communities and regions in the event of bushfire. This is an acute risk across much of Australia, particularly over summer, which we have just entered.

As at September 2023, LG had reported 73 thermal runaway incidents globally involving the affected LG batteries with the most reported incidents occurring in Germany (28), Australia (13) and the USA (10). The 13 Australian incidents, 11 of which have involved a fire from the battery, have resulted in significant property damage and at least one smoke inhalation injury.

These incidents have occurred across Australia in Queensland (5), Victoria (4), New South Wales (2), the Australian Capital Territory (1) and Western Australia (1), with the first 9 incidents occurring in Initial Voluntary Recall batteries and the next 4 incidents occurring in Software Fix Recall batteries.

One of the incidents in a Software Fix Recall battery led to the complete destruction of a property in Victoria. Other Australian incidents involving fires from the affected LG batteries have also caused significant property damage and could have led to serious injury or death if the batteries had been installed within the property or located nearer to flammable material.

### ***Failure to take satisfactory action***

As at 25 January 2024, of the 18,046 affected LG batteries in Australia, 6,235 (35%) remain unremediated, of which 4,950 (27%) have not yet been located. That is, around 80% of the unremediated batteries have not yet been located and affected consumers may be unaware of the risks of the batteries installed in their home solar storage system. In light of the significant risk of injury, and the fact that the Initial Voluntary Recall and the Software Fix Recall have been underway since August 2020 and August 2022 respectively, the rates of location and remediation of affected LG batteries are alarmingly low and unsatisfactory.

The level of remediation expected for a recall to be successful is very high where the potential harm is significant, as here. In addition, the targets the suppliers have set for themselves for locating affected LG batteries have not been met by a significant margin.

Until recently, the communication of the Voluntary Recalls to consumers was limited to direct contact where possible, digital and social media advertising, and providing

online resources for affected consumers. The large number of affected LG batteries yet to be located indicates that those actions are insufficient.

Recently, following sustained pressure from the ACCC and Energy Safe Victoria, LG's recall communications have expanded to include limited short term television, radio, and print newspaper advertising.

LG has indicated that it proposes to conduct further such advertising but no commitment has been made to engaging in ongoing advertising until all affected LG batteries are remedied or appropriate communications with consumers confirmed. LG's communications plan does not reflect the urgency or sustained efforts required to reach remaining consumers and achieve remediation of all remaining affected LG batteries, and the special efforts required to ensure culturally and linguistically diverse consumers are made aware of the recall and risks posed by affected LG batteries.

The remedy for the Initial Voluntary Recall is free replacement of or full refund for affected LG batteries.

The remedy for the Software Fix Recall is the installation of diagnostic software designed to identify and shut down batteries at risk of overheating, and replacement of or full refund for batteries shut down by the software.

For all recalls, consumers are advised to switch off affected LG batteries until the appropriate remedy is applied. Compensation is being provided by LG for higher power bills incurred when consumers switch off affected LG batteries pending replacement or refund.

While these remedies are appropriate, the ACCC is also continuing to receive complaints from consumers about delays with the provision of the remedies and the frequency of these complaints has been increasing.

The lack of satisfactory progress in locating and remediating the affected LG batteries despite current LG communications and significant media support from the ACCC, is a very strong indicator that a compulsory recall is necessary, proportionate and appropriate.

### ***Draft recall notice***

LGES and LGESAU are the suppliers to which the Draft Recall Notice applies, given that:

- LGES is the manufacturer and the original supplier of 97% of the affected LG batteries into Australia.
- LG is the source of all the recall remedies available to consumers for the affected LG batteries, with LG fully resourcing SolaX's recall.
- Apart from the affected LG batteries supplied in SolaX branded systems, LG has thus far taken responsibility for communicating the recall to consumers and providing replacements and refunds for all other affected LG batteries in non-LG branded systems.

- The majority of the remaining affected LG batteries are in LG branded systems.
- To date there has been a heavy reliance on tracing of the affected LG batteries via the distributors who were supplied by LG and that aspect of the supply chain avenue is now largely exhausted. Imposing obligations on distributors supplied by LG at this stage is therefore likely to be of marginal additional benefit. To the extent their assistance will aid LG in locating unremediated batteries, LG is able and properly incentivised by the Draft Recall Notice to procure that assistance.
- Focusing the recall obligations on LG will allow LG to coordinate a comprehensive approach to locating and remediating the affected LG batteries. The Draft Recall Notice, if issued, would have the effect of requiring LG to effectively communicate the recalls to consumers, provide timely remedies and use best endeavours to complete the recall within twelve months.

The actions required of LG by the Draft Recall Notice include:

- using best endeavours to complete the recall within 12 months;
- providing and bearing the cost of specified remedies to consumers with the affected LG batteries;
- undertaking effective communication of the recall via specified methods, with the duration and intensity of the communication linked to remediation rates;
- maintaining a database that consumers can access to determine whether they have an affected LG battery;
- safely recovering affected LG batteries;
- safely recycling affected LG batteries;
- effectively addressing consumer complaints and disputes;
- maintaining records and reporting on progress to the ACCC when required;
- appointing an independent auditor approved by the ACCC to monitor LG's compliance with the notice with periodic compliance reports provided to the ACCC;
- notifying the ACCC of further incidents caused by the affected LG batteries; and
- making information relating to recall progress and incidents publicly available.

The cost of locating and remedying the remaining batteries will be significant, irrespective of whether LG does so voluntarily or under a compulsory recall. Many of the measures included in the Draft Recall Notice are already being progressed voluntarily by LG.

One key additional measure included in the Draft Recall Notice that LG has not yet committed to undertake to address the safety risk is effective widespread and ongoing communication via television, radio and newspaper advertising of the recall.

While such communications may be costly, if this measure is not undertaken, many Australian consumers may remain unaware of the recall and the safety risk from unremediated affected LG batteries in their solar storage systems.

Properly designed and performance based widespread communications in the near term would likely bring forward the costs that LG would otherwise bear in remediating the affected LG batteries (assuming those batteries would be located without the improved communication plan/advertising). The auditing provisions of the Draft Recall Notice will also add cost. However, implementing an appropriate communications plan now should increase location and remediation rates for the remaining affected LG batteries. Auditing will assist with compliance and identification of opportunities to improve remediation rates.

The Draft Recall Notice is also designed to avoid unnecessary cost insofar as it recognises and addresses circumstances where properly informed consumers choose not to remedy their affected LG battery.

LGES is one of the world's largest manufacturers of lithium ion batteries and is a part of the wider global LG corporate group, which has sufficient resources to undertake the activities required in the Draft Recall Notice.

### ***Conclusion***

The actions which LG will be required to take by the Draft Recall Notice will impose costs on it until the safety risk posed by affected LG batteries is properly managed. LG will also need to allocate further resources to administer the recall and requirements specified in the Draft Recall Notice.

Balanced against this, however, is the clear evidence of the ongoing risk of injury to consumers located in dwellings with un-remediated affected LG batteries, as well as people near those dwellings, which is significant.

It appears to me that LG, as the supplier of affected LG batteries, has not taken satisfactory action to prevent those consumer goods causing injury. The actions taken to date have not resulted in a satisfactory rate of location and remediation of the affected LG batteries, to prevent injury to consumers, despite the lengthy period during which the Voluntary Recalls have been in place. As at 25 January 2024, there remain 6,235 affected LG batteries which are currently subject to voluntary recalls but which have not been remedied – and LG has failed to locate around 80% of those batteries.

Accordingly, at this stage I propose to exercise my discretion under section 122 of the ACL to issue a recall notice in the form of the Draft Recall Notice for the affected LG batteries because it appears to me that the affected LG batteries will or may cause injury to any person and/or that a reasonably foreseeable use of the affected LG batteries will or may cause injury to any person and that LG, as supplier of the affected LG batteries has not taken satisfactory action to prevent those consumer goods from causing injury.

## INVITATION TO SUPPLIERS TO REQUEST A CONFERENCE

Pursuant to section 132A(3)(e) of the CCA, I invite any person who supplies, or proposes to supply, the affected LG batteries specified in the Draft Recall Notice to notify the ACCC that they wish the ACCC to hold a conference in relation to the proposed issue of the recall notice.

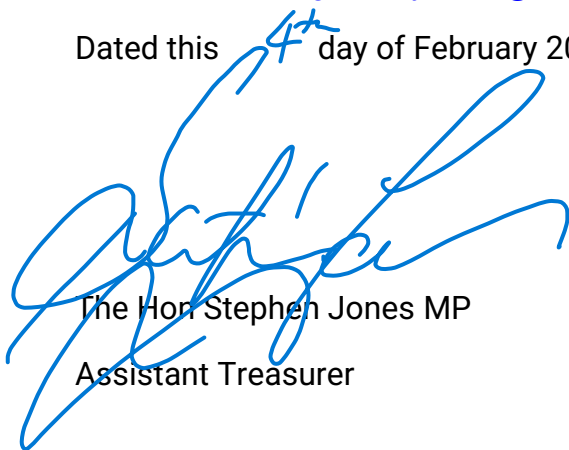
Notification should be given to the ACCC in writing sent to the postal or email address shown below on or before 14 February 2024, being no less than 10 days commencing the day on which this notice is published on the internet:

Postal address:

The General Manager  
Risk Management and Policy Branch  
Consumer Product Safety Division  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

Email address: [lgbatteryrecall@accc.gov.au](mailto:lgbatteryrecall@accc.gov.au)

Dated this 4<sup>th</sup> day of February 2024

A large, stylized handwritten signature in blue ink, written over the typed name and title of the signatory.

The Hon Stephen Jones MP  
Assistant Treasurer



## **Consumer Goods (Affected LG Energy Storage System Batteries) Recall Notice 2024**

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I, Stephen Jones, Assistant Treasurer and Minister for Financial Services, make the following Recall Notice.

Dated 2024

Stephen Jones [**DRAFT ONLY—NOT FOR SIGNATURE**]

Assistant Treasurer  
Minister for Financial Services

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# Contents

<b>Part 1—Preliminary</b>	<b>2</b>
^1 Name .....	2
^2 Commencement.....	2
^3 Authority .....	2
^4 Definitions .....	2
<b>Part 2—Recall</b>	<b>6</b>
^5 Recall.....	6
^6 Replacement and disposal of affected batteries.....	9
^7 Communication and engagement with Consumers .....	9
^8 Information to be made available by Suppliers to Consumers .....	14
^9 Consumer dispute resolution .....	16
^10 Record keeping and reporting .....	17
^11 Independent Auditor.....	19
^12 Applications to the ACCC.....	21
^13 Documents which may be published on the Product Safety Australia website .....	22
<b>Schedule 1</b>	<b>23</b>
<b>Schedule 2</b>	<b>23</b>

## Part 1—Preliminary

### **^1 Name**

This Recall Notice is the *Consumer Goods (Affected LG ESS Batteries) Recall Notice 2024*.

### **^2 Commencement**

[To be confirmed]

### **^3 Authority**

This Recall Notice is made under section 122 of the ACL.

### **^4 Definitions**

In this Recall Notice, the following definitions apply:

- (a) **ACCC** means Australian Competition and Consumer Commission.
- (b) **ACL** means the Australian Consumer Law set out in Schedule 2 to the CCA as it applies as a law of the Commonwealth, States and Territories: see section 140K of the CCA and corresponding provisions of Acts of States and Territories applying that Schedule.
- (c) **Advertising Campaign** means an advertising campaign employed by a Supplier under section 7 of this Recall Notice.
- (d) **CCA** means the *Competition and Consumer Act 2010* (Cth).
- (e) **Commencement Date** means the date on which this Recall Notice commences.
- (f) **Compliance Report** means a report prepared by an Independent Auditor under sub-section 11(3) of this Recall Notice.
- (g) **Confirmation of Communication** means a written or oral affirmative confirmation of a Consumer's receipt of a Supplier's communication that meets the requirements of sub-section 7(2) of this Recall Notice. A Confirmation of Communication may take several forms, including:
  - (i) a signed acknowledgement of receipt of delivery of some sort, for example, registered mail or a courier or other personal service, or an SMS confirmation, or on online communication on the Supplier's website including registration of a serial number;

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- (ii) verbal confirmation of receipt of communication, for example by telephone or an in person discussion during a door knock; or
  - (iii) a communication from a Consumer to a Supplier that demonstrates the Consumer has received the communication, such as a communication asking the Supplier to stop sending letters or saying they do not want Rectification of the Consumer's Consumer Goods, or words to that effect.
- (h) **Confirmed Out of Service** means Consumer Goods that are confirmed to have been destroyed or recycled prior to the Supplier determining the locations of the Consumer Goods.
  - (i) **Consumer Goods** means Tranche 1 Batteries and Tranche 2 Batteries.
  - (j) **Consumer** means the owner of an energy storage system containing one or more of the Consumer Goods.
  - (k) **Diagnostic Software** means software that is installed, or intended to be installed, on Tranche 2 Batteries that is able to and does monitor the state of charge and detect the risk of lithium plating on Tranche 2 Batteries, and subject the Tranche 2 Battery to a Forced Switch Off if there is an identified risk of a Thermal Incident.
  - (l) **Direct Campaign** means a Direct Consumer Communication Campaign under section 7 of this Recall Notice.
  - (m) **Forced Switch Off** means the switching off of a Tranche 2 Battery by operation of the Diagnostic Software.
  - (n) **Independent Auditor** means an Independent Auditor appointed by a Supplier and approved under section 11 of this Recall Notice.
  - (o) **LGES** means LG Energy Solution Ltd. (Korea);
  - (p) **LGESAU** means LG Energy Solution Australia Pty Ltd.
  - (q) **Phase** means a phase of an Advertising Campaign in accordance with sub-section 7(9) of this Recall Notice.
  - (r) **Product Safety Australia Website** means the product safety website maintained by the ACCC at <https://www.productsafety.gov.au>.
  - (s) **Quarterly Report** means the Quarterly Report required to be submitted to the ACCC by Suppliers under sub-section 10(6) and Schedule 1 of this Recall Notice.
  - (t) **Recall Database** means an online database as required by sub-section 8(1) of this Recall Notice.

- (u) **Rectification** means the actions taken to make a Consumer Good a Rectified Consumer Good.
- (v) **Rectified Consumer Goods** means:
  - (i) Tranche 1 Batteries that have been removed or replaced in accordance with sub-section 5(3) of this Recall Notice; and
  - (ii) Tranche 2 Batteries:
    - (A) that have been removed or replaced; or
    - (B) in respect of which the Diagnostic Software has been installed by a Supplier in accordance with sub-section 5(4) of this Recall Notice; and
      - (1) no Forced Switch Off has occurred; or
      - (2) a Forced Switch Off has occurred and the Tranche 2 Battery has been removed or replaced in accordance with subsection 5(5) of this Recall Notice; and
  - (iii) Consumer Goods that, prior to the Commencement Date, were removed or replaced in a manner equivalent to sub-sections 5(3), 5(4) or 5(5) of this Recall Notice; and
  - (iv) Consumer Goods that are Confirmed Out of Service.
- (w) **Regulator** has the meaning given by section 2 of the ACL.
- (x) **Related Body Corporate** means any body corporate deemed to be a related body corporate by section 6 of the ACL.
- (y) **Serial Number** means a battery's unique alpha numeric identification number.
- (z) **Supplier** means LGES and LGESAU.
- (aa) **Switch Off Communication** means a communication (whether written or verbal) from a Consumer to a Supplier, submitted by one or more of the means made available by a Supplier under section 8(11) of this Recall Notice, advising that the Consumer has switched off the Consumer's Consumer Goods.
- (bb) **Thermal Incident** means an event in Consumer Goods resulting in:
  - (i) accumulation of heat beyond the ordinary or safe operating temperature of the Consumer Goods; or
  - (ii) smoke, gas or flame.
- (cc) **Tranche 1 Battery** means an energy storage system battery supplied in Australia containing lithium-ion cells manufactured by LG Energy Solution Ltd. (Korea) or LG Chem Ltd. (Korea) between 29 March 2017 and 13 September 2018 (inclusive) with

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model identifiers RESU3.3, RESU6.5, RESU10, RESU13, RESU7H Type-R, RESU10H Type-C, RESU10H Type-R, RESU10H Type-R (Secondary), EM048063P3S4, EM048063P3S5 and EM048126P3S7

- (dd) **Tranche 2 Battery** means an energy storage system battery supplied in Australia containing lithium-ion cells manufactured by LG Energy Solution Ltd. (Korea) or LG Chem Ltd. (Korea) between:
- (i) 21 January 2016 and 28 March 2017 (inclusive); or
  - (ii) 14 September 2018 and 30 June 2019 (inclusive),
- with model identifiers RESU3.3, RESU6.5, RESU10, RESU13, RESU7H Type-R, RESU10H Type-C, RESU10H Type-R, RESU10H Type-R (Secondary), EM048063P3S2, EM048063P3S4, EM048063P3S5, EM048126P3S7 and EM048126P3S8.
- (ee) **Unrectified Consumer Goods** means Consumer Goods that are not Rectified Consumer Goods.

## Part 2—Recall

### <sup>5</sup> Recall

#### *General*

- (1) Nothing in this Recall Notice alters consumer rights and remedies or obligations on any person who, in trade or commerce, supplies Consumer Goods, under the ACL or the CCA, including the consumer guarantees provisions of the ACL, or any other Australian law.

#### *Recall of Consumer Goods*

- (2) A Supplier must initiate the recall of Unrectified Consumer Goods in accordance with this Recall Notice within 14 days of the Commencement Date.
- (3) For a Tranche 1 Battery, subject to sub-section 5(15) of this Recall Notice, a Supplier must do one of the following:
  - (a) replace the Tranche 1 Battery; or
  - (b) remove the Tranche 1 Battery and refund to the Consumer the price of the Tranche 1 Battery and the Consumer's costs of installing the Tranche 1 Battery.
- (4) For a Tranche 2 Battery, subject to sub-section 5(15) of this Recall Notice, a Supplier must do one of the following:
  - (a) install the Diagnostic Software on the Tranche 2 Battery;
  - (b) replace the Tranche 2 Battery; or
  - (c) remove the Tranche 2 Battery and refund to the Consumer the price of the Tranche 2 Battery and the Consumer's costs of installing the Tranche 2 Battery.
- (5) If, after installation of the Diagnostic Software, a Tranche 2 Battery is subject to a Forced Switch Off, subject to sub-section 5(15) of this Recall Notice, a Supplier must do one of the following:
  - (a) replace the Tranche 2 Battery; or
  - (b) remove the Tranche 2 Battery and refund to the Consumer the price of the Tranche 2 Battery and the Consumer's costs of installing the Tranche 2 Battery.
- (6) A Supplier must use its best endeavours to Rectify Consumer Goods within eight weeks of:
  - (a) the Supplier receiving a Switch-Off Communication;
  - (b) the Consumer Goods being subjected to a Forced Switch Off; or

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- (c) a Consumer otherwise making a request to the Supplier to Rectify the Consumer's Consumer Goods.
- (7) A Supplier that replaces a Consumer Good under this Recall Notice must replace the Consumer Good with an energy storage system battery that is:
- (a) to the best of the Supplier's knowledge, safe and free from defects;
  - (b) of the same or greater capacity and functionality than the Consumer Good that was removed; and
  - (c) compatible with the Consumer's inverter and energy storage system.
- (8) Subject to sub-sections 5(9) and (10) of this Recall Notice, a Supplier will be considered to have complied with its obligations to recall Consumer Goods under this Recall Notice when all Consumer Goods supplied by the Supplier are Rectified Consumer Goods or are Unrectified Consumer Goods in respect of which:
- (a) the Supplier has obtained a Confirmation of Communication; and
    - (i) the Consumer has refused Rectification of the Consumer Goods; or
    - (ii) the Consumer has not permitted Rectification of the Consumer Goods within six months of the Confirmation of Communication; and
  - (b) the Supplier has obtained a report from the Independent Auditor confirming each of the matters specified in this sub-section.
- (9) A Supplier must use its best endeavours to ensure that, within 12 months of Commencement Date, all Consumer Goods supplied by the Supplier are Rectified Consumer Goods or are Unrectified Consumer Goods in respect of which sub-section 5(8) of this Recall Notice applies.
- (10) A Supplier may apply to the ACCC for confirmation that the ACCC is satisfied that a Supplier has complied with its obligations under sub-sections 5(2) to 5(9) of this Recall Notice. An application under this subsection must comply with section 12 of this Recall Notice and may be made no earlier than 12 months after commencement of this Recall Notice. Any further application in relation to the same Consumer Goods may only be made where the Independent Auditor verifies that there has been a material development regarding the basis for the application regarding those Consumer Goods.
- (11) Despite subsections 5(8), 5(9) and 5(10) of this Recall Notice, any Supplier with less than 100% Rectification of Consumer Goods must continue to:
- (a) rectify any Unrectified Consumer Product if requested by a Consumer; and

- (b) seek to identify Unrectified Consumer Goods (including through maintaining availability of Recall Database, and monitoring consumer and trade communications) and seek to obtain a Switch Off Communication and Rectify any Unrectified Consumer Goods that it identifies.

This obligation is ongoing, survives any ACCC confirmation of completion and continues until such time as a Supplier can demonstrate with adequate evidence to the satisfaction of the ACCC that it has achieved 100% Rectification of Consumer Goods.

- (12) A Supplier must bear the costs of Rectification of Consumer Goods (subject to sub-section 5(15) of this Recall Notice), including any costs associated with the installation (and ensuring compatibility) or deinstallation of the Consumer Goods.
- (13) A Supplier must, within two weeks of receiving information from a Consumer under sub-section 5(14) of this Recall Notice, pay compensation to a Consumer in respect of any additional costs incurred by the Consumer for continued energy supply in connection with the Consumer switching off the Consumer Goods prior to Rectification of the Consumer Goods. The amount of compensation paid by a Supplier must:
  - (a) in respect of additional electricity costs incurred by a Consumer, be no less than 30 cents per kWh of electricity used by a Consumer during the period in which Consumer Goods were switched off;
  - (b) take into account any other costs incurred by a Consumer for continued energy supply, such as a generator or other costs.
- (14) A Supplier may require a Consumer to provide reasonable information or documentation of costs incurred by the Consumer (such as increased electricity bills) prior to making a compensation payment under sub-section 5(13) of this Recall Notice. The amount of compensation paid by a Supplier to a Consumer must be no less than the actual additional costs incurred by the Consumer for continued energy supply in connection with the Consumer switching off the Consumer Goods prior to Rectification of the Consumer Goods.
- (15) A Supplier that Rectifies Consumer Goods more than 15 years after the date that the Consumer Goods were supplied to a Consumer may:
  - (a) if removing Consumer Goods and providing a refund to the Consumer in respect of the price of the Consumer Goods and the Consumer's costs of installing the Consumer Goods, reduce the amount of the refund to take into account the Consumer's use of the Consumer Goods. The reduction should be calculated by multiplying the purchase price by the percentage of the remaining usable capacity of the Consumer Goods. For example, if the Consumer Goods have a



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remaining usable capacity of 30%, the refund = purchase price x 0.30;  
or

- (b) if removing the Consumer Goods and providing a new replacement battery to the Consumer, only provide the replacement battery on receipt of a contribution from the Consumer calculated by reference to the remaining usable capacity of the Consumer Goods. For example, if the Consumer Goods have a remaining usable capacity of 30%, the consumer contribution would be the purchase price x 0.70.
- (16) A Supplier may satisfy obligations under this Recall Notice by action undertaken by another Supplier on the Supplier's behalf. A Supplier must ensure that any other Supplier acting on its behalf complies with this Recall Notice when doing so.

## **^6 Replacement and disposal of affected batteries**

- (1) Where a Supplier removes Consumer Goods, or Unrectified Consumer Goods otherwise come into the possession, power or control of a Supplier, the Supplier must ensure that they are immediately quarantined, labelled and handled in a manner to:
  - (a) avoid any safety risk and any environmental risk, including, for example, fire risk in transport, landfill, or other disposal, or environmental risk in landfill or other disposal; and
  - (b) prevent re-use for any purpose other than testing by or on behalf of the Supplier or recycling of the base materials comprising the Consumer Goods.
- (2) A Supplier must ensure that all Consumer Goods in its possession, power or control are ultimately safely destroyed, used in testing or recycled in accordance with this Recall Notice and in a manner that poses no safety risk or environmental risk.
- (3) A Supplier must provide evidence of its compliance with section 6 of this Recall Notice to the ACCC on request.

## **^7 Communication and engagement with Consumers**

- (1) A Supplier must develop and implement a plan for contacting, communicating with and engaging with Consumers, and for maximising rates of replacement of Consumer Goods, consistent with this Recall Notice within 28 days from the Commencement Date.
- (2) A Supplier's communications with Consumers pursuant to this Recall Notice (including a Supplier's Advertising Campaign and Direct Campaign) must:
  - (a) use clear, simple language;

- (b) identify the risk presented by the Consumer Goods in clear, simple language that emphasises the risk of a Thermal Incident occurring;
  - (c) avoid technical or scientific terminology;
  - (d) use appropriately urgent terms;
  - (e) not include information or phrases that are likely to mitigate perception of risk or discourage Consumer action to have Consumer Goods Rectified;
  - (f) use language designed to capture attention and be impactful;
  - (g) use bold text to highlight particularly impactful words (e.g., “urgent”, “fire”, “death”);
  - (h) avoid using generic or low-impact imagery (e.g., scenic pictures); and
  - (i) where possible, provide a link or QR code to the Supplier’s Recall Database and/or website containing the Supplier’s Recall Database.
- (3) Suppliers must design messaging to direct Consumers to switch off Unrectified Consumer Goods in their possession, give a Switch Off Communication and have their Consumer Goods Rectified. This must include messaging that:
- (a) emphasises that Rectification of Consumer Goods is free;
  - (b) emphasises that Consumers will be paid compensation by the Supplier in respect of additional energy costs incurred by the Consumer in connection with the switching off of their Consumer Goods;
  - (c) acknowledges the inconvenience presented by the need to switch off the Consumer Goods and have the Consumer Goods Rectified, and prominently features the details of all services the Supplier provides that address Consumer inconvenience associated with the switching off and Rectification of Consumer Goods;
  - (d) advises Consumers that they may report concerns regarding the recall to a specified person or contact point at the Supplier (providing contact details) and to the ACCC at <https://www.accc.gov.au/about-us/contact-us>.
- (4) Suppliers must ensure that messaging is accessible to Consumers from a culturally and linguistically diverse (CALD) audience. This includes, at a minimum, in all written communications with Consumers and on the Supplier’s website, either:
- (a) including a short statement outlining the serious safety risks of the Consumer Goods and the need for urgent action in at least the following common community languages: Arabic, Chinese

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(Simplified and Traditional), Vietnamese, Farsi, Korean, Spanish, Dari, Indonesian, and Hindi; and

- (b) providing links or contact information to a free of charge interpreting/translation service, such as the National Accreditation Authority for Translators and Interpreters (NAATI) <https://www.naati.com.au> or Translating and Interpreting Service (TIS National) <https://www.tisnational.gov.au>
- (5) Suppliers must ensure that messaging is accessible to Consumers with disabilities, such as vision or hearing impairment. This includes, at a minimum, including in all written communications with Consumers and on the Supplier's website details of the National Relay Service for Consumers who are deaf or have a hearing or speech impairment.

#### ***Advertising Campaign***

- (6) Within 28 days from the Commencement Date, a Supplier must implement an Advertising Campaign across multiple channels which is designed to bring the recall of Unrectified Consumer Goods to the attention of Consumers who have not given a Switch Off Communication or scheduled Rectification.
- (7) A Supplier must design and implement its Advertising Campaign using media and public relations or behavioural science specialists in order to generate awareness and strongly encourage action by Consumers, so as to maximise the likelihood of Consumers who have not given a Switch Off Communication:
  - (a) becoming aware of the recall;
  - (b) becoming aware of the risk presented by the Consumer Goods;
  - (c) accessing the Supplier's Recall Database;
  - (d) switching off Consumer Goods until they are Rectified; and
  - (e) giving a Switch Off Communication.
- (8) The Advertising Campaign must, where possible, be geo-targeted to Consumers in certain locations or persons or classes of persons that a Supplier considers may include Consumers, including CALD communities.
- (9) The Advertising Campaign must be conducted by a Supplier in accordance with the requirements of each Advertising Campaign Phase.
- (10) Subject to sub-section 7(12) of this Recall Notice, a Supplier may progress from one Advertising Campaign Phase to another, or from Phase 3 of the Advertising Campaign to completion of the Advertising Campaign, if the Supplier has:
  - (a) met the applicable Advertising Campaign Phase requirements set out in sub-section 7(11) of this Recall Notice;

- (b) obtained a report from the Independent Auditor confirming that the Supplier has met the requirements of the applicable Advertising Campaign Phase and sub-section 7(11) of this Recall Notice; and
  - (c) provided a copy of the Independent Auditor's report to the ACCC along with a notification of the Supplier's intention to progress between Phases.
- (11) The Advertising Campaign Phases apply in each of the following periods of time:
- (a) **Phase 1:** applies from the date of commencement of the Recall Notice, until such time as **75%** of Consumer Goods supplied by the Supplier are either:
    - (i) Rectified Consumer Goods; or
    - (ii) Unrectified Consumer Goods in respect of which:
      - (A) a Switch Off Communication has been given; or
      - (B) a Confirmation of Communication has been obtained.
  - (b) **Phase 2:** applies from the conclusion of Phase 1, until such time as **95%** of Consumer Goods supplied by the Supplier are either:
    - (i) Rectified Consumer Goods; or
    - (ii) Unrectified Consumer Goods in respect of which:
      - (A) a Switch Off Communication has been given; or
      - (B) a Confirmation of Communication has been obtained.
  - (c) **Phase 3:** applies from the date of commencement of the Recall Notice, until such time as **100%** of Consumer Goods supplied by the Supplier are either:
    - (i) Rectified Consumer Goods; or
    - (ii) Unrectified Consumer Goods in respect of which:
      - (A) a Switch Off Communication has been given; or
      - (B) a Confirmation Communication has been obtained.
- (12) A Supplier may cease implementing an Advertising Campaign if:
- (a) the Supplier has completed Phase 3 of its Advertising Campaign and has complied with sub-section 7(10) of this Recall Notice; or
  - (b) notwithstanding that the Supplier has not completed Phase 3 of its Advertising Campaign, following an application by the Supplier to the ACCC, the ACCC confirms it is satisfied that:
    - (i) the Supplier has conducted a sufficient Advertising Campaign; and

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- (ii) the Supplier provided the ACCC with advice from its Independent Auditor and a media and public relations or behavioural science specialist that continuing the Advertising Campaign is not reasonably likely to alert Consumers of the matters in sub-section 7(7) of this Recall Notice, and the ACCC is satisfied that the advice is reasonable.
- (13) An application by a Supplier to the ACCC under sub-section 7(12)(b) of this Recall Notice must not be made any earlier than:
- (a) twelve months after commencement of the Advertising Campaign; or
  - (b) six months after the Supplier's commencement of Phase 2 or Phase 3 of its Advertising Campaign,
- whichever is later.
- (14) A Supplier may not make a further application under sub-section 7(12)(b) earlier than three months after the ACCC notifies the Supplier of the outcome of any prior application under that sub-section.

***Requirements for the Advertising Campaign***

- (15) During each Phase of the Advertising Campaign, a Supplier must employ at a minimum each of the means of Consumer outreach set out in Schedule 2, in accordance with the requirements set out in Schedule 2.

***Direct Consumer Communications Campaign***

- (16) A Supplier must employ a Direct Consumer Communications Campaign (the **Direct Campaign**) with respect to communications with Consumers whose contact information is known or becomes known to the Supplier. The Direct Campaign must be employed across multiple channels and escalated as necessary until the Supplier has complied with its obligations in respect of the Consumer's Consumer Goods as set out in section 5 of this Recall Notice.
- (17) The Direct Campaign must be designed to maximise the likelihood of Consumers in respect of whom the Supplier has contact information:
- (a) becoming aware of the recall;
  - (b) becoming aware of the risk presented by the Consumer Goods;
  - (c) accessing the Supplier's Recall Database;
  - (d) switching off Consumer Goods until they are replaced or removed;
  - (e) giving a Switch Off Communication; and
  - (f) arranging the Rectification of their Consumer Goods.
- (18) Subject to sub-section 7(19), the Direct Campaign must include direct contact with a Consumer by:

- (a) initial written communication delivered by post;
  - (b) communication by email, telephone calls, SMS/text messaging and social media to be sent concurrently with the initial postal communication where details are available to the Supplier;
  - (c) subsequent written communication delivered by registered post or other personal courier service where confirmation of receipt by the addressee is provided; and
  - (d) in-person home visits.
- (19) The Direct Campaign must include a specified escalation strategy. The escalation strategy must at a minimum provide:
- (a) for direct contact with a Consumer by at least three of the four methods set out in sub-section 7(18) of this Recall Notice; and
  - (b) that where postal communication has been utilised twice and the Consumer has not given a Switch Off Communication, the Supplier must escalate to registered post or other personal contact where confirmation of receipt by the addressee is provided, in addition to continuing to attempt to communicate by social media, if applicable.

## **^8 Information to be made available by Suppliers to Consumers**

- (1) A Supplier must maintain a Recall Database on the Supplier's website that is easy to navigate and allows Consumers to enter a Serial Number into a search field and obtain immediate information about the recall status of the Consumer Goods. The Recall Database must be compliant with this Recall Notice by no later than one month after commencement of this Recall Notice.
- (2) A Supplier's website and Recall Database must, at a minimum:
  - (a) provide a link to clear video and audio information (on its website and/or a social media site such as YouTube) explaining how a Consumer can locate and identify the Serial Number of Consumer Goods (including for each energy storage system brand of which the Consumer Goods form a part);
  - (b) upon entry of a Serial Number, provide a description of whether the Serial Number relates to a battery that is a Tranche 1 Battery, a Tranche 2 Battery, is neither, or is an invalid Serial Number;
  - (c) provide a description of the safety risk associated with the Consumer Goods and what action the Consumer should take in relation to their Consumer Goods;
  - (d) provide the relevant PRA Number assigned to the recall by the ACCC;

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- (e) provide a link to other relevant information concerning the recall including information required to be provided under this Recall Notice; and
  - (f) provide Consumers with the option to obtain a PDF report of their search (including date of search, input data and search results) for record keeping purposes.
- (3) A Supplier must provide on its website a means for Consumers to update their contact details with the Supplier, and there must be a link to this update mechanism on the Supplier's Recall Database page and the main page on the Supplier's website which relates to the recall.
- (4) A Supplier must on its website publish the following information in respect of Consumer Goods supplied by the Supplier in Australia:
- (a) the number of Rectified Consumer Goods;
  - (b) the number of Unrectified Consumer Goods;
  - (c) the number of Consumer Goods in respect of which a Confirmation of Communication has been obtained but which remain Unrectified; and
  - (d) the number of Consumer Goods that were subjected to a Forced Switch Off.
- (5) The information to be published by a Supplier in accordance with sub-section 8(4) of this Recall Notice must be updated at least quarterly, with the first publication due within two weeks of the Supplier's first Quarterly Report under this Recall Notice.
- (6) A Supplier must have an adequately staffed toll-free telephone number which Consumers can call to obtain information about the recall, including information in relation to:
- (a) identifying a Serial Number;
  - (b) giving a Switch Off Communication;
  - (c) scheduling replacement or removal of Consumer Goods;
  - (d) updating contact details;
  - (e) making enquiries or complaints relating to the Supplier's recalls pursuant to this Recall Notice.
- (7) A Supplier must ensure that staff involved in in-bound and out-bound telephone communications are adequately trained and qualified.
- (8) A Supplier must ensure that staff involved in in-bound and out-bound telephone communications are instructed to:
- (a) communicate consistently in accordance with the requirements of sub-section 7(2) of this Recall Notice;

- (b) direct Consumers to switch off their Consumer Goods and give a Switch Off Communication;
  - (c) schedule an appointment for replacement or removal of Consumer Goods; and
  - (d) minimise the need for the Consumer to make a separate call or wait for a call-back in order to give a Switch Off Communication or to schedule an appointment.
- (9) The Supplier must set key performance targets for responses, the average wait time, percentage of calls abandoned and the percentage of consumer queries responded to within 24 hours.
- (10) Suppliers must proactively maintain up-to-date contact information for Consumers. This must include at least the following:
- (a) offering convenient, multiple means for Consumers to provide or update their contact information. This must include, at a minimum, some means on the Supplier's website for Consumers to provide or update their contact details, with a link to this mechanism on the Supplier's Recall Database page and the main page on the Supplier's website which relates to the recall. It may also include a dedicated phone number, a postage-paid card the Consumer can mail back, or other means;
  - (b) including an option for Consumers to notify the Supplier that the Consumer is no longer the owner of the Consumer Goods, and inviting provision of contact details for the current owner of the Consumer Goods.

***Switch Off Communications***

- (11) A Supplier must establish means for Consumers to give a Switch Off Communication to the Supplier, including by at least the following means:
- (a) electronically on the Supplier's website;
  - (b) email to a dedicated email address maintained by the Supplier;
  - (c) SMS to a dedicated number maintained by the Supplier;
  - (d) phone call to a toll-free call centre maintained by the Supplier in accordance with subsection 8(6) of this Recall Notice; and
  - (e) letter sent to a postal address nominated by the Supplier.

**^9 Consumer dispute resolution**

- (1) A Supplier must establish a dispute resolution process that meets the requirements of this section or ensure any existing dispute resolution process meets the requirements of this section.



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- (2) A Supplier must ensure the dispute resolution process is consistent with AS/NZS 10002:2014 Guidelines for complaint management in organizations, adapted as required to the Supplier's circumstances. The process must feature, at a minimum, the following:
    - (a) a Consumer complaints person or team dedicated to assisting Consumers with questions and complaints (which may be contactable by Consumers at the telephone number required under sub-section 8(6) of this Recall Notice); and
    - (b) a structure for prompt escalation of Consumer issues not able to be resolved through the complaints personnel, with such escalation to include attention of a qualified and informed person using best endeavours to assist the Consumer and resolve any dispute in accordance with the Supplier's obligations under the ACL and this Recall Notice.
  - (3) If the Supplier is notified by a Regulator of a dispute relating to Consumer Goods, the Supplier must use its best endeavours to deal promptly and fairly to address the dispute and manage it in accordance with the Supplier's obligations under the ACL and this Recall Notice.

#### **^10 Record keeping and reporting**

- (1) A Supplier must track and keep records of the following:
  - (a) the Supplier's compliance with this Recall Notice;
  - (b) the Supplier's recall and replacement rates, with data recorded in a way to inform the reports required in Schedule 1 of this Recall Notice;
  - (c) any Consumer Goods destroyed, used in testing or recycled by the Supplier;
  - (d) reports of any Thermal Incident in a Consumer Good supplied by the Supplier, including full details regarding the facts and circumstances of the Thermal Incident and those person(s) involved;
  - (e) reports of any injury or death that anyone associates with a Thermal Incident in a Consumer Good supplied by the Supplier, including full details regarding the facts and circumstances of the incident and those person(s) involved;
  - (f) complaints from Consumers in respect of a Consumer Good supplied by the Supplier, or in respect of the Supplier's recall campaign, identified by issue and by location (State or Territory), and with information on how each complaint has been managed;
  - (g) communications with Consumers in relation to this Recall Notice;

- (h) performance against the key performance targets required under sub-section 8(9) of this Recall Notice;
  - (i) any reports prepared by the Independent Auditor under this Recall Notice; and
  - (j) the information required to be reported in accordance with Schedule 1 of this Recall Notice.
- (2) The ACCC may request that a Supplier provide it with any records required to be held pursuant to sub-section 10(1) of this Recall Notice. A Supplier must provide the documents requested within 14 days of receiving the request.
- (3) Where the data collected under the requirements in sub-section 10(1) of this Recall Notice includes reports from person(s) regarding Thermal Incidents, injury, death, or complaints, the Supplier must obtain the name and contact details of persons involved in the reported incident or complaint, and persons providing information, and the Supplier must seek consent from those persons to provide their name and contact details to the ACCC. Where the Supplier receives consent, the Supplier must provide the name and contact details of those persons to the ACCC as part of relevant reporting requirements.
- (4) Where data collected under the requirements in sub-section 10(1) of this Recall Notice includes information regarding a person who has advised the Supplier that they do not wish to have their Consumer Good replaced or removed (if it is a Tranche 1 Battery or Tranche 2 Battery subject to a Forced Switch Off), or have the Diagnostic Software installed on their Consumer Good (if it is a Tranche 2 Battery), the Supplier must seek consent from that person to provide their name and contact details to the ACCC. Where the Supplier receives consent, the Supplier must provide the names and contact details of those persons and the relevant Consumer Good. Where those person(s) do not consent to their name and contact details being provided to the ACCC, the Supplier must provide the ACCC with the Serial Number and other details of the Consumer and note that the person(s) did not consent to provision of their details to the ACCC.
- (5) A Supplier must notify the ACCC of any reports of which the Supplier is aware regarding any Thermal Incident of a Consumer Good supplied by the Supplier (or any Related Body Corporate of the Supplier) worldwide. The Supplier must notify the ACCC of the following details, if known, within two days of becoming aware of such a report:
- (a) the date of the Thermal Incident;
  - (b) the location of the Thermal Incident, specified by city, state, territory or province, and country;
  - (c) the reported or known factual circumstances

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- (d) the Serial Number of the relevant Consumer Good and whether it was a Tranche 1 Battery or Tranche 2 Battery;
  - (e) whether anyone considers that the incident resulted in injury or death, and if so, the nature and circumstances of the injury or death and any medical treatment; and
  - (f) the names and contact details of persons involved in or reporting any such incident if those persons consent to provision of their contact details to the ACCC.
- (6) A Supplier must provide the following documents to the ACCC:
- (a) the documents required under Schedule 1 of this Recall Notice within the time specified in the Schedule; and
  - (b) every report prepared by the Independent Auditor under this Recall Notice, within seven days of receipt by the Supplier of the report or such later time as prescribed by this Recall Notice.

#### **^11 Independent Auditor**

- (1) A Supplier must appoint an Independent Auditor to monitor the Supplier's compliance with this Recall Notice. Suppliers may jointly appoint an Independent Auditor.
- (2) Before appointing an Independent Auditor, a Supplier must submit the name and qualifications of the proposed auditor to the ACCC, so that the ACCC can assess the proposed auditor's independence and qualifications. Nomination of the proposed auditor must be made by no later than 60 days after the Commencement Date. The Supplier must identify any association between the proposed auditor and the Supplier which may affect or be perceived to affect the independence of the Independent Auditor. The ACCC will notify the Supplier if it accepts the appointment of the proposed auditor. If the ACCC notifies the Supplier that it is not satisfied as to the independence and/or qualifications of the auditor, then the Supplier must nominate a different proposed auditor in accordance within seven days. The process of nomination and assessment will continue until the ACCC confirms to the Supplier that it is satisfied of the independence and qualifications of a nominated proposed auditor.
- (3) A Supplier must ensure that the Independent Auditor prepares and provides to the Supplier a Compliance Report every six months commencing from the commencement of this Recall Notice.
- (4) A Supplier must ensure that the Compliance Report sets out findings of the Independent Auditor relating to the Supplier's compliance with the Recall Notice, including findings relating to:
  - (a) whether the Supplier has failed to comply with any provision of this Recall Notice;

- (b) the extent to which key performance targets for responses to calls to the toll-free number established for consumers in accordance with sub-section 8(6) have been met, and whether in the Independent Auditor's opinion any additional or amended performance targets should be implemented for the next audit period;
  - (c) the accuracy of information provided by the Supplier to the ACCC under section 10 and Schedule 1, or made available by the Supplier under section 8 of this Recall Notice;
  - (d) measures taken by the Independent Auditor to verify the information in paragraph 11(5)(b) of this Recall Notice;
  - (e) measures that could reasonably be adopted by the Supplier to enhance or improve the recall action taken by the Supplier under this Recall Notice, including:
    - (i) measures to improve the Supplier's Advertising Campaign and Direct Campaign;
    - (ii) measures to improve the rate of Rectification of Consumer Goods; and
    - (iii) any other matters the Independent Auditor considers necessary or appropriate.
- (5) A Supplier must provide a copy of the Compliance Report to the ACCC within 14 days of receiving the Compliance Report; and
- (6) Where the Compliance Report includes a finding:
- (a) under paragraph 11(4)(a) of this Recall Notice that a Supplier has failed to comply with any provision of this Recall Notice; or
  - (b) under paragraph 11(4)(e) of this Recall Notice that there are measures that could reasonably be adopted by a Supplier to enhance or improve the recall action taken by the Supplier under this Recall Notice,
- the Supplier must, when providing the Compliance Report to the ACCC in accordance with sub-section 11(5) of this Recall Notice:
- (c) inform the ACCC of any steps taken by the Supplier to remedy the non-compliance or implement the measures proposed by the Independent Auditor; and/or
  - (d) outline the steps that the Supplier proposes to take to remedy the non-compliance or implement the measures proposed by the Independent Auditor, including the timeline in which the Supplier proposes to take the steps, and inform the ACCC once those steps have been implemented.
- (7) A Supplier must ensure that, for the purposes of preparing any report under this Recall Notice, the Independent Auditor has access to all

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information in the Supplier's possession or control required by the Independent Auditor to prepare the Independent Auditor's report, including at a minimum:

- (a) all records required to be kept by the Supplier pursuant to section 10 of this Recall Notice; and
- (b) allowing the Independent Auditor to make enquiries of any officers, employees, representatives and agents of the Supplier.

## **^12 Applications to the ACCC**

- (1) Prior to making any application to the ACCC under sub-sections 5(10) or 7(12)(b) of this Recall Notice, a Supplier must:
  - (a) provide to the Independent Auditor:
    - (i) the details of the Supplier's intended application; and
    - (ii) any supporting documents or information that the Supplier intends to rely upon in support of the Supplier's intended application; and
  - (b) obtain from the Independent Auditor a report setting out findings of the Independent Auditor in relation to whether:
    - (i) the supporting documents or information provided to the Independent Auditor by the Supplier are accurate and support the Supplier's intended application; and
    - (ii) the intended application is considered by the Independent Auditor to be reasonable and appropriate in the circumstances.
- (2) In preparing a report under sub-section 12(1) of this Recall Notice, the Independent Auditor may have regard to:
  - (a) Compliance Reports prepared by the Independent Auditor;
  - (b) recall action taken by the Supplier under this Recall Notice;
  - (c) the number of Unrectified Consumer Goods;
  - (d) data such as the number of Confirmation of Communications, Switch Off Communications and Rectifications; and
  - (e) Consumer complaints and resolution; and
  - (f) any other matters the Independent Auditor considers relevant.
- (3) Any application to the ACCC under this Recall Notice must be:
  - (a) in writing;
  - (b) submitted to the ACCC via the specified link on the Product Safety Australia Website; and

- (c) accompanied by:
  - (i) the Independent Auditor's report prepared pursuant to paragraph 12(1)(b) of this Recall Notice; and
  - (ii) supporting documents or information, if any.

**^13 Documents which may be published on the Product Safety Australia website**

- (1) The ACCC may publish on the Product Safety Australia Website any document, or any information contained in a document, provided to the ACCC under this Recall Notice, including, but not limited to the following documents and any amendments to them:
  - (a) the reports required under section 10 and Schedule 1 of this Recall Notice;
  - (b) Compliance Reports;
  - (c) any application made by a Supplier under this Recall Notice and any response to such an application by the ACCC.

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## Schedule 1

### *Quarterly Reports*

- 1 Within 14 days of the end of each calendar quarter, a Supplier must submit a Quarterly Report to the ACCC for the preceding quarter.
- 2 A Quarterly Report submitted by a Supplier must include the following information relating to the Supplier:
  - (a) a statement of the Supplier's overall completion results, including, at a minimum, the following information:
    - (i) the total number of Consumer Goods;
    - (ii) the total number of Consumer Goods that have been Rectified;
    - (iii) the total number of Unrectified Consumer Goods that require future Rectification;
    - (iv) the total number of Unrectified Consumer Goods that require future Rectification whose location the Supplier is aware of;
    - (v) the total number of Unrectified Consumer Goods that require future Rectification whose location the Supplier is not aware of; and
  - (b) a description in narrative form of the steps the Supplier has taken to maximise the recall rates during the quarter, including:
    - (i) any improvements to communications, for example, measures to improve accuracy of Consumer contact details, measures to improve direct contact impact (for example, using methods of direct contact other than letters), content changes, measures to improve Consumer awareness and response rate;
    - (ii) the Supplier's response to any recommendations made by the Independent Auditor, if applicable, including measures to implement recommendations.

### *Interim Progress Update*

- 3 A Supplier must maintain the following data, so that the Supplier is able to provide an interim progress update containing the then current data listed below to the ACCC within 14 days of a request for such a report by the ACCC.
  - (a) On a national, State and Territory basis and by battery type and model:
    - (i) the total number of Consumer Goods;
    - (ii) the total number of Consumer Goods that have been Rectified, and the numbers of those Rectified that were replaced after Forced Switch Off by Diagnostic Software, replaced without installation of Diagnostic Software, refunded after Forced Switch Off by the Diagnostic Software, refunded without installation of Diagnostic Software, operating with Diagnostic Software, or Confirmed Out of Service;

- (iii) the total number of Unrectified Consumer Goods that require future Rectification, and the numbers of those whose location the Supplier is aware of; and
- (iv) the total number of Unrectified Consumer Goods that require future Rectification whose location the Supplier is not aware of.



## Schedule 2

### Advertising Campaign requirements

Medium	Reach	Advertisement Specifications		
		Phase 1	Phase 2	Phase 3
Television and digital streaming platforms	<p>At least every television station within the three highest viewership Nationally or in each State or Territory.</p> <p>At least 1 digital streaming platform within the three highest viewership.</p>	<ul style="list-style-type: none"> <li>Be at least 30 seconds in length per advertisement; and</li> <li>be played between 7:00 AM Monday to 11:00 PM Friday on each station at least once between the hours of 7.00 AM and 8.00 AM and once per hour between the hours of 6.00 PM and 11.00 PM; and two additional times outside of the above; and</li> <li>be played between 7:00 AM Saturday to 11:00 PM Sunday on each station at least once per hour between the hours of 6.00 PM and 11.00 PM; and two additional times outside of the above.</li> </ul>	<ul style="list-style-type: none"> <li>Be at least 30 seconds in length per advertisement; and</li> <li>be played between 7:00 AM Monday to 11:00 PM Friday on each station at least once between the hours of 7.00 AM and 8.00 AM and twice between the hours of 6.00 PM and 11.00 PM; and two additional times outside of the above; and</li> <li>be played between 7:00 AM Saturday to 11:00 PM Sunday on each station at least twice between the hours of 6.00 PM and 11.00 PM; and two additional times outside of the above.</li> </ul>	<ul style="list-style-type: none"> <li>Be at least 30 seconds in length per advertisement; and</li> <li>be played on each station, at least once per day between the hours of 7.00 AM and 8.00 AM and 6.00 PM and 11.00 PM.</li> </ul>
Radio and digital audio streaming platforms	<p>At least every radio station within the three highest listenership Nationally and in each State and Territory</p> <p>At least one station in every regional area where the batteries were supplied</p> <p>Major digital audio publishers including (but not limited to) Spotify, Soundcloud, ARN, SCA, and Nova.</p> <p>Highest listenership stations for top 10 non-English languages in Australia (CALD Stations). Advertising to be in-language.</p>	<ul style="list-style-type: none"> <li>Be at least 15 seconds in length per advertisement; and</li> <li>be played on each radio station, at least once per hour between the hours of 5.30 AM and 9.00 AM, and 4.00 PM and 7.00 PM; and two additional times outside of the above.</li> </ul>	<ul style="list-style-type: none"> <li>Be at least 15 seconds in length per advertisement; and</li> <li>be played on each radio station, at least once per every 2 hours between the hours of 5.30 AM and 9.00 AM, and 4.00 PM and 7.00 PM; and two additional times outside of the above.</li> </ul>	<ul style="list-style-type: none"> <li>Be at least 15 seconds in length per advertisement; and</li> <li>be played on each radio station, at least once per day.</li> </ul>
Newspapers (online and print editions)	<p>Top 2 highest circulation in each state/territory</p> <p>National newspapers</p>	<ul style="list-style-type: none"> <li>Prominent display in first 5 pages/online banners; and</li> <li>of a size no less 25% of a page for print; and</li> </ul>	<ul style="list-style-type: none"> <li>Prominent display in first 10 pages/online banners; and</li> <li>of a size no less than 12.5% of a page for print; and</li> </ul>	<ul style="list-style-type: none"> <li>Prominent display in newspaper (print and online); and</li> <li>of a size no less than 5% of a page for print; and</li> </ul>

Medium	Reach	Advertisement Specifications		
		Phase 1	Phase 2	Phase 3
	Ethnic newspapers (top 5 highest circulation in each state/territory)	<ul style="list-style-type: none"> <li>at least 2 ads per week Monday to Friday and at least 1 ad on Saturday/Sunday; and</li> <li>for online sites banner to be of a size no less than 320 × 50 (mobile leaderboard), 728 × 90 (leaderboard), 300 × 600 (skyscraper) or 336 × 28 (rectangle).</li> </ul>	<ul style="list-style-type: none"> <li>at least 2 ads per fortnight Monday to Friday and at least 1 ad on Saturday/Sunday; and</li> <li>for online sites banners to be of a size no less than 320 × 50 (mobile leaderboard), 728 × 90 (leaderboard), 300 × 600 (skyscraper) or 336 × 28 (rectangle).</li> </ul>	<ul style="list-style-type: none"> <li>at least 1 ad per week; and</li> <li>online banners.</li> </ul>
Digital Social	Multiple social channels including but not limited to Meta (Facebook and Instagram) and YouTube using a range of formats to extend and build targeted reach and message frequency.	<ul style="list-style-type: none"> <li>Activity to run across multiple surfaces including Facebook/Instagram Newsfeed, Stories, Reels as well as Instagram Explore to increase opportunities and maximise potential audience reach; and</li> <li>minimum impressions of 300,000 per week across Meta.</li> </ul>	<ul style="list-style-type: none"> <li>Activity to run across multiple surfaces including Facebook/Instagram Newsfeed, Stories, Reels as well as Instagram Explore to increase opportunities and maximise potential audience reach; and</li> <li>minimum impressions 150,000 per week across Meta.</li> </ul>	<ul style="list-style-type: none"> <li>Activity to run across multiple surfaces including Facebook/Instagram Newsfeed, Stories, Reels as well as Instagram Explore to increase opportunities and maximise potential audience reach; and</li> <li>minimum impressions 37,500 per week across Meta.</li> </ul>
Digital Search	Responsive and dynamic search ads via Google to maximise traffic to the recall website.	<ul style="list-style-type: none"> <li>Paid search to show ads for relevant queries when people search for topics such as (but not limited to) solar battery recall, lg battery recall, solar battery storage, solar battery for home, solar battery replacement and related terms on Google; and</li> <li>minimum impressions of 400,000 per week</li> </ul>	<ul style="list-style-type: none"> <li>Paid search to show ads for relevant queries when people search for topics such as (but not limited to) solar battery recall, lg battery recall, solar battery storage, solar battery for home, solar battery replacement and related terms on Google; and</li> <li>minimum impressions 200,000 per week.</li> </ul>	<ul style="list-style-type: none"> <li>Paid search to show ads for relevant queries when people search for topics such as (but not limited to) solar battery recall, lg battery recall, solar battery storage, solar battery for home, solar battery replacement and related terms on Google; and</li> <li>minimum impressions 5,000 per week.</li> </ul>
Digital Display	Digital display advertising including programmatic targeting to identify and reach impacted consumers, build awareness and maximise traffic to recall website.	<ul style="list-style-type: none"> <li>Websites with relevant content to reach audiences across contextually relevant websites or articles such as: ecommerce and shopping / arts and entertainment / home and garden / food and drink / real estate / technology / solar / renewable energy resources / Government rebates for solar; and</li> <li>frequency to be capped at 10 per month; and</li> </ul>	<ul style="list-style-type: none"> <li>Websites with relevant content to reach audiences across contextually relevant websites or articles such as: ecommerce and shopping / arts and entertainment / home and garden / food and drink / real estate / technology / solar / renewable energy resources / Government rebates for solar; and</li> <li>frequency to be capped at 5 per month; and</li> </ul>	<ul style="list-style-type: none"> <li>Websites with relevant content to reach audiences across contextually relevant websites or articles such as: ecommerce and shopping / arts and entertainment / home and garden / food and drink / real estate / technology / solar / renewable energy resources / Government rebates for solar; and</li> <li>frequency to be capped at 5 per month; and</li> <li>images to be a minimum of 1200 x 628 (landscape) 1200 x 1200 (square) or 900 x 1600 (portrait).</li> </ul>

Medium	Reach	Advertisement Specifications		
		Phase 1	Phase 2	Phase 3
		<ul style="list-style-type: none"> <li>images to be a minimum of 1200 x 628 (landscape) 1200 x 1200 (square) or 900 x 1600 (portrait).</li> </ul>	<ul style="list-style-type: none"> <li>images to be a minimum of 1200 x 628 (landscape) 1200 x 1200 (square) or 900 x 1600 (portrait).</li> </ul>	

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