

Transcripts of correspondence regarding battery delivered Thursday 19th April, in chronological order including eBay messages, direct emails and other pertinent comments and information.

From:1965burnie
To:autoelecau
Sent:19-Apr-18 19:15New message to: autoelecau

Hi guys. Battery just arrived (a lot quicker than expected!) but without the charger? I presume it is coming by post so no biggie. However on opening the battery box I noticed what appears to be a liquid leakage on the cardboard and the plastic sleeve around the battery? The box itself looks like it may have hit the ground hard on one corner too. Pics attached, let me know what you think. Cheers, Dave. 0429 328 432

From:autoelecau
To:1965burnie
Sent:19-Apr-18 22:16

Hi , We have contacted the courier and they advise that the item has been signed for in good condition ? Is this correct ? Regards Peter4

From:1965burnie
To:autoelecau
Sent:19-Apr-18 22:21

Hi Peter, yes it was signed for by my wife and at first glance does appear ok on the outside. It was not until opening the box when I got home I saw what looked like a leak. After seeing this I examined the box closed and saw the slightly squashed corner. As it is the bottom edge it is not noticeable until the box is turned upside down. Is the battery damaged beyond use with this leak?

From:autoelecau
To:1965burnie
Sent:20-Apr-18 08:08

Hi , Yes the battery battery damaged beyond use .Can you get back in touch with the courier from your end ? Regards Peter

From:1965burnie
To:autoelecau
Sent:20-Apr-18 08:26

Hi Peter, I just contacted the courier, Star Track Express, and they advised the sender needs to sort it out with their Contract Manager. The con note it was sent on was ZHP00099. I tried calling the Battery Power Centre too but was answered with Hello-Goodbye and they hung up! Can you look into this for me and let me know what I need to do. Thanks heaps, Dave. 0429328432.

From:autoelec
To:1965burnie
Sent:20-Apr-18 08:46

Hi , We have already done that and they advise they have supportive evidence that the item has been received in good condition and signed for as such , there is not a lot i can do as this has been severely compromised by the fact of the signature received in good condition , what i cannot understand is why an item would be signed for in good condition without being checked first ? . Moving forward if you can send me some pictures to sales at autoelec dot com dot au along with a statutory declaration of what has occurred and why it was signed for in good condition when it was not .I will submit this on your behalf but i cannot promise anything .Regards Peter

Friday 20th April 11:39 (sent via email as requested with all photos and Statutory Declaration)

Good morning Peter,

As requested, some photos of the battery and carton. As I mentioned, the delivery was accepted by my wife, who would have no chance at opening and moving around a 34kg battery to check its condition. From her initial quick inspection of the box all seemed fine so she accepted it with the courier leaving it on my garage floor where I opened it later that evening. Whilst there is small transport damage to the carton, there is nothing obvious to indicate the contents would be damaged.

The only indication to damage to the battery is the fact that it appears to be leaking from the join in the case, as indicated by the markings on the box. There are no physical signs of damage on the battery itself. If there are any other photos you need just let me know. It is also possible of course that the battery was already in this condition and the leaking was not caused by transport damage – I am not in a position to say either way.

I have included an unsigned copy of the stat dec as well, going down to the local shops shortly to get that signed, then I will send you a copy.

I look forward to a speedy resolution.

Cheers, Dave.

STAT DEC Contents:

The Battery ordered from Autoelec Ebay store was received and signed for in good faith with a quick external review by my wife as to the condition. All looked OK so she accepted delivery (box weighed 34kg so she was limited in her ability to inspect)

I returned home later that evening and opened the box to find the battery appeared to be leaking from the join between the top and bottom of the battery, evidenced by liquid marks on the cardboard liner and fluid between the battery and the plastic bag it is in.

Closer inspection of the carton showed what appears to be slight compression damage to one bottom corner, assumingly from hitting the ground on an angle.

No physical damage to the battery was apparent. Photos of the leak marks, the battery and the box have been forwarded to sales@autoelec.com.au.

Given only typical transport scuffing and very slight damage to the outer box were evidenced, we were under no impression that the battery inside would be damaged.

One of the Photos sent:



From:autoelecau
To:1965burnie
Sent:20-Apr-18 10:23

Hi , I have received the pictures , but could you please supply a picture of the one on the top of the box ? As if it reads what it would appear to read we have no case to push back onto the courier with and you probably need to review the stat dec you are going to provide as this is quite conflicting to what is clearly labeled on top of the box , i will submit this if you want but you may be in contempt with that stat dec in the circumstances , Looking to your reply .regards Peter

Fri 20/04/2018 11:39 AM (reply via email with photo of top of box showing lable)

Hi again Peter,

Please find enclosed copy of signed stat dec and a photo of the message on top – which I might add was not part of the eBay sales agreement I entered into. I do not care who is ultimately held

responsible for the damage, not my problem to be honest, I just want a battery in good working order.

Cheers, Dave.

TABLE CONTENTS:

PLEASE INSPECT GOODS BEFORE SIGNING FOR THEM

IF YOU SIGN FOR DAMAGED GOODS, YOU ARE ACCEPTING THEM IN THEIR CURRENT CONDITION, THEREFOR FORIETING ANY CLAIM TO DAMAGED GOODS.

PLEASE INSPECT PACKAGING AND GOODS INSIDE PACKAGING.

ONLY SIGN IF YOU ARE SATISFIED WITH THE CONDITION OF THE GOODS.

To: 'sales@autoelec.com.au'
Fri 20/04/2018 4:48 PM (via email)

Hi Peter,

Can you let me know where you got to with this please, I need to get something sorted ASAP.

Cheers, Dave.

From: Bairnsdale Electric Sales [mailto:sales@autoelec.com.au]
Sent: Friday, 20 April 2018 5:29 PM
To: dave@justaskdave.com.au
Subject: Re: Re Ebay order #291046921168

Hi , We have spoken to the courier company and quite embarrassing for us as all we could do is agree with the obvious , but we said we would and we have . You need to contact the courier company yourself as the letter on top self explanatory and supported by the signature that the courier company has . I truly cannot understand why with such a simple , spelt out label taped on top of the box , how this could still occur ?? Have you read the label ? Do you understand where i am coming from ?

On Fri, Apr 20, 2018 at 5:47 PM, <dave@justaskdave.com.au> wrote:

Peter,

That is by far the most unprofessional and derogatory response I have ever received from an eBay Supplier. It will be printed and hung on my wall for all to read.

As stated, the box weighs 34 kilo and there is no possible way it could have been opened and examined by the female receiver, besides which the courier would not have waited anyway. I find your response utterly preposterous.

Please organise a replacement by whatever means you need, I will not be contacting the courier company as this is an issue for the supplier, not the receiver.

Cheers, Dave.

From: Bairnsdale Electric Sales [mailto:sales@autoelec.com.au]

Sent: Friday, 20 April 2018 6:09 PM

To: dave@justaskdave.com.au

Subject: Re: Re Ebay order #291046921168

You are welcome to hang this on the wall for all to read , but make sure you show the FULL story and include the pictures you supplied me ,and that we forwarded onto the courier company especially the one with the labeling on top of the box .This was not meant to be a " unprofessional and derogatory response" but i simply cannot understand that when the effort has been taken to print a label for the top of a box and in essence to protect a buyer and make them aware what to do when an item arrives , why this would be ignored ?? . In the statutory declaration you provided it does not address the comment you put forward now being " besides which the courier would not have waited anyway " or in any of our previous correspondence thus far , but if that was the case and you can prove this then put it in a stat dec and provide it to whoever in whichever pathway you choose to take from here .There is nothing more we can do for you , if you are not happy with this reply you should take up the matter with consumer affairs or your legal counsel . Regards Peter

On Mon, Apr 23, 2018 at 1:41 PM, <dave@justaskdave.com.au> wrote:

Good afternoon Peter,

Just a courtesy email to let you know that I have taken your advice and contacted the Department of Fair Trading. They have advised that the terms on the top of the box are not considered as fair terms due to:

- a) the weight of the battery and the receiver being female, and,
- b) this 'requirement' was not mentioned by the delivery driver,
- c) they are not in the terms of sale (your terms state: If your order arrives damaged in any way, pcontact us through ebay contact seller so we can resolve the matter for you as quickly as possible. – which I did.)

They advised me that under the Consumer Guarantee laws (2011) it is your responsibility as the seller to provide me the customer with goods in a working condition, regardless of how or when the item was damaged on its way to me. Claims to the courier can only be done by the sender.

Based on the contents of your final email and the fact that the contents of my emails fulfil the requirements of a letter of demand, Department of Fair Trading have advised me to send all correspondence to them to initiate a claim. However, in the off chance you were having a bad day on Friday I would like to give you the opportunity to reply before I initiate the claim later this evening.

Regards, Dave.

From: Bairnsdale Electric Sales [mailto:sales@autoelec.com.au]

Sent: Monday, 23 April 2018 4:55 PM

To: dave@justaskdave.com.au; Graeme Hickls <graeme@batterypowercentre.com.au>; Tas Samlidis <tas@powercrank.com.au>

Subject: Re: Re Ebay order #291046921168

Hi Graeme ,

As per our previous correspondence regarding this battery and the protocols you put in place previously for overall protecting buyers from receiving a damaged battery (in the rare event of this happening) with the labeling you clearly put on the batteries , could you please take legal advice on this matter , as what you were doing appeared to us to a be common sense approach , but according to the customer (Dave) this is not legal according to Fair Trading (see the correspondence) .We have cc'd Dave in on this and if Dave , could you put the reference number of the Fair trading communications (which they will provide and if you do not have , could you please get one) .

Regarding Dave's points 1 , " the weight of the battery and the receiver being female," This was marked (addressed to a male) so we will need fair trading to expand on that point and 2 " this 'requirement' was not mentioned by the delivery driver," We will need evidence from Dave that this was not performed , but from the advice we have taken , the labeling on the top of the battery clearly can be deemed as a requirement , so again we will need fair trading to expand on that point , 3 , " they are not in the terms of sale (your terms state: If your order arrives damaged in any way, pcontact us through ebay contact seller so we can resolve the matter for you as quickly as possible. – which I did.)" , we have taken advice on this point from our corporate lawyers on this point as well and they advise that there is nothing wrong with advising that , just in this case it was not "resolved" to the buyers expectation . so we will need fair trading to expand on that point as well .

Looking to your reply Graeme , and the further information requested Dave .

Regards Peter

On Mon, Apr 23, 2018 at 8:51 PM, <dave@justaskdave.com.au> wrote:

Good evening Peter,

There was no reference number given by Fair Trading. I was only calling them for advice since the couriers will not entertain any claims from the receiver and you had advised in no uncertain terms that you were not interested in assisting me.

The Department's advice based on the conversation was to create a claim online and forward them transcripts of all communications, they will then confirm with me a case number and start correspondence with you within 10 days.

I have not at this point created the claim, but I have collated all our correspondence into one document in preparation for doing so (copy attached if either of the others are interested). Since you are now bringing in others I will hold off until tomorrow creating the claim with the Department of Fair Trading.

Cheers, Dave.

From: Bairnsdale Electric Sales [mailto:sales@autoelec.com.au]
Sent: Tuesday, 24 April 2018 12:50 PM
To: dave@justaskdave.com.au

Subject: Re: Re Ebay order #291046921168

Hi , You should go ahead and make your claim , it is your right and we have a right to defend our position , as does the courier companies , that is why there are laws and courts to make determinations in matters like this , Based on the efforts previously outlined and the supporting evidence we have to support our position we believe that the position taken by all from our side is legal . Regards Peter Francis

From: autoelec.au
To: 1965burnie

Subject: Re: 1965burnie has sent a question about item #291046921168, ending on 08-May-18 08:53:21 AEST - 135AH AMP HOUR BATTERY AGM SLA 12 VOLT 12V DEEP CYCLE FRIDGE NEW + BONUS CHARGER

Sent Date: 24-Apr-18 14:15:17 AEST

Dear 1965burnie,

Hi , We note the negative feedback you have left , but we have not received the stat dec as you promised been sent through ebay , we as well request that you send a picture of the labelling on the top of the box through ebay so they can investigate this matter further . Thankyou autoelec.au

- autoelec.au

From: 1965burnie
To: autoelec.au

Subject: Re: 1965burnie has sent a question about item #291046921168, ending on 08-May-18 08:53:21 AEST - 135AH AMP HOUR BATTERY AGM SLA 12 VOLT 12V DEEP CYCLE FRIDGE NEW + BONUS CHARGER

Sent Date: 24-Apr-18 15:25:31 AEST

Dear autoelec.au,

All information, documents and photos have been sent via email as requested and acknowledged as received. Peter advised me he would not assist any further and I should consult legal advice or fair trading if I wished to ever receive what I paid for. If this is ever resolved I will gladly retract the negative feedback.

- 1965burnie

From: autoelecau

To: 1965burnie

Subject: Re: 1965burnie has sent a question about item #291046921168, ending on 08-May-18 08:53:21 AEST - 135AH AMP HOUR BATTERY AGM SLA 12 VOLT 12V DEEP CYCLE FRIDGE NEW + BONUS CHARGER

Sent Date: 24-Apr-18 16:42:51 AEST

Dear 1965burnie,

We require this information to be resent through ebay and not outside of ebay so this can be reviewed by ebay . Thankyou

- autoelecau

From:1965burnie

To:autoelecau

Sent:24-Apr-18 17:06

New message to: autoelecau

No problems. Stat Dec has been resaved as a jpg so it can be attached.

For eBay's reference, the goods were received by my wife, who was not able to lift a 34kg battery out of the box to inspect its physical or operational condition before accepting the delivery. There were no obvious signs of physical damage on the carton, however concealed damage was evidenced from the battery leaking once I removed the battery from the box, as per previously attached photos.

Regards, Dave.

(photos were attached)

From:1965burnie

To:autoelecau

Sent:26-Apr-18 19:08

Good evening Peter, Just a quick note about some information I came across today. I received another delivery from StarTrack Express and discussed this case with the driver. The driver said that the note you have on top of the carton regarding checking the contents before signing is quite common and causes them a lot of stress. Reason being is the receiver is not allowed to open the package until it has been signed for. So I am not sure who in the delivery company you were talking to but the driver assured me that no receiver of any delivery can open the packages to inspect the contents until they have been signed for. He believes this is the case for most if not all other courier companies too. Cheers, Dave.

From:autoelecau
To:1965burnie
Sent:27-Apr-18 08:22

If we could have that drivers details please as that would be one of the most uneducated replies i have ever heard of " He believes this is the case for most if not all other courier companies too" , seriously how would the delivery driver know ? We do in excess of 1/2 of 1 million parcels a year and will refute that silly silly comment. Have you contacted the courier company to confirm this ? If so could we as well get the persons name , their direct contact number and a reference number regarding this .

From:1965burnie
To:autoelecau
Sent:27-Apr-18 09:24

Yes Peter, as suggested by that particular driver I have contacted Star Track Customer Support to confirm this. If there is obvious damage to carton the receiver has the option to accept or reject the delivery, once opened, it is considered delivered (exact words from the Customer Support agent at Star Track). Whilst I agree that your note on the top is a good idea in theory, unfortunately it is not acceptable to Star Track. Maybe some other couriers will allow it, I don't know.

From:autoelecau
To:1965burnie
Sent:27-Apr-18 10:32

Could we please have the persons name , their direct contact number and a reference number regarding this from Startrac Customer support , as well we understand it was not yourself , "Maybe some other couriers will allow it, I don't know" just the evidence that what you previously wrote in the statement "He believes this is the case for most if not all other courier companies too", as you realise we deal in facts and not heresay .Looking to your reply .Regards Peter

From:1965burnie
To:autoelecau
Sent:27-Apr-18 14:01

No Peter, I have done enough. I have done everything you have asked of me and more. I have sent photos, I have sent a Statutory Declaration, I have asked a delivery driver, I have contacted the Courier company (twice), I have contacted the wholesaler, I have contacted the importer and I have contacted Department of Fair Trading, all have supported my stance in this matter. It is your turn to provide me with the evidence that the receiver is allowed to open and inspect a delivery prior to signing acceptance. Either the delivery Company's terms and conditions or the contact name and number will suffice.

From:autoelecau
To:1965burnie
Sent:27-Apr-18 14:12

We don't need to "evidence that the receiver is allowed to open and inspect a delivery prior to signing acceptance" as it is clearly written on the box !! And if you were denied this , all you needed do was reject the delivery , that is not rocket science !! All you have provided is here say , with no proof to any of the comments you have made , it's all story so far , either from the "courier" , "Fair

Trading" , the "courier company" , you seem to be very good at specifically relaying "what you have been told" but pretty vague or not providing the source , contacts , reference number , names of these "people " who have provided you with all of this knowledge. The photos's , stat dec , only give support that you completely ignored the instructions on the box and you took no care or interest in the item being delivered to you at the time , which you have a duty of care to do and especially when you choose to also put your signature to the delivery .Regards Peter.

From:1965burnie
To:autoelecau
Sent:30-Apr-18 10:28

Hi Peter, please see copy of email from Startrack:

Case No.: 17821782

Hi Dave,

Thank you for your reply.

Our normal procedures is that the driver would not wait until the parcel has been opened and inspected before signing for this freight unless obvious damage on the outside.

Upon handover signature is required.

What we do suggest is to contact the sender again, stating that this process is not a normal procedure. The information the driver has told you is also correct.

Kind Regards,

April

Customer Service ConsultantService

T: 13 23 45

From:autoelecau
To:1965burnie
Sent:30-Apr-18 11:35

Hi , We have spoken to Ann in the Melbourne call centre , and she advises that April has made this as an "assumption" based on what she knows to "generally" be that case , Ann escalated the matter to Sean (her team leader) that confirmed that would "generally" be right . You will note the words "Our normal procedures " and "generally" are consistently used as a get out should this not be the case , the delivery arrangement for this item is different in these cases of delivery , I would suggest you have " April" contact our account executive Jordan , and then come back to you with a more qualified answer .

Furthermore without Prejudice , we have been advised by our corporate lawyers that your post on Product review writing "Bottom line, products are good, price is good, if something goes wrong though you are on your own. " is injurious falsehood and we will be pursuing this matter though the courts as this is clearly not the case as our evidence will demonstrate . Regards Peter

I updated the review on Productreview.com.au to remove the "injurious falsehood" comments – now reads:

Great to deal with til something goes wrong

1 out of 5, reviewed on Apr 22, 2018

Have bought from them a few times and no problems. Most recently I bought and received battery via Courier, my wife was home to receive it. On top was a big note stating to check contents before accepting. Sorry, my wife was not able to remove a 34kg battery from the box, nor would she be able to inspect it to decide if it was working condition or not, all while the courier awaited a signature (sorry, but all couriers I deal with wont hand over the package til its signed for). As it turned out, when I opened the box that night it was leaking along the join between the top and bottom of the casing, suspected damaged in transit (but no proof since the box was not majorly damaged in any way). Many emails back and forth with the gist of them being it was clearly my fault for accepting without detailed inspection of the condition, and the final email telling me it was up to me to chase it up with the courier, then ended with - "There is nothing more we can do for you, if you are not happy with this reply you should take up the matter with consumer affairs or your legal counsel. Regards [name removed]."

Bottom line, products are good, price is good, when something went wrong though I was told to take my concerns elsewhere, as per above.

(Last paragraph edited as I was threatened with court action over "injurious falsehood" for claiming your are on your own if something goes wrong).

From:1965burnie

To:autoelecau

Sent:30-Apr-18 22:08

Good evening Peter,

Please provide the contact name and phone number of the Corporate Lawyers referred to so that my legal council may discuss this matter with them further.

As for the couriers, I have forwarded your reply to them for further comment.

Please advise when can I expected a replacement battery or refund for the battery component of this sale.

Regards, Dave.

30-04-2018 – I discovered (after reading a thread on whirlpool forums to the same) that my negative feedback has mysteriously been removed from eBay, but he has left defamatory feedback for me:



BUYER A LIAR OR IGNORANT CLEARLY LABELED ON TOP OF BOX CHECK
CONTENTS B4 SIGNING
-- (#291046921168)

Seller: autoelecau (356466 ★)

During past month

[View Item](#)

BUYER A LIAR OR IGNORANT CLEARLY LABELED ON TOP OF BOX CHECK CONTENTS B4 SIGNING
autoelecau (356462Red shooting star icon for feedback score in between 100,000 to
499,999) During past month

-- (#291046921168) -- View Item

I have since request eBay to remove the wording which they had no problem in doing so:

Hi David,

Thanks for contacting eBay about the feedback you have received from seller autoelecau.

I see the seller left a negative comment with positive rating on this transaction. Here on eBay, we don't encouraged our sellers to leave a negative comment or negative feedback on their transactions because that can scare other buyers away and can lead to lower sales, and that is not what we wanted to happen. In addition, there are more effective ways for sellers to resolve issues with buyers.

With this, I'm happy to tell you that I've successfully taken off the comment left by the seller on this transaction since it's a violation with our guidelines. On the other hand, the positive rating remains since we don't have an option to remove positive rating.

Be assured that we'll look into the seller's activities on eBay. If there is any violation, we'll make sure that appropriate action will be taken on their account based on our guidelines.

Please note that you may receive an email survey for this contact and I would appreciate if you could take a few minutes to let us know what you think about the service you received from me today.

We appreciate your time and understanding on this matter.

Thanks for choosing eBay. Have a good one!

Kind Regards,

Willy V.

eBay Customer Service

[THREAD ID: 1-207J3YG4]

From:1965burnie

To:autoelecau

Sent:30-Apr-18 22:08

New message to: autoelecau

Good evening Peter,

Please provide the contact name and phone number of the Corporate Lawyers referred to so that my legal council may discuss this matter with them further.

As for the couriers, I have forwarded your reply to them for further comment.

Please advise when can I expected a replacement battery or refund for the battery component of this sale.

Regards, Dave.

From:autoelecau
To:1965burnie
Sent:30-Apr-18 22:20

There will be no need for discussion at this stage as the proof is there and it is up to us to demonstrate this incorrect and for you to defend , that is what the courts are for , the monetary costs of compensation will be difficult to quantify , but the legal costs significant to both parties which we have no hesitation in pursuing as our reputation is paramount , let alone the strain this puts on the persons , we have a few options as you would be aware of in dealing with this , the simplest way for all would be for you to revise your comment . As far as the replacement battery goes , as we previously wrote given the circumstances there is nothing more i can do for you , but will wait for the reply you are getting from the courier company (Startrack) as it is apparent that the different divisions don't know what has been agreed to or not based on the reply you received from Startrack customer service. Regards Peter

From:autoelecau
To:1965burnie
Sent:01-May-18 10:45

Hi,

We forwarded on all the information provided by you to our supplier, to organise a replacement to be shipped. They have advised us a replacement was dispatched on the 26/04/18. Tracking # ZWQ07729 (Star Track). Please advise us, if there are any further issues.

Kind Regards,

NOTE: I have sent an email to the supplier to ask if it was the supplier or AUtoelecau that originated the replacement battery, especially considering the continued 'we will not help you' attitude.

Call from Team Leader Shanae at Startrack Melbourne office – 03 8340 7315:

She has no idea where he got his 'information' from, the previous information provided by Alice was 100% correct. Shanae is awaiting a call back from Jordan, Autoeleau account manager, and will call me after she has discussed.

2nd May 2018

Email from Graeme Hicks, (the supplier to Autoelecau)

Hi Dave

I sent it from our warehouse. All good

Cheers

Kind regards
Graeme Hicks

National Manager
Battery Power Centre Australasia
3/7-11 Rodeo Drive, Dandenong South VIC 3175
P: 03 9793 6655
M: 0419 397 116
E: graeme@batterypowercentre.com.au

2nd May 2018

I received the replacement battery from Battery Power Centre, this time collecting from the StarTrack office in Yandina, QLD. I questioned them again about the note on the top of the previous one and again was advised that under normal circumstances, no, definitely not allowed to open before signing. If there was obvious transit damage to the outer packaging then they would make an exception and allow it to be inspected.

8th May 2018

I received a private number phone call from a Peter Francis, stating he was the owner of Bairnsdale Auto Electrics. He advised if I did not remove the review on Product Review and on whirlpool forums that he would have no option but to take court action against me involving a QC. He claimed the last person he did it to cost them \$106,000 to defend themselves. Then asked if I “wanted to go to war over this” as he would defend his business with vigour.

As I have neither the time nor the money to continue, I will remove the posts.

Copies of posts below:

Productreview.com.au

Dave, thanks for your contribution! Your review has been published.



Dave

★ 3 reviews
💬 1 comment
👍 1 helpful vote

[Edit review](#)

Verified Customer

Great to deal with til something goes wrong

★☆☆☆☆ 1 out of 5, reviewed on Apr 22, 2018

Have bought from them a few times and no problems. Most recently I bought and received battery via Courier, my wife was home to receive it. On top was a big note stating to check contents before accepting. Sorry, my wife was not able to remove a 34kg battery from the box, nor would she be able to inspect it to decide if it was working condition or not, all while the courier awaited a signature (sorry, but all couriers I deal with wont hand over the package til its signed for). As it turned out, when I opened the box that night it was leaking along the join between the top and bottom of the casing, suspected damaged in transit (but no proof since the box was not majorly damaged in any way). Many emails back and forth with the gist of them being it was clearly my fault for accepting without detailed inspection of the condition, and the final email telling me it was up to me to chase it up with the courier, then ended with - "There is nothing more we can do for you, if you are not happy with this reply you should take up the matter with consumer affairs or your legal counsel. Regards [name removed]."

Bottom line, products are good, price is good, when something went wrong though I was told to take my concerns elsewhere, as per above.

(Last paragraph edited as I was threatened with court action over "injurious falsehood" for claiming your are on your own if something goes wrong).

Similar opinion? [Write a review on ProductReview.com.au!](#)



Comments



UPDATE: Battery wholesaler/ importer organised to send me a replacement battery. For the next 5 days the replies from Autolelecau continued to deny any assistance with the product and belittle me including the legal threats mentioned above. The day before the battery arrived they suddenly changed their tune to one last message saying that THEY had arranged a replacement.... I am now barred from bidding or purchasing from their ebay store like many others have mentioned on the 40 page thread regarding this seller on whirlpool forums. Still no truthful reply from ebay though on where the many negative ebay feedbacks have disappeared to, again as documented on the whirlpool forums.

[Edit](#)

Dave posted on May 06, 2018



Whirlpool post:

On postage, I have had an invitation take six weeks to travel 49 kilometres. That is the base issue I have with Australia Post. They lose items for weeks at a time. If parcels are at issue, they don't always scan them so you don't know progress. They have been hopeless

<http://whirl.pl/Ra3YpP>
herring | anchor
Reply to this post
posted 2017-Dec-28, 8:06 am
edited moments later

User #144915 • 398 posts
SeaComms
Gone fishing...
Forum Regular

I bought from him many times with never an issue in delivery or product. Got a \$300 battery damaged in transit (concealed damage) and he worms out of any assistance hiding behind the label on top stating that goods must be opened and fully inspected before signing. He insists this is allowed yet 5 contacts by me with the same courier company - one driver, twice phoning Customer Service and twice in email with customer service - all state the same thing, you must sign before acceptance unless there is major damage noted on the packaging (besides, it was a 34kg battery received by my wife who could not open, pull out and inspect before accepting).

My negative feedback on eBay has disappeared in less than a week (unfortunately didn't take screen shot) yet his defamatory message to me remains (feedback from him - BUYER A LIAR OR IGNORANT CLEARLY LABELED ON TOP OF BOX CHECK CONTENTS B4 SIGNING). I have been threatened and intimidated with court action to remove a feedback on Product Review. However, as it states nothing but fact his "Corporate Lawyers" can feel free to contact me, they have my details - though when I asked for their name and contact number now there is no discussions required as "the courts will handle it"....

His "reputation" is bolstered by misleading feedback ratings (indicated by the negatives being removed), which I have made a formal complaint to eBay about. I have also documented the full email/message trail of his bullying tactics and all (so far 12 pages) will be posted as soon this comes to an end. I may send a copy to A Current Affair, they love this sort of stuff!

Yes, prices are good, products are good, customer service could do with improvement.

EDIT 1: The battery importer had arranged a replacement battery to be sent, a week later after still threatening legal action he now suddenly changes his tune to say he has organised it... still not received yet though

EDIT 2: How come his feedback page shows 410,857 feedback received, yet his 'rating' (count of positives minus negatives) shows 356,507 yet a 100% rating??? Hmm... I have sent an email to eBay asking this question...

EDIT 3: Ebay have removed his defamatory comments on my feedback page.

<https://whirl.pl/Ra3W5f>
herring | anchor
Reply to this post
posted 2018-May-1, 7:21 am
edited 2018-May-1, 1:16 pm

this post was edited


first: 5 years ago 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 last: a week ago

Archive Version Mark as read Post reply

I have edited the product review post as follows:

✔ Your trust is our top concern. Companies can't alter or remove reviews from ProductReview.com.au.

Dave, your review is currently being processed. This won't take long, we promise.

 **Dave**

★ 2 reviews
💬 2 comments
👍 1 helpful vote

[Edit review](#)

Verified Customer **Pending Approval**

Post deleted due to threat of legal action

★☆☆☆☆ 1 out of 5, reviewed on Apr 22, 2018

My honest review of this seller has been removed by me due to the repeated threat of legal action for "injurious falsehood" and the claim that it cost the last person who dared to review them negatively \$106,000 to defend himself.

So much for "Your trust is our top concern. Companies can't alter or remove reviews from ProductReview.com.au." Well, not directly...

EDIT:

2 hours later – this post seems to have been removed by productreview now... sheesh!

The Whirlpool post I am awaiting a moderator to contact me on how to edit/remove as it is no longer editable. (was just given this link to edit -

<https://forums.whirlpool.net.au/forum/?action=edit&e=56343351>)

Replacement post now reads:

User #144915 • 400 posts
SeaComms
Gone fishing..
Forum Regular

My post with my review of my dealings has been removed by myself after the threat of legal action, this time via a phone call (several times already in eBay messages which I have obviously kept copies of), with the comment thrown at me that it cost the last guy who tried \$106,000 in legal costs. I'm done, the wholesaler has replaced my faulty goods so all solved as far as I am concerned. Karma can take over from here.

first: 5 years ago 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 last: a week ago

Archive Version Mark as read Post reply

I thought that was the end of all this, however I forgot about a Yellow Pages review that he found, review states:

Great Prices, Great Products, Unprofessional Backup

Had a \$300 battery delivered and signed for by my wife. Because she couldn't lift the 34kg battery out of the box to check it she did not notice it was damaged. After a full day of back and forth emails the final response was to just tell me to go away, my fault that I signed for it. Not good enough.

X No, I do not recommend this business.

Email I received regarding this:

From: Peter Francis <sales@autoelec.com.au>

Subject: Injurious falsehood

Message Body:

Dear sir without prejudice , i would bring to your attention the comment you have made on yellow pages "Had a \$300 battery delivered and signed for by my wife. Because she couldn't lift the 34kg battery out of the box to check it she did not notice it was damaged. After a full day of back and forth emails the final response was to just tell me to go away, my fault that I signed for it. Not good enough." We have the full correspondence regarding this matter and you full well know the circumstances that this was delt with under and your explanation trying to justify the actions to which this comment does not reflect. To my understanding the manufacturer supplier replaced this battery to you so the comment left up can only be perceived to be in the same context re Nineteenth Claybank Pty Ltd v Smith [2016] VCC 904 : (County Court): defamation and injurious falsehood for publication of website. You now leave us with no alternative to take the same course of action to which we were previously successful settling for a significant monetary sum which was only a fraction of the legal fees incurred . We will give you one final opportunity to remove this this post and any others you have posted by close of business Monday 25th June 2018. Yours sincerely Peter Francis

I have now added a comment to that Yellow Pages post:



David B.

Review 1
Votes 0

★☆☆☆☆ · 2 months ago

Great Prices, Great Products, Unprofessional Backup

Had a \$300 battery delivered and signed for by my wife. Because she couldn't lift the 34kg battery out of the box to check it she did not notice it was damaged. After a full day of back and forth emails the final response was to just tell me to go away, my fault that I signed for it. Not good enough.

No, I do not recommend this business.

Was this helpful? Yes · 0 No · 0 Report

Comment



You · a few seconds ago

A follow up - after two weeks of continued back and forth emails they still insisted I was at fault for not opening and inspecting the contents of the delivery before accepting the delivery (which was written on a large label on top of the package). All correspondence I had with the courier stated they would not accept the receiver to open and inspect goods before signing for them. Not once was I offered any assistance in trying to sort a claim against the courier, in fact I was repeatedly told to contact them myself - which I did on several occasions, each time to be told only the Sender can file a damages claim. At this point the supplier stepped in and replaced the battery, not the seller, who was still corresponding saying they would not assist. As a result of the above review I am now receiving legal threat emails (and I also received a phone call asking "if I want to go to war over this"), now being advised I will be face legal action under "Injurious Falsehood". For Injurious Falsehood to be proven successfully, the case must be about making false statements maliciously aimed to cause someone loss of business. None of my public claims have been false, only facts with an opinion that I received poor customer service.