



ASIC
Australian Securities &
Investments Commission

CEU final compliance report by ASIC

ASIC's final report dated **18 June 2020** on compliance with the s322 National Credit Act court enforceable undertaking (CEU) given by **Future Holiday Finance Pty Ltd** (ACN 108 475 298) and dated 30 August 2018.

Terms used in this report have the same meaning as in the CEU dated 30 August 2018.

Undertakings	Report on compliance
<p>Remediation of Affected Customers</p> <p>EU paragraphs 3.4.1 to 3.4.12</p>	<ol style="list-style-type: none">1. On 25 September 2018, Future Holiday Finance Pty Ltd (FHF) appointed Compliance One as the Independent Expert to provide independent oversight of the Remediation Program.2. FHF identified affected customers using categories set out in the CEU. Delays were experienced in relation to identifying some customers that had provided FHF with a hardship notice under s72 of the National Credit Code during the period from 1 July 2012 to 30 August 2018. Apart from these customers, FHF took steps to contact all eligible customers about the Program by 1 November 2018, as agreed with ASIC.3. FHF elected to rescind contracts and refund all money paid to customers defined in paragraph 1(a) of the CEU and did not make this contingent on the reassessment of the customer's credit contract. FHF adopted the same approach for customers defined in paragraph 1(b) of the CEU who contacted FHF during the Remediation Period.4. Compliance One is satisfied that FHF has completed all the requirements and obligations set out in the Program, including rescinding credit contracts and issuing refunds to all eligible customers in compliance with paragraphs 3.4.1 to 3.4.12 of the CEU.

Undertakings	Report on compliance
<p data-bbox="204 275 451 338">Engagement of an independent expert</p> <p data-bbox="204 360 451 427">EU paragraphs 3.5.1 to 3.5.11</p>	<ol style="list-style-type: none"> <li data-bbox="549 293 1361 521">5. In addition to providing independent oversight of FHF's Remediation Program, Compliance One was appointed as the Independent Expert to assess the adequacy of FHF's compliance framework over a 12-month period from 25 September 2018 to 25 September 2019. <li data-bbox="549 544 1361 925">6. Compliance One provided five remediation and compliance reports. Compliance One made a total of 36 recommendations that FHF should make to its credit contracts and compliance policies, procedures and processes to ensure compliance with its obligations under the National Credit Act and that FHF is entering into contracts that do not include unfair contract terms within the meaning of Subdivision BA of Division 2 of Part 2 of the Australian Securities and Investments Commission Act. <li data-bbox="549 947 1361 1081">7. In response to the five remediation and compliance reports, FHF submitted five certification reports to ASIC. Two of these were submitted after the timeframe specified in the CEU. <li data-bbox="549 1104 1361 1171">8. Compliance One is satisfied that FHF has completely and adequately implemented all 36 recommendations.
<p data-bbox="204 1234 387 1256">Other matters</p> <p data-bbox="204 1279 451 1346">EU paragraphs 3.6.1 to 3.6.4</p>	<ol style="list-style-type: none"> <li data-bbox="549 1245 1361 1473">9. FHF paid all costs associated with the CEU, including all costs associated with the engagement of the Independent Expert, and provided ASIC with all documents and information requested by ASIC to assess FHF's compliance with the CEU in a timely manner. <li data-bbox="549 1496 1361 1630">10. On 3 December 2019, FHF provided a statement to ASIC that it had complied with the undertakings in paragraphs 3.3 to 3.6 of the CEU, as required by paragraph 3.6.3 of the CEU. <li data-bbox="549 1653 1361 1787">11. Paragraph 3.6.4 was not enlivened. Other than FHF's delay in providing two certification reports, FHF complied with the terms of the CEU.