

CONSUMER COMPLAINTS AND DISPUTES

This fact sheet provides information on how Consumer Affairs can assist you if you have a dispute with a trader.

Resolving Consumer Complaints and Disputes

If you have a dispute with a trader, Consumer Affairs can assist in attempting to resolve the dispute. Our Fair Trading Officers can inform you of your rights and responsibilities and those of the trader, and provide advice on how best to negotiate with the trader to resolve the problem yourself.

Before Lodging a Consumer Conciliation Request

Initially, you should try to resolve the problem by talking directly with the trader. Explain the problem and offer solutions that will satisfy you.

If you are not successful, put the problem and your solutions in writing to the trader (addressed to the manager) and ask for a written response within a reasonable time limit. Keep a copy of all correspondence.

Writing a Consumer Complaint Letter to a Trader

If you decide to write a letter to a trader, there are a number of things we recommend you should do to ensure a good result. Your letter should include:

- your name and contact details (including phone contact if you wish to discuss the contents of your letter by phone);
- the date and place where the problem occurred;
- the main points of what happened without going into unnecessary minor details;
- what action you have already taken to resolve the problem;
- your proposed solution to the problem;
- a closing remark such as 'I look forward to your response within 10 working days' to encourage a reply;
- your signature and the date;
- copies of any other letters you have written about the problem, as well as copies of other relevant documents – DO NOT SEND ORIGINALS.

We also have facts sheets with sample refund and repair letters that may be helpful.

Dispute Resolution (Conciliation)

If you are unable to resolve a dispute yourself, we can assist you through the dispute resolution process. This involves you, the trader and a Fair Trading Officer working together to attempt to resolve the dispute. The Fair Trading Officer acts as an objective third party, to provide advice in an attempt to reach a solution acceptable to both parties.

While most disputes are resolved satisfactorily, some are not. Traders and consumers must be willing to participate in negotiations to reach a solution. Consumer Affairs cannot force either party to resolve a matter or to accept an action they do not agree to, as only the Courts can impose legally binding decisions.

Consumer Affairs can assist with disputes relating to purchases of consumer products and services (e.g. motor vehicles, household goods and personal services) where:

- a consumer has attempted to resolve the matter with the trader first;
- the dispute is between a consumer and a trader;
- the particular issue is not covered by other authorities' legislation (e.g. health, tax, investments);
- no legal action has commenced.

Lodging a Consumer Conciliation Request with Consumer Affairs

If you have been unsuccessful in resolving the problem with the trader, you should telephone or write to Consumer Affairs providing details of the problem, the trader's name and an outline of the actions you have taken, so far.

Contact details: Consumer Affairs PO Box 40946 Casuarina NT 0811, or telephone 8999 1999 or 1800 019 319.

If a Fair Trading Officer is able to provide assistance, a Consumer Conciliation Request will be sent to you to fill in and return to Consumer Affairs. Don't forget to include copies of the relevant documents, receipts etc. Alternatively you can download the Consumer Conciliation Request from our website (www.consumeraffairs.nt.gov.au).

Your Role in the Process

Remain calm when dealing with the trader and keep an open mind when considering alternative solutions.

During the conciliation process you may have to write to the trader again, arrange inspections and contact other organisations to support your case. Independent reports may need to be obtained to support your case. You may have to pay for these.

Even if your dispute cannot be resolved, the reports, letters and information obtained during the conciliation process will be useful if the matter proceeds to Court.

Check that your solutions are realistic – discuss them with your Fair Trading Officer. Remember the trader also has to accept the solution.

If the Dispute Cannot be Resolved

Your Fair Trading Officer will offer advice and other options if you want to take the dispute further. If you decide on Court action it is recommended you first seek independent legal advice. While we can provide you with advice about fair trading issues we are not able to provide legal advice and assistance.

Any breach of fair trading law detected during conciliation will be dealt with by Consumer Affairs separately and will not generally affect the outcome of your dispute.

Confidentiality: *Information gathered during the conciliation process is confidential. However, some information must be provided to the trader to negotiate a solution. If you do not want information to be given to the trader, you should tell the Fair Trading Officer in advance.*