

## Consumer complaints

If you have a problem with a business, Consumer and Business Services (CBS) may be able to help you resolve it. We can inform you of your rights and obligations and provide advice about how to negotiate with the business. These services are free of charge.

CBS mainly handles disputes related to consumer purchases such as motor vehicles, domestic building services, household goods, travel arrangements and gym memberships.

CBS generally will not handle a complaint where:

- you have not made a reasonable attempt to resolve the matter with the business first
- the dispute is between two businesses
- the complaint is handled by other authorities – eg health, tax, credit
- goods or services are bought for business purposes
- legal action has commenced

### Steps you could try:

#### Step 1: Talk to the business

Remember to:

- quote details from your receipt, order form or contracts
- explain the problem and suggest a solution
- be calm and courteous, but firm
- keep a record of conversations (who, date and time)

#### Step 2: Write to the business

Include:

- specific details of the problem, your name, contact details, invoice and account numbers
- a copy (keep the original) of receipts, order forms, other proof of purchase, an independent expert report (where appropriate)

Sample complaint letters are available from our office and [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)

Remember to:

- write promptly as delays can affect your rights
- be clear about the solution you want and set a deadline for a response – eg 10 days.
- keep a copy of your letter

You must give the business a reasonable opportunity to fix the problem

#### Step 3: Contact CBS to lodge your complaint

If you are unable to resolve the dispute, we may be able to help you through our dispute resolution process.



## Dispute resolution process

Our dispute resolution processes involves a CBS case officer acting as an objective third party. We provide independent advice to help reach a solution that is acceptable to both parties.

Most disputes are resolved satisfactorily. However, we cannot force a resolution and everyone needs to agree on the outcome. Only the courts can impose a legally binding decision.

The resolution process and timing may vary depending on the complexity of your case. However, we will provide you with regular progress updates.

In most situations, the officer you first contacted at CBS will be the person you continue to deal with...

### Lodge a complaint

- Contact us to discuss your complaint
- If we can assist, we will send you a 'Request for Assistance' form
- Complete the form and send to CBS with copies of relevant documents – eg receipts and contracts.

### Preparing to negotiate

Your case officer will:

- contact you to acknowledge receipt of your complaint
- clarify with you the facts and explore realistic solutions with you
- not release information gathered from you. Although, it may be necessary to share some information with the business during negotiations. Let your case officer know if you don't want this to happen

You may be asked to get an expert report at your own cost.

### Negotiation process

- Your case officer will contact the business
- The response from the business will be discussed with you

Depending on the issue, a compulsory conciliation conference may be called, where the problem is not likely to be resolved through the initial conciliation process.

### Outcome

- Each party is expected to fulfil the terms of any agreement reached
- Once your matter is finalised you will be advised that your case is closed
- If an acceptable solution cannot be reached the case officer will provide you with advice and suggest alternative solutions

**Any breach of consumer law detected during conciliation will be dealt with by CBS separately and will not generally affect the outcome of your dispute.**



## Next steps

If your problem has not been resolved through CBS conciliation, you will be offered advice and other options if you want to take the dispute further.

Remember:

- if a dispute cannot be resolved, reports, letters and information may be useful as evidence if the matter proceeds to court
- it is best to seek legal advice if you think you may take the matter to court
- if a written agreement is made through a CBS conciliation conference and one party does not fulfil their obligations, the other party may go to the Magistrates Court to enforce the agreement
- if you wish to use your case file in a court action you will need to ask the court to subpoena the file

## Standards of service

We aim to finalise most disputes within 30 working days, but difficult or more complex disputes may take longer to resolve.

We aim to respond to letters within five (5) working days and telephone messages within 24 hours.

We will vary the conciliation process to accommodate the needs of the parties including non-English speaking people, older people and people with a disability.

Special assistance can be arranged to ensure all customers can access our services in a fair and equitable way.

## Consumer and Business Services

Ground Floor, Chesser House 91-97 Grenfell Street  
Adelaide SA 5000  
Telephone **131 882**  
Facsimile (08) 8204 9570

GPO Box 965  
Adelaide SA 5001  
**[www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)**

## Regional Office

Port Augusta  
9 Mackay Street  
Port Augusta SA 5700  
Facsimile (08) 8648 5155

## Translating and Interpreting Services (TIS)

Telephone 131 450  
National Relay Service  
Telephone 133 677 (hearing impaired)

**The information provided in this brochure is of a general nature and should not be regarded as a substitute for professional advice and/or reference to the appropriate legislation.**

