

# Help the ACCC help consumers

If you think a business may be breaking the consumer protection and fair trading laws in the Trade Practices Act, you should tell the ACCC, particularly if you believe a business is:

- > misleading or deceiving a consumer
- > acting unconscionably (that is, putting undue influence or pressure on an especially disadvantaged or vulnerable consumer or using unfair tactics against them)
- > using undue harassment or coercion to get a consumer to buy or pay for goods or services
- > selling a product that is unsafe or does not comply with mandatory product safety or information standards.

The ACCC can take legal action for breaches of the Trade Practices Act, particularly targeting conduct that is widespread, blatant, occurring across state borders or involving serious detriment to consumers. By helping the ACCC target illegal conduct, you can help make the market fairer for all consumers.

## Further information

Visit [www.accc.gov.au](http://www.accc.gov.au) for information on consumer rights as well business rights and obligations.

If your dispute or complaint is about a warranty, guarantee or refund, please see the ACCC *Warranties & refunds* booklet, available from the ACCC website and Infocentre.

The Australian Securities and Investments Commission's (ASIC) booklet, *You can complain*, contains detailed information about resolving disputes with financial service providers. Download a copy of this brochure from ASIC's website, [www.fido.gov.au](http://www.fido.gov.au), or order a printed brochure from the ASIC Infoline by email: [infoline@asic.gov.au](mailto:infoline@asic.gov.au) or phone: 1300 300 630.

The ACCC is a national law enforcement agency that administers and enforces the *Trade Practices Act 1974*. The ACCC encourages vigorous competition in the marketplace and enforces consumer protection and fair trading in Australia.

## What the ACCC can do

- > Give you information about your consumer rights and obligations.
- > Suggest possible courses of action you might take.
- > Help you resolve your problem by helping you find the right agency to complain to (if this isn't the ACCC).
- > Provide a range of consumer information materials that you can read to learn more about your consumer rights.
- > Investigate business conduct occurring nationally or across state borders (complaints about local traders may be more appropriately dealt with by state and territory offices of fair trading).

## What the ACCC cannot do

- > Investigate misleading or deceptive conduct in financial services. These concerns should be directed to the Australian Securities and Investments Commission (call 1300 300 630 or visit [www.fido.gov.au](http://www.fido.gov.au)).
- > We cannot generally become involved in private contractual disputes on behalf of consumers (for example those concerning warranty claims).
- > Give legal or professional advice, or tell you how many or what type of complaints we have received about a company.

## ACCC contacts

ACCC Infocentre 1300 302 502

ACCC Indigenous Infoline 1300 303 143

For information in languages other than English call 131 450 and ask for 1300 302 502

TTY service for people with hearing or speech difficulties 1300 303 609

ACCC Infocentre staff are available to answer your call during normal business hours.

[www.accc.gov.au](http://www.accc.gov.au)



Australian  
Competition &  
Consumer  
Commission

# Know how to complain

## Stand up for your consumer rights



### This guide sets out:

- > your rights as a consumer
- > the steps you should take if you want to resolve a dispute with a business
- > the ACCC's role and contact details
- > other agencies and dispute resolution schemes that can help

# Your consumer rights

## Honest and fair trading

The Australian Competition and Consumer Commission (ACCC) administers the *Trade Practices Act 1974*. The Act (and matching legislation in each state and territory) makes it illegal for a business to:

- > mislead or deceive you, or do something that is likely to mislead or deceive you
- > make a false claim about the quality, standard, sponsorship, approval, price or benefits of a good or service
- > advertise something for a certain price if they know or should know that they cannot supply it within a reasonable time (bait advertising)
- > accept a payment for a good or service when they don't intend to supply it.

## Statutory rights and refunds

The Act also provides certain legal rights, called statutory rights, whenever you buy a good or service from a business. If you have a problem with the quality or performance of a purchase, these rights can help you get a refund, exchange or repair. For more information, please refer to the ACCC *Warranties Et refunds* booklet—available from [www.accc.gov.au](http://www.accc.gov.au).

These rights are in addition to any voluntary 'express', 'store', 'manufacturer' or 'extended' warranty that you may also have. Businesses cannot deny you your statutory rights (for example, by having a 'No exchange or refund' policy).

## Codes of conduct

As well as your rights under the Act, many businesses are bound by codes of conduct relating to things like marketing, billing, complaint handling and credit practices. Codes of conduct are usually administered by an industry ombudsman or independent dispute resolution scheme (see step 3 opposite).

If you are unsure of your rights and what businesses are required to do under the law, call your local state or territory office of fair trading or the ACCC Infocentre for assistance (see 'ACCC contacts' for details).

## How to complain

By knowing your consumer rights, you can approach businesses with more confidence using the steps set out next. However, in some more serious cases, you should report businesses directly to the ACCC, rather than contacting the business (please see '[Help the ACCC help consumers](#)').

### Step 1: Approach the business with your concerns

Contact the business to explain the problem and the outcome you want (e.g. a refund or exchange)—in many cases a simple phone call or store visit can fix it. Be clear, persistent, calm and polite. Make a note of all phone calls and visits with the business, including the name of the person you spoke to. If this step does not work, move on to step 2.

### Step 2: Make a written complaint

Write to the business—address your letter or email to the manager or the company's head office. Set out what you are complaining about and the outcome you want (as in step 1). Ask for a response from the business within two weeks, but remember to date letters and include your contact details. Also include **copies** of any relevant supporting information (such as receipts or advertisements), but keep the originals. Also keep a copy of any letters or emails you send.

### Step 3: Contact the ACCC or another third party

If steps 1 and 2 don't resolve your complaint, you still have several options, set out below. The best place to go will depend on your circumstances.

The ACCC Infocentre can refer you to the appropriate government department, industry ombudsman or dispute resolution scheme and provide contact details (you can also get these details from [www.accc.gov.au](http://www.accc.gov.au) or your phone book).

#### Industry ombudsman and other independent dispute resolution schemes

Some industries, including telecommunications, financial services, energy, water and insurance provide a free complaints service through an ombudsman or independent dispute resolution service. These schemes are usually responsible for dealing with issues covered by a code of conduct. If the business is a member of such a scheme, you can lodge a complaint at no charge. Businesses must comply with the ombudsman or scheme's decision if they are a member.

#### State and territory offices of fair trading/ consumer affairs

Your local state or territory office of fair trading (sometimes called 'consumer affairs') can also provide information and suggestions for consumers. They may also be able to help you reach an agreement with the business.

#### Small claims courts and tribunals

You can take your complaint to the small claims court or tribunal in your state or territory. A small fee may be charged and you should consider getting independent legal advice (for example, from a community legal centre or legal aid office) about whether this option suits your circumstances.

#### Other private legal action

For disputes involving large amounts of money, you may be able to take private legal action under the Trade Practices Act or other laws. However, legal action can be expensive and there is no guarantee that you will be successful, so you should consider other options first and make sure that you get independent legal advice.