



# Complaints and conciliation

## A guide for consumers

Consumer Protection is here to help consumers and renters resolve disputes with businesses or landlords fairly. One way we do this is through conciliation, a free process that aims to settle complaints without going to court.

### Complain to Consumer Protection

If you have a problem with a business or landlord that you have been unable to resolve, we encourage you to contact us. Your complaint helps Consumer Protection keep track of issues in the community and take action to prevent unfair practices.

### Assessment

After you submit your complaint online you will receive an automatic email with a reference number. Keep this number as you may need it for your discussions with Consumer Protection.

We may ask you to provide documents, such as:

- emails or text messages with the business;
- quotes, invoices, or receipts;
- contracts, rental agreements, terms and conditions; or
- copies of independent reports.

Consumer Protection can help consumers if:

- the issue hasn't already been handled by a court or tribunal, and there is no case underway;
- the issue is covered by consumer protection laws;
- the business may have broken the law or your rights under contract; or
- the dispute isn't based on personal opinions.

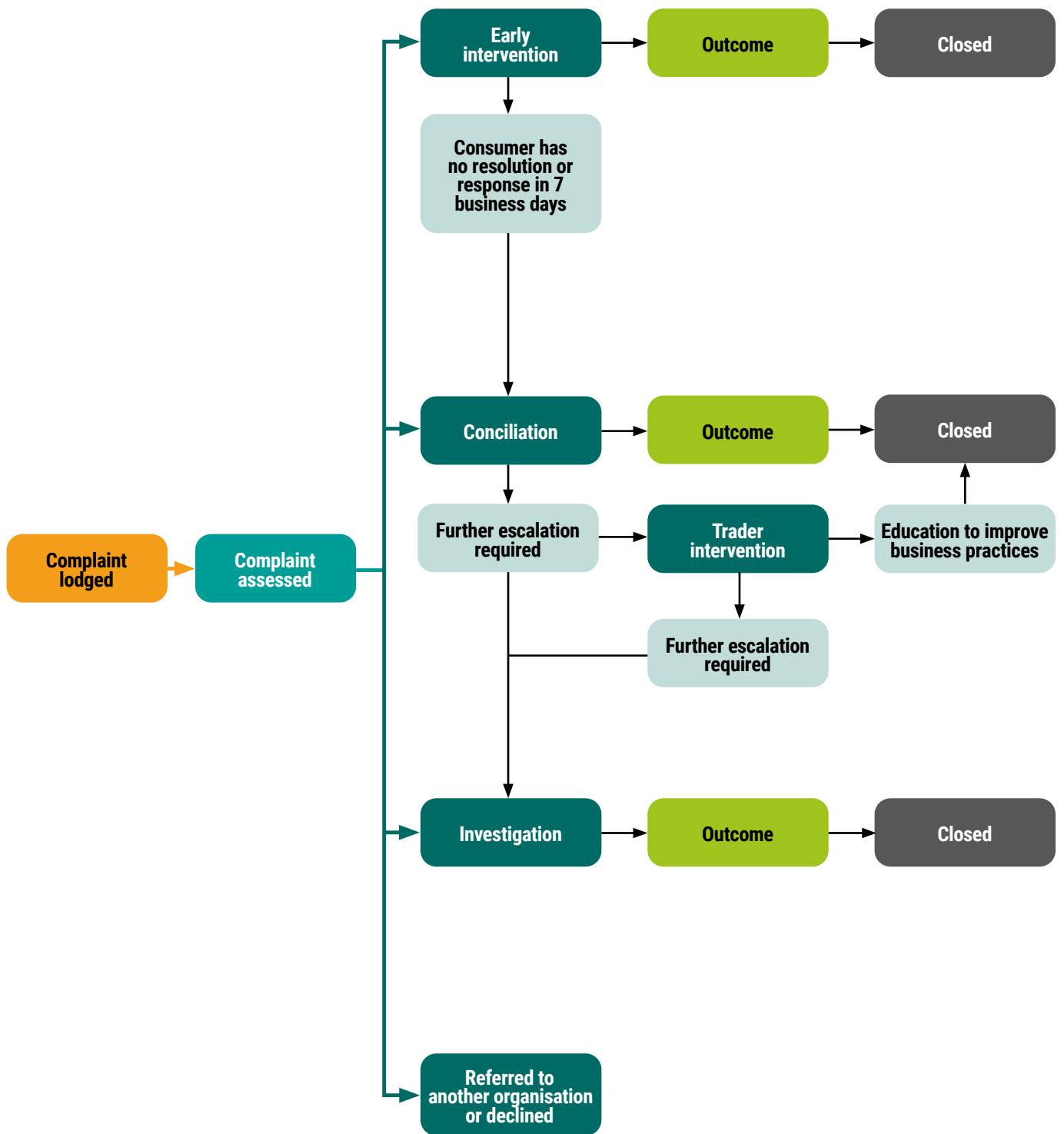
Note: Consumer Protection does not conciliate disputes between businesses. Contact the SBDC at [smallbusiness.wa.gov.au](http://smallbusiness.wa.gov.au) for assistance.

After your complaint has been assessed, you will receive an email that outlines the next steps.

These could include:

- Suggestions for other ways to resolve the issue if Consumer Protection cannot assist. For example referring to another agency such as the Australian Financial Complaints Authority (AFCA).
- Moving your complaint to one of the following stages:
  - early intervention;
  - conciliation;
  - trader intervention; or
  - investigation or other regulatory action.

## Complaints and conciliation process flowchart



## Early intervention

This is an informal process where we write to the business and ask them to resolve the issue directly with you. If they don't respond, we'll refer your complaint to a conciliation officer. If the business does reply, please share their response with us - it could help other consumers in the future.

## Conciliation

Conciliation is the next stage of the dispute resolution process. A conciliation officer will work with you and the business to find a solution that works for both sides. They'll explain your rights and responsibilities and help negotiate a fair outcome based on the law.

If the business has done something unfair or illegal, they may be asked to fix the issue, exchange the product, or provide a refund.

If the conciliation officer believes the business or landlord has made a fair offer and you reject it, they won't continue with conciliation. They'll explain why the offer is reasonable and outline any next steps available to you.

Conciliation is usually the quickest and easiest way to resolve complaints, and most cases are settled this way.

If conciliation fails, or you are not satisfied, you can choose to take the matter to a court, such as the Magistrates Court. Taking your matter to court is not necessarily expensive or time consuming.

See our Going to the Magistrates Court in Western Australia video series for more info at [consumerprotection.wa.gov.au/magcourt](http://consumerprotection.wa.gov.au/magcourt).

You may be eligible to get assistance from Legal Aid by calling 1300 650 579 or visiting [legalaid.wa.gov.au](http://legalaid.wa.gov.au) or from Citizens Advice Bureau by calling 9221 5711 or visiting [cabwa.com.au](http://cabwa.com.au).

## Trader intervention

If Consumer Protection notices a pattern of concerning practices by a business or industry, it may be referred for trader intervention. The focus of the intervention is to help the business better understand its responsibilities under consumer protection laws, improve its practices, and deliver better outcomes for consumers.

## Investigation or regulatory action

Consumer Protection can take legal action against businesses that break the law. However, we consider several factors before deciding to prosecute. By making a complaint, you could help protect other consumers.

Consumer Protection uses various methods to make sure businesses follow the law and prevent violations. This includes educating businesses and consumers and working with other groups and agencies. The law also gives Consumer Protection the power to take action against businesses that break the rules, such as issuing fines, seeking court rulings, or enforcing court agreements.

### Department of Energy, Mines, Industry Regulation and Safety

[www.demirs.wa.gov.au](http://www.demirs.wa.gov.au)

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North West	(08) 9185 0900
South West	(08) 9722 2888

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