



# What happens if a complaint is made against your business?

Consumer Protection provides information to both consumers and traders to assist them in resolving marketplace disputes. Most commonly these complaints centre on the quality or suitability of goods or services a consumer has purchased.

Our Contact Centre receives some 100,000 calls per year from consumers in Western Australia. Many of these calls are resolved with simple advice about the rights and responsibilities of consumers and traders.

For some matters we advise consumers to start by putting their complaint in writing to the trader.

If no satisfactory outcome is achieved within 14 days, we will then invite the consumer to make a formal complaint.

If you receive a letter of complaint from a customer you can ring our Contact Centre to find out what your rights and responsibilities are as a trader.

If the matter progresses and Consumer Protection receives a formal complaint from a consumer we then act as an intermediary to try and resolve the dispute. This is called conciliation.

The conciliation process puts emphasis on resolution of issues by consensus or agreement and has been designed to help resolve matters quickly so that expense and time in involving the Magistrates Court is minimised.

If we receive a complaint about a business we will contact the trader to advise that a complaint has been lodged and to obtain further information about the matter.

If we believe the trader should assist in the resolution of the complaint, we will negotiate this with the trader. Equally, if Consumer Protection believes the consumer does not have a fair claim against the trader, the consumer will be told.

Consumer Protection may recommend a settlement or that parties do certain things (such as make payments, undertake further repairs or provide additional services). During the conciliation process, we will outline to both parties their rights and obligation under the law. If the matter cannot be resolved, advice will be given about what further action parties may consider in order to resolve the situation.

Matters which have not been resolved can be taken to the Magistrates Court by either party. The Magistrates Court has power, in certain circumstances, to make orders which would compel the trader or the consumer to rectify the matter or make financial restitution.

Taking a claim to court should be a last resort and we encourage all parties to try to reach an agreement or settlement before taking what could be an expensive and time-consuming action through the courts.

For further information contact the Consumer Protection Contact Centre or visit the Magistrates Court website at [www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au).

**Disclaimer** – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

**Consumer Protection** | Department of Mines, Industry Regulation and Safety

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