

Our reference: FTMIN18/204

By email: [REDACTED]

Dear [REDACTED]

I refer to your email about [REDACTED] (the trader) and your request to have the matter escalated to the Fair Trading Commissioner for review.

When I received your email, I requested a senior Fair Trading officer undertake a thorough review of your matters. The officer conducting the review found that both of your original complaints were handled in accordance with Fair Trading's established complaint handling procedures.

I understand that a Fair Trading officer contacted you on 3 April 2018 and discussed your concerns. The officer advises me that further contact was made with the trader to attempt to negotiate an agreed outcome. The officer also informs me that whilst the trader declined your request for a partial refund, its previous offer of a five per cent discount voucher is still available to you, for your next holiday.

The officer advises me that they contacted you on 6 April 2018 and informed you of the trader's response and your options to pursue the matter further, including making an application to the NSW Civil and Administrative Tribunal.

I would like to take this opportunity to clarify Fair Trading's approach to dealing with consumer complaints. When Fair Trading receives a written complaint, it attempts to resolve the dispute through negotiation between the parties. This process is identical in every other State and Territory and no consumer protection agency, of itself, can compel a trader to a particular course of action; only a court or tribunal is empowered to make such determinations. Fair Trading has a high success rate in obtaining positive outcomes, with about 85 per cent of around 50,000 complaints received each year being resolved through this methodology.

I trust that the above is of assistance to you. Should you require further assistance, I encourage you to contact Ms Kay McCormick of Fair Trading on (02) 9895 0634.

Yours sincerely



Rose Webb
Commissioner
16 April 2018