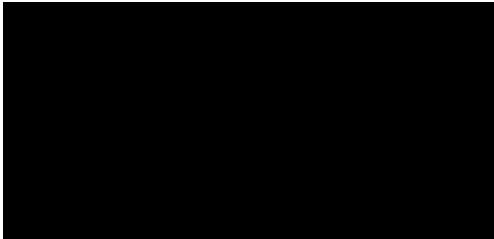


24 October 2023



Official Information Act #OIA 23.069 – Response

1. We refer to your request received on 29 September 2023 for information about Virgin Australia Airlines (Virgin Australia). You would like to know if the Commission has received any complaints about credit extension issues with Virgin Australia, similar to your experience, and if the Commission is aware of anyone obtaining a refund.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. The Commission has received 50 (complaints or enquiries) about Virgin Australia that mention travel credit in the period 1 January 2012 to 29 September 2023. Six of those 50 complaints or enquiries related to credit extensions (or issues around this).
4. We do not hold information about whether any person has received a refund.
5. Please note:
 - 5.1 The Commission's current database was implemented in 2017. At the time of implementation, complaints records from 1 January 2012 onwards were transferred to our current database.
 - 5.2 Limited complaint records from before 2012 were transferred to the current database. These do not reflect a complete picture of the complaints received by the Commission before 2012.
 - 5.3 Other than the complaint records transferred to the current database, we are not able to access complaint records from our previous database(s).

6. All complaints or enquiries received by the Commission are entered into our database by reference to the name of the trader. We have identified that complaints received about Virgin Australia are entered against the trader's current name "Virgin Australia Airlines (NZ) Limited".
7. The Commission has decided not to take any further action¹ at this time in relation to the five complaints² received relating to credit extensions (or issues around this). There are a number of reasons why the Commission may decide not to take any further action in relation to a complaint or enquiry.
8. To provide context to how the complaints or enquiries were assessed, we have outlined the Commission's screening process below.

Commerce Commission's complaint process

9. All complaints or enquiries received by the Commission are logged in our database and assessed by our Screening and Analysis Team on a basis of the information available at that time. When conducting this initial assessment, the Screening and Enquiries Team considers:
 - 9.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
 - 9.2 the Commission's Enforcement Response Guidelines,³ and;
 - 9.3 the Commission's strategic priorities and resourcing constraints.
10. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
11. If a complaint is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which complaints are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.⁴

¹ The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints on information we receive as we look to future prioritisation.

² One of the six complaints or enquiries was classified as a general enquiry as the person was seeking advice as opposed to making a complaint.

³ Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

⁴ Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf.

12. This process enables us to identify complaints that best reflect our current enforcement priorities.⁵ The outcomes of the process are not final and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

Further information

13. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
14. Please do not hesitate to contact us at ويا@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

⁵ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>