

3 June 2021

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #20.214 – Spring Break Fiji


1. We refer to your request received on 24 May 2021 for:
 - 1.1 the details of the complainant of ENQ0551990, complaint about Tourism HQ/Spring Break Fiji; and
 - 1.2 whether the Commission is investigating following this complaint.
2. On 26 May 2021, you clarified that you wanted the complainant's name, phone number and email address as a part of the complainant's details.
3. We have treated this as a request for information under the Official Information Act 1982 (OIA).

The Commission's complaints screening process

4. To provide context to the information released to you, we have outlined the Commission's complaint screening process below.
5. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
6. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Screening and Enquiries Team on the basis of the information available at the time. When conducting this initial assessment, the Screening and Enquiries Team considers:
 - 6.1 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);

- 6.2 the Commission's Enforcement Response Guidelines,¹ and;
- 6.3 the Commission's strategic priorities and resourcing constraints.
7. 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.
8. If a report 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 reports are to be prioritised for further assessment by the Branch.
9. This process enables us to identify reports that best reflect our current enforcement priorities.² The outcomes of the process are not final and we may revisit any report at a later stage, should we wish to reconsider the issues it presents.

Our response

10. We have decided to grant your request.
11. The complainant has agreed to release their details to you:

12. The Commission is not investigating Tourism HQ following the complaint. We have provided you with the Commission's assessment of the complaint below.

ENQ0551990 11.03.2021
<p>Trader history: Limited trader history but all relating to COVID-19 cancellations (current focus area).</p> <p>Assessment: This complaint appears to be about a trader and/or issue that the Commission has a limited number of complaints about. With limited history, it appears that the Commission resources would be better suited to other complaints. Conduct in the complaint relates to a fact scenario which is better suited to private action under Consumer Guarantees Act.</p> <p>Recommend: For screening assessment, no further action</p> <p>Enforcement criteria: No or limited trader history</p> <p>Appropriate for other agency or private action</p>

¹ Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

² For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

Screening Assessment 18.05.2021
No Further Action

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

Yours sincerely

Mary Sheppard
OIA Coordinator