

## Department of Justice

Consumer Building and Occupational Services

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Ref: CE/22/391

14 July 2022

John Adams – All Coast Sensitive Transport  
PO Box 109  
Woy Woy NSW 2256

Dear John Adams,

My name is Jill Crane, I am a Compliance and Audit Officer for Consumer, Building and Occupational Services (CBOS), and I am an authorised Officer of the *Consumer Affairs Act 1988*. CBOS is the regulatory body of the *Australian Consumer Law (ACL)* in Tasmania.

This office has received an enquiry from Mrs Patricia Ellison-Smith, of Wynyard in Tasmania. Mrs Ellison-Smith complaint alleges John Adams of K.C. Transport AKA All-Coast Sensitive Freight have received a deposit for the transit of their goods in July 2021, but failed to complete the service. This has resulted in Mrs Ellison-Smith requesting a refund of this deposit minus any expenses incurred by the business. A dispute has since arisen over the alleged expenses.

Patricia Ellison-Smith has provided information to CBOS that:

- The deposit totalled \$9,000.
- After contacting the Spirit of Tasmania about the alleged booking it was found that it had been cancelled and a refund had been issued.
- She finds the quoted expenses to be deducted from the refund to be unreasonable.
- If you believe the expenses to be reasonable could you provide an itemised invoice showing the number of hours and the hourly rate.
- Please attach any receipts of expenses incurred.

As the regulator of the *Australian Consumer Law (ACL)*, CBOS can review allegations of non-supply, as it is illegal for a business or a person in trade or commerce, to accept payment for goods or services if:

- They do not intend to supply,
- They intend to supply materially different goods or services from those requested,
- They know, or should have known, they would not be able to supply the goods or services within the period specified, or within a reasonable time.

CBOS is requesting your written response and information on this matter prior to 28 July 2022.

We look forward to hearing from you.

Yours sincerely,



**Jillian Crane**  
Senior Audit and Compliance Officer  
Department of Justice