



# You can complain

A guide to solving problems with  
financial products and services



**MONEYSMART**  
Simple guidance you can trust



**ASIC**

Australian Securities & Investments Commission

## About ASIC

The Australian Securities and Investments Commission (ASIC) regulates financial advice and financial products (including credit).

Our website for consumers and investors, MoneySmart, offers you free and independent tips and safety checks about the financial products and services we regulate.

Visit [www.moneysmart.gov.au](http://www.moneysmart.gov.au) or phone ASIC's Infoline on 1300 300 630.



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# Key tips for making a complaint

## Top tip 1

### Contact the business with your complaint

- ▶ Before you contact the business, think about your complaint and how you would like it to be fixed. If it helps, write down the main points and any questions you have.
- ▶ Decide how you want to contact the business – by phone, email, letter or face to face.
- ▶ If you can, speak to the person you first dealt with, or phone the customer helpline if there is one.
- ▶ Stay calm and explain the problem as clearly as possible. Ask questions if there is anything you don't understand.
- ▶ If you contact the business by phone, make a note of the date, who you spoke to and what they said.
- ▶ If your complaint is resolved immediately, you don't need to do anything else. You can ask the business to confirm in writing how they have responded. If you're unhappy with the response from the business, or if they can't help you straight away, go to top tip 2.



## Top tip 2

### Take your complaint further

- ▶ Ask for a copy of the business's complaints procedure or look for it on their website. The business should be able to provide this straight away.
- ▶ If you need to write a letter or send an email, it's a good idea to write 'Complaint' at the top. Include your name and contact details and any reference numbers for your policy or account.
- ▶ Find out the name of the person or department to send your complaint to, or send it to the most senior person in the organisation, such as the chief executive.
- ▶ Set out the problem clearly. Stick to the facts and include any relevant dates or names of people you dealt with. Try not to get too angry or emotional.
- ▶ Attach copies of any relevant documents and keep the originals. Keep a copy of your own letter.
- ▶ Ask what's happening with your complaint if you don't hear anything back within a reasonable time. The business should have a response time set out in their complaints procedure. Generally you should hear back within 2–3 weeks about the progress of your complaint.
- ▶ If you aren't satisfied with the response to your complaint, or if you don't get a response in a reasonable time, go to top tip 3.

## Top tip 3

### Go to an independent complaints scheme

- ▶ Nearly all financial services businesses and organisations must belong to an independent complaints scheme.
- ▶ Unless your complaint is urgent or involves hardship, a complaints scheme will not deal with it unless you have raised it with the business first and given them the chance to put things right.
- ▶ The business should tell you which complaints scheme it belongs to and how to contact them. Otherwise, use the contact details in this guide or contact ASIC's Infoline for help. See 'To find out more' on page 22.
- ▶ A complaints scheme is free and acts independently of you and the business. It can usually deal with disputes up to a set maximum dollar limit.
- ▶ Check if the complaints scheme has a form you need to fill in.
- ▶ If you have any difficulty putting your complaint in writing, phone the complaints scheme and ask for help.
- ▶ Because there are time limits for bringing complaints to a scheme, if you are getting nowhere with the business you should lodge your complaint with the scheme as soon as possible.
- ▶ If you and the business can't reach an agreed settlement with the help of the complaints scheme, the complaints scheme will decide the final outcome of your complaint.
- ▶ If you're not happy with the final decision of the complaints scheme, you can still take the matter to court. Note that if you go to court first and lose, you can't then have the matter looked at by a complaints scheme.



# Your right to complain

Sometimes things can go wrong. Even if you feel unsure about what's happened, there may still be a problem that needs sorting out. The best way to sort out a problem is to make a complaint.

Under the law, you have the right to complain if you are not happy about any aspect of a financial product or service, including your bank, building society or credit union account, your loans such as your mortgage, personal loans or credit cards, your insurance policies, superannuation, financial investments and any financial advice you receive.

Some problems are straightforward and easy to explain. For example, your bank account might have been accidentally charged with the wrong fees. Other complaints can be more complicated.

This guide shows you the best way to get problems sorted out in 3 simple steps:

- ▶ **Step 1.** Contact the business with your complaint
- ▶ **Step 2.** Take your complaint further
- ▶ **Step 3.** Go to an independent complaints scheme



## Get your story straight

Get your story straight before you contact the business.

Think about what's troubling you and why. If it helps, write down what happened and any questions you want answered.

Don't feel embarrassed if there is something you don't know or don't understand. You have a right to have matters explained to you and any problems sorted out.

It might help to organise your thoughts like this:

- ▶ First, explain what product or service you used or purchased, and why.
- ▶ Next, explain what went wrong. Maybe there was a mistake or you disagreed with something the business did. Maybe something wasn't explained to you about the product or service, or it wasn't right for your needs and circumstances.
- ▶ Last, try and decide what you would like the business to do to fix the problem. For example, are you looking for:
  - ▶ an apology?
  - ▶ an explanation?
  - ▶ action to put things right?
  - ▶ the contract to be cancelled?
  - ▶ compensation for a loss you have suffered because the business did something wrong?
  - ▶ a combination of any of the above?

### Quick tip



Thinking about the problem and explaining it in a logical way should make it much easier to get the problem solved quickly and simply.



## How to contact the business

- ▶ **A phone call.** Make a note of the time, date and name of the person you spoke to and details of what happened.
- ▶ **Face to face.** Make a note of the time, date and name of the person you spoke to and details of what happened.
- ▶ **An email.** You can print a copy of all the emails you send and receive, although it can be hard to send copies of documents by email.
- ▶ **A letter.** This way you can attach copies of letters and other relevant documents.

You might need to follow up any contact made by phone, email or face to face with a letter, especially if you proceed to Step 2 and take your complaint further.

### Record keeping

It is important to keep good personal records. Remember the following:

- Keep a note of telephone conversations or meetings (for example, write down the time, date and who you spoke to, including their name and their job title).
- Keep copies of any letters you send or receive.
- When writing letters, remember to include the date.
- If you are asked to provide documents, make sure you keep a copy for yourself. If possible, keep the original and send the copy.
- Keep all your records together to avoid losing any important information.

## Do you need a translator?

If you are unable to speak or write in English, or if you just feel more comfortable speaking or writing in your own language, you may need someone to translate for you when making your complaint. You can:

1. Ask a relative, friend or someone at work to help you.
2. Ask the independent complaints scheme or the business to arrange a translator for you. All complaints schemes and some businesses should be able to arrange this for you free of charge.
3. Arrange your own translator by calling the **Translating and Interpreting Service** on 13 14 50.
4. Contact a migrant resource centre or your ethnic community council. You can find contact details for some of these organisations in the Consumer and business directory. See 'To find out more' on page 24.

### Quick tip



You will need to consider how to arrange a translator at every step in the process of making a complaint. Be persistent. Don't be put off if it takes time to arrange a translator and make your complaint. You have a right to complain and a right for your complaint to be heard.



## Step 1

# Contact the business with your complaint

It's always best to sort things out as soon as possible – don't delay if you think something might be wrong.

Decide how you will contact the business. Choose whatever way suits you. Many questions or problems can be dealt with simply and quickly over the phone, without the need for you to do anything else.

Sometimes the person you speak to can explain why a problem has occurred, and put things right there and then.

Contact the business that holds your account or sold you the product or service, and explain the problem. If you can, speak to the person you first dealt with, as they should be most familiar with your details.

If you don't know who you dealt with, contact the business's customer helpline (or complaints department if there is one). Some businesses have special departments to deal with customer enquiries and complaints. These departments may be called 'Customer Service' or 'Customer Relations'.

## Be prepared

Organise yourself. Have your customer reference number, account or policy number handy, as this will help the person at the business deal with your problem more quickly.

Stay calm, even if you feel embarrassed, angry or upset. People will be more likely to help you and it will be easier for you to explain your complaint clearly and logically.

If there is something you don't know or don't understand, make sure you ask.

If the complaint is resolved you can ask the business to confirm this for you in writing.

If you're not satisfied with the answer you get from the business, or if the problem can't be sorted out immediately, tell the person you are dealing with that you want to take your complaint further. Go to Step 2.

## Step 2

# Take your complaint further

Ask for details of the business's complaints procedure or look for it on their website. This should explain who to contact and how your complaint will be handled.

Complaints do not need to be made in writing, but writing a letter of complaint may be best, especially if the problem is serious or complicated.

Some businesses offer a way to make your complaint by email. Look on the business's website for the email address. Keep a copy of all your letters and emails.

If you have any difficulty finding out who to contact, take your complaint to the most senior person in the business, such as the chief executive or managing director. If you can, find out the name of this person – again this information is often on the business's website. If you have any difficulty getting your problem treated as a formal complaint, contact ASIC. See 'To find out more' on page 22.



## How to write a letter of complaint

When you write a letter of complaint or send an email, try to make it clear and simple and stick to the facts. This will make it easier for the business to deal with your complaint.

Follow this checklist:

- If you can, type your letter or ask someone to type it for you. Otherwise, write clearly in blue or black ink.
- Put your name and address at the top of the first page.
- Put the date next. This is important because you may need to refer back to your letter or identify your letter by the date when you are talking with the business or a complaints scheme (if you go on to Step 3).
- Then put the name and address of the business and the person you are writing to. If you don't have the name of a particular person, address the letter to 'Customer Complaints'.
- It's a good idea to write 'Complaint' as the heading of your letter – this way there can be no doubt that this is a letter of complaint.
- After the word 'Complaint', quote any reference numbers such as your customer number or your policy or account number.
- Set out the problem clearly and what you want them to do to put it right. See 'Get your story straight' on page 8 for tips on how to do this. Stick to the facts and include any relevant dates. If you know the name of the person you dealt with, include it in the letter.
- Attach copies of any relevant documents and make sure you always keep the originals. If you don't have access to a photocopier, your local newsagency or library may have one you can use at a small charge.
- End your letter with something like 'I look forward to your response' to show that you are expecting a reply.
- Sign your letter.
- Photocopy your letter and keep a copy with your other paperwork.

## Letters of complaint – some examples

Following are some sample letters of complaint. Although every complaint is different, these examples might help you with your own letter.

### Example – Savings account

(Your name and address)

(Date)

(Name and address of the person you are writing to)

Dear \_\_\_\_\_

#### COMPLAINT

Account number: 1234567890

I am writing to complain about the charges on my savings account for April.

I enclose a copy of my monthly statement that shows that I was charged twice for getting cash out of an ATM on George Street, Sydney, on 15 April. I have highlighted the relevant section and the reference for the transaction on my statement is ABCDE12345.

I am sure that this must be an error and I would like you to credit my account for (the amount of the charge) \_\_\_\_\_.

I look forward to your response.

Yours sincerely,  
Jenny Smith



## Example – Insurance

(Your name and address)

(Date)

(Name and address of the person you are writing to)

Dear \_\_\_\_\_

### COMPLAINT

Policy No: 012345678

I am writing to complain about my car insurance claim being rejected.

On 22 November 2009, I arranged car insurance with your company by phone. On 25 November, I telephoned to extend the insurance so that it also covered my 21-year-old son, as he would also be using my car.

I am very concerned that when I telephoned on 25 February this year to make a claim for a minor accident that my son was involved in, I was told my claim was rejected because the policy did not cover my son.

I was told that there was no record of my policy ever being extended to cover my son.

I distinctly remember calling to extend the insurance and I enclose a copy of a telephone bill which shows that the call was made. I spoke to a member of staff called Kim Green. I remember the name because I made a note of it at the time.

I am sure that you made a mistake in not changing the insurance policy. I would like you to investigate this matter and pay the claim.

I look forward to hearing from you as soon as possible.

Yours sincerely,  
L Lee

## Example – Financial advice

(Your name and address)

(Date)

(Name and address of the person you are writing to)

Dear \_\_\_\_\_

### COMPLAINT

Customer reference number: 123456

I am writing to complain about the financial advice my husband and I received from one of your advisers, Ms Caroline Brown.

On 4 August 2009, my husband and I had a meeting with Ms Brown at her office in Bourke Street, Melbourne.

We told Ms Brown that, as we are both retired, we wanted to put our money into safe investments and that we could not afford to risk losing any of our capital.

Ms Brown advised us to invest \$5,000 in the AAA Fund, which is managed by AAA Fund Managers Ltd.

I enclose a copy of a statement that we were sent this week. The statement shows that our original investment is now worth only \$3,750. We are very concerned about this and feel that we were given bad advice by Ms Brown.

We would like to withdraw from the AAA Fund immediately and to be compensated for the loss in our original investment.

I look forward to your early reply.

Yours sincerely,  
Alex Larcos



## Keep track of what happens

After you have made your complaint, ask the business how long it will take to look into the matter and come back to you with an answer. They may need to contact their head office or someone else connected with the complaint.

If you don't hear anything for a couple of weeks, don't be afraid to phone and ask what's happening. It often pays to be persistent.

## Consider the business's reply

When you get the business's reply to your complaint, decide if you are satisfied with it. If not, you can ask an independent complaints scheme to review your complaint.

The business must tell you which complaints scheme it belongs to and how you can contact them. If the business does not include these details with its final answer, phone and ask for the name of its complaints scheme. If:

- ▶ you are not happy with the business's answer to your complaint, or
- ▶ it makes you an offer that you are not satisfied with, or
- ▶ it does not respond to your complaint within a reasonable time,

then you should contact an independent complaints scheme. Go to Step 3.



## Step 3

# Go to an independent complaints scheme

It is a legal requirement for superannuation fund trustees and most financial services businesses licensed by ASIC to belong to or be covered by an independent complaints scheme. There are 3 independent complaints schemes that cover different areas of the financial services industry.

They are the:

- ▶ Financial Ombudsman Service (FOS)
- ▶ Credit Ombudsman Service Ltd (COSL)
- ▶ Superannuation Complaints Tribunal.

A complaints scheme will not deal with your complaint unless you have raised the matter with the business first and given them the chance to put things right.

A complaints scheme costs you nothing to use and acts independently of both you and the business.

## What does a complaints scheme do?

The job of an independent complaints scheme is to resolve complaints that cannot be settled directly between you and the business.

If the complaints scheme upholds your complaint, they can make a decision about what the business must do to put things right, for example, pay you money. The business must accept the final decision of the complaints scheme if you do.

If you do not agree with the decision, you do not have to accept it, and you can take the matter to court.



## How to use a complaints scheme

You can contact the complaints scheme by phone, email or in writing. The scheme will explain what you need to do and help you make your complaint.

It might ask you to provide details of your complaint in writing, plus copies of any relevant documents, so that your complaint can be investigated properly.

If you have any difficulty putting your complaint in writing, ask the complaints scheme to help you.

Each scheme has a special Complaints Form you can fill out with the details of your complaint so you don't need to write a letter.

The kind of details the scheme will need from you include:

- ▶ your contact details – name, address and phone number
- ▶ a brief description of what happened and what went wrong
- ▶ how the problem has affected you
- ▶ what steps you have already taken to sort out the problem with the business

As a statutory complaints body, the Superannuation Complaints Tribunal (SCT) operates slightly differently from the other complaints schemes.

If you have a complaint about your superannuation you must contact the trustee of your superannuation fund first, before you go to the SCT. The fund then has 90 days to respond to you. You or the business can appeal to the Federal Court if you are unhappy with the finding of the SCT on a question of law.

### Quick tip



Send the complaints scheme copies of relevant paperwork as well as a copy of your letter of complaint to the business and its reply to you. Don't forget to keep the originals.

## Are there any complaints that a complaints scheme can't deal with?

Each of the complaints schemes have rules that state the types of complaints they can deal with.

After you have lodged your complaint with them, they will first check that it is a matter they can deal with.

There are some things complaints schemes can't deal with, including:

- ▶ complaints about financial loss that is greater than the complaints scheme's dollar limit
- ▶ complaints about old events
- ▶ complaints about investment performance or commercial or policy decisions made by the business

FOS and COSL cover complaints where the value of the claim is \$500,000 or less.

### Quick tip



Always check with the complaints scheme whether your complaint is one they can deal with. They will tell you if it isn't, and may be able to refer you to another scheme or suggest some other action.

A complaints scheme may still be able to assist if your complaint involves a matter where there is no financial loss.



## How do complaints schemes handle complaints?

The complaints schemes will first try to help you and the business to agree on a settlement. This process is usually called 'conciliation'. During this process, the complaints scheme will look at the information you have provided and speak to the business to get their side of the story. The scheme may ask you questions or ask for more information. As part of this process, the scheme may give its view about how the complaint should be settled.

If you and the business can't reach a settlement, then the complaints scheme will investigate your complaint in order to make a final decision about it.

The scheme's final decision is binding on the business. This means that if you accept the final decision, the business must also accept it. For example, if you accept the decision, the business must pay you the amount the complaints scheme has decided.

If you don't agree with the complaints scheme's final decision, you don't have to accept it. You can take the matter to court if you want to.

Different businesses have different arrangements in place to meet claims that are upheld against them. For example, most advisory businesses have professional indemnity insurance for this purpose. While this is designed to cover the decisions of complaints schemes, it does not guarantee that every claim will be met.



### Quick tip

If you don't hear anything for a while, don't be afraid to phone and ask what's happening.

# To find out more

## Translation services

Call the Translating and Interpreting Service on 13 14 50.

If you ask, the independent complaints schemes will arrange:

- ▶ interpreters for telephone calls and meetings
- ▶ translators for letters, emails and faxes

## ASIC's Infoline

If you're not sure who to contact about your complaint, phone ASIC's Infoline or see [www.moneysmart.gov.au](http://www.moneysmart.gov.au).

Infoline: 1300 300 630

If you require translation services, call the Translating and Interpreting Service on 13 14 50. They will contact ASIC's Infoline for you, free of charge.

## Financial counsellors or community legal centres

They might also be able to help if you're unsure about what to do.

Financial counselling services are available in every state and territory. For details of financial counselling organisations around Australia, call the National Financial Counselling Hotline during business hours on 1800 007 007, see [www.financialcounsellingaustralia.org.au](http://www.financialcounsellingaustralia.org.au) or [www.moneysmart.gov.au](http://www.moneysmart.gov.au).



Following is a list of independent complaints schemes for the financial services industry. Contact them to check that they can deal with your complaint, or if you need advice or assistance in making your complaint to the business.

### **Financial Ombudsman Service (FOS)**

FOS handles complaints about banks, credit unions and building societies, life insurance companies, superannuation providers, financial planners, life insurance brokers, stockbrokers, investment managers, friendly societies, time-share operators, general insurance companies and their agents, lenders and debt collectors, credit licensees and credit representatives.

FOS covers complaints where the value of the claim is \$500,000 or less.

GPO Box 3  
Melbourne VIC 3001

Phone: 1300 780 808  
Fax: 03 9613 6399

Website: [www.fos.org.au](http://www.fos.org.au)

### **Credit Ombudsman Service Ltd (COSL)**

COSL handles complaints about credit unions, building societies, non-bank lenders, mortgage and finance brokers, financial planners, lenders and debt collectors, credit licensees and credit representatives.

COSL covers complaints where the value of the claim is \$500,000 or less.

PO Box A252  
Sydney South NSW 1235

Phone: 1300 780 808 or 1800 138 422  
Fax: 02 9273 8440

Website: [www.cosl.com.au](http://www.cosl.com.au)

## Superannuation Complaints Tribunal (SCT)

A statutory complaints body that deals with complaints about the decisions and conduct of superannuation providers, including trustees of regulated superannuation funds and approved deposit funds, Retirement Savings Account providers and life companies providing annuity policies.

Locked Bag 3060  
GPO Melbourne VIC 3001

Phone: 1300 884 114 or 03 8635 5580  
Fax: 03 8635 5588

Email: [info@sct.gov.au](mailto:info@sct.gov.au)  
Website: [www.sct.gov.au](http://www.sct.gov.au)

## Consumer and business directory (CBD)

The Australian Competition and Consumer Commission's (ACCC's) Consumer & business directory (CBD) is an online tool that allows users to find contact details for private, community and government organisations that offer consumer and business complaint handling and advisory services, including industry associations, businesses, government agencies and independent mediation services.

Website: [www.accc.gov.au](http://www.accc.gov.au)







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# We are interested in your feedback

To help us meet your needs better and identify what other areas you need information about, please fill out this form and post it back to us reply paid. (Any information you provide in this feedback form will not be used for any other purpose.)

**Please indicate whether you agree or disagree with the following statements:**

	<b>Agree</b>	<b>Disagree</b>
The information in this booklet will help me make better financial decisions	<input type="checkbox"/>	<input type="checkbox"/>
The information I needed was easy to find	<input type="checkbox"/>	<input type="checkbox"/>
The overall look of this booklet was appealing	<input type="checkbox"/>	<input type="checkbox"/>
I would tell other people to use this guide	<input type="checkbox"/>	<input type="checkbox"/>

**What other financial topics would you like more information about?**

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**How did you get this booklet?**

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|--|--|
| <input type="checkbox"/> By phoning ASIC's Infoline  | <input type="checkbox"/> From a financial adviser                        |
| <input type="checkbox"/> From an ASIC service centre | <input type="checkbox"/> From a financial counsellor or legal centre     |
| <input type="checkbox"/> Online                      | <input type="checkbox"/> From Centrelink's Financial Information Service |
| <input type="checkbox"/> From a library              | <input type="checkbox"/> Other, please specify                           |
| <input type="checkbox"/> From a presentation         |  |
| <input type="checkbox"/> From an expo                |  |
- 

**How old are you?**     <18                       18–24                       25–44  
    45–64                       65–79                       80+

What is your gender?     Female                       Male

Any other comments?

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[www.moneysmart.gov.au](http://www.moneysmart.gov.au)

ASIC Infoline: **1300 300 630**

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Please note that this is a summary giving you basic information about a particular topic. It does not cover the whole of the relevant law regarding that topic, and it is not a substitute for professional advice.

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