

# Debt collectors: What if they don't stop hassling me?

If the debt collector continues treating you unfairly and the dispute relates to a credit company (bank, finance company, payday lender or rent to buy company), telecommunications (phones or internet), electricity, gas or water companies, you can make a complaint to one of the Ombudsman services.

- the Financial Ombudsman Service\*
- the Credit and Investments Ombudsman\*
- the Telecommunications Industry Ombudsman or
- the Energy and Water Ombudsman Victoria

If the debt collector or creditor is not a member of an Ombudsman Service you should seek advice about making a complaint to VCAT.

## National Regulators

You should also complain to the Australian Securities and Investments Commission (ASIC) for debts relating to loans or financial services (e.g. insurance), and the Australian Competition and Consumer Commission (ACCC) for debts you owe in relation to products or other services you have bought. The role of these government agencies is to “police” the practices of debt collectors. They can't help with your debt but if they get enough complaints about a debt collector they will take action against them.

## The Victorian Regulator

Consumer Affairs Victoria (CAV) can assist by:

- acting as a mediator with creditors; or
- using complaints for prosecution and other enforcement action against the debt collector.

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\* From 1 November 2018 the Financial Ombudsman Service and the Credit and Investments Ombudsman will merge to form AFCA - the Australian Financial Complaints Authority. This document will be updated when this occurs.

Seek compensation for any distress or inconvenience caused by any harassment by the creditor or debt collector.

In some circumstances you can claim any financial loss (such as lost wages), or non-financial loss (such as distress, inconvenience or humiliation) you have suffered if a creditor or debt collector is harassing you or acting illegally.

Contact the following:

- Financial Ombudsman Service and Credit Ombudsman Service for credit or debt (such as a credit card, home loan, personal loan etc). Compensation can include non-financial loss, including distress and inconvenience. The Financial Ombudsman service limits the amount of compensation for non-financial loss to \$3,000 for each unlawful event that has occurred.
- Credit Ombudsman, the Ombudsman has not set any specific limits on when such damages will be awarded.
- Telecommunications Industry Ombudsman for financial loss.
- Make a complaint to VCAT. VCAT has the power to award up to \$10,000 compensation if you can prove that you have suffered humiliation or distress as a result of a course of debt collector's behaviour.
- Make sure you get legal advice from Consumer Action Law Centre before you complain to VCAT.