



ASIC
Australian Securities &
Investments Commission



You can complain

A guide to solving problems with financial products and services

About ASIC

The Australian Securities and Investments Commission (ASIC) enforces company and financial services laws to protect consumers, investors and creditors.

We are an independent Commonwealth government body, responsible for consumer protection in financial services including shares and managed funds, superannuation, insurance, credit and deposit taking.

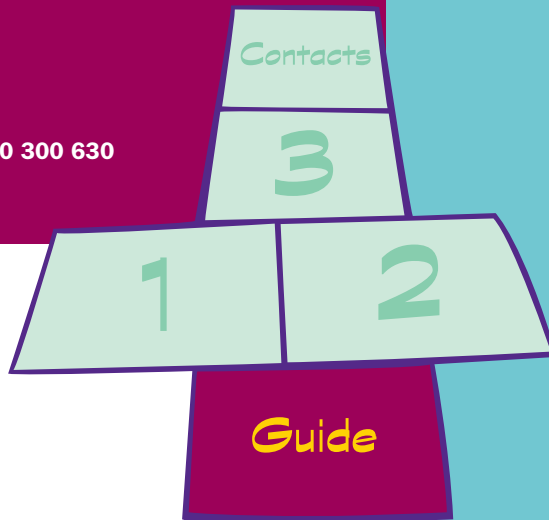
This guide is also available in the following languages:

Arabic

Chinese

Vietnamese

Contact ASIC's Infoline on **1300 300 630** to get a copy.



In this booklet

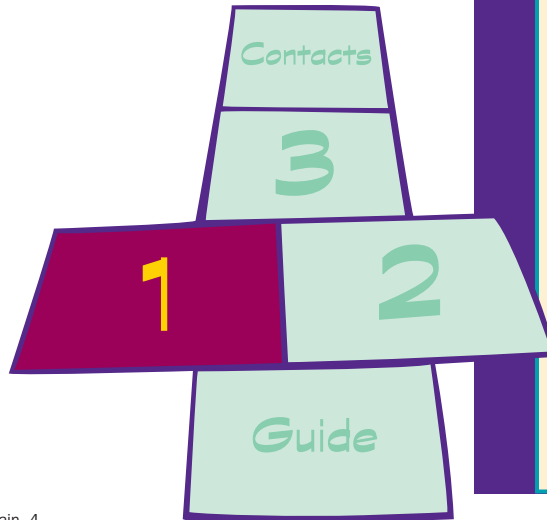
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Quick guide to making a complaint

This quick guide sets out 3 steps to making a complaint about a financial product or service. It gives you important tips for what to do at each step.

Read the rest of this guide for more detailed information about what you should do at each step and what your rights are.

Be persistent. Don't be put off if your complaint is not sorted out immediately. After all – it's your right to complain!



TOP TIPS

Step 1: Contact the firm and explain the problem

- Before you contact the firm, think about what the problem is 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 firm – 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.

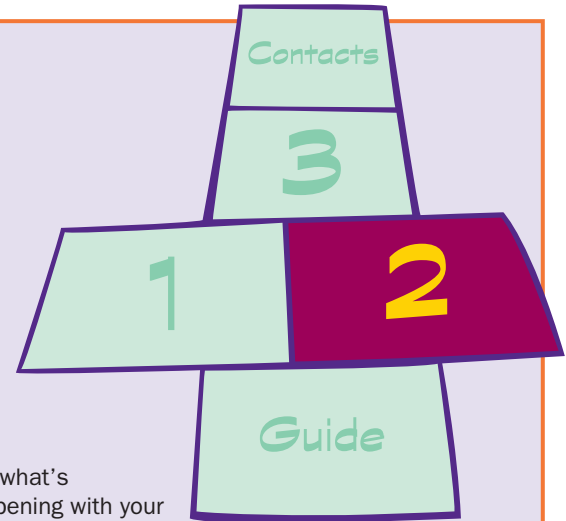
If your problem or query is solved immediately, you don't need to do anything else. If you're unhappy with the response from the firm, or if they can't help you straight away, proceed to Step 2.



TOP TIPS

Step 2: Make a formal complaint

- Ask for a copy of the firm's complaints procedure. The firm 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.
- 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 firm 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.

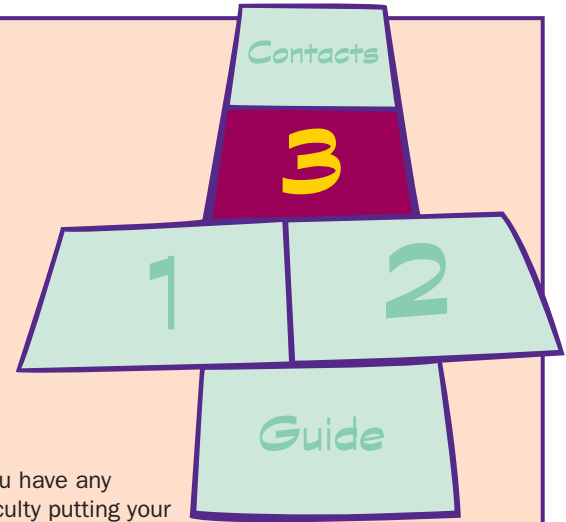
Are you satisfied with the response to your complaint? If not, or if you don't get a response in a reasonable time, proceed to Step 3.



TOP TIPS

Step 3: Go to an independent complaints scheme

- Nearly all financial services organisations must belong to an independent complaints scheme.
- A complaints scheme will not deal with your complaint unless you have raised the matter with the firm first and given them the chance to put things right.
- The firm 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 assistance (see 'Contacts' on page 36 of this guide).
- A complaints scheme is free and acts independently of you and the firm. 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.
- If the complaints scheme can't help you and the firm reach an agreed settlement, they will make a final decision about your complaint.

If you're not happy with the final decision of the complaints scheme, you can still take the matter to court. Remember though, 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 problems happen and 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 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 firm and explain the problem

Step 2. Make a formal complaint

Step 3. Go to an independent complaints scheme



Get your story straight

Get your story straight before you contact the firm.

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:

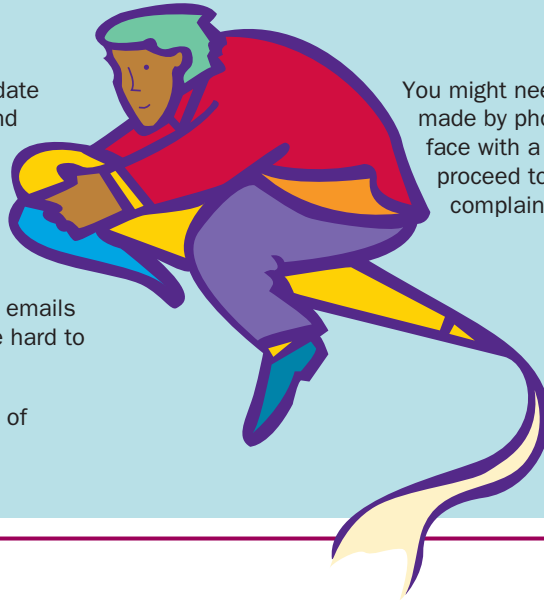
- First, explain what product or service you used or purchased, and why.
- Next, explain what went wrong. Maybe there has been an error or you disagree with something the firm has done. Maybe something wasn't explained to you about the product or service, or it wasn't right for your needs and circumstances.

- Last, try and decide what you would like the firm to do to fix the problem. For example, are you looking for:
 - an apology?
 - an explanation?
 - action to put things right?
 - compensation for a loss you have suffered because the firm did something wrong?
 - a combination of any of the above?

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

How to contact the firm

- **A phone call.** Make a note of the time, date and name of the person you speak to and details of what happened.
- **Face to face.** Make a note of the time, date and name of the person you speak 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 make a formal complaint.

Record keeping

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

- Keep a note of telephone conversations or meetings. Write down the time, date and whom you spoke to (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 English, or if you just feel more comfortable speaking or writing in your own language, you will need someone to translate for you when making your complaint. You have 4 options:

1. You can ask a relative, friend or someone at work to help you.
2. You can ask the independent complaints scheme or the firm to arrange a translator for you. All complaints schemes and some firms should be able to arrange this for you free of charge. See 'Contacts' on page 36 of this guide for details of the different complaints schemes.

3. You can arrange your own translator by calling the Translating and Interpreting Service on **131 450**.
4. Contact a migrant resource centre or your ethnic community council.

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

2

3

Contact the firm and explain the problem

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 firm. Choose whatever way suits you. Many queries 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 firm 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 firm's customer helpline or complaints department if there is one. Some firms have special complaints departments to deal with customer enquiries and complaints. These departments may be called 'Customer Services' 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 firm deal with your problem more quickly. Decide to 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 you're not satisfied with the answer you get from the firm, or if the problem can't be sorted out immediately, tell the person you are dealing with that you want to make a formal complaint. Go to Step 2.

1

STEP

2

3

Make a formal complaint

Ask for details of the firm's complaints procedure. 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 firms offer a way to make your complaint by email. Look on the firm'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 firm, 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 firm's website.

If you have any difficulty getting your problem treated as a formal complaint, contact ASIC.



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 firm to deal with your complaint.

Follow this checklist:

1. If you can, type your letter or ask someone to type it for you. Otherwise, write clearly in blue or black ink.
2. Put your name, address and phone number at the top of the first page.
3. 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 firm or a complaints scheme (if you go on to Step 3).
4. Then put the name and address of the firm and the person you are writing to. If you don't have the name of a particular person, address the letter to 'Customer Complaints'.
5. 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.
6. After the word 'Complaint', quote any reference numbers such as your customer number or your policy or account number.
7. Set out the problem clearly and what you want them to do to put it right. See 'Get your story straight' on pages 11–13 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.
8. 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.
9. End your letter with something like 'I look forward to your response' to show that you are expecting a reply.
10. Sign your letter.
11. Photocopy your letter and keep a copy with your other paperwork.



Letters of complaint – some examples

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



Example – Savings account

[Your address]

[Date]

[Name and address of the person you are writing to]

Dear [Name]

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 which 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 address]

[Date]

[Name and address of the person you are writing to]

Dear [Name]

COMPLAINT

Policy number: 012345678

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

On 22 November 2005, 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.

2

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 address]

[Date]

[Name and address of the person you are writing to]

Dear [Name]

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 2005, 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 ABC Fund, which is managed by ABC 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.

2

We would like to withdraw from the ABC 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 firm 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 firm's reply

When you get the firm'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 firm must tell you which complaints scheme it belongs to and how you can contact them. If the firm does not include these details with their final answer, phone them and ask for the name of their complaints scheme.

If:

- you are not happy with the firm'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

contact an independent complaints scheme. Go to Step 3.

1

2

STEP
3

Go to an independent complaints scheme

It is a legal requirement for most financial services businesses licensed by ASIC to belong to an independent complaints scheme. There are a number of independent complaints schemes which cover different areas of the financial services industry. This guide can help you find the right one if you are unable to get this information from the firm. See page 36 of this guide for ASIC's contact details, and contact details for each complaints scheme.

A complaints scheme will not deal with your complaint unless you have raised the matter with the firm 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 firm.

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 firm. It costs you nothing to use and acts independently of both you and the firm.

If the complaints scheme agrees that your complaint is valid, they can make a decision about what the firm must do to put things right, for example, to pay you money. The firm 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.

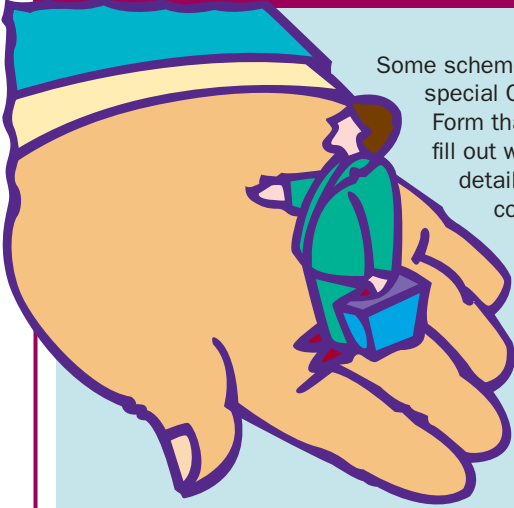


How to use a complaints scheme

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

The complaints scheme 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 down in writing, ask the complaints scheme to help you.



Some schemes have a special Complaints Form that you can fill out with the details of your complaint so you don't need to write a letter.

The kind of details that a complaints 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 this problem has affected you
- what steps you have already taken to sort out the problem with the firm.

Send the complaints scheme copies of relevant paperwork as well as a copy of your letter of complaint to the firm and their reply to you. Again, don't forget to keep the originals.

As a statutory complaints body, the Superannuation Complaints Tribunal (SCT) operates slightly differently from the other complaints schemes. You or the firm can appeal to the Federal Court if you are unhappy with the finding of the SCT on a question of law.

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

All 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 firm.

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 be able to assist if your complaint involves a matter where there is no financial loss.

How do complaints schemes handle complaints?



All complaints schemes handle complaints in a similar way.

First, they will try to help you and the firm 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 firm 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.

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

If you and the firm can't reach a settlement, then the complaints scheme will investigate your complaint in order to make a final decision about it. In some schemes a decision is made by a single person, in other schemes it is made by a panel. You may be asked to provide more information at this stage.

The scheme's final decision is binding on the firm. This means that if you accept the final decision, the firm must also accept it. For example, if you accept the decision, the firm 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. Bear in mind, however, that going to court can take a long time and can be very expensive.

Contacts

Translation services

Call the Translating and Interpreting Service on **131 450**.

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 or email ASIC's Infoline and we will tell you which complaints scheme can deal with your complaint. We can also help you if contact details for a complaints scheme have changed.

Infoline: **1300 300 630** (local call rate)
email: **infoline@asic.gov.au**

If you require translation services, call the Translating and Interpreting Service on **131 450**. They will contact ASIC's Infoline for you, free of charge.

Financial counsellors or community legal centres

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

Use the contact details below to find a service near you. You can also usually find their contact details in the phone book or by contacting your local Fair Trading or Consumer Affairs department.

Financial counselling services are available in every state and territory. For details of financial counselling organisations around Australia, look under 'Counselling' on AFCCRA's website.

Australian Financial Counselling and Credit Reform Association (AFCCRA)

Website: **www.afccra.org**

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 firm.

Financial Ombudsman Service (FOS)

Telephone: **1300 780 808** (local call rate)

Call this number to be directed to one of the following complaints schemes. Don't worry if you don't know which of the schemes is the right one for you because the operator will be able to refer you to the correct one, depending on your complaint.

Banking and Financial Services Ombudsman (BFSO)

– deals with complaints about banks, their affiliates operating in Australia and a range of other financial services providers.

GPO Box 3
Melbourne VIC 3001
Telephone: **1300 780 808** (local call rate)
Fax: **03 9613 7345**
Website: **www.bfso.org.au**

Credit Ombudsman Service Limited (COSL)

– deals with complaints about credit service providers, including mortgage brokers and originators.

Level 6
50 Park St
Sydney NSW 2000
Telephone: **1300 780 808** (local call rate)
Fax: **02 9267 3125**
Email: **info@creditombudsman.com.au**
Website: **www.creditombudsman.com.au**

Credit Union Dispute Resolution Centre (CUDRC)

– deals with complaints about most Australian credit unions. Phone first to check whether the credit union you have a complaint about is a member.

The Credit Union Dispute Manager
CUDRC
GPO Box 3
Melbourne VIC 3001
Telephone: **1300 780 808** (local call rate)
Fax: **03 9620 4446**
Email: **info@ cudrc.com.au**
Website: **www.cudrc.com.au**

Financial Industry Complaints Service (FICS)

– deals with complaints about life insurance companies, superannuation providers, financial planners, life insurance brokers, stockbrokers, investment managers, friendly societies and time shares.

PO Box 579
Collins Street West
Melbourne VIC 8007
Telephone: **1300 780 808** (local call rate)
Fax: **03 9621 2291**
Email: **fics@fics.asn.au**
Website: **www.fics.asn.au**

Insurance Brokers Disputes Limited (IBD)

– deals with complaints about insurance brokers or financial service providers (other than insurance companies) concerning a general or life insurance policy.

Level 5

31 Queen Street

Melbourne VIC 3000

Telephone: **1300 780 808** (local call rate)

Fax: **03 9620 0166**

Email: **info@ibdLtd.com.au**

Website: **www.ibdLtd.com.au**

Insurance Ombudsman Service Limited (IOS)

– deals with complaints about general insurance companies and their agents.

PO Box 561

Collins Street West

Melbourne VIC 8007

Telephone: **1300 780 808** (local call rate)

Fax: **03 9621 2060**

Email: **ios@insuranceombudsman.com.au**

Website: **www.insuranceombudsman.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

Telephone: **1300 780 808** (local call rate)

Fax: **03 8635 5588**

Email: **info@sct.gov.au**

Website: **www.sct.gov.au**

Financial Co-operative Dispute Resolution Scheme (FCDRS)

– deals with complaints about credit unions, building societies or other financial services providers that are members of the Scheme. Phone first to check whether the organisation you have a complaint about is a member.

The Ombudsman

FCDRS

PO Box 372

Clayfield QLD 4011

Telephone: **1300 139 220** (local call rate)

Fax: **1300 139 221**

Email: **ombudsman@fcds.org.au**

Website: **www.fcds.org.au**

Like some help on other financial matters?

Other publications available from ASIC include:

Your Money

ASIC's guide to getting more from your money and how to manage your budget, loans, insurance, superannuation and retirement savings.



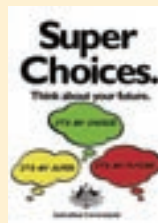
Getting Advice

ASIC's guide to personal financial advice, finding the right financial adviser and advice that works for you.



Super Choices

A guide to understanding and making your superannuation decisions.



Dealing with debt: Your rights and responsibilities

Tips and practical information from ASIC and the ACCC on how to manage your debts, and how to deal with debt collectors.



For a free copy of any of these publications, call ASIC's Infoline on **1300 300 630**.

For information about our other publications, or for more financial tips and safety checks on a wide range of consumer finance matters, visit **FIDO**, our consumer website at **www.fido.gov.au**.

The Australian Securities and Investments Commission consumer website, FIDO, offers you financial tips and safety checks

FIDO



www.fido.gov.au
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GPO Box 9827 in your capital city