**DEBT COLLECTION: LETTER TO STOP CONTACT (Financial Counsellors and Community Lawyers)**

**Example Letter\***

Dear Sir/Madam

**Account details [ ]**

I refer to your letter dated [date] requesting payment of $[amount] (***'the alleged debt'***).

Do not communicate further with my client in relation to the alleged debt.

As a consequence, section 45(2)(m) of the *Australian Consumer Law and* *Fair Trading Act 2012* (Vic)prohibits you from contacting my client unless the contact is by way of legal action or a genuine threat of legal action that you are entitled to and intend to take.

Should my client experience humiliation or distress due to a course of prohibited debt collection conduct, my client has a right to seek damages of up to $10,000, in addition to any other remedy available, pursuant to section 46 of the *Australian Consumer Law and* *Fair Trading Act 2012* (Vic)*.*

Consumer Affairs Victoria also has the power to seek substantial penalties if a person engages in prohibited debt collection practices.

My client does not acknowledge liability for the alleged debt.

You can include the following if it is relevant to your client:

My instructions indicate that any legal action against my client would be futile. My client instructs that his/her sole source of income is a social security benefit and that he/she has no assets which may be seized through bankruptcy or enforcement of a judgment. My client's social security income is protected from an instalment order (s. 12, *Judgment Debt Recovery Act 1984* (Vic)) and an attachment of earnings order (e.g. see r. 72.01 *Magistrates' Court General Civil Procedure Rules 2010* (Vic)).

And/or

My client instructs that should you continue to contact him/her, legal proceedings will be issued against you without further notice.

Yours faithfully

\*The consequences of sending this letter may well be that the debt collector issues legal proceedings. See our fact sheet FS12D for further information on when sending this letter will be useful.