**Taking action against a credit repair company: template letter of complaint**

**Sample Letter**

Date

Address

Dear Sir/Madam

**Complaint**

**Background**

*Provide an overview of your understanding of the agreement with the business. You can include things like :*

* *The name of person you spoke to, how you contacted them and the date and time (if known);*
* *What prompted you to contact them (eg you saw an advertisement on TV or online);*
* *What information you provided them about your circumstances and why you were calling;*
* *What statements were made about what the business could do for you - including statements about the likelihood of removing credit listings or getting access to better credit interest rates;*
* *The application process you followed (if any), and any documentation or contracts you were provided; describe any booklets and forms you were given to fill in;*
* *How much the services being provided cost, and when you were advised of this;*
* *If you have paid money, provide details of the transaction amount, date, and what services you were told would be provided to you; and*
* *If your credit report was provided to you, and what information was on it.*

**Complaint**

Explain why you are making a complaint. Provide detailed information about the effect of the services provided to you, including any differences between what the credit repair agency told you it would do and what it actually did. This might include, for example:

* If you lodged a dispute or request/s to remove a listing with businesses who were listed on your credit file, the outcome of those disputes – including any grounds on which they rejected your request.
* Describe the outcome of using the services – for example whether using the service made a difference to your credit worthiness, noting if you were subsequently declined for a credit application (provide basic detail)
	+ If listings on your credit file were not removed because they were correct and there were no grounds for removal
	+ Whether the business gave you forms to lodge disputes with an ombudsman scheme or a businesses, rather than doing it for you.
* Identify breaches of the law to support your claim. Consider the following text:

[TEXT BOX - If you have any difficulty putting your complaint in writing, don’t give up! Contact Consumer Action Law Centre for help.]

In your conduct, the following sections of the *Australian Consumer Law* (**ACL**) were breached: (Consider adding whichever applies):

1. Section 18, engaging in misleading or deceptive conduct by representing it could remove or assist with the removal from credit enquiries on my credit file
2. Section 21, engaging unconscionable conduct
3. Section 60 as you did not render its credit repair services with due care and skill
4. Section 61(2) as the quality of credit repair services did not reasonably achieve the result expressly requested/implied
5. Section 62, as it breached of the consumer guarantee relating to services being provided within a reasonable time
6. the alleged contract contains unfair contract terms within the meaning of s 23 and 24 of the ACL that have caused me loss.

If you were looking for unfair terms[[1]](#footnote-1) in the contract or agreement from a credit repair agency, these might be:

* a term where the provider says it makes no representation or promise of rectifying or changing the client's records of creditworthiness with any agency or reporting body, or
* does not allow me to seek a refund under any circumstances; or
* a term which purports to exclude, restrict or modify the application of any of the consumer guarantees (section 64 of the ACL).
* State any ways you’ve tried to seek redress - for example if you’ve directly asked the credit repair agency for a refund.

**Loss**

I have suffered loss in the amount of AMOUNT SOUGHT, being the cost of services provided by CREDIT REPAIR AGENCY.

**Warning: This advice is for information only and should not be relied upon as legal advice. This information applies only in Victoria, Australia and was updated on 1 June 2015**

1. This ACCC fact sheet on Unfair Contract Terms may also be helpful in drafting your complaint: <https://www.accc.gov.au/consumers/contracts-agreements/unfair-contract-terms> [↑](#footnote-ref-1)