

## Financial Counsellor template

### Consumer lease dispute: asking for documents relating to a consumer lease

## What is this template for?

You can use this letter to ask for documents relating to a consumer lease your client entered into after 1 March 2013. This is usually the first step to take if your client is disputing a consumer lease. A consumer lease is an agreement to rent an item for personal or household use, where the renter has no right or obligation to purchase the item. If your client has an agreement to purchase goods by instalments then they may have a credit contract, and not a consumer lease.

*National Credit Code* | *National Consumer Credit Protection Act 2009*

## What do I need to know before using this template?

The information in this template is not legal advice. If you have any questions about your client's situation please contact Consumer Action Law Centre on (03) 9602 3326.

1. Check that your client has a consumer lease and not an agreement to purchase goods by instalments. If your client has an agreement to purchase goods by instalments, you can use our template for requesting credit contract documents.
2. To ensure a timely response, it’s important to set a deadline.
3. If you don’t receive the documents by the deadline, or you are otherwise unhappy with the response you do receive, you can complain to the external disputes resolution service the consumer lease provider is a member of. This will be either (and you can visit their websites to check):
	1. Financial Ombudsman Service (FOS) [www.fos.org.au](http://www.fos.org.au); or
	2. Credit and Investment Ombudsman Service (CIO) [www.cio.org.au](http://www.cio.org.au)

## Worker help

For legal advice on consumer matters for Victorian Financial Counsellors or other Victorian community workers, call us on our *Worker Advice Line* (03) 9602 3326, or email us at: advice@consumeraction.org.au

Your name

Address

Address

Name of other party

Address

Address

**Also by fax**:

Date

Dear [Other party name]

**Account Number: [insert account/contract number if known]**

Please provide the following information about the above account:

1. Copies of all documents relating to the above account pursuant to section 179W and 185(1) of the National Credit Code (**“NCC”**) including:
* the consumer lease contract/ contracts;
* any related insurance contracts;
* any notices you have sent to my client;
* any application documents relating to the consumer lease/ leases.
1. A statement of amount owing in accordance with section 175E of the NCC setting out:
* the current balance of the account;
* any amounts credited or debited during the period [state period – this might be the entire period, ie "from the date the contract was entered to the date of this letter"];
* any amounts overdue and when each such amount became due; and
* any amount payable and the date it became due.
1. A detailed explanation as to how the disputed liability has arisen in accordance with section 175G of the NCC.
2. A statement of amount payable on termination as at [insert the date you want] with details of items which make up that amount in accordance with section 179A of the NCC.
3. A copy of the assessment of suitability under section 155 of the *National Consumer Credit Protection Act 2009* (Cth).

You can send the documents to me by email ([email address]) or post ([postal address]).

In the meantime, I ask that you take no other action on this account until at least [14] days after I receive all the documents. If you can’t agree to this request, please advise me immediately.

Please note that my office is not authorised to acknowledge, admit or ratify any agreement with you and this letter is not to be interpreted in that way.

Please contact me/ [Name] of our office on [preferred contact number] if you have any questions.

Yours faithfully

**[Your name]**