

Consumer Credit Law Centre SA

About This Resource:

This resource has been developed for financial counsellors and is not intended for the general public.

It provides links to relevant information helpful in your case work.

Please send us any suggestions for additional links or ideas for other information you will find helpful.

Legal Links:

National Credit Code

[National Consumer Credit Protection Act 2009 \(updated\)](#)

The National Credit Code is Schedule 1 of the *National Consumer Credit Protection Act 2009* (above).

Law Hand Book.

The free SA version is online and has excellent information on consumer credit.
<http://www.lawhandbook.sa.gov.au/ch10s04.php>

Other Websites:

The websites below provide a range of resources including fact sheets and pro-forma letters.

- [Financial Rights Legal Centre \(NSW\) fact sheets](#)
- [Consumer Action Law Centre \(Victoria\) 'self-help kits'](#)

External Dispute Resolution:

Financial Ombudsman Australia (FOS)

<http://www.fos.org.au/>

- [Financial counsellor's toolkit - Responsible lending and credit cards](#)
- [Dealing with common financial difficulty issues](#)

Credit & Investments Ombudsman

<http://www.cio.org.au/>

- [Position statements:](#)

Telecommunication Industry Ombudsman (TIO)

<https://www.tio.com.au/>

- [Position Statements:](#) Note the following under Billing & Payments:
- Disadvantaged and vulnerable consumers
- Financial hardship
- [Responding to customers in financial hardship – principles and practices for telecommunication providers:](#)

Our Locations:

Unit 2, 59 Main North Road Medindie Gardens 5081 (08) 83421800	10 Pitt Street Adelaide 5000	Unit 2, 2b Morialta Drive Smithfield 5114	Unit 3, 107 Dyson Road Christies Beach 5161
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Topics Links:

Financial Hardship

- [What if I can't pay my loan?](#)
- [MoneySmart - Trouble with debt](#) - Read the section 'Apply for a hardship variation'.
- [Debt Self Help - Hardship letter pro-forma](#)

Responsible Lending

- [Financial Ombudsman Service \(FOS\) Resources page](#) - Scroll down the page to the 'Tips from the Lead Ombudsman' this provides useful guidelines to assess if responsible lending has been breached.

Small Amount Credit Contracts

- [MoneySmart – Small Amount Credit Contracts](#)

Dealing with Debt Collection - Financial Rights Legal Centre (NSW) Fact Sheets

- [Debt harassment fact sheet](#)
- [Dealing with debt collection](#)
- [Sample letter Complaining about Debtor Harassment](#)
- [Sample letter To Debt Collector \(Old Debt\)](#)
- [Debt collection guideline for collectors and creditors:](#)

Debt Collection through the Courts

- [Going to court for a debt:](#) a booklet that outlines both the court process and options for financial counsellors and clients.
- [Courts SA - Civil claims – represent yourself](#)
- [Law Handbook - Minor civil action](#)

Bankruptcy

- [Australian Financial Securities Authority \(AFSA\)](#)
- Personal insolvency information for debtors'. <https://www.afsa.gov.au/resources/fact-sheets/personal-insolvency-information-for-debtors>
- ['Indexed amounts' table](#)
- [Provable debts:](#) Useful information about debts that are included in bankruptcy
- [Bankruptcy-and-unsecured-debts-quick-guide](#)

Financial Counselling Australia (FCA) resources

The FCA toolkit is available to members of state financial counselling associations. If you are not a member you may have contact with a financial counsellor who could access it for you. The following resources are available in the 'Tools & Links' section:

- [Bankruptcy toolkit:](#)
- [Bankruptcy checklist](#)

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Credit Reporting: Links to Help Information

- [CreditSmart - Introduction to credit reporting](#)
- [MoneySmart: credit reports](#)
- Office of the Australian Information Privacy Commissioner: [Credit & Finance](#): a background to credit reporting and links to useful fact sheets. Such as the two listed below:
- [Privacy fact sheet 16: 'Credit reporting — repayment history information'](#): Information about what can be recorded on a credit file:
- [Information about obtaining a free credit report](#)
- [Veda – Mycreditfile - Understanding your credit file](#)

Australian Consumer Law:

- www.consumerlaw.gov.au
- [Contracts](#)
- [Unfair contract terms](#)
- [Unconscionable conduct](#)
- [False or misleading representations](#)

Unsolicited Consumer Agreements

- [Australian Competition and Consumer Commission](#)
- [Law Book](#)
- [Knock! Knock! Who's there?](#) (booklet, pdf download)

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