

## COMPLAINTS HANDLING PROCESS INFORMATION SHEET

This document summarises the processes that the Code Compliance Monitoring Committee [**CMC**] has determined will be followed under the Australian Collectors & Debt Buyers Association [**ACDBA**] Code of Practice<sup>1</sup> [**Code**] and Code Compliance Monitoring Committee Charter [**Charter**] in responding expeditiously and transparently to complaints received against Code Subscribers<sup>2</sup> regarding an alleged breach of the Code.

The ACDBA<sup>3</sup> takes complaints against Code Subscribers very seriously and aims to resolve any outstanding issues or complaints in accordance with the Code and the Charter, as soon as reasonably practicable<sup>4</sup>.

### ***Before making a complaint to ACDBA***

The consumer must first give the Code Subscriber an opportunity to resolve the complaint through its Internal Dispute Resolution [**IDR**] and External Dispute Resolution [**EDR**] processes.

If the complaint remains unresolved, or if the Code Subscriber and its EDR Scheme does not respond, the consumer may lodge their complaint with ACDBA, subject to the Code and the Charter.

### ***Making a complaint to ACDBA***

Where possible, a complaint should be in writing or by email, together with all supporting documents.

We will, within 48 hours of receipt of the complaint, send:

- an acknowledgement to the consumer who lodged the complaint [**Complainant**] and, if required, may request additional information and/or supporting correspondence/documents; and
- notification to the Code Subscriber advising of the complaint received and requesting an explanation/response to the allegations made, together with any additional information and/or supporting correspondence/documents.

We will consider, in relation to the complaint, whether:

- the complaint relates to an organisation that was and remains a Code Subscriber
- the alleged circumstances occurred when the Code Subscriber was bound by obligations under the Code<sup>5</sup>
- the alleged circumstances relate to any Code obligation of the Code Subscriber

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We may close a complaint at our absolute discretion, if:

- the consumer withdraws the complaint
- the consumer stops responding in a reasonably timely manner to our communications
- the information provided indicates the complaint cannot continue to be dealt with under the Code and the Charter
- the complaint is a matter outside the scope of our investigative powers under the Charter
- the complaint should be adjudicated in another, more appropriate forum such as a Court or a Tribunal

We may, for the purpose of investigating the complaint:

- request more detailed information or responses to targeted questions from either the Complainant, the Code Subscriber or both

### **CMC Decision**

We will, after completion of the investigation, consider all relevant information, supporting correspondence/documents and the responses from both the Complainant and the Code Subscriber in accordance with the Code and the Charter and, may conclude<sup>6</sup> the complaint investigation, as follows:

- without a Determination, in which case, we will inform the Complainant and Code Subscriber of the outcome and the reasons for such decision; or
- with an intention to make a Determination<sup>7</sup>, in which case, we will:
  - issue a notice to the Complainant and to the Code Subscriber of such intention, together with the details of and the reasons for the intended Determination and, seek any final comments or submissions from the parties;
  - consider the final comments and submissions received from the parties and then, confirm whether making the intended Determination is appropriate in all the circumstances, whereby:
    - we will close the complaint without making a Determination, informing the Complainant and the Code Subscriber of the outcome and the reasons for not making a Determination; or
    - we will continue to make a Determination, informing the Complainant and the Code Subscriber of our final decision and the reasons for such Determination.

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Explanatory notes:

- <sup>1</sup> A copy of the Code and the Charter is available at [www.acdba.com](http://www.acdba.com).
- <sup>2</sup> Debt collectors and debt buyers who have agreed, as a condition of membership of Australian Collectors & Debt Buyers Association, to comply with the Code, as a Code Subscriber.
- <sup>3</sup> Complaints made to ACDBA will be handled in accordance with the provisions in the Code and the Charter and managed by the Code Compliance Monitoring Committee, administered by its Compliance Manager [**CM**]. For the purpose of this document, "We", "Us" or "Our" mean the CMC and/or the CM, as the case may be.
- <sup>4</sup> Wherever the parties are asked to respond, a timeframe of 7 days will be requested by us unless otherwise stated, noting that the Charter allows the CMC discretion of up to 21 days for more complex matters.
- <sup>5</sup> Code Subscribers are bound by the obligations of the Code from 16 March 2016 or, later upon becoming an ACDBA Code Subscriber until ceasing to be a member of ACDBA.
- <sup>6</sup> The CMC may or may not make a Determination depending upon the circumstances of the complaint and whether it is reasonably satisfied that the Code Subscriber has taken appropriate steps and adequate remedial action to correct and/or prevent reoccurrence of the circumstances, giving rise to the complaint.
- <sup>7</sup> As part of a Determination, remedial action, sanctions or other penalties may be imposed at the CMC's absolute discretion.