



Australian  
Competition &  
Consumer  
Commission



**ASIC**

Australian Securities &  
Investments Commission

# Dealing with debt: Your rights and responsibilities



# Key tips



1. Manage your finances and plan your budget, so that debts don't build up and take you by surprise.
2. A free and independent financial counselling service may be able to help you if you are having trouble paying your debts or managing your budget.
3. If you cannot meet your financial commitments, contact the creditor (the business or person you owe money to) without delay to discuss a repayment plan.
4. When negotiating a repayment plan, be realistic about what you can pay – taking into account your other financial commitments. Be honest with the creditor or debt collector about your situation.
5. Keep copies of any letters you send or receive (and notes of any conversations you have).
6. Make sure you actually owe the debt. Ask for proof (e.g. documents, account statements) if you think a debt is not yours or if you disagree with the amount demanded. Get independent advice if you are still not sure whether you have to pay some or all of a debt.
7. If you are contacted about a debt that is several years old, do not confirm the debt or make a payment until you get independent advice.
8. If you are threatened with legal action, get advice about your options as soon as possible.
9. If you are contacted about a debt, be cooperative, and expect to be treated professionally. Make a formal complaint if a creditor or debt collector misleads you, threatens you or is abusive.



# Contents

## Who is this booklet for?

This booklet is for you, if you:

- owe a debt and want more information about your rights and responsibilities
- are having trouble paying your debts
- have been approached by a debt collector
- have been threatened with legal action
- dispute a debt, or the amount of your debt
- think there is a legal reason that allows you to refuse to pay a debt
- have a partner, relative or friend who is in debt
- believe you might be responsible for someone else's debt (e.g. you are a guarantor or co-borrower).

Are you in debt?	6
Dealing with your debts	7
Dealing with debt collectors	8
Disputing a debt	12
Are you being taken to court?	15
Your legal rights and protections	17
Unacceptable behaviour by debt collectors	18
Where do you go from here?	22

## Are you in debt?

If you have borrowed money, bought something with finance, have a loan or a credit card debt or owe money for bills or accounts, you have a legal responsibility to repay the money you owe. You must not try to avoid your responsibility to repay your debts.

You should get advice immediately if you have been contacted about a debt and you think:

- you don't owe the debt,
- you only owe part of the debt, or
- you have a legal defence against the debt.

See **Disputing a debt**, page 12 for more details.

## Are you responsible for someone else's debt?

You are generally not legally responsible for paying another person's debts – even if that person is your spouse, partner or child. If someone you know has a debt problem, encourage them to see a financial counsellor (or, if appropriate, a gambling counsellor) without delay.

Sometimes people *do* make themselves legally responsible for other people's debts by agreeing to be a co-borrower or guarantor for a loan. Think very carefully before you agree to be a co-borrower or guarantor – even though you might not benefit from the loan yourself, you could end up being liable (i.e. legally responsible) for the entire amount owing if the person who took out the loan defaults on their repayments.

You should get advice if:

- you agreed to be a co-borrower or guarantor under pressure or through fear, or
- you did not understand the nature or extent of the commitment you were making.

## Dealing with your debts

People get into financial difficulties for many reasons, including unemployment, relationship breakdown, illness or excessive use of credit. If you are struggling to keep up with your debt repayments, don't try to ignore the problem, or hope it will go away – take control of the situation.

Take some time to think about your income, expenses, assets and liabilities, and work out a budget so that you can meet your financial commitments when they are due. A free and independent financial counselling service may be able to help you with this process.

Financial counselling services help people who are in financial difficulty. They are available in every state and territory and provide a free, independent and confidential service, see page 22 for more details.

Some businesses also provide a service to help people struggling with debt – for a fee. Make sure you know what service you are getting from these businesses, how much it is going to cost you and whether you can get the same service for free from a financial counsellor.





If you cannot keep up your debt repayments, you should contact your creditor (the person or business you owe money to) as soon as possible to discuss your situation. Try to agree on a repayment plan that you can manage.

If you ignore debt problems, they are only likely to get worse. Interest will probably continue to be charged on top of the debt and if the debt is secured against any of your possessions (e.g. your car) these possessions may be repossessed and sold. Also, your credit rating is likely to be affected and you might be sued.

Even if you think you cannot pay or you feel the situation is hopeless, you need to act. You do have options – contact a free and independent financial counselling service to discuss them.

## Dealing with debt collectors

A ‘debt collector’ is a person who collects debts in the course of a business. This could be:

- a creditor collecting a debt themselves (this includes ‘assignees’ – people or businesses who have been sold or ‘assigned’ a debt by the original creditor), or
- someone acting on behalf of the creditor (e.g. an independent collection agency).

If a debt collector contacts you, be cooperative. In turn, you should expect to be treated in a professional manner. Excessive or unreasonable contact by a debt collector may be unlawful: see **Unacceptable behaviour by debt collectors**, page 18.

## When, where and why can you be contacted about a debt?

A debt collector should only contact you when it is *necessary* to do so and when the contact is made for a *reasonable purpose*.

A *reasonable purpose* includes:

- making a demand for payment,
- making arrangements for repayment,
- finding out why an agreed repayment plan has not been met,
- reviewing a repayment plan after an agreed period of time,
- inspecting or recovering mortgaged goods (if they have a right to do so).

As a guide, if contact is *necessary*, it should be limited (unless you request or agree otherwise) to:

- a maximum of 3 phone calls or letters per week (or 10 per month),
- phone or personal contact only between the hours of 7:30 am–9:00 pm on weekdays and 9:00 am–9:00 pm on weekends,
- no contact on national public holidays.

Generally, visits to your home (or another agreed location) should only occur if there is no other way the debt collector can make effective contact with you, or if you ask for (or agree to) a visit. If repayment arrangements can be worked out over the phone or by letter, then face-to-face contact should not be necessary.

As a guide, any personal visits should be limited to once per fortnight and take place between 9:00 am and 9:00 pm (unless you ask for a different time).

A debt collector should not visit you at your workplace unless you request them to, or if you haven't given them any other effective way to contact you. If a debt collector does contact you at work, they must not reveal information about your financial situation to others.

### Negotiating a repayment plan

Creditors will often agree to an extended period for repayment (or smaller periodic repayments over a longer time) when people get into difficulties. Sometimes they will be willing to settle (finalise) the whole debt on the basis of a lump sum payment of part of the debt. You may be able to negotiate such arrangements through the debt collector.

If you are negotiating a repayment plan, offer what you can afford to pay but be realistic about your living costs and your other debts. Also be open and honest with the creditor or debt collector about your other financial commitments.

Don't give up if a creditor or debt collector tells you they will not accept a repayment plan. Put your situation in writing and tell them how

In the case of home loans (except for investment properties), personal loans and credit cards, you may have a right under the *Uniform Consumer Credit Code* to apply to change your repayment plan on the basis of hardship. For more information, contact your state or territory consumer affairs agency, a free and independent financial counselling service or a community legal service, see pages 22–29.



much you can afford to pay, and how often. Meanwhile, you should keep making payments at the level you can afford. ***Don't be pushed to make promises you won't be able to keep.***

If you reach an agreement with the debt collector:

- ask for it to be confirmed in writing,
- confirm it in writing yourself in a letter to the debt collector, and
- keep a copy of your letter.

Then make every effort to keep to the agreement.

### Record keeping

It is important to keep good personal records. Remember the following tips:

- Keep receipts or other records of payment and copies of any letters you send or receive (when writing letters, remember to include the date).
- If you are asked to provide documents, make sure you keep a copy for yourself (if possible, keep the original and send the copy).
- Keep a note of telephone conversations or meetings. Write down the time, date and whom you spoke to (their name, their company or business and their job title).
- If you make an agreement over the phone or in person, ask for it to be confirmed in writing (and also confirm it in writing yourself).
- Keep all your records together to avoid losing any important information.

## Disputing a debt

If you are contacted about a debt you do not owe (or if you disagree with the amount of the debt being claimed), you have a right to dispute the debt or the amount of the debt.

When you make a reasonable request, debt collectors should be prepared to give you account information and copies of contracts (if the debt collector is acting on behalf of a creditor, they may refer your request to the creditor). For home loans (except for investment properties), personal loans and credit card debts, you have a specific right to this information by law.

If you are disputing a debt, a debt collector should stop collection activity until any reasonable request for information has been met, and the debt has been confirmed. Also, a default listing on your credit report should not be made during this period.

### 'That is not my debt!'

In cases of mistaken identity, showing your driver's licence or other ID may resolve the situation. However, the decision to show ID is yours – you cannot be forced to do so by a debt collector.

Identity fraud is when a dishonest person or group uses your personal details for their own financial gain (e.g. to run up a debt in your name). If you think this has happened, contact the creditor or your financial institution immediately.

You can also get a copy of your credit report to make sure no fraudulent transactions have been made in your name, see page 23.

### 'I thought that debt had been settled!'

Sometimes a debt collector might contact you about a debt even though you have paid it in full, or it has already been settled in some other way.

If this is the case, explain the situation to the debt collector in writing and include copies of any records or information you have that prove the debt has been settled. This is why it is always important to keep your own records of your debts, even when they have been paid.

If the debt has already been settled you should also ask the debt collector why they are contacting you. If the collection activity continues without an adequate explanation, make a complaint: see **Where do you go from here?**, pages 22–31.

### 'I don't think I owe that much!'

You might accept that you owe the debt but disagree with (or be unsure about) the amount claimed.

If this is the case, ask for an itemised statement of your account that clearly sets out:

- the amount and date of the alleged debt,
- how it is calculated, and
- details of all payments made and all amounts owing (including principal, interest, fees and charges).



Check the statement carefully. It might include recovery fees or expenses charged by the debt collector.

Check whether you have to pay these and get advice if you think the fees are unfair. For example, did your original contract say anything about these fees or expenses?

### Dispute resolution schemes

You may be able to resolve an ongoing dispute with a debt collector using an independent body (e.g. a fair trading tribunal or independent dispute resolution scheme).

There are independent dispute resolution schemes for the banking, telecommunications and utilities industries. These schemes are available to consumers free of charge, and scheme members must comply with their decisions, see page 26.

Make sure you refer an unresolved dispute to a scheme or tribunal **without delay**. Generally, legal proceedings cannot be started against you while a matter is being considered by one of these bodies.

On the other hand, if legal proceedings have started you cannot take your dispute to a scheme or tribunal, and if you wish to dispute the debt you will need to file a defence in court.

## Are you being taken to court?

Creditors have the right to start legal proceedings to recover money – in other words, they can sue you for a debt. If they do, these legal proceedings will be civil rather than criminal, and will have nothing to do with the police or the possibility of jail.

If you receive notice that you are being taken to court (such as a **summons** or **statement of claim/liquidated claim**) you should act without delay. The action you decide to take will depend on whether or not you dispute the debt. In either case, you should get advice about your options as soon as possible.

If you are sure that you owe the amount claimed:

- Decide whether you can pay the amount in full. If you can, you should do so now.
- If you cannot pay the full amount think about applying, within any timeframe allowed, to pay by instalments. You can arrange this with the court staff.

If you dispute the debt because you do not owe the amount claimed, only owe part of the amount, or think you have a defence:

- Get legal advice immediately.
- If you have a defence against paying the debt, you will need to file documents with the court. You should get legal advice before doing this.

You must act immediately to file the necessary documents in the correct way and within the necessary timeframes. If you don't, a judgment will generally be entered against you.

### What is a defence?

A defence is a legal reason why a debt cannot be enforced by a court.

For example, there are laws that stop debts being collected through the courts after a certain period of time: see below, **What about old or 'statute-barred' debts?**

**Remember:** You might still be able to negotiate a repayment plan, even if a court order has been made against you.

### What about old or 'statute-barred' debts?

You may have a defence against a debt if:

- a long period of time has passed since you last made a payment or confirmed the debt, and
- no court action has been taken to recover the debt in the meantime.

Generally, you can rely on this defence if 6 years have passed since you last made a payment or confirmed the debt, and there is no court judgment against you. In the Northern Territory, the time period is 3 years.

If this is the case, recovery of the debt through the courts is said to be 'statute-barred' and the courts will not enforce the debt.

If there is no court judgment against you and you make another payment, the clock will usually start again and normally you will not be able to rely on this defence anymore.

If you think a debt collector is contacting you about a debt that is 'statute-barred', you should get legal advice before you make any payment or confirm the debt in any other way.

## Your legal rights and protections

Debt collectors must act within the law when recovering debts. This means they must obey laws that are designed to protect you from misconduct. Under these laws, a debt collector must not:

- use physical force or coercion (forcing or compelling you to do something),
- harass or hassle you to an unreasonable extent,
- mislead or deceive you (or try to do so),
- take unfair advantage of any vulnerability, disability or other similar circumstance affecting you (this is known as 'unconscionable conduct').

These laws also apply to a debt collector's conduct towards your spouse, partner, family member or other person connected with you.

Other laws also apply to debt collection: see **Where do you go from here?**, page 22 for more details.

**Remember:** While you should not accept misconduct by a debt collector, such misconduct will not affect whether you are **liable** for the debt.

## Unacceptable behaviour by debt collectors

The types of conduct set out below are likely to breach consumer protection laws, and may breach other laws as well. This is not a complete list.

If you experience any of these behaviours (or other similar misconduct), you should take action: see **Where do you go from here?**, page 22.

### Extreme conduct – force, trespass, intimidation

*If you are confronted by extreme conduct, report it to the police immediately*

#### Debt collectors must not

Use or threaten force of any kind towards you, any member of your family or any other person connected with you

Damage or threaten to damage your property

Block access to your property, or block your way

Enter your property when you have refused permission, or fail to leave when you ask them to

### Unreasonable contact, harassment, overbearing manner

#### Debt collectors must not

Shout at you or abuse you, use obscene or racist language or make personal or demeaning comments (you might also want to report this conduct to the police)

### Unreasonable contact, harassment, overbearing manner continued...

#### Debt collectors must not

Contact you more frequently than necessary or at unreasonable times – for example, it is unacceptable to keep phoning you without a break or to contact you late at night or at other unreasonable times as a way of demoralising or exhausting you: see **When, where and why can you be contacted about a debt?**, page 9

Make other persistent contact or unreasonable disturbances

### Embarrassing or intimidating you through other people

#### Debt collectors must not

Threaten or harass your spouse, partner, family member, or another person connected with you

Make any unauthorised contact with a child under the age of 18 years

Talk about your situation to other people (including family members, neighbours or co-workers) unless you have agreed to the contact – such actions may also breach the privacy laws, see page 28

Engage in conduct that draws people's attention to your situation (e.g. send open letters to a shared post-box, leave messages that others may listen to, make their identity or purpose known to people you work with – again, such actions may also breach privacy laws)



## False or misleading statements and/or conduct

### Debt collectors must not

Make false statements about the amount you owe, or the status of your debt – for example:

- say you owe a debt when you do not
- say the amount you owe is greater than it is
- say that you have no choice but to pay a debt if you have a valid defence against payment, unless there has been a court judgment: see **Disputing a debt**, page 12
- say that your spouse or partner must pay your debt when they have no legal liability to do so: see **Are you responsible for someone else's debt?**, page 6
- say that there has been a court judgment if this is not true

Make false statements about what will happen if the debt is not paid, or what the debt collector intends to do – for example:

- say that unpaid debts are a criminal offence involving the police or possibly jail (being in debt is *not* a crime!)
- say that your children can be taken away from you (this is completely false)
- say that you will be made bankrupt immediately, even though there has been no court judgment or bankruptcy proceedings started

## False or misleading statements and/or conduct continued...

### Debt collectors must not

- say that your goods (e.g. your car) will be seized and sold immediately, even though there is no mortgage over the goods and no court judgment (if there is a mortgage over the goods, generally you must be given notice and 30 days to pay first)
- say that your wages will be garnished (taken), even though a court order to allow this has not been obtained
- say that your credit rating will be damaged, if that is not true (privacy laws limit the type of information that a credit reporting agency can hold on file, how long it can be on file, and who can access the information)

Use other misleading appearances or actions – for example:

- send letters demanding payment that are designed to look like court documents
- pretend to be (or pretend to act for) a solicitor, court or government body

## Other unfair or unconscionable conduct

### Debt collectors must not

Take unfair advantage of you if you are specially disadvantaged because of illness, disability, age, illiteracy or other circumstance

Take unfair advantage of you if you are ignorant of the law, the debt recovery process, or the consequences of not paying a debt

## Where do you go from here?

### Getting advice from a financial counsellor

Sometimes people need help to:

- plan and manage their finances better,
- negotiate with debt collectors, and/or
- deal with a debt crisis.

A free and independent financial counselling service may be able to help you if you are in any of these situations. Financial counsellors will help you to look at all the options available to you. There are also special services to help people with gambling problems.

Financial counselling services are available in every state and territory.

#### **Australian Financial Counselling and Credit Reform Association (AFCCRA)**

For details of financial counselling organisations around Australia, look under 'Counselling' on AFCCRA's website.

Web: [www.afccra.org](http://www.afccra.org)

For an up-to-date list of financial counselling organisations, you can also go to ASIC's consumer website, FIDO ([www.fido.gov.au](http://www.fido.gov.au)), or call ASIC's Infoline on 1300 300 630 (for the cost of a local call).



### Getting a copy of your credit report

Your credit report has information about you and your credit history. You might want to get a copy of your report to check that the information is accurate and fix any mistakes.

For information about how to get a copy of your credit report, ask a financial counsellor, visit the AFCCRA website ([www.afccra.org](http://www.afccra.org)) or ASIC's consumer website, FIDO ([www.fido.gov.au](http://www.fido.gov.au)), or call ASIC's Infoline on 1300 300 630.

### Finding out about bankruptcy

For some people in debt crisis, bankruptcy or a *Bankruptcy Act* agreement may be an option, although this has serious consequences. A free and independent financial counselling service can also provide information about bankruptcy and its alternatives. If you are thinking about bankruptcy as an option, it is very important that you get advice from a free and independent financial counsellor, or qualified financial adviser.

You can also get information from Insolvency Trustee Service Australia (ITSA), the government body that regulates bankruptcy.

#### **Insolvency and Trustee Service Australia (ITSA)**

Web: [www.itsa.gov.au](http://www.itsa.gov.au)

Tel: 1300 36 47 85

## Getting legal advice

Many people who have legal problems because of debt will not be able to pay for a private solicitor.

Free legal aid and community legal services may be able to help in these cases. These services are available in every state and territory.

In some courts, chamber magistrates can also give initial advice to people who have had civil proceedings brought against them.

### National Association of Community Legal Centres (NACLC)

Look under 'CLC Directory' on the NACLC website for details of over 160 community legal centres across Australia.

Web: [www.nacclc.org.au](http://www.nacclc.org.au)  
Tel: 02 9264 9595

For an up-to-date list of community legal services you can also look in the 'Community Advisory Services' section of the Yellow Pages.

## Legal aid

### Legal Aid Commission (ACT)

Web: [www.legalaid.canberra.net.au](http://www.legalaid.canberra.net.au)  
Tel: 02 6243 3471

### Legal Aid New South Wales

Web: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)  
Tel: 02 9219 5000 or 1300 88 85 29

### Victoria Legal Aid

Web: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)  
Tel: 03 9269 0234 or 1800 67 74 02

### Legal Aid Commission of Tasmania

Web: [www.legalaid.tas.gov.au](http://www.legalaid.tas.gov.au)  
Tel: 1300 36 66 11

### Legal Aid Western Australia

Web: [www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au)  
Tel: 1300 65 05 79

### Legal Services Commission of South Australia

Web: [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)  
Tel: 1300 36 64 24

### Northern Territory Legal Aid Commission

Web: [www.ntlac.nt.gov.au](http://www.ntlac.nt.gov.au)  
Tel: 1800 01 93 43

### Legal Aid Queensland

Web: [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)  
Tel: 1300 65 11 88

## Making a complaint to a dispute resolution scheme

You can complain to an independent dispute resolution scheme if you have a disagreement about a debt with a member of the scheme.

These schemes are available to consumers free of charge, and scheme members must comply with their decisions.

### Banking, credit and finance

#### Banking and Financial Services Ombudsman

Web: [www.bfso.org.au](http://www.bfso.org.au)  
Tel: 1300 78 08 08

#### Financial Industry Complaints Service

Web: [www.fics.asn.au](http://www.fics.asn.au)  
Tel: 1300 78 08 08

#### Credit Union Dispute Resolution Centre

Web: [www.cudrc.com.au](http://www.cudrc.com.au)  
Tel: 1300 78 08 08

#### Credit Ombudsman Service Limited

Web: [www.creditombudsman.com.au](http://www.creditombudsman.com.au)  
Tel: 1300 78 08 08

#### Financial Co-operative Dispute Resolution Scheme

Web: [www.fcdrs.org.au](http://www.fcdrs.org.au)  
Tel: 1300 13 92 20

#### Insurance Ombudsman Service

Web: [www.insuranceombudsman.com.au](http://www.insuranceombudsman.com.au)  
Tel: 1300 78 08 08 or 03 9613 6300

### Energy, water and telecommunications

#### Telecommunications Industry Ombudsman

Web: [www.tio.com.au](http://www.tio.com.au)  
Tel: 1800 06 20 58 (Australia-wide)

#### ACT – Essential Services Consumer Council

Tel: 02 6207 7740

#### Energy and Water Ombudsman NSW

Web: [www.ewon.com.au](http://www.ewon.com.au)  
Tel: 1800 24 65 45

#### Energy and Water Ombudsman (Victoria)

Web: [www.ewov.com.au](http://www.ewov.com.au)  
Tel: 1800 50 05 09

#### Energy Ombudsman Tasmania

Web: [www.energyombudsman.tas.gov.au](http://www.energyombudsman.tas.gov.au)  
Tel: 1300 76 67 25

#### Energy Ombudsman Western Australia

Web: [www.ombudsman.wa.gov.au/energy](http://www.ombudsman.wa.gov.au/energy)  
Tel: 08 9220 7588 or 1800 75 40 04

#### Energy Industry Ombudsman SA

Web: [www.eiosa.com.au](http://www.eiosa.com.au)  
Tel: 1800 66 55 65

#### Ombudsman for the Northern Territory

Web: [www.nt.gov.au/omb\\_hcsc/ombudsman](http://www.nt.gov.au/omb_hcsc/ombudsman)  
Tel: 1800 80 63 80

#### Qld – Energy Consumer Protection Office

Web: [www.ecpo.qld.gov.au](http://www.ecpo.qld.gov.au)  
Tel: 1300 30 09 93

## Finding out about your privacy rights

Debt collectors must protect your personal information and the personal information of third parties. The Office of the Privacy Commissioner (Federal) looks after these laws.

### Office of the Privacy Commissioner (Federal)

Web: [www.privacy.gov.au](http://www.privacy.gov.au)  
Tel: 1300 36 39 92

## Contacting state and territory consumer affairs agencies

State and territory consumer affairs or fair trading agencies look after fair trading laws, which include similar prohibitions to Commonwealth consumer protection laws.

The states and territories also look after the *Uniform Consumer Credit Code* (UCCC), which regulates consumer lending. The UCCC gives borrowers the right to get account information and copies of their home loan (except for investment properties), personal loan and credit card contracts.

In some circumstances, the UCCC also lets you apply to vary your repayments if you have suffered hardship (e.g. because of illness, unemployment or other reasonable cause). It regulates repossession and court action if you default on repayments for a consumer loan.

As well as looking after these laws, state and territory consumer affairs agencies license or register independent collection agents. You can complain to your state or territory consumer affairs agency about harassment.

### ACT Office of Fair Trading

Web: [www.fairtrading.act.gov.au](http://www.fairtrading.act.gov.au)  
Tel: 02 6207 0400

### NSW Office of Fair Trading

Web: [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
Tel: 02 9895 0297 or 13 32 20

### Consumer Affairs Victoria

Web: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)  
Tel: 1300 55 81 81

### Tas – Consumer Affairs and Fair Trading

Web: [www.consumer.tas.gov.au](http://www.consumer.tas.gov.au)  
Tel: 1300 65 44 99

### WA – Department of Consumer and Employment Protection

Web: [www.docep.wa.gov.au](http://www.docep.wa.gov.au)  
Tel: 1300 30 40 54 or 08 9282 0777

### SA – Office of Consumer and Business Affairs

Web: [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au)  
Tel: 08 8204 9777

South Australian country callers: 13 18 82

### NT – Consumer and Business Affairs

Web: [www.caba.nt.gov.au](http://www.caba.nt.gov.au)  
Tel: 1800 01 93 19 or 08 8999 1999

### Qld – Office of Fair Trading

Web: [www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au)  
Tel: 1300 65 80 30

## Complaining about harassment or misconduct by debt collectors

The Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC) look after the Commonwealth laws that protect people from undue harassment and other illegal debt collection conduct.

You may want to discuss concerns about misconduct directly with the debt collector. Tell them you believe their conduct is unacceptable and refer them to this brochure, or to the *Debt collection guideline: for collectors and creditors* produced by the ACCC and ASIC.

You should report harassment that is serious and/or ongoing to the ACCC or ASIC, or to the consumer affairs or fair trading agency in your state or territory (see pages 28–29).

Conduct involving assault or threats of violence should be reported to the police.

The consumer protection responsibilities of the ACCC and ASIC are outlined on the opposite page. For more information, see our joint brochure *Complaints about debt collection activity – the responsibilities of Commonwealth agencies*, available on either the ACCC or ASIC website.

## ACCC

The ACCC is the general consumer protection regulator.

If your debt relates to goods and services generally, other than financial services (for example, phone or utility bills and debts to tradespeople or service providers), contact the ACCC.

Web: [www.accc.gov.au](http://www.accc.gov.au)

ACCC Infocentre: 1300 302 502

Tel: 02 6243 1111

National office: PO Box 1199

Dickson ACT 2602

## ASIC

ASIC is the financial services regulator. If your debt relates to a loan or credit card (or another financial service), contact ASIC.

Web: [www.fido.gov.au](http://www.fido.gov.au), follow the link **How to Complain**.

This website also provides general information about managing your money, loans and credit, and other financial matters.

ASIC Infoline: 1300 300 630

Email: [infoline@asic.gov.au](mailto:infoline@asic.gov.au)

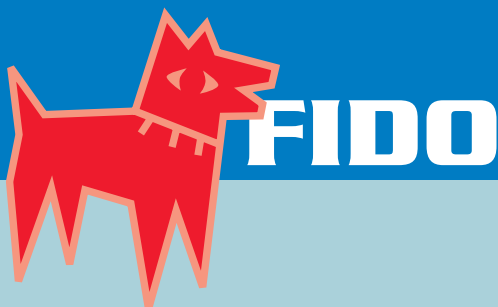
Written complaints: ASIC Complaints,

PO Box 9149

Traralgon VIC 3844

[www.accc.gov.au](http://www.accc.gov.au)

ACCC Infocentre: 1 300 302 502



For consumers and investors

[www.fido.gov.au](http://www.fido.gov.au)

ASIC Infoline: 1 300 300 630