

Dealing with debts: your rights and responsibilities

This information is from page 18 and 19 of the ASIC/ACCC brochure

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

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)

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

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

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)