

Introduction

Debt Collectors work to collect debts on the behalf of business and government. It is important that you are aware that you have protections under consumer law and privacy codes. For individuals experiencing identity theft, debt collection notices may be the first sign that an identity has been misused to obtain a line of credit.

Being contacted about a debt

If the debt is legal and reasonable, a debt collector should only contact you when it is necessary to do so. Reasons may include:

- Making demands or arrangements for payment.
- Discussing why a repayment plan has not been fulfilled.
- Reviewing a repayment plan.
- Inspecting or recovering mortgaged goods.

Visits to your home will generally only ever happen if there is no other way the debt collector can contact you.

Debt collection and your rights

In Australia and New Zealand, debt collectors cannot:

- Use physical force or coercion.
- Harass you unreasonably for payment.
- Mislead or deceive you.
- Take unfair advantage of any vulnerability, disability, or other similar circumstances that may affect you.
- Inform your family, friends or employer about the debt without your permission.

Reporting misconduct

If you believe a debt collector has not followed the above guidelines, you can:

- ☐ **In Australia**, report the debt collector to the [Australian Competition and Consumer Commission](#) and make a formal complaint with the [Financial Rights Legal Centre](#).
- ☐ **In New Zealand**, report the debt collector to the [Commerce Commission](#) under the Fair Trading Act.
- ☐ Report the debt collector to police if they behaved in a threatening manner.

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Debt collectors and identity theft

The below seven steps are key when you suspect that debt collection is a sign that your identity has been misused by someone to obtain credit in your name without repayment:

- ☐ Lodge a dispute with the debt collector and confirm in writing the name and nature of the original credit provider (such as the telecommunications carrier or bank).
- ☐ Lodge a complaint with the original credit provider and request that the debt be investigated, including what specific identity credentials were used when making the disputed purchase, loan application, or account.
- ☐ Request that your credit report be corrected by the credit provider and that they provide written confirmation of this and a relevant case number.
- ☐ Request credit reports from all credit reporting agencies (see our [Credit Reporting Agencies Fact Sheet](#)) to keep track of your finances, as there is a chance that other misuse may have occurred.
- ☐ Request credit bans to stop future misuse of your credit. For more information see our fact sheets [Credit Bans - Australia](#) and [Suppressions - New Zealand](#).
- ☐ Report the misuse to your local police via their non-emergency number (Australia 131 444 or New Zealand 105). In Australia, the police may also advise you to complete a [ReportCyber](#) online form.

For additional support or information, contact IDCARE:

Submit [Get Help Form](#) | 1800 595 160 (Aus) | 0800 121 068 (NZ)

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