

Checking your credit record

Any debts or missed payments will probably be recorded on your credit record. Credit records are used by creditors to make a decision about lending you money.

Under the Privacy Act the information that agencies hold about you must be correct. You have a right to access this information and if anything is incorrect you can make a written application to the agency for the incorrect information to be corrected.

For more information about privacy visit the Privacy Commissioner's Office website www.privacy.org.nz or call 0800 803 909.

Credit record agencies must provide this information for free unless you need it within 5 days and then they can charge you a reasonable fee. Below is the contact information for the two main credit reporting agencies.

Dun and Bradstreet

PO Box 9589 Newmarket
0800 733 707
dnbnz@dnb.co.nz
www.dnb.co.nz

Veda Advantage (NZ) Ltd

Private Bag 92156 Victoria Street
Auckland
0800 692 733
publicaccess.nz@Vedaadvantage.com
www.mycreditfile.co.nz

For more information

For more information about your consumer rights visit www.consumeraffairs.govt.nz or your local Citizens Advice Bureau.

Contact details of your local Citizen's Advice Bureau are in the White Pages or online at www.cab.org.nz. You can call 0800 FOR CAB (0800 367 222).

You can get free legal advice from a community law centre. Contact details of your local community law centre are in the White Pages or online at www.communitylaw.org.nz.

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PO Box 1473
Wellington 6140

Ph (04) 474 2750 Fax (03) 962 2700
www.consumeraffairs.govt.nz

This factsheet should not be used as a substitute for specialist legal advice.

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MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

DEBT COLLECTION

CONSUMER FACTS



MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

New Zealand Government

What rights do you have when a debt collector is demanding money from you?

Got a debt collector chasing you?

You might have a debt from an unpaid phone bill, or from something you were buying on credit that you got behind on payments for. The creditor (the person you owe money to) will usually hire a debt collector to collect the money that you owe.

Read the contract you have with your creditor

If you have a written contract with your creditor it explains what will happen when you don't pay.

Is the debt from a credit sale or a loan?

If you borrowed money or bought goods on credit, for personal or household use, you are covered by the Credit Contracts and Consumer Finance Act. See our booklet "Credit" for more information.

If the creditor had security over your property

Creditors may have taken security over your property in your contract with them. If they have security they have probably included in the contract a right to repossess the goods if you stop paying. For more information about repossessions see our "Credit" booklet.

Court fines

The Ministry of Justice is responsible for collecting court fines. For more information about court fines see their website www.fines.govt.nz, or call them on 0800 658 952.

Do I have to pay late fees and collection fees?

The creditor can charge you late fees and collection fees if they told you about the fees before you made the agreement with the creditor. These cover the costs of contacting you and trying to collect the money. These fees should be reasonable.

What if I think the fees are too high?

You can ask the creditor or debt collector to explain the charges and you can compare them with how much other creditors or debt collection agencies charge. If the fees aren't reasonable, you can go to the Disputes Tribunal to try to get the fees reduced.

What can I do if I don't think I owe them?

If you don't think you owe the creditor, or you don't think you owe that much you need to do something about it.

- › Don't ignore it.
- › Tell the debt collector or the creditor that you don't agree with the debt. The debt collector may decide not to pursue you while the dispute is being sorted out.

- › If you can't resolve the disputes you can go to the Disputes Tribunal to ask for an order to say you are not responsible for the debt.

For more information see our factsheet "The Disputes Tribunal".

Court fees and legal costs

It is up to the Court to decide if you will have to pay Court fees and the creditor's legal costs. If a creditor tells you that you will have to pay them then they are misleading you and may have breached the Fair Trading Act.

If you are having trouble paying debts

If you are having trouble paying debts you can discuss your options with a budget advisor.

Contact details of your local budget advice service are in the White Pages or online at www.familybudgeting.org.nz. You can call 0508 BUDGETLINE (0508 283 438) to talk with a trained budget advisor.

If you have debts that you can't pay back

If there is no way that you can pay your debts then you may be able to apply for a Summary Installment Order, a No-Asset Procedure, or Bankruptcy. Talk to the Insolvency & Trustee Service for more information about these options.

You can contact the Insolvency & Trustee Service on 0508 INSOLVENCY or 0508 467 658, or visit www.insolvency.govt.nz.