

## Worker template

### Letter of demand to debt collector to request documents and deny debt

## What is this template for?

This template letter is used to deny that your client owes a debt and to ask for documentary proof.

## What do I need to know before using this template?

The information in this template is not legal advice. If you have any questions about your client's situation, please contact Consumer Action Law Centre.

1. Under the law a debt collector must not contact your client by a method that your client has asked not to be used unless there is no other method available.
2. Certain debt collection practices are prohibited. They include harassing your client or your client's family, disclosing personal information to others, using intimidation and falsely representing the outcome of debt collection. Find out about other prohibited debt collection practices [here](https://consumeraction.org.au/resources-and-toolkits/debt-collection-im-being-hassled-by-a-debt-collector-what-should-i-do/).
3. In Victoria, debt collectors cannot charge a debtor for debt collection costs (exceptions apply to debt collection relating to credit contracts and business debts so please seek advice from our worker line if you see debt collection charges)
4. Your client can take legal action and seek compensation if prohibited debt collection practices continue.
5. If a debt collector refuses to provide proof of the debt you should seek legal advice.

## Worker help

For legal advice on consumer matters for Victorian Financial Counsellors or other Victorian community workers, call us on our Worker Advice Line (03) 9602 3326, or email us at: advice@consumeraction.org.au

[Insert your details]

[your address]

[your address]

Email: [insert]

[date]

[Insert name of creditor]

[address]

[address]

Dear Sir/Madam

**Alleged debt owed to [insert] by [your name]**

I act on behalf of [client's name] in relation to the alleged debt that your company says he/she owes to [Creditor] (**the alleged debt**). I enclose his/her authority to act.

I refer to your letter/ email/ phone call dated \*\*\* regarding the alleged debt. My client denies liability for the alleged debt.

Please direct all communication in relation to this matter to our office and make no direct contact with my client.

So that we can assess the merits of your claim and any claims our client may have in relation to the alleged debt we request that you provide us with the following documents:

1. contract/s relating to the alleged debt

2. any account statements relating to the alleged debt

3. details of how the amount of the debt was calculated

4. any writs or other legal documents relating to this account.

Please provide the above information and documents within 14 days.

You should note that if you do take legal action against my client you will have to provide proof of the debt. We are not authorised by our client to acknowledge, admit or ratify any agreement or the alleged debt and this letter is not to be taken as doing so.

**Hold collection activity**

I request that you hold any action in relation to the alleged debt until at least 14 days after the documentation that I’ve requested has been received, so that my client can obtain legal advice. This is in line with the *ASIC/ACCC Debt Collection Guidelines: for Collectors and Creditors*.

If you take any court action against my client in the meantime this letter will be produced on the question of costs.

Yours sincerely,

Your name