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AFIA Guideline

Domestic and Family Violence and Financial Abuse

Australian
Finance
Industry
Association

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1. Introduction - purpose of this industry guideline[1]

1.1 At AFIA, we work with our Members to develop industry standards including Codes of Practice and guidelines to improve transparency, fairness, and customer confidence in finance. These objectives are aimed at strengthening trust in and the good standing of the finance industry in the community, especially where a Member's customer is affected by family, domestic or intimate partner violence (referred to as 'domestic violence' throughout this guideline).

1.2 Domestic violence[2] is a whole-of-community issue and requires the collective efforts of government, communities, and the corporate sector, including financial firms, to respond to the challenges.

1.3 This guideline:

(a) explains that financial abuse is a form of domestic violence; and

(b) outlines how financial abuse can affect a Member's relationship with their customer; and

(c) outlines a framework for Members to consider arrangements that might help to support their customers who may be affected by domestic violence.

1.4 This guideline acknowledges that as financial firms, Members play an important role in working with customers to support them with their finance needs where they are affected by domestic violence. However, it is not the role of Members to deal with the broader implications of domestic violence.

1.5 AFIA encourages Members to use the principles in this guideline when considering internal processes, procedures, policies and systems to support customers experiencing domestic violence. By doing this, Members are championing a thriving finance industry that acts in the interests of customers, as well as demonstrating corporate responsibility.

2. About this Guideline

2.1 The AFIA Finance Industry Code of Practice (the Code) sets out the standards of practice and service in the Australian finance industry for consumers and small business customers. The Code provides safeguards and protections not set out in law. It complements the law and, in some areas, sets higher standards than the law.

2.2 This guideline is intended to assist Members to understand and communicate with their customers who are experiencing domestic violence. It is hoped that this guideline will help to raise awareness and to promote

[1] This industry guideline is voluntary and does not have legal force or prescribe binding obligations on individual members of the Code.

[2] The term 'domestic violence' includes 'domestic violence' and 'family violence' and has been used to reflect the fact different terminology is used across the Australian jurisdictions. Financial abuse is a form of domestic violence.

consistent support for customers as well as to assist Members to develop their own approaches that are consistent with this guideline and the Code.

2.3 This guideline compliments the provisions of the Code that requires Members to help customers who are experiencing vulnerability, including those experiencing domestic violence. The Code notes that Members may only become aware of a customer's vulnerability if the customer tells them about it.

2.4 In this context, this may include training staff to act with sensitivity, respect, understanding and empathy, as well as the importance of working with customers to find a suitable way to undertake their financial service commitments. Members will also be respectful of confidentiality; make communications easy; provide guidance to help customers to maintain and regain control of finances; and make referrals to external support where appropriate.

2.5 In line with their commitments under the Code, Members should consider a range of factors in their response to customers experiencing domestic or family violence or financial abuse including:

(a) whether to approve a new loan, or an increase to an existing loan, where the co-borrower does not receive a substantial benefit, unless a Member has taken reasonable steps to ensure the co-borrower understands the risks associated with entering the loan;

(b) limiting or ending liability for as-yet to be drawn loan amounts in certain circumstances;

(c) protections for guarantors including limiting liability, and allowing sufficient to review a guarantee;

(d) changing joint accounts authorities, at the request of one party, for all to approve withdrawals; or

(e) assisting a co-borrower experiencing financial difficulty, without involving the other person initially, if requested.

2.6 This guideline may also be useful for customers when seeking help and support from their lender (who is a Member) to understand what assistance might be available if they are in a domestic violence situation.

3. Background

3.1 Domestic violence has devastating consequences for individuals, families, and communities. It can also have a major impact on a person's financial security and wellbeing. As well as physical and sexual violence, domestic violence includes threatening and coercive behaviour, emotional, psychological, or financial abuse. Approximately 3 million Australians have experienced physical or sexual violence from a current or previous cohabitating partner since the age of 15, with women four times more likely than men to experience violence from a current or former cohabiting partner.[3] People with a disability[4] and indigenous people[5] are more likely to experience domestic violence. Domestic violence is also a leading cause of homelessness.[6] In terms of financial abuse, 16% (1.6 million) of women and 7.8% (745,000) of men have experienced economic abuse from a current or previous partner.[7] Intimate partners can be current or previous partners, boyfriends, girlfriends, or dates.

What is financial abuse?

3.2 Financial abuse can be a "*form of family violence that negatively impacts a person financially and undermines their efforts to become economically independent*."[8] Financial abuse can involve control and manipulation of an individual. Financial abuse often occurs with other forms of violence, including physical violence, intimidation and controlling behaviour.[9] The abuse can be long term and may continue after an individual has left an abusive partner.

3.3 Financial abuse can happen to anyone regardless of gender, ethnicity, religion, culture, class, or age, and in all types of intimate relationships.

3.4 Financial abuse includes, but is not limited to:

(a) controlling behaviour that denies a person financial autonomy, for example, access to finances, accounts and financial records or the ability to work, study or access benefits;

[3] Australian Bureau of Statistics, Partner Violence (November, 2023): About 1 in 4 (23% or 2.3 million) women and 1 in 14 (7.3% or 693,000) men have experienced physical and/or sexual violence from an intimate partner since the age of 15; 23% (2.3 million) of women and 14% (1.3 million) of men have experienced emotional abuse by a current or previous partner. Violence can be of a physical or sexual nature. Across types of intimate partner, a higher proportion of people (11%) had experienced violence from a partner compared with a boyfriend, girlfriend, or date (5.9%).
[4] Australian Bureau of Statistics, Disability and Violence (April, 2021): About 1 in 5 (21% or 1.2 million) adults with disability in 2016 had experienced physical and/or sexual violence from a current or previous intimate partner since the age of 15. Women with disability (30%) in 2016 were about 3 times as likely as men with disability (11%) to have experienced intimate partner violence since the age of 15. Adults with severe or profound disability (24%) in 2016 were about 3 times as likely as adults without disability (9.6%) to have experienced sexual violence since the age of 15.
[5] Australian Bureau of Statistics, National Aboriginal and Torres Strait Islander Health Survey (NATSIHS, 2018–19) (December 2019): 2 in 3 (67% or 20,800) First Nations people aged 15 and over who had experienced physical harm in the 12 months before the survey reported the perpetrator was a family member (a former or current intimate partner or other family member).
[6] Australian Institute of Health and Welfare, Specialist Homelessness Services Annual Report 2022-23: Clients who have experienced domestic violence (February 2024): Around 104,000 Specialist Homelessness Services clients (~38% of all clients) in 2022-23 were clients who experienced domestic violence.
[7] Intimate partners can be current or previous partners, boyfriends, girlfriends, or dates.
[8] Camilleri, O., Corrie, T., Moore, S., *Restoring Financial Safety: Legal Responses to Economic Abuse* (Good Shepherd Australia New Zealand and Wyndham Legal Service, 2015), p 7.
[9] Macdonald, F., *Spotlight on Economic Abuse: A Literature and Policy Review*, Good Shepherd Youth & Family Service and Kildonan Uniting Care, 2012.

(b) withholding or threatening to withhold financial support reasonably necessary for the maintenance of a partner and/or dependent child;

(c) coercing a person to relinquish control over assets, take out a loan, credit card, or guarantee a loan in their name for the benefit of the controlling partner, or guarantee a loan;

(d) preventing a person from participating in decisions about household expenditure or the sale or disposal of joint property;

(e) using control of finances or debt to prevent a person leaving a relationship;

(f) demanding all expenditure by a person be justified and evidenced;

(g) using the transaction description free-text field in bank account and other electronic transfers to harass, intimidate or abuse a person;

(h) restricting or monitoring a person's access to mobile phones and the internet;

(i) stealing, taking, or 'borrowing' a person's money, debit or credit cards, possessions or property without their knowledge or consent

(j) forcing a person to pay for someone else's expenses (eg. utilities, household maintenance, and other expenses).

3.5 The common behavioural themes of domestic violence are coercive control or domination of a family member that may manifest in some of the following ways:

(a) *Financial*: Making someone ask for money or giving them an allowance. Taking their money or forcing them to take out loans they don't want or don't know about. Not letting them know about or have access to family income.

(b) *Emotional*: Making someone feel bad about themselves. Name calling. Normalising abuse. Humiliation and guilt.

(c) *Psychological*: Behaviour by a person towards another person that torments, intimidates, harasses or is offensive to the other person.https://www.nab.com.au/about-us/sustainability/customer-community-support/domestic-family-violence

(d) *Physical*: Physical violence and injury to another person's body.https://www.nab.com.au/about-us/sustainability/customer-community-support/domestic-family-violence

(e) *Sexual*: Forced, coerced or unwanted sexual activity that a person didn't agree or consent to.https://www.nab.com.au/about-us/sustainability/customer-community-support/domestic-family-violence

(f) *Spiritual*: Use of spiritual or religious beliefs to hurt, scare or control someone, which can also involve someone or their children being forced to participate in spiritual or religious practices or refusing to allow them to participate in their own spiritual or religious practices.https://www.nab.com.au/about-us/sustainability/customer-community-support/domestic-family-violence

(g) *Verbal*: Yelling, swearing, demanding or ordering, threatening language, blackmail, constantly blaming a partner and manipulation.https://www.nab.com.au/about-us/sustainability/customer-community-support/domestic-family-violence

3.6 Obtaining financial independence is often the most significant barrier to leaving a domestic violence relationship, and a lack of financial independence often results in a person returning to that relationship.[10]

3.7 A perpetrator may use the financial and legal system to manipulate and control the other party and prolong the financial abuse[11] by for example, not paying and defaulting on joint obligations, dragging out property settlements with the intention of causing default on joint debts and default listing of their partner, or even bankruptcy in extreme circumstances.

Recognising potential financial abuse

3.8 It is challenging for a lender to know if someone is being affected by domestic violence. Every customer's situation is unique, and Members are obliged to protect their customer's privacy.

3.9 When a Member is aware of domestic violence, or suspects it may be occurring, they should work to support the customer wherever possible. In many instances, a Member may only be aware of domestic violence once it has been disclosed by the customer.

3.10 Some customers may be unaware that they are affected by, or may be reluctant to disclose, domestic violence. Within the Australian population, the statistics[12] indicate:

(a) Of the 173,900 women who experienced economic abuse by their current partner:

- 75% experienced economic restriction behaviours.
- 34% experienced economic sabotage behaviours.
- 23% experienced economic exploitation behaviours.

(b) Of the 1.5 million women who experienced economic abuse by a previous partner:

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[10] Macdonald, F., *Spotlight on Economic Abuse: A Literature and Policy Review* (Good Shepherd Youth & Family Service and Kildonan Uniting Care, 2012).
[11] Smallwood, E., *Stepping Stones: Legal Barriers to Economic Equality After Family Violence Report*, Women's Legal Service Victoria, 2015.
[12] Australian Bureau of Statistics, Personal Safety Survey: Economic Abuse (November 2023).

- 78% experienced economic sabotage behaviours.
- 69% experienced economic restriction behaviours.
- 42% experienced economic exploitation behaviours.

(c) Of the 636,000 men who experienced economic abuse by a previous partner:

- 69% experienced economic sabotage behaviours.
- 61% experienced economic restriction behaviours.
- 51% experienced economic exploitation behaviours.

3.11 In order to help a customer experiencing vulnerability, Members should be aware of some of the potential signs of domestic violence, which may include when a customer:

(a) appears or sounds distressed or scared;

(b) is seen or heard to be taking instruction/s from another person;

(c) remains silent while another person does all the talking;

(d) does not understand or is not aware of recently completed transactions or loans in their name;

(e) asks questions about the other account holder's behaviour or activities;

(f) has their income or social security payment paid into another person's account;

(g) has received abusive or threatening comments in the free text fields of transaction descriptions;

(h) has concerns about protecting their personal privacy, safety, or security of their accounts;

(i) is reluctant to involve the other co-borrower when seeking a hardship variation or other assistance;

(j) discloses the existence of an intervention order or equivalent court order (refer to **Appendix 2** for the types of relevant court orders in each jurisdiction across Australia).

3.12 Partner economic abuse behaviour can be seen in restrictive, exploitative, and sabotaging behaviours:[13]

Economic restriction behaviours	**Economic exploitation behaviours**	**Economic sabotage behaviours**
Controlled or tried to control them from knowing about, having access to, or making decisions	Forced them to deposit income into their partner's bank account.	Damaged, destroyed or stole any of their property

[13] Australian Bureau of Statistics, Personal Safety Survey: Economic Abuse (November 2023).

about household money or other basic needs (eg. food shelter, assistive aids).		
Controlled or tried to control them from working or earning money.	Manipulated or forced them to cash in, sell or sign over any financial assets they own.	Refused to contribute financially to them or the family or would not provide enough money to cover living expenses.
Controlled or tried to control their income or assets.	Pressured or forced them to sign financial documents.	Refused to pay child support payments when required to .
Prevented them from opening or having their own bank account.	Incurred significant debt on shared accounts, joint credit cards on in their name.	Deliberately delayed property settlement after the relationship ended.

Understanding that domestic violence may increase due to external events

3.13 Research shows there is often a spike in domestic violence during major crises and disasters (which may include natural disasters, economic or financial crisis, and pandemics).

3.14 During previous natural disasters, some lenders observed delays in reporting financial abuse as people secured their immediate needs first. During the COVID-19 global pandemic, some lenders observed a spike in reports of domestic violence as well as changes to the way customers report it. This may be a result of customers being more closely confined with and monitored by their partners during 'lock down' periods.

Understanding why it can be difficult for customers to seek help or report domestic violence

3.15 Domestic violence is traumatic and disempowering and it can be very difficult for customers to disclose the abuse. Customers may fear for their personal safety (and the safety of their family), may feel ashamed or that they will not be believed by their lender. In some cases, they may not realise that they have been affected by domestic violence. Members should be sensitive to their customer's circumstances and assist them to make an informed decision.

3.16 Domestic violence is a sensitive issue, and it is important that Member employees act with respect, sensitivity, and compassion and refrain from making moral or legal judgement about their customer.

Recognising customers may be under significant stress

3.17 Members should consider procedures to help employees recognise when customers may be under significant stress, in fear for their personal safety, homeless and/or residing in temporary accommodation.

3.18 A customer's individual circumstances can change, and Members should be flexible by reassessing arrangements to ensure they meet the individual needs of their customer.

Understanding the effects of financial abuse

3.19 The practical effects of financial abuse on a customer can include:

(a) being left with sole responsibility for joint loan repayments following a relationship breakdown;

(b) poor credit history;

(c) limited opportunity to engage in regular employment;

(d) lack of access to funds to cover essential household expenditure;

(e) homelessness;

(f) the prospect of long-term financial hardship;

(g) isolation from friends, family, and other support networks;

(h) psychological and physical health issues from the stress associated with poverty and an uncertain financial future.

4. Principles for good industry practice

Internal guidelines and procedures

4.1 Members should consider internal guidelines and procedures to assist employees identify and respond to instances where employees may be concerned that a customer may be affected by domestic violence.

4.2 In doing so, Members should consider seeking input from domestic violence community sector experts and those with lived experience.

Specially trained staff

4.3 Members should consider whether specially trained teams and/or specialist staff are needed to work with customers recognised as affected by domestic violence, for example, additional training for staff whose responsibilities encompass customer contact on financial hardship, or collections teams (or equivalent).

4.4 Frontline staff, managers and supervisors should be provided with information, support, and training so they can recognise and respond to potential domestic violence and escalate matters to the specialist team or staff as appropriate, including clear internal referral pathways to specialist staff.

Customer confidentiality and safety

4.5 Members should consider how to ensure a customer's contact information is kept secure and confidential (including from any joint account holder(s) or co-borrowers) subject to legal obligations. For example:

- customer contact details should not be communicated or disclosed to others without authority
- where a customer is recognised as affected by domestic violence:
  - Identify safe ways to communicate with the customer, for example - ask the customer to nominate a safe time to talk or a way for the Member to get in touch (such as by phone, email, SMS, or a phone message). What is safe may change, so where practical, the Member should continue to ask the customer about the safest way to make contact.
  - Work with the customer to identify any other accounts which may reveal their personal information, such as a child's transaction account, and then work with the customer to identify changes required.
  - Record customer information (such as email, address, phone numbers) separate from other joint account holders.
  - Not require the customer to make direct contact with any other joint account holders.
  - Consider whether their actions or requirements could exacerbate a threat to the customer's safety.
  - Inform customers about the circumstances and nature of information that must be shared with their joint account holder/s so they are aware and can plan accordingly. For example, Members cannot withhold information about financial transactions on joint accounts from a party to that account, or information about a child's account if a partner has access to the account (which may include information such as the time, merchant, and location of the transaction).
  - Where feasible, provide a 'quick exit' button on webpages relating to domestic violence.

Abuse in transaction descriptions

4.6 Members should consider procedures to respond to inappropriate language or abuse in the free text description fields of electronic transactions, where they become aware of it. For example, procedures may include:

(a) a process for customers to report issues to their lender, and for lenders to report inappropriate content to the sender's financial institution;

(b) a provision setting out acceptable use and consequences of inappropriate use in the account terms and conditions or an acceptable use of service policy;

(c) increasing customer awareness of inappropriate transaction descriptions and how a customer can report issues to their lender;

(d) working with the customer to identify changes to their transaction arrangements to address the issue considering their individual situation - for example, quickly opening a new transaction account where transactions can be automatically transferred without the offensive descriptions.

4.7 When determining responses, Members should consider their obligations with respect to the transmission of payment messages - for example, those outlined in the New Payments Platform Regulations and guidance note regarding inappropriate content in NPP Payment Messages.

Report domestic violence to the relevant authorities, when appropriate

4.8 Members should consider processes to respond to emergency situations, and to ensure their staff can meet mandatory reporting requirements. For example:

(a) responding to an immediate safety concern for the customer or their family members;

(b) where required, fulfilling mandatory reporting requirements of states and territories regarding a person who is likely to or has caused harm in certain circumstances. Refer to **Appendix 2** for details of state and territory requirements, current at the time of publishing.

Customer communication

4.9 Members should consider whether processes are needed to:

(a) minimise the information that a customer is required to provide and the number of times a customer provides the same information. Where possible and particularly in complex situations, customers should have consistency in speaking to one staff member or a single contact point (such as a specialist in the hardship team);

(b) as a preventative measure, ensure that from the outset all parties to a joint arrangement can individually access statements - for example, by using their personal log-in to access statements electronically or by receiving them at an address that differs from co-borrowers;

(c) provide copies of customer account documents, separately from joint account holder/s on request, without charge, where considered appropriate, to assist in resolving matters or for legal purposes (including financial hardship notices). A customer affected by domestic violence may not have access to their financial records and documentation;

(d) make document requests as simple as possible. These may include, for example:

- an online request process for all documents or a submission portal or email address to send requests to;

- a timeframe for providing documents (where they will be provided);
- a list of document types that may be requested;
- clear responsibility for providing the documents;
- appropriate customer authentication and secure delivery;
- asking customers how they would prefer to receive the documents, and where possible, accommodating the request (for example - mail, email, collection from branch).

(e) make it easy to work with a customer's agent or representative, such as a professional financial counsellor, lawyer, community services worker, legal aid officer or domestic violence specialist, - for example by:

- having clear and simple processes for appointing an agent or representative while complying with the lender's privacy obligations under the law;
- providing a direct telephone number for the relevant area of the lender, where possible.

(f) ensure relevant staff are familiar with ASIC Regulatory Guide RG 271 that sets out ASIC's expectations of financial firms when dealing with debt management firms to determine whether it is reasonable to contact a customer directly.

External support

4.10 Where appropriate, Members should consider providing customers with details of external support organisations for further assistance (see list at **Appendix 1**). It is the customer's choice whether they seek help or not. Referrals should be made on a case-by-case basis as appropriate, and within any relevant internal frameworks – these may include a professional financial counsellor, community legal centre, mental health community service, or specialist domestic violence service.

4.11 Some members may offer external case management and support for customers affected by domestic violence.

Help to regain control of finances

Assist customers in setting up a member account of their own

4.12 In many cases an important step towards financial independence can be the customer having an account of their own.

4.13 Members should support customers where appropriate to:

(a) change their access codes (for example - Personal Identification Number, passwords or contact details);

(b) open a new account suitable for their needs;

(c) to the extent it can, use alternative identification to open an account where the customer does not already have an account with the Member, and the usual identification documents are not available or changes in address are not consistent with documentation.[14]

Work with customers to manage accounts that are held jointly

4.14 Significant issues can arise when joint deposit accounts and joint liabilities are involved, as these arrangements can be used to intimidate or control individuals. While it is not the Member's role to mediate or make decisions relating to family law disputes or settlements, they may be able to provide some assistance to customers where there are joint arrangements.

4.15 Where a customer with one, or more, joint account/s has been recognised as affected by domestic violence, Members should consider how they can:

(a) work with each of the parties to a joint arrangement separately, and where reasonably possible, not require one party to contact or obtain consent from the other account holder/s;

(b) work with the affected customer to identify any other accounts that may require changed arrangements. For example, a child's account where the perpetrator could access the affected customer's personal information (such as their address);

(c) advise customers:

- which of their joint accounts allow funds to be withdrawn by one person;
- that if they are the primary holder of a credit card, they are solely liable for transactions made by additional cardholder/s on their credit cards;
- to seek independent legal or financial advice regarding the options available to them (and provide external referrals where appropriate);
- they can request the Member change account authorities to require all account holders to approve withdrawals, but that this may restrict their ability to make withdrawals.

(d) accept verbal instructions to amend the operating instruction to require all account holders to approve withdrawals or place a hold on the account. The Member may notify the other account

[14] Refer AML/CTF Rules Instrument 2007, Part 4.15 https://www.legislation.gov.au/Details/F2019C00383 and guidance https://www.austrac.gov.au/business/how-comply-and-report-guidance-and-resources/customer-identification-and-verification/identifying-customerswho-dont-have-conventional-forms-id.

holder/s of a change in operating instructions, and if it does, it should ensure the requesting customer understands this before the Member acts on the instruction.

(e) require the authorisation of both parties to amend the operating instructions to ‘any to operate’ or remove the hold.

Work with customers to manage liabilities in cases of financial hardship

4.16 Members should consider how they can:

(a) accept a financial hardship request from a joint borrower without the consent of the other co-borrower;

(b) where possible, subject to customer safety considerations, notify the other borrower;

(c) obtain the consent of all to formally vary a joint loan, provided it is reasonable and appropriate to do so;

(d) review circumstances where a borrower or guarantor says they:

- were coerced into the credit obligation, and they have received limited or no substantial benefit from the credit obligation; and/or
- did not know they were responsible for a credit obligation, including a joint debt, a debt or credit card, or credit card limit increase, in the individual’s name or as a guarantor.

4.17 In certain circumstances, a Member may make a commercial decision to release one co-borrower wholly or partially from a joint debt.

Help manage joint accounts during disputes

4.18 Members recognise that requiring all parties to approve withdrawals from joint accounts and/or drawdowns on joint loan facilities may help preserve assets where parties are in dispute until they resolve their dispute, for example, through the family court.

4.19 In determining whether a lender, of its own volition, or because of one party requesting a change of signing authority, should require all account holders to consent to withdrawals, Members should consider the specific circumstances - for example, customer safety, the amount of funds at risk, the customer’s access to other sources of funds, and whether the restriction would apply to all, or a proportion of the account to enable the customer to meet day to day living expenses without needing the other party’s consent.

Domestic violence as a factor contributing to financial hardship

4.20 Members should:

(a) recognise that financial hardship can be caused by domestic violence including a person leaving an abusive relationship;

(b) consider whether policies regarding the assessment of a hardship request involving joint borrowers are clear and appropriate. For example:

- not requiring the customer to contact or obtain consent or information from the co-borrower/s, when the Member is aware of domestic violence
- being aware that reluctance to obtain consent from a co-borrower in relation to a hardship request may indicate domestic violence
- not requiring an intervention order or similar as evidence of domestic violence when assessing a financial hardship application (as customers can give verbal and written hardship notices under the law);

(c) consider whether they can minimise information requests and fast track decisions about hardship notices where domestic violence has been disclosed as an issue, recognising that in some cases the statutory timeframe for responding to a hardship request (21 days) may create additional stress and safety concerns for their customer;

(d) recognise that in many cases customers will require more time, or alternative arrangements, to manage a debt, including:

- longer-term arrangements such as capitalisation of arrears and other reasonable variations, as well as moratoriums, interest or fee waivers, reductions, and new repayment plans
- more flexible arrangements for managing joint debts
- debt waivers for small amounts of unsecured credit where the customer has not received a benefit or is experiencing significant financial difficulty;

(e) consider whether customers may need ongoing assistance and case management. For example, Members should speak regularly to a customer in a hardship arrangement to ensure the arrangement remains relevant for their situation.

Collection arrangements

4.21 Where a Member is made aware that a customer's debt involves domestic violence, if possible the Member should consider whether it can retain the customer and not on-sell the debt to a third party debt collection agency.

4.22 If the debt has already been sold to a third-party collection agency, and the Member becomes aware of the domestic violence, they should consider how they can work with the collections agency to provide the best outcome for the customer (which may include repurchasing the debt) assessed on a case-by case basis.

4.23 The Code requires that Members will only use as agents and sell debts to debt collectors that, to the best of the Member's knowledge, comply with the ACCC and ASIC Debt Collection Guideline.

Credit reporting and default listing

4.24 Members should be aware of the potential effect of credit reporting on a customer's ability to re-establish financial independence. Members have an obligation to provide accurate information if they are reporting credit, default information, or repayment history information to credit reporting bodies.

4.25 Members should consider how they can work with a customer to review their circumstances and not enter negative credit information if a customer is affected by domestic violence, so far as the Member is able to under the law.[15]

4.26 Where a Member is aware of domestic violence and a formal hardship arrangement is in place, the credit report will not reflect missed repayments for the duration of the arrangement.

4.27 Members are committed to exploring further ways to work with stakeholders on credit reporting for customers identified as being affected by domestic violence, to allow them to move forward.

Responsible approach to lending

4.28 Members recognise there are ways they can help limit the potential impact of financial abuse on their customers.

4.29 Members should be cautious about approval of a new loan to co-borrowers, or an increase to an existing loan, where one of the co-borrowers does not receive a substantial benefit unless the Member has taken reasonable steps to ensure the co-borrowers understand their rights and obligations and the risks associated with becoming a co-borrower.

4.30 Members should consider reasonable efforts to ensure all co-borrowers understand:

(a) their liabilities, rights, and obligations under the arrangement;

(b) the different forms of signing authorities and the Member's position if a change is required later.

4.31 Where a Member suspects that financial abuse may be occurring, it should consider whether to make further enquiries - for example, asking the customer questions (when they are alone, if it can be done safely), regarding their understanding of the lending transaction, and whether they are entering it of their own free will.

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[15] *Privacy Act 1988*, *National Consumer Credit Protection Act 2009*.

4.32 The Member retains its discretion to decline a loan application or to make changes to the loan. The Member can also decide not to accept the co-borrower if there are concerns about financial abuse or coercion.

4.33 Members should consider whether there are any proactive measures they can implement to help customers understand their arrangements - for example, where possible, by providing visibility of:

(a) whether drawdowns may be made on the account;

(b) whether one or more co-borrowers are required to approve transactions;

(c) how to change to two-to-sign and how that works;

(d) how to get account statements and correspondence separately from the other borrower.

Employee training and awareness of policies

4.34 Members should consider training programs that equip employees (as appropriate to their role) with the knowledge, skills, sensitivity, competencies, and information to help customers who may identify as being affected by domestic violence.

4.35 Training can help customer service staff to:

(a) be aware of the prevalence and practical effects of domestic violence on a customer;

(b) recognise the potential signs of financial abuse and have an appropriate and sensitive conversation with a customer or refer the customer to a specialised area who can give further guidance;

(c) understand the potential effect (positive and negative) that a customer's actions can have on a domestic violence situation;

(d) understand the strict need for confidentiality, independence, and respect for the customer's privacy;

(e) understand the significant safety risks for those affected (including other family members) by domestic violence and the heightened safety risks at, and following, separation or return to the home;

(f) understand the need for flexible arrangements and responses for customers affected by domestic violence;

(g) understand the legal and procedural implications of court-issued domestic violence orders (refer to Appendix 2 for a list of the relevant court orders in each jurisdiction across Australia);

(h) understand referral pathways and contacts for local support services to provide to a customer, where appropriate;

(i) understand mandatory reporting requirement and processes;

(j) understand the internal pathways for referring a customer within the lender;

(k) recognise who may be emotionally affected by the experiences of customers.

4.36 Training should be relevant to the employee's role - for example:

(a) frontline employees or customer service staff may receive general information and instructions about internal procedures, and training on emergency procedures and how to escalate to a team leader, manager, or specialist area where a matter is sensitive and may require immediate assistance or further review;

(b) specialised employees (eg. dedicated customer support teams, financial hardship, collections, fraud investigation and complaints teams), managers and supervisors may receive more detailed information, support and training;

(c) for non-customer facing teams (eg. product, credit assessment, online/app design) may receive tailored training to raise awareness of financial abuse and how their actions could inadvertently create, or exacerbate, vulnerability.

4.37 Member-wide training for all staff to understand domestic violence and how to support colleagues who may be affected, can be the first step for employees to understand the importance of customer focussed policies.

Customer awareness of policies and procedures

4.38 Members can help play a preventative role by educating customers about financial abuse and encouraging customers to disclose domestic violence by promoting the support arrangements that Members have available.

4.39 Members should consider how they can promote their domestic violence and financial hardship assistance to employees, customers, financial counsellors, community legal services, legal aid, and specialist support services. This may include:

(a) guidelines and awareness-raising materials in multiple and accessible formats on financial abuse;

(b) availability of financial hardship assistance and other support services that may help customers affected by domestic violence such as fact sheets, online information, and links to useful resources;

(c) plain-English information about the responsibilities of customers in relation to joint loans and accounts at key stages - for example, to help customers understand the concept of joint and several liability, and their sole liability for transactions made by any additional cardholders on their credit card accounts - at the application stage and when making changes to existing loans, hardship applications, and/or transaction disputes.

4.40 Members should consider how they can share information, including through AFIA, about the effectiveness of policies to support customers and employees so improvements can continue to be made across the industry.

Support for employees who are affected by domestic violence

4.41 Members may have customers who are also employees who may be experiencing domestic violence. In this instance, Members should consider how they can provide support for the person as a customer and employee.

4.42 Members have an important role to support employees who may be experiencing domestic violence. The experience of abuse can have serious effects on a person's psychological and physical health as well as their financial situation. A consequence of this may be a deterioration in an employee's attendance and/or performance at work. Maintaining employment and financial security can also help a person leave an abusive relationship and recover from the effects of the abuse.

4.43 Members should consider how they can articulate and promote their support policies and programs internally for employees who are affected by domestic violence (including perpetrators of violence).

4.44 Members should consider whether employee assistance programs are adequate to provide support to employees affected by domestic violence, reflect the specific needs of the employee, and consider the nature of their role and the workplace environment.

4.45 Members should ensure appropriate support for customer-facing staff who might be at risk of psychological affects because of dealing with customers experiencing domestic violence due to their personal circumstances - for example, bystander training, formal and informal debriefings, and care conversations such as *R U Ok*?

Appendix 1: Where to go for more information and support

Emergency	
Police - 000	In an emergency, victims, or those witnessing violence, should call the police on 000.
Family violence support	
1800RESPECT	www.1800respect.org.au/ A national family violence and sexual assault service 24 hours a day, 7 days a week. Tel 1800 737 732
13 YARN	https://www.13yarn.org.au/ Crisis support for Aboriginal and Torres Strait Islander peoples. Tel 13 92 76
Full Stop Australia	https://fullstop.org.au/ Confidential trauma specialist counselling for people of all genders who are impacted by violence and abuse, as well as their friends, colleagues and family members. Tel 1800 385 578
Good Shepherd Australia and New Zealand	https://goodshep.org.au/# Not-for-profit service assisting women, girls and families , including family counselling, parent support, youth services, and no interest loans to women, girls and families. Tel 02 8571 7800
The National Legal Aid Family Violence Law Help website	www.familyviolencelaw.gov.au Provides advice on domestic and family violence and the law in Australia. Tel 1800 737 732
Family Relationship Advice Line	https://www.familyrelationships.gov.au/talk-someone/advice-line Information and advice on family relationship issues and parenting arrangements after separation.

	8am-8pm Monday to Friday 10am-4pm Saturday Tel 1800 050 321
Way Forward	https://wayforward.org.au/ Provides a free service to help customers manage debts, including affordable debt management plans for people experiencing long-term financial hardship.
Lifeline	https://www.lifeline.org.au/ Provides crisis support services, 24 hours a day, 7 days a week. Tel 131 114
Centrelink	www.humanservices.gov.au Provides payments, social work counselling and third-party referrals. Centrelink also provides crisis payments for victims of domestic violence or other extreme circumstance who have left their home and cannot return.
Victims Support ACT	https://www.hrc.act.gov.au/victim-support Provides information support and referrals for victims of crime who may be eligible for financial support. Tel: 1800 822 272
Legal support	
Legal Aid	Find a legal aid commission at www.nationallegalaid.org/
Community Legal Centres (CLC)	Find a local CLC at www.naclc.org.au/
Women's Legal Service Australia	Provides face-to-face legal advice through outreach services and runs a partnership to provide family law advice through Family Relationship Centres. www.wlsa.org.au/ or www.familyrelationships.gov.au/

Financial Rights Legal Centre	https://financialrights.org.au/factsheets/financial-hardship/\
Finance and Debt issues	
National Debt helpline	https://ndh.org.au/ Tel: 1800 007 007 This provides free and independent financial counsellors around Australia.
Small Business Debt Helpline	https://sbdh.org.au/ A free, independent, and confidential service that provides help for small business owners and sole traders in financial difficulty.
Financial information	
Money Smart	https://moneysmart.gov.au/ Money smart is the Australian Securities and Investments Commission's (ASIC) website for consumes and investors.
Interpreter services	
Translating and Interpreting Service (TIS)	https://www.tisnational.gov.au/en/About-TIS-National Provides an interpreting service for people who do not speak English and for agencies and businesses that need to communicate with their non-English speaking clients.
The National Relay Service (NRS)	https://www.communications.gov.au/what-we-do/phone/servicespeople- An Australia-wide telephone access service available to customers who are deaf or have a hearing or speech impairment. 24 hours a day, 7 days a week. Voice –1300 555 727TTY –133 677SMS –0423 677 767,
Complaints	
Australian Financial Complaints Authority (AFCA)	https://www.afca.org.au/ AFCA is a free, independent dispute resolution scheme to deal with complaints from customers and small businesses about financial services products. AFCA also has an approach document for what customers can expect from their lenders if they are experiencing family violence.

Appendix 2: Domestic violence intervention orders

1. A domestic violence order (including an interim order) is generally made under a prescribed law of a state or territory to protect a person from domestic violence.

2. Intervention orders are civil orders that offer protection from domestic violence.

3. The court can make an intervention order that stops someone from having contact with a protected person, or one that allows contact but prohibits abuse and violence.

4. If any of the conditions of the order are breached (eg. violence or contact with a protected person when this is forbidden), the offender can be charged with a breach of the order.

5. Members should take steps to understand the implications of a court and/or police issued intervention order, domestic violence orders, safety order or equivalent, and recognise what this means when dealing with customer accounts.

6. The following table provides a list of relevant court orders for each jurisdiction across Australia.

Jurisdiction	Instrument	Relevant legislation
Australian Capital Territory	Domestic Violence Order	*Domestic Violence and Protection Act 2008*
New South Wales	Apprehended Domestic Violence Orders	*Crimes (Domestic and Personal Violence) Act 2007*
Northern Territory	Domestic Violence Orders	*Domestic and Family Violence Act 2007*
Queensland	Protection Orders	*Domestic and Family Violence Protection Act 2012*
South Australia	Intervention Orders	*Intervention Orders (Prevention of Abuse) Act 2009*
Tasmania	Family Violence Order	*Family Violence Act 2004*
Victoria	Intervention Orders	*Family Violence Protection Act 2008*
Western Australia	Violence Restraining Orders	*Restraining Orders Act 1997*

Appendix 3: Domestic violence reporting obligations

In New South Wales and the Northern Territory, Members and their employees or others in relationships analogous to employment owe a duty to report instances of domestic violence to police as follows:

Jurisdiction	Requirement	Relevant legislation
New South Wales	Report information that might be of material assistance to securing the apprehension, prosecution or conviction of offender who has committed a 'serious indictable offence'.	Section 316(1) of the *Crimes Act 1900* (NSW)
Northern Territory	Report if you believe on reasonable grounds that a person is likely to cause or has caused harm to another person in a domestic relationship, or that person's safety is in serious or imminent threat because of domestic violence	Section 124A of the *Domestic and Family Violence Act 2007* (NT)

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