

# Understanding Financial Abuse

CARE INC

FINANCIAL FAIRNESS FOR ALL



Consumer  
Law  
Centre  
a program of care inc.



**care inc.**

## WHO WE ARE

Care Inc. Financial Counselling Service is a not-for-profit community organisation set up to ensure low income consumers are treated fairly and have support to overcome debt. Care provides financial counselling, community development and education, and other support services to vulnerable ACT consumers.

The Consumer Law Centre, a program of Care Inc., is a community legal centre which offers free and confidential legal advice and representation in the areas of consumer credit, debt recovery, fair trading and consumer protection.

## CONTACT US

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## ACKNOWLEDGEMENTS

We acknowledge WIRE Women's Information and Referral Exchange for kindly giving us permission to use their publication *Money problems with your partner? Dealing with financial abuse* to create this resource. We also acknowledge the traditional custodians of the land we work on, the Ngunnawal people, and respect their continuing culture and contribution to the life of Canberra and this region. We also would like to thank those persons who have allowed us to share their story: those who have experienced financial abuse and have begun their journey towards financial safety and independence.

The contents of this resource do not constitute legal or financial advice, are not intended to be a substitute for such advice and should not be relied on as such. Please obtain your own independent legal, financial or other advice specific to your individual circumstances. No claims or representations are made, or warranties given, express or implied, in relation to any of the material in this booklet.

This booklet was made with the assistance of the ACT Government.



# TABLE OF CONTENTS

What is financial abuse?.....2

Impact of financial abuse.....3

Your safety.....5

Financial safety.....6

Financial Safety Checklist.....9

Meeting your immediate needs.....10

Legal concerns.....12

Building your future.....18

Dealing with debt.....19



# WHAT IS FINANCIAL ABUSE?



*"Before we got married I had some savings, a job and a car. During the marriage my husband controlled all the money. I had to account for every cent I spent. The marriage is over and I've got nothing, except some debts for things I didn't buy."*

Financial abuse is when a loved one, a family member, friend or a carer uses money, assets or income to control another person and their decisions.

Their behaviour may include:

- controlling access to finances such as cash, bank accounts, benefits or pensions
- refusing to contribute financially to the relationship or joint family expenses
- taking out loans and running up debts in a family member or partner's name without their knowledge or consent, or forcing them to give such consent
- forcing someone to change their will or transfer their assets to them
- forging signatures on financial documents, or pressuring someone to sign documents against their will
- preventing a partner or a family member from working or studying
- forcing a partner or a family member to claim social security benefits.

In the ACT, financial abuse (also known as economic abuse) is legally recognised as a form of family violence. Some of the behaviour may also be a criminal offence, for example forging someone's signature on official documents or engaging in fraud.



## FINANCIAL ABUSE CAN HAPPEN TO ANYONE

Financial abuse can happen to anyone regardless of ethnic and cultural background, socio-economic status, age, health or other factors.

**AUSTRALIANS EXPERIENCING  
FINANCIAL ABUSE**  
*studies show that financial abuse  
between partners affects 11.5% of the  
Australian population*

**Men 7.1%**

**Women  
15.7%**

Studies show that financial abuse between partners affects 11.5% of the Australian population. Like other forms of family violence, women are significantly more likely to experience financial abuse than men. Financial abuse is the most common form of elder abuse. People with disabilities are also more likely to experience financial abuse.

Financial abuse can occur on its own, or alongside other behaviours such as physical or sexual violence, or emotional abuse.

## IMPACT OF FINANCIAL ABUSE

Financial abuse can have a big impact on your whole life beyond your financial needs and wellbeing, and may affect your relationships, employment and health.

### FINANCIAL IMPACT

- loss of income or employment
- inability to meet essential needs, such as food, clothing, medical expenses or housing costs
- accumulation of significant debt, such as on credit cards or mortgage arrears
- legal action taken against you in relation to debt
- bankruptcy
- negative credit record limiting your options to borrow money or enter into contracts (such as to buy a phone)
- no savings, inability to plan for emergency situations


## PERSONAL IMPACT

- estrangement from family and close friends
- inability to continue education
- homelessness or couch surfing
- anxiety, depression and other mental health conditions
- exacerbation of existing medical conditions
- isolation, loss of confidence or motivation to take back control
- loss of resilience to deal with other challenges in life

## WARNING SIGNS

No experience of violence is the same, but there are some signs which suggest that you may be experiencing financial abuse. For example, if your partner:

- wants to join finances very early in your relationship
- pressures you to borrow money for them
- requests you guarantee their loan or apply for a loan for them in your name
- controls your access to money
- makes you feel scared to discuss finances
- tries to stop you from going to work, or makes trouble for you at work
- demands to know your passwords and PIN numbers to emails and bank accounts
- uses your bank accounts or credit cards without your permission.



*"I thought I was the only person on the planet that had gone through financial abuse. It wasn't until I reached out for help that I realised I wasn't alone. I don't care about the money. I just want to feel safe, get away and start again."*

## YOUR SAFETY

If you are experiencing financial abuse, asking for help can be difficult for many reasons, including: fear, shame or concern about how others will treat you or about what will happen to you and your family.

Whether you have just started experiencing financial abuse or have been living with financial abuse for decades, your safety is the number one priority.

When making decisions, it is important to consider your safety and the risk of violence. Money and financial issues can cause conflict in any relationship, but particularly when financial abuse is part of the picture. Local domestic and family violence services can talk to you about your situation and help you make a plan to improve your safety.

Whether the person using violence is your partner, your adult child or a member of your extended family – it is important to know that you are not to blame, and it is not your fault that a person you may love or deeply care for has broken your trust.

### Important contacts concerning your safety or wellbeing

#### Police

Ph: 000 (if you are in danger) or 131 444

web: [www.police.act.gov.au](http://www.police.act.gov.au)

#### Domestic Violence Crisis Service (including safety planning)

24/7 crisis telephone line: 02 6280 0900

web: [www.dvcs.org.au](http://www.dvcs.org.au)

#### Legal Aid Helpline (including Older Person's Advice Line)

Ph: 1300 654 314

web: [www.legalaidact.org.au](http://www.legalaidact.org.au)

#### National Sexual Assault, Domestic & Family Violence Counselling Service

Ph: 1800 737 732

web: [www.1800respect.org.au](http://www.1800respect.org.au)

#### Everyman (support for men in the ACT)

Ph: 02 6230 6999

web: [www.everyman.org.au](http://www.everyman.org.au)

#### Safe Connections Program (free mobile phones to survivors of domestic and family violence, sexual assault)

Ph: 1800 937 638

web: <https://phones.wesnet.org.au>

# FINANCIAL SAFETY


Our financial lives can be complex – even more so when faced with having to separate your financial life from another person who has been financially abusive.

As a first step, it is important to ensure that you are safe. If you think that taking steps to separate your finances or protect your personal information from the financially abusive person may put your safety at risk, first talk to a domestic violence support worker, financial counsellor or a lawyer about your concerns.

Listed below are some things to consider when looking at your financial safety:

## TALK TO YOUR BANK/FINANCIAL SERVICE PROVIDERS

If you have experienced financial abuse, get in touch with your bank and financial service providers where you hold accounts, or if you prefer, talk to a financial counsellor or a lawyer about your financial safety.

A man with short brown hair, wearing a grey long-sleeved shirt, is seated in a wheelchair. He is looking towards the camera with a slight smile. His right hand is raised towards an ATM screen. The background is slightly blurred, showing the ATM and some indoor lighting.

*"By the time I realised my partner had stopped paying the mortgage, the bank was foreclosing on our home. I was in shock and I didn't know what to do."*

You may also want to contact other agencies, such as: Centrelink, the Australian Taxation Office, utilities and telecommunications providers, insurers and other entities who collect and store your financial and personal information.

## **SAFETY**

To ensure your financial and personal information is safe, contact your financial and other providers to:

- request a change of your PIN, passwords and security questions, or arrange for your banking and credit cards to be replaced
- cancel any secondary cardholder accounts you may have authorised
- if you do not have a bank account in your name only, ask the provider to set one up so that your income (from wages, Centrelink or other benefits) and other payments (Medicare, child support) are deposited into a bank account in your name only.
- inform your employer and other agencies of the new bank account details.
- if you have joint bank accounts, loans, or a joint mortgage with someone else that has a redraw facility or line of credit, contact the provider to ensure the signatures of all account holders (you and your partner or family member) are required to withdraw money.

It is also important that you:

- do not let anyone else access your accounts or disclose your PIN numbers or passwords to them
- consider changing all PIN numbers, passwords and security questions for all your mobile phone, online shopping, email and social media accounts
- de-register any other devices linked to your mobile banking applications
- use a computer or smartphone that your partner or family member cannot access to make online financial transactions.

Many institutions and providers, including banks and other financial institutions, energy, water and telecommunications providers have specialist workers who offer support to persons who have experienced domestic and family violence, including financial abuse.



Banks and other providers can assist you by agreeing to a repayment plan or a hardship arrangement to help you to regain your financial security and independence.

Inform the people you speak to about your accounts that your information must be kept confidential and not shared with your partner or family members without your consent. This is particularly important if you are living with the person using violence or hold any accounts jointly with them.

**FURTHER ASSISTANCE** You may discuss your financial situation with the bank or other providers and ask to reduce your repayments, change payment due dates or stop them altogether for a short period of time while you are separating from your partner and in the process of separating your finances.

**GET ADVICE** It is best to obtain legal advice in relation to any joint accounts, debts or assets you hold with the person who has been financially abusive towards you as soon as possible, as there may be important deadlines and time limitations.

### **IMPORTANT DOCUMENTS**

If you can, try to keep all your important documents in a safe place where you can access them quickly if you need to. You may also like to keep another copy of these documents with you or give copies to a trusted person. Important documents may include your and your children's birth certificates, citizenship certificates, drivers licence, passport, medicare card, ATM and credit cards, Will and Power of Attorney and other financial and legal documents.

### **STAY SAFE**

If it is not safe for you to collect your documents from your home or because they are with the person who has been financially abusive towards you, seek help from a specialist domestic and family violence service or the police. You can also speak with a financial counsellor or lawyer who may help you to obtain copies. **Do not put your safety at risk.**

# IMPORTANT DOCUMENTS CHECKLIST

## Personal and Children

- ☐ Birth Certificate/s
- ☐ Drivers Licence
- ☐ Centrelink Card
- ☐ EFTPOS or Credit Card/s
- ☐ Superannuation fund details
- ☐ Marriage Certificate
- ☐ Passport
- ☐ Will

## Debts

- ☐ Loans
- ☐ Mortgage
- ☐ Store cards

## House & Contents

- ☐ Property Title Deed
- ☐ Insurances
- ☐ Rental Agreement
- ☐ Utility Accounts
- ☐ Car Registration

## Medical and Children

- ☐ Medicare Card
- ☐ Medical History
- ☐ Prescriptions and any medications
- ☐ Immunisations record/s

## MEETING YOUR IMMEDIATE NEEDS

If you have experienced domestic and family violence, including financial abuse, you may find yourself in a situation where you need help to meet your immediate basic needs, including housing, bills, furniture and food. Below is a summary of the most essential services available in the ACT:

You can access all ACT Government services through [Access Canberra](#), including ACT shopfronts, call handling and online services. [OneLink](#) is a government funded service providing information and connections to support services in the ACT.


[Contact Canberra](#) produces a useful guide to emergency relief, food co-ops, food pantries and other assistance available in Canberra.

The Australian Securities and Investments Commission's resource [Moneysmart](#) is a comprehensive internet resource containing finance related information and advice.

You may also contact the [National Debt Helpline](#) for financial advice.

The ACT Government offers assistance of up to \$2,000 to help with the costs of establishing or maintaining a home in the ACT. The support is 'means tested' and you must be referred through a service which works to address family violence.

Crisis support payments are also offered through [Centrelink](#).



*"I'm about to become homeless because my son has gambled my life savings away – I need help"*

## Important contacts for support including financial support

### National Debt Helpline

Ph: 1800 007 007

web: [www.ndh.org.au](http://www.ndh.org.au)

### Access Canberra

Ph: 13 22 81

web: [www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au)

### Onelink

Ph: 1800 176 468

web: [www.onelink.org.au](http://www.onelink.org.au)

### Centrelink (Crisis Payment or Special Benefit )

Ph: 132 850

web: [www.humanservices.gov.au/individuals/centrelink](http://www.humanservices.gov.au/individuals/centrelink)

### Lifeline

Ph: 13 11 14

web: [www.lifeline.org.au](http://www.lifeline.org.au)

### ACT Government Gateway Services

Ph: 133 427

web:

[www.communityservices.act.gov.au/hcs/policies/fact\\_sheets/safer-families-assistance](http://www.communityservices.act.gov.au/hcs/policies/fact_sheets/safer-families-assistance)

### Contact Canberra (Emergency Relief and food pantry guide)

Ph: (02) 6248 7988

web: [vc-act.mycommunitydirectory.com.au](http://vc-act.mycommunitydirectory.com.au)

### ASIC Moneysmart (consumer and financial literacy)

web: [www.moneysmart.gov.au](http://www.moneysmart.gov.au)

### Victim Support ACT

Ph: 1800 822 272 or (02) 6205 2066

web: [www.victimsupport.act.gov.au](http://www.victimsupport.act.gov.au)

### Microfinance loans (for people impacted by domestic and family violence)

Care Inc.

Ph: 6257 1788

web: [www.carefcs.org](http://www.carefcs.org)

### Salvation Army

Ph: 0437 723 863

web: [www.salvationarmy.org.au](http://www.salvationarmy.org.au)

### Step Up Loans (low interest loans)

Baptist Care NSW & ACT

Ph: 02 5804 7351

web: [www.stepuploan.org.au](http://www.stepuploan.org.au)

## LEGAL CONCERNS

When it comes to financial abuse, often your experience can be accompanied by various other legal matters that need dealing with such as arrangements for children, issues with creditors, employment concerns, issues with a will or power of attorney and even criminal law issues.

There is a range of specialist legal services in the ACT that provide free legal advice and assistance (with the more extensive assistance and court representation being usually subject to community sector eligibility criteria).

Contact details for the services listed below are available on page 17 of this booklet.

### CONSUMER CREDIT AND BANKING, TELECOMMUNICATIONS, UTILITIES AND FAIR TRADING

Financial abuse is often linked to debt and credit issues. You may have debts and liabilities held in your name, or jointly, or you may be a guarantor for someone else's debts. You may have been pressured to sign loan and credit card contracts; or your signature may have been forged on a loan application. You may have been unaware of the debt or a purchase being made on your card altogether or were forced to disclose your PIN number.

You may have purchased a car for your partner for their sole use, and while they have now moved out and moved on, the car loan remains in your name. Your partner may have stopped making payments on a debt and now you have debt collectors knocking on your door.

The **Consumer Law Centre** provides free legal assistance in such matters. We are a part of, and work closely with, **Care Inc.** which offers free financial counselling support. We can negotiate with your bank, credit, utility and telecommunications providers and support you in addressing your financial issues. We may also be able to negotiate repayment and hardship arrangements, or possibly waivers or part waivers of debt in some circumstances.





## EMPLOYMENT LAW

You may have experienced problems at work because of financial abuse at home: for example, because of having to take time off or taking a lot of personal leave due to violence, or through underperformance at work or inability to meet important deadlines.

In Australia, employers must comply with certain minimum standards – the National Employment Standards (NES). Under the NES, employees are entitled to five days of unpaid family and domestic violence leave each year.

Employers must also comply with the law by not discriminating against their staff; they are required to make reasonable adjustments to allow persons with disability to work safely and productively; and cannot dismiss a worker from their job in a harsh, unjust or unreasonable manner, or for a prohibited reason (for example for taking sick leave or becoming pregnant).

There is a very short timeframe for filing an application with the Fair Work Commission for unfair dismissal and adverse action matters. It is important that you get legal advice as soon as possible. **Legal Aid ACT**, **Women's Legal Centre** and **ACT Law Society Legal Advice Bureau** offer free legal assistance in employment law

## FAMILY LAW

When separating from your partner there are many things to think about and deal with. A family lawyer can advise you in relation to a range of issues including:

- arrangements for your children after separation, including their care and living arrangements, time with their parents and family members, holidays, healthcare, education and long-term wellbeing needs
- separation of your property, including assets and debts
- spousal maintenance
- child support
- divorce.

**Legal Aid ACT** and **Women's Legal Centre** offer free specialised legal advice and family law matters.





## **FAMILY VIOLENCE AND ELDER ABUSE**

**Legal Aid ACT** and its **Domestic Violence and Personal Protection Orders Unit** and **Women's Legal Centre** provide free legal advice and support to persons seeking to escape domestic and family violence, including assistance with obtaining Family Violence Orders and Personal Protection Orders from the ACT Magistrates Court.

These orders are made by a court to stop a person from being violent towards you, or contacting or approaching you so that you and your family feel safe.

These services work very closely with the **Domestic Violence Crisis Service (DVCS)** which provides free 24/7 help to persons escaping domestic and family violence, including liaison and referral to other free community services that offer support with emergency housing, health, financial, Centrelink, legal and other matters.

**Legal Aid ACT** also offers free advice for older persons through its **Older Persons ACT Legal Service (OPALS)**.

## **SOCIAL SECURITY AND HOUSING**

**Canberra Community Law** provides free legal assistance in Centrelink and social security law matters and public housing. The organisation also offers a Public Housing Duty Lawyer Service at the ACT Civil and Administrative Tribunal.

## TENANCY LAW AND HOMELESSNESS

**Legal Aid ACT** provides advice and assistance for people privately renting in the ACT.

Help is also available to tenants through the **Supportive Tenancy Service** offered by a partnership between Belconnen Community Service, Woden Community Service and YWCA to people whose tenancy is at risk or who face barriers to establishing a private tenancy. Assistance includes referrals for specialist legal or financial advice.

**Canberra Community Law** offers a Night Time Legal Advice Service on Tuesday evenings and a **Street Law** service for persons at risk of homelessness.

## ABORIGINAL AND TORRES STRAIT ISLANDER LEGAL SERVICES

The **Aboriginal Legal Service** and the **Women's Legal Centre Mulleun Murra Program** provide legal advice and support specifically for Aboriginal and Torres Strait Islander people needing legal assistance.



## LEGAL ADVICE AND TENANCY SUPPORT

### Aboriginal Legal Service

**1800 733 233**

Website: [www.alsnswact.org.au](http://www.alsnswact.org.au)

Email: [canberra@alsnswact.org.au](mailto:canberra@alsnswact.org.au)

### Canberra Community Law

**(02) 6218 7977**

Website: [www.canberracommunitylaw.org.au](http://www.canberracommunitylaw.org.au)

Email: [info@canberracommunitylaw.org.au](mailto:info@canberracommunitylaw.org.au)

### Consumer Law Centre

**(02) 6143 0044**

Website: [www.carefcs.org/consumer-law-centre-act.html](http://www.carefcs.org/consumer-law-centre-act.html)

Email: [clc.admin@carefcs.org](mailto:clc.admin@carefcs.org)

### Law Society ACT Legal Advice Bureau

**(02) 6274 0300**

Website: [www.actlawsociety.asn.au/public-information/legal-advice-bureau](http://www.actlawsociety.asn.au/public-information/legal-advice-bureau)

Email: [mail@actlawsociety.asn.au](mailto:mail@actlawsociety.asn.au)

### Legal Aid ACT / Helpline

**1300 654 314**

Website: [www.legalaidact.org.au](http://www.legalaidact.org.au)

Email: [legalaid@legalaidact.org.au](mailto:legalaid@legalaidact.org.au)

### Domestic Violence and Personal Protection Unit

**(02) 6207 1874**

Website: [www.legalaidact.org.au/what-we-do/dv-unit](http://www.legalaidact.org.au/what-we-do/dv-unit)

### Women's Legal Centre

**(02) 6257 4377**

Website: [www.womenslegalact.org](http://www.womenslegalact.org)

Email: [admin@womenslegalact.org](mailto:admin@womenslegalact.org)



# BUILDING YOUR FUTURE



*"It hasn't been easy, but I have learnt to stand up to my son and tell him when I need help in managing my money and when he needs to back away. I'm grateful I reached out to professionals who have helped me learn new skills including how to communicate with my son about my money."*

Understanding that you are not alone and reaching out for help may be a first important step towards building your financially independent future. Listed below are some key steps you may take, and services you can access, to help you deal with the range of issues associated with financial abuse.

## PREPARE A BUDGET

Updating your budget will help you build a clear picture of your income and expenses, and help you plan to ensure that you are able to meet yours and your children's basic needs such housing, food, utilities, transport, phone, health needs, and your children's schooling expenses, to name just a few. You may need to adjust your spending in some areas or speak with a financial counsellor who may help with your budgeting and financial planning. **Care Inc.** is a member of the **National Debt Helpline** which you may contact for free and confidential advice.

## DEALING WITH DEBT

If you are struggling to repay debts, there may be some options available to you. Dealing with creditors can be challenging, particularly where you have suffered from financial abuse, or when you are being contacted by debt collectors about debts you have no idea existed in your name.

Before acknowledging any debt of which you are unsure, or agreeing to pay it, it is important you speak with a financial counsellor or lawyer. You can contact **Care Inc.** and the **Consumer Law Centre**. These services can talk to you about your liability for the debt or ways you could challenge the debt.

### HARDSHIP ARRANGEMENTS

If you are having difficulties in meeting your minimum monthly payments or repaying your loans, credit cards, mortgage, bills or other debts, you may be able to negotiate hardship arrangements with your credit provider. This may allow for reduced payments or a suspension of payments for a short whilst you address your financial difficulties or obtain legal advice and figure out a way forward.

You can request a financial hardship arrangement even if the loan or other debt is held jointly. The request does not have to come jointly from all borrowers. If your application for hardship is refused you can request the decision be reviewed internally, and if still unsuccessful, make an application to the Australian Financial Complaints Authority.

Lenders have an obligation to lend responsibly and avoid entering into a loan or a credit contract with someone who they know will be unable to pay it back, or offering a financial product which is not suitable for the needs of the consumer.

We encourage you to contact **Care Inc.** if you need help with hardship, or the **Consumer Law Centre** if you believe a loan you got was unsuitable for your specific needs (for example, if based on your income at the time, it was clear that you were not able to afford the minimum repayments).

## ACCESSING AFFORDABLE CREDIT

No interest loans offer affordable credit access to persons on low to mid-level incomes to help them to purchase whitegoods, electronic appliances, other household items, medical aids and car repairs.

In the ACT, the **No Interest Loans** program is offered through **Care Inc.** and The Salvation Army, with loans up to \$1500 and repayments set at an affordable amount over 12 to 18 months. To be eligible, you must have a Health Care or Pension card or earn an income of \$60,000 or less. Persons impacted by domestic and family violence can borrow up to \$2000.

**Care Inc.** also administers the **Assistance Beyond Crisis (ABC)** microfinance program which provides interest free loans of up to \$5000 to people on middle incomes who have experienced and left a domestic and family violence situation. The loans provide financial assistance where no other options are available, and include finance for household goods/white goods, vehicle related costs, childcare/education costs, housing costs, medical/dental expenses, and electrical/electronic items. ABC loans are available for people earning between \$50,000 and \$100,000.

## CREDIT HISTORY

A credit report includes information about your credit history including:

- credit enquiries
- default listings of more than \$150
- court judgements in relation to consumer credit products (e.g. loans)
- bankruptcy and debt agreement information
- repayment history information.

There are some limits on how long different listings can remain on your credit report. You can obtain a copy of your credit report from credit reporting bodies (Equifax, Experian and Illion) to check that it is correct. You are entitled to a free copy of your credit report each year. When you request your credit report, you will be asked to provide your current contact details and address. You need to be aware that if you request a credit report your current contact details will become available to any lenders, creditors or debt collectors that check your report.

If there are listings on your credit report that are inaccurate, out-of date, incomplete, irrelevant or misleading you have a right to have these issues corrected. If you are worried about your credit report you can speak to a financial counsellor at Care Inc.

## BUILDING YOUR CONFIDENCE WITH MONEY

Persons who have suffered financial abuse may blame themselves and doubt their skills in managing money. While this is seldom the case, if your money management skills and confidence have been shaken, you can contact **Care Inc.** to make an appointment for free budgeting and financial capability coaching.

More tools and resources around budgeting and money management are available from the **Care Inc.** website and the **Moneysmart** website.







## FINANCIAL FAIRNESS FOR ALL

*"A family friend told me to get specialist legal advice about my partner taking out a loan in my name for a car that I never even sat in and I'm so glad I did!"*

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