

## Support to customer experiencing domestic and family violence, including financial abuse

We are committed to supporting our customers experiencing domestic and family violence, including financial abuse. Financial abuse can happen to anyone and affects people of all cultural, financial and social backgrounds.

### What is domestic and family violence?

Family violence includes violent or threatening behaviour that coerces or controls a family member, or causes them to be fearful. Family violence can occur between intimate partners of the same or opposite sex, or any other family members (including parent and child, siblings)<sup>1</sup>.

### What is elder abuse?

Abuse of older people is a form of family violence. It is also known as elder abuse, and can include single or repeated acts, threats or even a lack of action which causes harm or distress to the older person. Elder abuse can take many forms, including physical, emotional, and financial.

Although elder abuse can happen to anyone, there are certain groups who are at a higher risk of harm. These include older people who<sup>2</sup>:

- Are alone or isolated
- Have a physical or mental disability
- Identify as having First Nations heritage
- Are from a migrant or refugee background
- Have a limited understanding of finance due to either language limitations or cultural barriers
- Are from LGBTQIA+ communities
- Are reliant on others for their care

### What is financial abuse?

Financial abuse is a serious form of domestic and family violence that occurs when a person uses money and resources as a means to gain power, and to control their partner or family member. Financial abuse may include the misuse or theft of another person's (including an older person's) money.

It is important to understand what financial abuse looks like, so that you can take action and get support.

Control	Pressure	Misuse of money and assets
<ul style="list-style-type: none"><li>• Restricting your access to money</li><li>• Money decisions being made without your consent</li><li>• Improper use of third-party authorities, including powers of attorney</li><li>• Using banking transactions to intimidate, threaten or manipulate</li></ul>	<ul style="list-style-type: none"><li>• Someone being forced to take on debt they don't want.</li><li>• Forced signing of documents, including a new will</li></ul>	<ul style="list-style-type: none"><li>• Scams, fraud or theft</li><li>• Emotional blackmail</li><li>• Transferring a property or other assets out of the person's name</li></ul>

### We are here to help

We are committed to supporting our customers in need.

- **Contact us**

<sup>1</sup> See: [AFCA publications | Australian Financial Complaints Authority](#)

<sup>2</sup> See It's a brave step to seek help to stop domestic violence and financial abuse. When you talk to us, your safety and privacy are our priority. You can talk to our team members securely and confidentially about your situation and the measures you can take.

If you think that you, or another Bank of China customer may be experiencing financial abuse, we encourage you to contact us. Please see our 'Contact Us – Services Hotline' webpage for the best ways to connect:

[https://www.bankofchina.com/au/en/bocinfo/ab9/201712/t20171221\\_10963186.html](https://www.bankofchina.com/au/en/bocinfo/ab9/201712/t20171221_10963186.html)

Sometimes, financial abuse may be perpetrated by a joint account holder or co-borrower, or by a person who is a third-party representative or attorney that is authorised to deal with your account. These are not the only circumstances where financial abuse occurs. But you can tell us if this is your concern.

Our experienced staff members are here to listen, and will treat you with sensitivity, respect, and compassion. Your safety and privacy are our priority, and all discussions will be confidential.

We can help you safely implement measures to protect your money and financial positions. These may include:

- setting up a new bank account in your name
- assisting you to change your passwords, PINs and other access methods
- putting extra security on your account
- updating your address and contact details and discussing safe means of communication that keep your details private
- helping you set up account access for a third-party representative on your account, such as a financial counsellor (see more below)
- adding or removing a power of attorney on your account (see more below)
- referring you to independent support services (see more below)
- assisting you to consider your credit reporting options, especially where any defaults or adverse repayment history has occurred in the context of family violence

- ***Talk to us about hardship support***

If you are experiencing financial difficulty or hardship, we encourage you to speak to us. We understand there may be times when your circumstances change and have established processes to assist customers suffering from financial difficulty.

We have a range of solutions, such as varying loan repayments to give you time and space until you are safe and able to discuss long-term plans. For further information, see our page on Financial Difficulty Assistance: [https://www.bankofchina.com/au/en/aboutus/ab6/201906/t20190628\\_15537787.html](https://www.bankofchina.com/au/en/aboutus/ab6/201906/t20190628_15537787.html)

### **If you appoint a third party authority on your account**

If you are experiencing financial difficulty or any other vulnerability (including financial abuse), you can appoint a **third party representative** to deal with us on your behalf. The third party may be a financial counsellor, other financial adviser, family member or carer, or other representative (such as a lawyer). You can ask us for a copy of our standard third party authorisation form.

If you have appointed a financial counsellor we will also accept a *Financial Counselling Agency Authorisation Form*.

For privacy reasons, we will generally need to be satisfied that you have given consent to the release of your personal information by the Bank to the representative. Please visit a branch or [contact us](#) for more information.

We will also recognise arrangements under which someone else has been appointed to represent your interests such as under a power of attorney or a court ordered administration (see below).

### ***Other types of authorities on your account***

You can help protect your financial position by putting in place arrangements, like a power of attorney, for how you want your money and property handled if you can no longer communicate your wishes effectively.

There are several other types of authorities you can have on your account which may be appropriate, depending on your circumstances:

- A **general power of attorney** is a legal document that gives a person (the 'attorney') the power to make financial decisions on behalf of, and in the interests of, the person who grants that power (the 'principal'). A general power of attorney is only effective while the principal still has decision-making capacity. It can operate for a specific period of time, and ends when you pass away.
- An **enduring power of attorney** is a type of power of attorney under which allows you to appoint a person (the 'attorney') to make decisions for you, and the power continues while you no longer have decision-making capacity and can no longer make decisions for yourself.
- **Administration** (or financial management) is a legal process by which a court or tribunal authorises an adult to make financial decisions on behalf of another person who is unable to make the decision for themselves due to a disability.
- **Guardianship** is a legal process by which a court or tribunal authorises an adult to make personal, medical and lifestyle decisions on behalf of another person who is unable to make the decision for themselves due to a disability.

To set up a person to act on your behalf under a Power of Attorney or Administration Order, you or your representative can visit your local Bank of China branch or Contact us as above. You will need to bring:

- Your original Power of Attorney or Administration Order document, or a certified copy by a person authorised to do so;
- Proof of identity for all relevant parties (e.g. for the principal and the attorney);
- If applicable, a medical certificate (e.g. if an Enduring Power of Attorney has been activated because the principal has lost capacity).

***It is important to note that accounts subject to third party authorities, such as power of attorneys, carry an elevated risk of financial abuse (including elder abuse).*** Selecting the right person to be your attorney can mean the difference between having your finances properly managed or potentially being subject to financial abuse. The [ABA Safe and Savvy Guide \(PDF, 6MB\)](#) has some tips for choosing a suitable attorney and other helpful information

### **Where can you go for external support?**

There are many organisations and support services that can help you if you are experiencing family or domestic violence, or need legal or financial advice.

*In an emergency, call 000*

For family violence support:

- **1800RESPECT** – A national family violence and sexual assault service 24 hours a day, 7 days a week. Tel 1800 737 732 [www.1800respect.org.au/](http://www.1800respect.org.au/)
- **1800ELDERHELP** – A free call phone number for information and advice on elder abuse. Tel 1800 353 374 <https://www.health.gov.au/contacts/elder-abuse-phone-line>
- **Family Relationship 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
- **Lifeline** – Provides crisis support services, 24 hours a day, 7 days a week. Tel 131 114
- **Centrelink** – 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. [www.humanservices.gov.au](http://www.humanservices.gov.au)

For legal support:

- **Legal Aid** – Can provide advice on intervention orders, family law and civil / credit and debt matters. Find a legal aid commission at [www.nationallegalaid.org/](http://www.nationallegalaid.org/)
- **Community Legal Centres (CLC)** – Can provide advice on AVOs, family law and credit and debt / financial counselling and other generalist civil law advice. Find a local CLC at [www.naclc.org.au/](http://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/](http://www.wlsa.org.au/) or [www.familyrelationships.gov.au/](http://www.familyrelationships.gov.au/)

For financial information:

- **Financial Counselling Australia** – You can talk on the phone to a financial counsellor from anywhere in Australia by ringing 1800 007 007 (minimum opening hours are 9.30am – 4.30pm Monday to Friday). [www.financialcounsellingaustralia.org.au/Home](http://www.financialcounsellingaustralia.org.au/Home)
- **MoneySmart** – You can get guidance on general financial matters as well as specific information on protecting your money and yourself from financial abuse. [www.moneysmart.gov.au/life-events-andyou/families/financial-abuse](http://www.moneysmart.gov.au/life-events-andyou/families/financial-abuse)

For interpreter services:

- Translating and Interpreting Service (TIS) – 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. <https://www.tisnational.gov.au/en/About-TIS-National>

#### **For further information:**

The following information and guidelines are issued by the Australian Banking Association. They contain useful information about financial abuse and may help you to be safe and savvy when managing your money.

*[The ABA Safe & Savvy: A Guide to help older people avoid abuse, scams and fraud](#)*  
*[Preventing and responding to family and domestic violence](#)*  
*[Preventing and responding to financial abuse \(including elder financial abuse\)](#)*  
*[Responding to requests from a POA or court-appointed administrator](#)*

This information is general in nature and has been prepared without taking your personal objectives, circumstances and needs into account. You should consider the appropriateness of the information to your own circumstances and, if necessary, seek appropriate professional advice.