Australian Banking Association

2026

Industry Guideline: Financial Abuse

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Contents

1. Purpose

This guideline outlines good industry practice for how banks may support and provide extra care for customers experiencing financial abuse.

Key terminology	
Customer	Means a customer to whom the Banking Code applies. It includes individuals, small businesses and guarantors.[1]

The guideline explains:

- what financial abuse is,
- how a bank may recognise that a customer is experiencing financial abuse, and
- the steps a bank may take to help when they are aware a customer is experiencing financial abuse.

1.1 Context

Legal protections for customers

There are many key protections and safeguards under the law for bank customers. These include consumer protections, prudential standards, financial crime provisions, anti-discrimination safeguards and privacy requirements. The law also provides safeguards for individuals experiencing abuse, mistreatment or neglect

Appendix 1 – Legal protections provides a summary of some of the key protections that are relevant for banks and their customers.

Banking Code of Practice

The Banking Code of Practice (**Banking Code**) sets out standards of practice and service in the Australian banking industry for individual and small business customers, and their guarantors, when dealing with a bank that has signed up to the Banking Code.

The overall objective of the Banking Code is to provide customers with safeguards and protections not set out in the law. The Banking Code is intended to complement the law and, in some areas, set higher standards than the law.

The Banking Code provides several safeguards that assist customers experiencing financial abuse. Part B2 of the Banking Code includes a commitment that member banks will take extra care with customers who are experiencing vulnerability, including financial abuse and the abuse of older people. Other key protections are outlined in *Appendix 3 – The Banking Code of Practice*.

Guidelines and protocols

The ABA publishes and maintains guidelines and protocols on consumer matters. Current guidelines include:

- Banks' financial difficulty programs
- Extra care for customers experiencing vulnerability
- Fact sheet: Communication with residents during foreclosure
- Responding to requests from a power of attorney or court-appointed administrator
- ACCC's and ASIC's Debt Collection Guideline: for Collectors and Creditors

Note: All industry guidelines are updated periodically.

[1] ABA, Banking Code of Practice ('**Banking Code'**), Part B. Available at: https://www.ausbanking.org.au/wp-content/uploads/2024/06/Banking-Code-of-Practice_2025.pdf.

1.2 Application

This guideline reflects good industry practice, and the ABA encourages members to use this guideline to put in place internal processes, procedures, and policies.

Industry guidelines are voluntary in nature and do not impose binding obligations on individual banks. There may be many ways of complying with the Banking Code, legislation and regulation, and any help provided to customers will depend on their individual circumstances.

Examples in this guideline are examples only and do not represent a requirement or commitment on behalf of any member bank. It is up to each member bank to independently decide whether it adopts any of the practices set out in this guideline.

Should a member bank choose to adopt any of the practices set out in this guideline, the member should take steps to implement those practices within 12 months of the guideline's release date.

Key terminology

In this industry guideline we use:

- '**will**' where an action is required by law, regulation or reflected in commitments set out in the Banking Code of Practice.
- '**should**' where a bank should consider an action as good practice, but this does not mean that they should necessarily follow that detailed or prescribed course of action or take that action in all circumstances if doing so would not be appropriate; and
- '**may**' or '**could**' where an action is only one of several ways of meeting a principle set out in this guidance.

1.3 Review mechanism

The expectations of customers and the community are rapidly evolving. The ABA proposes to review this guideline every three years to keep pace with these changes.

The ABA will consider completing a review earlier than three years if it receives significant feedback from members or community stakeholders that the guideline requires updating to address a significant issue, such as a change in law or judicial guidance.

2. Understanding financial abuse

This section provides an overview of what financial abuse is, who experiences it and what it can look like.

2.1 What is financial abuse?

Financial abuse occurs when another person exerts power and control to exploit, monitor or sabotage someone's access to, or use of, money, finance or property, business assets and liabilities, without their knowledge or consent.[2] In some situations, a person may feel pressured, coerced or unable to refuse a directive from the person causing harm.

Financial abuse can occur in any relationship where there is a reasonable expectation of care or trust. Common examples include where the person causing harm is an intimate partner or spouse, an ex-partner, a family member (including adult children) or relative, part of a kinship group, a guardian or attorney, a carer, support worker, friend or others in a position to influence financial decision-making.

Financial abuse often – but not always – occurs alongside other forms of violence as part of a broader pattern of control, such as intimate partner violence, including physical, sexual, or emotional abuse.

The term 'elder abuse' remains a commonly used term referring to the abuse and mistreatment of an older person, including older parents. This guideline refers to 'abuse of older people', which is a more inclusive and accurate term that reflects the diversity among older people, and is sensitive to communities where 'elder' signifies a respected, appointed role (not just age).

Key terminology	
Person causing harm / violence	A person causing harm is an individual whose actions, whether intentional or unintentional, result in restricting, exploiting, or undermining another person's access to, control over, or use of their own money, assets, or financial resources. This includes deliberate behaviours aimed at controlling or sabotaging someone's financial independence, for example, they will act as a **perpetrator**.
Perpetrator	Refers to a person who commits an illegal, criminal or harmful act, including domestic, family or sexual violence.[3]
Family and domestic violence	In Australian law, 'family violence' is defined as violent, threatening or other behaviour by a person that coerces or controls a member of the person's family or causes the family member to be fearful.[4] Family members can include relatives, guardians, co-habitants, friends, kinship groups and other family groups recognised by various cultures and communities. Abuse of older people can be a form of family and domestic violence. Domestic violence is a subset of family violence that occurs in the context of a current or previous intimate relationship. Domestic violence can occur outside of a domestic setting, such as in public and between two people who do not live together.[5] It can also be known as intimate partner violence.
Abuse of older people	Defined by the World Health Organisation (WHO) as 'a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person. 'Older person' usually means 65 years or older, or 50 years or older for Aboriginal and Torres Strait Islander peoples.[6]

[2] Adapted from *Preventing the financial abuse of women: literature and desktop review*, KPMG Australia and Department of Prime Minister and Cabinet, July 2020, p 4.
[3] *National Plan to End Violence against Women and Children 2022-2032*, p 131. Available at: https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf.
[4] *Family Law Act 1975* (Cth) s 4AB.
[5] *Guides to Social Policy Law – Social Security Guide*, Section 1.1.D.235, Australian Government, 1 July 2025.
[6] *National Plan to End the Abuse and Mistreatment of Older People 2026-2036*, p 12. Available at: https://www.ag.gov.au/sites/default/files/2026-03/national-plan-to-end-abuse-mistreatment-of-older-people-2026-2036.PDF.

Coercive control	Coercive control is 'when someone uses patterns of abusive or controlling behaviours against another person over time, with the effect of establishing and maintaining power and dominance over them. This behaviour can be used to manipulate a person's feelings and actions, create fear, and take away their freedom and independence over time. Someone who uses coercive control might do this through emotional, financial, physical, sexual, cultural or spiritual abuse, and/or neglect'.[7] Coercive control is an underpinning dynamic of family and domestic violence. This may include physical or non-physical abusive behaviours such as financial abuse.[8] Coercive control is a standalone criminal offence in certain jurisdictions – for further information, see *Appendix 1 – Legal protections*.

2.2 Who experiences it?

Financial abuse can happen to anyone. However, some people are at higher risk of experiencing harm including those who:

- identify as a woman
- are older
- have unpaid caring responsibilities for family members
- are alone or isolated
- live with disability
- identify as Aboriginal or Torres Strait Islander
- are from a culturally or linguistically diverse (CALD) background
- have low digital or financial literacy
- are from LGBTQIA+ communities
- are reliant on others for their care, or
- have been subject to other types of abuse in the past.

It is important to note that recognising these circumstances alone does not mean a person is experiencing financial abuse or vulnerability. Equally, the absence of these circumstances does not mean a person is not experiencing financial abuse or vulnerability.

2.3 What does it look like?

Financial abuse can be overt or subtle. It includes actions to restrict someone's access to money or financial information, take control or monitor their bank accounts, or coerce them into financial decisions that are not in their best interest. It can look different for each individual depending on their unique circumstances.

Financial abuse creates a system of control that allows harmful behaviours to continue even when the person causing harm is not physically present. It often continues after other forms of abuse or the relationship itself has ended. These behaviours can have lasting effects on someone's financial security. It can affect future job opportunities, damage credit reports, reduce retirement savings, and result in unpaid debts.[9] In the context of abuse of older people, these harms can lead to reduced autonomy, loss of decision-making control, increased dependence on the person causing harm, loss of savings, housing, and the ability to meet basic needs.

It is important to note that trauma experienced during financial abuse can also persist long after the mistreatment ends, creating lasting vulnerability and re-traumatisation and making it difficult for victim-survivors to trust themselves in future financial decisions.

[7] *National Plan to End the Abuse and Mistreatment of Older People 2026-2036*, p 15.
[8] *The National Principles to Address Coercive Control in Family and Domestic Violence*, Attorney-General's Department, 22 September 2023. Available at: https://www.ag.gov.au/families-and-marriage/publications/national-principles-address-coercive-control-family-and-domestic-violence.
[9] Adapted from *Preventing the financial abuse of women: literature and desktop review*, KPMG Australia and Department of Prime Minister and Cabinet, July 2020, p 6.

Spotlight: Forms of financial abuse within family and domestic violence contexts

Some common forms of financial abuse in family and domestic violence relationships include:

1. **Taking control:** One person controls, limits or removes access to finances (e.g. cash, bank accounts, benefits or pensions). They may make some or all decisions about joint assets and spending without consultation. This can include pressuring someone to take out a loan or get credit that they do not benefit from.
2. **Monitoring finances:** Using digital banking apps to monitor a partner's spending or demand receipts and proof of expenses.
3. **Refusing access:** Not providing enough money for the person or their children / dependants, or stopping them from seeing bills, statements, or other financial information.
4. **Refusing to contribute:** One person pays for most household or child-related costs while the other keeps their money for themselves. This can include refusing to pay child support, help with childcare, or contribute to joint debts.
5. **Generating debt:** Accumulating a debt in someone's name without their knowledge or consent using credits cards, personal loans or business loans / credit facilities or taxation debts. This can damage a person's credit rating and their ability to access credit in the future.
6. **Fraud:** Opening accounts or applying for financial products in another person's name without their knowledge or consent or deliberately damaging their credit report.
7. **Forced guarantees:** Pressuring someone to sign a guarantee or misleading them so they do not understand what they were signing.
8. **Sabotage:** Stopping a partner from working or studying (either by forbidding it or sabotaging their opportunities), forcing them to work unpaid in a family business or interfering with visa arrangements / sponsorship.
9. **Post-separation retaliation:** Not paying a joint debt or mortgage to harm the other person's access to credit or cause them to experience homelessness. This can also include refusing to engage with the bank as the co-borrower on requests for financial hardship assistance for a joint debt, delaying repossession / sale processes, or stalling family court property settlement (for example, by refusing to provide financial disclosure or driving up legal costs).

   They may take steps to block their ex-partner's access to their bank accounts. This can include making false complaints of fraudulent activity or refusing to approve legitimate joint expenses from joint accounts where both parties are required to authorise transactions.
10. **Pressure, threats and intimidation:** Forcing someone to sign over assets or income, harassing them through transaction descriptions, using their personal details to harm them, or threatening isolation or other harmful consequences unless they pay a bill or debt.
11. **Demand sharing that is not reciprocated:** Within a First Nations context, **'**demand sharing' can involve asking someone to give money or resources, often within a family or community, with an expectation of reciprocity. It can cause the person being asked to share to feel unsafe both physically or psychologically (e.g. feelings of fear or shame).[10]

[10] Indigenous Consumer Assistance Network (ICAN) Ltd - Research Paper, p 8. Available at: https://ican.org.au/wp-content/uploads/2025/03/First-Nations-Financial-Abuse-Report.pdf.

Spotlight: Forms of financial abuse of older people[11]

Some common forms of financial abuse of older people include:

1. **Abusing an enduring power of attorney:** Misuse of an enduring power of attorney is when an attorney acts outside the scope of their authority or not in the principal's interests. For example, this includes unexpected or one-off large / unusual transactions or transactions that primarily benefit the attorney; unexplained withdrawals; refusal to support the principal's needs; or conduct that prevents safe contact with the principal.
2. **Pressure, threats and intimidation:** Using fear, coercion or harassment to make an older person hand over money, sign documents, change beneficiaries, or appoint an attorney or guardian. The pressure may be physical, emotional or both. They may steal or use their contact information to commit violence or fraud.
3. **Fraud:** Gaining trust to steal money or using an older person's personal information for illegal activity. For example, fraudulently opening credit facilities in their name without consent.
4. **Abusing informal family agreements:** Family agreements are plans made with family about how to manage a person's money or assets. Abuse can happen if family members do not follow or misuse the plans that have been made.
5. **Improper use of funds:** Using an older person's money for purposes they did not agree to (e.g. paying personal bills, holidays or grandchildren's school fees). This may also include the intermingling of expenses where the older person's money is utilised to pay for daily living of both parties without the older person's knowledge or consent.
6. **Theft:** Stealing cash, cards or valuables, particularly where care needs or vulnerabilities are exploited.
7. **Inheritance impatience:** Treating an older person's assets as an entitlement and attempting to access them early. This includes stealing money from parents' bank accounts or transferring assets to another person with the rationale that they will eventually get this money or asset anyway.
8. **Misuse of guarantees:** Pressuring or misleading an older parent into guaranteeing a loan for an adult child.
9. **Failure to provide promised care:** This is when an arrangement for family members to provide care to older relatives in exchange for financial assistance breaks down. This may also present as not spending the customer's money on the older person's care in order to preserve funds that they may inherit.
10. **Emotional blackmail:** Using guilt or emotional pressure is one of the most subtle and least visible forms of abuse. This can include when an adult / child refuses access to grandchildren, except in return for a loan; or an emotionally dependent adult child abusing their parents' concerns by demanding money.

[11] Adapted from *Safe & Savvy – Common forms of abuse*, CBA. Available at: https://www.commbank.com.au/support/preventing-financial-abuse-of-seniors.html.

Spotlight: Business-related financial abuse

Business-related financial abuse can occur when a person uses power and control to exploit, restrict or sabotage another person's ability to acquire, use or maintain financial resources within a business context.

The harm commonly suffered from business-related financial abuse includes liabilities being accrued in the name of the person for no, or little, benefit and / or without their knowledge or consent, along with limited or no access to the income being generated from the business.

It can have serious and long-lasting impacts on an individual's capacity to work, support themselves or their family, access credit or meet basic expenses.

Banks should remain alert to warning signs and have processes in place to respond appropriately.

Examples of financial abuse in a small business context may include:

1. **Non-consensual directorships or ownership changes:** Adding someone as a company director, shareholder, partner, or guarantor without their knowledge, or pressuring them to resign so the other person gains control.
2. **Coerced business paperwork:** Forcing or pressuring someone to sign business documents they may not understand or agree with, for example, loan applications, contracts, supplier agreements, leases, or director declarations. This includes being forced or pressured to sign documents and some or all of the information has been withheld or redacted.
3. **Misuse of business assets or income:** Taking cash or stock, running up business expenses for personal use, diverting takings, changing payment details, or locking someone out of business accounts / systems so they cannot access income.
4. **Tax or regulatory liabilities:** Being left liable for tax or other business debts for a company they do not control or are not actively involved in.
5. **Control of business banking:** Being pressured to open accounts, change signatories / authorised users, or surrender access to, for example, passwords, cards, tokens, or app access.
6. **Asset stripping or identity misuse:** Unfairly transferring business assets to another person or entity, or misusing a person's Tax File Number (e.g. reporting income they did not receive).

3. Recognising financial abuse

This section explains the importance of:

- strengthening prevention through training and product design,
- providing customers with information about financial abuse,
- supporting safe customer self-disclosure, and
- engaging customers in a way that prioritises safety and avoids harm.

Banks are often one of the first services to observe warning signs of financial abuse. Early recognition and prevention can reduce harm and supports positive outcomes for both the customer and the bank.

3.1. Train employees to take extra care

Banks are frequently the first point of disclosure of family and domestic violence. Therefore, banks are uniquely positioned to recognise potential indicators of abuse, and facilitate safe pathways to support their customers. Banks will train staff to treat customers who are, or who appear to be, experiencing vulnerability, including financial abuse, with regard to sensitivity, respect and compassion.[12]

Training should be role-appropriate, ongoing and effective, and support employees to:

- recognise possible indicators of financial abuse,
- respond safely and without judgment, and
- understand when and how to escalate concerns, including referring customers to specialist teams or external supports.

All employees should receive general training to understand and identify the types of possible financial abuse. Frontline employees should understand how to respond to customers sensitively and refer cases internally. Specialist teams, including hardship, collections and complaints teams, should receive trauma informed training on how to effectively support customers.

Tailored training should also be provided to product and service designers, as well as credit assessment teams, on how to mitigate the impacts of financial abuse through inclusive and safe design.

Examples of embedding employees' ability to take extra care

- Enable employees to take additional time for sensitive customer conversations.
- Provide employees with guidance and escalation pathways.
- Ensure employees that interact with small business and agribusiness lending are sufficiently trained to recognise and respond to customers experiencing or perpetrating financial abuse within a business context. Business bankers should also be made aware that they are more likely to be regularly interacting with the perpetrator or person causing harm.
- Provide training that reflects a diverse understanding of the community served, including cultural capability training for staff supporting Aboriginal and Torres Strait Islander customers, mental health first aid, and specialised domestic and family violence training. Banks should actively monitor and record training completion rates through internal learning management systems.
- Consider training that builds staff awareness of coercive, controlling and manipulative behaviours that may influence customer as well as staff interactions, perceptions and decision-making. Educating staff on these dynamics can help reduce the risk of misinterpreting victim-survivor presentations and support more consistent, safer outcomes.
- Offer confidential support services for employees who may be exposed to circumstances that could give rise to vicarious trauma and / or who may be experiencing abuse themselves.

[12] Banking Code, Part A2, paragraph 7.

3.2 Provide customers with information about financial abuse

Providing clear, accessible information about financial abuse can help customers recognise concerning behaviours, understand what support may be available, and seek help earlier. Customer information should be written in plain language, be easy to find (including online and in-branch), and be provided in a way that prioritises customer safety and privacy.

Banks should consider providing information that covers:

- what financial abuse is and common examples (including technology facilitated abuse)
- how customers can contact the bank safely (including safe contact preferences and private support options)
- practical steps customers can take to improve safety (e.g. changing passwords / personal identification numbers (PINs), separate statements, reviewing third-party access and authorities), and
- referrals to external support services and financial education resources, including the ABA's *Safe and Savvy* guide.

Where possible, banks should use safety-aware design features on relevant web pages (e.g. a quick exit button) and avoid content that could inadvertently alert a person causing harm.

3.3 Design safe products and services

Banks should consider how product and service design may affect customer safety, including the risk that products, services or features could be misused to perpetrate financial abuse. This includes considering financial safety by design principles during relevant stages of product and service design, development and distribution – noting approaches will vary by bank and by product.

In practice, financial safety by design includes:

- designing products and features that are flexible and help reduce misuse risk,
- giving customers clear information and meaningful choices, and
- being clear about appropriate use, and the consequences of misuse.

If financial abuse risks are not considered in product development, and in supporting governance and risk frameworks, it can be harder to:

- identify which products or features may be higher risk,
- understand whether misuse is occurring, and
- make timely changes to reduce the risk of harm.

The ABA is developing resources to support members in this work, including a white-label training resource and a financial safety by design resource for lending. These resources are intended to provide practical prompts for product and service designers and can be used alongside each bank's own risk and governance processes.

Examples of safety by design

- Implement monitoring systems and escalation processes to detect and respond to abusive language or threats in transaction description.
- Include a provision setting out acceptable use and the consequences of inappropriate use in the account terms and conditions of banking products and services.
- Design joint products so each party can independently access statements and hold separate login credentials. Consider offering flexible product features (such as offset accounts in sole names for joint loans) that support financial independence.

3.4 Encourage safe self-disclosure

Self-disclosure is often important for banks to provide effective support. Banks should recognise that many customers may not disclose financial abuse or may do so only partially or over time.

Recognising when a customer may be experiencing financial abuse is an important first step in being able to ensure the customer can get the support they need. The Banking Code encourages customers experiencing vulnerability to tell their bank about their circumstances so that the bank can work with them in relation to their banking.[13]

Supporting customers under stress
Disclosure • Banks should have processes in place to help customers that disclose they are under extreme stress, at risk, or living in unstable or unsafe conditions due to financial abuse. • A customer's circumstances can shift rapidly, and customers should be recognised as the expert in their own safety. **Response** • Frontline staff should be provided with information on how they respond, and to prioritise the safety and confidentiality of customers who may be experiencing financial abuse. • Banks should be careful about proactively contacting the customer without their consent as it may increase the risk of harm, for example if communications are intercepted. • Banks should be adaptable, reassessing and adjusting banking support arrangements to address the individual needs of the customer effectively.

Financial abuse is a sensitive and complex topic. Some customers **may not want or be able to disclose** information about their circumstances to their bank. This may include because they:

- want to shield the person causing harm (often a loved one) from legal repercussions,
- fear retaliation and have significant concerns for their own health, life or safety or that of their children, pets or companion animals,
- do not realise they have been affected by financial abuse,
- fear losing or damaging the relationship, or being isolated from their family,
- are dependent on the person for their care or the care of their children and worry how they will manage without this support,
- are reluctant to believe that someone they trust is causing harm to them,
- feel shame or fear discrimination,
- worry that they will not be believed,
- are concerned that the disclosure would limit their future access to credit,
- are reliant on the person to access or manage their banking services on their behalf (e.g. they may have limited mobility or require decision making support),
- potential communication, cultural and language barriers
- are unaware that the bank can help, or
- are unable to contact the bank due to their circumstances (e.g. they are experiencing homelessness or are in crisis).

Banks should create environments that support safe, voluntary and informed disclosure, recognising customers are the expert in their own safety. This could include providing private spaces for conversations, ensuring staff are trained in sensitive disclosures, providing call windows to contact the victim-survivor and secure digital options for communication. For many people experiencing financial abuse, their bank is one of the first places they may disclose their situation. This is out of necessity, as they take practical steps to secure their financial independence and safety. This may include opening

[13] Banking Code, Part B2, paragraph 52.

new accounts, protecting their funds from unauthorised access, addressing coerced debt, and ensuring they have access to money that cannot be monitored or controlled by the person causing harm.

Sometimes a person may not be aware that financial abuse is taking place because important information has been hidden or withheld from them. In other circumstances, the abuse has been happening for some time under the guise of care until it becomes a feature of their life and seems normal. For example, through the use of statements such as ‘I am looking after you’ or ‘I am taking this burden away from you’. Staff should listen without judgement, avoid asking why the customer did not act sooner, and focus on what support they need now.

Case study

Brian was 70 years old and struggling with several health issues, including hearing loss, which made it difficult for him to go shopping and visit his local bank branch. To help him out, his son Wayne often did Brian’s shopping for him and paid bills over the phone. Wayne suggested setting up an online transaction account for Brian and he agreed to help him use it, as Brian was not tech-savvy.

Brian was not entirely sure about this, so discussed it with his bank. The bank was able to reassure Brian that they could help him and keep any disclosure or requests confidential. As Brian continued to receive his bank statements by mail, he started to notice some unfamiliar transactions.

Despite going through his receipts, he could not account for them, so he contacted his bank. The bank was able to help Brian identify that Wayne had used the account to pay for his own utilities and shopping expenses. When Brian asked Wayne about the transactions, Wayne apologised profusely and promised to pay his father back from his next pay.

The bank provided links on their website to information about financial abuse, customers’ rights and bank assistance.

Examples of steps that banks can take to encourage self-disclosure

- Providing clear, accessible information about financial abuse and available support.
- Ensuring private and safe spaces for conversations (in-person and digital).
- Training staff to avoid judgement, assumptions or pressure to disclose.
- Using secure communication options and respecting safe-contact preferences.
- Clearly explaining how customer information will be collected, used and protected.
- Supporting customers to contact external family violence, adult safeguarding and abuse of older persons services for help in managing their safety, or with emergency services if appropriate.
- Including safety features such as a ‘quick exit’ button to help customers quickly and discreetly leave a banking site or app.
- Partnering with community organisations to improve awareness of financial abuse.

3.5 Detect financial abuse

Despite the identification of financial abuse being challenging, early detection and intervention can help prevent customers who are experiencing financial abuse from further harm. Some aspects of financial abuse occur in private settings, and banks typically have limited visibility of only transactional data and customer interactions.

Each situation is unique, and banks must balance efforts to assist customers with their banking, their responsibility to treat customers fairly and maintain customer confidentiality, along with ensuring the safety and wellbeing of the customer. Banks should be alert to potential indicators of financial abuse and assist customers affected by financial abuse.

The following sections outline examples of warnings signs that may indicate a customer is experiencing financial abuse. If the bank identifies that a customer may be experiencing financial abuse, it should engage with them in a safe, sensitive and compassionate manner that prioritises customer and banker safety.

Warning signs - customer interactions

Customers may be experiencing financial abuse if they exhibit the following warning signs during a face-to-face, telephone, chat or videocall interaction with an employee while receiving bank services:

- looking, sounding or seeming withdrawn, distressed or scared
- looking neglected or like their physical needs are not being met
- appearing to be directed or controlled by another person or deferring to another person's authority
- not understanding, or seeming unaware of, completed transactions, loans or other financial products in their name
- financial hardship or non-payment of debts (especially where there is no obvious reason for the financial hardship)
- referring to the sharing of debit cards, online banking passwords or contact details between family members
- expressing reluctance to involve the other co-borrower when seeking financial difficulty assistance
- withdrawing an amount of cash not typical for the customer, particularly while accompanied by a person who appears to be influencing them
- expressing concerns about the safety, privacy or security of their personal information
- having someone interpret for them who is also a beneficiary of the transaction
- expressing concerns about missing funds or personal or financial documents, or
- disclosing the existence of past or present family and domestic violence or mentioning having a restraining order or similar legal protection (for more detail see *Appendix 1 – Legal protections*).

Staff should be alert to a customer persistently seeking detailed information about another account holder's activities outside of their usual role, authority or entitlement, as this may indicate controlling behaviour designed to cause harm to another person. This includes instances where there is more than one account holder, or joint attorneys.

Note: This is not an exhaustive list and will vary according to individual circumstances.

Account activity

Banks may consider using transaction monitoring including AI enabled tools, to support identification of potential financial abuse. Each bank will have its own list of indicators however some risk factors could include:

- unusual or uncharacteristic transactions, such as large increases in withdrawals or unusual purchases, transactions from locations the customer is unlikely to be or third-party transfers
- repeated small transactions, such as micro payments using the transaction description to abuse or intimidate the payee
- regularly overdrawn accounts, particularly on the day a person receives their income support payment or wages
- frequent changes made to account security such as passwords
- changes to account authorisations
- changes to the account or unusual activity following the appointment of an authorised third-party or enduring power of attorney, or
- changes made to contact details by an authorised third-party such as phone numbers, address or emails.

It is important that solutions are developed and deployed with care to mitigate the risk that customers experience harm.[14] Banks should efficacy test monitoring to minimise the rate of false positives in reporting where possible, noting that what may initially appear suspicious could simply reflect unconventional but legitimate arrangements between partners or family members. To determine this, banks may need to make inquiries with the customer. Importantly, any monitoring activities must take care to stay within the bounds of the Australian privacy law.[15]

Examples of improving monitoring of account activity

- Investigate ways to identify potential financial abuse involving digital banking platforms.
- Monitor transaction descriptions for abusive language and implement protocols to address such behaviour.
- Use monitoring as a prompt for safe inquiry, not automated decision-making.
- Escalate concerns to trained specialists before engaging customers.

[14] *Australia's AI Ethics Principles*, Australian Government, 7 November 2019. Available at: https://www.industry.gov.au/publications/australias-ai-ethics-principles.
[15] *Privacy Act 1988* (Cth) and Australian Privacy Principles.

4. Good industry practice - Responding to financial abuse

If a customer discloses financial abuse, or a bank becomes aware that financial abuse may be occurring, banks will take extra care to respond in a way that prioritises customer safety, minimises further harm, and reflects a customer-centred approach.

This section provides practical guidance on what banks should do to assist their customers experiencing financial abuse, including:

- collecting and protecting personal information
- making it easy to communicate with the bank, including establishing safe communication methods
- referring customers to support such as government agencies, family violence services, financial counselling, or emergency assistance
- dealing fairly with third-party representatives
- placing protections in the lending process
- assisting customers in financial difficulty, and
- not selling debt in certain circumstances.

The specific extra care measures that are put in place will depend on the needs of the customer, their circumstances, and the capabilities, or options available to the bank. Financial abuse can affect individuals (including small businesses and guarantors) in different ways, and not every measure will be relevant or appropriate in every case.

4.1 Collecting and protecting personal information

Minimise the need to repeat a customer's story

Having customers repeatedly share their experiences of financial abuse can be re-traumatising, stressful, and time-consuming. Banks should aim to create procedures that minimise the need for customers to retell their story, regardless of who they first contact at the bank.[16]

It is important to consider what type of personal information needs to be collected, about a customer so that extra care measures can be offered. There needs to be clear communication to the customer about the purpose for collecting the information and how it will be disclosed. The aim is to collect the minimum level of personal information that would enable the bank to provide the customer with extra care.[17]

For more information, see the ABA's industry guideline *Extra care for customers experiencing vulnerability* – particularly *Section 4 - Creating a record of personal information*.

Examples of minimising information requests

- Allow customers to communicate through a range of channels.
- Ensure there are adequate systems, processes and training in place to manage those customer disclosures about financial abuse.
- Ensure there are escalation pathways to appropriately skilled teams and, where possible, enable 'warm' hand-offs to minimise customers having to repeat their circumstances. Ensure customer contact details are accurate, current and applied consistently across systems.
- Restrict access to sensitive information to employees with a legitimate need.

[16] Customers may make disclosures to the bank through a range of channels, including in person, over the phone, via digital channels or third-party representatives.

[17] Banks must only collect, use and disclose personal information about a customer, including those experiencing vulnerability, in accordance with the 'uses and disclosures' permitted under the *Privacy Act 1988.* If customer information includes sensitive information, it can only be collected, used, or disclosed where the bank has obtained informed consent from the customer or an exception applies. Sensitive information must be held securely and only be accessed by authorised employees.

Safeguard privacy and confidentiality

Maintaining strict confidentiality for customers experiencing financial abuse is critical to their safety. Mishandling their personal information may enable a perpetrator to continue their abuse, or trigger an escalation of harmful behaviour. Given these risks, banks must handle all related data with the highest level of care and security.

Where a customer has disclosed financial abuse, banks should have adequate systems and processes to ensure that a customer's contact information is kept secure and confidential, including from any joint product holders or authorised representatives causing the customer harm. This includes:

- Informing customers about the circumstances and nature of information that will be shared with their joint product holder/s or authorised representatives so they are aware and can plan accordingly.
- Taking steps to prevent the contact information of the customer from being available to the person causing harm in family and domestic violence situations. Banks should work with the customer to identify related accounts, account authorities or products that may inadvertently reveal personal information, such as their children's bank account/s, and take steps to mitigate these risks.
- Communication should only be sent to a customer's agreed digital or postal address. Where a lawful authority is in place (e.g. an enduring power of attorney, financial management order, or guardianship order), the bank should apply contact preferences that reflect the terms of that authority, while maintaining a safe communication channel to the principal / account holder where they retain capacity and it is safe to do so.
- Assisting the customer with the relevant and available protective measures across their products and accounts, and being transparent about capability limitations and / or additional actions required by the customer to protect themselves (e.g. by asking if there are other products, accounts, account authorities, digital tokens, notifications or wallets that need to be amended and, where appropriate, proactively searching for other products or accounts in the customer's name).

Managing jointly held products safely

Where a customer with one, or more, joint products has disclosed financial abuse, banks should engage with each party separately (including separate communication channels and verification) to minimise risk and protect confidentiality. The role of banks is not to mediate disputes between parties, but to prioritise customer safety.

Banks should work with the customer experiencing financial abuse to:

- Review joint account authorities and discuss changes that may help protect funds (for example, requiring all account holders to approve withdrawals, or placing a hold on the account). Clearly explain any impacts on the customer's access to funds. If the bank intends to notify the other account holder of a change in operating instructions, it should have processes in place to ensure the disclosure is made safely including informing the customer to ensure they have in place any necessary safeguards and to confirm whether this is appropriate.
- Banks should consider the victim-survivor's financial position (e.g. do they have their own sole accounts, where are their salary credits / income being directed), and consider opportunities to support financial independence for the victim-survivor.
- Explore ways to permit the customer experiencing abuse to exit the joint account, where feasible for that product (e.g. close the account without consent from the other joint account holder or convert the account to a sole account in the other person's name without their consent). Note, a key consideration will be whether the victim-survivor forfeits the funds in the joint account.
- Review correspondence settings and statement delivery for joint products to reduce inadvertent disclosure, for example separate delivery where possible and safe, and ensuring name changes are not printed on mailing information. Review whether their online banking login credentials should be reset in case the other party has access via a saved password or registered device.
- 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.

- Improve safety by reviewing digital banking channel settings including notification settings for jointly held products.
- Where a victim-survivor is the primary credit card holder, explain liability clearly and sensitively and that safety controls can be put in place (e.g. cancel the secondary card, reset credentials, review of disputed transactions, reviewing digital / online wallets, and replacement cards) and discuss tailored solutions before communicating liability.
- Encourage customers to seek independent legal or financial advice, or financial counselling, regarding the options available to them and provide external referrals where appropriate (e.g. financial counselling and legal aid services).

Examples of safeguarding customer information for joint products

- Ensure account authorities are correct at onboarding, for example, one to sign or two to sign arrangements.
- Use separate emails and postal addresses for each joint product holder.
- Ensure account and customer details are accurate, up-to-date, complete and relevant every time you speak to a customer experiencing financial abuse. This includes maintaining all databases that contain contact information for products terms and conditions updates and any marketing materials.
- Let customers know what options are available to manage data sharing via Open Banking for joint accounts including disabling data sharing for joint accounts.
- Consider facilitating customer level addresses for receipt of notices and account statements, rather than asking for an account level address only.

Spotlight: Helping with disputes

Some customers experiencing financial abuse may require further information on how to dispute transactions. For example, this may be relevant to situations where a customer was coerced into making a transaction, where they did not receive a benefit from the transaction, or where the transaction was made by the person causing harm without their knowledge or consent. Banks should escalate these issues quickly to their relevant internal dispute team.

If the relevant parties hold joint accounts or products, banks may also take action to preserve funds while a dispute is being investigated. In doing so, banks should consider each case individually having regard to customer safety, the amount of funds at risk, the customer's access to other sources of funds and whether the customer can meet day-to-day living expenses without needing the other customer's consent. Such steps can help safeguard joint assets until the account holders are able to resolve their dispute (e.g. through the Federal Circuit and Family Court or other forum).

4.2 Make it easy to communicate

Let customers know help is available

Letting customers know they can ask for assistance, and what support is available, makes it more likely they will seek help when they need it. Banks should clearly explain how customers can request assistance and what to expect from the process.

Banks can also play a preventative role by educating customers about financial abuse and informing them about the options available to customers to put in place arrangements to manage their finances.

Examples of making customers aware of assistance

- Promote the extra care support that is available on the bank's websites, via telephone messaging, on statements or through information campaigns including in-branch marketing materials.
- Use case studies to show how the bank can help, including acknowledging common fears or concerns customers have about sharing information.

- Make information about financial hardship assistance inclusive and accessible, including how customers can request that assistance through a range of channels.
- Encourage customers that have missed a payment to tell the bank about their circumstances.
- Provide information about the implications of joint loans, guarantees and joint accounts at key stages – for example, at the point a joint loan or joint account is opened, the bank could explain in plain language that each borrower may be liable for the full debt, how the account can be operated, and what a customer can do later if they want separate communications or safer account arrangements.
- Provide appropriate guidance, including referrals to external services (where appropriate), to help customers maintain or regain control of their finances.

Safe communication practices and techniques

Banks should identify safe ways to communicate with a customer experiencing financial abuse. This could include contacting the customer at safe times and in accordance with their preferences (e.g. when the person causing the harm is not present via the customer's nominated safe contact method). These preferences should be clearly recorded on the customer's profile and visible to all relevant staff to support consistently safe handling. What is safe can change over time. Where practical, banks should continue to confirm the customer's preferences at each contact and update records accordingly.

Note: The following are intended to be examples only.

Examples of safe communication practices

- Do not require the customer to directly contact the person causing harm, even if they are a joint-borrower or account holder.
- Discuss and record safe contact preferences, including contact methods, safe contact details and safe contact times. This includes leaving voicemails or sending an SMS text message.
- Verify these safe contact preferences at each interaction where possible.
- Quick exit button on webpages providing information on financial abuse and support for customers.

Examples of safe communication techniques

- Make information available on a range of options to contact the bank.
- Promote and proactively offer the availability of free interpreter services, including by publishing information about interpreters on key banking pages.
- Provide the ability for customers to supply supporting information through non-digital methods where possible and practicable, such as in person (e.g. in a branch), over the phone or by mail.
- Provide support information in plain language and easy English.
- Support frontline staff to give additional time to support customers who are distressed or experiencing vulnerability, noting it may take longer to explain option.
- Promote and proactively offer referrals to consumers for free, independent, culturally appropriate support services.

Stay in contact

Banks have committed under the Banking Code to improve inclusivity and accessibility for their customers.[18] It is important to work with customers that have difficulty using standard contact methods. Where appropriate and practicable, banks should organise and refer customers to appropriate external support services free of charge. These external support services may include but is not limited to,

[18] Banking Code, Part B1, paragraph 45.

interpreter or communication services (e.g. Translator & Interpreter Services or National Relay Services), and culturally appropriate services such as First Nations support services or Aboriginal and Torres Strait Islander Legal Services.[19]

Spotlight: Financial abuse in Aboriginal and Torres Strait communities[20]

In some Aboriginal and Torres Strait Islander communities, cultural practices emphasise the concept of collective responsibility and the sharing of resources within family and community networks. These practices exist alongside, and may differ from, dominant Western financial systems that prioritise individual financial autonomy.

Financial abuse may arise where expectations to share financial resources become coercive, exploitative, or are not reciprocated.

Examples of financial abuse as unreciprocated resource sharing include:

- Not contributing to household costs while living with other family members (e.g. utilities, food, and other shared expenses).
- Asking someone for money or other resources (e.g. use of car, food, etc) where the money is not returned, or the sharing is not reciprocated, particularly where one person has fewer resources.
- Withdrawing money from a family member's account with or without their permission (including after obtaining their PIN or via technology-facilitated abuse such as accessing online banking).
- Pressuring someone to co-sign for a loan, without them benefitting or having the means to repay the loan and then not contributing to repayments.
- Forging someone's signature to obtain credit or income.
- Stealing cash or items of value.

Note in recent years, some Aboriginal and Torres Strait Islander people have received government redress payments (e.g. the Territories Stolen Generations Redress Scheme). This can place the recipient at an increased risk of financial abuse. Banks should take extra care and, where appropriate, monitor for indicators of potential financial abuse.

Case study

Margaret, a 62-year-old Aboriginal elder, attended her local bank branch to withdraw money and was distressed to learn the account was empty. She told a bank employee that her grandson had access to her debit card and PIN, and that she suspected that he had withdrawn 'too much' money and left her unable to cover her own bills and expenses.

The bank employee responded in a culturally respectful way, recognising Margaret's family obligations and supporting her decision-making. The bank worked with Margaret to implement practical protective measures, starting by understanding why her grandson had access to her card, emphasising the importance of always keeping personal information safe.

Based on her needs, the bank reset her account security and PIN and assisted her to set up direct bill payments (reducing the need for card access). Margaret decided to establish a separate account with appropriate authorities that was shared with her grandson. She set up a recurring monthly transfer to that account based on an amount she felt was comfortable and sustainable to share.

This approach helped Margaret regain control over her finances while maintaining her dignity and family relationships. It also helped her to meet her basic needs while still participating in cultural values of reciprocal sharing in a way that was safer and more sustainable for her circumstances.

[19] Banking Code, Part B1, paragraph 46.
[20] *A path forward for First Nations People experiencing Financial Abuse*, ICAN Learn, 21 May 2025. Available at: https://ican.org.au/wp-content/uploads/2025/03/First-Nations-Financial-Abuse-Report.pdf.

4.3 Refer customers to support

Provide specially trained teams

Banks should have specialised teams or designated specialists with expertise in supporting customers affected by financial abuse. Clear and accessible internal referral pathways should ensure customer-facing employees know when and how to refer a customer for specialist support. This is particularly important for roles including frontline servicing, complaints handling, fraud and investigations, and financial difficulty and collections.

Frontline training should be trauma informed and aim to equip employees to respond safely to disclosures and indicators of financial abuse. For example, employees should understand that victim-survivors may share information in a disjointed way, may not provide all relevant context immediately, and may need an initial safety discussion.

Once a customer has been referred to a specialised team or employee, customers should be encouraged to keep in contact, particularly if their personal circumstances or financial situation changes. Banks should seek to keep the customer updated with the details of any extra care measures put in place to support them.

Emergencies can exacerbate financial abuse
Regional or national emergencies (e.g. natural disasters, economic or financial crises and pandemics) can exacerbate existing financial abuse or trigger new instances of abuse. Research indicates that family and domestic violence, and violence against women, increase following climate-related events and other disasters.[21] In the aftermath of emergencies, people are grappling with trauma and extreme stress. During disaster recovery and reconstruction people face issues like homelessness and unemployment. Some individuals may adopt harmful coping mechanisms, such as substance misuse. The disruption of an emergency can increase contact between family members, forcing people to live together in cramped conditions. This can raise tensions and increase the risk of violence and financial abuse.

Refer to external supports

It is recognised that financial abuse can have significant impacts that cannot always be solved by the bank. Where possible, banks should attempt to identify the customer's need and consider referrals to external support services so the customer can access holistic support including:

- financial counselling services,
- legal assistance services, including community legal centres or legal aid,
- specialist family and domestic violence services,
- culturally appropriate support services (e.g. Aboriginal and Torres Strait Islander financial counselling, legal and family and domestic violence support services),
- safeguarding authorities, or
- prevention services for older people experiencing abuse.

Banks should seek the customer's consent before sharing their details with external services noting obtaining informed consent may be difficult in some circumstances, such as where the customer may have limited decision-making capacity, or where there is a risk of significant influence from the person causing harm.

Banks should follow applicable internal policies and take a safety-focused approach.

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[21] *Understanding the link between climate disasters and gendered violence*, Respect Victoria, 29 January 2025. Available at: https://www.respectvictoria.vic.gov.au/news/understanding-link-between-climate-disasters-and-gendered-violence.

Reporting suspected abuse

Where appropriate and possible, banks should seek the customer's informed consent before reporting suspected abuse to the police or an adult safeguarding authority. Banks should take a victim centred approach by considering safety risks that may arise from a report and by discussing reporting options with the customer in a way that supports their independence of choice. Banks should not ordinarily require a customer to make a report themselves, as this may increase risk or place the customer in a difficult position.

In some circumstances, it may be appropriate or necessary (subject to applicable laws) for a report to be made without obtaining the customer's consent (e.g. if the customer does not have sufficient cognitive capacity and their attorney is suspected of financial abuse). To the extent permissible under law, banks should consider any potential safety risks the person experiencing abuse could face due to a report being made.

Banks should have clear, documented procedures and processes in place to govern these decisions, documenting the legal basis and rationale and ensuring safe contact settings are not overridden. For example:

- If there is an immediate or serious risk to the health or life of the customer, their family members or bank employees, it may be appropriate for the bank to alert police. Note that this does not ordinarily include a threat to the individual's finances.
- If there is a concern or suspicion that an individual holding an enduring power of attorney may not be acting in the interests of the principal, seek advice from the relevant safeguarding authority in the relevant State or Territory, subject to privacy obligations (see *Appendix 2 – Adult Safeguarding bodies, including Offices of the Public Advocates, Public Guardians and State Administrative Tribunals*).

4.4 Deal fairly with third-party representatives

Some customers may need additional support or may rely on others to assist them with making some decisions. Where possible, banks should provide straightforward options to enable customers with capacity to enable an authorised third-party who will provide the customer with appropriate support, while maintaining clear, documented safeguards to mitigate the risk of financial abuse.[22]

Common types of third-party representatives include financial counsellors, legal aid or community lawyers, Aboriginal and Torres Strait Islander legal services, paid legal or financial representatives, authorised third-parties, attorneys appointed under a general or enduring powers of attorney, and court-appointed administrators.

General and enduring powers of attorney and administrators

General (POA) and enduring (EPOA) powers of attorney, and administration orders are important tools for protecting a customer's financial circumstances. However, banks need to be alert to the fact that some attorneys may misuse this power, either inadvertently or deliberately. When a POA or EPOA is initially established, banks should ensure that the instrument is verified in accordance with internal policies and legal requirements, and identify the attorney and / or administrator to confirm they are properly authorised to act for the customer. The bank should then implement the authority in accordance with the scope of the instrument, jurisdictional requirements, and record the details against the principal's accounts.

Potential misuse of a POA or EPOA may be indicative where an attorney appears to act outside the scope of authority or not in the principal's interests (e.g. transactions that primarily benefit the attorney, unexplained withdrawals, refusal to support the principal's needs, or conduct that prevents safe contact with the principal, subject to the principal having capacity).

Where a bank suspects financial abuse, it should not proceed with a loan or transaction without first making further enquiries, where it is safe to do so. This may include referral to a specialised team for investigation and appropriate response. Responses should be managed by staff who are trained

[22] Banking Code, Part B2, paragraph 54(c).

including in the safe handling of personal information and available referral pathways relevant to financial abuse circumstances, including external bodies where necessary (e.g. adult safeguarding authorities – see *Appendix 2 – Adult Safeguarding bodies, including Offices of the Public Advocates, Public Guardians and State Administrative Tribunals*).

For more information, see the ABA's industry guideline on *Responding to requests from a power of attorney or court-appointed administrator*.

Case study

Rahul and Riya are siblings who were appointed by their mother Shreta as her joint attorneys under an EPOA. Shreta's capacity recently declined to the point where the siblings have invoked their powers under the EPOA to make joint financial decisions for Shreta as her attorneys. Rahul and Riya notified the bank of Shreta's change in circumstances and their appointment as attorneys. The bank verified the EPOA document, including that loss of capacity was formally evidenced by a medical practitioner, and undertook KYC verification of Rahul and Riya as they were to act as joint attorneys.

Rahul and Riya later requested to transfer and divide $300,000 from Shreta's business bank account into their personal bank accounts. The relationship manager recognised the warning signs (the size and irregularity of the transaction combined with Shreta's circumstances), and escalated the matter to a specialist team for review. A temporary hold was placed on the account while the review progressed.

A member of the specialist team contacted Rahul and Riya to provide them information about the role of an attorney, their obligations and an attorney's duty to act in the principal's interests. Rahul and Riya advised that they made the transaction to pay the bills for their mother's care. The specialist team provided Rahul and Riya with an alternative option of presenting invoices to the bank to be paid on behalf of the principal, rather than transferring funds to their personal accounts. Raghul and Riya agreed to this process moving forward.

Signs that an attorney or administrator may not be acting in the principal's interests include:

- transactions that do not appear to benefit the principal, such as overseas travel or purchases of luxury goods
- gambling or high-risk transactions (e.g. risky investments or crypto transactions)
- changes to the operation of the account or unusual activity following appointment, a transfer of funds out of the customer's account into an attorney or administrator's personal accounts (e.g. a payment explained as a "gift mum would have wanted" for the attorney)
- payments for renovations to the principal's home which do not appear to be to make it more comfortable or accessible for them or where the customer is in aged care, (e.g. large extensions when the attorney or administrator is living there or will inherit the home)
- **in-branch**, this can present as an attorney attempting to withdraw or transfer large sums urgently while preventing staff from speaking to the principal / account holder, refusing to provide basic supporting information, or showing unusual agitation when asked routine questions (in these cases, branch staff should pause the transaction where appropriate and escalate to a specialist team for safe review).

Helping older customers to manage their finances

Bank employees should not presume a customer lacks the ability to make decisions about their finances just because they are older. However, even with the capacity to make their own decisions, some older customers may benefit from support in conducting their banking and communicating decisions about their finances.

In these situations, banks may be able help older customers with:

- supporting the everyday management of their finances and alerting them to relevant support and services. For example, transaction notifications, setting up autopay for bills, blocks on overseas transactions, 'two to sign' arrangements or pre-set digital and card limits.

- offering secure options for a third-party authorised to carry out banking functions on their behalf in certain circumstances, such as if they are in aged care or have limited mobility.

Examples of good practice

- Train relevant employees to be aware of an attorney or administrator's authority noting the laws around powers of attorney and administration are different in each State and / or Territory.
- Provide information to attorneys and administrators to help them understand their roles and responsibilities.
- Put in place clear, consistent and well-documented policies and procedures for handling requests from attorneys and administrators, consistent with the relevant instrument and legislation.
- Maintain records of incidents and disputes, the steps taken to resolve them, and final outcomes.

Bank issued third-party authorities

Banks can offer third-party authorities which allow a trusted person, such as a family member or professional, to assist with a customer's everyday banking. These types of authorities can be an option available to customers that require assistance managing their day-to-day banking transactions while retaining their independence in making their own financial decisions.

Banks should help customers understand the risks associated with third-party access when they set up an authority and encourage them to seek independent advice from a trusted adviser before agreeing to an authority. Customers should be able to revoke an existing authority at any time.

When a bank receives an authority request form, it should take reasonable steps to ensure that the authority has not been obtained fraudulently or under duress. For example, the bank should have procedures in place to confirm the authority with the account holder separately from the third-party and verify that the customer has the capacity to understand the scope and any limitations of the authority.

Banks should have processes in place to periodically prompt customers to inquire if their existing authority to operate needs updating or changing (e.g. they may have been established some time ago or circumstances have changed).

Examples of good practice management of bank issued third-party authorities

- Help the customer understand the purpose and potential risks of using a third-party authority.
- Offer different levels of authority (e.g. read-only access, transaction limits).
- Provide options for dedicated card or PIN for the third-party user and put in place monitoring across the account.
- Put processes in place to periodically prompt customers to review and update their existing third-party authority forms, especially if they were established some time ago.
- Continue to provide account information to the account holder, to ensure oversight and allow them to participate in decision-making.
- Verify approved third-party authorities and ensure they are visible to, and enacted by, relevant teams, including teams that deal with financial hardship assistance.
- Review whether third-party authorities should be removed if later, a different representative is appointed, for example, an attorney or financial manager.

Financial counsellors, legal aid and community lawyers

Where appropriate, banks should make it as simple as possible for a customer experiencing vulnerability to appoint a qualified third-party representative, such as a financial counsellor or lawyer, to deal with the bank on their behalf. A signed authority for a registered financial counsellor or lawyer (which may include a community or legal aid lawyer) to act on the customer's behalf should be considered an acceptable and adequate authority for the bank to liaise with the authorised third-party on behalf of the customer.

All banks should accept the industry standardised Financial Counselling Australia authorisation form. Banks should also consider signing up to the Financial Counselling Australia portal to easily verify if a nominated financial counsellor is a registered financial counsellor.

If a bank reasonably believes a third-party representative is not acting in the customer's best interests, it should follow a clear escalation process. This may include verifying the representative's authority, arranging to speak with the customer directly (using safe contact methods and times, where relevant), and suggesting free, independent alternatives (such as a registered financial counsellor or legal aid/community legal centre). Banks should document the reasons for any decision to deal with the customer directly and take a safety-focused approach to avoid increasing risk for the customer.

4.5 Place protections in the lending process

Banks can help limit the potential impact of financial abuse by responding to warning signs of undue influence or coercive control at the time of lending. Early identification and intervention may help prevent further harm.

The Banking Code requires lenders to exercise the care and skill of a diligent and prudent banker when considering lending to an individual or small business.[23] Banks should make all reasonable efforts to ensure all borrowers and guarantors understand:

- their liabilities, rights, and obligations under the arrangement, and
- the different signing options on the account, what each option means, and what the bank can do if they want to change it later.

Under the Banking Code, banks will not approve an application for a loan, or an increase to a loan limit, in circumstances where a borrower or co-borrower applies in their personal capacity but will not receive a substantial benefit from the loan, unless the bank has taken reasonable steps to ensure the borrower or co-borrower understands the risks of the loan, has taken into account why they want the loan, and the bank is satisfied they are not experiencing financial abuse.[24]

Where a bank suspects that financial abuse may be occurring, it should make further enquiries when it is safe to do so. Bank employees may present this request as standard practice or follow up with the customer later to avoid raising suspicion and putting the customer at risk. Banks should also avoid contacting or questioning the suspected perpetrator during the lending process if doing so could endanger the victim-survivor.

Where there is evidence of lending under coercion, unconscionable conduct, or other breaches, the bank should review the lending decision. This review should consider the internal policies and external regulations and laws at the time the credit decision was made. If the review finds the bank was or should have been aware of financial abuse at the time of lending, it should consider appropriate remedies on a case-by-case basis.

Examples of awareness of lending product arrangements

- Consider proactive measures to ensure that, over time, customers remain aware of their arrangements. For example, where possible, by providing visibility of whether drawdowns may be made on the account, whether one or more co-borrowers are required to approve transactions, how to change the two-to-sign and how that works, and how to get account statements and correspondence separately.

4.6 Assist customers in financial difficulty

Financial abuse and financial difficulty are closely linked. Financial abuse is a common tactic used to maintain control in a relationship, including restricting access to funds, sabotaging employment opportunities, or creating joint debts that trap victim-survivors. People experiencing family and domestic violence may also face significant economic challenges when leaving their relationship.

[23] Banking Code, Part B4, paragraph 67 and Part B5, paragraph 77.
[24] Banking Code, Part B4, paragraph 69-72.

The Banking Code outlines that, with the customer's cooperation, a bank will work with them to help find a sustainable solution to their financial difficulties. In the context of financial abuse, support should be tailored to the customer's individual circumstances and provided on a case-by-case basis including reasonable consideration of indicators of coerced debt.[25]

In certain circumstances, it may be appropriate for the bank to not enforce the guarantee partly or wholly where the customer experienced financial abuse; for example, if the borrower or guarantor was coerced, received limited or no substantial benefit, or was unaware of the debt.

For more information, see the ABA's industry guideline on *Banks' financial difficulty programs*.

Case study

Mary held a home loan, jointly, with her husband Eric. She worked as a receptionist at a doctor's surgery three days a week, which she balanced with caring for their two young children. Eric was the owner of a small business that provided plumbing services in the local area.

Eric perpetrated domestic violence against Mary in various forms, including financial abuse. He forced Mary to sign documents without giving her the opportunity to read them or seek advice. As a result, Mary became a director of the plumbing company which he controlled and signed personal guarantees for a commercial loan with a non-bank lender.

When Mary and Eric split up, Eric moved out of the family home while details of their separation were being considered in the Family Court. Mary was able to meet the mortgage repayments by returning to work full time and getting child-care support from her parents.

Mary became aware that the business had become insolvent when she started receiving calls from a debt collector, as well as a letter from the ATO regarding unpaid tax and director penalties. Mary was pursued for over $1 million in debt. She started paying regular amounts to the debt collector because the phone calls were very persistent. Mary also engaged the services of a lawyer to help her challenge the debts. As a result of these additional costs, Mary was no longer able to afford her home loan repayments and fell into arrears.

When the bank contacted Mary to discuss her outstanding payments, she disclosed her experience of family violence for the first time. The bank provided Mary with a referral to the Small Business Debt Helpline, as well as Good Shepherd's Financial Independence Hub. The bank also worked with Mary to put in place a sustainable payment arrangement on her mortgage, which involved Mary making lower repayments for a period while she sorted out her financial situation. In addition, the bank assisted Mary to make changes to her other banking products and services to ensure they were secure and appropriate for her needs.

Customers experiencing financial abuse will be under significant stress, may provide fragmented information or struggle to explain their situation clearly, feel uncertainty and anxiety about their financial situation or other circumstances. They may not have complete understanding or awareness of their financial obligations. Their situation may make it difficult for them to navigate a complex, multi-step or evidentiary process to obtain assistance.

It is also important to recognise that, in many cases, customers may require a longer-term arrangement if they are separating joint debts or assets. Where a customer's circumstances indicate that a short-term solution will not help them overcome their financial difficulty, but a longer-term solution may be effective, a longer-term solution should be considered.

The suitability of longer-term arrangements should be assessed on a case-by-case basis, with a focus on whether the arrangement is likely to lead to a sustainable and improved outcome for the customer. Longer-term arrangements can, in some cases, provide stability and help customers rebuild financial independence. In other cases, longer-term arrangements can contribute to erosion of equity or result in shortfall positions, which may ultimately worsen the customer's financial position.

[25] Banking Code, Part D1, paragraph 175.

Examples of assisting customers in financial difficulty

- Ensure customers who are likely to require long-term hardship arrangements are referred to specialist teams that have the authority to make such decisions.
- Confirm that policies for financial difficulty or hardship matters involving joint borrowers are clear to employees. Banks should ensure processes allow assisting one borrower without initially involving the other, while noting when consent may later be required.[26] Reluctance to involve a co-borrower may be a warning sign of family or domestic violence.
- Have a policy on supporting documentation that expressly contemplates circumstances under which documentation requirements may be limited or waived. Banks should only request information that is relevant to assessing the customer's ability to meet their financial obligations. Formal evidence such as intervention orders should never be requested as a condition of providing support once the bank is on notice of financial abuse.
- Expedite consideration of hardship requests when financial abuse is disclosed where appropriate, understanding that customers experiencing financial abuse will often benefit from a response sooner than the standard 21-day response timeframe.
- Maintain heightened awareness of attempts by the person causing harm to delay the provision of hardship assistance.
- Advise customers of free alternatives to using debt management firms, for example the National Debt Helpline, Mob Strong Debt Help, community legal centres, financial counsellors or Way Forward Debt Solutions[27].
- Have simple document request processes in place, that might include an online request process or an email address to send requests to.

Credit reporting

Financial abuse can have significant consequences for a customer's credit report, and may affect their ability to re-establish financial independence. Where a bank is aware a customer was coerced or fraudulently placed in debt or is experiencing hardship as a result of financial abuse, it should inform the customer of their credit reporting options and support them to choose the safest course of action. Any approach should be discussed with the customer and tailored to their circumstances.

It can be a tactic of a perpetrator to apply for multiple sources of credit in the victim-survivor's name, and consequently impact the victim-survivor's credit score. When a bank becomes aware of fraudulent enquiries, they should remove those enquiries.

Note: The Australia Retail Credit Association (ARCA) will publish its *Best Practice Principles on Domestic Abuse and Credit* on 5 August 2026. ABA encourages banks to refer to ARCA's guidance when published.

4.7 Do not on-sell debt in certain circumstances

Banks will not sell debt to a third-party when they are made aware a customer is experiencing vulnerability, including financial abuse, and:

- the bank is of the view that the vulnerability is likely to be ongoing; and
- there is no reasonable prospect of the debt being recovered.[28]

Selling debt in these circumstances could increase harm and reduce the customer's ability to resolve their financial situation safely.

[26] Banking Code, Part C1, paragraph 149.
[27] For more information on *Way Forward - Free Debt Solutions*, see: https://wayforward.org.au.
[28] Banking Code, Part D1, paragraph 190.

Where a bank becomes aware of financial abuse after a sale, it should work with the debt buyer to agree appropriate next steps to minimise harm; where recall is available under contractual arrangements, banks may consider recall as one possible option, but it should not be presented as the default or the only pathway to achieving a safe customer outcome.

For more information, see the ABA's industry guideline on *Banks' financial difficulty programs* (see Appendix 3 - Industry Guideline: Sale of unsecured debt) and the ACCC's and ASIC's *Debt Collection Guideline: For Collectors and Creditors*[29].

5. Measuring and reviewing outcomes

Banks should have mechanisms in place to assess whether extra care is being provided to those experiencing financial abuse, for example, quality assurance and monitoring customer experience and outcomes. Information should be provided to senior management to assist their oversight.

Examples of continual improvement

- Embed a strong focus on customer vulnerability, equity and outcomes in the purpose and key performance indicators for the specialist teams and managers.
- Monitor whether staff are correctly identifying, recording and referring disclosures of financial abuse. For example, conducting routine and targeted quality assurance reviews to verify that frontline employees are supporting customers in a timely manner. Samples reviewed may include customer phone calls, emails, chats and letters.
- Monitor operational performance to ensure there is adequate resourcing for the specialist assistance functions and have in place a plan for responding to increased volumes of requests for assistance (e.g. during natural disasters or other emergencies).
- Conduct testing and monitoring of the use of, and outcomes experienced by customers engaging with the bank's online channels, including reviewing customer needs disclosed in internal systems and the appropriateness of the bank's response.
- Review processes and policies to confirm the bank is treating customers fairly who are experiencing financial abuse, including by conducting thematic and data-driven reviews.
- Review customer complaint information to identify how banking products and systems can be improved to address process and control weaknesses to prevent recurrence
- Ensure a process that allows frontline employees to escalate complex or sensitive customer cases with senior decision-maker input and guidance.

5

[29] Available at: https://www.asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-96-debt-collection-guideline-for-collectors-and-creditors.

Appendix 1 – Legal protections

The following summarises a few of the key safeguards available under the law from a banking perspective. It is not intended to be exhaustive.

Intervention orders

An intervention order is issued under State or Territory law to protect individuals from domestic or personal violence. These civil orders do not count as criminal offences, which means the person causing harm will not have a criminal record. The court can issue an order to prevent contact with a protected person or allow contact but prohibit abuse and violence. Breaching any conditions of the order, such as violence or forbidden contact, is a crime and can lead to a Court appearance and potential criminal conviction.

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

Jurisdiction	Instrument	Relevant legislation
Australian Capital Territory	Family Violence Order	*Family Violence Act 2016*
New South Wales	Apprehended Domestic Violence Orders	*Crimes (Domestic and Personal Violence) Act 2007*
Northern Territory	Domestic Violence Order	*Domestic and Family Violence Act 2007*
Queensland	Domestic Violence Order	*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	Family Violence Intervention Order	*Family Violence Protection Act 2008*
Western Australia	Family Violence Restraining Order	*Restraining Orders Act 1997*

Coercive control legislation

Jurisdiction	Requirement	Relevant legislation
New South Wales	It is an offence for an adult to engage in a course of abusive behaviours[30] intended to coerce or control the other person.[31] Key elements to establish the offence of coercive control include: 1) the accused is an adult who engaged in conduct that was repeated or continuous; 2) the course of conduct constituted “abusive behaviour”; 3) the accused intended to coerce or control the other person; 4) a reasonable person would consider the course of conduct likely to cause fear of violence or serious adverse impact on the other person’s ability to carry out some or all of their ordinary daily activities; and 5) the course of conduct was directed at a current or former intimate partner.	*Crimes Act 1900*

[30] Section 54F defines “abusive behaviour” as acts involving violence, threats or intimidation; or coercion and control. Section 54F(2) provides a non-exhaustive list of examples, such as behaviour that is degrading, humiliating, harassing, monitoring, isolating, or otherwise harmful.
[31] Section 54D.

Queensland	Section 334C provides a coercive control offence, where an adult in a domestic relationship commits an offence by engaging in a course of conduct intended to coerce or control the other person. This includes patterns of physical or non-physical behaviour used to control, harm, humiliate, isolate, frighten, threaten, or coerce the other person. Key elements to establish the offence of coercive control include: 1) The respondent is in a relevant relationship with the other person; 2) The respondent engages in a course of conduct against the other person that consists of domestic violence occurring on more than one occasion; 3) The respondent intends to coerce or control the other person; and 4) The course of conduct would, in all the circumstances, be reasonably likely to cause the other person harm.	*Criminal Code 1899*
South Australia	In September 2025, the South Australian Government passed legislation to criminalise coercive control. The *Criminal Law Consolidation Act 1935* will now include the act of “coercive control of a person with whom the defendant is, or has been, in a relationship”. However, commencement and implementation will not come into place until sometime in 2027.	*Criminal Law Consolidation Act 1935*

Appendix 2 – Adult Safeguarding bodies, including Offices of the Public Advocates, Public Guardians and State Administrative Tribunals

Jurisdiction	Services	Function	Powers
Australian Capital Territory	ACT Human Rights Commission[32]	Empowered under the *Human Rights Commission Act 2005* (ACT) to promote the human rights and welfare in the ACT by resolving complaints, providing oversight and advocacy through the Commissioner and advancing human rights across the community.[33]	• The Commission can consider complaints about discrimination and certain service-related issues, including in the provision of goods and services such as banking.[34] • The Commission can arrange and conciliate complaints to help the parties resolve the matter.[35] • The Commission has the power to ask for information, documents or other things relevant to a complaint from a person.[36] For banks, this can lead to notices about complaints, conciliation processes, requests for information, and recommendations or agreed undertakings to resolve accessibility, discrimination, or vulnerability issues.[37] • If the Commission believes, on reasonable grounds, that someone can provide information relevant to a consideration in relation to a complaint, they have the power to require their attendance. [38] • If a complaint is not resolved, the Commission can refer it to the ACT Civil and Administrative Tribunal. [39] • The Commission can close complaints.[40] • The Commission can make recommendations which an individual or organisation is expected to follow. For banks, this could be recommendations or agreed undertakings to resolve accessibility, discrimination, or vulnerability issues.[41]

[32] https://www.hrc.act.gov.au/ | T: 02 6205 2222.
[33] *Human Rights Commission Act 2005* (ACT), s 6.
[34] *Human Rights Commission Act 2005* (ACT), s 48; ACT Human Rights Commission, Complaint process for discrimination.
[35] *Human Rights Commission Act 2005* (ACT), s 51.
[36] *Human Rights Commission Act 2005* (ACT), s 73.
[37] For more information, see: https://www.hrc.act.gov.au/complaints/information-for-people-responding-to-complaints.
[38] *Human Rights Commission Act 2005* (ACT), s 74.
[39] *Human Rights Commission Act 2005* (ACT), s 53A.
[40] *Human Rights Commission Act 2005* (ACT), s 78.
[41] *Human Rights Commission Act 2005* (ACT), s 85.

Jurisdiction	Services	Function	Powers
	ACT Civil and Administrative Tribunal[42]	An independent body authorised under the *ACT Civil and Administrative Tribunal Act 2008* (ACT) to provide a forum for the determination of a wide range of civil disputes.[43]	• The ACAT can hear civil disputes up to $25,000.[44] It holds the same jurisdiction and powers as the Magistrates Court (i.e. Local Court).[45] Common civil matters include guardianship and financial management matters, including appointing guardians/administrators and making orders that can affect who is authorised to operate a customer's accounts. Banks may be served with orders, directions, or subpoenas, and must adjust account mandates, freeze or redirect access, and share customer records consistent with tribunal orders and applicable privacy laws. • The ACAT can hear appeals on an original decision on a question of fact or law. An appeal must be lodged within 28 days after the decision was made.[46] ACAT's guardianships orders do not expire but are continually reviewed at least once every three years and can be reviewed or appealed if the situation changes.[47] If an original guardianship decision is overturned or modified, the bank must adjust its actions accordingly.

[42] www.acat.act.gov.au/ | T: 02 6207 1740.
[43] *ACT Civil and Administrative Tribunal Act 2008* (ACT), s 6.
[44] *ACT Civil and Administrative Tribunal Act 2008* (ACT), ss 18, 20, 21.
[45] *ACT Civil and Administrative Tribunal Act 2008* (ACT), s 22.
[46] For more information, see: https://www.acat.act.gov.au/decisions2/appeal-an-acat-decision.
[47] For more information, see: https://www.acat.act.gov.au/case-types/guardianship-and-management-of-property-cases/review-and-appeals.

Jurisdiction	Services	Function	Powers
New South Wales	NSW Ageing & Disability Commission[48]	An independent government agency authorised under the *Ageing and Disability Commissioner Act 2019* (NSW), to protect and promote the rights of older people and adults living with disability to live free from abuse, neglect and exploitation.[49]	• The Commission receives and investigates reports of suspected or actual abuse, neglect or exploitation of older people and adults living with disability.[50] • The Commission can require any person to attend a meeting or produce documents that are relevant to the investigation. It is an offence to fail to comply, give false or misleading information, or to alter/suppress required documents. For banks, this means compulsory notices for information may be issued, and internal processes should be in place to promptly identify, escalate, and respond to such requests. • The Commission may conduct a public inquiry where necessary, with the Commissioner granted the same powers, protections, and immunities as a Royal Commission. This includes the ability to summon witnesses, compel answers, and require the production of documents.[51] Banks should be ready to respond to such inquiries, ensuring compliance with summons. Legislation permits 'good faith' disclosures' from entities like financial services providers.[52]
	Public Guardian[53]	A division of NSW Trustee and Guardian, promotes the rights of people with	• If a person lacks decision-making capacity, has not appointed an enduring guardian and has no suitable family member, friend, or carer is available, NCAT may appoint the Public

[48] https://www.ageingdisabilitycommission.nsw.gov.au | T: 1800 628 221.
[49] *Ageing and Disability Commissioner Act 2019* (NSW), s 4.
[50] *Ageing and Disability Commissioner Act 2019* (NSW), s 13.
[51] *Ageing and Disability Commissioner Act 2019* (NSW), s 19.
[52] *Ageing and Disability Commissioner Act 2019* (NSW), s 15.
[53] https://www.nsw.gov.au/legal-and-justice/financial-management-and-guardianship-orders/guardianship-orders/public-guardian-my-guardian | T: 1300 361 389.

Jurisdiction	Services	Function	Powers
		disabilities through guardianship, advocacy, and education.[54]	Guardian to make healthcare, lifestyle, and medical decisions on their behalf.[55] • The Public Guardian does not make financial decisions for a person under guardianship. Banks may be contacted for information or coordination when the Public Guardian is involved alongside a financial manager (commonly NSW Trustee & Guardian or a private manager) appointed by NCAT or the Supreme Court.
	NSW Civil and Administrative Tribunal (NCAT)[56]	A tribunal that hears and decides a range of civil and administrative cases in New South Wales.[57] It has a broad range of cases.	• The Guardianship Division can appoint guardians and financial managers, review existing orders, and give directions. For banks, NCAT orders determine who can give binding account instructions, access statements, and receive funds on a customer's behalf. Banks may be required to provide documents, adjust authority arrangements, and comply with subpoenas or summons.
Northern Territory	Public Guardian and Trustee[58]	An independent statutory office in the Northern Territory established under the *Guardianship of Adults Act 2016* (NT) and *Public Trustee Act 1979* (NT).[59] Its core role is to promote and protect the rights, will, and preferences of adults with impaired decision-making capacity.	• If a person lacks decision-making capacity, the Northern Territory Civil and Administrative Tribunal (NTCAT) can appoint the Public Guardian to manage personal matters and the Public Trustee to manage financial matters.[60] • The Public Trustee manages and protects the financial interests of individuals, including handling money, paying bills, and overseeing assets, property, and investments.[61] Banks may be contacted to provide information or coordinate account management.

[54] For more information, see: https://www.nsw.gov.au/legal-and-justice/financial-management-and-guardianship-orders/guardianship-orders/public-guardian-my-guardian.
[55] *Guardianship Act 1987* (NSW).
[56] www.ncat.nsw.gov.au/ | T: 1300 006 228.
[57] For more information, see: https://ncat.nsw.gov.au/about-ncat/what-is-ncat.html.
[58] https://pgt.nt.gov.au/ | T: 1800 810 979.
[59] *Guardianship of Adults Act 2016 (NT)*.
[60] For more information, see: https://pgt.nt.gov.au/guardianship/about-guardianship.
[61] For more information, see: https://pgt.nt.gov.au/guardianship/the-public-guardian-and-trustee-as-guardian#public-trustee-as-financial-guardian.

Jurisdiction	Services	Function	Powers
	Northern Territory Civil and Administrative Tribunal (NTCAT)[62]	The forum for resolving smaller legal disputes, reconsidering government decisions and helping ensure that certain important human rights are respected.[63]	NTCAT handles adult guardianship and related capacity matters. It can appoint guardians and administrators and issue directions that affect banking mandates and access. Banks may receive tribunal orders, requests for records, and subpoenas, and must implement changes to account authorities in line with those orders.
Queensland	Queensland Office of the Public Guardian[64]	An independent statutory officer empowered by the *Public Guardian Act 2014* (Qld) for protecting and promoting the rights, interests, and wellbeing of vulnerable people.[65]	• If a person lacks decision-making capacity, the Queensland Civil and Administrative Tribunal can appoint the Public Guardian to manage personal and health matters. • The Public Guardian can receive and investigate complaints about suspected abuse, neglect or exploitation of adults with impaired capacity or inappropriate conduct by guardians, administrators, attorneys or service providers.[66] • The Public Gurdian has a right to all information necessary to investigate a complaint or allegation, or to carry out an audit, in connection with an adult.[67] Banks may be issued with a notice to give information, documents relevant to customer vulnerability, supported decision making, and abuse risk. The OPG accepts 'good faith reports' from banks where they suspect financial abuse.[68]
	Queensland Civil and Administrative Tribunal (QCAT)[69]	An independent tribunal empowered under the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) to resolve disputes.[70]	The QCAT appoints guardians and administrators, reviews enduring documents, and makes orders affecting financial decision-making. Banks may be required to provide information, comply with subpoenas, and update account mandates in accordance with administrator appointments and QCAT directions.

[62] https://ntcat.nt.gov.au/ | T: 11800 604 62.
[63] For more information, see: https://ntcat.nt.gov.au/.
[64] https://www.publicguardian.qld.gov.au | T: 1300 653 187.
[65] For more information, see: https://www.publicguardian.qld.gov.au/about-us/who-we-are.
[66] *Public Guardian Act 2014 (Qld)*, s 19.
[67] *Public Guardian Act 2014 (Qld)*, s 22.
[68] *Public Guardian Act 2014 (Qld)*, s 20.
[69] www.qcat.qld.gov.au/ | T: 1300 753 228.
[70] For more information, see: https://www.qcat.qld.gov.au/about-qcat.

Jurisdiction	Services	Function	Powers
South Australia	Office for Ageing Well, South Australian Adult Safeguarding Unit (ASU)[71]	Responsible for administering the *Ageing and Adult Safeguarding 1995* (SA) and *Retirement Villages Act 2016* (SA). It supports the Minister for Seniors and Ageing Well, raises awareness of issues affecting older people, and works with government and community to inform policy and service development.[72] The Adult Safeguarding Unit within the Office for Ageing Well promotes the rights of vulnerable adults.	The Adult Safeguarding Unit receives and investigates reports of suspected abuse of older persons and adults at risk and makes referrals to police, SACAT, and other agencies. Banks may be contacted for safeguarding purposes, receive requests for information, and be asked to cooperate in protective measures consistent with legal authority.
	SA Civil and Administrative Tribunal (SACAT)[73]	An independent tribunal empowered under the *South Australian Civil and Administrative Tribunal Act 2013* to resolve disputes.[74]	SACAT appoints guardians and administrators and can issue orders affecting financial control and access to accounts. Banks should expect to receive orders, directions, and subpoenas and must adjust authorities and share information consistent with SACAT determinations and privacy obligations.
	Office of the Public Advocate[75]	Promotes the rights and interests of people who need assistance with decision making.	• If a person lacks decision-making capacity, the SA Civil and Administrative Tribunal can appoint the OPA to manage personal and health matters.[76] • The SA Civil and Administrative Tribunal can direct the Public Advocate to investigate the affairs of a vulnerable person.[77] The OPA may contact banks and administrators to safeguard vulnerable adults and may raise concerns about suspected financial abuse.

71 For more information, see: https://dhs.sa.gov.au/how-we-help/ageing-well/ageing-well-strategy-for-south-australians/office-for-ageing-well.
72 Ibid.
73 www.sacat.sa.gov.au | T: 1800 723 767.
74 *South Australian Civil and Administrative Tribunal Act 2013*.
75 http://www.opa.sa.gov.au/ | T: 1800 066 969.
76 *South Australian Civil and Administrative Tribunal Act 2013*, s 29(4).
77 *South Australian Civil and Administrative Tribunal Act 2013*, s 28.

Jurisdiction	Services	Function	Powers
Tasmania	Office of the Public Guardian[78]	Empowered under the *Guardianship and Administration Act 1995* (Tas),[79] to promote and protect the rights of adults with impaired decision-making capacity, including acting as guardian when appointed.	• If a person lacks decision-making capacity, the Tasmanian Civil & Administrative Tribunal can appoint the Public Guardian to manage personal and health matters. While financial decisions are ordinarily made by an administrator (appointed by the Guardianship and Administration Board), the OPG interacts with banks around safeguarding concerns, access issues, and coordination with administrators, and may request information consistent with law. • The Public Guardian can investigate complaints and allegations concerning the actions of a guardian or administrator or a person acting or purporting to act under an enduring power of attorney.[80] • The Public Guardian can require any government department or State authority, service provider, health practitioner, guardian or administrator to provide a document, report or information.[81] Banks may be required to comply with any requests from the Public Guardian.
Victoria	Office of the Public Advocate[82]	Empowered under the *Guardianship and Administration Act 2019* (Vic) to promote the rights of persons with disabilities, protect people with disability from abuse, neglect and exploitation, provide advocacy, coordinate programs, raise public awareness and advise the Minister on legislative and policy matters.[83]	• If a person lacks decision-making capacity, the Victorian Civil Administrative Tribunal can appoint the Public Advocate to manage personal and health matters.[84] • The Public Advocate can investigate allegations of allegations of exploitation or abuse of people with disability.[85] • The Public Advocate can require a person, government department, public authority, service provider, institution or welfare organisation to provide information for the purposes of the investigation.[86] Banks are required to comply with any requests from the Public Advocate.

[78] https://www.publicguardian.tas.gov.au/ | T: 1800 955 772.
[79] *Guardianship and Administration Act 1995 (Tas).*
[80] *Guardianship and Administration Act 1995 (Tas)*, s 17.
[81] *Guardianship and Administration Act 1995 (Tas)*, s 15(7).
[82] For more information, see: https://www.publicadvocate.vic.gov.au/.
[83] *Guardianship and Administration Act 2019 (Vic)*, s 15.
[84] *Guardianship and Administration Act 2019 (Vic)* ,s 16(1)(a).
[85] *Guardianship and Administration Act 2019 (Vic)*, s 16(1)(g).
[86] *Guardianship and Administration Act 2019 (Vic)*, 16(1)(i).

Jurisdiction	Services	Function	Powers
	Victorian Civil Administrative[87] Tribunal (VCAT)	Empowered under the *Victorian Civil and Administrative Tribunal Act 1998* to assist people to reach an agreement and settle their case, or make a decision at a hearing that all the parties are involved in.[88]	VCAT appoints guardians and administrators and can issue orders affecting financial control and access to accounts. It receives and makes orders about powers of attorney including applications about revocations, resignation of attorneys, and misuse of power. Banks should expect to receive orders, directions, and subpoenas and must adjust authorities and share information consistent with VCAT determinations and privacy obligations.
Western Australia	Office of the Public Advocate[89]	An independent statutory office empowered under the *Guardianship and Administration Act 1990* (WA) to promote and protect the rights of adult with decision-making disabilities to reduce their risk of neglect, exploitation, and abuse.[90]	• If the WA State Administrative Tribunal determines that a person lacks decision-making capacity, is in need of a guardian, and there is no one else suitable, willing and available, the Tribunal can appoint the Public Advocate as guardian of last resort, to make any personal, lifestyle or treatment decisions they include in the guardianship order.[91] • The Public Advocate can investigate any complaint or allegation that a person is in need of a guardian or administrator, or is under an inappropriate guardianship or administration order, or any matter referred to him by a court.[92] • The Public Advocate has a role to educate community members and service providers about the guardianship and administration system, including the proper making of enduring powers of attorney.
	WA State Administrative Tribunal (SAT)[93]	Empowered under the *Guardianship and Administration Act 1990* (WA) to review a wide range of government decisions and determines disputes.[94]	SAT appoints guardians and administrators and can issue orders affecting financial control and access to accounts. SAT can also make determinations on application, with regard to enduring power of attorney documents. Banks should expect to receive orders, directions, and subpoenas and must adjust authorities and share information consistent with SAT determinations and privacy obligations.

[87] https://www.vcat.vic.gov.au/ | T: 1300 018 228.
[88] For more information, see: https://www.vcat.vic.gov.au/what-vcat-does.
[89] www.publicadvocate.wa.gov.au | T: 1300 858 455.
[90] For more information, see: https://www.wa.gov.au/organisation/department-of-justice/office-of-the-public-advocate.
[91] *Guardianship and Administration Act 1990 (WA)*, s 97(1)(aa).
[92] *Guardianship and Administration Act 1990 (WA)*, s 97(1)(c).
[93] www.sat.justice.wa.gov.au | T: 1300 306 017.
[94] For more information, see: https://www.sat.justice.wa.gov.au/.

Appendix 3 – Banking Code of Practice

The following are relevant excerpts from the Banking Code of Practice.

A2 Our relationship with you

Trained and competent employees

7. We will make sure that our employees and our representatives are trained so that they:
    a. can competently do their work;
    b. understand the Code and how to comply with it when they are providing Banking Services; and
    c. treat our diverse customers, vulnerable customers and customers who appear to be vulnerable with sensitivity, respect and compassion.

B1 Inclusive and accessible banking

When providing Banking Services to Aboriginal or Torres Strait Islander customers

49. We will provide cultural awareness training to staff who regularly assist Aboriginal and Torres Strait Islander customers and Guarantors.
50. We will also make cultural awareness training available to all other staff.

B2 Taking extra care with customers who are experiencing vulnerability

We will take extra care with customers who are experiencing vulnerability

52. We are committed to taking extra care with customers who are experiencing vulnerability. We recognise that a customer's circumstances may require support and that these circumstances may change over time and in response to particular situations. While all customers may be at risk of experiencing vulnerability, this risk may be increased due to a range of characteristics which may include, but are not limited to:
    a. age;
    b. disability;
    c. mental health conditions;
    d. cognitive impairment;
    e. serious medical conditions;
    f. elder abuse;
    g. family and/or domestic violence;
    h. financial abuse;
    i. financial difficulty;
    j. literacy and/or language barriers including limited English;
    k. cultural background;
    l. Aboriginal or Torres Strait Islander customers; or
    m. remote locations; or
    n. incarcerated persons or persons recently released from incarceration.

    We encourage you to tell us about your circumstances so that we can work with you in relation to your Banking Service, otherwise we may not find out about your circumstances.
53. If you require extra care and you tell us about your personal or financial circumstance, we will work with you to identify a suitable way for you to access and undertake your banking.
54. When we are providing a Banking Service to customers who are experiencing vulnerability we will:
    a. be respectful of your need for privacy and confidentiality;

b. provide appropriate guidance and referrals intended to help you to maintain, or regain, control of your finances; and

c. where possible and appropriate, make it as simple as possible for you to appoint a third-party representative (such as a lawyer or financial counsellor) to deal with us on your behalf.

B4 Lending to individuals

Co-borrowers

69. If you are an individual applying for a Loan, or an increase to a Loan limit, in your personal capacity (i.e., not as trustee, director or co-borrower with a company or as a partner in a partnership or joint venture arrangement), paragraphs 70 to 72 apply to you.

70. If, on the information that you have provided to us in the course of applying for this Loan, you will not receive a substantial benefit from the Loan, we will not approve you as a co-borrower unless we:

    a. have taken reasonable steps to ensure that you understand the risks associated with entering into the Loan, and understand the difference between being a co-borrower and a Guarantor;

    b. have taken into account the reasons why you want to be a co-borrower; and

    c. are satisfied that you are not experiencing financial abuse.

71. A substantial benefit includes where:

    a. you acquire a reasonably proportionate legal or equitable interest in assets purchased with the Loan funds; or

    b. a reasonable portion of the Loan funds are used to repay your debts, or other obligations owed by you.

72. You may end your liability under the Loan by giving us a written request to do so in the following circumstances:

    a. where credit has not been provided or relied upon by any co-borrower; or

    b. for any future advances under the Loan, where we can terminate any obligation we have to extend further credit to any other co-borrower under the same Loan.

B6 Guaranteeing a Loan

During the guarantee

115. We will send to you the following information, about a borrower's deteriorating financial position as it relates to the Loan you guarantee, within 14 Days of the relevant event:

     a) a copy of any formal demand or Default notice we send to the borrower after we send it;

     b) a written notice if the borrower has advised us that they are experiencing Financial Difficulty which has resulted in a change to their Loan; and

     c) a written notice if the borrower is in continuing Default for more than two months after the issuance of the Default notice referred to above. This paragraph does not apply if you are a Commercial Asset Financing Guarantor, Sole Director Guarantor, Trustee Guarantor or Partnership Guarantor.

Enforcing our rights under the guarantee

124. We will not enforce any mortgage or other Security you have given us in connection with the guarantee, such as a mortgage over your principal place of residence, unless we have first enforced any mortgage or other Security that the borrower has provided for the guaranteed liability. Before we enforce a mortgage over your principal place of residence in connection with the guarantee, we will encourage you to tell us about your circumstances so that we can discuss other reasonable alternatives for you to repay the guaranteed liability. If you are experiencing Financial Difficulty, you can also contact us under paragraph 127. This paragraph does not apply where the guaranteed liability arises under a standard margin loan.

Guarantors experiencing Financial Difficulty

127. If you are a Guarantor and we have made a demand for you to pay under a guarantee and you are experiencing Financial Difficulty, then contact us as soon as possible and we will discuss your options.

C1 Joint Accounts

How you can stop withdrawals

147. If you have a joint account, from which either you or another account holder can make withdrawals, you can ask us to change the account authority so that you all have to approve any future withdrawals. This may be relevant to you if you are vulnerable (see Part B2).

148. The above paragraph does not apply to directors of a company who are signatories on behalf of the company, rather than joint account holders in their personal capacity.

Joint Accounts and Financial Difficulty

149. If you have a joint account with someone and you are experiencing Financial Difficulty, then we can assist you. If you ask us to, we can do so without involving the other person initially.

D1 Contact us if you are experiencing Financial Difficulty

Contact us if you are experiencing Financial Difficulty

167. If you are experiencing Financial Difficulty, then you, or your representative should contact us as soon as possible. We will discuss your situation and the options available to help you. The sooner you contact us, the sooner we can try to help.

What does 'Financial Difficulty' mean?

168. Financial Difficulty means you are unable to repay what you owe, you expect to be unable to pay upcoming repayments, or you are experiencing difficulty meeting your repayment obligations. This can be as a result of an unexpected event or unforeseen changes outside your control including impacts from:

a) an illness or injury;

b) loss of employment;

c) a pandemic; or

d) natural disasters such as droughts, fires, floods and earthquakes (as declared by an Australian Federal, State or Territory Government) or, if no such declaration is made, where we are satisfied on other grounds that a natural disaster has occurred.

We will listen to your situation of Financial Difficulty

169. When you contact us, or are thinking about contacting us, it is important for you to be open, and as realistic as you can be, about your financial position. In turn, we will be compassionate in trying to understand your situation and when discussing any way we can help.

We will give you a choice to have us deal with your financial counsellor or representative

170. If we are working with you to help you respond to Financial Difficulties, then you can tell us to deal with your financial counsellor or representative, rather than dealing with you. To do this, you will need to give us their contact details in writing.

171. However, we may deal with you directly again in the following situations:

a) if you ask us to;

b) if we have made reasonable attempts to contact, or deal with, your financial counsellor or representative but we are unsuccessful; or

c) if your representative is not a financial counsellor, and: i) we reasonably believe the representative is not acting in your best interests; or ii) it is otherwise reasonable to do so in the circumstances. If we decide to deal with you directly under (b), or (c), we will tell you, and will suggest other free alternatives that may be available to you. We will respond promptly to you or your representative

172. We will respond promptly to you, or your representative's request to discuss your Financial Difficulties.

We may contact you if you are experiencing Financial Difficulty

We may contact you if we think you are experiencing Financial Difficulty

173. We will employ a range of practices that can identify common indicators of Financial Difficulty. If we identify that you may be experiencing difficulty paying what you owe under a Loan (or are experiencing Financial Difficulty), then we may contact you to discuss your situation and the options available to help you. We will do this on a case-by-case basis.

174. If we are able to contact you and discuss your situation under paragraph 173 and we offer basic bank accounts that you are eligible for, we will offer this product to you.

We will try to help you if you are experiencing Financial Difficulty

We will work with you to help you respond to Financial Difficulty

175. With your co-operation, we will work with you to help you find a sustainable solution to your Financial Difficulties. Any help we can give will depend on your individual circumstances. We provide help to customers on a case-by-case basis.

We will give you information about our Financial Difficulty processes

176. We will make information publicly available about our processes for working with customers in Financial Difficulty.

What we will consider when deciding on assistance options

177. When we are deciding whether, and how, to help you with Financial Difficulty, we will take into account the information available to us, including information you give us about your financial situation.

Examples of how we may help you if you are experiencing Financial Difficulty

178. The table to the right sets out examples of steps we may be able to take to help you in particular situations.

We will tell you about our decision in writing

184. We will tell you in writing:

a) whether we will provide you with help in relation to your Financial Difficulty; and

b) the reasons for our decision.

When we are recovering a debt

190. We will not sell your debt to anyone else if:

a. we are actively considering your financial situation:

   i. under paragraph 175; or

   ii. under the hardship variation provisions of the National Credit Code;

b. you are complying with an arrangement that you have made with us after we have considered your financial situation; or

c. you are experiencing vulnerability and:

   i. we are of the view that the vulnerability is likely to be ongoing; and

   ii. there is no reasonable prospect of the debt being recovered.

191. However, we may transfer your debt in any of those circumstances if the transfer:

a. is part of a funding arrangement — for example, a securitisation or the issue of covered bonds or similar funding arrangements; or

b. is part of a sale of Business or Business restructure.

Appendix 4 – Glossary

Term	Definition
Abuse of older people	A type of family violence defined by the World Health Organisation (WHO) as 'a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.
Bank	Means a bank that has signed up to the Banking Code.
Banking service	Means any financial service or product provided by a bank in Australia to a customer: a) whether supplied directly or through an intermediary; and b) if provided by another party and distributed by a bank, extends only to the distribution or supply, and not to the service or product itself.[95]
Coercive control	Coercive control is when someone uses patterns of abusive behaviour against another person in a way that creates fear and denies liberty and autonomy. Coercive control can involve a range of different abusive behaviours – both physical and non-physical or a combination of both – in order to exert power and dominance over another person.
Customer	Means a customer to whom the Banking Code applies under paragraph 1 of the Banking Code. It includes individuals, small businesses and guarantors.
Debt management services	For the purposes of the NCCP Act and the credit licensing requirements, a 'debt management service' covers debt management assistance and credit reporting assistance, provided: • the activity is in relation to consumer credit contracts, and • a fee, charge or other amount is paid or payable by or on behalf of the consumer in relation to the service.
Debt purchaser	A person that purchases debt from the creditor and then seeks to recover the debt from the debtor.
Enduring Power of Attorney	An Enduring Power of Attorney (EPA or EPOA) is a legal document that allows you (the principal) to appoint a trusted person or persons (the attorney) to manage your financial and legal affairs, even if you lose the mental capacity to make decisions yourself. Unlike a general power of attorney, which ceases if you become incapacitated, an EPA remains active until your death.
Financial abuse	Financial abuse occurs when another person takes control of, exploits or sabotages someone's access to, or use, of money, finance or property without their consent.[96] The person causing harm could be but is not limited to, a partner, a relative, next of kin, guardian, carer, support worker or friend.
Family and domestic violence	In Australian law, 'family violence' is defined a violent, threatening or other behaviour by a person that coerces or controls a member of the person's family or causes the family member to be fearful.[97] Family members can include relatives, guardians, kinship groups and other family groups recognised by various cultures and communities. Domestic violence is a subset of family violence that occurs in the context of current or previous intimate relationship. Domestic violence can occur outside of a domestic setting, such as in public and between two people who do not live together.[98] It can also be known as intimate partner violence.

[95] Refer to the Banking Code, Part E definitions for the full definition of Banking Service
[96] Adapted from KPMG Australia and Department of Prime Minister and Cabinet, *Preventing the financial abuse of women: literature and desktop review*, 2020, p 4.
[97] Family Law Act 1975 (Cth) s 4AB.
[98] Australian Government, Guides to Social Policy Law – Social Security Guide, Section 1.1.D.235, 1 July 2025.

Financial Difficulty	Means a customer: a) is unable to pay what they owe; b) expects to be unable to pay upcoming repayments; or c) is experiencing difficulty meeting their repayment obligations. This can be as a result of an unexpected event or unforeseen changes outside the customer's control including impacts from: a) an illness or injury; b) loss of employment; c) a pandemic; or d) natural disasters such as droughts, fires, floods and earthquakes (as declared by an Australian Federal, State or Territory Government) or, if no such declaration is made, where the bank is satisfied on other grounds that a natural disaster has occurred.
Financial counsellor	Financial counsellors are qualified professionals who provide free information, advice and advocacy to people in financial difficulty. Financial counsellors are based in community organisations throughout Australia, from large charities to smaller community centres, as well as local government agencies.
Intervention order	An intervention order is generally made under a prescribed law of a State or Territory to protect a person from domestic or personal violence. Intervention orders are civil orders, which means they are not counted as a criminal offence, and the person will not have a criminal record.
Legal aid or community lawyer	Legal Aid is a government-initiated, means-tested service, whereas Community Legal Centres are not-for-profit entities offering free legal services primarily for individuals experiencing vulnerability.
Older person	In Australia, an older person is typically defined as being aged 65 years or older, or 50 and older for First Nations Peoples. We recognise that the experience of ageing is different for everyone and that the ageing experience will be influenced by a wide range of factors.[99]

[99] National Plan to End the Abuse and Mistreatment of Older People, 2024- 2034, Public Consultation Draft. Available here: https://consultations.ag.gov.au/families-and-marriage/eamop/user_uploads/draft-national-plan-to-end-the-abuse-and-mistreatment-of-older-people-2024-2034.pdf