

# WALKING TOGETHER:

Along The Road To Economic Independence



*A resource guide developed to assist survivors of family violence resolve the negative impact of economic abuse and financial hardship*



**Produced by**



Northern Rivers Community Legal Centre  
By Joanna Colautti, February 2019

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The Northern Rivers Community Legal Centre, staff and management acknowledges the people of the Bundjalung Nation. We pay respect to their cultures, and acknowledge the strong and continuing connection to their land, sea and waterways. Bundjalung Country; always was, always will be.



# Acknowledgements

## **Women**

Most importantly we would like to thank our clients, the women who shared their stories and lived experience with us. Without them, this resource would not be possible. We respect and admire their strength, resilience and capability.

## **Funding Body**

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## **Volunteers**

We thank the law student volunteers at Northern Rivers Community Legal Centre who assisted on this project. Special thanks to volunteer Megan Bennett whose assistance was vital to the completion of this resource.

## **Deborah Taylor**

We would like to thank artist, Deborah Taylor, who is of Bundjalung and Gumbaynggir descent, for allowing us to use her beautiful artwork featured throughout the resource. The painting is called 'Mimi' which is the Gumbaynggir word for mother, it is the depiction of love between a mother and a child. The painting was featured as part of the 'Born into Existence' exhibition at the Boomalli Art Gallery in Sydney in 2018. The exhibition was a celebration of Aboriginal women in communities.

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## **SECTION 1 - CONTEXT**

### **About Northern Rivers Community Legal Centre**

The Northern Rivers Community Legal Centre (NRCLC) provides access to free quality legal information, advice, advocacy and education in the Northern Rivers region of New South Wales. Our offices are located in Lismore and Murwillumbah and our catchment area is from Tweed Heads to Grafton. NRCLC staff acknowledge the peoples of the Bundjalung and Gumbaynggir Nations, pay respect to their cultures, and acknowledge their strong and continuing connection to the land on which we work. NRCLC consists of the Legal Service, the Tenants Advice and Advocacy Service (TAAS) and the Women's Domestic Violence Court Advocacy Service (WDVCAS).

### **The vision of our Centre is to achieve social justice for all.**

Our WDVCAS team services seven courts within the Northern Rivers region and provides women and their children who have experienced domestic and family violence with information, advocacy, referrals and court support. Our TAAS service provides free advice, representation and referrals to tenants living in the region. Our legal team provides free advice, assistance, representation and referrals in relation to civil and family law including early intervention family law and care and protection, ADVOs, Victims Support, Stolen Generation Reparations Scheme, employment, discrimination, contracts, complaints, traffic offences, debt and a range of other civil matters.

Our early intervention family law team provides free family law and care and protection advice. The clients seen by our family law team are predominantly women who have experienced domestic or family violence and often attend the service with a range of complex legal issues. These issues are often occurring concurrently and can include family law issues in relation to care of children, care and protection issues, victims support matters, housing instability or homelessness, financial hardship and debt issues.

Our Centre operates from an intersectional feminist perspective and we acknowledge that in addition to experiencing oppression based on gender, our clients can simultaneously experience oppression due to characteristics such as their class, race, ability, sexual orientation, gender identity, age, religion and immigration status. We acknowledge the particular complexities and severe barriers to justice experienced by Aboriginal and/or Torres Strait Islander women. This intersectional discrimination is ingrained in our legal system and results in women experiencing entrenched and long-term disadvantage.

In our experience the women who access our services are not only victims of domestic and family violence but are also victimised again by a system that oppresses them. Through our casework we seek to assist our clients to obtain some power in a system that too often holds power over them.



## Domestic and family violence and the barriers to economic equality

### Domestic and family violence

Domestic violence can be defined as 'acts of violence that occur in domestic settings between two people who are, or were, in an intimate relationship. It includes physical, sexual, emotional, psychological and financial abuse'.<sup>1</sup> Domestic violence describes a pattern of abusive behaviour where one person seeks to dominate and control another person. It is common for perpetrators of domestic violence to concurrently use one or all of the abusive behaviours described above.

The term family violence can be defined as all forms of 'violence between family members including violent or threatening behaviour, or any other form of behaviour that coerces or controls a family member or causes that family member to be fearful'.<sup>2</sup> This report will combine domestic violence and family violence with the phrase 'domestic and family violence' (DFV) in order to encapsulate all forms of abuse occurring within the context of intimate and family relationships.

Our social, political, economic and legal systems are structured to afford men privilege and power over women. This male dominance has normalised unacceptable patterns of gender-based violence. Women are victims of DFV at overwhelmingly higher rates than men.<sup>3</sup> Domestic violence is considered 'a

gendered crime' and on average one woman a week is murdered by a current or former partner.<sup>4</sup>

Aboriginal women are twice as likely to be killed by a current or former partner and thirty two times more likely to be hospitalised as a result of intimate partner violence.<sup>5</sup> It is estimated that domestic violence currently costs the Australian economy approximately \$22 billion a year.<sup>6</sup>

We acknowledge that some forms of DFV are not as easily explained by reference to gendered inequality. We acknowledge that DFV also occurs in LGBTIQPA+ relationships and not all people who have social privilege over others abuse this power by using violence. However, we believe that the majority of DFV occurs as a result of ingrained gender inequality.

We acknowledge that women who have experienced DFV are not only victims but also survivors of this abuse. Some women prefer to identify as a victim while others prefer the term survivor. Both terms are applicable however in this resource we will be using the term 'victim' as the majority of women we worked with under the project were recently affected by DFV and this work was undertaken within a legal context. There is no shame in being a victim of DFV.

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<sup>1</sup> Our Watch, *Understanding Violence (February 2019)* <[www.ourwatch.org.au/Understanding-Violence](http://www.ourwatch.org.au/Understanding-Violence)>.

<sup>2</sup> *Ibid.*

<sup>3</sup> Australian Bureau of Statistics, 4906.0 – *Personal Safety, Australia, 2016* (8 November 2017) <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>>

<sup>4</sup> Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence in Australia, 2018* (28 February 2018) <[www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018](http://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018)>

<sup>5</sup> *Above n 1.*

<sup>6</sup> *Above n 4.*

## Economic abuse

Economic abuse is a widespread but neglected form of DFV. It is often ignored or unseen within the community and justice sectors, business and industry, and by those personally experiencing it.<sup>7</sup> Economic abuse can be considered a subtle form of violence that may be difficult for victims, and those supporting victims, to identify. Economic abuse “involves behaviours that control a woman’s ability to acquire, use, and maintain economic resources, thus threatening her economic security and potential for self-sufficiency”<sup>8</sup> Around 16% of Australian women experience economic abuse at some point in their lives, and

## Up to 90% of people who have experienced DFV experience economic abuse.<sup>9</sup>

It may occur during DFV, but may also begin, continue or escalate after the relationship has ended.<sup>10</sup>

Research concerning economic abuse tends to categorise economically abusive behaviours into one of four broad categories:

1. Interfering with access to education or employment;
2. Controlling victims ability to access economic resources;
3. Refusal to contribute economically; and
4. Incurring expenses and debts.<sup>11</sup>

Economic abuse may involve one of a number of behaviours including, but not limited to;

- Disposing of a victims property and spending victims earnings and savings against their will;
- Denying victims access to their own, or shared, resources;
- Controlling victims spending;
- Threatening to withhold property and finances from victims unless they comply with perpetrator demands;
- Restricting access to bank accounts;
- Demanding access to victims bank accounts, passwords and credit cards;
- Forcing victims to sign financial documents without explanation and against their will;
- Blackmail;
- Refusal to honour joint debts;
- Accruing debts in the victims name;
- Refusing to end joint accounts/joint debts;
- Refusing to put the victims name on titles of assets<sup>12</sup>

<sup>7</sup> Smallwood, E (2015) *Stepping Stones: Legal barriers to economic equality after family violence*, Women’s Legal Service Victoria, Melbourne, Page 6.

<sup>8</sup> Adams et al (2008), *Development of the Scale of Economic Abuse, Violence Against Women*, page 564.

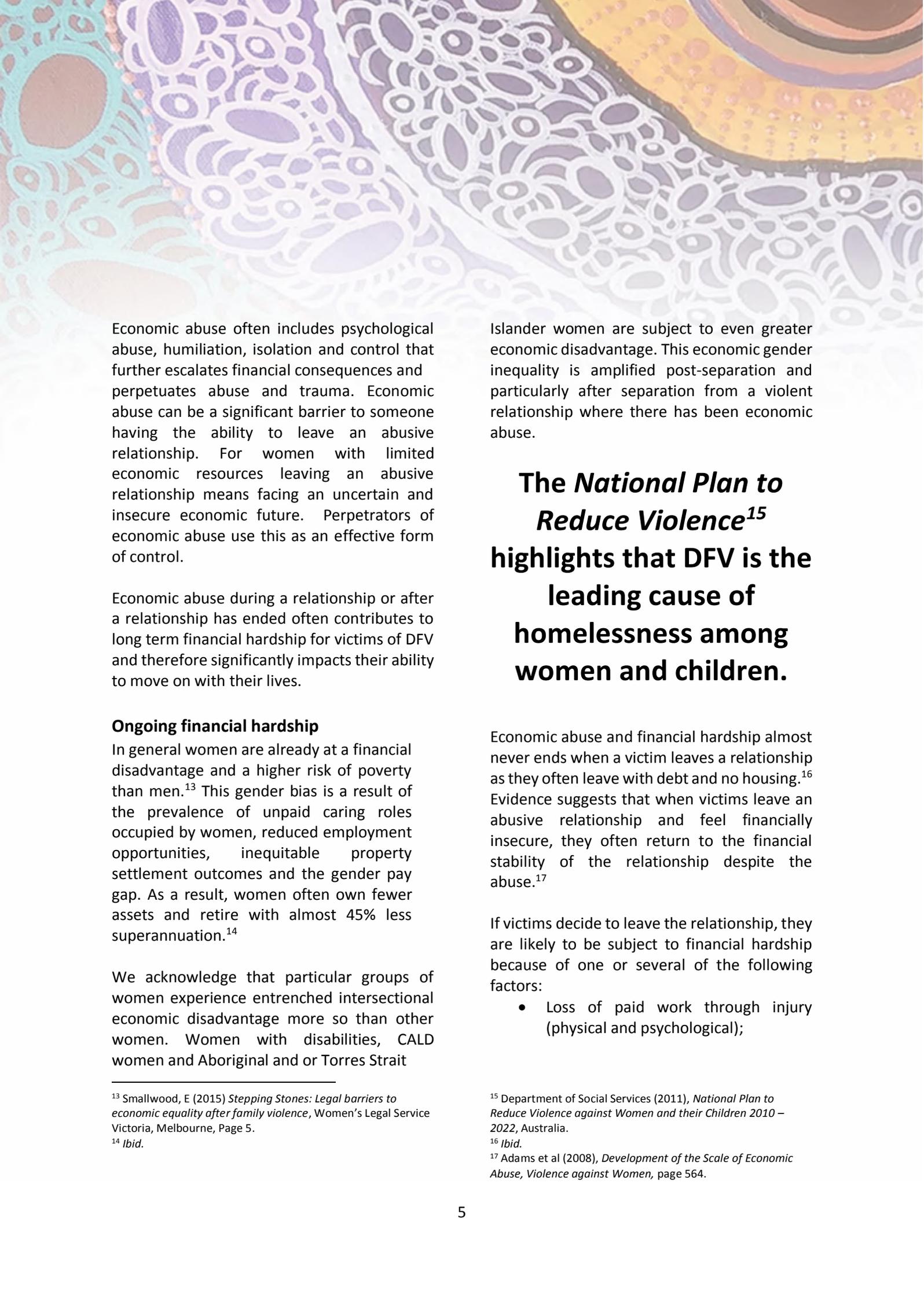
<sup>9</sup> Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence in Australia, 2018* (28 February 2018)

<[www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018](http://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018)>

<sup>10</sup> *Ibid.*

<sup>11</sup> Nicola Sharp, ‘What’s yours is mine’: the different forms of economic abuse and its impact on women and children experiencing domestic violence’ (Report, Refuge, 2008).

<sup>12</sup> *Above n 9.*



Economic abuse often includes psychological abuse, humiliation, isolation and control that further escalates financial consequences and perpetuates abuse and trauma. Economic abuse can be a significant barrier to someone having the ability to leave an abusive relationship. For women with limited economic resources leaving an abusive relationship means facing an uncertain and insecure economic future. Perpetrators of economic abuse use this as an effective form of control.

Economic abuse during a relationship or after a relationship has ended often contributes to long term financial hardship for victims of DFV and therefore significantly impacts their ability to move on with their lives.

### **Ongoing financial hardship**

In general women are already at a financial disadvantage and a higher risk of poverty than men.<sup>13</sup> This gender bias is a result of the prevalence of unpaid caring roles occupied by women, reduced employment opportunities, inequitable property settlement outcomes and the gender pay gap. As a result, women often own fewer assets and retire with almost 45% less superannuation.<sup>14</sup>

We acknowledge that particular groups of women experience entrenched intersectional economic disadvantage more so than other women. Women with disabilities, CALD women and Aboriginal and or Torres Strait

<sup>13</sup> Smallwood, E (2015) *Stepping Stones: Legal barriers to economic equality after family violence*, Women's Legal Service Victoria, Melbourne, Page 5.

<sup>14</sup> *Ibid.*

Islander women are subject to even greater economic disadvantage. This economic gender inequality is amplified post-separation and particularly after separation from a violent relationship where there has been economic abuse.

## **The *National Plan to Reduce Violence*<sup>15</sup> highlights that DFV is the leading cause of homelessness among women and children.**

Economic abuse and financial hardship almost never ends when a victim leaves a relationship as they often leave with debt and no housing.<sup>16</sup> Evidence suggests that when victims leave an abusive relationship and feel financially insecure, they often return to the financial stability of the relationship despite the abuse.<sup>17</sup>

If victims decide to leave the relationship, they are likely to be subject to financial hardship because of one or several of the following factors:

- Loss of paid work through injury (physical and psychological);

<sup>15</sup> Department of Social Services (2011), *National Plan to Reduce Violence against Women and their Children 2010 – 2022*, Australia.

<sup>16</sup> *Ibid.*

<sup>17</sup> Adams et al (2008), *Development of the Scale of Economic Abuse, Violence against Women*, page 564.

- Loss of paid work in attending medical and/or counselling appointments;
- Difficulties in gaining employment post-violence due to sole parenting;
- Damage to/theft of goods and property by perpetrator;
- Inequitable property settlements, which tend to be worse for women fleeing violence ;
- Fleeing from homes to escape violence leading to periods of homelessness, accessing expensive temporary accommodation and/or needing emergency accommodation such as refuges;
- Loss of property and assets in leaving violence;
- Lack of assistance with child-rearing costs after fleeing violence;
- Inability to pay debts and bills owing;
- Joint accounts being emptied by perpetrators;
- Perpetrator's use of child support, courts, property disputes and settlements to continue control post-separation;
- Entering into payday loans, short-term high interest loans, no-interest period loans, and credit card arrangements post-separation to deal with immediate needs costs;
- Seeking financial assistance from friends and family;
- Lack of resources required for day to day survival – groceries and childcare, etc; and
- Bad credit rating as a result of economic abuse<sup>18</sup>

Journeys Home, a survey sampling disadvantaged Centrelink customers over 24 months, identified 20.8% of women were affected by partner violence in the 6 months before surveying began. The survey found that women affected by partner violence were more likely to have higher debt levels, struggle to pay bills, go without food and to require assistance from welfare agencies. It also found that economic outcomes worsened noticeably for women subject to prolonged or repeated violence.<sup>19</sup>

Victims who are fleeing DFV are in crisis and the daily needs for them and their children can be overwhelming. Financial matters such as maintaining mortgage repayments or being removed from a joint utility account are often not a priority at this time. This can perpetuate economic disempowerment and lead to escalating debt and homelessness.

## **Walking Together: Along the Road to Economic Independence**

### **What was the Walking Together Project?**

The Walking Together Project was a twelve-month project funded by Community Sector Banking from January 2018 until January 2019.

The primary objective of the project was to build the capacity of victims of DFV so they could re-establish their lives free of violence.

The project aimed to assist clients with financial matters and as a result support them to move towards economic independence. All

<sup>18</sup> ANROWS (2016), *Horizons Research Report: Domestic violence and women's economic security*.

<sup>19</sup> Scutella, R, Tseng, Y and Wooden, M (2017), 'Journeys Home: Tracking the most vulnerable', *Longitudinal and Life Course Studies*, vol. 8, no. 3.



the clients we assisted under the Walking Together Project were women who had left violent relationships with debt.

### **Motivation for the project**

The impetus behind applying for the grant to fund the Walking Together Project came about as a result of one of our solicitor's experiences with her client Sandra.

#### *Sandra's Story*

*Sandra left an abusive relationship after many years and as a result of leaving the relationship was homeless. She had to couch surf with friends and sleep in her car whilst on the list for emergency housing. Sandra was being pursued for a number of debts from multiple debt collectors, multiple telecommunication providers, a utility provider and had unpaid fines. Whilst all of these debts and bills were in Sandra's name not all of them were hers as some had been accumulated by her ex-partner. Sandra was living in a state of chaos and fear and did not have the emotional capacity or resources to manage her debts. Additionally, one of the telecommunication service providers refused to allow Sandra to keep her mobile phone and cancelled her contract with additional charges. Sandra was surviving in a state of financial hardship for over a year, attempting to find stable housing and employment whilst also being pursued for multiple debts. Additionally, because of the actions of the telecommunication service provider she was left with no phone placing her safety at even greater risk.*

Sandra had experienced the multifaceted impact of economic abuse during her relationship and subsequent long-term financial hardship after she fled the violence

due to inequitable access to employment and housing. Additionally, she had the added stress of being pursued for multiple debts. Our solicitor assisted Sandra to have these debts waived and attempted to negotiate with the telecommunication provider on her behalf. Our solicitor's experience negotiating with the telecommunication provider was obstructive and arduous. The provider refused to have the solicitor added as an authority on the clients account as Sandra did not know her account number. Sandra had no access to her paperwork given she was homeless. The provider refused to speak with the solicitor despite the fact she had sufficient client details to identify Sandra and a signed authority from Sandra. The solicitor was transferred from department to department with nothing being resolved. The provider ignored a letter from the solicitor that requested further details and a stay of enforcement action. The provider admitted to our solicitor that they had received no training in relation to assisting clients who had experienced DFV.

Sandra's case study demonstrates how debt matters can be time consuming. Solicitors working in the Community legal Centre (CLC) sector often do not have the capacity to take on this work. However, Sandra's matter also highlights how important it is for clients in crisis to have an advocate to assist them to navigate the process. Had our solicitor not assisted Sandra, she would have continued to ignore the debts, placing herself in even more financial hardship.

Given that debt waiver work is often non-legal in nature, it can be done effectively by an advocate or case worker. The Walking Together Project allowed us to employ an

advocate to undertake this time-consuming debt waiver work. The Project also supported the development of this resource so that other Community Legal Centres, service providers and volunteers can carry out this work and support clients to move towards economic independence.

### **Objectives of the project**

The project sought to assist victims of DFV move towards economic independence in the following three ways:

- 1. Casework** - The casework component of this project involved assisting clients to liaise with debt collectors, banks, utility providers, telecommunication providers, consumer lease providers, credit providers and creditors when they had a debt they were not able to pay as they were suffering financial hardship due to DFV and or economic abuse.
- 2. Resource** – The development of this resource to be used by the National CLC Network so staff working in the CLC sector can utilise the information, protocols and template documents to assist them with similar matters. The information in the resource is based on the experiences we had whilst undertaking the casework.
- 3. Recommendations** – The experiences of our clients through the casework component of the resource has provided us with evidence to make practical recommendations to creditors and service providers to improve their service provision to victims of DFV. We will be contacting

each creditor and service provider our clients had negative experiences with and will make recommendations to them in writing. We will also be forwarding these recommendations to the relevant Ombudsman's offices.

By reporting back to creditors and service providers, the project also serves as an education tool for changing business practices when responding to victims of DFV. We hope that in turn this will lead to a greater number of victims of DFV experiencing a more informed and culturally sensitive service.

We envisage in the future that perhaps there will be some sort of accreditation process where organisations who have committed to and demonstrated that they treat victims of DFV with compassion, respect and flexibility will receive accreditation indicating as such. As financial institutions and creditors come on board and the accreditation process becomes better known, no victim should feel they have to remain in a violent relationship because they fear the economic consequences of leaving.

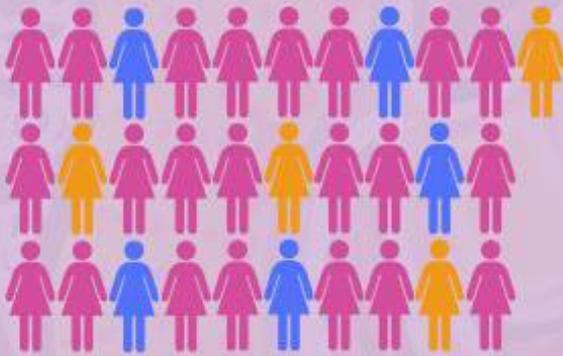


Whilst the rhetoric around DFV and economic abuse is becoming more commonplace and some organisations appear to have taken measures to assist victims, there is still a long way to go in relation to developing and implementing policies and shifting cultural attitudes throughout all levels of these organisations, in order to truly support victims of DFV.



# WALKING TOGETHER PROJECT: Summary of findings

The project took place in the Northern Rivers region over a period of 10 months



**31 women assisted**

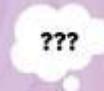
All of whom felt overwhelmed by debt



**29%** Homeless



**34%** Aboriginal



**20%** on the Disability Support Pension for PTSD as a result of the Domestic and Family Violence they experienced

**Financial matters**



**Debt reduced**



**31%**

tried to negotiate but gave up



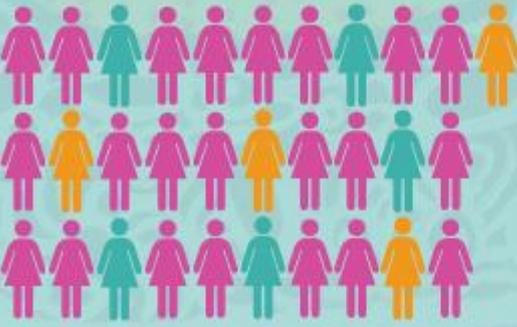
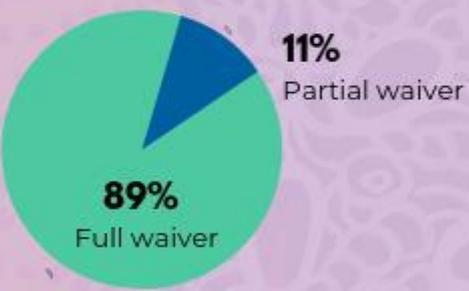
**54%**

had incurred debts without their knowledge, understanding or under duress.

### Matter types



### Matter outcomes



How many more is up to you...

**100%**

of matters resolved with waivers



## Systemic issues we identified through our casework

- A lack of understanding by creditors and service providers of DFV and the economic consequences arising from it.
- A lack of understanding by creditors and service providers about the impact of trauma and shame on a victim of DFV and how this often prevents them from being able to respond to debts.
- Significant difficulties in being added as an authorised representative on accounts if clients do not know or have access to their account number.
- ‘Evidence’ of DFV or economic abuse was often asked for by creditors and service providers. Showing no understanding of why DFV is often unreported.
- Onerous amounts of documents were requested by service providers in order for them to make an assessment for financial hardship or a debt waiver.
- Creditors and service providers gave inconsistent information about the debt waiver process or often failed to clearly explain the process to clients. The matters were transferred between different staff and different departments constantly.
- Service providers frequently attempted to negotiate verbally on the phone without any written record.
- Lack of communication between third party debt collectors and initial creditors. It was often very unclear who owned the debt.
- Creditors and service providers were non-responsive, did not reply to letters or call back when they said they would.
- Payday loan providers and consumer lease providers do not do any screening for DFV when handing out loans.
- Organisations with specific DFV policies, such as the major four banks, still demonstrated, through their conduct of these matters, a lack of understanding of the nature of DFV including a lack of DFV- focused processes.
- Victims have a lack of knowledge around financial hardship payment plans and debt waiver requests. In the majority of matters creditors and service providers were not informing women about these options.
- Creditors and service providers generally required extensive written and verbal submissions regarding the DFV before they considered a debt waiver request. Our staff felt they often needed to prove the ‘legitimacy’ of the DFV.
- Lack of commitment by service providers and creditors to implement their specific industry guidelines in relation to DFV and financial hardship.

### Systemic issues in practice

The case study below highlights a matter where multiple systemic issues were faced by our staff whilst trying to advocate on behalf of our client Helen.

#### Helen's Story

*Helen is an elder Aboriginal woman on a pension who was a victim of family violence and economic abuse perpetrated by her son. Helen's son would attend her residence and threaten violence if she did not give him money. Helen did not have a working landline to call for assistance and felt unsafe at home so went to live with her niece. A telecommunication provider refused to install a landline in her residence because she had a default listing against her name for a previous unpaid bill. This bill was accrued by another family member and was approximately \$400.*

Our advocate attempted to negotiate with the telecommunication provider on behalf of Helen. However for months the provider refused to add NRCLC as an authority on the account because Helen did not know the account number and had no paperwork. The provider would not accept a signed authority or Helen's verbal permission over the phone.

Helen went in to the local telecommunication provider's store to consent to us being added as an authority on the account. The provider would not assist as Helen did not have photo identification. Every staff member that Helen and her support worker spoke to at this organisation told her something different and failed to call her back twice when they said they would.

NRCLC continued to make attempts to be added as an authorised representative on the account whilst also negotiating the

installation of a landline phone for urgent safety reasons. We requested a landline connection that could accept incoming calls so Helen's support worker could ring her daily and check in and also allow outgoing calls to emergency services so no unpaid debts would be accrued. The provider refused to connect this service. For two months Helen's safety remained at risk because the provider refused to install a landline phone due to an old debt which was not accrued by Helen but as a result of family violence and elder abuse.

After approximately two months of failed negotiations with the telecommunication provider we made a complaint to the Telecommunication Industry Ombudsman (TIO) and within 48 hours the following happened:

- Our service was added as an authorised representative on the account;
- Helen's old debt was waived, and her default listing removed;
- An incoming call service was installed, and the installation fee was also waived.

This outcome evidences that the provider had the ability to provide us with that result two months previously without the added stress and trauma to our client. This lack of training and consistency within the organisation placed an already vulnerable client who was experiencing economic abuse and family violence at further risk.

#### **TIP**

It is advised that you refer your client for legal advice before deciding to make a complaint to the Ombudsman.

## Recommendations

These are a summary of the recommendations we will submit to credit providers in response to the issues identified in our casework.

### Banks

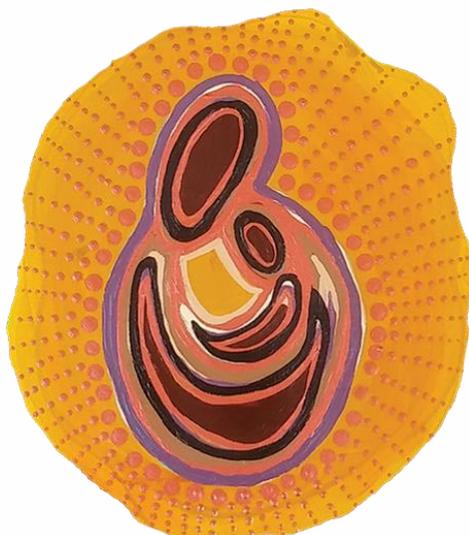
1. Comprehensive and ongoing training for customer service staff to assist them to more effectively identify DFV and financial hardship and treat customers experiencing DFV with dignity and respect.
2. Direct phone lines to a specialist team for customers experiencing DFV. Customers having the ability to liaise with one staff member from the organisation for duration of the process.
3. All banks be required to have DFV policies in accordance with the Australian Banking Association Industry Guideline on economic abuse and DFV policies. These policies are made publicly available and implemented in a predictable and streamlined way.
4. Banks to offer greater flexibility and develop a range of DFV appropriate solutions for customers holding joint facilities with perpetrators of DFV.

### Telecommunication and utility service providers

1. Comprehensive and ongoing training for customer service staff to assist them to more effectively identify DFV and financial hardship and treat customers experiencing DFV with dignity and respect.
2. All telecommunication service providers be required to have DFV policies in accordance with the Telecommunication Consumer Protection Code in relation to DFV and financial hardship. These policies be made publicly available.
3. More effective enforcement of the Telecommunication Consumer Protection Code by the Australian Communications and Media Authority on telecommunication providers.
4. Implementing system-wide reform in relation to utility service providers through the Australian Energy Regulator by developing standardised industry guidelines that recognise DFV as a cause of financial hardship. Utility providers then required to enact this into policy.
5. For all telecommunication and utility providers:
  - Less stringent requirements in relation to the documents that need to be provided in order to assess financial hardship.
  - Direct phone lines to a specialist team for customers experiencing DFV. Customers having the ability to liaise with one staff member from the organisation for duration of the process.
  - Less stringent requirements for individuals assisting clients to become authorised representatives on clients' behalf.

### Consumer lease providers, payday loan providers and debt collectors

1. Comprehensive and ongoing training for customer service staff to assist them to more effectively identify DFV and financial hardship and then treat customers experiencing DFV with dignity and respect. This training should emphasise that some customers who experience DFV seek consumer leases due to financial hardship.
2. More effective enforcement of the National Credit Code by ASIC, specifically in relation to irresponsible lending and financial hardship.
3. National Credit Code to be amended so there are legislative provisions that specifically protect customers who experience DFV under consumer credit law.
4. Providers to develop policies that recognise DFV as a cause of financial hardship. All policies to be made publicly available.
5. For all providers;
  - Less stringent requirements in relation to the documents that need to be provided in order to assess financial hardship.
  - Direct phone lines to a specialist team for customers experiencing DFV. Customers having the ability to liaise with one staff member from the organisation for duration of the process.



### **Who can use this resource?**

Victims of DFV who have left an abusive relationship are often living in a state of crisis and instability, they may be homeless or in transitional or emergency accommodation and could be surviving without necessary resources such as a mobile phone or sufficient identification documents. Additionally, as outlined in these recommendations there are critical obstacles presented by creditors and service providers that make it extremely difficult if not impossible for victims to try to manage their financial situations and request debt waivers. For these reasons even the most capable clients sometimes need an advocate to assist them.

This resource is designed to assist lawyers, service providers, caseworkers and volunteers who are assisting clients who have experienced DFV with simple debt matters. For more complex debt matters referrals should be made for legal advice. Additionally referrals should also be made to any other necessary services in order for your client to feel safe and supported (*see referrals info on page 33*).

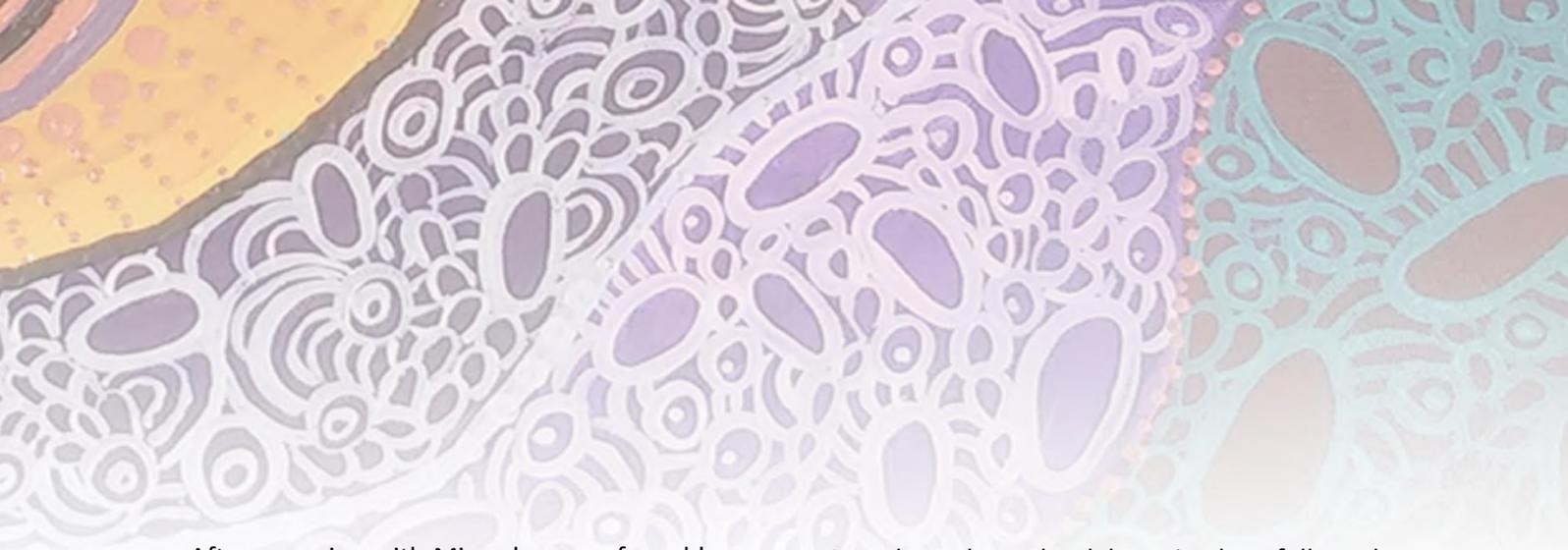
This resource contains a how to guide (*see page 17*) and template letters (*see page 28*) which can be used when assisting a client to have a debt waived. There is further information relating to each of the specific creditors and service providers (*see page 22*) you may be dealing with when assisting with debt waiver requests. Each creditor and service provider operates slightly differently and the information contained in this section is based on the experiences we had while undertaking casework. This information is designed to help you to request a debt waiver as effectively and efficiently as possible.

### **Resource in action**

Below is a case study example of how we assisted our client Miranda who had gone into denial about her escalating debt.

#### **Miranda's Story**

*Miranda was a victim of severe and long term DFV throughout her ten year relationship with her abusive ex-partner. The abuse was sexual, physical, emotional and economic. Miranda never made a statement to the police as she was afraid of the repercussions from her ex-partner if she reported anything. She felt trapped. Throughout the relationship Miranda's partner controlled all the finances and gave her an allowance, she did not work. Miranda left the relationship as the violence became so severe she feared for her life. After leaving Miranda was diagnosed with complex PTSD and was unable to work. Miranda was having difficulty applying for Centrelink and had no other source of income. Miranda applied for an online credit card in order to 'survive'. Miranda accrued a debt of \$10,053.34 on her credit card and was only able to make minimum repayments each month. Miranda also needed advice on her tenancy as she was unable to make her rental repayments. Additionally she requested referrals to a counsellor and for general DFV support. Miranda instructed us to request a full debt waiver on her behalf as she felt completely incapable of dealing with it herself and instructed that she had no financial capacity to pay off the debt.*



After engaging with Miranda, we referred her to our Tenancy Advice and Advocacy Service for tenancy advice, assisted her to complete her Victims Support applications, referred her to a DFV support service for casework assistance for housing and general support, referred her to a counsellor, linked her in with the Centrelink social worker and referred her to a local women's support group. We requested a full debt waiver of the amount owing and the creditor agreed to waive the full debt on compassionate grounds and confirmed that Miranda had no default listing against her.

When we first engaged with Miranda she was traumatised and overwhelmed, several months later after engaging with support services and having her debt waived, she was feeling stable and reported to us that her mental health was significantly better. Miranda was extremely grateful to us for assisting with the debt waiver as she stated she had gone into denial about the existence of the debt. She reported a significant decrease in her stress levels and peace of mind knowing that she could no longer be pursued for the money.

Miranda told us that the thought of achieving economic independence felt like a more manageable goal without first having to pay off a debt which to her was a substantial amount of money. Miranda reported that she was looking forward to managing her own finances and had her caseworker then refer her to a financial counsellor to assist her plan for her future.

In order to have the debt waived we followed the process we have outlined in section 2 of this resource (*see page 17*).



## SECTION 2 – HOW TO GUIDE AND TEMPLATE LETTERS

### General information for assisting clients

#### Taking a trauma informed approach

DFV can lead to severe and long-lasting trauma. Many victims of DFV live in fear of further violence, which greatly decreases their sense of physical and emotional safety and wellbeing. Unfortunately, research further shows that many victims of DFV are re-traumatised by the systems and services they access for support.<sup>20</sup>

It is important for people working with victims of DFV to use a trauma informed approach.

### Trauma informed practice is grounded in an understanding of how trauma and stress can impact the brain and body.

This approach seeks to minimise re-traumatisation of clients who have experienced DFV by avoiding behaviour that may compound or exacerbate the clients stress.

The Blue Knot Foundation describes the following core principles of trauma informed practice:

- Basic knowledge of the impacts of stress on the brain and body;
- Consistent emphasis on safety, trustworthiness, choice, collaboration and empowerment;
- Consistent emphasis on the way in which a service is provided (i.e. the 'how' as much as the 'what'; the context in which services are delivered, not just what the service is);
- Consistent emphasis on what may have happened to a client, rather than what is 'wrong' with clients;
- Recognition that difficult behaviour and/or symptoms may be the product of *coping mechanisms* and attempted self-protection in light of prior adverse experiences. If not seen through the lens of trauma, client behaviour is *'often and inappropriately labelled as pathological, when [it] should instead be viewed as adaptations a person has had to make in order to cope with life's circumstances'*;
- A strengths-based approach which acknowledges people's skills, notwithstanding the enormity and effects of overwhelming experiences with which they may be struggling (*'Recognizing and promoting resilience is also a fundamental component of effective trauma-informed work'*)<sup>21</sup>.

<sup>20</sup> Blue Knot Foundation (2016) *Trauma and the Law: Applying Trauma-informed Practice to Legal and Judicial Contexts*  
Authors: Kezelman C.A. & Stavropoulos P,  
<[www.blueknot.org.au/Portals/2/Reports%20and%20Docs/Legal%20and%20Justice%20Background%20Paper%20with%20Abstract%20FINAL.pdf](http://www.blueknot.org.au/Portals/2/Reports%20and%20Docs/Legal%20and%20Justice%20Background%20Paper%20with%20Abstract%20FINAL.pdf)>

<sup>21</sup> *Ibid.*



To effectively assist clients with their debt waiver matters, you will need to obtain information from the client about the nature and history of the DFV they have experienced. To ensure that this is done in a sensitive and respectful way we recommend that all people working in this space undergo training in working from a trauma informed approach.

#### **When to refer for legal advice**

Refer your client for legal advice if you are assisting them with a debt waiver request but recognise they have other legal issues.

## **If you are in doubt about whether something is a legal issue refer the client to a free legal service.**

The legal service will make an assessment about whether there are legal issues that they can assist with. Legal issues a client may need advice about include:

- Family law; including parenting arrangements, property settlements and child support;
- Care and protection;
- ADVOs;

- Other civil matters such as traffic offences or employment.

We also recommend referring clients for legal advice or advice from a financial counsellor in relation to the following debt/ financial matters:

- Statute barred debts;
- Joint loans;
- Contract issues (eg. (irresponsible lending);
- Ombudsman complaints,
- Bankruptcy.

#### Statute barred debts

A creditor or debt collector must recover a debt, or commence court action to recover a debt within six years of:

- The date the debt first arose;
- The date you made the last payment;
- The date you acknowledged the debt in writing<sup>22</sup>.

If your client thinks their debt may be statute barred refer them for legal advice and DON'T make a repayment towards the debt or confirm in writing that you own the debt. Once there has been a judgment against the client the creditor has twelve years to enforce the debt.

#### Contract issues

If a client appears to have entered into a contract under questionable circumstances it is best to refer them for legal advice.

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<sup>22</sup> Financial Rights Legal Centre, *Dealing with debt collection*, (8 October 2018) <[financialrights.org.au/factsheets/dealing-with-debt-collection-factsheet](http://financialrights.org.au/factsheets/dealing-with-debt-collection-factsheet)>



Questionable circumstances could include a client signing a contract without the creditor or service provider properly screening the clients assets or circumstances. This may constitute irresponsible lending and a lawyer will need to advise the client on this.

#### Joint loans

Parties to a joint loan are both liable and generally not allowed to alter contract details without the other party's consent. If a client has a loan jointly held with an abusive ex-partner it is best to refer them for legal advice immediately.

#### Ombudsman

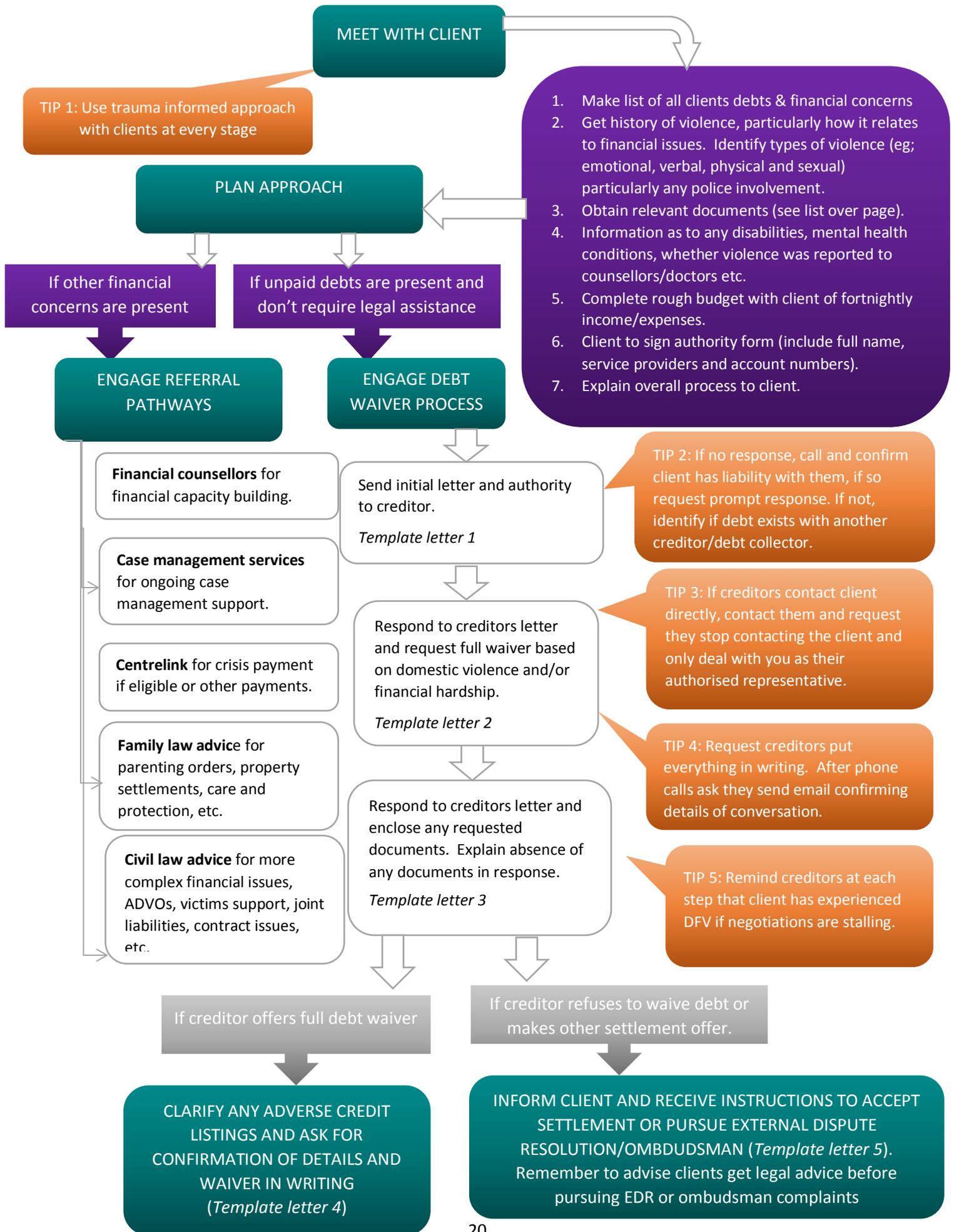
If attempting to negotiate with creditors or service providers is unsuccessful and your client would like to take the matter further, then they may be able to make a complaint to the Ombudsman. The complaint may be made to the Telecommunication Industry Ombudsman (TIO) for telecommunication service providers, the Energy and Water Ombudsman NSW for complaints about utility providers and the Australian Financial Complaints Authority (AFCA) for matters relating to banks, consumer lease providers and payday loan providers. See information and referrals section (page 33) for Ombudsman details.

#### Bankruptcy

Bankruptcy is the process of declaring yourself unable to pay your debts. For some it can be a relief but it also has serious repercussions. If your client is inundated with debts and considering bankruptcy refer them for advice to a free financial counselling service.



# Flowchart: General process for assisting clients



### **Requesting a debt waiver**

The flow chart on the previous page provides an overview of the process we utilised when requesting a debt waiver for our clients under the Walking Together Project.

Requesting a full debt waiver was always the first option we requested. Often creditors or service providers will write back initially offering a reduction or payment plan option instead. Be persistent requesting a full waiver by reiterating that your client has experienced DFV and financial hardship.

If a full waiver is not granted then you can request a reduction of the debt and/or an affordable payment plan if your client is agreeable to this and has the capacity to afford it.

Follow this step by step process in conjunction with reading the more detailed information we have included in regards to particular types of creditors and service providers (*see page 22*).

As previously stated it is important to refer clients to a free legal service for advice if the debt matter is more complex.

### **Relevant documents**

In almost all circumstances creditors and service providers require evidence of DFV and/ or financial hardship before they are willing to consider having the debt waived. Victims of DFV often have difficulty obtaining these documents because they may have fled quickly and in crisis. Many creditors and service providers are not aware of the complexities victims of DFV often face in

gathering this evidence. It is therefore helpful to remind creditors of these difficulties and to request extensions for time frames to provide evidence if required.

In our experience the following documents are often useful:

- Current Centrelink income statements;
- Statement of financial position (income/expense list);
- Payslips;
- Concession card/health-care card/pension card;
- Any evidence of violence (text messages/diaries);
- Family law orders;
- ADVOs/APVOs/police reports;
- Current copies of bills/debts paperwork (it is essential to list every relevant account number);
- Correspondence from creditors or service providers.

### **Requesting a stay of enforcement**

In general, creditors are required to stay enforcement of debts as soon as they receive notice of financial hardship.

**It is important to request a stay of enforcement as soon as you contact the creditor**

(*see template 2, page 29*).



If creditors continue to ask clients for payments after you have requested the stay of enforcement call and email the creditors to remind them of this.

## Industry specific guidelines

### Banks

The Australian Banking Association ('ABA') is a voluntary self-regulatory body for the Australian Banking industry. Its members include all four major banks. Other members can be identified on their website. *The ABA Industry Guidelines: Financial Abuse and Family and Domestic Violence Policies*<sup>23</sup> contain specific recommendations relating to DFV and economic abuse. This policy is non-binding and non-enforceable although understanding its recommendations may be of assistance when negotiating with banks. The policy contains specific requirements including:

- Provision of specialised DFV and economic abuse teams;
- Training for staff and management in DFV specific issues;
- How banks should engage with third party debt collection agencies where DFV has been identified to protect at risk clients.

A new *Code of Practice*<sup>24</sup> was approved by ASIC in July 2018 and will commence on 1 July 2019. All ABA member banks will be required to sign and adhere to the *Code of Practice (2019)*, it is legally enforceable and creates enforceable

rights for customers.<sup>25</sup> It contains assurances that banks will train staff to provide tailored, sensitive and appropriate assistance to clients experiencing DFV and/or economic abuse,<sup>26</sup> assurances that banks will not approve loans/loan increases to co-borrowers without first being satisfied that each party is receiving a 'substantial benefit' from the loan or if a party is not receiving a 'substantial benefit' that they are not experiencing financial abuse,<sup>27</sup> capacity for all joint account holders to require both account holders permission for all withdrawals,<sup>28</sup> agree that banks will respond 'promptly' when informed clients are experiencing financial hardship,<sup>29</sup> simplicity in authorising representatives to deal with banks on behalf of clients in financial hardship,<sup>30</sup> and assurances that full waiver of debts may be offered in exceptional circumstances.<sup>31</sup>

Each of the four major banks have policies indicating their intention to assist clients experiencing DFV. These policies are available on their websites. However, in our experience many staff (both at the consumer level and in management) appeared to have had little or no training in dealing with clients who have experienced DFV.

### Practical tips when negotiating with banks

- Authority forms should include your clients full name (including middle names and alternative surnames), your clients date of birth and full account details;
- Refer to banks specific DFV policies when corresponding with them

<sup>23</sup> Australian Banking Association, *Industry guideline: financial abuse and domestic and family violence policies* (November 2016).

<sup>24</sup> Australian Banking Association, *Code of Practice*, (September 2018).

<sup>25</sup> Above n 24, page 2.

<sup>26</sup> Above n 24, clause 38(d), (e), 39-41.

<sup>27</sup> Above n 24, clause 52 – 55.

<sup>28</sup> Above n 24, clause 139.

<sup>29</sup> Above n 24, clause 164.

<sup>30</sup> Above n 24, clause 162.

<sup>31</sup> Above n 24, clause 171-2.

- Encourage clients to seek legal advice, if they are joint signatories with perpetrators on any accounts or loans;
- Make sure that no address changes or information about clients movements are given to the perpetrator if the clients safety is at risk;
- Ask for the customer service representative for a direct email address to which you can forward correspondence. Banks generally respond promptly.

### **Telecommunication providers**

All telecommunication providers in Australia are required to comply with the *Telecommunication Consumer Protection Code ('TCPC')*<sup>32</sup>. The code was developed by the Australian Communications and Media Authority (ACMA) who have enforceability capacity. The TCPC requires:

- Communication about financial hardship options to customers;
- Communication about financial hardship options to customers who have experienced DFV;
- Appropriate training for staff involved in financial hardship management;
- Fair and timely financial hardship assessments;
- Suspension of enforcement action whilst financial hardship applications are being assessed;
- Any complaints made during financial hardship assessment are considered urgent and must be dealt with within 2 days.<sup>33</sup>

In our experience, these TCPC requirements are not adhered to adequately by service providers. Generally staff working for telecommunication providers have a limited understanding of DFV and its economic implications. Staff did not seem to correlate between the experience of DFV and ongoing financial hardship. Often NRCLC staff had to relay information about the clients experiences with DFV and financial hardship several times across several service departments.

### Practical tips when negotiating with telecommunication providers

- Authority forms should include your clients full name (including middle names and alternative surnames), your clients date of birth and full account details;
- Telecommunication providers are often slow in responding to correspondence or fail to respond at all. Send follow up correspondence if you have not received a response within the timeframe requested;
- Request a direct email address to send correspondence to;
- Telecommunication providers may default list unpaid debts quickly. It is important to check credit listings and request that any adverse listings are removed as part of the debt waiver request;
- Telecommunication providers rarely agree to a full waiver initially, they tend to offer a payment plan first. Be persistent and remember a full waiver is always the best solution if possible;

<sup>32</sup>Australian Communications and Media Authority, *Telecommunication Consumer Protection Code*, (July 2018).

<sup>33</sup> Above n 32, Clauses 6-8.

- Be prepared for negotiations to take some time;
- Ask for all conversations and negotiations to be confirmed in writing.

### **Utility providers (gas/electricity/water)**

There is a general lack of coherence responding to DFV issues within the utility industry. The *National Energy Retail Law*<sup>34</sup> requires every energy retailer in NSW to have customer hardship policies and to offer payment plans for any customers experiencing financial hardship. Clients in hardship may be eligible for the Energy Accounts Payment Assistance (EAPA) Scheme vouchers which are provided by the NSW Government to community welfare organisations to assist customers struggling to pay their energy bills.

In our experience different utility providers had very different responses to our requests for debt waivers. There was no consistency with our results. Some providers were unwilling to offer full debt waivers even where evidence was submitted in relation to DFV and/or financial hardship. However, other providers agreed to full debt waivers without any evidence needing to be provided at all.

### Practical tips when negotiating with utility providers

- Authority forms should include your clients full name (including middle names and alternative surnames), your clients date of birth and full account details;
- Request a direct email address to send correspondence to;

- Advocate strongly for full debt waivers and provide detailed submissions as to why this is the preferable option for your client;
- Advocate strongly on behalf of client if utility providers are asking for onerous amount of evidence to provide DFV and/ or economic abuse;
- If payment plans are the only mechanism offered, request that, providers send you a copy of the terms and conditions relating to the agreement;
- Ask for all conversations and negotiations to be confirmed in writing.

### **Debt collectors**

Service providers and creditors may engage debt collectors to collect unpaid debts on their behalf. Alternatively, they may sell unpaid debts to debt collectors who can then seek payment for those debts on their own terms. The debt collection industry is not strongly regulated.

Where consumers are experiencing financial hardship, debt collectors must provide flexible means for consumers to repay the amount owing that will allow them to maintain a basic standard of living. In our experience, most debt collectors who owned debts outright were willing to waive debts in their entirety if they were satisfied that a client has experienced DFV.

Debt collectors have the right to commence legal action when debts remain unpaid. It is therefore advisable to make contact with debt collectors quickly and ask for an initial stay of enforcement to protect clients from further legal action. (*See template 2, page 29*).

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<sup>34</sup> *National Energy Retail Law 2017* (NSW).

### Practical tips when negotiating with debt collectors

- Clarify whether debt collectors own the debt outright or are acting on behalf of a creditor or service provider. If they are acting as a third party collector make contact with the service provider as they will remain the final decision maker in relation to any waivers/adverse credit listings;
- Debt collectors may be reluctant to negotiate or slow to respond to correspondence. It is therefore important to be persistent in advocating for your client;
- Request a direct email address to send correspondence to;
- Clarify whether your client has any other debts owing to other organisations with the debt collection agency, you can then advocate for these debts to be waived also;
- Ask for all conversations and negotiations to be confirmed in writing.

### **Consumer lease providers and payday loan providers**

Consumer leases are pay-as-you go leases for household equipment and lease-hire agreements. The law can be complex around these so it may be best to refer clients for legal advice about these matters. In general, consumer leases are regulated by the *National Credit Code* contained in the *National Consumer Protection Act*.<sup>35</sup>

Payday loans are high cost short term loans. In our experience it was common for clients to

take out these loans when leaving a relationship to assist them with the cost of day to day living. The interest rates on repayments are generally very high. In our experience clients fell behind on their repayments and accrued substantial debt.

Where providers are not willing to release consumers from financial obligations on grounds of DFV and/or financial hardship we recommend referring your client for legal advice to assess whether they have grounds to make a complaint to the Australian Financial Complaints Authority (AFCA).

There is a lack of industry coherence in dealing with DFV and financial hardship. This means that providers develop their own policies which can make advocating in this space complex.

### Practical tips when negotiating with consumer lease and payday loan providers

- Authority forms should include your clients full name (including middle names and alternative surnames), your clients date of birth and full account details;
- Request a direct email address to send correspondence to;
- Inform the provider quickly of the clients circumstances;
- Advocate strongly for full debt waivers and provide detailed submissions as to why this is the preferable option for your client;
- Refer for legal advice if no agreement can be reached as client may have grounds to make a complaint to AFCA;

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<sup>35</sup> *National Consumer Credit Protection Act 2009* (Cth).

- Ask for all conversations and negotiations to be confirmed in writing.

### Case study: payday loans

#### Jasmine's Story

*Jasmine was in an on-and-off relationship with her abusive partner for over a decade, and had four children with him during that time. During the relationship the police were involved repeatedly and she took out a number of ADVOs. The abuse she experienced was severe and included sexual, physical, emotional, verbal and financial abuse. During the relationship Jasmine's partner stole her money and key-card to pay for alcohol and forced her to pay for all of the family's costs including all of the children's costs. When Jasmine came to us she had an excess of \$15,000 in debts to a number of creditors some of which she was unaware of. Only by working with her over several months were we able to fully understand her financial position. One of these loans was a consumer lease agreement for goods and furniture to furnish a new home after fleeing the violence. After receiving the goods she was suddenly forced to leave her new FACS housing residence out of fear when threatened by the perpetrator. FACS cleared the home out and removed the goods without informing her. When beginning negotiations with the consumer lease provider they were initially willing to break the lease free of charge if she returned the goods however the situation became more complex when we realised the goods had been disposed of. After several months of active advocacy the lease provider agreed to cease collection on the loan permanently if the consumer didn't attempt to enter any more lease agreements with them.*

### Revenue NSW

Revenue NSW are responsible for collecting revenues and recovering debts on behalf of the state of NSW. Revenue NSW has a number of policies in relation to dealing with the debts of clients experiencing financial hardship.

Revenue NSW offer a range of options to clients experiencing financial hardship, these options include payment by instalments, work and development orders, deferral of payment or cancellation of the debt in some circumstances.

In our experience Revenue NSW are willing to cancel the fine in full or offer a five year deferral where DFV is shown to be a causative factor in the fine (ie: the fine itself was accrued by an abusive ex-partner, the fine was accrued fleeing a DFV situation, etc)

In our experience seeking a debt waiver with Revenue NSW is fairly straightforward however the process is slow and can take several months.

#### Practical tips when negotiating with Revenue NSW

- Provide an accurate list of every enforcement order;
- Provide detailed information regarding the clients financial circumstances and experience of DFV;
- Provide detailed information about how the DFV contributed to the accumulation of the fine or the inability of your client to pay it;
- Provide detailed information regarding clients inability to pay due to current financial hardship and confirm that the client does not foresee a

change to their capacity to pay the fines within the next 5 years.

### **Centrelink**

If your client has a Centrelink debt that was accrued while they were experiencing DFV you can refer them to the social worker at their local Centrelink office.

In our experience we had successful outcomes by warmly referring our clients to the social worker and writing a support letter detailing their experience of DFV and how this contributed to the debt. The social worker will make contact with your client and upload the support letter onto their system as evidence of why your client accrued the debt and/or will be unable to repay it.

Clients leaving DFV may also be eligible for a one-off crisis payment which is equal to 1 week of existing income support payments. The eligibility criteria is:

- Be eligible for an income support payment;
- Have severe financial hardship;
- Have an extreme life change.

Clients must make claim for crisis payment within 7 days of the event (ie. act of DFV or relocating due to DFV).

### **Credit records**

In general service providers cannot make adverse credit listings without providing notice to consumers. Service providers are also required to wait zero days after a payment is due before making a listing.

Service providers and debt collectors also have the capacity to remove adverse listings however they are not required to do so unless the listing has been made in error.

In circumstances where a debt has been waived, service providers may leave a listing on a clients credit report and this may affect their credit listing in future. In all negotiations with service providers it is essential to clarify whether there are any adverse listings and to advocate strongly for their removal. Ask the service provider to confirm in writing that the listing has been removed.



**You can access a PDF version of the resource on our website from April 2019**

<http://northernriversclc.org.au/>

**If you would like a PDF copy of the resource before April 2019 please email**

[nrclc@northernriversclc.org.au](mailto:nrclc@northernriversclc.org.au)

## Template letters

### Template 1 – Authority

(Have separate Authorities for each creditor/service provider)

### **Authority**

I, *CLIENT NAME (DOB)*

of *CLIENT ADDRESS*

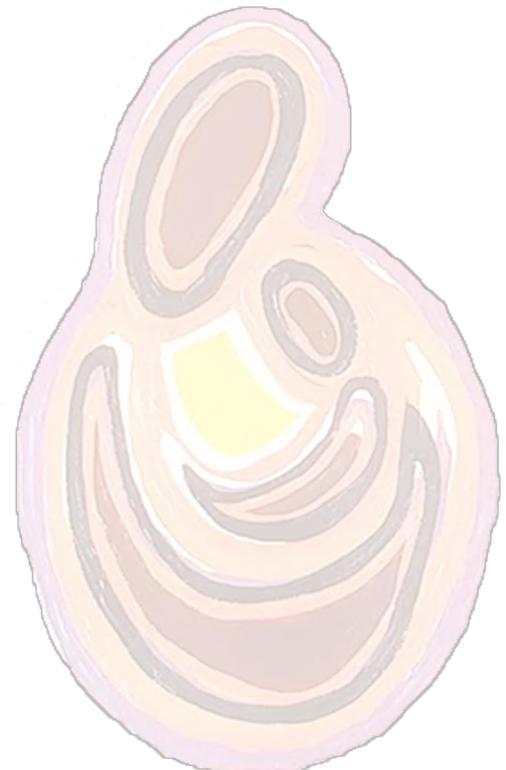
authorise *YOUR SERVICE NAME*, to act on my behalf in relation to the following matter:

1. Debt/s owing to, *NAME OF CREDITOR/ SERVICE PROVIDER*
2. Any claims arising out of the above matter, including those by or against a third party,
3. To request and obtain information about me in respect of these matters.

Signed

\_\_\_\_\_  
*CLIENT NAME*

\_\_\_\_\_  
Date



Template 2 – Initial letter to creditor

(Date)

(Service Provider Name)

(Postal Address)

**Sent by post and email: email address.com**

Dear Madam/Sir

**RE: CLIENT NAME – ACCOUNT NUMBER/CUSTOMER NUMBER**

We are assisting *CLIENT NAME* and **enclose** an Authority to Act signed by her authorising us to act on her behalf and request information about her.

Could you please provide us with **details of any amount owing to the SERVICE PROVIDER by CLIENT NAME and any previous payment arrangements.**

We also ask that you **stay any enforcement action for at least two months** as *CLIENT NAME* has been a victim of *domestic and/or family violence* and is currently suffering from financial hardship. *CLIENT NAME* needs time to clarify her financial situation and consider her next steps.

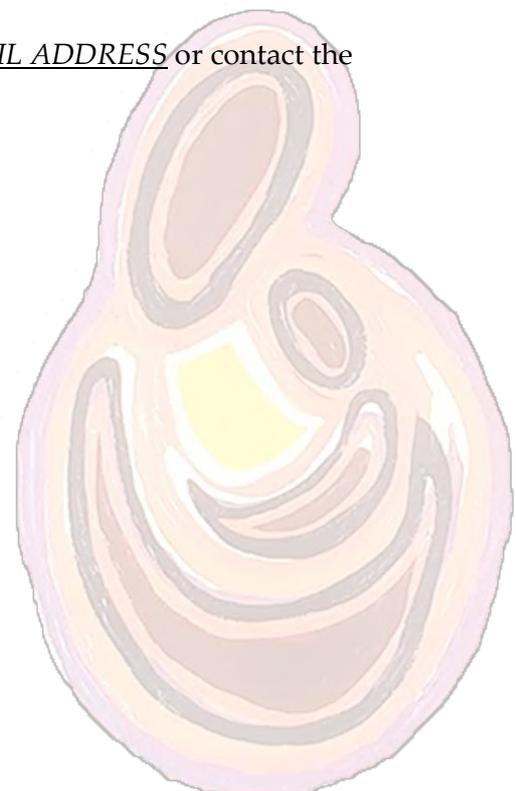
In your response could you please provide us with an email address that we can forward all further correspondence to in relation to this matter.

Could you please direct all future correspondence to YOUR EMAIL ADDRESS or contact the writer on *AGENCY PHONE NUMBER*.

Yours sincerely

*Your name*

***Your service name***



Template 3 – Letter requesting full debt waiver

*(Date)*

*(Service Provider Name)*

*(Postal Address)*

***Sent by post and email: email address.com***

Dear Madam/Sir

**RE: CLIENT NAME – ACCOUNT NUMBER/CUSTOMER NUMBER**

We refer you correspondence dated XXXXX.

We are writing to inform you that *CLIENT NAME* was a victim of domestic violence by her *ex-partner/current partner/family member* for a period of XXXXXX ending in XXXXXX. This violence included sexual abuse, physical abuse, emotional abuse, verbal abuse, financial abuse, and threatening behaviour (*delete N/A*).

*Write paragraphs describing nature of abuse including any particularly serious incidents to describe scope of abuse. (only include the detail your client consents to you providing).*

*Write paragraph describing in detail the nature of any economic abuse (eg: no access to finances, perpetrator stole money, forced to sign loan document, etc).*

*Write paragraph detailing the nature of the financial hardship being experienced by your client as a result of the violence (eg: not able to work, single parent, cost of leaving/ relocating, etc) and why she cannot repay the debt owed.*

*CLIENT NAME* does not have the financial capacity to pay off her debts. The persistence of this/these debt/debts is continuing to exacerbate her stress and anxiety, and make recovering from the trauma and rebuilding her life more difficult. We respectfully request that you waive these outstanding amounts owing in their entirety on compassionate grounds. This will assist *CLIENT NAME* to rebuild her life with her children free from violence and assist her to become financially independent.

Please find enclosed the following documents evidencing the violence and/ or financial hardship:

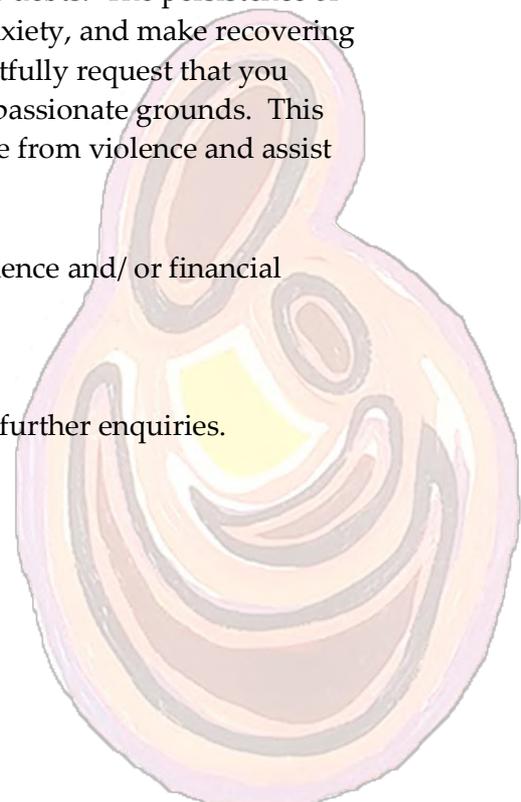
- *List any relevant here and enclose with letter.*

Please don't hesitate to contact us on XXXXXXXX if you have any further enquiries.

Yours sincerely

*Your name*

*Your service name*



Template 4 – Letter accepting offer of debt waiver and confirming no default listing

*(Date)*

*(Service Provider Name)*

*(Postal Address)*

***Sent by post and email: email address.com***

Dear Madam/Sir

**RE:    *CLIENT NAME – ACCOUNT NUMBER/CUSTOMER NUMBER***

We refer *your correspondence/our telephone conversation* dated XXXXX and confirm that you have agreed to waive the amount of \$XXX owing by *CLIENT NAME*.

Could you please confirm in writing that the full debt waiver has been processed and that there is no default listing recorded against *CLIENT NAME* account.

OR

Could you please confirm in writing that the full debt waiver has been processed and that the default listing has been removed as agreed by your service.

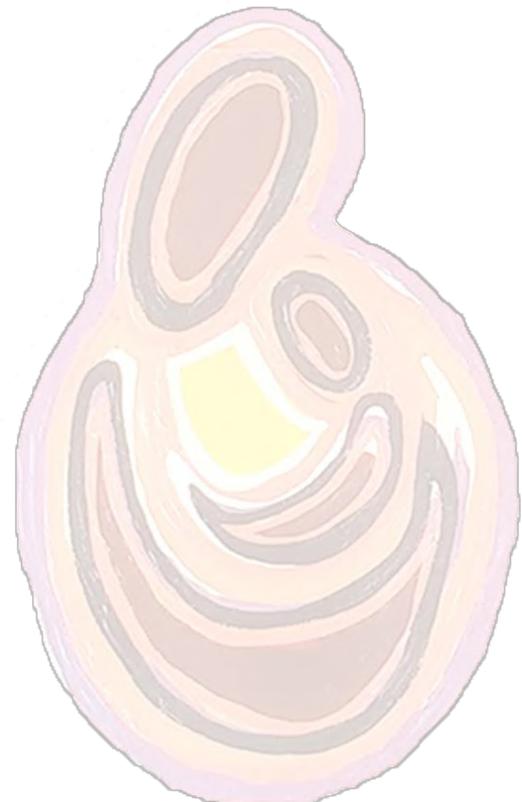
Thank you for your compassionate response to our request on behalf of *CLIENT NAME*.

Please don't hesitate to contact us on XXXXXXXX if you have any further enquiries.

Yours sincerely

*Your name*

***Your service name***



Template 5 – Letter declining settlement offer by service provider

*(Date)*

*(Service Provider Name)*

*(Postal Address)*

***Sent by post and email: email address.com***

Dear Madam/Sir

**RE:    *CLIENT NAME – ACCOUNT NUMBER/CUSTOMER NUMBER***

We refer *your correspondence/our telephone conversation* dated XXXXX and confirm that you have not agreed to waive the amount owing by *CLIENT NAME*.

*CLIENT NAME* has advised us she is unable to agree to the payment plan put forward by your service and we have now referred her for legal advice about her options in relation to the debt as she may wish to make a complaint to the Ombudsman.

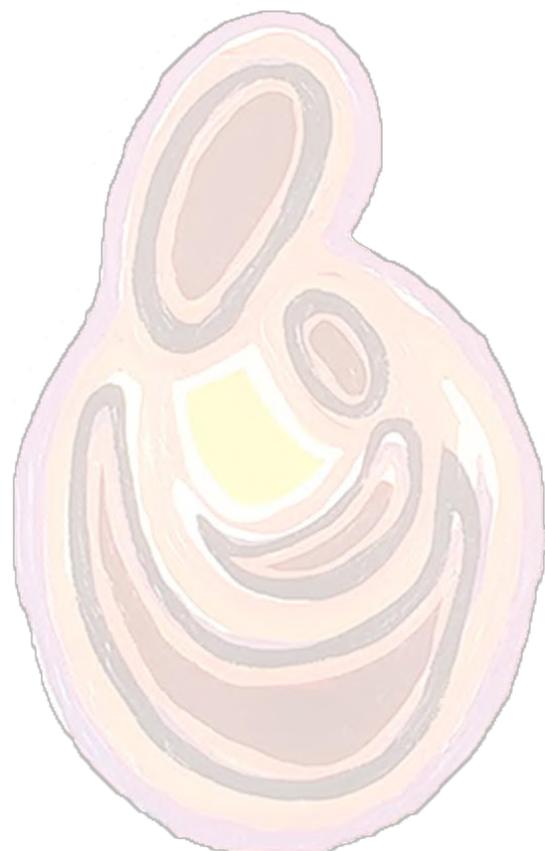
*CLIENT NAME* or her acting solicitor will be in touch with you shortly.

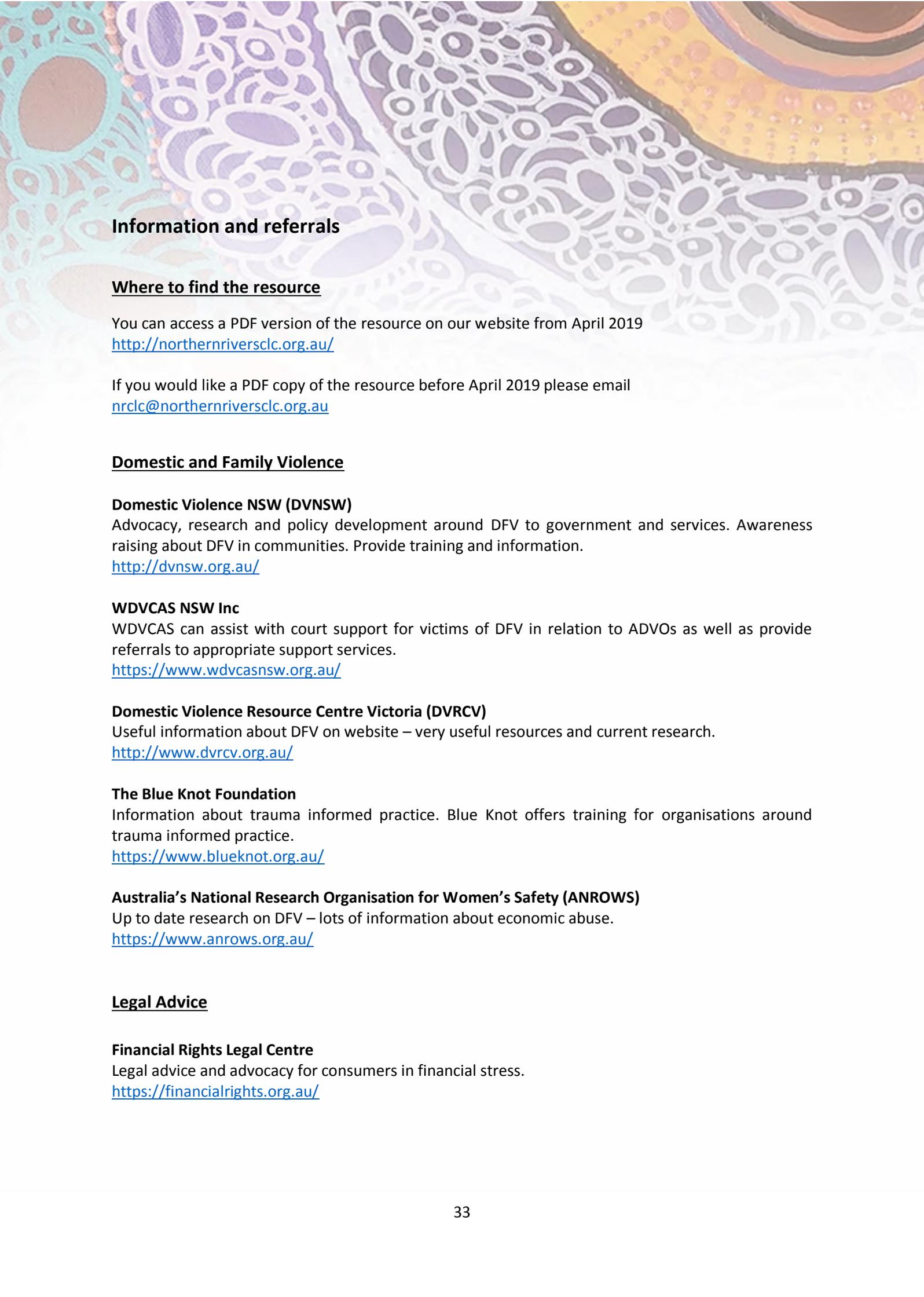
Please don't hesitate to contact us on XXXXXXXX if you have any further enquiries.

Yours sincerely

*Your name*

***Your service name***





## **Information and referrals**

### **Where to find the resource**

You can access a PDF version of the resource on our website from April 2019  
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[nrclc@northernriversclc.org.au](mailto:nrclc@northernriversclc.org.au)

### **Domestic and Family Violence**

#### **Domestic Violence NSW (DVNSW)**

Advocacy, research and policy development around DFV to government and services. Awareness raising about DFV in communities. Provide training and information.  
<http://dvnsw.org.au/>

#### **WDVCAS NSW Inc**

WDVCAS can assist with court support for victims of DFV in relation to ADVOs as well as provide referrals to appropriate support services.  
<https://www.wdvcasnw.org.au/>

#### **Domestic Violence Resource Centre Victoria (DVRCV)**

Useful information about DFV on website – very useful resources and current research.  
<http://www.dvrcv.org.au/>

#### **The Blue Knot Foundation**

Information about trauma informed practice. Blue Knot offers training for organisations around trauma informed practice.  
<https://www.blueknot.org.au/>

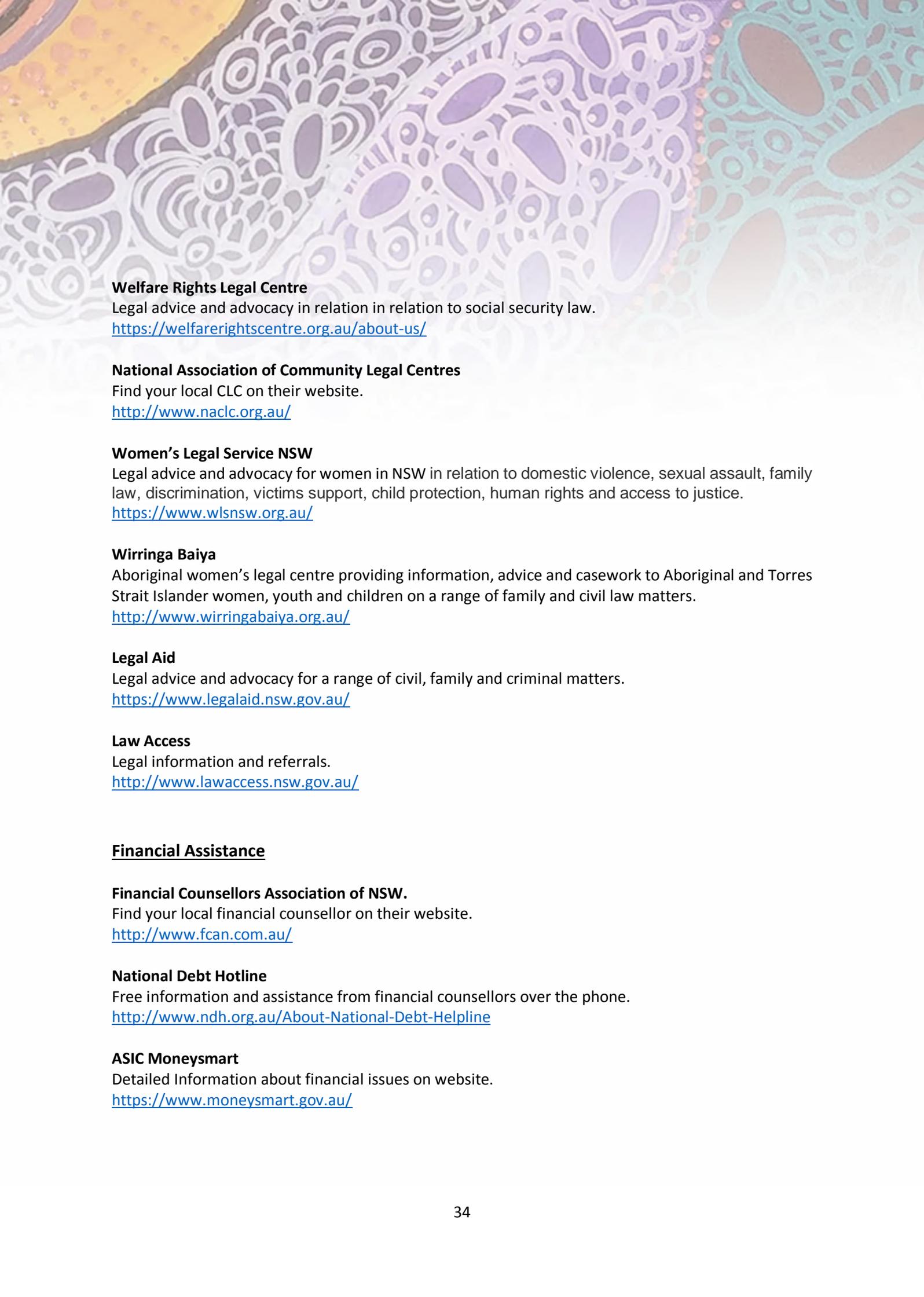
#### **Australia's National Research Organisation for Women's Safety (ANROWS)**

Up to date research on DFV – lots of information about economic abuse.  
<https://www.anrows.org.au/>

### **Legal Advice**

#### **Financial Rights Legal Centre**

Legal advice and advocacy for consumers in financial stress.  
<https://financialrights.org.au/>



### **Welfare Rights Legal Centre**

Legal advice and advocacy in relation to social security law.

<https://welfarecentre.org.au/about-us/>

### **National Association of Community Legal Centres**

Find your local CLC on their website.

<http://www.naccl.org.au/>

### **Women's Legal Service NSW**

Legal advice and advocacy for women in NSW in relation to domestic violence, sexual assault, family law, discrimination, victims support, child protection, human rights and access to justice.

<https://www.wlsnsw.org.au/>

### **Wirringa Baiya**

Aboriginal women's legal centre providing information, advice and casework to Aboriginal and Torres Strait Islander women, youth and children on a range of family and civil law matters.

<http://www.wirringabaiya.org.au/>

### **Legal Aid**

Legal advice and advocacy for a range of civil, family and criminal matters.

<https://www.legalaid.nsw.gov.au/>

### **Law Access**

Legal information and referrals.

<http://www.lawaccess.nsw.gov.au/>

## **Financial Assistance**

### **Financial Counsellors Association of NSW.**

Find your local financial counsellor on their website.

<http://www.fcan.com.au/>

### **National Debt Hotline**

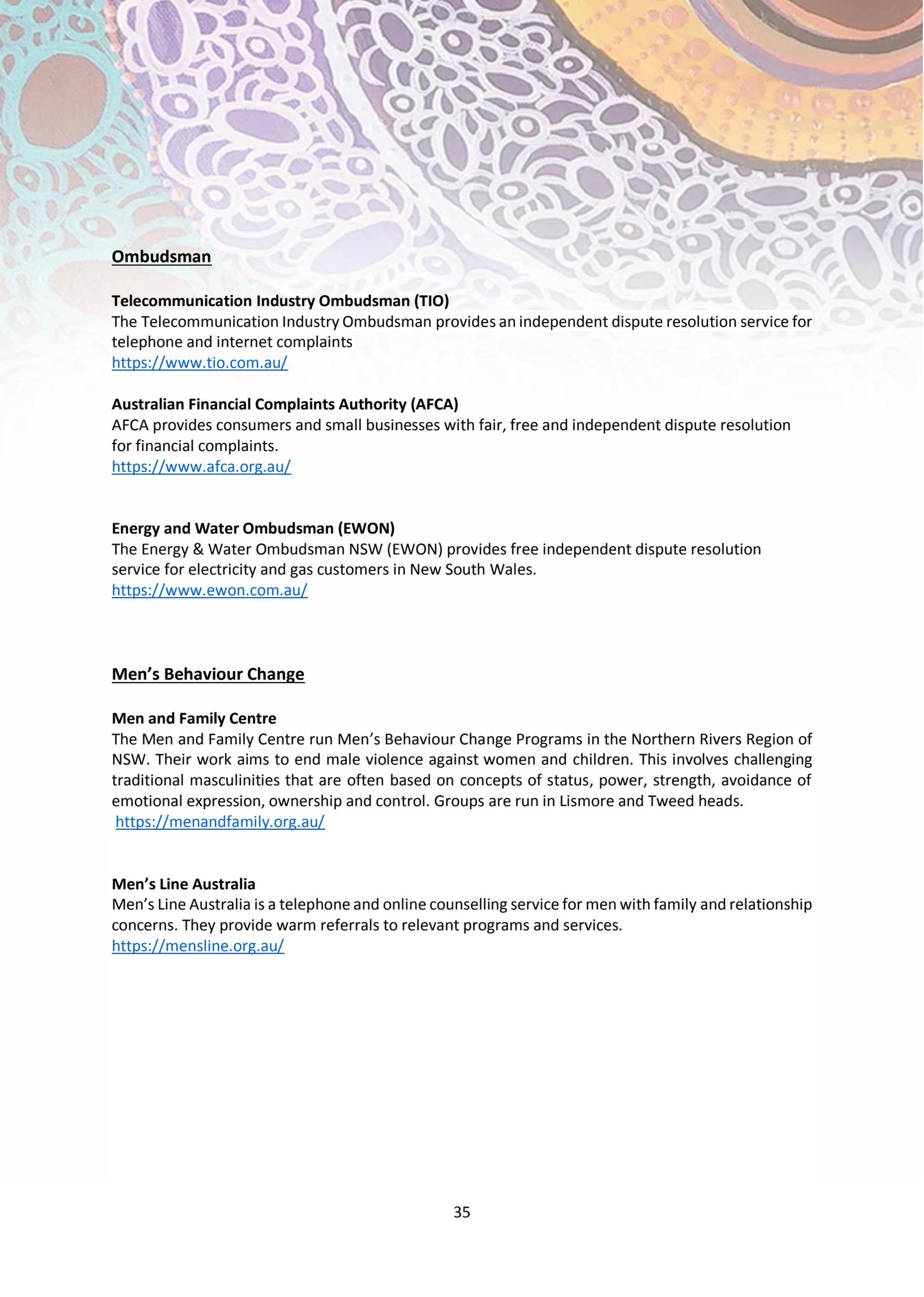
Free information and assistance from financial counsellors over the phone.

<http://www.ndh.org.au/About-National-Debt-Helpline>

### **ASIC Moneysmart**

Detailed Information about financial issues on website.

<https://www.moneysmart.gov.au/>



## **Ombudsman**

### **Telecommunication Industry Ombudsman (TIO)**

The Telecommunication Industry Ombudsman provides an independent dispute resolution service for telephone and internet complaints

<https://www.tio.com.au/>

### **Australian Financial Complaints Authority (AFCA)**

AFCA provides consumers and small businesses with fair, free and independent dispute resolution for financial complaints.

<https://www.afca.org.au/>

### **Energy and Water Ombudsman (EWON)**

The Energy & Water Ombudsman NSW (EWON) provides free independent dispute resolution service for electricity and gas customers in New South Wales.

<https://www.ewon.com.au/>

## **Men's Behaviour Change**

### **Men and Family Centre**

The Men and Family Centre run Men's Behaviour Change Programs in the Northern Rivers Region of NSW. Their work aims to end male violence against women and children. This involves challenging traditional masculinities that are often based on concepts of status, power, strength, avoidance of emotional expression, ownership and control. Groups are run in Lismore and Tweed heads.

<https://menandfamily.org.au/>

### **Men's Line Australia**

Men's Line Australia is a telephone and online counselling service for men with family and relationship concerns. They provide warm referrals to relevant programs and services.

<https://mensline.org.au/>



## Produced by



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