

National Water Reform

Submission

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Summary of Recommendations

Australian businesses have a social responsibility to protect customers in vulnerable circumstances. Water companies in all Australian states and territories should be obligated to adopt a family violence policy. The policy should be modelled against the family violence clause inserted into the Victorian water customer service codes and include:

- Comprehensive and ongoing staff training about economic abuse and family violence;
- Promotion of customer safety by providing for the secure handling of information pertaining to customers affected by family violence;
- Specification of the water business's approach to debt management and recovery where a customer is affected by family violence;
- Recognition of the fact that family violence is a legitimate cause of payment difficulties and satisfies eligibility criterion for access to the water business's hardship policy;
- A process that reduces the extent to which customers must repeat disclosure of their family violence;
- Referral of customers who may be affected by family violence to specialist family violence services;
- Provision of interpreting services for culturally and linguistically diverse ('CALD') customers;
- Mandatory obligations regarding the promotion of the family violence policy; and
- A community outreach program.

Relevance to the Terms of Reference

This submission is relevant to the Terms of Reference in two key ways. Firstly, imposing mandatory family violence policies on water companies will improve social and economic outcomes for water customers affected by family violence.¹ Secondly, this submission demonstrates the important and under recognised interaction between water policy and another policy area; namely family violence.²

The Problem

1.1 Family Violence in Australia

¹ Australian Government Productivity Commission, *National Water Reform Issues Paper* (Report, May 2020) iv.

² Ibid.

Men's violence against women is a global crisis.³ Family violence is a widespread form of gendered violence in Australia, most commonly experienced by women at the hands of men.⁴ Family and/or domestic violence is legally recognised in all Australian states and territories.⁵ Family violence is the preferred terminology in Victoria (and therefore will be used throughout this submission) and is defined in Victorian legislation as behaviour which is physically, sexually, emotionally, psychologically or economically abusive or which otherwise controls the perpetrator's family member causing them to fear for their, or another's, safety.⁶ Recent data suggests that one in six (i.e. 17%) Australian women over the age of 15 have endured physical or sexual violence by a current or former intimate partner.⁷

Over the past decade systemic responses to family violence have been the subject of state and federal review.⁸ In 2015 in the wake of a surge in family violence related deaths (e.g. 11 year old Luke Batty in 2014) the Victorian Government established the Royal Commission into Family Violence ('RCFV' or 'the Commission') to interrogate and assess community and government responses to family violence.⁹ In March 2016, the Commission tabled its report, including 227 recommendations to enhance Victoria's response to the prevalence and risks of family violence. It highlighted the broad range of behaviours constituting family violence; the critical feature of these behaviours being an expression of power and control over victims.¹⁰ The Commission also confirmed the role of essential service providers in designing a holistic, community response to family violence.¹¹ 15 of these recommendations are related to financial security and economic abuse.¹²

³ Marie Eriksson and Rickard Ulmestig, "It's Not All About Money": Toward a More Comprehensive Understanding of Financial Abuse in the Context of VAW' (2017) *Journal of Interpersonal Violence* 1, 19.

⁴ Renata Alexander, *Family Violence in Australia: The Legal Response* (The Federation Press, 2018) 5; Australian Bureau of Statistics, *Personal Safety, Australia, 2016* (Catalogue No 4906.0, 8 November 2017) ('*Personal Safety Survey*').

⁵ *Family Violence Act 2016* (ACT) s 8; *Family Violence Protection Act 2008* (Vic) s 8; *Domestic and Family Violence Act 2007* (NT) s 5; *Domestic and Family Violence Protection Act 2012* (QLD) s 8; *Crimes (Domestic and Personal Violence) Act 2007* (NSW) s 9; *Intervention Orders (Prevention of Abuse) Act 2009* (SA) s 8; *Family Violence Act 2004* (TAS) s 8; *Restraining Orders Act 1997* (WA) s 5A.

⁶ *Family Violence Protection Act 2008* (Vic) s 5.

⁷ *ABS Personal Safety Survey* (n 2).

⁸ See, eg, Australian Law Reform Commission, *Family Violence: A National Legal Response* (Report No 114, October 2010) vol 1; Victorian Law Reform Commission, *Review of Family Violence Laws* (Report No 185, February 2006); National Council to Reduce Violence against Women and their Children, *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children 2009–2021* (Report, March 2009); State of Victoria, *Royal Commission into Family Violence: Summary and Recommendations* (Parl Paper No 132, March 2016) ('*RCFV Summary and Recommendations*').

⁹ *Ibid* 1.

¹⁰ *Ibid* 93.

¹¹ State of Victoria, *Royal Commission into Family Violence: Report and Recommendations, Vol IV* (Parl Paper No 132, March 2016) 104 ('*RCFV Summary and Recommendations Vol IV*').

¹² Carolyn Bond and Madeleine Ulbrick, *Responding to Financial Abuse* (Full Report, January 2020) 3.

Victoria has been described by the media as ‘leading the way’ on family violence.¹³ As at 31 December 2019, 154 of RCFV’s recommendations have been implemented.¹⁴ Of relevance to this submission are the changes to the rural and urban water business customer service codes.

¹⁵

Despite the Andrews’ government’s commitment to implementing the RCFV’s recommendations, family violence remains a major national health and welfare crisis.¹⁶ In 2019, on average, one woman was killed by her partner every nine days.¹⁷ In 2020 amidst the COVID-19 pandemic restrictions, the incidence of family violence in Australia is on the rise, with practitioners reporting an increase in both frequency and severity of violence.¹⁸ These alarming statistics indicate that there is much work to be done to end gendered violence in Australia.

1.2 The Hidden Crisis: Economic Abuse

Economic abuse is a silent yet devastatingly impactful form of family violence.¹⁹ The *Family Violence Protection Act 2008* (Vic) defines economic abuse as coercive, deceptive or unreasonably controlling behaviour that denies financial autonomy or withholds the financial

¹³ Kate Fitz-Gibbon et al, ‘Victoria Leads the Way on Family Violence but Canberra Needs to Lift its Game,’ *The Conversation* (online, 30 March 2017)

<<https://theconversation.com/victoria-leads-the-way-on-family-violence-but-canberra-needs-to-lift-its-game-74036>> ; Jane Gilmore, ‘Four Years On It’s Impossible to Hear Rosie and Not Want to Do Something’ *The Sydney Morning Herald* (online, 2 November 2018) <<https://www.smh.com.au/lifestyle/life-and-relationships/four-years-on-it-s-impossible-to-hear-rosie-and-not-want-to-do-something-20181101-p50dds.html>>.

¹⁴ State of Victoria, ‘The 27 Recommendations’, *Family Violence Recommendations* (Web Page) <<https://www.vic.gov.au/family-violence-recommendations>>.

¹⁵ Essential Services Commission, *Water Code Outcomes Review: Family Violence Changes* (Report, 26 June 2019) 4 (‘*Water Code Outcomes Review*’).

¹⁶ Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence in Australia: Continuing the National Story* (Report No FDV 3, 5 June 2019) vii.

¹⁷ *Ibid* x.

¹⁸ Naomi Pfitzner, Kate Fitz-Gibbon and Jacqui True, *Responding to the ‘Shadow Pandemic’: Practitioner Views on the Nature of and Responses to Violence Against Women in Victoria, Australia During the COVID-19 Restrictions* (Report, 6 June 2020) 10.

¹⁹ Rachel J Voth Schrag, ‘Experiences of Economic Abuse in the Community: Listening to Survivor Voices’ (2019) 34(3) *Affilia - Journal of Women and Social Work* 313, 313; Madeleine Ulbrick ‘“A Man’s Home is His Castle. And Mine is a Cage”: A Feminist Political Economy Analysis of Economic Abuse in Victoria’ (PhD Thesis, Monash University, 2020) 15; Jozica Kutin, Roslyn Russell and Mike Reid, ‘Economic Abuse Between Intimate Partners in Australia: Prevalence, Health Status, Disability and Financial Stress’ (2017) 41(3) *Australian Journal of Public Health* 269, 269; Adrienne Adams et al, ‘Development of the Scale of Economic Abuse’ (2008) 14(5) *Violence Against Women* 563, 564; Amanda Mathisen Stylianou, Judy L Postmus and Sarah McMahon, ‘Measuring Abusive Behaviors: Is Economic Abuse a Unique Form of Abuse?’ (2013) 28(16) *Journal of Interpersonal Violence* 3186, 3187; Cynthia K Sanders, ‘Economic Abuse in the Lives of Women Abused by an Intimate Partner: A Qualitative Study’ (2015) 21(1) *Violence Against Women* 3, 4; Prue Cameron *Relationship Problems and Money: Women Talk About Financial Abuse* (Report, 25 August 2014) 17; Elizabeth Branigan ‘“Who Pays in the End?” The Personal and Political Implications of Financial Abuse of Women in Intimate Partner Relationships’ (2007) 44 *Just Policy: Journal of Australian Social Policy* 31, 31.

support necessary for meeting reasonable living expenses.²⁰ Like other forms of family violence, at its core economic abuse is an expression of power and control.²¹ Economic abuse can occur in combination with other forms of family violence or in isolation.²² Although economic abuse can take many forms,²³ it is characterised by behaviours aimed at manipulating a person's access to money, assets and financial decision-making to foster a relationship of dependence and control.²⁴ Importantly for this submission are the ways in which utility accounts can be a source of economic abuse.²⁵ These include, but are not limited to:

- accidental disclosure of a victim-survivor's address to a perpetrator;²⁶
- opening an account in a victim-survivor's name without knowledge or permission;²⁷
- refusing to contribute to a joint account;²⁸
- a perpetrator refusing to pay their own account, resulting in disconnection;²⁹ and
- requesting disconnection of services despite the fact that the victim-survivor lives at the address.³⁰

Why is economic abuse underrecognised?

Despite widespread legal recognition of economic abuse,³¹ this form of abuse is commonly described as underrecognised in the community.³² Victim-survivors often do not identify their experience as a kind of family violence.³³ In fact, a recent survey shows that economic abuse is

²⁰ *Family Violence Protection Act 2008* (Vic) s 6; Bond and Ulbrick (n 10) 10.

²¹ Ulbrick (n 17) 99.

²² Bond and Ulbrick (n 10) 10.

²³ Evgenia Bourova, Ian Ramsay and Paul Ali, 'Limitations of Australia's Legal Hardship Protections for Women With Debt Problems Caused by Economic Abuse' (2019) 42(4) *University of NSW Law Journal* 1146, 1148; *Family Violence Protection Act 2008* (Vic) s 6; Angela Lauman and Elizabeth Samra, 'Economic Abuse: The Struggle for Financial Security (2018) 248 *Law Society of the ACT Journal* 40, 40; Voth Schrag (n 17) 318; Consumer Utilities Advocacy Centre, *Helping Not Hindering: Uncovering Domestic Violence & Utility Debt* (Report, August 2014) 8 ('*Helping Not Hindering*').

²⁴ Kutin, Russell and Reid (n 17) 269.

²⁵ *RCFV Summary and Recommendations Vol IV* (n 9) 104.

²⁶ *Ibid*; Bond and Ulbrick (n 10) 3.

²⁷ *RCFV Summary and Recommendations Vol IV* (n 9) 104; Bond and Ulbrick (n 10) 24; Essential Services Commission, *Moving Towards Better Practice: Implementing Family Violence Policies in the Victorian Water Sector* (Report, May 2017) 3 ('*Moving Towards Better Practice*').

²⁸ *RCFV Summary and Recommendations Vol IV* (n 9) 104; Bond and Ulbrick (n 10) 24; *Moving Towards Better Practice* (n 25) 3.

²⁹ *RCFV Summary and Recommendations Vol IV* (n 9) 104; *Moving Towards Better Practice* (n 25) 3.

³⁰ Bond and Ulbrick (n 10) 24.

³¹ *Family Violence Act 2016* (ACT) s 8; *Family Violence Protection Act 2008* (Vic) s 8; *Domestic and Family Violence Act 2007* (NT) s 5; *Domestic and Family Violence Protection Act 2012* (QLD) s 8; *Crimes (Domestic and Personal Violence) Act 2007* (NSW) s 9; *Intervention Orders (Prevention of Abuse) Act 2009* (SA) s 8; *Family Violence Act 2004* (TAS) s 8; *Restraining Orders Act 1997* (WA) s 5A.

³² Kutin, Russell and Reid (n 17) 269; Lauman and Samra (n 21) 41; Bourova, Ramsay and Ali (n 21) 1159; Emma Smallwood, *Stepping Stones: Legal Barriers to Economic Equality after Family Violence* (Report, September 2015) 6; *RCFV Summary and Recommendations Vol IV* (n 9) 94.

³³ Kutin, Russell and Reid (n 17) 269; Lauman and Samra (n 21) 41; Bourova, Ramsay and Ali (n 21) 1159; Smallwood (n 30) 6; Carolyn Bond, Stephanie Tonkin and Ciara Sterling, *Responding to Financial Abuse* (Report, 11 December 2018), 5; *RCFV Summary and Recommendations Vol IV* (n 9) 94; Owen

the least likely form of abuse to be recognised as family violence.³⁴ Cameron argues that economic abuse is a complex form of abuse 'embedded in a web of gendered social behaviour and powerful cultural norms'.³⁵ As such, victim-survivors' failure to recognise economic abuse may be explained by a number of factors. These include pervasive gender norms such as male superiority in handling money matters and that romantic couples should join financial resources;³⁶ the division of labour in Australia whereby women are still primarily responsible for children and household duties;³⁷ and the privatisation of personal finances.³⁸

Another factor which may explain why economic abuse is less well-detected than other kinds of family violence is the fact that Australia's response to economic abuse remains in its infancy.³⁹ Our legal system and social services are not equipped to identify and respond to economic abuse and economic harms resulting from family violence, which may further explain why economic abuse tends to go unnoticed.⁴⁰ Of relevance to this submission are the support services offered to victim-survivors of economic abuse by Victorian water authorities.

Who experiences economic abuse?

Despite lacking community awareness, economic abuse is widespread.⁴¹ As with other types of family violence, the prevalence of economic abuse is higher among women than men,⁴² with approximately 80 percent of women experiencing family violence also experiencing economic abuse.⁴³ Although economic abuse can affect women of all ages, socio-economic status, education level and geographic location, certain risk factors have been identified, including age, poor health, disability, financial stress and lower levels of education.⁴⁴ Belonging to a culturally and linguistically diverse ('CALD') community may also increase vulnerability to economic abuse.⁴⁵ One explanation for this finding in Australia is insufficient access to culturally and/or linguistically safe services.⁴⁶

Camilleri, Tanya Corrie and Shorna Moore, *Restoring Financial Safety: Legal Responses to Economic Abuse* (Report, 2015) 7.

³⁴ VicHealth, *Australians' Attitudes to Violence Against Women: Findings from the 2013 National Community Attitudes Survey (NCAS)* (Report, September 2014) 59.

³⁵ Cameron (n 17) 5.

³⁶ *Ibid* 21.

³⁷ *Ibid* 19.

³⁸ *Helping Not Hindering* (n 21) 8.

³⁹ Australian National Research Organisation for Women's Safety (ANROWS), *Domestic Violence and Women's Economic Security: Building Australia's Capacity for Prevention and Redress: Key Findings and Future Directions* (Report, 24 October 2016) 6 ('*Domestic Violence and Women's Economic Security*').

⁴⁰ *Ibid*; Ulbrick (n 17) 16.

⁴¹ Smallwood (n 30) 6.

⁴² Kutin, Russell and Reid (n 17) 269; Bond and Ulbrick (n 10) 10.

⁴³ Lauman and Samra (n 21) 40.

⁴⁴ Kutin, Russell and Reid (n 17) 273.

⁴⁵ *Helping Not Hindering* (n 21) 8.

⁴⁶ Bourova, Ramsay and Ali (n 21) 1161.

Although women are not the only victims of economic abuse, they are especially vulnerable (for reasons outlined above) to this kind of abuse. Their experiences are the focus of this submission.

Impacts of economic abuse

The experience of economic abuse can have a range of devastating impacts including implications for employment, psychological and financial wellbeing.⁴⁷ Of relevance to this submission are the impacts that relate to financial hardship and access to essential services such as water.

During and following a violent relationship, women may have no or restricted access to finances, fewer assets or be saddled with crippling debt.⁴⁸ Women may have to bear the full economic cost of utilities to ensure their household has access to services.⁴⁹ This may be extremely financially burdensome for some and impossible for others, rendering some victim-survivors without access to essential services like water and electricity.⁵⁰ In addition to disconnection, victim-survivors may be pursued by debt collectors or be subject to debt recovery proceedings in a court or tribunal.⁵¹ Such consequences jeopardise both immediate and long-term financial security, making it more difficult for victim-survivors to enter into new contracts for utility services and access further credit from mainstream lenders.⁵² All of these devastating impacts contribute to a cycle of dependence on perpetrators, demonstrating the often economic non-viability of leaving a violent relationship.⁵³

1.3 Why is this a problem?

The fact that economic abuse can impact victim-survivors' use of water in their homes is problematic because water is essential to life.⁵⁴ Almost all household responsibilities involve water use in some way, for example, cleaning, cooking, washing and bathing.⁵⁵ If water is disconnected or if access to water is interfered with by a perpetrator then it becomes near impossible for victim-survivors to manage these tasks and care for themselves or other dependents.⁵⁶ This problem disproportionately affects women because women are more likely

⁴⁷ Cameron (n 17) 23; Voth Schrag (n 17) 314.

⁴⁸ Cameron (n 17) 26.

⁴⁹ *RCFV Summary and Recommendations Vol IV* (n 9) 104.

⁵⁰ *Ibid.*

⁵¹ Bourova, Ramsay and Ali (n 21) 1151.

⁵² *Ibid*; *Helping Not Hindering* (n 21) 9; Lauman and Samra (n 21) 43.

⁵³ Cameron (n 17) 25.

⁵⁴ Paul Ali, Evgenia Bourova and Ian Ramsay, 'Responding to Consumers' Financial Hardship: An Evaluation of the Legal Frameworks and Company Policies' (2015) 23(1) *Competition and Consumer Law Journal* 29, 34.

⁵⁵ Paul Satur, 'Social Inequality and Water Use Practices in Australian Communities' (Conference Paper, Australian Young Water Professionals Conference 2016, 2016).

⁵⁶ *RCFV Summary and Recommendations Vol IV* (n 9) 104.

to be victims of economic abuse⁵⁷ and more likely to be responsible for household duties and child-rearing.⁵⁸ Recognition of the critical connection between gender equality and water management is gaining traction in the international arena.⁵⁹ The United Nations Sustainable Development Goal 6 ('Goal 6') aspires to ensure the 'availability and sustainable management of water and sanitation for all' and mandates explicit attention to gender equality and inclusion.⁶⁰ This target highlights the need for women to be able to manage their needs with dignity and safety.⁶¹

1.4 The RCFV View

The Victorian water sector has been especially progressive over the past decade in enacting policies and processes to reach more socially responsible outcomes.⁶² After finding that water accounts can be used by perpetrators to locate victim-survivors and incur debt in their name, the RCFV recommended that the Essential Services Commission ('ESC') amend the water customer service codes to improve outcomes for customers experiencing family violence.⁶³ The ESC is an independent regulatory body which, *inter alia*, regulates retail sale of gas, energy and water in Victoria.

The Commission highlighted that while the urban and rural business water customer service codes require retailers to have hardship policies, the codes do not define hardship nor set eligibility criteria prescribing the circumstances constituting hardship.⁶⁴ As such, there is great variability between individual retailers as to who is granted access to support under a retailer's hardship program, which may cause significantly disparate outcomes for customers of different service providers.⁶⁵ Additionally, the ESC noted that there was no uniformity regarding how information about hardship provisions should be displayed on service provider websites.⁶⁶ Again, this inconsistency between service providers may result in unequal access to support services for customers. Even when hardship programs were accessed, victim-survivor

⁵⁷ Kutin, Russell and Reid (n 17) 269; Bond and Ulbrick (n 10) 10.

⁵⁸ Melita Grant, Juliet Willetts and Chelsea Hugget, *Gender Equality and Goal 6 – The Critical Connection An Australian Perspective*, (Report, 19 August 2019) 5; Australian Bureau of Statistics, *Labour Force, Australia, Feb 2020* (Catalogue No 6202.0, 19 March 2020) ('ABS Labour Force Survey'); Cameron (n 17) 19.

⁵⁹ Grant, Willetts and Hugget (n 56) 6.

⁶⁰ *Ibid* 1.

⁶¹ *Ibid*.

⁶² Paul Satur 'Social Inequality and Water Sensitive Cities in Australia' (PhD Thesis, Monash University, 2017) 126; Bond and Ulbrick (n 10) 25; Ruth Cooper, 'How Australia's Water Businesses Compare on Gender Equality,' *Water Source* (online, 9 March 2020)

<[⁶³ *RCFV Summary and Recommendations Vol IV* \(n 9\) 120.](https://watersource.awa.asn.au/business/diversity/how-australias-water-businesses-compare-on-gender-equality/?utm_medium=email&utm_campaign=AWA%20Source%20March%209%20-%20Members&utm_content=AWA%20Source%20March%209%20-%20Members+CID_0005324976b71ac2d29a06e4f7a04082&utm_source=campaign%20monitor&utm_term=Read%20more.></p></div><div data-bbox=)

⁶⁴ *Ibid* 105.

⁶⁵ *Ibid*.

⁶⁶ *Ibid*.

customers reported a lack of empathy and understanding from staff.⁶⁷ An absence of family-violence-trained customer support staff meant that women found it difficult to disclose their story and often had to retell their story several times to different workers.⁶⁸

In light of these problems, the Commission recommended the Victorian Government work with the ESC to amend the Energy Retail Code and water business customer service codes to:

- list minimum eligibility criteria for access to hardship programs;
- include family violence as an explicit eligibility criterion;
- develop industry guidelines for energy and water retailers to require comprehensive and ongoing training of customer service staff to help them identify customers experiencing family violence and financial hardship; and
- publicise the availability of dispute resolution mechanisms for people affected by family violence.⁶⁹

The Victorian Solution

1.5 Reforms to the Water Customer Service Code 2017

On 10 April 2017, the ESC released their final decision on the amendments to the urban and rural water business customer service codes.⁷⁰ The amendments insert a “family violence clause” which requires all water businesses to develop and implement family violence policies to support customers and staff experiencing family violence.⁷¹ Specifically, the ESC’s new family violence clause requires water businesses to have family violence policies for:

- training and supporting staff dealing with customers affected by family violence;
- protecting private and confidential customer information;
- facilitating access to businesses’ existing payment difficulty programs;
- minimising the need for customers to repeatedly disclose family violence; and
- making customer referrals to specialist family violence services.⁷²

These changes were recommended to help address the issues identified by the RCFV and to improve outcomes for water utility customers experiencing family violence.⁷³ The aim of the reforms was not for water businesses to replace family violence counselling services; rather codification of the fact that businesses must play their part in a community-wide response to this systemic problem.⁷⁴ The clause was intended to ensure safety for customers when disclosing confidential information, to improve access to payment difficulty programs for victim-survivors, to provide for training to help the staff identify signs of family violence and provide referral

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ *RCFV Summary and Recommendations Vol IV* (n 9) 120.

⁷⁰ *Moving Towards Better Practice* (n 25) 4.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

information about specialist family violence services and to minimise the extent to which customers must repeat disclosures of family violence.⁷⁵ The clause came into force on 1 July 2017 and allowed regulated water businesses until 1 July 2018 to incorporate the new family violence scheme.⁷⁶

1.6 Evaluating Victoria's Response

Evaluations of the effectiveness of the family violence changes to the water customer service codes have found that the majority of the family violence financial counsellors and their clients who had accessed their water company had a positive experience.⁷⁷

In June 2019, the ESC published a comprehensive review of the family violence changes to determine whether the changes had achieved the intended aim of supporting customers affected by family violence.⁷⁸ The review comprised interviews with 21 financial counsellors, six advocate organisations and two family violence service providers. The interviews took place in Metro Melbourne and regional Victoria.⁷⁹ On the whole, the review found that support services offered by water companies have improved since the 2017 amendments.⁸⁰

Awareness of support services

Almost all financial counsellors were aware that water companies must now have policies in place to protect customers affected by family violence.⁸¹ Counsellors and advocates were less confident in client knowledge of support measures prior to engagement with a counsellor.⁸² They identified various factors that may impact client knowledge, including their state of mind, the complexity of their issue, English literacy, the clarity of the water company website, the ability of water customers to self-identify family violence as a cause of financial hardship.⁸³

Use of support services

All counsellors interviewed had assisted clients experiencing family violence to access support from their water company.⁸⁴ In most cases (although not all), the experience was a positive one for both counsellors and clients and it was noted by many that water companies provided better

⁷⁵ Essential Services Commission, *Amendments to Water Customer Service Codes –New Requirements for Family Violence Policies* (Final Decision, April 2017) 7-8.

⁷⁶ *Ibid* 3.

⁷⁷ Bond and Ulbrick (n 10) 25.

⁷⁸ *Water Code Outcomes Review* (n 13).

⁷⁹ *Ibid* 1.

⁸⁰ *Ibid* 16.

⁸¹ *Ibid* 8.

⁸² *Ibid*.

⁸³ *Ibid* 8-9.

⁸⁴ *Ibid* 9.

solutions than other utilities.⁸⁵ Many observed that the relationship between the counsellor and water company is often strong, enabling positive outcomes for clients.⁸⁶

It was generally agreed among counsellors that water companies offered viable solutions for clients.⁸⁷ Among the most useful support measures were utility relief grants, matched payments, waiving bills, pausing bills, direct debits and proactive communication with clients regarding unpaid bills.⁸⁸ Many financial counsellors had clients who had approached the water company on their own (without assistance) and generally the client's experience was positive.⁸⁹ In few cases counsellors were unimpressed with the available support measures which reflected a lack of understanding of family violence and an unwillingness to assist in a financially effective way.⁹⁰ While attitudes towards access to family violence assistance were positive overall, it was acknowledged that certain customers may find access more difficult, including: regional customers, those without access to technology, people experiencing homelessness or poor mental health, older people, the CALD and LGBTQIA+ communities, people with low English literacy, Aboriginal and Torres Strait Islander people and people with disabilities.⁹¹ Some suggestions for how the support services could be improved included: more staff family violence training, more frequent contact with customers before bills get out of control, more advertising of support services in the community and easier access to financial hardship information on water company websites.⁹²

Customer perspectives

It is important to note that no customers participated in the review and that counsellor's comments may not be representative of the views of clients who have not had the benefit of access to a financial counsellor.⁹³ Counsellors and advocates who participated in the review had believed that clients had mostly positive experiences in interacting with their water company and felt that they were treated with dignity and respect.⁹⁴ They noted that the degree of trust in water companies protecting sensitive information varied significantly between customers.⁹⁵ This highlights the need for further research to confirm that good outcomes are not limited to people who have assistance.⁹⁶

Overall effectiveness

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid 11.

⁸⁸ Ibid.

⁸⁹ Ibid 12.

⁹⁰ Ibid.

⁹¹ Ibid 10-11.

⁹² Ibid 13.

⁹³ Ibid 22.

⁹⁴ Ibid 14.

⁹⁵ Ibid 14-15.

⁹⁶ Bond and Ulbrick (n 10) 39.

Most counsellors believed that support by water companies has improved since the 2017 water code amendments.⁹⁷ Improvements were manifested in several ways, including:

- better training for staff;
- deeper understanding about the nature of family violence and willingness to enquire about client safety;
- greater sensitivity to client needs;
- a less stressful process for clients and counsellors; and
- increased proactivity in engaging community stakeholders.⁹⁸

Most advocates felt that it was too soon to say whether there were significant changes since the amendments to the code and recognised that the water sector has been an innovator in the family violence space for some time.⁹⁹

Recommendations

In this submission it has been shown that water accounts can be an avenue of abuse against victim-survivors of family violence. The significant harm associated with this type of abuse has been identified. The RCFV identified the problems with disparate approaches to hardship policies in the water sector: namely that it leads to inconsistent outcomes for customers of different water providers and may result in unequal access to support services across the sector.¹⁰⁰ A lack of staff education about family violence was also noted as leading to reduced empathy and understanding from employees.¹⁰¹

I argue that water businesses have a social responsibility to prevent the negative impacts of economic abuse via customers' accounts as best they can by implementing a family violence policy. In light of the prevalence of economic abuse across Australia, and the effectiveness of the legal changes in Victoria so far, water businesses in all Australian states and territories should be obligated to adopt a family violence policy. The policy should be modelled against the family violence clause inserted into the Victorian water customer service codes and include:

- Comprehensive and ongoing staff training about economic abuse and family violence. This should include:
 - information about the prevalence of family violence in Australia, the various forms of abuse and the devastating consequences of family violence;
 - identifying common patterns that may signify family violence to assist staff to identify customers affected by family violence where the customer does not disclose violence;

⁹⁷ *Water Code Outcomes Review* (n 13) 16.

⁹⁸ *Ibid.*

⁹⁹ *Ibid* 28.

¹⁰⁰ *RCFV Summary and Recommendations Vol IV* (n 9) 105.

¹⁰¹ *Ibid.*

- learning appropriate communication skills to deal with customers affected by family violence.
- The promotion of customer safety by providing for the secure handling of information pertaining to customers affected by family violence in a way that maintains confidentiality;
- Clear statements of the water business's approach to debt management and recovery where a customer is affected by family violence, including:
 - the recovery of debt from customers with joint accounts;
 - clearly explaining eligibility criteria for bill waivers, matched payments and Utility Relief Grants.
- Recognition of the fact that family violence is a legitimate cause of payment difficulties and satisfies eligibility criterion for access to the water business's hardship policy. It should also address what payment support will apply to customers affected by family violence;
- A process that reduces the extent to which customers must repeat disclosure of their family violence, and provides for continuity of service. This may include:
 - assignment of one staff member to each customer affected by family violence, allowing the customer to build a relationship with the staff member;
- The referral of customers who may be affected by family violence to specialist family violence services.

To improve on the current policy enforced in Victoria, the mandatory family violence policy in all Australian states and territories should also include:

- The provision of interpreting services for CALD customers;
- Mandatory obligations regarding the promotion of the family violence policy, including that information about the policy should be:
 - Published clearly on the homepage of the water business' website in plain English;
 - Available in languages other than English; and
 - Disseminated throughout communities within the service area of the particular water business;
- The provision of a community outreach program whereby representatives of the water business attend specialist family violence service providers within their service area to educate staff and clients about the support services offered by the water business. This may improve access to support services for customers affected by family violence who do not have access to legal help or a financial counsellor.

To be practically effective and to achieve consistency across the water sector, the requirement for water businesses to have a family violence policy should be mandatory with penalties for non-compliance. The regulatory body in each state and territory should have responsibility for ensuring that businesses adhere to the requirements. The family violence policy requirement should be inserted into legislation or a regulatory code (whichever aligns best with the state or territory's system of water management) to ensure that there is regulatory oversight and that non-compliance will attract penalties.