

ECONOMIC ABUSE AND WATER UTILITIES: EXPLORING VICTIM-SURVIVOR EXPERIENCES IN VICTORIA

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Utility-related economic abuse is an understudied form of family violence. In 2017, new protections were introduced into the Victorian water industry standards to increase support for victim-survivor water customers. Comprising eight semi-structured interviews with victim-survivors (n=4), water sector employees and stakeholders (n=2), a community lawyer (n=1) and personal advocate (n=1), our exploratory study is the first in Australia to draw on lived experience to better understand water utility-related economic abuse and how victim-survivors seek help. Thematic analysis of qualitative data generated three themes: barriers to victim-survivor awareness of water utility support measures, receipt of inconsistent assistance from water utilities, and the impact of effective water utility support. We describe how water utility-related economic abuse was experienced by victim-survivors and suggest strategies to improve water utility support. Our research highlights an often overlooked dimension of economic abuse with implications for essential service utilities in Australia and beyond.

I INTRODUCTION

Economic abuse is a lesser known but widely experienced form of family violence.¹ This form of abuse involves manipulating a person's access to economic resources and money to erode their financial autonomy and maintain power and

* PhD Candidate, Faculty of Law, Monash University. An earlier version of this article was submitted as an Honours thesis in the Monash University Faculty of Law by the lead author in 2020. The co-authors were instrumental in the conception and design of this project and provided valuable supervision and drafting. The authors extend their sincere thanks to all research participants, especially the victim-survivor participants who bravely shared their personal stories in the hope of sparking change. Gratitude is also extended to the anonymous reviewers for their insightful feedback on an earlier version of this article. Eliza began work at the Victorian Essential Services Commission as a consultant on customer engagement in February 2023, after this article was accepted for publication.

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1 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 <<https://doi.org/10.1111/1753-6405.12651>>.

control. Household water accounts can be used to perpetrate economic abuse, including where a perpetrator refuses to contribute to a jointly held account or places an account or debt into a person's name without their permission. Following the Victorian Royal Commission into Family Violence (2016) ('RCFV'), the Victorian retail water sector committed to ameliorating the impacts of this type of abuse on their customers. In 2017, a suite of reforms to the *Water Industry Standard: Urban Customer Service* (Vic) and *Water Industry Standard: Rural Customer Service* (Vic) ('water industry standards')² were introduced to better protect victim-survivor customers.³ The reforms mandated, inter alia, that all Victorian water utilities must have a family violence policy, recognising that customers experiencing family violence commonly face unique problems with their water accounts, including being unable to pay their account because of restricted access to finances.

This article is the first in Australia to explore economic abuse in the water utility context from victim-survivor perspectives. We use an exploratory, qualitative approach to understand how family violence victim-survivors experience help-seeking and receiving assistance from Victorian water utilities after the 2017 reforms. We investigate what economic abuse can look like in the context of water utilities and argue that victim-survivor engagement is critical to gain a true understanding of the nature of any form of family violence. Victoria was chosen as the focus jurisdiction for this research given the recent, substantive reforms. Our findings are discussed in relation to the 2017 reforms to the water industry standards, with suggested implications for practice for water utilities across Australia and the world.

We begin by outlining Victoria's legal response to family violence and the emerging discourse concerning economic abuse. In Part III, we highlight how water utility accounts can be used to perpetrate economic abuse, the Victorian water sector's response to this problem and the missing victim-survivor voices from current evaluations of this response. Part IV describes the methodological approach taken in this research. In Part V, we present the key findings developed from participant data, draw comparisons with the findings of the Essential Services Commission's ('ESC') 2019 review ('the ESC Review') and discuss the implications of our findings.⁴ Implications for practice are outlined in Part VI. We conclude in Part VII.

Despite its small sample size, our exploratory research contributes significantly to current understandings of an understudied form of economic abuse. Our work centres victim-survivor lived experiences to better understand how economic

2 Until 1 December 2021, and at the time of gathering qualitative data for this research, the water industry standards were known as the *Customer Service Code: Urban Water Businesses* and *Rural Water Customer Service Code*.

3 We use the term 'victim-survivor' to describe people who have experienced, or are currently experiencing, family violence. While Victorian legislation prefers 'victim', 'victim-survivor' recognises individual autonomy, strength and resilience, and acknowledges that while family violence can have lifelong impacts, it does not necessarily define people or their future.

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

abuse can manifest in the water utility context, highlighting the importance of essential service utility responses.

II FAMILY VIOLENCE AND ECONOMIC ABUSE IN AUSTRALIA

A Family Violence in Victoria

Family violence remains a significant issue in Australia,⁵ with most recorded cases perpetrated against women by men.⁶ Family or domestic violence is legally recognised in all Australian states and territories.⁷ In Victoria, family violence is defined 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 own or another's safety.⁸

Over the past decade, systemic responses to family violence have been the subject of state and federal review.⁹ In 2015, following several high-profile family violence-related deaths,¹⁰ the Victorian Government established the RCFV.¹¹ The RCFV was the most comprehensive review of family violence in global history,¹² marking a significant shift in community awareness of the seriousness and scale of the problem.¹³ In March 2016, the RCFV tabled its report detailing 227 recommendations to enhance Victoria's family violence response. The RCFV

5 Australian Bureau of Statistics, *Personal Safety, Australia, 2021–22* (15 March 2023) <<https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/2021-22>> ('ABS Personal Safety Survey').

6 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) 36(3–4) *Journal of Interpersonal Violence* 1, 19 <<https://doi.org/10.1177/0886260517743547>>; Renata Alexander, *Family Violence in Australia: The Legal Response* (Federation Press, 2018) 5.

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

8 *Family Violence Act* (Vic) (n 7) s 5.

9 See, eg, Australian Law Reform Commission, *Family Violence: A National Legal Response* (Report No 114, October 2010); 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* (Parliamentary Paper No 132, March 2016) vol 4 ('*RCFV Summary and Recommendations*'); Special Taskforce on Domestic and Family Violence in Queensland, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, March 2015).

10 For example, the murder of Luke Batty by his father in 2014.

11 *RCFV Summary and Recommendations* (n 9) vol 4, 1.

12 Sophie Yates, 'Gender, Context and Constraint: Framing Family Violence in Victoria' (2020) 78 *Women's Studies International Forum* 102321:1–11, 2 <<https://doi.org/10.1016/j.wsif.2019.102321>>.

13 Marcia Neave, 'The Victorian Royal Commission into Family Violence: Responding to an Entrenched Social Problem' (2016) 14(2) *Otago Law Review* 229, 230.

emphasised the responsibility of businesses coming into contact with victim-survivors to identify and manage the risks of family violence.¹⁴

Victoria has been described in the media as ‘lead[ing] the way’¹⁵ on family violence.¹⁶ As at 28 January 2023, all 227 of the RCFV’s recommendations have been implemented,¹⁷ including changes made to the water industry standards.¹⁸ Despite the Victorian Government’s commitment to implementing the RCFV’s recommendations, family violence remains a major national health and welfare concern.¹⁹ Australian police are called to family violence incidents every two minutes.²⁰ The COVID-19 pandemic worsened this crisis, with Victorian practitioners reporting an increase in both frequency and severity of violence against women.²¹

B A Hidden Crisis: Economic Abuse

Economic abuse is a silent yet crippling form of family violence.²² Despite its covert nature, economic abuse is common. Recent national data indicates that 16% of Australian women have experienced economic abuse from a cohabiting partner since the age of 15.²³ In Jozica Kutin, Roslyn Russell and Mike Reid’s

14 RCFV *Summary and Recommendations* (n 9) vol 4, 9.

15 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>>.

16 Jane Gilmore, ‘Four Years On, It’s Impossible to Hear Rosie and Not Want to Do Something’, *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>>.

17 ‘The Family Violence Recommendations’, *Victorian Government* (Web Page) <<https://www.vic.gov.au/family-violence-recommendations>>.

18 *Water Code Outcomes Review* (n 4) 4.

19 Kate Fitz-Gibbon, *Our National Shame: Violence against Women* (Monash University Publishers, 2021) 1; 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.

20 Clare Blumer, ‘Australian Police Deal with Domestic Violence Every Two Minutes’, *ABC News* (online, 21 April 2016) <<https://www.abc.net.au/news/2016-04-21/domestic-violence/7341716?nw=0>>.

21 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.

22 Rachel 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 <<https://doi.org/10.1177/0886109919851142>>; 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, 29 January 2020) 15 <<https://doi.org/10.26180/5e310464a0a74>>; Kutin, Russell and Reid (n 1) 269; Adrienne Adams et al, ‘Development of the Scale of Economic Abuse’ (2008) 14(5) *Violence against Women* 563, 564 <<https://doi.org/10.1177/1077801208315529>>; Amanda Mathisen Stylianou, Judy L Postmus and Sarah McMahon, ‘Measuring Abusive Behaviours: Is Economic Abuse a Unique Form of Abuse?’ (2013) 28(16) *Journal of Interpersonal Violence* 3186, 3187 <<https://doi.org/10.1177/0886260513496904>>; 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 <<https://doi.org/10.1177/1077801214564167>>; 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: A Journal of Australian Social Policy* 31, 31 (‘Who Pays in the End?’).

23 *ABS Personal Safety Survey* (n 5).

study, between 78% and 99% of women who had sought help from family violence services had experienced economic abuse.²⁴ Although the terms ‘economic abuse’ and ‘financial abuse’ are often used interchangeably, research suggests that the terms may describe distinct behaviours and tactics.²⁵ Following the lead of Nicola Sharp-Jeffs,²⁶ this article uses the phrase ‘economic abuse’ and treats financial abuse as one kind of economic abuse; namely, the use of money and finances to control another person.²⁷ Economic abuse is the preferred terminology in Victorian family violence legislation, which defines economic abuse as coercive, deceptive or unreasonably controlling behaviour that denies financial autonomy or withholds the financial support necessary for meeting reasonable living expenses.²⁸ This article employs the Victorian legislative definition of economic abuse in recognition of the fact that this form of abuse involves control over a broad range of economic resources, beyond finances. Particularly, the term economic abuse signifies how control over economic resources like housing, food, clothing and transportation can be involved in the experience of abuse.²⁹

The perception of economic abuse as a social problem in Australia was influenced by emerging feminist scholarship which highlighted gendered patterns of power and control existing in some intimate partner relationships.³⁰ Compared with research about physical and sexual abuse, the body of research concerning economic abuse is limited.³¹ In a pioneering study in the United States, Adrienne Adams et al developed a method through which to identify this form of abuse and measure its impact.³² They identified three categories of economic abuse: (a) preventing resource acquisition, (b) control of economic resources and (c) exploiting women’s resources.³³ In the United Kingdom, Nicola Sharp added a fourth category of economically abusive behaviour: (d) refusing to contribute

24 Kutin, Russell and Reid (n 1) 269.

25 Jan Breckenridge, *Understanding Economic and Financial Abuse in Intimate Partner Relationships* (Report, October 2020) 48 (‘*Economic and Financial Abuse*’).

26 Nicola Sharp-Jeffs, *Understanding and Responding to Economic Abuse* (Emerald Publishing, 2022) 3 <<https://doi.org/10.1108/9781801174183>>; Nicola Sharp-Jeffs, *A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships* (Report, December 2015) 7.

27 Sharp-Jeffs, *Understanding and Responding to Economic Abuse* (n 26) 3.

28 *Family Violence Act* (Vic) (n 7) s 6.

29 Supriya Singh, *Domestic Economic Abuse: The Violence of Money* (Routledge, 2021) 3.

30 See generally Elizabeth Branigan, Coburg-Brunswick Community Legal and Financial Counselling Centre Inc, ‘*His Money or Our Money?*’ *Financial Abuse of Women in Intimate Partner Relationships* (Report, September 2004) (‘*His Money or Our Money?*’); Rochelle Braaf and Isobelle Barrett Meyerling, Australian Domestic and Family Violence Clearinghouse, *Seeking Security: Promoting Women’s Economic Wellbeing Following Domestic Violence* (Report, March 2011); Sandy Cook and Judith Bessant (eds), *Women’s Encounters with Violence: Australian Experiences* (Sage Publications, 1997); Ilsa Evans, Centre for Women’s Studies and Gender Research, Monash University, *Battle-Scars: Long-Term Effects of Prior Domestic Violence* (Report, February 2007); Branigan, ‘Who Pays in the End?’ (n 22); Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford University Press, 2007).

31 Rebecca Glenn and Jozica Kutin, Centre for Women’s Economic Safety, *Economic Abuse in Australia: Perceptions and Experiences* (Report, November 2021) 5; Breckenridge, *Economic and Financial Abuse* (n 25) 9; Carolyn Bond and Madeleine Ulbrick, *Responding to Financial Abuse* (Report, January 2020) 10.

32 Adams et al, ‘Development of the Scale of Economic Abuse’ (n 22) 564.

33 *Ibid* 565–7.

towards economic costs such as household bills and child rearing.³⁴ In 2020, building on their original metric, Adams and colleagues developed a Revised Scale of Economic Abuse ('SEA2') using data collected from victim-survivor women.³⁵ The SEA2 comprises two subscales of economic abuse (economic restriction and economic exploitation) with a total of 14 indicators.³⁶ According to the SEA2, examples of economic restriction include: keeping financial information secret and placing limits on how and when someone is allowed to spend money, and preventing someone from obtaining or maintaining work or study.³⁷ Examples of economic exploitation include: forcing someone to take out a loan or access credit, taking out a loan or accessing credit in someone's name without their permission and forcing someone to take on sole responsibility for debts (either jointly or solely incurred by the perpetrator).³⁸ Other forms of economic abuse not identified in the SEA2 but relevant in the Australian context include coercing someone into claiming social security payments³⁹ or into applying for superannuation access under the COVID-19 early release scheme.⁴⁰

Economic abuse can be experienced in isolation, but it frequently occurs alongside other forms of family violence.⁴¹ In Cynthia K Sanders' study of low-income victim-survivors, some women described being forced to have sex with their partners in order to gain access to money, highlighting how economic abuse can be used as a tool to commit other forms of family violence.⁴² Although it can take many forms,⁴³ economic abuse is almost invariably enacted to control victim-survivors by preventing their financial independence.⁴⁴

Economic abuse has been the subject of increased attention in recent years.⁴⁵ Despite this focus, Australian research documenting the experience of economic abuse from victim-survivor perspectives remains relatively scarce.⁴⁶ Elizabeth Branigan's 2004 report was the first Australian study to draw on women's

34 Nicola Sharp, *'What's Yours Is Mine': The Different Forms of Economic Abuse and Its Impact on Women and Children Experiencing Domestic Violence* (Report, October 2008) 25.

35 Adrienne Adams et al, 'The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing of an Updated Measure of Economic Abuse in Intimate Relationships' (2020) 10(3) *Psychology of Violence* 268, 268 <<https://doi.org/10.1037/vio0000244>> ('Revised Scale of Economic Abuse').

36 Ibid 273.

37 Ibid.

38 Ibid.

39 *Family Violence Act* (Vic) (n 7) s 6; Glenn and Kutin (n 31) 7.

40 Glenn and Kutin (n 31) 7; Australian Institute of Family Studies, *The COVID-19 Early Release of Superannuation: Through a Family Lens* (Report, September 2021) 2.

41 Breckenridge, *Economic and Financial Abuse* (n 25) 28; Bond and Ulbrick (n 31) 10.

42 Sanders (n 22) 16.

43 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 New South Wales Law Journal* 1146, 1148 <<https://doi.org/10.53637/SMCG9343>> ('Limitations of Australia's Legal Hardship Protections'); *Family Violence Act* (Vic) (n 7) s 6; Voth Schrag (n 22) 318; Consumer Utilities Advocacy Centre, *Helping Not Hinder: Uncovering Domestic Violence and Utility Debt* (Report, August 2014) 8 ('*Helping Not Hinder*').

44 Kutin, Russell and Reid (n 1) 269.

45 Glenn and Kutin (n 31) 5.

46 Cameron (n 22) 4.

experiences of economic abuse to assess its impact.⁴⁷ It described a multitude of economically abusive behaviours and demanded economic abuse be legally recognised to enable the development of effective support mechanisms.⁴⁸ Several more recent studies have explored economic abuse via victim-survivor narratives,⁴⁹ contributing to the nascent body of scholarship on the problem of economic abuse in Australia.

Although economic abuse affects people of all ages, socio-economic statuses, education levels and geographic locations, certain risk factors for this type of violence have been identified.⁵⁰ These include age, poor health, disability, financial stress and lower levels of education.⁵¹ In Rebecca Glenn and Jozica Kutin's recent study, the most significant demographic factors correlated with experiencing economic abuse were being of middle-age (30–49 years old) and having a disability or long-term health condition.⁵² As with other forms of family violence, the prevalence of economic abuse is higher among women than men.⁵³ Although women's experiences of economic abuse in heterosexual relationships are the focus of this article, and despite the comparative dearth of literature documenting LGBTQIA+ experiences of family violence,⁵⁴ growing evidence suggests that the prevalence of family violence in these communities is higher than the national average.⁵⁵

Although researchers face challenges in gathering data about the prevalence of family violence in culturally and linguistically diverse ('CALD') communities,⁵⁶ there is evidence that belonging to a CALD community may increase vulnerability to economic abuse.⁵⁷ This may be explained by insufficient access to culturally and/

47 Branigan, *His Money or Our Money?* (n 30).

48 Ibid 1.

49 See, eg, Nilmini Fernando, Women's Information and Referral Exchange, *When's the Right Time to Talk About Money?: Financial 'Teachable Moments' for Women Affected by Family Violence* (Report, November 2018); Cameron (n 22); Emma Smallwood, Women's Legal Service Victoria, *Stepping Stones: Legal Barriers to Economic Equality After Family Violence* (Report, September 2015); Supriya Singh and Jasvinder Sidhu, 'Coercive Control of Money, Dowry and Remittances Among Indian Migrant Women in Australia' (2020) 12(1) *South Asian Diaspora* 35 <<https://doi.org/10.1080/19438192.2019.1558757>>; Ulbrick (n 22).

50 Kutin, Russell and Reid (n 1) 273.

51 Ibid.

52 Glenn and Kutin (n 31) 12.

53 Kutin, Russell and Reid (n 1) 269; Bond and Ulbrick (n 31) 10.

54 Catherine Donovan and Rebecca Barnes, 'Help-Seeking Among Lesbian, Gay, Bisexual and/ or Transgender Victims/Survivors of Domestic Violence and Abuse: The Impacts of Cisgendered Heteronormativity and Invisibility' (2019) 56(4) *Journal of Sociology* 554, 555 <<https://doi.org/10.1177/1440783319882088>>.

55 Adam Bourne et al, 'Naming and Recognition of Intimate Partner Violence and Family of Origin Violence among LGBTQ Communities in Australia' (2022) 38(5–6) *Journal of Interpersonal Violence* 4589, 4608 <<https://doi.org/10.1177/08862605221119722>>.

56 Jan Breckenridge et al, *Understanding Economic and Financial Abuse Across Cultural Contexts* (Report June 2021) 13.

57 *Helping Not Hindering* (n 43) 8.

or linguistically safe services,⁵⁸ or the failure of mainstream services to aid prevention by responding adequately to culturally relative signs of economic abuse.⁵⁹

Prevalence data for economic abuse experienced by Aboriginal and Torres Strait Islander peoples has not been collected in Australia. In some Indigenous communities, economic abuse may be especially hard to identify given cultural expectations surrounding shared wealth and caregiving roles, as well as systemic economic hardship and disadvantage arising from the continuing impacts of colonisation.⁶⁰

1 The Recognition Problem

Compared with other forms of family violence, economic abuse remains under-recognised in the community.⁶¹ Despite evidence that economic abuse is a core tactic of coercive control in most family violence relationships,⁶² research demonstrates that victim-survivors of economic abuse often do not identify their experience as family violence.⁶³ In November 2021, the Centre for Women's Economic Safety released a report which aimed to better understand public perceptions and experiences of economic abuse in Australian intimate partner relationships.⁶⁴ Their nationally representative survey revealed that fewer respondents were confident to explain economic abuse than physical, sexual, emotional or psychological abuse, with 14% of respondents unable to recognise any indicators of economic abuse.⁶⁵

Research has demonstrated that traditional gendered expectations around money making and management in intimate partner relationships have the potential to facilitate economically abusive behaviours.⁶⁶ Prue Cameron argues that powerful

58 Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1161.

59 Kathy Landvogt, Good Shepherd Youth and Family Service, *Collaborating for Outcomes: Networks in the Financial Support Service System* (Report, July 2014).

60 Jan Breckenridge, Gendered Violence Research Network, *Understanding Economic and Financial Abuse in First Nations Communities* (Report, March 2021) 3, 10.

61 Glenn and Kutin (n 31) 16; Breckenridge, *Economic and Financial Abuse* (n 25) 11; Kutin, Russell and Reid (n 1) 269; Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1159; Smallwood (n 49) 6; *RCFV Summary and Recommendations* (n 9) vol 4, 94; Kim Webster et al, Australia's National Research Organisation for Women's Safety, *Australians' Attitudes to Violence against Women and Gender Equality: Findings From the 2017 National Community Attitudes Towards Violence against Women Survey (NCAS)* (Report, March 2018) 41.

62 Breckenridge, *Economic and Financial Abuse* (n 25) 10.

63 Kutin, Russell and Reid (n 1) 269; Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1159; Smallwood (n 49) 6; Carolyn Bond, Stephanie Tonkin and Ciara Sterling, Economic Abuse Reference Group, *Responding to Financial Abuse* (Report, 11 December 2018) 5; *RCFV Summary and Recommendations* (n 9) vol 4, 94; Owen Camilleri, Tanya Corrie and Shorna Moore, Good Shepherd Australia New Zealand and Wyndham Legal Service, *Restoring Financial Safety: Legal Responses to Economic Abuse* (Report, April 2015) 7.

64 Glenn and Kutin (n 31) 5.

65 *Ibid* 3, 9.

66 Cameron (n 22) 5; Jozica Kutin, Mike Reid and Roslyn Russell, 'What is This Thing Called Money? Economic Abuse in Young Adult Relationships' (2019) 9(1) *Journal of Social Marketing* 111, 120 <<https://doi.org/10.1108/JSOCM-03-2018-0028>>; Colleen Fisher, 'Changed and Changing Gender and Family Roles and Domestic Violence in African Refugee Background Communities Post-Settlement in Perth, Australia' (2013) 19(7) *Violence Against Women* 833, 839 <<https://doi.org/10.1177/1077801213497535>>.

gender and cultural norms are at least part of the reason why victim-survivors are frequently unable to recognise economic abuse.⁶⁷ These pervasive norms include perceived male superiority in handling money matters and that romantic couples should join financial resources,⁶⁸ the division of labour in Australia whereby women remain primarily responsible for children and household duties,⁶⁹ and the traditionally private nature of personal finances.⁷⁰

In addition to these factors, Australia's response to economic abuse remains in its infancy.⁷¹ It has been argued that economic abuse goes undetected because our legal system and social services are not equipped to identify and respond to economic abuse or economic harms resulting from family violence.⁷² Madeleine Ulbrick highlights how police often fail to identify economic abuse as family violence.⁷³ This is concerning given that police can be the first port of call for victim-survivors.⁷⁴

C 'Till Debt Do Us Part': Economic Abuse and Utilities

Essential service providers are those facilitating access to services necessary for participation in modern life, including water utilities, energy utilities and telecommunications services.⁷⁵ In one national study of women family violence victim-survivors, paying for utilities was the third largest financial concern for survey respondents.⁷⁶ Emma Smallwood's 2015 study found that of 170 victim-survivor women, 43% were dealing with joint debts, while 85% were dealing with debts in their sole name.⁷⁷ Of these women, 25% were saddled with a debt incurred by an abusive partner, either under duress, or without their knowledge or consent.⁷⁸ The prevalence of utility-related debts, or other forms of utility-related economic abuse are not yet known in Australia.

Family violence responses by Australian essential service providers have come into focus in recent years, with reports by industry and community organisations

67 Cameron (n 22) 5.

68 Ibid 21.

69 Ibid 19.

70 *Helping Not Hinder* (n 43) 8.

71 Natasha Cortis and Jane Bullen, Australia's National Research Organisation for Women's Safety, *Domestic Violence and Women's Economic Security: Building Australia's Capacity for Prevention and Redress* (Report, October 2016) 6; Heather Douglas, 'Battered Women's Experiences of the Criminal Justice System: Decentring the Law' (2012) 20(2) *Feminist Legal Studies* 121, 122 <<https://doi.org/10.1007/s10691-012-9201-1>>; Rosemary Hunter, 'Narratives of Domestic Violence' (2006) 28(4) *Sydney Law Review* 733, 739.

72 Susan Barkehall-Thomas, Becky Batagol and Madeleine Ulbrick, 'Intimate Partner Economic Abuse in Loans and Guarantees: An Empirical Review of 10 Years of Cases' (2022) 35(3) *Australian Journal of Family Law* 252, 281 <<https://doi.org/10.2139/ssrn.4381853>>; Cortis and Bullen (n 71) 6; Ulbrick (n 22) 16.

73 Ulbrick (n 22) 147.

74 Ibid 154.

75 Yvette Maker et al, 'Improving Access and Support for Consumers with Cognitive Disabilities: A Guide for Retailers' (Research Paper, 2018) 4.

76 Fernando (n 49) 4.

77 Smallwood (n 49) 16.

78 Ibid.

highlighting the imperative action required by the banking sector,⁷⁹ water⁸⁰ and energy utilities,⁸¹ telecommunications⁸² and social security providers⁸³ to increase protections for victim-survivor customers. A similar trend is evident in the international arena,⁸⁴ with several national and international studies recommending that multi-agency responses to economic abuse include essential service providers.⁸⁵ Current Australian research highlights numerous ways in which utility accounts can be a source of economic abuse, including:

- accidental disclosure of a victim-survivor's address by a utility provider to a perpetrator;⁸⁶
- opening an account in a victim-survivor's name without permission;⁸⁷
- refusing to contribute to a joint account;⁸⁸
- forcing a victim-survivor to take on sole liability for household utilities even where the perpetrator is a joint (or sometimes the sole) beneficiary of the utilities;⁸⁹ and
- requesting disconnection of services despite knowing the victim-survivor lives at the address.⁹⁰

To the best of the authors' knowledge, no academic research focusing specifically on the role of utilities in responding to economic abuse exists in Australia or internationally.

79 Australian Banking Association, *Industry Guideline: Financial Abuse and Family and Domestic Violence Policies* (Industry Guideline, November 2016); Australian Banking Association, *Financial Abuse and Family and Domestic Violence (FDV) Guidelines* (Industry Guideline, 1 April 2021).

80 Essential Services Commission, *Moving Towards Better Practice: Implementing Family Violence Policies in the Victorian Water Sector* (Report, May 2017) 3 ('*Moving Towards Better Practice*').

81 Essential Services Commission, *Energy Retail Code Changes to Support Family Violence Provisions for Retailers* (Final Report, May 2019).

82 Telecommunications Industry Ombudsman, *Meeting the Needs of Consumers Impacted by Family Violence* (Report, December 2020).

83 Sally Cameron and Linda Forbes, Economic Justice Australia, *Debt, Duress and Dob-ins: Centrelink Compliance Programs and Domestic Violence* (Report, November 2021); Sally Cameron, National Social Security Rights Network, *How Well Does Australia's Social Security System Support Victims of Family and Domestic Violence?* (Report, August 2018).

84 Thames Water, 'Thames Water Lends Support to Domestic Abuse Victims', *Thames Water Latest News* (Web Page, 2 December 2020) <<https://www.thameswater.co.uk/about-us/newsroom/latest-news/2020/dec/thames-water-lends-support-to-domestic-abuse-victims>>; 'Affordable Utilities for Survivors of Domestic Violence', *Community Legal Services of Philadelphia* (Web Page, 23 February 2021) <<https://clsphila.org/utilities/affordable-utilities-for-survivors-of-domestic-violence/>>.

85 Breckenridge, *Economic and Financial Abuse* (n 25) 41; Bond and Ulbrick (n 31) 3; Angela Kintominas, 'Addressing Economic Abuse: Can We Bank on It?' (2019) 28(3) *Human Rights Defender* 33, 35; Sandra Milne, Susan Maury and Pauline Gulliver, Good Shepherd Australia New Zealand, *Economic Abuse in New Zealand: Towards an Understanding and Response* (Report, March 2018) iv; Angela Littwin, 'Coerced Debt: The Role of Consumer Credit in Domestic Violence' (2012) 100(4) *California Law Review* 951, 953; Cynthia Hess and Alona Del Rosario, Institute for Women's Policy Research, *Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers and Economic Security* (Report, 2018) 41.

86 Bond and Ulbrick (n 31) 3.

87 Ibid 24; *RCFV Summary and Recommendations* (n 9) vol 4, 104; *Moving Towards Better Practice* (n 80) 3.

88 *RCFV Summary and Recommendations* (n 9) vol 4, 104.

89 Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1148.

90 Bond and Ulbrick (n 31) 24.

Evgenia Bourova, Ian Ramsay and Paul Ali explore debt caused by perpetrators of economic abuse and associated problems for victim-survivors, including where victim-survivors are coerced into taking on utility debts in their sole name.⁹¹ Where victim-survivors are unable to afford household utilities, they can be pursued by debt collectors⁹² and disconnected from essential services.⁹³ These outcomes jeopardise both immediate and long-term financial security, making it more difficult for victim-survivors of economic abuse to enter into new credit or utility contracts in the future.⁹⁴

Bourova, Ramsay and Ali highlight the importance of hardship provisions for women struggling to meet debt repayments in this context.⁹⁵ These provisions provide an exception to the rule that parties to a credit contract must pay in accordance with its terms⁹⁶ and enable consumers suffering financial difficulty to negotiate alternative payment plans.⁹⁷ In response to climbing rates of disconnection from essential services,⁹⁸ indications of financial stress in Australia⁹⁹ and in recognition of the fact that electricity and water are essential to life, hardship protections have been incorporated into the retail energy and water sectors.¹⁰⁰ Hardship protections for Victorian water customers are regulated by the water industry standards.¹⁰¹ Following the RCFV, the water industry standards now identify family violence as a cause of financial hardship.¹⁰² Given this recent policy reform, Victoria is the focus jurisdiction of this article. In the next Part we explore the connection between economic abuse and household water supply.

91 Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1148.

92 Ibid 1151.

93 *RCFV Summary and Recommendations* (n 9) vol 4, 104.

94 Glenn and Kutin (n 31) 5; Breckenridge, *Economic and Financial Abuse* (n 25) 32; Tanya Corrie and Magdalena McGuire, Good Shepherd Youth & Family Service and Kildonan UnitingCare, *Economic Abuse: Searching for Solutions* (Report, May 2013) 14; Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1151; *Helping Not Hindering* (n 43) 9.

95 Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1149.

96 Thomas Wilhelmsson, *Critical Studies in Private Law: A Treatise on Need-Rational Principles in Modern Law* (Kluwer Academic Publishers, 1992) 181 <<https://doi.org/10.1007/978-94-015-8028-1>>.

97 Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1149.

98 See generally Energy and Water Ombudsman Victoria, *A Closer Look at Affordability: An Ombudsman's Perspective on Energy and Water Hardship in Victoria* (Report, March 2015) 3; 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.

99 According to a 2018 survey, only 33.9% of Australians are financially secure. 4.2% of Australians in 2018 indicated they had more debts than they could pay back, while almost one in six people (15.8%) had debts that they were only just managing to keep up with: Axelle Marjolin, Kristy Muir and Megan Weier, *Financial Resilience in Australia 2018* (Report, December 2018) 21.

100 Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1151.

101 Essential Services Commission, *Water Industry Standard: Urban Customer Service* (Standard, September 2022) ('*Urban Water Industry Standard*'); Essential Services Commission, *Water Industry Standard: Rural Customer Service* (Standard, September 2022) ('*Rural Water Industry Standard*').

102 *Urban Water Industry Standard* (n 101) cl 11(e); *Rural Water Industry Standard* (n 101) cl 10(e).

III ECONOMIC ABUSE AND WATER UTILITIES

A Women and Water: Why Water Access Is a Gendered Issue

Domestic water services are essential to the experience of good health and adequate living standards.¹⁰³ Like family violence, water service access issues disproportionately impact women.¹⁰⁴ Australian women frequently bear primary responsibility for unpaid domestic labour, including child care, cooking, cleaning and washing.¹⁰⁵ This unequal apportionment was exacerbated by the COVID-19 pandemic, with data from this period suggesting that women were twice as likely to undertake indoor housework and childcare roles than men.¹⁰⁶ Cooking, cleaning, washing and child care rely on the availability of household water.¹⁰⁷ If water is disconnected or interfered with, it becomes near impossible to manage these responsibilities and care for oneself or dependents.¹⁰⁸ While disconnection is unlikely to occur in the Australian context, water utilities can restrict water supply to households if debts are unpaid.¹⁰⁹

An understanding of the critical connection between gender equality and water policy is gaining momentum in the international arena, primarily in the water, sanitation and hygiene context.¹¹⁰ The United Nations Sustainable Development Goal 6 sets out to ‘ensure availability and sustainable management of water and sanitation for all’ and mandates explicit attention to gender equality and inclusion.¹¹¹ This target emphasises the need to empower women to manage their responsibilities with dignity and safety.¹¹² In Australia, the Victorian water sector has been particularly progressive over the past decade in enacting new policies to achieve more socially responsible outcomes.¹¹³ Water scholars attribute this

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- 103 Yvette Maker et al, ‘From Safety Nets to Support Networks: Beyond “Vulnerability” in Protection for Consumers with Cognitive Disabilities’ (2018) 41(3) *University of New South Wales Law Journal* 818, 822 <<https://doi.org/10.53637/XPU14744>>.
- 104 Melita Grant, Juliet Willetts and Chelsea Huggett, Australian Water Partnership, *Gender Equality and Goal 6: The Critical Connection* (Report, 19 August 2019) 5.
- 105 Australian Bureau of Statistics, *How Australians Use Their Time, 2020–21* (7 October 2022) <<https://www.abs.gov.au/statistics/people/people-and-communities/how-australians-use-their-time/2020-21>>.
- 106 Australian Bureau of Statistics, *Household Impacts of COVID-19 Survey, December 2020* (Catalogue No 4940.0, 19 February 2021).
- 107 Paul Satur and Jo Lindsay, ‘Social Inequality and Water Use in Australian Cities: The Social Gradient in Domestic Water Use’ (2020) 25(5) *Local Environment* 351, 355 <<https://doi.org/10.1080/13549839.2020.1747414>>.
- 108 *RCFV Summary and Recommendations* (n 9) vol 4, 104.
- 109 Energy and Water Ombudsman Victoria, ‘Disconnection and Restriction’, *Common Complaints* (Web Page) <<https://www.ewov.com.au/common-complaints/disconnection-and-restriction#when-companies-can-stop-you-using-electricity-gas-and-water>>.
- 110 Human Rights Council, *Progress Towards the Realization of the Human Rights to Water and Sanitation (2010-2020): Report of the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation*, UN Doc A/HRC/45/11 (6 August 2020).
- 111 *Transforming Our World: The 2030 Agenda for Sustainable Development*, GA Res 70/1, UN Doc A/RES/70/1 (21 October 2015, adopted 15 September 2015) 20.
- 112 Grant, Willetts and Huggett (n 104) 1.
- 113 Paul Satur, ‘Social Inequality and Water Sensitive Cities in Australia’ (PhD Thesis, Monash University, 2017) 126; Bond and Ulbrick (n 31) 25; Ruth Cooper, ‘How Australia’s Water Businesses Compare on Gender Equality’, *Australian Water Association* (Forum Post, 9 March

initiative largely to the millennium drought between 1997 and 2007, which in most cities, including Greater Melbourne, drove the sector to expand its ambit beyond pipes and basic servicing, and address broader issues of public health, liveability and resilience.¹¹⁴ Compared with the wealth of research considering the connection between water policy and social outcomes in developing nations,¹¹⁵ very little research has examined this link in developed economic contexts such as Australia.¹¹⁶

B The Problem of Family Violence in the Victorian Water Sector

The RCFV was among the first in Australia to recognise that water utilities had few processes to identify family violence and often failed to understand the connection between family violence and financial hardship.¹¹⁷ The provision of domestic water services is a matter for state and territory governments in Australia.¹¹⁸ In Victoria, the retail sale of water is regulated by the Essential Services Commission, an independent statutory body responsible for Victoria's energy, water and transport.¹¹⁹ Victoria has 18 water retailers, three in Metropolitan Melbourne and 15 in regional Victoria.¹²⁰ Retailers in Metropolitan Melbourne are regulated by the *Water Industry Standard: Urban Customer Service (2022)*.¹²¹ Depending on their statutory classification as a 'Regional Urban Water Authority' or a 'Rural Water Authority',¹²² retailers in regional Victoria are regulated by the *Water Industry Standard: Urban Customer Service (2022)* or the *Water Industry Standard: Rural Customer Service (2022)*.¹²³

The RCFV identified numerous problems with the water industry standards. It noted that while retailers were required to have hardship policies, family violence

2020) <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>.

114 Satur (n 113) 125; Casey Furlong, Kein Gan and Saman De Silva, 'Governance of Integrated Urban Water Management in Melbourne, Australia' (2016) 43 *Utilities Policy* 48, 51 <<https://doi.org/10.1016/j.jup.2016.04.008>>; Briony C Ferguson et al, 'The Enabling Institutional Context for Integrated Water Management: Lessons from Melbourne' (2013) 47(20) *Water Research* 7300, 7305 <<https://doi.org/10.1016/j.watres.2013.09.045>>.

115 Claire A Kfoury, 'The Development Effectiveness of International Water and Sanitation Infrastructure Projects: Defining "Quality at Entry" of World Bank Projects' (PhD Thesis, University of Maryland, 2016) <<https://doi.org/10.13016/M2PF8C>>; Ted Bradshaw, 'Theories of Poverty and Anti-Poverty Programs in Community Development' (2007) 38(1) *Community Development* 7 <<https://doi.org/10.1080/15575330709490182>>; David Hulme and Andrew Shepherd, 'Conceptualizing Chronic Poverty' (2003) 31(3) *World Development* 403 <[https://doi.org/10.1016/S0305-750X\(02\)00222-X](https://doi.org/10.1016/S0305-750X(02)00222-X)>.

116 Satur (n 113) 20.

117 Bond and Ulbrick (n 31) 26.

118 *Australian Constitution* s 107; *Constitution Act 1975* (Vic) s 16.

119 *Essential Services Commission Act 2001* (Vic) s 7.

120 'Water Retail Companies', *Melbourne Water* (Web Page, 7 December 2022) <<https://www.melbournewater.com.au/services/water-retail-companies>>.

121 *Urban Water Industry Standard* (n 101) pt G.

122 *Water Industry Act 1994* (Vic) s 4A.

123 *Urban Water Industry Standard* (n 101) pt G; *Rural Water Industry Standard* (n 101) pt I.

was not required to be recognised as a form of hardship.¹²⁴ This resulted in great variability between individual retailers as to which customers were granted hardship support.¹²⁵ A lack of uniformity was also identified regarding the display of hardship policy information on service provider websites.¹²⁶ It was argued that this resulted in significantly disparate outcomes for customers of different water retailers.¹²⁷ When hardship programs were accessed, the RCFV found victim-survivors faced significant barriers in using them.¹²⁸ Customers reported a lack of empathy and understanding from staff which made it difficult to disclose their experiences, and that they had to retell their story multiple times.¹²⁹

The RCFV recommended that the ESC amend the water industry standards by:

- listing minimum eligibility criteria for access to hardship programs;
- making family violence an explicit eligibility criterion;
- developing industry guidelines requiring comprehensive and ongoing training of customer service staff to help them identify customers experiencing family violence and financial hardship; and
- publicising the availability of dispute resolution mechanisms for people affected by family violence.¹³⁰

C The Solution? The ESC's 2017 Reforms

On 10 April 2017, the ESC released their proposed amendments to the water industry standards.¹³¹ The amendments inserted a family violence clause requiring all water utilities to develop and implement 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.¹³²

These changes were intended to ameliorate the issues identified by the RCFV and improve outcomes for water customers experiencing family violence.¹³³ The aim was not for water businesses to replace family violence counselling services, but to play their part in a community-wide initiative to end family violence.¹³⁴ The

124 *RCFV Summary and Recommendations* (n 9) vol 4, 105.

125 *Ibid.*

126 *Ibid.*

127 *Ibid.*

128 *Ibid.*

129 *Ibid.*

130 *Ibid.* 120.

131 *Moving Towards Better Practice* (n 80) 4.

132 *Ibid.*

133 *Ibid.*

134 *Ibid.*

family violence clause came into effect on 1 July 2017, allowing water utilities until 30 June 2018 to incorporate the new scheme.¹³⁵

1 Evaluating Victoria's Solution

In June 2019, the ESC published a comprehensive review of the family violence changes.¹³⁶ The review aimed to assess whether the 2017 changes to the water industry standards had improved the available support for victim-survivor customers.¹³⁷ Interviews were conducted with 21 financial counsellors, six advocate organisations and two family violence service providers across Metropolitan Melbourne and regional Victoria.¹³⁸

Overall, the review found that support services offered by water utilities had improved since the 2017 amendments.¹³⁹ Almost all financial counsellors interviewed were aware of new water utility policies to protect family violence-affected customers.¹⁴⁰ However, neither financial counsellor nor advocate participants were confident in client knowledge of support measures prior to engagement with a counsellor.¹⁴¹ They identified various factors impacting client knowledge, including the client's state of mind, the complexity of their issue, literacy, the clarity of the water utility website and the ability of water customers to self-identify family violence as a cause of financial hardship.¹⁴²

In most cases where financial counsellors had assisted clients experiencing family violence to access support from their water utility, the experience was positive.¹⁴³ It was noted by many financial counsellor participants that water utilities provided better solutions than other utilities.¹⁴⁴ 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 living with disability.¹⁴⁵ Suggested improvements included more staff family violence training, increased advertising of support services in the community and easier access to financial hardship information on water utility websites.¹⁴⁶

135 Ibid 1, 49.

136 *Water Code Outcomes Review* (n 4). The ESC has since published an updated review of the water industry standards incorporating lived experiences of customers affected by family violence. See Essential Services Commission, 'Water Industry Standards Family Violence Provisions Review' (Findings Paper, 20 July 2023).

137 Ibid 1.

138 Ibid.

139 Ibid 16.

140 Ibid 8.

141 Ibid.

142 Ibid 8–9.

143 Ibid 9.

144 Ibid 9–10.

145 Ibid 10–11.

146 Ibid 13.

Financial counsellor and advocate participants believed that their clients had mostly positive experiences when interacting with their water utility.¹⁴⁷ An important caveat noted by the review, however, was that participants' comments may not capture the views of clients who have not had the benefit of access to a financial counsellor or professional advocate.¹⁴⁸

Overall, the ESC review found that most financial counsellors believed that support by water utilities had improved since the 2017 amendments to the water industry standards.¹⁴⁹ Improvements manifested in several ways, including:

- better training for staff;
- deeper understanding of family violence and willingness to enquire about client safety;
- greater sensitivity to client needs;
- less stressful processes for clients and counsellors; and
- increased proactivity in engaging community stakeholders.¹⁵⁰

What remained unknown following the ESC review was an understanding of the direct impact of the reforms on victim-survivors, especially those without access to professional assistance.¹⁵¹ In January 2020, Carolyn Bond and Madeleine Ulbrick highlighted the need for further research to ensure good outcomes are not limited to customers who have professional advocates.¹⁵²

IV OUR RESEARCH

Our research is the first Australian academic inquiry to incorporate victim-survivor perspectives to explore the relationship between economic abuse and water utilities. Using Victoria as a case study, our research sought to understand victim-survivor experiences of this form of abuse, if and how they sought help from their water utility and whether the support they received was effective. Our research was intended to provide victim-survivor insights on the problem of economic abuse and water utilities, expanding on the insights collected by the ESC review.

Although debate exists as to the optimal role for victim-survivor advocacy¹⁵³ and narrative,¹⁵⁴ there is no doubt that victim-survivor experiential knowledge holds an important place in family violence policy development.¹⁵⁵ Making space for

147 Ibid 14.

148 Ibid 22.

149 Ibid 16.

150 Ibid.

151 Ibid 22.

152 Bond and Ulbrick (n 31) 39.

153 Lisa J Wheildon et al, 'The Batty Effect: Victim-Survivors and Domestic and Family Violence Policy Change' (2021) 28(6–7) *Violence against Women* 1684, 1702 <<https://doi.org/10.1177/10778012211024266>>.

154 Sandra Walklate et al, 'Victim Stories and Victim Policy: Is There a Case for a Narrative Victimology?' (2019) 15(2) *Crime Media Culture* 199, 212 <<https://doi.org/10.1177/1741659018760105>>.

155 Wheildon et al (n 153) 19; Loddon Campaspe Community Legal Centre, *Will Somebody Listen to Me?: Insight, Actions and Hope for Women Experiencing Family Violence in Regional Victoria* (Summary Report, April 2015) 1; *RCFV Summary and Recommendations* (n 9) vol 4, 7.

victim-survivor voices restores power and affords victim-survivors the opportunity to influence policy and service development directly impacting them.¹⁵⁶ Victim-survivor led policy change also increases the likelihood that changes will be effective and responsive to service-user needs.¹⁵⁷ Our research provides important, preliminary insights into victim-survivor experiences of water utility-related economic abuse in Victoria.

The key research question addressed in our study was: how do family violence victim-survivors experience help-seeking and assistance from water utilities? In exploring this question, we sought to understand how victim-survivors experience economic abuse in the water utility context and where victim-survivors seek help with water service problems. We aimed to clarify whether victim-survivors were aware of the support available to them through their water utilities. We hoped to understand the kind of assistance (if any) received by victim-survivors and to what extent they were satisfied with that assistance. Given the exploratory nature of our study, our work sought to offer early insights into these questions, paving the way for future population-level research on this important topic.

A Research Design and Rationale

Ethics approval was obtained from the Monash University Human Research Ethics Committee to collect qualitative data.¹⁵⁸ Qualitative methods were used because they afford the opportunity to obtain rich and detailed data¹⁵⁹ and allow participants to be quoted directly.¹⁶⁰ This was especially critical in this project given the importance of elevating victim-survivor voices in the context of family violence research.¹⁶¹ Qualitative methods have been frequently relied upon in the Australian economic abuse literature to help researchers gain in-depth insights into the lived experiences of victim-survivors.¹⁶²

The lead author conducted eight semi-structured telephone or videoconference interviews; four with victim-survivors of economic abuse and other forms of family violence, two with water sector employees and stakeholders, one with a community lawyer, and one with an interviewed victim-survivor's personal advocate and friend. Participant characteristics are included in the next Part. Semi-structured interviews are widely used in feminist research because they allow for greater

156 Audrey Mullender and Gill Hague, 'Giving a Voice to Women Survivors of Domestic Violence Through Recognition as a Service User Group' (2005) 35(8) *British Journal of Social Work* 1321, 1327 <<https://doi.org/10.1093/bjsw/bch230>>.

157 Ibid 1338.

158 MUHREC 24210/2020.

159 Alan Bryman, *Social Research Methods* (Oxford University Press, 4th ed, 2012) 470.

160 Ibid 485.

161 Wheildon et al (n 153) 19; Loddon Campaspe Community Legal Centre (n 155) 1; *RCFV Summary and Recommendations* (n 9) vol 4, 7.

162 See, eg, Corrie and McGuire (n 94) 4; Camilleri, Corrie and Moore (n 63) 21; *Helping Not Hinder* (n 43) 5; Kristin Natalier, 'State Facilitated Economic Abuse: A Structural Analysis of Men Deliberately Withholding Child Support' (2018) 26(2) *Feminist Legal Studies* 121, 127 <<https://doi.org/10.1007/s10691-018-9376-1>>; Estelle Petrie, Women's Legal Service Victoria, *Small Claims, Large Battles: Achieving Economic Equality in the Family Law System* (Report, March 2018) 12; Singh and Sidhu (n 49) 39.

connection with research participants.¹⁶³ This interviewing style is preferable when dealing with complex, sensitive topics, such as economic abuse, because flexibility allows for organic engagement.¹⁶⁴ In this research, semi-structured interviews allowed participants to draw connections between their issues with water utilities, their experience of economic abuse and other forms of family violence.

1 Recruitment and Challenges

The aim of this research was to explore victim-survivor experiences of water utility-related economic abuse in Victoria after the 2017 reforms. The authors' original ambition was to recruit only victim-survivor participants, however several challenges made this recruitment challenging. Recruitment took place between July and September 2020. This coincided with the second stringent COVID-19 government-imposed lockdown in Melbourne which lasted from 9 July until 27 October (111 days).¹⁶⁵ Increasing family violence, economic and job insecurity, poor mental health and new and challenging domestic burdens (including home schooling children) arising out of these restrictions are likely to have made recruitment for this study more difficult than usual.¹⁶⁶ For example, because stay-at-home orders were in place for the entire duration of the recruitment phase for this project, any victim-survivors interested in participating but living with an abuser are unlikely to have felt safe to participate in an interview.

Another challenge was the fact that, at the time of recruitment, Victorian water utilities had only been required to implement family violence changes for 18 months (since 1 July 2018).¹⁶⁷ Because this study aimed to shed light on victim-survivor experiences *after* the 2017 reforms, any victim-survivors who experienced challenges with their water service because of family violence prior to 1 July 2018 were excluded from participating. Given these challenges, we decided to expand the project and recruit relevant sector professionals and stakeholders in addition to victim-survivor participants. These voices have been included to provide

163 Nicole Westmarland, 'The Quantitative/Qualitative Debate and Feminist Research: A Subjective View of Objectivity' (2001) 2(1) *Forum: Qualitative Social Research* 1, 8 <<https://doi.org/10.17169/fqs-2.1.974>>.

164 Evelyn M Simien, 'Doing Intersectionality Research: From Conceptual Issues to Practical Examples' (2007) 3(2) *Politics and Gender* 264, 265 <<https://doi.org/10.1017/S1743923X07000086>>; Rita Kaur Dhamoon, 'Considerations on Mainstreaming Intersectionality' (2011) 64(1) *Political Research Quarterly* 230, 239 <<https://doi.org/10.1177/1065912910379227>>; Walter S DeKeseredy, 'Innovative Methods of Gathering Survey Data on Violence against Women' in Mathieu Deflem and Derek Silva (eds), *Methods of Criminology and Criminal Justice Research* (Emerald Publishing, 2019) vol 24, 69, 74 <<https://doi.org/10.1108/S1521-613620190000024008>>.

165 Michael McGowan and Amy Remeikis, 'Victoria Announces Melbourne to Return to Lockdown: As It Happened', *The Guardian* (online, 7 July 2020) <<https://www.theguardian.com/world/live/2020/jul/07/coronavirus-australia-live-news-army-adf-nsw-victoria-border-lockdown-covid-19-police>>; Yara Murray-Atfield and Joseph Dunstan, 'Melbourne Placed Under Stage 4 Coronavirus Lockdown, Stage 3 For Rest of Victoria as State of Disaster Declared', *ABC News* (online, 2 August 2020) <<https://www.abc.net.au/news/2020-08-02/victoria-coronavirus-restrictions-imposed-death-toll-cases-rise/12515914>>.

166 Pfitzner, Fitz-Gibbon and True (n 21) 12.

167 *Moving Towards Better Practice* (n 80) 1, 49.

supplementary insights to the victim-survivor insights because they provide a different perspective on the problem of economic abuse and utilities.

Professional participants were invited to participate in an interview via email. Victim-survivor participants were recruited through family violence and related organisations throughout Victoria (n=3) and community social media networks (n=1). The lead author contacted approximately 65 family violence and related organisations across Victoria by email, explaining the study and attaching a research flyer. The email requested that the service provider forward the flyer to any service users who may be interested in participating. The research flyer was also shared across various social media networks, including community-based networks. Each victim-survivor participant received a \$50 groceries voucher for participating in recognition of their time and expertise. The personal advocate participant was recruited via snowball sampling in one victim-survivor interview. Each participant was interviewed separately. Written consent was obtained prior to each interview and all participants were given the option of withdrawing at any stage. With the participants' permission, field notes were taken, and each interview was audio-recorded and transcribed.

Victim-survivor and personal advocate interviews sought to understand what problem each victim-survivor encountered with their water account and whether they knew that they could access support from their water utility. Questions were centred around victim-survivor help-seeking behaviour and what the impact of any help received was. In the case of professional participants, interviews aimed to understand each professional's perspective on the problem of family violence, economic abuse and water utilities and their thoughts on the barriers and enablers for victim-survivors trying to access support from water utilities.

2 Data Analysis

Participant interviews spanned experiences with four different water utilities across Metropolitan Melbourne and regional Victoria. Interview data was analysed using thematic analysis. Thematic analysis is a method used for developing, analysing and interpreting qualitative data which utilises systematic coding to generate themes.¹⁶⁸ Virginia Braun and Victoria Clarke's six phases of thematic analysis were used to frame our data analysis.¹⁶⁹ These phases involved familiarising ourselves with the data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and writing this article.¹⁷⁰ The computer program NVivo was used to organise data and record initial codes following initial familiarisation with the data. These codes were subsequently revisited to form initial themes which responded to this study's research questions. These initial themes were then reviewed and refined to three major themes: barriers to victim-survivor awareness of water utility support,

168 Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (Sage Publishing, 2022) 4.

169 Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) 3(2) *Qualitative Research in Psychology* 77, 87 <<https://doi.org/10.1191/1478088706qp063oa>>.

170 Ibid.

the receipt of inconsistent assistance and the impact of economic abuse and effective support. Participant insights are presented in a de-identified form to maintain their confidentiality and maximise safety.

B Research Limitations

The findings in this article are small-scale and exploratory. Conclusions and recommendations were drawn from the lived experience of four victim-survivors, as well as insights from four sector employees and stakeholders, professional and personal advocates. This is clearly a small sample, limiting the generalisability of the findings.¹⁷¹ Our findings and recommendations should be viewed with this lens, as well as the understanding that the diversity of all Victorian victim-survivor experiences of water utility-related economic abuse cannot be captured in such a small sample. For example, given the COVID-19 restrictions in place at the time of recruitment for this study, all interviews had to be conducted over the phone or via videoconference. This naturally excludes victim-survivor participants without access to these services. As discussed above, lockdown restrictions likely also excluded victim-survivor participants currently living with abusers from participating because of mandatory stay-at-home orders. We have included professional participant and personal advocate insights in addition to victim-survivor insights with the aim of obtaining different perspectives on our research questions.¹⁷²

Despite these limitations, our study makes a significant, pilot contribution to improving our understanding of how water utilities can be implicated in the experience of family violence. The findings in this article are suggestive rather than conclusive and should be read in conjunction with the findings of the ESC review.¹⁷³

V FINDINGS AND ANALYSIS

A Participant Characteristics

All four victim-survivor participants experienced economic abuse from a former male intimate partner alongside at least one other form of family violence. Other forms of family violence included emotional, psychological, verbal and physical abuse. This resonates with existing literature which illustrates how economic abuse is commonly experienced concurrently with other forms of family violence.¹⁷⁴ All victim-survivor participants identified as women and were separated from their partner at the time of interview. Two women identified as belonging to CALD communities and three of four victim-survivor women had one child. All victim-survivor participants were between the ages of 30 and 50

171 Bryman (n 159) 69.

172 Michael Q Patton, 'Enhancing the Quality and Credibility of Qualitative Analysis' (1999) 34(5) *Health Services Research* 1189, 1193.

173 *Water Code Outcomes Review* (n 4).

174 Breckenridge, *Economic and Financial Abuse* (n 25) 28; Bond and Ulbrick (n 31) 10.

years old. This is in keeping with the existing evidence base which records those aged between 30–49 years as the most vulnerable to the experience of economic abuse.¹⁷⁵ No victim-survivor participants identified as Aboriginal or Torres Strait Islander. The personal characteristics of all participants are detailed in Table 1 and Table 2 below. All names used in this article are pseudonyms to maximise participant safety.

Table 1: Victim-Survivor Participant Characteristics

Pseudonym	Relationship status	Number of children	CALD (Yes/No)	Location
Ana	Separated	1	Yes	Metro Melbourne
Catherine	Separated	0	No	Metro Melbourne
Sarah	Separated	1	Yes	Metro Melbourne
Amina	Separated	1	No	Regional Victoria

Table 2: Other Participant Characteristics

Pseudonym	Role	Location
Helen	Personal advocate and friend of Catherine	Metro Melbourne
Community lawyer	Lawyer at a community legal centre	Metro Melbourne
Water utility employee	Customer experience team leader	Metro Melbourne
Water sector stakeholder	Leader of a not-for-profit organisation	Metro Melbourne

B Economic Abuse in the Water Utility Context

Importantly, only one of the victim-survivors interviewed (Sarah) described their experience as economic or financial abuse. This accords with existing literature which suggests that economic abuse is generally less well-understood and able to be recognised both by those experiencing it and the broader community.¹⁷⁶ Economic abuse in the water utility context was experienced in different ways by each participant. Three core expressions of economic abuse in this context were described in participant interviews: opening or assigning water accounts into a partner's name without permission or knowledge (Ana, Catherine, Sarah), accruing debt with a water utility in a partner's name (Sarah, Amina), and coercing a partner into taking on sole legal responsibility for shared water services (Amina). Each

¹⁷⁵ Glenn and Kutin (n 31) 12.

¹⁷⁶ Kutin, Russell and Reid (n 1) 269; Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1159; Smallwood (n 49) 6; Bond, Tonkin and Sterling (n 63) 5; *RCFV Summary and Recommendations* (n 9) vol 4, 94; Camilleri, Corrie and Moore (n 63) 7.

participant recounted the problems with their water utility in connection with their experiences of other forms of economic abuse and family violence, demonstrating the interrelationship between these experiences.

Ana's former husband controlled all utility bills in their relationship. It was only when Ana and her former husband separated following escalating physical violence that Ana learned that all their bills had been placed into her name without her knowledge or consent. Likewise, in Catherine's relationship with her former husband, he controlled all the finances. When her former husband moved out of their shared rental property, he placed the water account into Catherine's name without her knowledge or permission.

Sarah experienced extreme economic restriction in her relationship with her former husband. During their relationship, Sarah had no access to money or bank cards and was forbidden from working or driving. Sarah and her child experienced periods of economic deprivation when her former husband would leave the family home unexpectedly, sometimes for days at a time, without leaving behind any money to obtain essential items like food or medicine. Like Ana, Sarah's former husband had placed all the family utility bills into Sarah's name, over time accruing significant debt in her sole name. Sarah only learned about this following separation and upon receiving a debt notice from her water utility.

Amina described a complex matrix of abusive behaviours used by her former husband against her and her child, including legal systems abuse and preventing Amina from home schooling their child during the COVID-19 lockdowns. Legal systems abuse involves the manipulation of legal processes by perpetrators of family violence (including via vexatious litigation and applications for civil protection orders) to maintain power and control over a partner post-separation.¹⁷⁷ During their relationship, Amina's husband coerced her into putting her sole name on all their joint loans and liabilities, including their housing loan and all their utility bills. Despite no longer living at their family home, at the time of interview, Amina was still receiving debt notices for household services (including water) that she no longer used. Amina also experienced economic exploitation by her former husband who she eventually found out had been using her Centrelink Health Care Card to receive discounted car registration. Despite the abuse, Amina's local family court registry agreed to 50:50 shared time for their child. Amina was horrified by this, and at the time of interview, was desperately seeking legal help to try and keep her child safe.

The water sector stakeholder we interviewed highlighted the especially critical role of utilities in responding to family violence during COVID-19 lockdowns:

People experiencing family violence at the moment are trapped in their homes. The only people they can get access to are often utilities or other essential services. This is because their partners will allow them to ring their bank, or their energy or water company. (Water sector stakeholder)

177 See generally Heather Douglas, 'Legal Systems Abuse and Coercive Control' (2018) 18(1) *Criminology and Criminal Justice* 84 <<https://doi.org/10.1177/1748895817728380>>.

Analysis of all participant interviews led to the generation of three interrelated themes: barriers to victim-survivor awareness of water utility support measures, the receipt of inconsistent assistance and the impact of economic abuse and effective water utility support. These themes are discussed below.

C Barriers to Victim-Survivor Awareness of Water Utility Support Measures

At the time of seeking assistance, none of the victim-survivors interviewed were aware that their water utility had designated assistance for family violence-affected customers. This was the case no matter where victim-survivors sought assistance: water utilities directly, friends, family violence or financial counselling services.

During their relationship, Ana's former-husband exercised exclusive control over household utilities. After separation, when she discovered he had stopped paying the water bill in her name, she contacted her water utility to obtain the bill details. Similarly, once Amina realised her ex-husband had stopped paying the water bill in their joint name at the residential address she had fled two years prior to escape his violence, she called her water service provider. Upon calling their water utilities, neither Amina nor Ana were aware they could receive support due to their experience of family violence.

When Catherine found out that her water account had been placed into her name without her permission, she sought assistance from her friend Helen. Helen called Catherine's water utility on her behalf. Helen was not aware that Catherine could receive any special help because she was experiencing family violence. By contrast, after separating from her ex-husband and learning that their joint water account was in her sole name, Sarah sought help from family violence and financial counselling services:

I started getting help from councils and NGOs like [the family violence service]. They were helping so much and I really appreciate it. [The financial counselling service] supported me with gift vouchers and stuff ... I got help and I started saving and I started studying, driving. Everything from scratch. (Sarah)

Sarah's financial counsellor was aware of Sarah's water utility's family violence victim-survivor assistance program. This finding points to the advantage of professional assistance, discussed in Part V(D)(2).

The comparably limited awareness of family violence assistance available from water utilities in our victim-survivor sample is consistent with findings of the ESC review, in which participants lacked confidence in their clients' knowledge of water utilities' support services prior to engagement with professional services.¹⁷⁸ Two of the three professionals we interviewed also supported the position that victim-survivors are often unaware of the family violence assistance available through water utilities.

The community lawyer we interviewed suggested several barriers impeding victim-survivor knowledge about available support services, including that water

account issues often comprise only a small fraction of the challenges in victim-survivors' lives:

It's not that easy [to get help from a water utility] because these women have so much going on in their life that paying their water bill is often not at the top of their priority list. (Community lawyer)

Other barriers to awareness identified included literacy levels and language.¹⁷⁹ The lawyer estimated that at least 50% of their clients speak English as a second language. This estimate is consistent with the Consumer Utilities Advocacy Centre's ('CUAC') findings, which suggested that belonging to a CALD community may increase vulnerability to economic abuse.¹⁸⁰

Some victim-survivors interviewed voiced scepticism regarding water service providers' commitment or willingness to assist customers impacted by family violence. Sarah thought that customers could not receive assistance without a financial counsellor: 'If I called them, they wouldn't do much ... When a financial counsellor is involved in a family violence situation [it] is more effective than me calling [alone].' Sarah did not think her water utility would have waived her account had she called on her own. Similarly, Catherine's friend Helen believed that water utilities are not interested in family violence: 'The person answering the phone doesn't know about family violence. These people don't want to get involved. They're there to set up accounts, take down address details etc. They sounded like they were well out of their depth.'

This scepticism demonstrates the propensity for family violence to be viewed as a problem requiring specialist service intervention beyond the remit of non-specialist services. Although these views cannot be deemed representative of the broader customer experience, they highlight a possible misconception about the role of water service providers in responding to family violence. These views may partly explain why none of the victim-survivors interviewed believed they could receive family violence support from their water utility.

Overall, our interviews show how family violence can be viewed as a problem requiring family violence specialist intervention, and that victim-survivors of economic abuse may not yet be aware of support measures available to them through water utilities. The suggestion is not that victim-survivors are responsible for becoming aware of water utility family violence policies; rather that this finding has implications for water utility policy responses to consumers impacted by family violence. If victim-survivor customers do not expect to receive support with family violence matters, they will be less likely to disclose family violence. This means that water utility customer service teams cannot assume that consumers requiring family violence or hardship support will request this assistance. The receipt of family violence support should not be predicated on whether a victim-survivor receives professional help.¹⁸¹ Our research, and other research¹⁸² suggests that for Victorian water utilities to offer consistent and meaningful support to victim-

179 Ibid.

180 *Helping Not Hindering* (n 43) 8.

181 *RCFV Summary and Recommendations* (n 9) vol 4, 9.

182 *Water Code Outcomes Review* (n 4) 8; Bond and Ulbrick (n 31) 39.

survivors, they must adequately inform consumers of their support options by promoting water utility support services. Considerations for practice are discussed in Part VI.

D Inconsistent Assistance

Despite the Victorian retail water sector's industry leading approach to family violence, our interviews indicate that not all victim-survivor customers may receive equal support. The community lawyer interviewed demonstrated the belief that Victorian water utilities are leading the way in their response to family violence:

Water companies were probably one of the first to respond when it came to changes around family violence. They have been one of the better industry providers ... Usually I'd say they're very good at responding ... we're seeing quite positive responses. (Community lawyer)

However, family violence-affected customers described receiving inconsistent support from their water service providers depending on whether they disclosed their experience of family violence, whether they had professional support when seeking assistance from their water utility, and the stage of debt collection.

1 Disclosure versus Non-Disclosure

Our interviews demonstrated a nexus between disclosure and effective assistance, and non-disclosure and ineffective assistance. Victim-survivor interviews indicated that where customers disclosed their experience of family violence, they received excellent help from their water utility. When Ana called her provider to explain she was having trouble paying her water bill because of financial hardship caused by family violence, they assigned her to a dedicated family violence staff member, assisted her to apply for a Utility Relief Grant and referred her to a financial counsellor. Ana explained the impact of this assistance:

I think overall it's really good the help they've provided, especially when they referred me to [a financial counsellor]. She has contacts for different utility companies which [are] not disclosed to the public. That saved me a lot of time and effort [instead of] calling the customer service line and waiting for a couple of hours. (Ana)

Ana thought her water utility genuinely understood and cared about her situation:

[The family violence staff member was] very knowledgeable and very experienced ... She [was] not just standing there with no emotion, she [was] very involved in my situation. She [felt] my feelings ... she [was] very understanding. It [was] a very nice experience talking to her. (Ana)

Amina had a similar experience. Her ex-husband stopped paying the water bill in their joint names. Amina called her water service provider and explained that while her name remained on the water account and her ex-husband still resided at that address, she had not lived at the address for over two years, having fled his violence. Although her water utility advised they were unable to remove her name from the account, Amina felt that they were understanding of her situation: 'They were very compassionate. They felt really bad and sorry for me. They weren't rude or anything like that.'

These findings are consistent with the findings of the ESC review, in which it was generally agreed among financial counsellors that water utilities offer viable solutions for clients,¹⁸³ and that their clients (some of whom approached their water service provider alone) mostly had positive experiences.¹⁸⁴

By contrast, our interviews highlighted that where a customer did not disclose family violence, they received little help. Helen (when calling Catherine's water utility on Catherine's behalf) did not name Catherine's situation as family violence. She believes she communicated that Catherine was separating from her husband and that the transfer of the water account into Catherine's name was not initiated by Catherine. Helen and Catherine's subsequent experience was vastly different to that of Amina and Ana. Helen recalled that:

They said anyone can [change an account into someone else's name]. They didn't seem concerned that someone was basically impersonating Catherine on the website ... it's a pretty big deal I feel ... They didn't seem concerned about identifying who it was that did transfer it or helping us identify who it was. They just gave me the time [that the account was changed into Catherine's name] and said that it could be anyone; anyone with those details can change the water. (Helen)

Catherine was frustrated that her water utility did not understand the significance of the account being placed into her name without permission: 'It was the fact that I wasn't told about it ... it was just strange ... Someone being able to ring up and pretend to be me ... [They said] there was nothing they could do about it ... There was no investigation.'

Because Catherine was residing at the address of the water account in issue, her water bill problem was potentially less obviously connected to family violence. However, making changes to a person's water account without their permission is a recognised form of economic abuse,¹⁸⁵ and separation is well-known to be a time of escalating violence for victim-survivors.¹⁸⁶ The water utility's failure to identify economic abuse in Catherine's case reflects the chronic under-recognition of economic abuse in Australia.

The water utility employee we interviewed estimated that 95–99% of customers who receive family violence assistance self-identify as being impacted by family violence. This finding is interesting given that economic abuse is the least likely form of abuse to be recognised as family violence.¹⁸⁷ The inherent challenges in identifying economically abusive behaviours were highlighted in Bourova, Ramsay and Ali's study, in which consumer advocates described frequent 'reluctance on the part of their female clients to acknowledge that their financial problems were the result of intentional actions by their partners, rather than just "the way things are"'.¹⁸⁸ Even if customers do recognise they are experiencing family violence,

183 *Water Code Outcomes Review* (n 4) 11.

184 *Ibid* 12.

185 *RCFV Summary and Recommendations* (n 9) vol 4, 104; Bond and Ulbrick (n 31) 24; *Moving Towards Better Practice* (n 80) 3.

186 Family Safety Victoria, *MARAM Practice Guides: Foundation Knowledge Guide* (Report, February 2021) 28.

187 Webster et al (n 61) 41.

188 Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1165.

there are many well-documented reasons for non-disclosure. These reasons include shame and embarrassment,¹⁸⁹ feeling responsible for the abuse, the fear of not being believed and the hope that the abuse will stop.¹⁹⁰ Because of the family violence, a victim-survivor may be distrustful of other people or fear that the abuse will escalate if they are found to have disclosed.¹⁹¹

If almost all water customers receiving family violence support self-identified as experiencing family violence, it is probable that a significant number of victim-survivor customers who do not disclose family violence are not receiving support. This finding suggests that water utilities cannot assume that all victim-survivor customers will be willing or able to name their experience of economic abuse. Utilities should create safe opportunities for victim-survivors to disclose family violence should they choose to. Suggestions for improving this practice are discussed in Part VI.

2 Professional Assistance

Our interviews also suggested that professional advocacy for the customer when dealing with water utilities was enormously valuable. Sarah was assisted by a financial counsellor who communicated with her water utility on her behalf. Sarah's water service provider subsequently agreed to waive her unpaid water account. This was helpful for Sarah:

[I was] very relieved. Emotionally, financially I was drained [and] exhausted. All these things happened for which I wasn't responsible. [I'd had] enough of life. Fortunately, I had the support of the [water] compan[y]. They helped and it was a huge relief. (Sarah)

In their report, Bond and Ulbrick queried whether professional advocacy is necessary for customers to reach satisfying outcomes.¹⁹² Although Ana and Amina did not have professional advocates and were pleased with their outcomes, Catherine's case illustrates the experience of a victim-survivor customer without a professional advocate, who was dissatisfied with the service she received. The community lawyer interviewed suggested that people with and without representation may have vastly different experiences when dealing with water service providers, as did the ESC review.¹⁹³ Our findings suggest that while good outcomes were not limited to those with professional advocates, customers without professional advocates had improved chances of receiving effective support if they could self-identify as experiencing family violence.

189 Peter Mertin, Shane Moyle and Kate Veremeenko, 'Intimate Partner Violence and Women's Presentations in General Practice Settings: Barriers to Disclosure and Implications for Therapeutic Interventions' (2015) 19(3) *Clinical Psychologist* 140, 141 <<https://doi.org/10.1111/cp.12039>>.

190 Australian Law Reform Commission and New South Wales Law Reform Commission, *Family Violence: A National Legal Response* (ALRC Report No 114, NSWLRC No 128, October 2010) 832 [18.4].

191 *Ibid.*

192 Bond and Ulbrick (n 31) 39.

193 *Water Code Outcomes Review* (n 4) 22.

3 Stage of Debt Collection

Despite not being raised in victim-survivor interviews, the lawyer interviewed explained that little help is available once customer debts have passed to external debt collectors:

I think it becomes more problematic when the debt has been left or ignored for a long time and it has progressed to a debt collector because quite often water companies don't really have much control over what actions the debt collector takes ... water companies are supposed to follow the rules of the *Urban Water Code*, but debt collectors don't have to necessarily ... They should, but if they have bought the debt and it's no longer with [water utility] at all, then they're [only] bound by the ASIC and ACCC debt collection guidelines. (Community lawyer)

In April 2021, after participant interviews for this research had concluded, the Australian Competition and Consumer Commission ('ACCC') and Australian Securities and Investments Commission ('ASIC') published an updated *Debt Collection Guideline* ('Guideline') which contained a number of changes concerning debt collectors' interactions with debtors experiencing family violence.¹⁹⁴ The changes included:

- outlining family violence as one reason why debtors may be unable to make meaningful repayments;¹⁹⁵
- adding family violence to the list of reasons a debtor may be vulnerable;¹⁹⁶
- specifying that debt collectors should be 'aware of situations involving joint facilities where there are allegations, or suspicions, of family violence';¹⁹⁷ and
- noting that many industries have obligations to customers experiencing family violence.¹⁹⁸

Despite these developments, in the first scholarly study of debt collection in Australia, Lucinda O'Brien et al suggest that the updated Guideline will not translate to meaningful change for debtors impacted by economic abuse and family violence.¹⁹⁹ Their interviews with solicitors, financial counsellors and other consumer advocates highlighted the physical and mental health impact of debt collection on vulnerable consumers²⁰⁰ and revealed that, on the whole, debt buyers were 'far less accommodating and responsive' in their debt collection practices than in-house debt collection teams.²⁰¹ O'Brien et al recommend, inter alia, that the ACCC and ASIC revise their Guideline to incorporate more specific and tangible protections for victim-survivors of economic abuse and family violence, including:

194 Australian Competition and Consumer Commission and Australian Securities and Investments Commission, *Debt Collection Guideline: For Collectors and Creditors* (Regulatory Guideline, April 2021).

195 Ibid 9–10.

196 Ibid 39.

197 Ibid 58.

198 Ibid.

199 Lucinda O'Brien et al, 'An Impending "Avalanche": Debt Collection and Consumer Harm after COVID-19' (2021) 49(2) *Australian Business Law Review* 84, 113 <<https://doi.org/10.2139/ssrn.3917247>>.

200 Ibid 107, 110.

201 Ibid 113.

clear and detailed definitions of economic abuse and family violence, inclusion of the signs that might indicate to a debt collector that a debtor is experiencing (or has experienced) family violence or economic abuse, and provisions requiring debt collectors to train staff to identify and respond to such signs and to refer consumers to third-party support services.²⁰²

The community lawyer we interviewed suggested that family violence-affected customers commonly have their debts transferred to third-party debt collectors:

Often it's really hard for family violence victim-survivors to keep abreast of all [their debts] ... because they often live quite transient lives. They're moving from place to place, they're changing their address and phone numbers a lot, especially for a lot of these women who are being stalked or their partners are actively trying to track them. It's really not unusual for them to keep changing details and that makes it really hard because [debt collectors may be] thinking 'this person is ignoring me, I can't get in contact with them, I'm just going to list it on their credit file'. But that may not be the case at all. It may just be the fact that they've had to do it for safety reasons. Every time they change their details, they're probably not thinking [they had] better go and update all [their] information with this credit recovery company. (Community lawyer)

The prevalence of this practice is supported by findings by CUAC,²⁰³ Tanya Corrie and Magdalena McGuire²⁰⁴ and Smallwood.²⁰⁵ Smallwood found that 80% of sector workers had observed customer's utility bills being referred to debt collectors.²⁰⁶ This frequency, as well as O'Brien et al's recent review of the current state of Australian debt collection practices,²⁰⁷ highlights the need for water utilities to exercise caution when transferring customer debts to external debt collectors.

E Impact of Economic Abuse and Effective Water Utility Support

Economic abuse has a range of devastating impacts including implications for emotional and psychological wellbeing.²⁰⁸ All women interviewed in our research demonstrated the significant emotional toll associated with economic abuse. Sarah explained the psychological impact of sustained economic control:

He was controlling everything; he was handling everything and [the] money. That's how they keep their monopoly. That's how they keep their control over us. That's how they govern everything, and they never let women handle anything ... He never let me explore myself, or my abilities. Maybe I might be doing very well ... [but] he didn't want to see my abilities, he wanted to keep me down, push me down. He was always putting me down and talking like that. It really gave me very miserable, very pathetic feelings. I felt like I was nothing. (Sarah)

Economic abuse was also shown to affect interviewed victim-survivors' financial security, both at the time of the abuse and into the future. During Sarah's

202 Ibid 113.

203 *Helping Not Hinder* (n 43) 31.

204 Corrie and McGuire (n 94) iv.

205 Smallwood (n 49) 25.

206 Ibid.

207 O'Brien et al (n 199) 84.

208 Adrienne Adams and Marisa Beeble, 'Intimate Partner Violence and Psychological Well-Being: Examining the Effect of Economic Abuse on Women's Quality of Life' (2019) 9(5) *Psychology of Violence* 517, 518 <<https://doi.org/10.1037/vio0000174>>.

relationship, she had no access to finances: ‘I had no access [to money] ... I didn’t have a bank card, no password, no access, no pin numbers. Everything was with him until the separation ... Until then I didn’t have anything.’

This kind of abusive behaviour creates a cycle of dependence on perpetrators, often making it economically impossible to leave a violent relationship.²⁰⁹ Sarah illustrated the isolation associated with restricted financial access:

[He would] sometimes go out without leaving any money at home. I was just imagining what would happen if something happened to me. [I wouldn’t have been able] to take a taxi or even call someone. There was a phone but if the phone connection was gone because he hadn’t paid the bills, what would happen? (Sarah)

Amina’s interview highlighted the long-term financial insecurity associated with economic abuse post-separation:

My credit rating will be ruined. I’m 50 [years old] hoping to start over again. I’ve got a friend; she’s going through the same thing. You’re left broke while they step out of everything and move on. It doesn’t affect their life. Financially they walk away and just leave you in debt. Everyone is chasing you. I had phone calls, I get texts. I get everything from [credit provider] that he’s meant to pay out. They keep harassing me and harassing me. (Amina)

Participant interviews in our research revealed that water account issues were commonly a small part of customers’ complex family violence situations. However, for all victim-survivors who received support from their water utility, the assistance made a significant difference. Ana explained the impact of being referred to a financial counsellor:

It saved me a lot of cost, as well as effort, I guess, with contacting the other utility companies. That was quite helpful for me at the time, because I used to be really upset when trying to call [telecommunications provider] because that [took] ages to get through and the operator, when I did get through, didn’t really understand my situation. So after [the financial counsellor] became involved, it all became a lot easier. (Ana)

The community lawyer agreed with Ana regarding the efficacy of connecting family violence customers to financial counsellors:

When you provide someone like a financial counsellor to them, who can take all their debts, financial and money problems and just bundle them up into one ... it takes away that element of stress from their life at that time, so that they can focus their attention on safe housing, keeping their children in school, getting therapy; whatever else they need to do to make themselves safe and free from the violent relationship. (Community lawyer)

For Sarah, the waiver of her account was invaluable. The lawyer we interviewed endorsed waiver, and confirmed that it is one of the most common types of assistance she has sought for her clients: ‘We see a client generally at the point when they’ve just left the relationship ... As a part of moving onto the next step of their life, we want to try and give them a fresh beginning with their money.’

Our findings draw attention to the significant impact of economic abuse, as well as the potential for effective assistance from water utilities to make a meaningful difference in the lives of victim-survivors. Practical implications for water utilities are discussed in the next Part.

209 Cameron (n 22) 25.

VI IMPLICATIONS FOR PRACTICE

This article has demonstrated the importance of, and value in, providing a platform for victim-survivor experiential knowledge to influence family violence policy and practice in the essential services sector. In our exploratory research, a small group of victim-survivor voices demonstrated how water utilities can be implicated in the experience of economic abuse and family violence more broadly, as well as providing insights into how Victorian water utilities could improve their support for customers impacted by family violence. Our interviews suggest opportunities for water utilities to improve their family violence service provision where customers do not disclose their experience of family violence and where customers are unassisted by professionals. Our interview with a community lawyer suggests that attention should also be paid to developing stronger processes for referring non-payment matters to debt collectors.

We make three suggestions for achieving these outcomes in practice: the development of an inter-industry risk assessment tool (in combination with rigorous, systematic and ongoing economic abuse training) to support customer service staff to identify economic abuse; mandatory minimum promotional requirements for water utilities; and a compulsory procurement strategy approach when selling customer debts to external debt collectors.

A Development of a Risk Assessment Tool and Economic Abuse-Specific Training

Our research and the ESC review highlighted the existence of barriers to victim-survivor awareness of water utility support measures for family violence-affected customers.²¹⁰ Because of these findings, as well as the fact that economic abuse is inherently hard to self-identify,²¹¹ it is critical that staff are adequately trained to recognise economic abuse. If customers are unaware that they are experiencing family violence or are not made aware of available support services, it is unlikely they will ask for assistance.

One way to improve staff identification of economic abuse is the development of a risk assessment tool designed to identify economic abuse.²¹² Research demonstrates that existing family violence risk assessment tools lack the nuance necessary to identify economic abuse,²¹³ with most tools assessing predominantly the risk of physical violence and not other forms of family violence.²¹⁴ There are well-founded criticisms of risk assessment frameworks. Bernadette McSherry summarises three major criticisms: the fact that risk assessment tools are often

210 *Water Code Outcomes Review* (n 4) 8.

211 Kutin, Russell and Reid (n 1) 269; Bourova, Ramsay and Ali, 'Limitations of Australia's Legal Hardship Protections' (n 43) 1159; Smallwood (n 49) 6; Bond, Tonkin and Sterling (n 63) 5; *RCFV Summary and Recommendations* (n 9) vol 4, 94; Camilleri, Corrie and Moore (n 63) 7.

212 Ulbrick (n 22) 250.

213 Ibid 141.

214 Katie Lamb et al, 'Drawing upon the Evidence to Develop a Multiagency Risk Assessment and Risk Management Framework for Domestic Violence' (2022) 6(1) *Journal of Gender-Based Violence* 173, 202 <<https://doi.org/10.1332/239868021X16366281022699>>.

variable-oriented makes it difficult for any single instrument to accurately account for risks; applying group data to the individual means that only ‘typical’ risks will be captured by risk assessment frameworks; and the use of risk assessment tools tends to promote slippage between correlation and causation.²¹⁵ Recent empirical research regarding risk assessment in the family violence context outlines cautious support for weighted tools, with major concerns being the use of risk assessment tools by untrained, non-family violence specialists,²¹⁶ and the inevitable level of error and uncertainty attached to their use.²¹⁷ One study emphasised the complex nature of risk assessment and that a holistic approach (not only a single weighted tool) should be adopted.²¹⁸

Although the literature on how risk assessments should be undertaken across different agencies is not well developed,²¹⁹ an economic abuse risk assessment tool coupled with rigorous and ongoing economic abuse training would present a rich support mechanism to equip utility customer service staff to best serve victim-survivor customers. Without a risk assessment tool that can be used by all staff across different utilities, consistent support for customers would be near impossible to achieve. A holistic management approach is required to ensure the tool’s success and mitigate the limitations of risk assessments generally, including mandatory and ongoing training for all customer-facing staff.

Our victim-survivor interviews highlighted three core manifestations of economic abuse in the water utility context: opening or assigning a water account into a partner’s name without permission or knowledge; accruing debt with a water utility in a partner’s name; and coercing a partner into taking on sole legal responsibility for shared water services. These manifestations, as well as other forms of economic abuse discussed in Parts II and III of this article, could be incorporated into this risk assessment tool and used in staff training. As well as illustrating the unique ways that water utilities can be implicated in the experience of economic abuse, staff training should highlight how economic abuse can manifest across different cultures and situations (for example, abuse in intimate partner relationships, against elderly family members and against people living with a disability). Training should also highlight links between economic abuse and other forms of family violence tactics occurring after a relationship ends.²²⁰ Recommendations regarding the most valid, reliable and safe means to develop this tool warrants further investigation.

215 Bernadette McSherry, ‘Risk Assessment, Predictive Algorithms and Preventive Justice’ in John Pratt and Jordan Anderson (eds), *Criminal Justice, Risk and the Revolt against Uncertainty* (Springer International Publishing, 2020) 17 <https://doi.org/10.1007/978-3-030-37948-3_2>.

216 Jude McCulloch et al, *Review of the Family Violence Risk Assessment and Risk Management Framework (CRAF)* (Final Report, 2016) 93.

217 Andrew Carroll, Mark Lyall and Andrew Forrester, ‘Clinical Hopes and Public Fears in Forensic Mental Health’ (2004) 15(3) *Journal of Forensic Psychiatry and Psychology* 407, 413 <<https://doi.org/10.1080/14789940410001703282>>.

218 Ibid.

219 Nicky Stanley and Cathy Humphreys, ‘Multi-Agency Risk Assessment and Management for Children and Families Experiencing Domestic Violence’ (2014) 47(1) *Children and Youth Services Review* 78, 83 <<https://doi.org/10.1016/j.childyouth.2014.06.003>>.

220 Breckenridge, *Economic and Financial Abuse* (n 25) 49.

B Mandatory Minimum Promotional Requirements

Our findings, together with the ESC review, suggest the existence of barriers to victim-survivor awareness of available support measures from water utilities. Although the water industry standards mandate that water service providers must ‘publish on [their] website, and keep up to date, the assistance and referrals available to customers affected by family violence’,²²¹ there may be a need for more effective and widespread information provision and promotion.

Mandatory minimum promotional requirements for water utilities may erode some of the barriers to victim-survivor knowledge of the sector’s leading approach to vulnerability and hardship. Existing provisions of the water industry standards²²² could be amended to provide for:

- a community outreach program in which water utility representatives attend community events and family violence organisations within their service area to educate people about support services offered by the water utility. This may improve access for victim-survivor customers without legal representation or a financial counsellor;
- firm guidelines regarding the publication of promotional material on water utility websites including that information should be published clearly on the website homepage in plain English, and easily accessible in languages other than English;
- a recurring Electronic Direct Mail to be sent to all water customers detailing available support; and
- requiring customer service staff to publicise the water utility’s support options in their interactions with customers.

This multidirectional promotion strategy aimed at a broad audience supports our finding that victim-survivors seek support via a range of different avenues. These measures may improve awareness of the support measures available to Victorian water customers and dispel misconceptions about the role of water utilities in responding to family violence. However, promotional measures must also recognise that family violence and economic abuse are systemic problems.²²³ Educating victim-survivors about support options is not a panacea for economic abuse; economic abuse occurs as part of a gendered dynamic of power and control²²⁴ and requires systemic solutions. Improving awareness is one part of this solution.²²⁵

221 *Urban Water Industry Standard* (n 101) cl 11(h); *Rural Water Industry Standard* (n 101) cl 10(h).

222 *Ibid.*

223 Bond, Tonkin and Sterling (n 63) 27; Thriving Communities Partnership, *Family Violence Round Table* (Report, 2019) 5.

224 Bourova, Ramsay and Ali, ‘Limitations of Australia’s Legal Hardship Protections’ (n 43) 1168.

225 *Ibid.*

C Compulsory Procurement Strategy

Consistent with O'Brien et al,²²⁶ CUAC²²⁷ and Smallwood,²²⁸ our interview with a community lawyer draws attention to the caution required by water utilities when transferring customer debts to third-party debt collectors.

Given the opaque protections afforded to victim-survivor debtors by the ACCC and ASIC Guideline's current iteration (discussed in Part V), we suggest that the water industry standards could be amended to insert a new provision detailing a compulsory procurement strategy approach when selling customer debts to third-party debt collectors. Under this approach, Victorian water utilities could only sell customer debts to debt collection companies with a family violence policy closely mirroring their own. Without this approach, the selling of customer debts by water service providers may erode the processes designed to protect vulnerable customers and threaten the social responsibility that water utilities have demonstrated commitment to upholding.

Because no victim-survivor participants raised the issue of third-party debt collection in our study, we recommend a study of victim-survivor utility customers who have been referred to third-party debt collectors to better understand the nature and extent of this problem.

VII CONCLUSION

Compared with other forms of family violence, economic abuse remains understudied and misunderstood in Australia. This article brings into the academic space an awareness and appreciation of the impacts of economic abuse on an everyday, taken-for-granted resource: water. Our study is the first to explore what water utility-related economic abuse can look like from the perspective of victim-survivor lived experiences. Our four victim-survivor interviews highlighted three core economically abusive behaviours in the water utility context: opening or assigning water accounts into a partner's name without permission or knowledge, accruing debt with a water utility in a partner's name, and coercing a partner into taking on sole legal responsibility for shared water services. Our interviews with victim-survivors, water sector employees and stakeholders, and personal and professional advocates suggest that victim-survivors may not be aware of the support available to them from water utilities, but that when support is received, it can make a marked difference. Our data also indicates that victim-survivors may receive different levels of support depending on whether they disclose their experience of family violence, whether they are supported by a professional advocate and the status of their debt.

Despite its exploratory, small-scale nature and Victorian focus, our work suggests important practical considerations for water utilities and their regulators in Australia

226 O'Brien et al (n 199) 98.

227 *Helping Not Hindering* (n 43) 31.

228 Smallwood (n 49) 25.

and internationally. Based on our findings, we suggest several strategies for improving water utility support services for victim-survivor customers: the development of an inter-industry risk assessment tool and economic abuse-specific training to support customer service staff to identify economic abuse, mandatory minimum promotional requirements for water utilities, and a compulsory procurement strategy approach when selling customer debts to external debt collectors.

Our research draws on significant experiential knowledge of victim-survivors of family violence and demonstrates the importance of creating space for these voices to build knowledge and drive change. Future research should employ similar victim-survivor led research methodologies and explore consumer experiences with other essential services, including energy utilities, telecommunications, banking and social security services, as well as the specific experiences of victim-survivors whose non-payment matters have been transferred to third-party debt collectors.

Beyond improving our understanding of economic abuse in the water utility context, our research contributes to nascent policy and scholarship concerning the roles and responsibilities of corporate and government-owned non-family violence specialist businesses in responding to family violence. These are increasingly pressing issues in socio-legal academic and policy spaces, meaning the insights from our research come at an especially pertinent time. By focusing on a particularly underdeveloped form of economic abuse, our findings add to the emerging economic abuse evidence base in Australia. Our work highlights the importance of considering the effect of economic abuse on routine aspects of everyday life that can nonetheless have a significant impact on victim-survivors' quality of life and wellbeing.