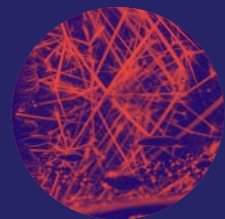
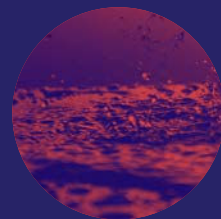




DESIGNED TO DISRUPT[®]



DISCUSSION PAPER

Safety by design for essential services.

May 2025

Catherine Fitzpatrick

Adjunct Associate Professor, UNSW School of Social Sciences

FLEQUITY

ABOUT THE SAFETY BY DESIGN PARTNERSHIP.

Nine years ago, the Royal Commission into Family Violence in Victoria tasked us with creating regulatory protections for utility customers affected by family violence.

We worked with experts to define our role and built some of the nation's strongest family violence protections. Since then, we have focused on ensuring utility businesses operating in Victoria implement those rules effectively, and on taking enforcement action when they have not.

However, when we learned through our engagement and compliance activities that utility customers remained at risk of having their information shared inadvertently, and that systems or products were being used as a means of coercive control, we knew we needed to take the next step.

We established the Safety by Design Partnership Project to bring together relevant experts and create a blueprint for the energy and water sectors. Led by Thriving Communities Australia, the partnership draws on the expertise and insight of Flequity Ventures, Safe and Equal and the Centre for Women's Economic Safety.

The **Designed to Disrupt**[®] discussion papers put a spotlight on how family violence risk interacts with products, services and systems in banking and insurance, and led to tangible improvements in both sectors. We wanted this project to turn that spotlight onto the utility sector, in the hope it would identify how energy and water retailers can improve support for victim-survivors of family violence.

Early engagement and capability building has been key to the project, and we acknowledge the strong participation from industry, the community sector, ombuds and the regulatory community.

Reading the experiences of victim-survivors and how utility accounts are used to exert power, cause fear and hold financial control provides a stark reminder of why we need to think differently about this issue.

This paper helps guide the next chapter in our work on family violence, and we look forward to the constructive and impactful discussions ahead.

Gerard Brody, Chairperson, **Essential Services Commission Victoria**



PROJECT PARTNERS.



ACKNOWLEDGEMENTS.

Flequity Ventures acknowledges the Traditional Owners of Country throughout Australia and recognises their continuing connection to lands, waters and communities. We pay our respects to First Nations cultures and to Elders past and present.

This report explores the experiences of energy and water customers experiencing domestic and financial abuse. We recognise that we have not examined specific issues related to First Nations peoples. We also acknowledge the terrible impact of domestic and family violence on individuals, families and communities, and the strength of the children and adults who have, and are still, living with it. We pay our respects to those who did not survive, and to their families and friends.

Our sincere thanks to the survivor advocates who have shared their experiences and suggestions in the hope they can help make things better for others. We take our lead from you.

Our sincere thanks also to the Essential Services Commission Victoria for commissioning Flequity to author this discussion paper under its Safety by Design partnership, and to the other partners Thriving Communities Australia, Safe and Equal and the Centre for Women's Economic Safety for your expertise and inputs.

Thanks to the Australian Energy Council and Water Services Association of Australia for coordinating information requests to industry, and to the safety by design project's advisory committee for providing feedback on the draft report. Thank you to the individual staff of companies and specialist services for generously providing time, expertise and advice on direction. Your insights and willingness to help reinforce our belief in the power of collective action to address customer and community vulnerability. Thanks to Dr Katie Sutherland for editorial support.

A NOTE ON LANGUAGE.

Our language in this paper has been guided by the Domestic, Family and Sexual Violence Commission¹ and the specific wishes of those who participated in research.

We have used the terminology of domestic and financial abuse to reflect the focus of this paper on intimate partner physical, sexual, psychological, economic or emotional violence by a current or former partner to gain and maintain power and control over the other.

Where we have used direct quotes from victim-survivors, we have used their preferred pseudonym or reference.

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ABOUT THE **AUTHOR.**

Catherine Fitzpatrick is a social entrepreneur on a mission to disrupt financial abuse through smarter product and service design.

For the last decade, Catherine has led business and industry-wide initiatives and advised governments on the hidden epidemic of financial abuse. A former bank senior executive, in 2019 she uncovered widespread abuse in online banking transactions and spearheaded industry-wide reforms to crack down on the practice.

Today she's the international authority on financial safety by design, a framework she created in 2022 inspired by the eSafety Commissioner's Safety by Design for the technology sector.



Her ground-breaking **Designed to Disrupt®** series and **#respectandprotect** campaign have led to world-first action from more than 50 Australian businesses across 10 sectors to adopt new financial abuse terms and conditions, improving safety for more than 20 million customers.

Catherine is Adjunct Associate Professor, UNSW School of Social Sciences, and inaugural Chair of the Australian National University's Student Safety and Wellbeing Committee. She holds advisory roles with the Australian and NSW governments and the World Bank's International Finance Corporation.

She's co-founder of the **One Generation** business alliance against domestic and family violence with not-for-profit Thriving Communities Australia, launched with former Australian of the Year Rosie Batty AO and seven corporate leaders in 2024.

Her contributions have been recognised with awards including the AFR|Qantas 100 Women of Influence, Shared Value Bravery Award and a National Consumer Advocacy Award, alongside the Centre for Women's Economic Safety and CHOICE.

INTRODUCTION.

This is the third discussion paper in my **Designed to Disrupt®** series, which examines how the finance and modern essential services sectors can play a key role in preventing economic harm by adopting Safety by Design principles in the design of products and services.

The first two papers, published by the Centre for Women's Economic Safety, examined the weaponisation of banking and general insurance by financial abusers.² Each paper provides practical suggestions to apply a tailored financial safety by design framework to disrupt the abuse and prevent or lessen the harm to victim-survivors. They also make recommendations for industry, policymakers and regulators to recognise and respond to this insidious issue.

The papers build on the advocacy of victim-survivors, consumer advocates and specialist services over many years, and my insider knowledge and experience of leading business and industry domestic and family violence initiatives over the last decade. They have been described by finance sector employees as a blueprint for industry and used by individual banks and general insurance companies to benchmark the safety features of their products and services.

Designed to Disrupt® has catalysed action, including:

- Widespread adoption of terms and conditions making it clear financial abuse is an unacceptable customer behaviour that may result in warnings, account suspension, or closure. To date, more than 50 Australian businesses in 10 sectors – banking, education, energy, facilities financing and management, insurance, superannuation, technology, telecommunications, transport, and water – have mobilised against perpetrators and sent a strong signal that they will not tolerate the misuse of their products and services. Many of these companies have promoted their changes via Flequity's **#respectandprotect** public awareness campaign, launched in May 2024.
- Adoption of a 'conduct of others' clause by additional insurers,³ which provides flexibility to allow claims to be paid to victim-survivors who may otherwise be denied under standard policy exclusions for malicious damage.
- Cross-sector and industry-wide guidance and commitments to financial safety by design, such as those from the Australian Banking Association, Council of Australian Life Insurers, Champions of Change Coalition, and Finance Industry Council of Australia.⁴
- A national inquiry into financial abuse acknowledging my work and endorsing safety by design as a key strategy to address financial abuse in the finance and banking sectors. It made 61 recommendations,⁵ including several from the **Designed to Disrupt®** papers and Flequity's submissions.

The Essential Services Commission Victoria's safety by design partnership has afforded me a unique and privileged vantage point to compare perpetrator tactics and domestic abuse safety risks across sectors. I'm shocked but not surprised by the pervasiveness of financial and tech-facilitated abuse across all sectors of the economy. Almost every example unearthed through the development of this paper related to using money – to compel a victim-survivor to acquiesce or to punish them with debt and long-term financial harm. It's astonishing and appalling.

In every sector I have examined, people have raised the alarm about the dangers of privacy breaches – mistakes or system failures that could reveal a victim-survivor's safe address or contact details to their abuser. While no specific cases of physical harm were reported for this paper, there were continued examples of these errors. The shared sentiment of every participant was clear: it may only be a matter of time. Unless businesses act now to introduce stronger safeguards, they risk being the weak link that puts lives in jeopardy.

It is a truism that regulation follows shifts in community expectations. In looking at these sectors, I have found it surprising that it has been up to regulators to set the standards rather than energy or water providers or their industry associations leading with a customer-focused approach. In Victoria, the regulator was tasked with embedding domestic abuse protections in energy and water codes;⁶ many providers engaged proactively to help shape the rules. But the industry could have gone further. Instead of negotiating minimum compliance, there was – and still is – an opportunity to lead, promote better practice and drive consistency rather than wait for regulators to act.

In particular, the energy sector lags behind water, banking and general insurance. I question whether this is because of the: male-dominated workforce in utilities;⁷ cost pressures due to debt collection moratoriums during the pandemic; significant regulatory change over the last seven years; margins under pressure; sheer number of energy providers; complexity of serving both homeowners and renters; role of government in setting the benchmark price of energy; or because the nation's energy transition has been all-consuming for an industry concerned about ageing assets and a changing policy environment. I suspect it's a combination of all of these things. Whatever the reasons, I'd encourage the sector to reflect on what's in the way of better practice.

This third paper aims to challenge energy and water providers to extend their workplace safety culture to consider the risks for customers experiencing domestic and financial abuse, move beyond compliance to prevention, and to provide a clear roadmap for change in essential services. Victim-survivors deserve nothing less.

– Catherine Fitzpatrick, Author, **Designed to Disrupt®**

SAFETY CULTURE NEEDS **A RESET.**

“I’m still paranoid that if he has somehow learnt my new name and gets an operator who doesn’t go through all the right ID and safety checks, he will find out where I live.”

– TL, LEAP

FOR ENERGY AND WATER CUSTOMERS, THE RISK IS REAL. FOR PROVIDERS, THE OPPORTUNITY IS URGENT.

Domestic and financial abuse is a national crisis. Victim-survivors face serious risks.

PERSONAL SAFETY

- Privacy breaches revealing contact details and location.
- Contact required with the perpetrator.
- Usage monitored and information used to stalk or harass.

FINANCIAL SAFETY

- Debt run up in their name.
- Perpetrator refuses to close, separate or pay accounts.
- Ongoing liability even after fleeing the property.
- Disconnection threats used as coercion.

INCONSISTENT CUSTOMER SERVICE.

Support for victim-survivors varies depending on provider, State and system:

Some retailers offer specialist teams, secure account flags and trauma-informed support.

Others require evidence, mishandle domestic abuse flags or chase for debts.

Complaints, fines and enforceable undertakings and fines reveal widespread gaps.

ESSENTIAL SAFETY. **BY DESIGN.**

SAFETY CULTURE IS THE FOUNDATION FOR A NEW APPROACH.



Prevent misuse of essential services for domestic abuse and control.



Design for victim-survivor safety and informed choice.



Be clear about the rules and consequences of misuse.

WHAT ESSENTIAL SERVICES CAN DO NEXT.

Domestic and financial abuse is a national crisis. Victim-survivors face serious risks.

FIX KNOWN ISSUES.

Recognise domestic and financial abuse as a foreseeable enterprise risk. Undertake a review of all policies, processes, procedures and systems to identify any gaps.

COLLECTIVE LEADERSHIP.

Work with other providers to develop an industry-wide essential safety by design implementation guide.

SET THE TONE.

Join the **#respectandprotect** campaign. Introduce new terms and conditions specifying domestic and financial abuse as unacceptable customer behaviour.

RESEARCH.

We undertook desktop, quantitative and qualitative research to inform this discussion paper, in partnership with Thriving Communities Australia, Safe and Equal and the Centre for Women's Economic Safety.

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ENGAGEMENT.

With individual providers, community sector and cross-sector advisory group

EXECUTIVE SUMMARY.

Essential services are regarded as such because they are critical for survival. Energy and water are fundamental human needs and therefore necessitate a highly regulated critical infrastructure – with controls around price and quality to ensure they are safe, accessible and affordable.

But the system can fail to protect victim-survivors of domestic and financial abuse, who too often pay the price for the actions of perpetrators. Literally.

Our research gathered testimonials from survivor advocates who generously shared their energy and water experiences. These personal accounts provide a sobering glimpse into their challenges and highlight the need for continued systemic change. We have also gathered insights from regulators, ombuds, industry, consumer advocates, and community services, all of whom have raised serious concerns about physical safety risks related to poor provider practices or systems.

Designed to Disrupt®: Safety by design for essential services aims to outline a path forward for industry, policymakers and regulators nationally, building on reforms underway since the Victorian Royal Commission into Family Violence recognised the need almost a decade ago.⁸

A deep and necessary commitment to workplace safety has long defined the energy and water sectors. These industries deal with high-voltage systems, hazardous chemicals, confined spaces, and critical infrastructure, where the consequences of failure can be catastrophic. As a result, a strong internal safety culture has developed to protect workers, equipment, and operational continuity.

But safety culture is changing. In a world where digital access, data systems and consumer-facing platforms increasingly shape how energy and water are delivered and managed, the risks no longer stop at the substation or the treatment plant. The risks now extend to customers, whose lives can be deeply affected by system design, account structures, privacy protocols and communications processes.

In short, the question is no longer, “Are our people safe at work?” It’s also: “Are our products and services safe for people in unsafe situations?”

This discussion paper highlights regulators’ and industry’s growing, stomach-churning concern about perpetrator access to contact details and addresses. It lists how abusers exploit energy and water accounts from connection to disconnection or restriction – to accumulate debt, access personal information, and disrupt supply – to control or financially harm victim-survivors.

It outlines how an essential safety by design framework may be applied to proactively identify and mitigate the safety risks related to domestic and financial abuse. It canvasses potential design changes to enhance protections and ensure safer access to these essential services.

It asks whether the debts incurred by victim-survivors as a result of perpetrators’ actions should be wiped via levy-based compensation scheme. It urges the energy sector to move from laggard to leader.

It calls for every energy and water provider to signal through changes to their policies and terms and conditions that they do not tolerate the misuse or weaponisation of their products and services for domestic and financial abuse. One energy and four water retailers have led the way – and we encourage others to join them in the **#respectandprotect** public awareness campaign.

And it recommends a national investigation into Australian businesses’ disclosure of victim-survivor contact details to perpetrators to uncover the scale and impact of these systemic and potentially fatal errors across sectors.

These moves would evidence sustainable compliance with current obligations, lift the bar on customer service expectations, and put the focus where it should be – on those who choose to fear and money as a means of control. We have the evidence. We need more action.

This paper proposes a pathway.

THE AUSTRALIAN **CONTEXT.**

2024 marked another inflection point in Australia's awareness and action on gender-based violence, with a devastating toll of murdered women and children and growing attention to domestic and family violence-related deaths by suicide.

Following nationwide protests, special meetings of the National Cabinet were dedicated solely to the issue.

The heightened focus coincided with the criminalisation of coercive control in New South Wales and, from May 2025, Queensland. Coercive control recognises that domestic abuse extends beyond physical violence to include financial, economic and technology-facilitated abuse. Financial abuse, or elements of it, is now a criminal offence in Tasmania, Victoria, New South Wales and Queensland, carrying jail terms of two to 14 years. Other jurisdictions are also moving to legislate, with national principles agreed in 2023.⁹

Additionally, financial abuse and the weaponisation of public and private systems gained recognition as critical aspects of coercive control. Safety by design emerged as a key strategy to expose perpetrator behaviour and build protective safeguards into financial services. A raft of Commonwealth government reports and a national inquiry canvassed broader adoption of the approach. The Essential Services Commission Victoria (ESC Victoria) established a safety by design partnership including to commission this independent report. All mark a shift towards embedding prevention into systems and services.¹⁰ The need for safer product design is becoming more urgent with the transition to a digital economy and rapid advancements in artificial intelligence.

These actions are welcome developments and align with the National Plan to End Violence Against Women and Children 2022-2032¹¹ which describes a specific role for businesses to design products and services that are safe and prevent misuse, while also focusing on perpetrator accountability.

The First Action Plan 2023-2027 provides further guidance for corporate Australia.¹² It calls for improved workforce capability, including trauma-informed practices that enable safe, respectful, compassionate and culturally appropriate responses to victim-survivors and people who use violence, and a better understanding of economic abuse. It also outlines an expectation that specific companies, such as utility providers, financial services, insurance providers, social media platforms and those responsible for online dating apps, should actively work to prevent abuse through their products.

In this context, energy and water retailers have been implementing improvements in customer service for some time, with policies, partnerships and additional training. Energy and water retailers operate under a different framework to the finance sector, where a number of industry associations have developed better practice guidelines on domestic and financial abuse to support members in meeting Code obligations. In many jurisdictions, the approach is dictated by regulatory rules rather than industry-led initiatives (except where there

are no domestic and family violence rules for water providers in Queensland, New South Wales, Tasmania and the Northern Territory). As a result, providers must report compliance breaches, and there have been some notable penalties in recent times.¹³

Despite the compulsory rules, victim-survivors, consumer advocates and ombuds reported a lack of consistency within each of the energy and water sectors and across Australia more broadly. Their examples were particularly stark in the energy sector. This means some victim-survivors will receive support that is empathetic and trauma-informed, with flexibility that enables solutions tailored to their individual needs. Others continue to struggle with dismissive or judgmental staff, risks to their safety or compounding financial difficulty/hardship.

Similarly, organisations are just starting to grapple with how to respond to customers who use domestic and financial abuse. The result may be unintentional collusion with a perpetrator or risk to a victim-survivor when information is incorrect or inadvertently disclosed. Different States have frameworks for organisations such as police, hospitals, schools and specialist family violence services to manage family violence risks when providing services to perpetrators.¹⁴ These frameworks do not apply to essential services.

Until there is a standardised approach, the risk is that victim-survivors may experience more harm simply by choosing the wrong utility provider or by where they live.

Or that perpetrators will continue to find ways to manipulate products and services of those organisations with the least safety protections, particularly where they have a choice of provider.

In this paper, we call for both stronger national protections and industry-led better practice. These approaches are complementary.

First, there is an urgent need for uniform minimum protections across all jurisdictions. At present, customers' rights and protections vary depending on the State or Territory they live in and whether they are dealing with an energy or water provider. Some States have comprehensive family violence protections embedded in regulation; others have partial coverage or no specific standards at all. This creates systemic risks for victim-survivors and confusion for providers.

Second, we encourage industry leadership to go beyond minimum compliance. Providers should not wait for regulation to mandate change. Instead, they should proactively develop and adopt better practice frameworks. Strengthening governance, risk management and product design to prevent misuse is good business, and vital for customer and community trust.

Energy and water providers have an opportunity to continue improving customer service so that victim-survivor safety and support are consistent and appropriate over the long term, not just during crises. This must be the first focus. Then they must tackle the cause of the harm within their sphere of influence. That means designing for personal and financial safety and sending a strong signal that businesses stand against domestic and financial abuse.

WHY DOMESTIC AND FINANCIAL ABUSE IS RELEVANT TO ESSENTIAL SERVICES.

Most Australians expect to live in a home with clean water, sewerage, light, heating and electricity. They'll be able to afford these utilities; it will be easy for them to switch the services on and off, manage how much they use, and fix any problems.

Utilities are essential services and a human right.¹⁵ Their very designation as 'essential' implies a societal commitment to safeguard their availability and affordability so that no-one is left without life's basic necessities, particularly those in vulnerable situations.

However, when viewed through the lens of domestic and financial abuse, it becomes evident that the systems designed to serve all customers are falling short. Energy and water regulators, ombuds and service providers are acutely aware that systems and human errors may pose a terrifying and omnipresent danger to victim-survivors. And that financial abuse is rife in essential services – guidance and policies clearly state this. By far, the most common experience victim-survivors shared for this paper was being left with a utilities debt they could not afford because the perpetrator had stopped paying, sometimes even using excessive amounts of energy or water to increase the amount of the bill deliberately.

Victim-survivor experiences and regulatory action demonstrate there is not enough being done to prevent both the potential for physical harm and the manipulation of debt and the long-term harm which follows.

THE BIGGEST RISK IS TO PERSONAL SAFETY.

Physical safety is one of the highest risks for victim-survivors of domestic and financial abuse – particularly at or after separation, when violence may start or escalate and conflict centres on childcare arrangements, re-partnering and financial disputes. A third of the 199 domestic abuse homicides in Australia between 2007-2018 happened after separation, with one in two occurring within three months and 80% within a year.¹⁶ It's not only the risk of death. In 2022-23, domestic

abuse resulted in 6,700 assault hospitalisations.¹⁷

These numbers reflect only the most severe physical injuries and do not capture psychological harm, sexual violence, or cases not requiring hospitalisation.

Yet errors by energy and water providers can jeopardise lives by revealing phone numbers or locations to an abuser.

Victim-survivors regularly cited living in fear that their new address or contact details would be inadvertently provided or deliberately intercepted via online accounts or post box.

It is hard to overstate the paralysing anxiety victim-survivors described as part of this project. Every move and every decision during and beyond the relationship was measured against the potential for violence against them and their children.

Providers' lack of capability to identify and appropriately address domestic and financial abuse often led to further marginalisation of survivors, who felt unseen and unsupported at a time when they most needed empathy and flexibility, particularly if they didn't present as the 'perfect' victim.

The ESC Victoria has taken unprecedented regulatory action in the last two years, including entering into enforceable undertakings with two water providers – South East Water in 2023 and Greater Western Water in 2024 – and issuing more than \$3.6 million in penalties to Origin Energy and Engie for similar failures in the energy sector.¹⁸ The penalties are significant – previous Australian cases involving government services have resulted in compensation payments to three victim-survivors of around \$20,000 each.¹⁹

These actions stem from serious breaches, including:

- Disclosing personal information or sending correspondence to an unsafe address not specified by the customer.
- Using debt collectors against victim-survivors.
- Failing to provide appropriate communications or support despite clear family violence flags.

These risks are not abstract. As one victim-survivor explained:

"I'm still paranoid that if he has somehow learnt my new name and gets an operator who doesn't go through all the right ID and safety checks, he will find out where I live."

– TL, LEAP

These breaches underscore the life-threatening consequences of inadequate privacy controls, particularly in a climate of rising cybersecurity breaches.²⁰

The unintended disclosure of a victim-survivor's address is not a minor oversight. It is a systemic failure with potentially fatal consequences.

Critically, the regulatory action makes one thing clear: utilities may not know a customer is experiencing domestic and financial abuse but they are expected to provide proactive protection. Most victim-survivors don't disclose – and shouldn't have to, for their safety to be protected. This marks a profound shift in regulatory expectations: with the outcome that providers should consider that every customer may be at risk and take preventative action.²¹

However, moves from one regulator in Victoria are unlikely to be enough to drive national systemic change across not just essential services but all sectors where these privacy breaches occur. The patchwork of reporting obligations means privacy breaches may be reported to various regulators, and self-reporting does not appear to align with complaints data. For example, it is understood for the

2023-24 reporting period, the number of breaches involving domestic abuse self-reported to the ESC Victoria from energy retailers were significantly lower than the number of complaints reported by affected customers to the Energy and Water Ombudsman, Victoria (EWOV).

We need urgent change.

We urge all Australian regulators responsible for utilities, financial services, telecommunications and technology, as well as privacy and information, to establish a cross-sector regulatory forum to share intelligence and to launch a national investigation into privacy breaches across all Australian businesses. This should examine disclosures of confidential information to perpetrators by private and public organisations, complaints raised through ombuds and regulatory bodies, and relevant findings from coronial and health system reviews.

**IN THEIR WORDS
VICTIM-SURVIVOR EXPERIENCES.**

“People are going through a lot more than they are sharing, and you are asked for evidence and even then, you don't help ... It would be crazy for someone to make up that many things. Once I've sent the evidence what else do you need?”

– Elvis

“You're already broken. It takes everything, all your energy to leave. More understanding around that would be really crucial.”

– Jacinta

“If I rang and someone just believed me things would have moved along a lot earlier for me and I would have been able to move forward.”

– Jacinta

BETTER PRACTICE: RESPONSES TO A FAMILY VIOLENCE PRIVACY BREACH.

The ESC Victoria has provided insights into a better practice response by a Victorian utilities business to an incident relating to a customer experiencing domestic abuse. It was developed specifically for this paper as a tool to inform business planning and decision making. This information is general in nature and any actual response should be tailored to the needs of the customer and the specific circumstances of the incident.

AN INCIDENT.

A family violence incident may have been identified by the business, or the customer. It may or may not have been the result of a compliance breach, and the family violence context may not have been known to the business at the time the incident took place. Examples of the type of incident that would require this kind of response may be the unintentional sharing of a customer's address or contact details to the perpetrator. Or it may involve the discovery (by either the business or the customer) of the perpetrator having fraudulently accessed the customer's account records.

SOURCES.

This information is drawn from two examples shared by water businesses, as well as feedback from a panel of survivor advocates on what they consider appropriate response to information having been disclosed to a perpetrator.

FEATURES OF A BETTER PRACTICE RESPONSE.

There are four domains of focus when responding to a family violence incident. While a business should prioritise the individual customer response, it may be working concurrently on other aspects to coordinate its organisation's response, remedy any contributing system issues, and support ongoing learning. In planning its approach in each of these domains, a business should also consider which aspects of this response will be customer-led and which aspects will be business-led.

BETTER PRACTICE: RESPONSES TO A FAMILY VIOLENCE PRIVACY BREACH.(CONT.)

1. INDIVIDUAL CUSTOMER RESPONSE.

For any business responding to the immediate risk of harm to the family violence affected customer, a better practice response would include:

- Explaining options for securing the account, including the benefits of any safety flag (or organisation specific equivalent), applying a verification password to the account or a two-factor authentication.
- Identifying if there are immediate safety concerns, and if so, offer the customer temporary accommodation if the customer is unsafe in their residential property. (If the customer declines this offer, consider keeping the offer open should the customer need it later).
- Being cognisant that if the customer continues to feel unsafe in their residential property, then there may be a requirement to assist and support the customer in relocating to a new property.
- Offering referrals to specialist family violence services.
- Engaging with an external family violence specialist using preestablished connections and methods of contact.
- Confirming with the customer their communication preferences, including the safest times of the day to be contacted.
- Offering a follow-up call to the customer and check whether the customer requires an interpreter or someone to manage any disability or cultural needs.
- Confirming whether there are any domestic abuse (intervention, protection, restraining) orders in place or whether there are any particulars of the orders that should be taken into consideration.
- Being cognisant that having other people in the household, including children, may enhance the customer's self-assessment of the safety risk.
- Placing a hold on issuing any imminent bill until the customer's immediate safety concerns are addressed.
- Offering a debt waiver of all or part of the customer's account balance, and or customer service gesture in recognition of inconvenience and impacts caused to the customer.

2. MANAGEMENT RESPONSE.

Seniority at all levels would be involved in a better practice response, including:

- Making executive level managers aware of the incident and standing up an incident management team of senior level managers to coordinate and oversee a whole of business approach to identification, remediation and prevention.
- Executive or senior level managers engaging with the board on the issue and identifying an appropriate approach for reporting updates on progress towards understanding the issue and how to resolve it.
- Executive level managers reporting on the issue to the relevant regulator and State government department/s.
- Executive level managers reporting to the relevant State and Commonwealth privacy regulators, such as the Office of the Victorian Information Commissioner and the Office of Australian Information Commissioner.

3. SYSTEMS/PROCESSES AND PROCEDURES RESPONSE.

After responding to the immediate risk of harm, businesses should look at their systems, processes and procedures to prevent reoccurrence. A better practice response would include:

- Reviewing any workflows or processes that failed and contributed to the incident. Either pause or implement manual workarounds as an interim measure.
- Reviewing and refreshing the relevant workflows or processes before reactivating them in the system.
- Identifying and reviewing all customer accounts that may have been impacted by the same failed workflow or process to confirm embedded learnings and workflow adherence. For example, reviewing all e-billing subscriptions or new tenancy applications with existing customer account profiles.

4. CONTINUOUS IMPROVEMENT AND LEARNING.

- Ensure refresher training, including family violence specific training is completed. The family violence specific training could include how to recognise and respond appropriately to domestic and family violence, including responding to immediate intervention and support needs.
- Engage an external family violence specialist to implement training for customer facing teams, communication and engagement teams.
- Engage an external family violence specialist to complete an audit of its family violence processes and procedures against better practice.
- Be willing to participate in sector wide workshops to share and enhance awareness of its family violence response.

FINANCIAL HARDSHIP.

Rising inflation, capital renewal and the energy transition mean that the price of essential services is increasing – and with it, the number of people who have trouble paying their bills.²² Yet consumers are having trouble accessing the support they need when they're under financial pressure.²³

In our research, we found similar examples for energy and water customers experiencing domestic and financial abuse. But there was a notable difference between the two sectors, with fewer issues cited for water providers. Examples of poor experiences when seeking financial hardship support from energy providers outweighed examples of empathetic and informed customer care and exacerbated the stress and fear of an already precarious situation.

Some did not disclose the reason for their difficulty in paying bills, not only due to safety concerns or cultural reasons but also because they did not understand their consumer rights or know nor believe they would receive appropriate support. Those who did disclose described having to repeat their experiences multiple times, being asked to provide evidence – some multiple times – and being placed on payment arrangements that did not consider their circumstances.

IN THEIR WORDS VICTIM-SURVIVOR EXPERIENCES.

“Coming from a migrant/refugee background it’s a cultural thing to not ask for help.”

– Payal Tiwari

“Didn’t contact because “I didn’t believe there was anything they could do.”

– Lily, LEAP

“I haven’t disclosed to providers, I didn’t know it was a thing I could do.”

– Nina

“I didn’t know there was support available and so it didn’t cross my mind that I could call a utility company and explain my situation to them.”

– Victim-survivor

“When I was put on a payment plan, I was told how much I had to pay... it wasn’t based on how much I could afford to pay. I was told this is your requirement; this is your obligation. It was scary.”

– KV, Safe and Equal

If the basics of financial hardship support – for example, if a provider makes it easy to ask for help or puts in place realistic a repayment plan – are not in place then it is unlikely that the additional needs for safety, confidentiality, and flexibility of customers experiencing domestic and financial abuse will be met.

This is problematic, because financial pressure can be both a cause and a consequence of domestic and family violence.²⁴

FINANCIAL STRESS AND FINANCIAL ABUSE.

Australian Bureau of Statistics data shows that domestic and financial abuse occurs more frequently in households under financial pressure.

Women living in households unable to raise \$2,000 within a week for something important were three times more likely to experience partner economic abuse and almost four times more likely to experience violence than those in households that could raise the money.

Women living in households with cash flow problems were four times more likely to experience partner economic abuse than those in households with no cash flow problems.²⁵

Similarly, research shows 60 per cent of women fleeing abuse reported one or more of the following cashflow problems:

- 78,400 could not pay electricity, gas or telephone bills on time
- 20,500 were unable to heat or cool their home
- 17,400 went without meals.²⁶

Our research suggests victim-survivors face issues at every point on the customer journey, from account set-up, management and closure to customer service contact for support and solutions for their circumstances. Additionally, domestic abusers are misusing utilities to control, manipulate, frustrate and 'punish' victim-survivors both during the relationship and after it has ended.

For victim-survivors, interactions with energy and water providers can range from life-changing to frustrating to retraumatising during what can be a lengthy recovery period.

Many are left to juggle parenting and life administration alone while healing from trauma. The majority of examples demonstrate that providers are ill-equipped to recognise or respond to the complex dynamics of domestic and financial abuse.

As a result, victim-survivors described rigid payment policies, inadequate hardship provisions, and customer service approaches that inadvertently prioritise perpetrators' narratives.

Imagine a survivor trying to negotiate a payment plan after fleeing an abusive partner. They may encounter roadblocks such as being required to provide documentary evidence of financial difficulty or being held liable for debts incurred under

duress or after leaving the property. Some may be unable to open a new account with a different provider due to the impact on their credit report. They are frequently asked to repeat their request and rationale, forced to tell their story and relive their trauma to multiple service providers.

Worse still, their abuser may have already contacted the provider, manipulated account settings or accessed information to maintain control.

THE ABUSER'S ESSENTIAL WEAPON OF CHOICE IS DEBT.

Domestic and financial abusers are adept at exploiting systems to tighten their grip on victim-survivors, and essential services are no exception.

By far, the most common experience of victim-survivors who shared their insights for this discussion paper relates to an inability to pay their energy and water bills – both as a direct consequence of the perpetrator's deliberate actions to leave them in debt and as an indirect consequence of the complexity of escaping violence.

They described a range of financially abusive tactics involving the misuse of utility accounts:

- **Accumulating debt:** Refusing to pay bills, running up significant arrears in the victim-survivor's name, even if they have moved out of the property, knowing the debt will follow them.
- **Avoiding payment:** Putting utility accounts into the victim-survivor's name or refusing to change billing details to avoid responsibility for payment.
- **Controlling access:** Intercepting or withholding bills.
- **Sabotaging services:** Threatening to or actually interrupting supply as a means of control, or deliberate or forced high usage.

Regulators, ombuds, community sector participants and service providers identified additional risks, including those that pose a direct danger to physical safety:

- **Fraudulent sign-ups:** Signing up numerous properties under the victim-survivor's name without their knowledge or consent.
- **Unauthorised tampering:** Disconnecting and reconnecting meters or accounts without authorisation, including fraudulently claiming the resident is deceased or impersonating the victim-survivor.
- **Information control:** Restricting information relating to energy and water accounts or switching email and telephone information.
- **Privacy breaches:** Carrying over communications preferences from previous accounts or updating contact details to access a victim-survivor's information.
- **Power restriction:** Locking main switch box.
- **System manipulation:** Using self-service platforms to book special meter reads, change account details and communications preferences.

Regardless of the individual tactics – the outcome for the victim-survivor can be debt they can't afford, damaged credit scores, stress and fear.

FINANCIAL ABUSE IS A HIDDEN EPIDEMIC.

Financial abuse is an insidious form of domestic and family violence,²⁷ where a perpetrator restricts access to finances by controlling a victim-survivor from knowing about, having access to or making decisions about household money.²⁸ Perpetrators deliberately isolate victim-survivors, leaving them financially dependent, trapped and facing hurdles to seek help or to leave.²⁹

Women are more likely than men to experience financial abuse. Almost all abusers are men.³⁰ When men use money to control women, they are more likely to use violence against them.³¹ And when violence is present, it's likely financial abuse is too.³²

Financial abuse is a subset of economic abuse, although the terms are often used interchangeably. Economic abuse involves the control, exploitation, and sabotage of money and other economic resources like housing, transport, technology, or employment.

Financial abuse is a form of coercive control,³³ which can last long after a relationship has ended.³⁴ It is a pattern of behaviour or actions intended to manipulate, control, isolate or intimidate and which causes emotional harm or fear.³⁵

It is a tactic that is being criminalised around Australia because domestic and family violence is increasingly understood as a sustained cycle – not an isolated incident – and coercive control is recognised as a lead indicator of homicide, particularly during or after separation.³⁶

It is one of the most common forms of gender-based violence,³⁷ yet it remains hidden – often even to those who experience it³⁸ and to those who provide support. Financial abuse is a silent and stealthy leash, tightening invisibly around its victims until the moment it is pulled so taut they are stripped of freedom, choice and independence.

The consequences can be devastating. A victim-survivor can find themselves trapped in a web of financial dependence and destruction. In the short term, it can impact their safety and cash flow; in the long term, it can create insurmountable debt, undermine employment, and damage credit scores. Flowing from this is the impact on financial, physical and mental well-being, caring responsibilities and access to work, transport, utilities, telecommunications, insurance and other essential needs.³⁹ And many may slide into a cycle of poverty – particularly single mothers who bear the brunt of financial abuse and struggle with their cash flow due to domestic and family violence.⁴⁰

Unlike physical and sexual violence, which primarily occurs and historically has been kept behind closed doors, financial abuse frequently involves the misuse of products, services and systems.⁴¹ Businesses are increasingly required to detect and prevent other forms of harm that involve malign actors using them as a conduit, both at an individual and a systemic level. For example, critical infrastructure network operators are advised to adopt a 'when' not 'if' posture on the risk of a cyber security attack – including scams that rely on cyber-related threats such as malware, remote access, identity theft, hacking and ransomware.⁴² Similarly, Australian government entities are required to monitor and disrupt financial fraud.⁴³ We argue for the adoption of a similar approach for the known risk of financial abuse, given the extent and cost of harm to individuals and the economy.

IN THEIR WORDS VICTIM-SURVIVOR EXPERIENCES.

"I'm still just surviving, six years later ... Victims stay with the debt way too long. My credit rating is ruined."

– KV, Safe and Equal

"I'm still at foodbanks and I've been out of that situation for over 5 years."

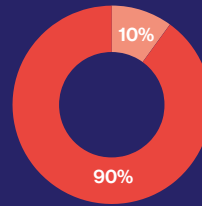
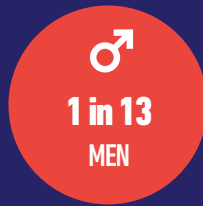
– Victim-survivor

"There are so many layers to family violence that it takes years to get back on track."

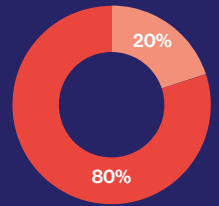
– Payal Tiwari

ECONOMIC ABUSE.

Economic abuse is a form of domestic and family violence where a perpetrator prevents or controls access to economic resources as a way to cause emotional harm or fear. This could include restricting access to work or study, damaging or stealing property or financially abusive behaviours like racking up debt in the victim-survivor's name.

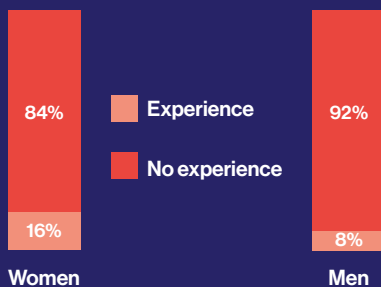


Women's experience of partner economic abuse.

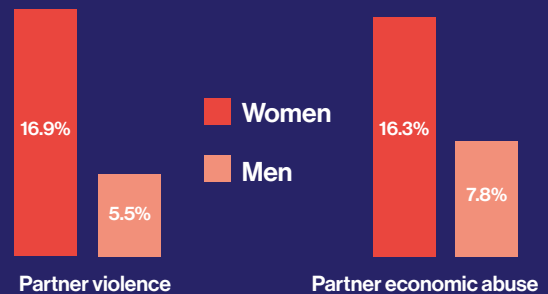


Men's experience of partner economic abuse.

Experience of economic abuse since 15 years



Prevalence: partner violence and economic abuse



WOMEN WHO ARE MORE LIKELY TO EXPERIENCE ECONOMIC ABUSE.

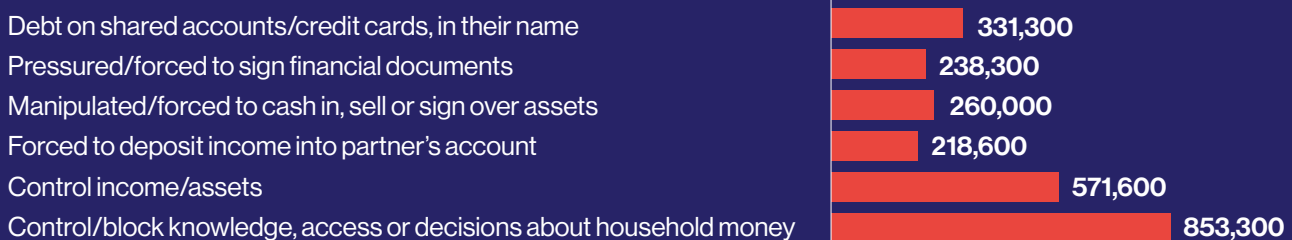
- 35-54 years
- With disability
- Renters
- Single mothers with children <15 years
- With post-school qualifications, such as a certificate, diploma or degree
- Household under financial stress (unable to raise \$2,000 within a week or cash flow problems in the last 12 months)

While there are data limitations, First Nations women and migrant and refugee women also experience economic abuse, with implications when intersecting with social isolation, cultural and visa issues and other forms of marginalisation.

FINANCIAL ABUSE.

Financial abuse is the most common form of economic abuse.

Number of women who have experienced financially abusive tactics 2021-22



The annual cost of financial abuse is estimated to dwarf the scale of scams losses:

- **Financial abuse: \$5.7 billion** a year estimated direct cost to victim-survivors in 2020
- **Scams: \$2.03 billion** reported scams losses in 2023-24

Sources: Personal Safety, Australia, Australian Bureau of Statistics, 15 March 2023; The cost of financial abuse in Australia, Commonwealth Bank of Australia and Deloitte Access Economics, 2022; Targeting scams, National Anti-Scam Centre, March 2025

THE REGULATORY ENVIRONMENT.

Essential services are not complex consumer products. Electricity, gas, water. Turned on or off. Affordable or expensive.

But the regulatory environment for essential services in Australia is much more complex. Thank you, Federation.

Energy and water regulation involves both national and State-specific bodies. These rule makers and regulators establish and enforce rules and guidelines to protect consumers and to ensure fair market practices.

There has been a lot of momentum across jurisdictions since the Victorian Royal Commission into Family Violence recommended improvements in 2016, with regulatory codes, licensing conditions and guidance relating to domestic and financial abuse introduced around the country.⁴⁴

What is striking is the common recognition that perpetrators use utilities to cause financial harm to victim-survivors. The tactics, such as accumulating debt and disconnecting or threatening to disconnect utilities – even when that is not possible, such as for water supply – have been laid bare for providers with expectations that they use this knowledge when responding to victim-survivors.⁴⁵

The regulatory frameworks and government assistance are similar but not the same. Some are being strengthened and have not yet fully come into force.

This means customers can't expect consistency – it's a lottery based on where they live or who they choose as their provider in whether minimum protections exist, and how they are applied.

For example, consumers who live in premises with embedded electricity networks, such as apartment and other strata blocks, caravan parks and retirement villages, may not be covered by the domestic and family violence provisions.⁴⁶ Or a victim-survivor who has fled from one State to another will not necessarily be entitled to the same grants or concessions. Or a customer who lives in a remote or regional area may have to navigate the financial difficulty or hardship arrangements of their local government services, often in an environment where they and the perpetrator are known to those from whom they are seeking support.

This also means larger energy service providers have to comply with different rules in each State or Territory, which can be confusing and inefficient. Nationally consistent minimum protections would streamline compliance and enhance consumer safety.

COMMON FEATURES.

All regulators emphasise the importance of family violence policies, staff training, victim-survivor safety, confidentiality and privacy, and secure communication channels. They require retailers to implement procedures that avoid the need for customers to disclose repeatedly their experiences of family violence. Retailers are generally prohibited from demanding excessive proof of family violence.

Family violence is recognised as a likely cause of payment difficulties or financial hardship. There is a focus on protecting affected customers from unnecessary debt collection actions and disconnection, including a moratorium on disconnections or restrictions for a specific period or requirements to take the customer's circumstances into account first.

Retailers are obliged to inform affected customers about external family violence support services. This includes publishing and keeping up-to-date lists of support services.

Protections and support for customers affected by family violence are not limited to active accounts and may extend to former customers with outstanding debts with the retailer.

None of the regulations specifically address the need to prevent the misuse of products and services for domestic and financial abuse.

Rule makers and regulators use a suite of approaches to promote and achieve compliance, such as releasing detailed guidance and compliance expectations and engaging with individual providers. Enforcement action is usually a last resort or where there has been egregious behaviour or significant harm.

One regulator has taken enforcement action related to breaches of domestic and family violence rules, imposing more than \$3.6 million in penalties against two energy and securing enforceable undertakings from two water providers for failures affecting around 130 customers.⁴⁷

Key failings included:

- Disclosing personal information of a victim-survivor without consent
- Using debt collectors to chase victim-survivors for unpaid bills
- Poor customer communications.

KEY DIFFERENCES.

There are some differences. Family violence definitions vary in line with State-based definitions.

Requiring documentary evidence as a precondition to applying family violence protections is generally prohibited, but in Western Australia and Victoria, providers can request evidence in specific cases related to debt recovery or disconnection.

Victoria's approach is more prescriptive, for example, in the training relevant staff must do, and in the contents of a hardship call. One energy retailer provided access to a call recording with a customer who was known to experience domestic abuse and who had not paid a bill for four months. The purpose of the call was to offer a financial hardship arrangement and information about government support. It took 8 minutes of compliance-related scripting before that offer was made, including a range of questions related to identification, safety, awareness of arrears and availability of and assistance with applying for a utility relief grant.

“I think about when I have to sit with a client who is going through a mental health crisis (or similar) and stay on hold for hours to a company and how they are like squirming in their seat, crying, having a panic attack, having to leave because they feel sick, withdrawing, disengaging, just want to give up. I guess the point is, these services need to be super accessible (because) they truly are essential to life.”

– community sector representative

REGULATOR TRAINING.

We asked the regulators if they trained their staff on customers experiencing domestic and family violence. Only one had done so, while a number had implemented workforce training to support affected employees. It's a similar approach many workplaces have taken, and it's the appropriate place to start. However, it would be better practice to train relevant staff – such as those who engage with regulated entities about financial hardship and/or domestic and financial abuse – on the issues facing consumers and community expectations of energy and water providers.

AUSTRALIAN ESSENTIAL SERVICES REGULATORY FRAMEWORK FOR CONSUMERS EXPERIENCING DOMESTIC AND FAMILY VIOLENCE.

Organisation	Relevant sectors	Number of regulated businesses in the sectors	Rules relevant to the retail market	Jurisdictions
Australian Energy Market Commission, Australian Energy Regulator	Electricity and gas	<ul style="list-style-type: none">54 electricity retailers20 gas retailersApproximately 2,590 retail exemption holders	<ul style="list-style-type: none"><u>National Energy Retail Law</u><u>National Energy Retail Rules</u>AER Customer Hardship Policy GuidelineAER Retail Exempt Selling Guideline (version 7) (currently as a draft for consultation)	<ul style="list-style-type: none">Australian Capital TerritoryNew South WalesQueenslandSouth AustraliaTasmania
Economic Regulation Authority (Western Australia)	Electricity, gas and water	<ul style="list-style-type: none">Five residential gas retailers, Origin, Engie, Kleenheat, Alinta Energy, AGLTwo State-owned household energy retailers, Synergy and Horizon PowerOver 20 licensed water service providers, with the largest being the Water Corporation	<ul style="list-style-type: none">Compendium of Gas Customer Licence ObligationsCode of Conduct for the Supply of Electricity to Small Use CustomersWater Services Code of Practice (Family Violence) 2020	Western Australia
Essential Services Commission (Victoria)	Electricity, gas, water	<ul style="list-style-type: none">More than 50 energy retailers30 gas retailers1,200 exempt persons, which include embedded networks18 water providers	<ul style="list-style-type: none">Energy Retail Code of PracticeWater Industry Standards (for urban and for rural services)	Victoria
Independent Pricing and Regulatory Tribunal (New South Wales)	Water	<ul style="list-style-type: none">3 public water utilities16 schemes run by private water utilities licensed under the Water Industry Competition Act 2006. There are 14 network operator licences and 7 retail supplier licences	<ul style="list-style-type: none">Sydney Water operating licence, with minimum family violence policy requirements from 30 November 2024Hunter Water operating licence, with a policy by 1 July 2025Water NSW operating licence, with a policy by 1 July 2025Retailer licensees, must have a family violence policy under Sch 2, clause 16 of the <u>Water Industry Competition (General) Regulation 2024</u>, from 1 March 2025	New South Wales
Essential Services Commission of South Australia	Water, Electricity, Gas	<ul style="list-style-type: none">SA Water82 retailers	<ul style="list-style-type: none">Water Retail Codes – for major retailers as well as for minor and intermediate retailersProtections for customers of small-scale energy networks	South Australia
Office of the Tasmania Regulatory Authority	Water	Tas Water	<ul style="list-style-type: none">Water customer service code	Tasmania
Queensland Competition Authority	Water		No role in retail service standards	Queensland
Utilities Commission of the Northern Territory	Electricity, water			Northern Territory

HOW ENERGY PROVIDERS ARE RESPONDING TO **DOMESTIC AND FINANCIAL ABUSE.**

IN THEIR WORDS VICTIM-SURVIVOR EXPERIENCES.

“I was unable to get off the account while I moved to a new location. I was made to pay both accounts as ex continued to say he had it fixed and put in his name and then he did not ... (he) said they could not help me, ex-partner needed to fix it ... took nearly 9 months to get off the account. I paid 9 months bills in two houses.”

– Anna F, LEAP

“Stole the electricity bills from our letterbox that he had the keys to. I did not receive the original bills, nor the overdue bills. I was not phoned by the company to be made aware. They emailed me the bills that had been missed and asked to pay within 2 business days. No further assistance. I had to pay an extra fee for the missed electricity bill, although I had never received it and I disclosed to the electricity company about the DV.”

– Emily, LEAP

“The perpetrator was responsible for half the bills but was incarcerated after almost taking my life. Also, all of our debt etc. was in my name only, so I’m the only one who took a hit to my credit. I was so overwhelmed with all of the finances I didn’t pay in time and it got sent to a recovery agent to handle on their behalf. (It) impacted my credit score negatively.”

– Faye Ann, LEAP

“Perpetrator forcefully took funds from me towards payment of utilities and misused them to gamble. All the monies were lost. I became aware of overdue bills when connection was about to be disconnected. They declined to help as the account was on perpetrators name. They did not apply concessions I was entitled to and ignored the IVO that was in place. Tremendous pressure to sort out the issue on my own with no assistance or knowledge of entitlements.”

– Macy, LEAP

“I was setting up a new electricity and gas account after moving to a new state to flee the perpetrator. At the time, my approval for my new name had not yet come through so I was still having to use my old name. I emphasised that I had severe safety concerns and asked them to set up a verbal password to always ask me. They did this, but on most subsequent calls I made to this company, the operator would forget or not bother to ask this secret password. Even scarier, they would reveal my current address after the most minimal of ID checks. Another issue was how the FV flag on my account was treated. It's like a flip switched at some point and they decided to take it seriously, but went too far! For a while, every call I made, even for the most routine of enquiries about my account, would start with extensive and intrusive questions about my FV, if I wanted counselling, was I safe, etc. I appreciate this dedication to safety but even when I told the operator that level of questioning was no longer needed, especially as I was calling about issues non-FV-related and was in a hurry, the operator would insist they had to keep asking questions. Furthermore, they sounded robotic while asking the questions, like they were doing something because they had to, not because they really cared or understood the issue. On a more recent call, the operator asked if I still wanted all those FV questions asked on my account and I said no, apart from anything related to discounts or other practical help. This made me happy that they were willing to give me control over how to treat my FV flag.”

– Payal Tiwari

“Getting his name taken off the account kept putting me in the position where I had to be in contact and try and negotiate with him.”

– KV, Safe and Equal

The experiences victim-survivors shared with us are not outliers. They reflect a broader pattern of harm customers experiencing domestic and financial abuse face when navigating energy services. Without proper protections, energy retailers can inadvertently compound the trauma or even place lives at risk.

ENERGY SNAPSHOT.

110+

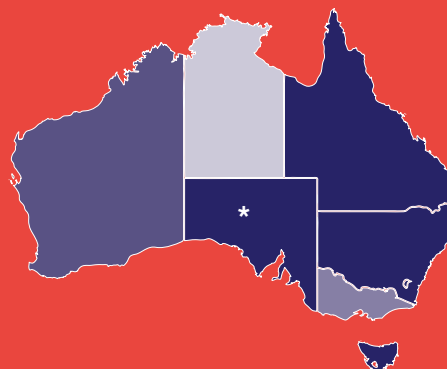
electricity and gas providers in Australia.

3

biggest serve 11.4 million customers collectively (AGL, EnergyAustralia, Origin Energy)

RULE MAKERS AND REGULATORS.

- Australian Energy Market Commission, Australian Energy Regulator
- Economic Regulation Authority (Western Australia)
- Essential Services Commission (Victoria)
- Utilities Commission of the Northern Territory
- * Also includes Essential Services Commission of South Australia



DOMESTIC ABUSE BREACHES.

2

energy retailers

\$3.6m

fines

125

affected customers

WHAT WE KNOW.

While limited and inconsistent data was provided, in aggregate this new information starts to paint a picture:

IN 2023-24; 3 ENERGY RETAILERS REPORTED A COMBINED:

~14,900

customers disclosed
domestic abuse

6,820+

with overdue debt

5,200+

received hardship support

ONE ENERGY PROVIDER REPORTED:

\$1.85m

in unpaid bills from affected customers

\$1,317

average per customer

\$16k

highest debt

ANOTHER ENERGY PROVIDER REPORTED:

\$130k

in credits to affected customer accounts

INDUSTRY PROFILE.

There are more than 110 electricity and gas providers in Australia.⁴⁸ The three largest hold more than 63% market share, serve 11.4 million customers and reported more than \$2 billion profit in 2024.⁴⁹ This paper focuses on energy retailers, not distributors or generators.

As part of the ESC Victoria's safety by design partnership, we undertook desktop, quantitative, and qualitative research to inform this discussion paper. This included surveys of victim-survivors, financial counsellors, regulators, and ombuds, information requests to energy providers, workshops facilitated by Thriving Communities Australia (TCA), and engagement with individual retailers and a cross-sector advisory group.

We asked energy providers about staff training and specialisation, customer support options, system flags for domestic abuse, risk frameworks, and available data. The survey, distributed by the Australian Energy Council (AEC), yielded three responses. In parallel, TCA facilitated workshops with regulators, ombuds, industry and the community sector, including 15 participants across eight energy businesses in one face-to-face session and seven participants from seven businesses online.

The data shows energy providers have introduced a range of measures in line with their regulatory obligations, including:

- **Domestic and family violence policies:** A review of 10 policies found many used similar wording to regulatory requirements, while others adopted more customer-centric language aligned with their brand.
- **Staff training:** Established specialist teams with targeted family violence training alongside broader staff training.
- **Customer support procedures:** Some providers use account flags to minimise repeat disclosure, route calls to a specialist team, mask personal details and restrict general staff access. They refer to external services and generally do not require written evidence, except in some circumstances.
- **Debt recovery processes:** Disclosure of family violence often triggers automatic enrolment in financial hardship programs, access to debt waivers or reductions, payment plans and concessions and protections against or moratoriums on retailer-initiated disconnection.
- **Privacy protections:** Some providers have adopted multifactor authentication, password protection, communication suppression, and secure data handling protocols.

However, these supports are not uniformly applied. One provider said they were actively integrating safety by design principles into systems, products and services. Others have invested in community sector partnerships and technology to provide more consistent support and to tackle the terrible and unfortunately common experience of victim-survivors having to repeat their story to multiple organisations.⁵⁰

In Western Australia, energy providers must report annually to the regulator on their performance against domestic and family violence obligations. The first reports (2023-24) included:

Horizon Power: All frontline staff completed Lifeline training. The provider noted that while the number of customers "flagged as protected are still relatively low", this was expected to increase as awareness of the support on offer through its hardship program grew.

Synergy Energy: Through its Fresh Start program, Synergy offered debt waivers and referrals to financial counselling, crisis support and domestic violence services.⁵¹

LIVED EXPERIENCE MEETS LIVED RESPONSE.

The Centre for Women's Economic Safety (CWES) surveyed financial counsellors and received 20 responses from every State and Territory, with a mix of metro, regional, rural and remote working with 17 energy providers. Ninety per cent of the financial counsellors had supported victim-survivors with energy-related debts, while 3% had supported perpetrators. Their insights revealed examples of good practice, including:

- Empathetic and understanding customer service, such as from a specialist team
- Password protection and registration to eliminate the need to repeat the customer's story
- Individual responses, including discounts, debt waivers or reductions, smooth account changes and removed default from a victim-survivor's credit report
- Training for all staff and third parties, such as collections agencies
- Call screening technology to detect trigger words and review flagged interactions.

Yet gaps remain even within better practice – not just for energy providers but also for debt collectors. Victim-survivors, financial counsellors, and ombuds highlighted difficulties with separating accounts, being asked to contact perpetrators to make changes, or being held liable for ongoing usage despite having left the property.

WHAT'S KNOWN SO FAR.

There is currently no publicly available national data on how many energy customers have disclosed domestic and financial abuse to their provider, nor what support they received.

The lack of mandatory data collection makes it difficult to assess the scale of need and consistency of response across the industry, despite record-keeping obligations for compliance.

That said, data provided by the three energy providers for this paper starts to paint a picture. Collectively in 2023-24:

- ~14,900 customers disclosed domestic abuse
- 6,820+ had overdue debt
- 5,200+ received hardship support

One energy provider reported \$1.85 million in unpaid bills from affected customers – an average of \$1,317 per customer, with one debt as high as \$16,000. Another said they had provided nearly \$130,000 in credits to customer accounts.

The energy industry acknowledges that debt is likely as “a co-factor to, or by-product of, the exploitative tactics used by perpetrators”.⁵²

A STEP TOWARD TRANSPARENCY.

From July 2025, energy retailers will be required to report quarterly on:

- Numbers of customers affected by family violence (as flagged in their systems)
- Support provided, such as a payment plan or hardship program.⁵³

The data will be published – a welcome step toward transparency and accountability. It will provide valuable insights into how many customers seek and receive support and whether protections are adequate and applied consistently.

INDUSTRY APPROACH.

Of the four industries examined in the **Designed to Disrupt®** series, the energy sector appears the least mature in its collective response to domestic and financial abuse. While some individual companies have introduced promising practices, there is limited evidence of sector-wide leadership, collaboration or innovation beyond compliance on an issue that requires a whole-of-society response.

The response has largely been regulator-driven, and energy retailers have expressed concern about competition rules impeding an industry-wide approach. This contrasts sharply with the collaborative efforts seen in other sectors, where improving outcomes for customers experiencing vulnerability is not viewed as a competitive issue. Unlike the water, banking and general insurance sectors, where industry associations have released guidance and established working groups to facilitate knowledge sharing across the sector – the energy industry has not developed its own standards or led coordinated action. Instead, the heavy lifting has been done by regulators and not-for-profits.

That's not to say there hasn't been engagement. The AEC and its members have worked with both the ESC Victoria and the Australian Energy Markets Commission (AEMC) since 2017 to support regulatory development. The ESC was tasked with updating codes following the Victorian Royal Commission into Family Violence.⁵⁴ Red Energy and Lumo Energy later led a request to the AEMC to extend Victoria's protections nationally, which resulted in new rules in 2023.

The AEC also published customer support guidance in 2021. However, that guidance remains formative. Unlike equivalent guidance in banking or insurance, it does not define vulnerability nor describe the specific needs of customers experiencing domestic and financial abuse. Instead, it outlines general personas and customer behaviours, referring to people experiencing domestic abuse as “the most complicated people to reach and likely present the biggest challenge to assist”.⁵⁵ That framing does little to inspire system-level change or position businesses as active and compassionate contributors to safety.

The Energy Charter, a CEO-led coalition collaborating to improve customer and community energy outcomes, has launched 16 #bettertogether initiatives, including a shared framework to help customers at risk of disconnection.

While none specifically address domestic and financial abuse,⁵⁶ there are plans to develop training for members. This signals momentum, but not yet impact.

It is striking that, despite the clear regulatory focus and engagement with the ESC's safety by design project, there has been little visible initiative from the industry itself.

When the ESC raised alarms about privacy breaches in the water sector in 2023,⁵⁷ or fined energy retailers for similar problems in 2024 and 2025, the industry could have developed its own safety by design guidelines. That opportunity remains.

There is change in the winds. Energy participants in the safety by design project workshops noted the need for industry collaboration, shared solutions, and clearer guidance.

In November 2024, TCA and Flequity co-founded the **One Generation** business alliance against domestic and family violence. The three largest energy companies – AGL, EnergyAustralia and Origin Energy – are founding members of the Leaders Circle, alongside companies from the insurance, telecommunications and water sectors.⁵⁸ The alliance aims to ignite business solutions at scale, moving beyond individual efforts to coordinated, systemic action.

In the same month, the Champions of Change Coalition, committed to taking action to prevent the misuse of their products and services to perpetrate domestic and family violence.⁵⁹ The Coalition includes an energy group of 23 CEOs from retailers, distributors, regulators, and industry associations established in June 2023.

Still, until these emerging efforts translate into action, it is not surprising the rules are tightening. Where there is no industry-led response, regulation inevitably fills the gap. But regulation tends to be prescriptive, and accompanying guidance is an expectation that doesn't always capture the nuances needed to operationalise.

There is a clear opportunity now for energy retailers to move beyond compliance and toward leadership. The work is already underway in other industries or brokered in energy by not-for-profit organisations. What's needed is a shift in mindset to evolve workplace safety culture to customer safety by design – from managing customers in crisis to designing products, services, and systems that prevent harm in the first place. The next phase of industry response can be ambition, not obligation.

COMPLAINTS.

In 2023-24, data drawn from public reports and energy and water ombuds who responded to our survey shows consumers experiencing domestic and family violence made about 250 complaints. The majority related to unpaid debts. At least two ombuds also reported system, process and human, errors which created the potential for residential addresses or other information to be disclosed to a perpetrator.

Separately, one energy company disclosed an error in which correspondence was sent to the victim-survivor's home, despite her request that it be sent to a post office box as she was preparing to escape. Fortunately, she intercepted the mail. Two energy companies operating in Victoria have been fined in recent years for similar privacy breaches.

PRIVACY BREACHES WITH POTENTIALLY FATAL CONSEQUENCES.

Physical safety is one of the highest risks to victim-survivors, particularly at or after separation. No business wants to be the one that alerts a perpetrator to the whereabouts of a victim-survivor – yet errors or oversights by energy providers have the potential to enable an escalation of threats and violence.

The ESC Victoria has fined two energy providers a total of more than \$3.6 million for breaching standards for consumers experiencing domestic and family violence – Origin Energy (twice) and Engie.⁶⁰

The breaches affected 125 customers and related to disclosure of confidential information without consent, taking debt recovery action without considering the impact on customers experiencing domestic and family violence and poor customer communications and service.

These breaches highlight the life-threatening risks of inadequate privacy protections. The unintended disclosure of a victim-survivor's address is not a minor oversight. It is a life-threatening failure that demands urgent and systemic change. While the fines signal a shift towards stronger compliance, they also underscore the need for energy providers to proactively embed safety by design into their systems. Not just in Victoria, but nationwide.

Reactive measures, such as policy updates and independent audits, are essential but insufficient. A culture of continuous vigilance is needed to design billing and customer communication processes to prevent harm before it occurs. This should not be a compliance-driven exercise. The cost of inaction is far greater than regulatory penalties – it is lives at risk.

MISUSE OF ENERGY SERVICES.

Energy products and services are routinely weaponised by perpetrators of domestic and financial abuse. Industry, regulators, ombuds,⁶¹ community sector and victim-survivors identified a range of tactics:

- Forced high energy use to increase debt and financial hardship.
- Deliberately disconnecting services while the victim-survivor was still living at the property.
- Opening or refusing to close accounts in the victim-survivor or family member names.
- Delaying or refusing to pay bills despite being solely or jointly responsible for the debt.
- Potentially seeking access to information via family members of perpetrators employed at energy provider.
- Withholding information so the victim-survivor does not know about the debt.
- Preventing victim-survivors from accessing their own accounts, making changes or setting up payment plans.
- Tracking energy usage patterns to determine when victim-survivors are home, and using this information to stalk or harass them.
- Updating contact details and changing account information to regain control.
- Bypassing security measures to fraudulently gain access to accounts via impersonation or leveraging knowledge of key personal details.
- Exploiting property connection services or third-party energy aggregators to locate victims.
- Locking the main switch box, turning off power, or preventing access to reconnection services.
- Threatening energy disconnection to coerce or control the victim-survivor.
- Marking the victim's account as deceased to have the power cut off.

IN THEIR WORDS VICTIM-SURVIVOR EXPERIENCES.

“One day he was angry about something that happened, and he disconnected the heater in the middle of winter and disappeared for a couple of days. ... I didn’t know how to reconnect it. He disconnected it from the wall. It was a punishment. There was always a threat.”

– Jacinta

“I was worried he would turn the gas off. Some mornings I’d turn the hot water on and if there was no water and my first thought was that he had turned it off.”

– KV, Safe and Equal

“He had a lot of authority, I needed his consent to have him removed from the bill, yet he had no responsibility for the bill.”

– KV, Safe and Equal

“Stole the electricity bills from our letterbox that he had the keys to. I did not receive the original bills, nor the overdue bills. I was not phoned by the company to be made aware.”

– Emily, LEAP

RISK MANAGEMENT.

As scrutiny grows around privacy breaches, disconnection practices and the handling of debts linked to domestic and financial abuse, energy retailers are recognising the risks not just to customers, but to their own employees, operations, legal compliance and reputation.

We asked energy providers whether domestic and family violence was included in their risk management framework. All three who responded to our survey said yes. They nominated a range of operational risks:

- Lack of frontline knowledge of family violence obligations.
- Inadequate monitoring of staff training completion.
- Poor documentation of processes and controls specific to domestic abuse.
- Risk of manual disconnection without adequate checks.
- Privacy breaches and occupational health and safety concerns.
- System vulnerabilities in digital services and online security.
- Challenges when both customers on an account accuse each other as a perpetrator.

These risks are not theoretical. They have materialised in ombuds complaints, regulatory penalties, and, most importantly, the lived experiences of victim-survivors. In some cases, poor risk controls have enabled perpetrators to gain access to survivor contact information. This is a critical risk – any system error or oversight, however small, can escalate into serious harm.

It is not enough to acknowledge domestic and financial abuse as a factor in hardship; it must be recognised as a material, foreseeable risk that demands dedicated governance action. Directors and senior executives have a legal and ethical obligation to ensure their organisations manage known, repeated and preventable risks.

We recommend that energy providers treat this risk like any form of fraud or cyber security breach; with a positive duty to prevent harm. This includes assessing the misuse of products and systems as part of:

- Enterprise risk and compliance frameworks.
- Business continuity planning.
- Customer journey mapping.
- Employee and contractor safety and vicarious trauma risk assessments.
- Privacy impact assessments.
- Product and process design reviews.

WHAT NEEDS TO CHANGE.

We asked victim-survivors, financial counsellors and other community sector experts, ombuds and regulators for their suggestions for improvements in the energy sector. Universally, they asked for a greater focus on safety, empathy and fairness.

"The important thing to remember for organisations is to not look at it through a siloed lens, it's broader than just water and energy. That's just one thing for survivors and it's compounded by all the leverage points the perpetrator is using and the failings of the other systems ... There's so much admin when you're coming out of family violence.... Needing to prove it before you get help is just awful... it would be lovely to just be believed ... "Anything that's accumulated on bills after your leaving date should be the perpetrators debt."

– Victim-survivor

"Some of us (survivors) have phone call fear. It's a PTSD thing. You have to muster yourself to make those phone calls. Communication options instead of 'call us at this time' – like a text message or a webchat could be helpful ... What about the field operators? They see and hear stuff. Meter readers are always out there, there's no way they wouldn't see stuff. Some may recognise it (family violence), and others may not. What about training for field operators on the 3Rs – recognise, response, and refer to someone in their team who is trained."

– KV, Safe and Equal

"Language barriers are huge. It's so important for organisations to have designated people in organisation that can assist with people who have English as a second language and translation options."

– Nina

"I think there could be better communication from the energy companies not just calling from an unknown number flat out and not leaving a message."

– Faye Ann, LEAP

"Stop perpetrators stealing victims' funds and ensure recovery of funds and proper support to victims without blaming or retraumatising them, and help them to report this financial abuse as an FVO (family violence order) breach of financial abuse to police ... Show zero tolerance for domestic violence and financial abuse, be trauma informed and support vulnerable victims of crime ... Suppliers have a legal responsibility and must ensure they aren't being complicit in financial abuse crime."

– Liz

"It should be a huge red flag to the energy company if a wife/partner is listed as an approved tenant instead of a legal tenant or joint owner."

– Sarah C, LEAP

"Please take our safety seriously and absolutely never give out personal information - so institute an "ask, don't tell" policy and always ask for people's details to confirm rather than telling them. Also, listen to what we need and give us control over how our account is handled. For example, just because there's a FV flag on our account, it doesn't mean that we want to be asked loads of questions. In my case, the FV flag serves as a reminder for the company to be extra careful in handling my personal information. It also can indicate that financial relief initiatives might be helpful. However, I don't want to be asked constantly (and for five minutes) whether I'm okay and if I want to be referred to counsellors (though other customers with FV flags may want this and that's fine)."

– TL, LEAP

"Listen, understand that there are groups of men who know how to play the system and not pay child support that is why there is more than 1 billion in unpaid child support in this country. So while energy companies are not responsible for those who do not pay child support but understand those who are not getting child support are victims are being financially controlled. Maybe give DV victims a more manageable power rate."

– Lisa, LEAP

"They need to ensure utilities bills are in BOTH names, and when separation occurs the initial bills are divided between victim-survivor and perpetrator. There needs to be contact and discussion with the victim-survivor. Energy companies need to know who is in the house (ie victim or perpetrator) to sort out who future bills should be directed to, but also to ensure a perpetrator cannot just turn off utilities in the event bills are in his name. To improve any service requires engagement with people who have had 'lived experience' of "utility abuse" its own form of financial abuse. Learning from those who have navigated these harms will help develop prevention tools to stop abuse before it starts. Always remember perpetrators are usually engaging in multiple forms of post-separation abuse at once, financial and otherwise. What may seem a minor issue to a service provider can feel like an enormous stressful burden to a victim of that violence."

– Lily, LEAP

"Consequences of financial abuse should be handled by a separate team – often it is handled by 'hardship' or 'complaints' teams. Financial abuse is separate and too often we are asked to provide a (statement of financial position) before solutions can be provided."

– Faye Ann, LEAP

“Please be fair and reasonable and provide support to your customers that comes with compassion, a considered ear and outcomes that reduces barriers for the victims and not impose more.”

– financial counsellor

“Be more open-minded to clearing debts supporting the concept of a fresh start for victim-survivors.”

– financial counsellor

Key changes stakeholders are calling for:

- **Stop requiring victim-survivors to contact perpetrators** to close or amend accounts. Account separation must be fast, simple, and customer-led.
- **Remove the burden of proof.** Stop demanding police reports, court orders or detailed personal stories before offering support. Believe survivors the first time and stop asking them to repeat their story.
- **Ensure flexibility and choice in communication.** Offer trauma-informed contact options such as SMS or webchat, and avoid calls from blocked or unknown numbers.
- **Train all staff**, from senior executives to field operators and debt collectors, on how to recognise signs of abuse and refer safely.
- **Improve access for culturally and linguistically diverse customers.** Ensure translation services and staff with cultural competence are available.
- **Give survivors control over the family violence flag.** It should prompt safety precautions and not trigger intrusive or unnecessary questioning.

Energy providers acknowledged in workshops and interviews that more guidance, flexibility and system-level support are needed, especially when:

- The victim-survivor remains in the home with the perpetrator.
- The account lists both parties.
- The victim-survivor cannot safely disclose abuse.
- Employees with lived experience are managing distressing cases without proper vicarious trauma support.

They also highlighted the difficulty of navigating regulatory and legal constraints when trying to do the right thing.

“An account may be accruing debt or large consumption, be out of control of the main account holder, but they may also advise we cannot take any real action due to potential safety concerns. The balance is contestable but (the) problem (is) ongoing. Debt is growing but out of our control to provide any form of solution for the ongoing supply. Sometimes it is difficult to determine the ‘right’ thing to do.”

– energy provider

“We need to somehow overcome regulations/contract law to apportion relationship debt.”

– energy provider

“Some staff have lived experience and may struggle with these calls—need vicarious trauma support.”

– energy provider

HOW WATER PROVIDERS ARE RESPONDING TO **DOMESTIC AND FINANCIAL ABUSE.**

IN THEIR WORDS VICTIM-SURVIVOR EXPERIENCES.

“I contacted my water company, and it was a significant turning point in my journey ... It’s a big moment when businesses take it seriously ... The person on the phone definitely had some understanding, so I then felt safe to open up and be referred on and that changed the trajectory of our journey. The person on the end of the call makes a huge difference.”

– Jacinta

“[They] were brilliant. They created a new account under my name, ending the previous one. They applied pension card concessions, applied for Utilities Relief Grant and even waived a percentage off. They also provided my child and I with grocery voucher ... [they] were one of the few organisations that were truly empathetic towards my circumstance”

– Macy, LEAP

“They were helpful and told me how much I owed, issued the bill to my email and gave me extended time to pay it. At that time it impacted my credit rating and I had to pay a larger bill as it was overdue and the new bill was due”

– Summer, LEAP

“Had I opened a water bill and saw something about family violence, or another term, perhaps I would have been able to do something with that information, but I had no knowledge at all. For people experiencing family violence information is power.”

– Macy, LEAP

“You’re going to cut my water off, and I need to feed my kids. It’s a threat to withhold an essential service and it’s re-traumatizing.”

– KV, Safe and Equal*

“The water company made me pay \$33 they said, “we believe that your situation will change in the next few months”. They made sure I paid that. The amount of money wasn’t big, but I still had to borrow money for this.

– Elvis

*** Note:** No urban water utilities disconnect water supply, although they may restrict it. However this distinction is often not understood and customers perceive disconnection as a real threat.

The lived experiences that open this section reveal the deep emotional stakes behind what might otherwise have been routine interactions with a water provider. For some victim-survivors, a compassionate response from a customer service representative became a turning point in their recovery. For others who shared their experiences for this paper, inflexible policies, delayed bills, or privacy breaches compounded their trauma, created new risks, and left them feeling invisible.

These real-life examples illustrate the power water providers hold – to either support recovery or inadvertently escalate harm – and underscore the critical role of design, policy, and practice in ensuring essential services do not become tools of abuse.

WATER **SNAPSHOT.**

~ **300**

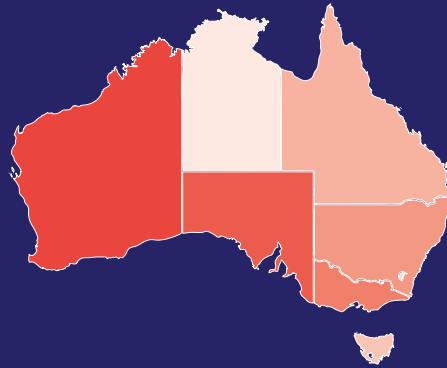
urban water utilities.

largest **20**

service about 70% of the Australian population.

RULE MAKERS AND REGULATORS.

- Economic Regulation Authority (Western Australia)
- Essential Services Commission of South Australia
- Essential Services Commission (Victoria)
- Independent Pricing and Regulatory Tribunal (New South Wales)
- Queensland Competition Authority
- Office of the Tasmania Regulatory Authority
- Independent Competition and Regulatory Commission (ACT)
- Utilities Commission of the Northern Territory



DOMESTIC ABUSE BREACHES.

2

water providers with **enforceable undertakings**

3

affected customers

WHAT WE KNOW.

10 WATER PROVIDERS TOLD US, IN 2023-24:

7

had trained staff

3

planned to train
staff

7

with specialist teams to support
customers affected by domestic and
family violence

2%

average of
hardship matters involved
domestic abuse

INDUSTRY PROFILE.

Australia has around 300 urban water utilities, ranging from large city-based corporations to small divisions of regional councils. The largest 22 service about 70% of the population, while the smallest 200 utilities collectively service less than Sydney Water alone (13%).⁶² This paper focuses on urban water utilities rather than private water corporations or independent operators.

Urban water providers are government-owned monopolies operating under a patchwork of State-based regulatory frameworks. Unlike energy or finance, water billing is typically tied to property ownership – particularly outside Victoria, where tenants are not the account holders. This adds complexity for victim-survivors, especially in rental properties, when trying to exit joint financial arrangements or gain access to financial hardship support.

PROGRESS TO DATE.

As part of the ESC Victoria's safety by design partnership, we undertook desktop, quantitative and qualitative research to inform this discussion paper. This included surveys of victim-survivors, financial counsellors, regulators and ombuds, information requests to water providers, workshops facilitated by Thriving Communities Australia (TCA), and engagement with individual retailers and a cross-sector advisory group.

We asked water providers about staff training and specialisation, customer support options, system flags for domestic abuse, risk frameworks, and available data. Ten providers responded to the survey distributed by the Water Services Association of Australia (WSAA). In parallel, TCA facilitated workshops with regulators, ombuds, industry and the community sector, including 22 participants across 10 water businesses in one face-to-face session and 27 participants from 20 essential service businesses online.

Data indicates growing recognition among water providers of their role in supporting customers experiencing domestic and financial abuse. This is most evident in the area of debt management and customer vulnerability protocols.

Common supports implemented by some providers include:

- **Account flagging**, with higher security protocols, including being locked down from general viewing or optional passwords.
- **Flexible payments and debt waivers**, including not sending debts to private collectors.

- **Referrals to specialist external services** such as financial counsellors and women's safety services.
- **Referrals from and to other businesses** through Thriving Communities Australia's One Stop One Story hub.⁶³

It is understood that only some water providers have introduced these specific measures. Coverage across jurisdictions is inconsistent.

There is currently no publicly available data nor national requirement to collect and report on disclosures of domestic and family violence, nor the support or outcomes provided.

Nevertheless, it is likely that the majority of matters relate to women. The Victoria's Commission for Gender Equality in the Public Sector has published a fictional case study relating to the water sector drawn from real examples on how to assess a financial hardship policy for gender impacts.⁶⁴ It posits that women are "more likely to access the financial hardship due to experiencing higher rates of family violence, insecure employment, and lower income due to unpaid caring responsibilities at home and in families." It also describes recommendations for the hardship policy to address potential inequities, including a review of "existing data collection processes to consider the feasibility of gender-disaggregated data on customer feedback and complaints."

In 2023-24, 10 water providers completed a survey for this paper:

- Seven had trained staff on responding to customers experiencing domestic and family violence, and three planned to.
- Seven had specialist teams or staff for hardship or vulnerability support, including domestic and family violence.
- The number of domestic and family violence cases managed ranged from three to 172. Most sought help for overdue or unpaid bills. On average, these cases comprised an average of 2% of all hardship matters, although one water company reported 8%.

Examples were also provided of privacy breaches and property damage. In one case, the water provider reported the need to manage a customer's account when the perpetrator worked for the company.

INDUSTRY APPROACH.

WSAA has developed two key resources to support the sector, which are intended to complement regulatory guidance:

- A framework for customers experiencing vulnerability,⁶⁵ which covers corporate governance, strategy, risk management, capability and training, and operational performance – including for customers who have not told their service provider of their circumstances and acknowledging protection for victim-survivors. It includes specific key performance indicators, including bill payments, debt management, and customer awareness of support. A self-assessment tool accompanies the framework to enable water providers to evaluate their current policies and practices, identify gaps, and implement targeted improvements.
- A financial hardship resource,⁶⁶ which describes the water sector's shift during the pandemic away from punitive debt collection to an assumption that non-payment is due to hardship rather than unwillingness to pay. It explores examples of how a support-first approach, prioritising engagement over enforcement, is being maintained by seven providers. It cautions that a balance is needed, as compassion alone won't work for all customers, and clear consequences can encourage contact and prevent unmanageable debt. It also highlights the need for water utilities to recognise the intersection with family violence, ensuring staff are trained to handle disclosures sensitively, protect customer privacy, and provide tailored support without placing victim-survivors at further risk.

Both resources are welcome developments. In particular, the customer vulnerability framework takes a more holistic, whole-of-organisation approach than is typically seen in the finance sector. While banking and insurance

have made progress in safer product design and trauma-informed customer service, they still primarily rely on customer disclosure to trigger support. In contrast, the water industry's framework has the potential to embed domestic and family violence risk considerations across the organisation. This makes it a more mature and proactive model, aligned with prevention-first principles and capable of identifying and mitigating safety risks before harm occurs.

Of the 10 water providers that responded to our survey, five had included domestic and family violence in their risk management framework, and three were considering it. They nominated a range of risks:

- Lack of appropriate safeguards.
- Inadequate processes, systems and controls to capture and manage customer data, including identification processes.
- Lack of awareness and training of staff.

The opportunity now is for the water sector nationally to implement this framework consistently, and for all providers to adopt a proactive approach to risk identification – in much the same way as they would discharge their positive duty to prevent workplace health and safety risks, including sexual harassment.

This will require leadership on safety by design – potentially in the form of:

- Inclusion in corporate strategies and risk frameworks.
- A commitment statement from the Board via Chairs and Managing Directors in various publications and channels.
- Dedicated Board and senior leadership training and awareness of essential safety by design.

MISUSE OF WATER SERVICES.

There is no specific industry guidance related to domestic and financial abuse and its interaction with the misuse of water services by perpetrators. Yet the Victorian Royal Commission into Family Violence, consumer advocates and regulators have been sounding the alarm since 2016.⁶⁷

Perpetrator tactics relating to water include:

- Not paying accounts, causing water restrictions and demand notices.
- Intercepting mail to prevent access to bills and other correspondence.
- Preventing victim-survivors from paying bills.
- Coercing or putting bills in a victim-survivors name only.
- Refusing to pay for the use of joint accounts where the victim-survivor has left the property.
- Using large quantities of water and refusing to pay.
- Threatening to disconnect or actually requesting closure or cancellation of account (noting urban water supply can't be disconnected).⁶⁸
- Unauthorised access to account information by impersonating the victim-survivor or through digital meters, eBills, automated mailouts, online customer registration, bulk text messaging or systems/human error.⁶⁹

These tactics create financial stress, damage credit ratings and increase the risk of detection when a victim-survivor has fled.

PRIVACY BREACHES WITH POTENTIALLY FATAL CONSEQUENCES.

Physical safety is one of the highest risks to victim-survivors, particularly at or after separation.

No business wants to be the one that alerts a perpetrator to the whereabouts of a victim-survivor – yet errors or oversights by water providers have the potential to enable an escalation of threats and violence.

The Essential Services Commission Victoria entered into enforceable undertakings (EUs) with two water providers for breaches relating to standards for consumers experiencing domestic and family violence – South East Water in 2023 and Greater Western Water in 2024.

Both breaches involved sending correspondence to or including personal information about an address not specified by the customer. This had the potential to alert a perpetrator of a victim-survivor's new, safe location, putting their safety at risk. Authorities in Australia and the United Kingdom have raised growing concerns about such failures.⁷⁰ The regulatory action also put water providers on notice that they may not know a customer is experiencing domestic and financial abuse because of the many factors people do not disclose and should have privacy protections for all.

Under the EUs:

- South East Water published its hardship policy on its website, improved its domestic and family violence policy and remediated procedures that led to the breach. It also engaged with affected customers, strengthened quality assurance and compliance monitoring, and appointed an independent auditor.
- Greater Western Water replaced its billing system, removed the manual process that led to the incident and provided support to the customer. It committed to independent reviews within 12 months of its policy and processes related to separating and creating new customer accounts, and updating customer details. It also committed to clarify its protections for secure handling of customer information and debt waivers for customers experiencing domestic and family violence, and to train frontline and leadership staff annually.

These breaches highlight the life-threatening risks of inadequate privacy protections. The unintended disclosure of a victim-survivor's address is not a minor oversight. It is a life-threatening failure that demands urgent and systemic change. While the EUs signal a shift towards stronger compliance, they also underscore the need for water providers to proactively embed safety by design into their systems. Not just in Victoria, but nationwide.

Reactive measures, such as policy updates and independent audits, are essential but insufficient. A culture of continuous vigilance will ensure billing and customer communication processes are designed to prevent harm before it occurs. This should not be a compliance-driven exercise. The cost of inaction is far greater than regulatory penalties – it is lives at risk.

CUSTOMER EXPERIENCES.

While there were some highlights, the experiences described by victim-survivors, ombuds and financial counsellors show there is still room for customer service improvement.

"Completely overused the water obsessively, washing day and night and became violently angry every time a bill came in. "He left me to pay the last bill even though I had moved out months earlier ... I suffered financial stress while escaping violence and struggled to afford setting up all my own utilities while still paying bills at the previous property as my name was on those bills."

– Rachael, LEAP

"Perpetrator forcefully took funds from me towards payment of water bill. Funds were never used towards any payment and siphoned away quietly. I became aware of overdue bills when connection was about to be disconnected."

– Macy, LEAP

"Water bill was emailed to him so I had no idea and didn't get the bill until I had to chase it up, by that stage it was way overdue and the new one was due too."

– Summer, LEAP

"She had told our household that she was the only person named on the lease and bill accounts, so we were expected to make all payments through her. However, she had advised the landlord that she was no longer living at the premises but continued collecting rent and contributions for bills. Later, after she'd moved out, she told us she'd given our contact information and names to the realtor and other creditors and bragged that she had racked up half a year of unpaid bills and debts. She told us that she could get us in more trouble if we didn't keep quiet and figure out a way to pay everything off ... I worked multiple jobs and withdrew from university temporarily to assist in addressing the debts. Effectively I paid twice for 6 months of rent and bills."

– Adele, LEAP

The Centre for Women's Economic Safety (CWES) surveyed financial counsellors and received 20 responses from people working in every State and Territory, in locations across metro, regional, rural and remote. Forty five percent had supported victim-survivors in managing their debts with water providers, and 10% had supported perpetrators. Their insights revealed examples of good practice, including:

- Compassion, understanding and prompt customer service.
- Additional safety checks.
- Individual hardship responses.

But they also highlighted examples of poor practice related to the difficulty of separating finances and accounts and poor hardship responses and made suggestions for improvements focused on relieving financial stress and burden.

"Will readily waive balances owing by victim survivors - much easier to deal with than energy companies. Often show real compassion and understanding."

– financial counsellor

"Victim-survivors should not be placed in worse off positions by having debts applied to new accounts."

– Macy, LEAP

Ombuds who responded to our survey dealt with only a small number of water complaints related to this issue. The themes were consistent with those raised by the community sector, but also included complaints regarding poor responses from water providers, such as difficulty in receiving hardship support, default listings impacting credit scores and the sale of debt to private collectors.

Other issues raised related to the complexity of water bills being linked to the property, particularly when tenants are involved, and challenges with real estate agencies.

WHAT NEEDS TO CHANGE.

There are some remaining gaps in regulation and practice:

- No regulatory obligation for water businesses to have domestic and family violence protections in Queensland, Tasmania, Northern Territory, or regional NSW.
- Legislative complexity, including titles data errors, requirements that addresses need to be on bills, property-linked billing and joint owner liabilities, making it harder to design protections that prioritise victim-survivor safety or waive debt when a victim-survivor has fled the property.
- Tenant limitations, especially outside Victoria, where tenants are not named on accounts and protections are harder to apply,
- Debt that follows, particularly when a victim-survivor remains in the same water catchment and is re-identified through new accounts.

We asked victim-survivors, financial counsellors and other community sector experts, ombuds and regulators for their suggestions for improvements in the water sector. They asked for a greater focus on spotting potential warning signs, safety and helping to relieve the financial stress related to domestic and family violence.

“Don’t be alert just to high bills or unpaid bills, look for anomalies like the unusually low ones, especially in households where there are disabled, elderly, or others with significant illness or hygiene needs. Higher than average water usage is often linked to health and healthcare, and deprivation of care or greater exposure to risk/illness can also be mechanisms of abuse.” – Adele, LEAP

“Water isn’t just used for essentials like drinking, cleaning, and cooking. In Australia especially, it’s an important part of social life and wellbeing such as cooling and hydration. There will be varying and differing needs and water usage, especially for those with disabilities, elderly healthcare needs, and particular hygiene needs. It’s not just about water usage metrics and billing, sometimes there is so much more going on.” – Adele, LEAP

“If the water usage seems unusual or high, don’t assume that it’s wilful wastage or a leak. Assuming you need to educate people on waterwise practices can seem shaming, which can itself exacerbate the tactics and harmfulness of a perpetrators’ abuses. Sometimes, water usage and trends are telling another story. While there are some people who are wasting water or incurring high bills, don’t assume deliberate misuse or unnecessary use. The people are who most visible in a household may not be the only ones needing, using or paying for the water.” – Adele, LEAP

“Make it easy for women to take name off bills, he’s not going to let her free.”

– Victim-survivor

“Perhaps provide a link in the app or on the website or a keypad option when you call that offers an opportunity for women experiencing DV to contact a support service who may be able to help. When you are the account holder, the other adult using the water is not even listed on the bill, let alone held financially responsible. In my case, the abusive behaviour about the water usage seemed just a strange thing at the time but in retrospect it was a huge red flag of the coercive controlling behaviour.” – Rachael, LEAP

“Listen and understand maybe provide a lower rate for victims of DV. Maybe they could have some room for emergency water deliveries for time to time.” – Lisa, LEAP

“If he is on the bill and he is consuming (energy, water) he has to be 50% responsible for the mutually acquired debt. That’s particularly important for survivors who have had to stay in the home.” – KV, Safe and Equal

“The person on the phone being able to pick up the signs, they don’t have to be a psychologist, but some training on what to listen for and cues that there might possibly be something going on.” – Jacinta

Listen to them and believe them - and keep up the good work!

– financial counsellor

“Use case management with ongoing payment arrangement, without the client having to ring with every bill to retell someone else that life is still hard. Recovery takes time, not one or two bills cycles.” – financial counsellor

EVOLVING SAFETY CULTURE.

Safety in the energy and water sectors has historically focused on physical infrastructure and workforce protection due to the high-risk nature of operations and hazards to workers. A strong focus on safety has underpinned operations, with workplace health and safety systems protecting employees, contractors and physical assets from harm. This is visible in everything from governance documents, personal protective equipment protocols and confined space entry procedures to incident and near miss reporting and zero-harm campaigns.⁷¹

But safety culture is evolving. In recent years, we've seen a shift in what constitutes harm – and whose safety organisations are responsible for. Beyond the fence line, energy and water systems can create, enable or exacerbate risks for customers, particularly those experiencing domestic and financial abuse. The challenge – and the opportunity – is to extend the same diligence applied to operational safety to customer-facing systems. This recognises that service design, communication channels and policy decisions can directly affect a customer's physical, emotional and financial well-being.

This risk isn't theoretical. It's foreseeable.

Traditional safety culture in energy and water prioritises:

- Prevention of workplace injury and fatalities.
- Protection of infrastructure and supply reliability.
- Safe management of hazardous or high-pressure systems.
- Compliance with regulatory obligations and safety audits.

These values are embedded through training, governance structures, incident investigations, and near miss reporting systems. But they mostly centre around internal risks – harm to workers or assets – rather than external harm to customers caused by malign actors, service delivery models, or systems design.

Addressing these issues is part of a modern, mature safety culture. A robust safety culture demands fail-safe design, not just procedural compliance or tick-box training. It's not static and must evolve with technology and complexity. Psychological safety matters – workers need to feel safe to report near misses and flag hazards without fear of reprisal. A learning culture encourages bottom-up communication.

In this context, a modern safety culture in essential services needs to evolve to include customer safety, given the known risks of domestic and financial abuse:

- **Anticipating misuse** by recognising that products and services can be exploited by perpetrators, just like a faulty valve or open circuit.
- **Designing for protection** to ensure safety features like alternate contact methods, account flags and restricted access are built in, not bolted on.
- **Learning from harm** and treating disclosures, complaints and misuse as safety incidents and responding with the same seriousness as a physical breach
- **Accountability and ownership** by embedding customer safety responsibilities across the business – not just in frontline or hardship teams.

This isn't about creating a parallel support function for victim-survivors. It's about building organisational maturity and capability to prevent foreseeable harm – in the same way energy and water providers already do in engineering, operations and infrastructure.

As we transition to more decentralised, digital, and customer-directed energy and water services, the design of these systems must place safety at the centre. Not only for supply but also for those who use them, and those at risk of abuse by others who do.

EVOLVING SAFETY CULTURE

TRADITIONAL SAFETY CULTURE.

Focus: Physical risks to employees and assets

Examples: Incident reporting, PPE, OH&S regulation

Location: Workplace-centric

PSYCHOLOGICAL SAFETY CULTURE.

Focus: Mental wellbeing, harassment, inclusion

Examples: Respect@Work reforms, internal policies

Location: Workplace-focused, with recognition the workplace extends to non-employees or off-site

ESSENTIAL SAFETY BY DESIGN.

Focus: Preventing harm to customers through systems, products, and services

Tools: Safety by Design principles, regulatory and business-led reform, victim-survivor insights

Location: Consumer environments

APPLYING SAFETY BY DESIGN.

The eSafety Commissioner developed **Safety by Design** for the technology sector in 2019 to minimise online threats by anticipating, detecting and eliminating online harms before they occur.⁷²

The holistic approach includes a set of principles that position user safety as a fundamental design consideration.

The principles are:

- **Service provider responsibility.** The burden of safety should never fall solely upon the user.
- **User empowerment and autonomy.** The dignity of users is of central importance.
- **Transparency and accountability.** Transparency and accountability are hallmarks of a robust approach

These principles are supported by interactive assessment tools, resources for investments and financial entities, and engagement with the education sector to embed Safety by Design into multidisciplinary curricula around the world, developed over the intervening years.

Global regulators are embracing the framework,⁷³ and eSafety is releasing industry guides with practical implementation tips for different types of online harms. Its guide on tech-facilitated gender-based violence, which

references **Designed to Disrupt**[®], describes the potential for online accounts to be hijacked to exert control and inflict financial hardship, tracking devices, applications and spyware to be used to monitor, stalk and control, and smart, internet-connected devices to be hacked as a form of intimidation.

That means any energy or water business providing online account access and management or smart meters connected to a home network that enable devices to be turned on or off remotely or track usage patterns is vulnerable domestic and financial abuse misuse.

eSafety outlines 19 actions to mitigate the weaponisation of digital products, services and data, including:

- Appoint individuals or teams with accountability for creating, evaluating, implementing and operating women's safety principles.
- Consider forms of tech-facilitated gender-based violence in terms of service.
- Reporting mechanisms for customers to flag concerns at the point they occur.
- Processes to detect and respond to abusive conduct, including the use of automated and AI solutions complemented with human review.
- Risk management and impact assessments.
- Default safety and privacy settings and tools.⁷⁴

FINANCIAL SAFETY BY DESIGN.

We created the *financial safety by design* framework in 2022, tailoring Safety by Design to address financial abuse in the finance and essential services sectors.

Since then, we have developed a three-step implementation process and tested it through workshops and masterclasses with industry clients in Australia and internationally.

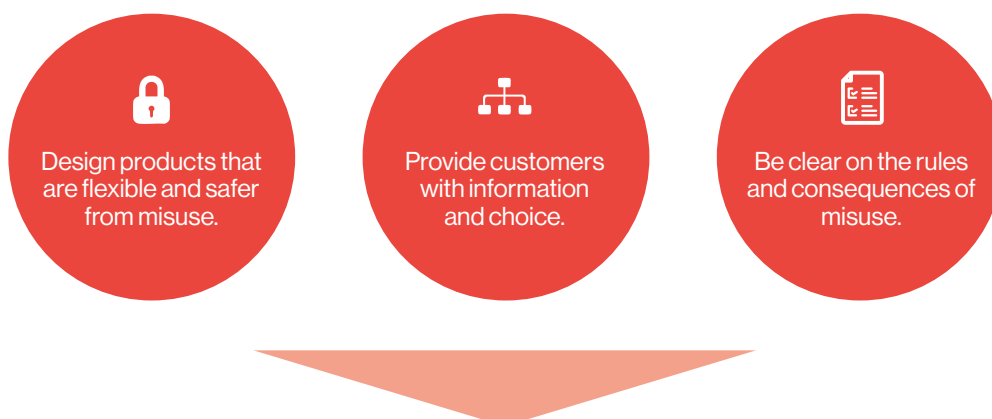
Implementation must be underpinned by flexible, safe and equitable customer service. Codes and guidance on better practice across different sectors have similar elements.⁷⁵ It is important that staff are trained and practices and outcomes are reviewed and improved on an ongoing basis.

Financial safety by design is a risk management tool that moves beyond the traditional likelihood and consequence matrix used by many organisations. It contemplates the harms that financially abusive customers may do to another – misusing the organisation's products and services as a conduit. This approach is similar to the way organisations tackle fraud and scams, but with heightened sensitivity to personal safety.

It is also an extension of workplace health and safety laws which require employers to take reasonable steps to eliminate risks to health and safety – including the risk of domestic and family violence occurring in the workplace.⁷⁶ A key question to consider is whether these obligations also apply to customers using the workplace's services. And to assess the potential psychosocial risks for those employees who support customers experiencing domestic and financial abuse, given the disclosures they may be exposed to.

FINANCIAL SAFETY BY DESIGN FRAMEWORK.

Objectives



Implementation

1.

Understand products as weapons:

Identify the ways products, services, and systems are misused to cause harm, using qualitative and quantitative analysis of data drawn from people with lived experience and those who support them, as well as complaints, risk incidents and external scans.

2.

Design for safety:

Map the risks to policies, processes and procedures, assess the likelihood and impact of misuse to prioritise mitigation strategies, implement and monitor controls.

3.

Be clear about the rules and consequences for misuse:

Commit and communicate acceptable standards of customer behaviour, with specific reference to domestic and financial abuse.

ESSENTIAL SAFETY BY DESIGN.

Considering the unique nature of essential services and learning from implementing Safety by Design principles in technology and finance, the energy and water sectors require a tailored *essential safety by design* approach.



Prevent misuse of essential services for domestic abuse and control.



Design for victim-survivor safety and informed choice.



Be clear about the rules and consequences of misuse.

Implementation will require collaboration between industry and regulators, informed by people with lived experience and other stakeholders. As with our first two discussion papers, this framework is just the start.

Essential services should integrate consideration of domestic and financial abuse in risk management – shifting from compliance to prevention.

This would involve:

1. **Risk identification:** Systematically review all customer touchpoints, cyber security, data and digital investments with a lens of domestic and financial abuse, using qualitative and quantitative analysis of data drawn from people with lived experience and those who support them, complaints, risk incidents and external scans.
2. **Control, mitigation and monitoring:** Map the risks, assess the likelihood and impact to prioritise controls and mitigation strategies, and implement and monitor, including consideration of customer consent and potential unintended consequences through engagement with people with lived experience and specialist services.
3. **Setting the standard of respectful customer behaviour:** Take a firm stance against the misuse of energy and water in domestic and financial abuse, addressing one of the underlying drivers of gendered violence against women.⁷⁷

In addition, providers should empower customers experiencing domestic and financial abuse to maintain safe and independent access to their accounts, with flexible payment, hardship, and security measures that support financial independence and recovery from abuse and readily available information about their consumer rights and options.

DESIGNING TO DISRUPT.

The first step in *essential safety by design* is to identify potential risks associated with each product or service so that controls and mitigants can be implemented through safer design. The following table describes safety risks and outlines potential design options that may reduce foreseeable harms and prevent the misuse of energy and water services.

The list of safety risks below is not exhaustive and should be used as a starting point for a risk assessment.

The design options are intended as prompts only, not a how-to guide. Some are already mandatory obligations in certain sectors and jurisdictions, and others arise from insights gained during engagement with victim-survivors and specialist service providers. Some will be relevant to both sectors or only to energy or water.

However, in line with better practice, they should be tested with victim-survivors and domestic and family violence experts before implementation – with a specific lens on risk mitigation for victim-survivors and perpetrator accountability. This should be an ongoing part of the monitoring process. Experts have cautioned abuse may occur where perpetrators feel they have received punitive, harsh or judgemental treatment from providers.

“If a person who is prepared to use violence, if they feel punished, if they are identified, if they are targeted, if they are outed... If we are going to make life more difficult for them, what are they going to do with what they can influence? ... Are they more likely to blame, justify, minimise, deny and look to act out with resentment and vengeance?”
– *men's behaviour change expert*⁷⁸

AUTOMATION VS AGENCY.

This paper proposes energy and water providers consider a number of potential design options that could be automated. The aim is to reduce the potential for systems error and to capitalise on the technology shift underway in our economy and businesses.

However, women's safety experts have warned that automation may reduce the agency of victim-survivors to make decisions about their safety. Regulators and industry, too, have raised concerns that automation may increase risks to victim-survivors.

Consent is the critical factor. For example, seeking consent from a customer to flag their account so that there are additional, potentially automated, checks to prevent wrongful disconnection allows them to decide whether this safety feature is beneficial.

So is perpetrator accountability. For example, sending notifications to customers advising a breach of terms and conditions and the consequences for those breaches, where the business has detected or has a reasonable suspicion of financial abuse.

Different perspectives exist. For this reason, the discussion paper – like all of the **Designed to Disrupt**[®] series – recommends further engagement with experts to understand and evaluate the risks of design decisions.

DESIGNING TO DISRUPT.

Potential design options to prevent and reduce harm from the misuse of essential services products and services and to address known safety risks to victim-survivors.

Customer journey stage/service		Safety risks	Considerations	Potential design options (test with survivor advocates/specialist services before introduction and during monitoring)	
Connection and sign up		<ul style="list-style-type: none">Fraudulent account set up in the victim-survivor's name without knowledge or consent 🔥🔒Set up multiple accounts in the victim-survivor's name with multiple providers 🔥Lock main switch box, turn off power and prevent access 🔥	<ul style="list-style-type: none">Similar to fraud and scam riskOnline application and verificationIn all States except Victoria, water accounts are held in the property owners name	Fraud detection and disruption <ul style="list-style-type: none">Data analyticsBiometricsRequire verified identification for account set up Positive friction <ul style="list-style-type: none">Additional steps in online processes to verify or confirm if a transaction is authentic and without coercion, e.g. multi-factor authentication, including enabling a customer to safely notify of abuse and potentially trigger auto decline	
	Use	<ul style="list-style-type: none">Damage to property causing additional water usage 🔒Forced or high usage of energy or water to increase bill 🔥🔒Restrict energy use or manipulate appliances such as heaters as a form of control, potentially using remote technology 🔥Turn off solar, turn on pumps to run up costs 🔥Nuisance contact with provider to cause disruption on account 🔥🔒Book costly meter reads 🔒	<ul style="list-style-type: none">Staff/contractor safety for site visits	Account monitoring <ul style="list-style-type: none">Account monitoring for potential red flags of domestic and financial abuse, including unusual usage patterns<ul style="list-style-type: none">AEMC guidance is that retailers should be aware of behavioural indicatorsOffer to provide evidence of unauthorised access to online services for potential coercive control prosecutions	
Restriction/ disconnection		<ul style="list-style-type: none">Repeatedly force victim-survivor to leave the home due to violence 🔥🔒Updating an account as deceased to have power cut off 🔥Threat of disconnection 🔥🔒		Review <ul style="list-style-type: none">Safety flags to prevent wrongful disconnectionManual review of disconnection requests for DFV-flagged accountsEnsure appropriate checks or require documentation for disconnection/move out notificationsWater providers make it clear that they do not disconnect water supply to remove that as a threat	

Customer journey stage/service	Safety risks	Considerations	Potential design options (test with survivor advocates/specialist services before introduction and during monitoring)
Accounts and billing	<ul style="list-style-type: none"> Refuse to pay bills during relationship or post-separation; deliberately miss payments to impact victim-survivor's credit score 🚩🔴 Restrict information about an account for which both are liable 🚩🔴 Intercept bills Coerce victim-survivor into unaffordable payment plans 	<ul style="list-style-type: none"> Joint and several liability Regulatory requirements to notify customers of changes Perpetrator accountability for debt/bills when provider does not have joint accounts Standards require certain information on correspondence 	<ul style="list-style-type: none"> Flexible bill delivery methods Limit range of account changes which do not require explicit consent, with flexibility for customers who have disclosed domestic and family violence Mask account holder address in debt collection notices Remove all non-essential personal information from all correspondence Refrain from initiating debt collection proceedings for affected customers and do not use debt collection as means to encourage customers to engage <p>Promote financial independence</p> <ul style="list-style-type: none"> At origination, offer bill splitting to apportion costs <p>Rethink and monitor joint accounts</p> <ul style="list-style-type: none"> Detect, delay and monitor unusual use or payment patterns At origination: <p>Notify customers liability of each accountholder up front with a choice of joint and several liability or alternative apportionment. Include terms and conditions relating to separation of account holders</p> <ul style="list-style-type: none"> Seek consent for account updates and nomination of individual or dual account statements/bills <p>Simplify separation of joint accounts</p> <ul style="list-style-type: none"> At origination: <p>Separate passwords and logins for each party. Include reminders that may assist applicant to understand the risks of financial abuse alongside standard information about terms and conditions, plus how to seek help from the provider</p> <p>Inform/remind customers about how data will be shared between joint account holders</p> <ul style="list-style-type: none"> At separation: <p>Simplified processes to separate or de-link accounts from abusive ex partners without notification. Safe, confidential and simplified processes to make basic changes, such as to phone numbers or addresses</p> <p>Once aware of separation, no further liability for victim-survivor once they have left the property. Flexible billing to each party.</p> <p>Improve financial difficulty/hardship processes</p> <ul style="list-style-type: none"> Reports or red flags of domestic and family violence activate a proactive offer of financial hardship concessions, incl. hold on debt recovery action, even if a customer has not advised of payment difficulty Protect and separate joint accounts, including debt reduction and/or waivers, payment plans Remove victim-survivor name from debt Hold debt recovery in cases of domestic and financial abuse, and ensure debt is sold only to debt collection agencies with a family violence policy aligned with the business' own Correct credit report, recognising domestic and family violence as the cause

Customer journey stage/service	Safety risks	Considerations	Potential design options (test with survivor advocates/specialist services before introduction and during monitoring)
Terms and conditions		<ul style="list-style-type: none"> Alignment with Change the Story – challenge condoning of violence against women 	<p>Acceptable use</p> <ul style="list-style-type: none"> Recognise financial and technology-facilitated abuse is harmful and outline acceptable use Recognise that unnecessary complaints or applications for hardship to delay enforcement proceedings or frustrate joint account holder may be a form of financial abuse <p>Financial abuse</p> <ul style="list-style-type: none"> Describe how domestic and financial abuse will be considered as a factor in disputes and debt collection Describe zero tolerance for financial abuse and misuse of products and services <p>Perpetrator consequences</p> <ul style="list-style-type: none"> Warnings to perpetrators when unacceptable use identified General customer communications about zero tolerance of the misuse of products and services for domestic and financial abuse
Customer communications	<ul style="list-style-type: none"> Impersonate victim-survivor, potentially with voice modulation technology or via a family member, to gain control or add name to account 🚫🔴🔵 Coerce victim-survivor during phone calls with utility staff 🚫🔴🔵 Bypass security with knowledge of victim-survivor's personal details 🚫🔴🔵 Inadvertent disclosure of victim-survivor's personal information by provider 🚫🔴🔵 		<ul style="list-style-type: none"> Default to the highest level of privacy for new products or switch to privacy settings at the first sign of and/or disclosure of abuse Create a separate system flow for customers who have disclosed abuse with additional safety protections Separate statements to joint account holders on an opt out basis Address or new account alert on an opt in basis, using the customers preferred communications method Periodic and/or event-triggered customer notification on protective account settings – similar to scam and fraud education information 'Are you safe at home' and other messages about the provider's support for victim-survivors on bills and other communication as a standard Recognise a PO Box as a legitimate address for an agreed period Explain what joint and severally liable means and create other options to structure contract, including no liability for bills after leaving the property Ensure information about support options for victim-survivors is readily available without having to ask
Online access	<ul style="list-style-type: none"> Change log in, contact and bill preferences without knowledge or consent to prevent victim-survivor from seeing bills or debts 🚫🔴🔵 Unauthorised access to account information via digital meters, eBills, online customer registration to surveil and stalk victim-survivor 🚫🔴🔵 Arrange disconnection or restriction without knowledge or consent 🚫🔴🔵 		<p>Privacy settings</p> <ul style="list-style-type: none"> Obscure contact details for customers flagged as at risk with additional steps to access so employees do not unwittingly provide location details to perpetrators Push notifications to inform all customers of safest account settings – similar to scam and fraud education information Reporting functionality to provide avenues for customer concerns to be communicated to relevant staff and actioned Digital billing options which allow nomination of alternative contact details

Customer journey stage/service	Safety risks	Considerations	Potential design options (test with survivor advocates/specialist services before introduction and during monitoring)
Privacy risks related to provider practices	<ul style="list-style-type: none">• Carry over communications preferences from previous accounts 🔗🔒• Information shared for special meter read/access to property 🔗🔒• Automated move out notifications alerts perpetrator to victim-survivor plans to leave 🔗🔒• Overdue notices including victim-survivor's address 🔗🔒• Bulk text messaging exposes address 🔗🔒	<ul style="list-style-type: none">• One or multiple systems	<ul style="list-style-type: none">• Maintain risk register and develop appropriate controls, mitigants and monitoring• Include victim-survivor safety in privacy impact assessment for any systems changes• Ensure systems changes allow for flexibility for customers experiencing vulnerability• Develop a rapid response process and procedure should a privacy breach occur and train staff regularly

CASE STUDY



Promoting respect and protecting against domestic and financial abuse.

Five energy and water providers are already taking steps to introduce essential safety by design, among 50+ Australian businesses across 10 sectors which are mobilising against perpetrators of financial abuse.

They have joined Flequity's **#respectandprotect**⁷⁹ public awareness campaign which aims to encourage all businesses to make it clear that financial abuse is an unacceptable customer behaviour which may result in a warning, account suspension or closure.

#respectandprotect, launched in May 2024, showcases policies, terms and conditions that make it clear that:

- Essential services are no place for abuse.
- Domestic and financial abuse has profound impacts on victim-survivors and will be an automatic trigger for financial difficulty/ hardship support.
- Customers who misuse products and services will be warned and may be reported to law enforcement.

Australians support the move:

- 96% believe companies should protect customers from financial abuse.
- 3 in 4 in four want the companies they deal with to take action.
- 23% say they'd switch providers based on financial abuse protections.⁸⁰

Changing business contracts through including financial abuse in the terms and conditions makes it explicit that businesses don't condone the attitudes and behaviour that underpin gender-based violence and won't tolerate the misuse of their products to cause financial harm.

This is the third step in the essential safety by design framework: be clear about the rules and consequences of misuse. The aim is not to close accounts – it's to change our culture, one business at a time.

FIRST MOVERS IN ESSENTIAL SERVICES.

AGL, Coliban Water, South East Water, Wannon Water and Yarra Valley Water are the first utilities to join **#respectandprotect**. Each has published or pledged to introduce new policies, terms and conditions which set expectations of customer behaviour around domestic and financial abuse. Their participation reflects a shift from reactive customer hardship responses to proactive design that prioritises safety.

Energy and water providers play a crucial role in this initiative, given their direct relationship with households and the potential for their accounts to be weaponised in situations of domestic and family violence. We encourage other providers to follow the lead of these first movers.



Effective 1 June 2024⁸¹

We take a zero-tolerance approach to perpetrators using water services to perpetrate family violence and financial abuse.

We will not restrict the water supply at a property where family violence has been identified or self-disclosed.

Our employees will not knowingly collude with perpetrators.

If an employee or contractor identifies that a water service or account is being used to perpetrate family violence or financial abuse, we will undertake the reasonable steps to stop the identified abuse and prevent further acts of abuse.

"We're proud to be the first of Victoria's water corporations to sign-up for the respect and protect initiative because the right to an essential service like water and sewerage is no place for family violence or financial abuse. We've updated our terms and conditions and by ensuring our team is skilled and ready to help we are discouraging perpetrators from using us and our services to continue the cycle of abuse. We know it will take a whole-of-community effort to make a difference and that this is just one small step our business, and all businesses around Australia, must take."

– Coliban Water



Effective 31 October 2024⁸²

We condemn the perpetration of family violence in all its forms and recognise the connection between family violence and access to essential services. We're committed to supporting customers affected by family violence and contributing to Victoria's response to family violence ... Family violence can include financial abuse with perpetrators often avoiding responsibility for debt and leaving their current or former partners or family members, with significant financial liabilities. This is especially problematic for debts attached to accounts held jointly with the perpetrator ... Additional support options are available for customers affected by family violence to manage debt owed to us. For customers affected by family violence, we may waive or suspend all or part of your debt based on a number of factors, including: ... The circumstances in which the debt was incurred (including if it was incurred as a result of financial abuse).

"We condemn the perpetration of family violence in all its forms and recognise the connection between family violence and access to essential services. We're committed to supporting customers affected by family violence and contributing to Victoria's response to family violence. We recognise the important responsibility we have in working together with government, corporate and the community sector to support those affected by family violence, to improve outcomes for customers and the community. We will treat our customers unique situations with respect, empathy and sensitivity. In line with our Safety-First mindset, customer safety and wellbeing will always be our focus."

– South East Water



Coming soon⁸³.

"Family violence is unacceptable in any form. Everyone deserves to feel safe and respected in their relationships. Our pledge to Respect and Protect aligns with our vision to go beyond water for strong communities. As an essential services provider, we're committed to supporting customers and employees experiencing family violence by: - Reassuring victim-survivors that their water bill is the last thing they need worry about when they are trying to stay safe. - Taking a zero-tolerance stance to perpetrators misusing our products and services to harm others. - Continuing to strengthen our training, processes and systems to make sure we never knowingly collude with perpetrators."

– Wannon Water



Effective 1 December 2024⁸⁴

We condemn the perpetration of violence in all its forms and take a zero-tolerance approach to the misuse of our water and sewerage services to perpetrate domestic and family violence. As an essential service provider, we actively support customers and employees affected by family violence, with their safety being our top priority. Our approach is guided by specialist family violence organisations and those with lived experience.

"Family violence has a devastating impact on our community. As an essential service provider, we fully support the collective effort to promote respect for women prevent abuse and protect those affected by domestic and family violence. As part of our pledge, we have strengthened our domestic and family violence policy to clearly state our zero tolerance approach to our processes, practices and services being misused to perpetrate harm. We are focused on creating a safe environment for our customers by: continually strengthening our operations to prevent the misuse of our service; Actively supporting customers and staff impacted by domestic and family violence, including ensuring our staff receive appropriate training and support; Collaborating on the long-term systemic change needed to build a future free from domestic and family violence. This is a critical and ongoing responsibility and we are committed to being part of the solution. Together we can work towards a safer society for everyone."

– Yarra Valley Water



Effective 28 October 2024⁸⁵

AGL does not tolerate family and domestic violence, including financial abuse.

We do not condone the misuse of our products and services to perpetrate such violence.

We are committed to supporting all customers who are experiencing or are impacted by family and domestic violence.

We'll provide a supportive and confidential environment where customers can inform us of their circumstances and seek the support they need. For more information on the support available, our family violence policy is available on our website.

"We're updating our Customer Charter to make it clear to our customers we won't tolerate domestic and family violence, including financial abuse, and we do not condone the misuse of our products and services to perpetrate such violence. As an essential services provider, we are uniquely placed to support our customers impacted by domestic and family violence, and our people who play an important role in supporting them. It's our responsibility to provide support, empathy and respect, and invest in ongoing education and training so they are ready to listen and help."

– AGL

To join the first movers: www.respectandprotect.au

DISCUSSION:

Reimagining victim-survivor debts.

When two people are on the energy or water bill, they're most likely to have a contract which means they are jointly and severally liable to pay. This is a legal construct to simplify debt recovery for providers: both people are equally liable for 100% of the debt.

It means in practice that "we're all on the hook for the whole thing. If you pay, it reduces what I have to pay. Generally, we can be sued separately ... For joint and several liability, it can be more effective to pick the best party to sue (deeper pockets, easier to locate) rather than chasing all potential [parties]."⁸⁶

In cases of domestic and financial abuse, the problem is twofold.

First, where the perpetrator remains in the home, and the victim-survivor has left, essential service providers often retain the legal right to pursue the person who is no longer receiving the service. This defies logic and fairness.

Second, he walks away. She pays. Victim-survivors routinely report being left with thousands of dollars in arrears after a perpetrator refused to pay or deliberately ran up usage.

IN THEIR WORDS VICTIM-SURVIVOR EXPERIENCES.

"I don't know why you can't turn a joint account into two separate ones."

– KV, Safe and Equal

"He (the perpetrator) refused to pay the accounts knowing that I would have to use the credit card and would be in debt. Choosing not to pay your bills while you have children, that's weaponisation. A bill comes in and stays unopened, they know what message they are sending."

– Victim-survivor

"It's a weight that hangs on you, you have to do all this by yourself, that's scary enough. My child was very young, I couldn't work, and I was responsible for his share of the bills."

– KV, Safe and Equal

"The perpetrator insisted all bills were in my name so it would be up to me to make all arrangements when we moved house or if there were any issues with the electricity and paying all the bills from an account he transferred the specific funds in to. The burden of all administration fell to me, but of course was never acknowledged as any kind of work. When I escaped the violent relationship he made it difficult to cancel the electricity and insisted I pay the previous and last bill at the property even though it had been months since I had actually lived there. He said if I insisted he pay any of it he "couldn't afford to pay child support" even though he was working full time while I was moving home and surviving on the bare minimum of Centrelink support payments."

– Victim-survivor

"My gas and electricity bills were thousands of dollars. I don't know how they racked up."

– Jacinta

"Both our names were on the accounts. Even after he left and intervention orders were in place, the full responsibility of current and future bills, as well as the backpay and arrears from when he was in the house was on me. None of the responsibility fell on to him."

– KV, Safe and Equal

"The biggest issue that I faced with gas, electricity and water was the joint liability."

– KV, Safe and Equal

"My utility and other bills were significantly higher during the relationship, than in any other household/time period of my life. A significant amount of my savings were lost in managing the debts and expenses incurred during the abusive relationship. I have yet to recover financial security."

– Adele, LEAP

"The perpetrator originally left the home and entered as they wished, stopped paying anything toward the cost of the home including mortgage and bills whilst they lived in the home such as water, electricity, rates etc. I was left in an attempt to keep the services on and pay the bills even after I had left the home until it was sold which was dragged out due to the perpetrator also. I was able to make a smooth payment arrangement for the amounts, however still had to pay in its entirety, I felt very powerless trying to negotiate with an essential service "if you don't pay you just won't have water / electricity". Even throughout the court proceedings there was no way to retrieve the funds back from the perp, I kept all payments current to try and retain my credit rating but that is all it did, I never got the money he owed back"

– Jess, LEAP

WE KNOW THAT:

- In 2020, the cost to victims of perpetrators' refusing to contribute to shared household bills was \$1.2 billion.⁸⁷
- In 2016, more than 78,000 single mothers who had experienced domestic and family violence could not pay their electricity, gas or phone bills.⁸⁸
- In 2014, 46% of financial abuse victim-survivors reported their partner put their name on all the utility bills for electricity, gas and water.⁸⁹

As part of our research, one energy provider reported current overdue debts for customers experiencing domestic and family violence totalled \$1.85 million – with the average debt \$1,300 per customer and the highest debt just over \$16,000.

Is it fair that victim-survivors are saddled with debt as a result of the actions of perpetrators, particularly when they are fighting for survival? Unlike other sectors examined through the **Designed to Disrupt**[®] series, energy and water are essential and victim-survivors can't simply cut ties.

The Energy and Water Ombudsman South Australia has shown that providers can act within existing legal frameworks to protect customers experiencing abuse.⁹⁰ Their expectations include:

- Set up a separate account for a victim-survivor from the date the abusive partner left the property.
- End joint responsibility for an account on the date the victim-survivor can demonstrate they moved out.
- Pursue part of the debt with the other account holder, even though they may have the legal right to pursue the whole debt from the victim-survivor.
- Work with an individual customer without requiring consent from the other account holder or for the victim-survivor to make contact with them.
- Do not default list a customer if they are aware the customer is experiencing domestic and family violence or remove the listing if they later become aware of those circumstances.

But is that enough? Is it time to rethink joint and several liability? It was designed for commercial recovery, not coercive relationships. In an ideal world, everyone would pay their debts or take responsibility for their fair share if they had difficulty repaying. But it's not a perfect world. Relationships are not equal, and many do not last. And when abuse and control are at play, joint liability is an invitation to ongoing abuse.

Alternatively, should the industry bear the cost?

Consumer advocates have argued for banks to pay for scam

losses as a way to force investment in greater protections. Is it now time for industry and government to underwrite the losses from financial abuse in the essential services sector?

This is an issue considered and rejected by the Australian Energy Market Commission when developing its family violence rule. "It is up to an individual retailer to determine in what circumstances they would repurchase and manage debts owed by family violence customers. Requiring retailers to automatically wave (sic) debts may risk placing significant burden on retailers."⁹¹

In 2023, the Australian Energy Regulator's Game Changer report⁹² to Energy Ministers proposed a shared industry funding pool to support customers in hardship and fund energy efficiency upgrades. This could form the foundation of a broader debt relief mechanism for victim-survivors of domestic and financial abuse.

The Game Changer proposal would allow retailers to draw on an industry pool to waive debts in return for meeting standards of better practice case management, including the recognition of domestic abuse. Such a scheme could:

- **Prevent re-traumatisation** and financial collapse for victim-survivors.
- **Encourage earlier disclosure** and intervention.
- **Incentivise energy provider investments** in systems and training.
- **Shift the cost burden of abuse** to the system that allows it, not the survivor trying to escape it.

Another option could be modelled on the potential debt relief scheme proposed by Ofgem in the UK, which aims to provide financial support for customers who accrued energy debts during the energy crisis.⁹³ The regulator is currently consulting on design options and considerations for introducing such a scheme.

A NOTE ON WATER.

Unlike energy, water debt is typically linked to the property, not the individual. But this too is weaponised. Perpetrators delay settlements, refuse to remove names from titles or keep utilities in joint names to maintain control. While caveats can ensure the debt is repaid eventually, the psychological and financial toll is immediate and borne entirely by the victim-survivor.

A national scheme could extend debt relief to water providers through similar principles: a shared levy recoverable from the government, tied to safety and fairness, with safeguards to prevent moral hazard.

Time to choose: protect the provider or protect the victim-survivor?

"The fact that each customer on a joint account is jointly and severally liable to repay the full amount of the debt, does not in our view prevent a provider from agreeing to settle or waive a debt with one customer only, while retaining its right to pursue the other customer(s) for the remaining balance."

– Energy and Water Ombudsman South Australia

RECOMMENDATIONS.

Our recommendations aim to spark discussion with individual energy and water providers, industry, policy makers, and regulators – and to accelerate the evolution of safety culture to essential safety by design.

Victim-survivors of domestic and financial abuse often experience severe consequences due to the actions of perpetrators, which are inadvertently enabled by energy and water products and services. And many live with the fear of life-threatening risks due to human and systems errors. These issues have been widely known for almost a decade. Many of the scenarios could be avoided if energy and water providers changed their policies and processes, provided comprehensive and ongoing staff education and training and embedded domestic and financial abuse in their standard risk management processes.

While progress has been made, gaps remain in consistency, accountability, and proactive intervention. Regulatory obligations are being strengthened, but a national industry-led approach and harmonised rules are required to prevent the misuse of services and to ensure safe, equitable access for all customers.

We propose an essential safety by design framework to proactively protect victim-survivors, prevent financial abuse, and ensure that energy and water are not instruments of coercion, control and ongoing financial harm.

In line with better practice, survivor advocates and specialist services – both those supporting victim-survivors and those working with perpetrators – should be consulted during consideration and implementation of the recommendations.

INDIVIDUAL ESSENTIAL SERVICES PROVIDERS.

A no regrets first step is for every energy and water provider to commit to policies, terms and conditions that make it clear that:

- Essential services are no place for abuse.
- Domestic and financial abuse has profound impacts on victim-survivors and will be an automatic trigger for financial difficulty/ hardship support.
- Customers who misuse products and services will be warned and may be reported to law enforcement.

To operationalise these terms and conditions, every energy and water provider should:

- Implement stronger account security measures, such as multifactor authentication, PINs, and passwords, to prevent unauthorised access.
- Ensure that contact details, especially new addresses, cannot be accessed or updated by perpetrators.
- Immediately assess the operational risks of potential privacy breaches and take action to address them.
- Include fast track support as the first option on call centre (menu choice).
- Undertake a gap analysis of hardship processes and staff training against better practice guidance and regulatory requirements, and make necessary improvements – including to accepting domestic and financial abuse as a ground of financial difficulty or hardship.
- Use the designing to disrupt tables in this report as the basis of an audit of current products and services to identify risks and potential controls and mitigants to address, and review on an annual basis.

Other actions include:

- Collect and analyse data on outcomes, compliance incidents, risk issues and complaints relating to customers experiencing domestic and financial abuse and incorporate consideration at all parts of the risk management cycle.
- Adopt a 'Fresh Start' program to waive the debts of victim-survivors who open a new account after leaving the perpetrator.
- Train all staff on domestic and financial abuse at least annually and relevant teams on essential safety by design.
- Include 'are you safe at home' messages in correspondence.⁹⁴
- Proactively educate consumers about their rights, including avenues for complaints and/or reviews.

INDUSTRY.

- Develop an industry essential safety by design standard for energy and water providers, including data indicators for use across the sector and guidance to assist with consistent implementation across jurisdictions.
- Develop better practice guidance for rapid response to a privacy breach affecting a customer experiencing domestic and financial abuse, building on the ESC Victoria's insights for this paper.

- Develop and adopt a shared industry financial abuse customer service standard for energy and water providers, including time frames for resolution and standard approaches to debt waivers, with regulatory obligations as a minimum requirement.
- Develop a database on the potential red flags of abuse, such as unusually low or high usage, notification of separation or divorce and changes to authorised account holders to identify customers at risk and intervene to protect them, which informs industry-wide risk mitigation
- Measure the effectiveness of industry interventions to identify what works to prevent or lessen the harm of financial abuse to victim-survivors
- Undertake a public awareness campaign to educate the community about financial abuse in the context of essential services and the steps organisations are taking to protect victim-survivors better and focus on perpetrator accountability.
- Require mandatory data collection nationally on customers experiencing domestic and financial abuse, including outcomes, on an anonymised and aggregate basis.
- Rule makers and regulators to share data and publish an aggregate national report annually to enable energy and water providers to understand better the prevalence, trends and patterns of financial abuse and identify systemic issues that may not be evident at the individual company level so they can take proactive intervention and tailored preventative measures.
- Align and/or introduce nationally consistent enforceable customer service standards in energy and water and requirements for domestic and financial abuse matters, such as mandatory response time frames, requirement for evidence, treatment of joint accounts.
- Explore a shared debt funding mechanism to wipe debts incurred by victim-survivors due to domestic and financial abuse.

GOVERNMENT AND REGULATORS.

- Ensure uniform national protections for energy and water customers affected by family violence so that there is consistency across jurisdictions to promote consistency in implementation and compliance with these protections. As the rules have come into place at different times, and some jurisdictions do not have any, there should be a mechanism for any stronger protections to be introduced and harmonised over time.
- Expand regulatory oversight to include embedded network providers and small utility companies, ensuring all Australians receive equal protection.
- Mandate a positive duty to prevent the misuse of products and services for financial abuse.
- Establish a cross sector forum to share intelligence, comprising all regulators responsible for utilities, financial services, telecommunications and technology, as well as privacy and information.
- Launch a national investigation into privacy breaches across all Australian businesses. This inquiry should examine disclosures of confidential information to perpetrators by private and public organisations, complaints raised through ombuds and regulatory bodies, and relevant findings from coronial and health system reviews.

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