

Submission to the Department of Water and Environmental Regulation for the

Review of the Water Services Code of Practice (Family Violence) 2020

8 August 2025

Who are we?

The Western Australian Council of Social Service Inc. (WACOSS), the Financial Wellbeing Collective (FWC) and the Financial Counsellors Association of Western Australia (FCAWA) welcome the opportunity to make a joint submission to the review of the Water Services Code of Practice (Family Violence) 2020 ('the Code').

WACOSS is the peak body for the community services sector in Western Australia and works to create an inclusive, just and equitable society. We advocate for social and economic change to improve the wellbeing of Western Australians, and to strengthen the community services sector that supports them. WACOSS is part of a network consisting of National, State and Territory Councils of Social Service, who advance the interests of people on low incomes and those made vulnerable by the systems that have been put in place.

FCAWA is the peak body and professional association for the WA financial counselling sector responsible for enabling financial counsellors with the training, tools and resources they need to support clients experiencing financial distress. FCAWA also advocates for effective policies and practices by working with government, banks, utilities, debt collection agencies and other industries to improve approaches to financial hardship and vulnerability.

The FWC is a unique collaboration of 12 Partner organisations and provides an ecosystem of integrated and person-centred services to reduce the drivers and impacts of financial hardship in the WA community. We advocate for the most financially vulnerable in our community, support those experiencing financial difficulties, and help individuals increase their financial security, resilience and wellbeing.

Introduction

Family violence is a national crisis, and Western Australia has among the highest rates of family violence in the country.¹ The development of the Code in 2020 was a strong positive step, recognising that essential services need to be equipped to support customers affected by family violence. However, the Code's focus is a limited and reactive role that no longer aligns with best practice. It requires updating to reflect developments in understanding of perpetrators' methods and the role of essential service providers.²

¹ Australian Bureau of Statistics, [Family and domestic violence statistics \(2023–24\)](#)

² eSafety Commissioner (2024), [Safety by Design](#) [webpage].

Catherine Fitzpatrick (2025), [Designed to Disrupt – Safety by design for essential services. Telecommunications \(Domestic, Family and Sexual Violence Consumer Protections\) Industry Standard 2025](#),

Water service providers can and should do more to effectively prevent or mitigate harm to victim-survivors by considering victim-survivor safety in the design of products and systems; and by strengthening staff capability to proactively identify customers at risk of or affected by family violence.

FCAWA, FWC and WACOSS have reviewed the Code against current research and what's working in other jurisdictions and sectors, rather than identifying specific failings in the Code's implementation. Our recommendations fall under the themes of:

- Guiding Review principles
- Moving towards prevention
- Communication with customers
- Engagement with specialist family violence services
- Security and Privacy
- Debt management
- Administration

Guiding Review principles

Recommendation: that the Department review the Code through the lens of *Safety by Design* principles and consider how the findings and recommendations of the *Safety by design for essential services* report can be implemented in the Code.

Water accounts can be a source economic or financial abuse. This involves coercive and controlling behaviour where perpetrators use water accounts to accrue debt in a victim's name, withhold payments for joint bills, or discover a victim-survivor's new address. The consequences of this can be severe, including large debts, negative credit impacts, unsafe restrictions on water access, and risks to a victim's physical safety from unintentional disclosure of personal information.

The *Safety by Design* principles provide guidance on how to embed safety into systems and services, to prevent systems abuse. These principles were developed by the eSafety Commissioner and have informed subsequent Government reports, inquiries and relevant regulatory instruments.³

The principles are⁴:

- *Service provider responsibility*
 - *The burden of safety should never fall solely upon the customer. Every attempt must be made to ensure that harms are understood, assessed and addressed in the design and provision of services*

³ In 2024, the Australian Government commissioned a review of evidence-based approaches to prevent gender-based violence. The Final Report - [Unlocking the Prevention Potential](#) - recommends that Commonwealth, state and territory governments conduct an immediate audit of how family violence perpetrators are weaponizing government systems and that these audits be informed by Safety by Design principles.

[Telecommunications \(Domestic, Family and Sexual Violence Consumer Protections\) Industry Standard 2025](#),

⁴ eSafety Commissioner (2024), [Safety by Design](#) [webpage].

- *User empowerment and autonomy*
 - *The dignity of customers is of central importance. Products and services should align with the best interests of the customer*
- *Transparency and accountability*
 - *Transparency and accountability are hallmarks of a robust approach to safety.*

In 2024, the Victorian Essential Services Commissioner announced a Safety by Design partnership with Thriving Communities Australia and supported by Flequity Ventures, Safe and Equal and the Centre for Women's Economic Safety. The May 2025 *Safety by design for essential services* discussion paper examines the practices and regulation of energy and water service providers across Australia and makes practical recommendations on how they can be improved to prevent economic abuse.⁵

Moving towards prevention

Recommendation: expand the Code to encourage and equip water service providers to proactively identify customers experiencing family violence and mitigate the risk of harm

Water service provider staff may identify risk indicators during contact with customers or due to changes in usage or billing. Proactively contacting customers, offering general support or information, offers affected customers an opportunity to disclose family violence and obtain support. These customers may have otherwise waited, or not reached out at all due to fear or lack of awareness. Development and implementation of risk assessment frameworks should be conducted in conjunction with family violence specialists and must be incorporated into staff training.

An example of essential services regulation that has implemented this is the Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025 ('the Telecommunications Industry Standard') at section 20(2)(b):

(2) A provider's DFV procedures must: (b) set out how personnel can safely and appropriately identify, support and assist consumers that are affected persons

Recommendation: family violence should be considered in water service providers' corporate strategies and risk frameworks

Without adequate consideration of family violence, services, systems and products may be designed in a way that enables harm by perpetrators or adds barriers for victim-survivors to seek support.⁶

The Telecommunications Industry Standard, at section 20(g) requires a provider's family violence policy to:

set out how a provider will use inclusive design in the development and review of its systems, processes and telecommunications products to identify and reduce risks to affected persons

⁵ Catherine Fitzpatrick (2025), [Designed to Disrupt – Safety by design for essential services](#).

⁶ eSafety Commissioner (2024), [Safety by Design](#) [webpage].

Adopting a similar provision in the Code would encourage water service providers to embed family violence prevention and risk mitigation into their broader processes.

Recommendation: extend family violence training to water service provider senior leadership

To ensure the effectiveness of the above recommendations, senior leadership need to understand family violence and the role water service providers can take in addressing family violence.

Communication with customers

Recommendation: require water service providers to communicate with customers affected by family violence in the method chosen by the customer

The Code is currently silent on how water service providers should communicate with customers affected by family violence. By contrast, the Code of Conduct for the Supply of Electricity to Small Use Customers 2022 ('the Electricity Code') stipulates the following⁷:

91 (2) The family violence policy must -

(c) require the retailer —

(i) to take reasonable steps to establish a safe method of communication with a vulnerable customer and if a method of communication proposed by a vulnerable customer is not reasonably practicable, to offer an alternative method of communication; and

(ii) to keep a record of any method of communication that has been agreed between the retailer and a vulnerable customer; and

(iii) to use any agreed method of communication for the purposes of providing information required by this code

Victim-survivors of family violence are the experts in managing their own safety. Ensuring their agency is paramount. Communication from a water service provider that is not in a form agreed to by a victim-survivor may put them at severe risk. To protect victim-survivor safety and support their agency, the Code should be updated to reflect the Electricity Code on this topic.

Recommendation: enhance accessibility of information to customers

The Code currently offers little direction on how information should be provided to customers about a provider's family violence policy and the extent to which water service providers should ensure the information is accessible to all. A review of the family violence information published on Water Corporation's website indicates that the information is not available in any languages other than English, nor does it state whether an interpreter is available should customers call Water Corporation. It is not immediately clear whether the text is appropriate for screen readers. It does

⁷ [Code of Conduct for the Supply of Electricity to Small Use Customers 2022](#)

not provide easily accessible information about other supports available. It also does not have a 'quick exit' button.

Information for customers affected by family violence published online should be in plain language and made accessible, including to customers with disabilities and from culturally and linguistically diverse backgrounds. This includes providing translated materials, independent interpreter services, and alternative communication formats to support equitable access to support. Consideration should be given to alternate methods of communication, to ensure those who are digitally excluded are aware of the supports available. Provider webpages that offer family violence related information should have a 'quick exit' option, to support victim-survivor safety.

Engagement with specialist family violence services

Preventing and responding to family violence requires a strong network of supports to ensure victim-survivors receive wrap-around support and do not fall through the cracks. Partnering with specialist organisations will enhance water service providers' capability to prevent and mitigate safety risks and strengthen support available for customers. There are several ways in which the Code can encourage water service providers to develop strong connections with the specialist sector.

Recommendation: require water service providers to engage with specialist family violence organisations and lived experience advocates to inform the review and implementation of their family violence policy

The Guidance recommends that water service providers engage with specialist family violence organisations in the development, implementation and review of their family violence policies. Though, it should be noted that some of the links provided in the Guidance at page six are outdated. This advice is critical and should be strengthened into a requirement in the Code. If family violence policies are not robust and informed by evidence and lived experience, staff and customers may be put at risk.

The Telecommunications Industry Standard offers guidance on how to incorporate this into regulation, at section 32.

Specialist family violence organisations are often under-resourced and unable to meet current demand. Engagement from specialist family violence organisations and lived experience advocates should operate on a fee-for-service basis with water service providers paying the consultation cost.

Recommendation: require water service providers to provide a means for conducting warm referrals to specialist family violence support services for customers

The Code currently requires family violence policies to set out the information to be provided to customers about external family violence supports. While sharing information about supports available, through websites or directly over the phone, is important, in many circumstances a warm referral to a specialist support service will be significantly more impactful. Doing so provides victim-survivors with direct and immediate access to a range of support services that can address the

person's holistic needs and support their safety. This practice also reduces the emotional burden and risk of vicarious trauma for water service provider staff. Victim-survivor agency should be paramount – while warm referral should be offered as a preference, the method of information delivery should be determined by the victim-survivor.

By way of example, the Victorian Water Industry Standard stipulates, at section 11.1(a) that the provider must

(vii) provide a means for referring customers who may be affected by family violence to specialist family violence services

Recommendation: requirements around staff training should be strengthened

Currently, the Code requires a family violence policy to outline the training water service provider staff will complete. It limits the obligations of water service providers to providing training on *responding* to customers. It also does not require training to be ongoing, nor developed by or in conjunction with family violence specialists.

It is acknowledged that the Guidance sets expectations above merely responding appropriately by recommending the type of knowledge and skills expected for different roles and recognises the importance of family violence specialists in developing appropriate training resources. However, it is unclear whether this intent has been incorporated into water service providers family violence training resources.

Of note, lack of awareness and training among staff was identified as a key operational risk by water service providers engaging with the Designed to Disrupt report. Victim-survivors, financial counsellors and other experts in the water service regulatory space also called for greater focus on proactive early identification of family violence.⁸ Additionally, we are aware of experiences of vicarious trauma for staff. Appropriate training can effectively reduce the risk of vicarious trauma by better equipping staff to manage family violence procedures.

The Code should be amended to clarify water service providers' training obligations so programs and resources:

1. Meet prescribed outcomes or capabilities that go beyond responding, to identifying and understanding family violence
2. Are designed and delivered in partnership with specialist family violence services and lived experience advocates
3. Are completed on a regular basis to ensure knowledge and skills remain current given the evolving understanding of family violence and best practices for support.

By way of example of appropriate regulation in other instruments, the Electricity Code requires, at section 91(3):

The training required under subclause (2)(a) must satisfy at least 1 of the following requirements —

⁸ Catherine Fitzpatrick (2025), [Designed to Disrupt – Safety by design for essential services](#).

- (a) it is developed in conjunction with appropriate consumer representatives;*
- (b) it is provided by appropriate consumer representatives.*

The Victorian Water Industry Standard (at section 11) and the Electricity Code (at section 91(2)(a)) both require staff training to cover how to identify customers who may be affected by family violence.

An example of a more prescriptive regulatory provision can be found in the Telecommunications Industry Standard at section 22. This explicitly requires training of customer-facing staff to be delivered annually, and to cover the following:

- The application of the family violence policy;
- The nature and impact of family violence and how it relates to water service providers;
- How to identify people affected by family violence;
- Impact of intersectional issues on customers;
- How to engage with customers affected by family violence; and
- How to recognise and prioritise the safety of affected persons, and of personnel, in engaging with perpetrators.

Given the risk of harm, and the need for a consistent approach within and between organisations, we consider it appropriate for the Code to be prescriptive on the topic of training.

Security and Privacy

Inadvertent disclosure of confidential information such as a new safe address, contact details or the fact that the water service provider is aware of the family violence being perpetrated, pose potentially life-threatening risk to victim-survivor safety.

Despite these consequences, the Code leaves it to the discretion of water service providers to consider whether their systems are appropriate to maintain confidentiality, without any checks and balances. It also does not include any requirements to design and implement appropriate processes to respond to a privacy breach.

Recommendation: require urgent notification to customers affected by family violence when privacy breached

In the event confidential information is disclosed to a perpetrator, victim-survivors should be made aware of a such a breach as soon as reasonably possible so that they can take steps to manage their safety. An example where this obligation has been imposed is s29 of the Telecommunications Industry Standard which requires:

- (1) If the personal information of an affected person held by a provider is accessed or disclosed without authorisation – the provider must, within two days of becoming aware of the unauthorised access or disclosure:*
 - (a) subject to subsection (2), notify the affected person...*

(2) If notifying the affected person under paragraph (1)(a) would be inconsistent with the agreed communication method for the affected person – the provider must wait until the next time it can notify the affected person that is consistent with the agreed communication method.

(3) When a provider notifies an affected person under subsection (1), the provider must provide the affected person with the contact details of a national or state based domestic and family violence support service for safety planning assistance.

It should be noted that we consider a notice period of two days to be too long, considering the danger the customer may be in following a provider's breach. We recommend impacted customers be contacted on the same day that the provider becomes aware of the breach.

Recommendation: require water service providers to notify the regulator of breaches of privacy or the Code that put a customer's safety at risk

External oversight is necessary to improve transparency, accountability and contribute towards continuous improvement. While the Code currently imposes record keeping obligations related to compliance with the Code, none of the provisions are subject to requirements to report non-compliance. This is concerning considering the significant risk to safety. Such actions can lead to more serious consequences than current Type 1 reporting obligations related to disconnections that water service providers are required to notify the Economic Regulation Authority about.⁹

An example of an approach to reporting is section 25 of the Victorian Water Services Standard which states:

(a) A water business must have adequate procedures, policies and practices in place to identify non-compliance with these standards in a timely and efficient manner.

(b) When a water business identifies potential or actual non-compliance with these standards that may have a material adverse impact, the water business must report that identification in writing to the Commission in a timely manner.

It should be noted that the Code does not explicitly require that information related to a customer affected by family violence not be disclosed to a perpetrator without authorisation. As such, any reporting requirement should be drafted to encompass such instances of disclosure, in addition to direct Code breaches.

An example where mandatory reporting led to more accountability and improved policies and procedures is the 2023 case of Greater Western Water, who sent mail to an address not specified by a customer experiencing family violence. They reported the breach to the Essential Services Commission and Office of the Victorian Information Commissioner and consequently entered an enforceable undertaking to review their billing and payments system to prevent further harm.¹⁰

⁹ Economic Regulation Authority (2021), [Water Compliance Reporting Manual \(Water Services Act 2012\)](#)

¹⁰ Greater Western Water, [Enforceable Undertaking](#).

Debt management

Recommendation: amend section 5(g) to remove debt management exemption from prohibition on water service provider to request written evidence of family violence

Family violence victim survivors who shared their experiences to inform the Design to Disrupt report spoke of the frustration of being asked to prove the abuse they are experiencing.¹¹ This is an unnecessary barrier imposed on victim-survivors trying to keep safe and rebuild their lives.

Neither the Telecommunications Code, nor the National Energy Retail Rules provide a debt management related exemption to the prohibition on requesting documentary evidence.¹²

As such, we recommend section 5(g) be amended to read as follows:

that the licensee must not request written evidence of family violence from a customer.

Recommendation: set minimum debt management standards for customers experiencing family violence

The way in which water service providers approach debt recovery for customers experiencing family violence is currently left to the discretion of water service providers. The Code only requires this to be disclosed their family violence policy. It is acknowledged that requirements should not be overly prescriptive to allow for a flexibility, however the lack of clear minimum debt recovery standards in the Code could lead to serious harm.

Inappropriate debt recovery methods can place victim-survivors in danger if a perpetrator is contacted or provided with sensitive information. Aggressive collection tactics risk re-traumatisation and place further strain on a victim-survivor's psychological and financial wellbeing.

In order to create greater consistency and appropriately manage risks, we recommend that the Code be amended to set minimum debt management standards that require a:

- prohibition on the use of third-party debt collectors in instances where the water service provider is aware the customer is affected by family violence;
- clear approach to considering debt or fee waiver in various scenarios, including for sole and joint accounts, and where occupancy is ongoing or has stopped.

Should the recommendation to prohibit the use of third-party debt collectors not be accepted, we recommend the Code require that:

- any third-party debt collectors engaged by water service providers must have a family violence policy with appropriate training and procedures that align with the intent of the Code

¹¹ Catherine Fitzpatrick (2025), *Designed to Disrupt – Safety by design for essential services*.

¹² [National Energy Retail Rules](#), s76l.

[Telecommunications \(Domestic, Family and Sexual Violence Consumer Protections\) Industry Standard 2025](#), s14

- Family violence is explicitly identified as a reason for a moratorium on debt collection, in addition to those factors prescribed in s33 of the Customer Service Code¹³

Administration

Recommendation: require water service providers to review family violence policies every two years

The Code currently requires water service providers to conduct five-yearly reviews of family violence policies. More frequent reviews would enable water service providers to keep policies up to date with developments in understanding family violence and best practice approaches for essential services.

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¹³ [Water Services Code of Conduct \(Customer Service Standards\) 2024](#)