



# Restoring Financial Safety: collaborating on responses to economic abuse

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Project report describing WEstjustice's work  
and reflections on economic abuse

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July 2018

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Funded by the Lord Mayor's Charitable Foundation



We acknowledge the time and support of the organisations listed in Appendix 1, and their staff, who made this project possible and contributed to its success.

Thank you to Denis Nelthorpe for guidance and support throughout the entire project and Carolyn Bond for editing support.

Thank you to McAuley Community Services for Women for being an incredible partner.

Thank you to King & Wood Melleons for generously printing copies of our report.

We especially thank the strong women who wanted to share their stories to raise awareness of economic abuse issues and help other victim/survivors of family violence.

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# Executive Summary

WEstjustice has developed a new model of assisting people experiencing economic abuse<sup>1</sup> that has improved the financial security and financial safety of family violence victim/survivors<sup>2</sup>. Our work culminated in a partnership with McAuley Community Services for Women (McAuley) – a provider of family violence crisis accommodation and support services in Melbourne’s west – to achieve extraordinary client outcomes. In just four months, we:

- prevented the escalation of legal and financial problems arising out of family violence through early intervention;
- provided holistic legal and financial counselling support to 24 victim/survivors through the complex processes and laws related to family violence; and
- to date, have saved our 24 clients over \$100,000.

We also used our economic abuse casework experience to change the way industry sees and responds to family violence.

Throughout this project WEstjustice developed and shared ideas that have led, or contributed, to:

- family violence protocols adopted by industry project champions;
- industry ‘single entry points’ for workers to reach family violence ‘experts’ within companies;
- family violence forums held with industry, government and the community sector;
- a cross-sector reference group to continue advocating for action to tackle economic abuse (the Economic Abuse Reference Group, EARG);
- a comprehensive checklist resource for economic abuse casework;
- a more equitable approach to joint debt in family violence circumstances;
- specific family violence reforms in the insurance sector; and
- a new and effective model of service delivery for economic abuse casework that leads to financial security for victim/survivors.

## Tamara’s story<sup>3</sup>

*Tamara and her husband were married for 10 years and had two children. Tamara’s husband was extremely violent, abusive and controlling over Tamara; she wasn’t allowed to have friends, a driver’s licence or buy clothing.*

*After the tragic loss of their daughter, Tamara’s husband refused to pay the funeral expenses and continued to use Tamara’s Centrelink benefits to fund his lifestyle. With the money she could access, Tamara paid for her daughter’s funeral and the family’s, rent, school fees and her husband’s fines. Tamara still had more than \$25,000 in debts for unpaid utility bills, credit cards, a Centrelink debt and a personal loan she used to pay for her daughter’s tombstone.*

*Tamara came to the McAuley program soon after she separated from her husband. She had to leave her son with a close friend so he could continue his studies. Tamara was skipping meals while living in a safe house to make ends meet. In just five hours, WEstjustice sought and obtained a full waiver of Tamara’s \$10,000 personal loan thanks to our contact at a bank. That loan was causing Tamara enormous stress and tipping her into destitution. In just one week we also obtained full debt waivers on Tamara’s telephone, utilities, other banking and debt collection debts.*

*By clearing Tamara’s debts, she could afford to return to a private rental and live with her son again.*

Our Restoring Financial Safety project addresses or goes some way to identify and address 26 of the recommendations in the Royal Commission into Family Violence Report. Our work specifically relates to recommendations concerning providing early intervention and holistic support to family violence victim/survivors to promote recovery (recommendations 11, 17, 21, 39, 187, 220, 224 and 225.) and financial security (Chapter 21).

<sup>1</sup> The term “economic abuse” is used throughout this report to include economic abuse and economic consequences of family violence.

<sup>2</sup> The term “financial security” is generally used throughout this report to include financial security and financial safety (e.g. ensuring additional security measures are in place on accounts to protect private addresses and other information).

<sup>3</sup> Throughout this report, all names and identifying information have been modified to protect our clients’ privacy.

## Why responding to economic abuse is so important

Researchers now have evidence that of the women who present to family violence, support services, up to 99% experienced economic abuse<sup>4</sup>. Economic abuse is also cited as the main reason a woman remains in, or returns to, a violent relationship<sup>5</sup>. Family violence is the major cause of homelessness among Victoria's growing population of homeless women<sup>6</sup>. Economic abuse, like physical forms of family violence is gendered; a recent study shows the prevalence of economic abuse across the Australian population to be 15.6% for women as compared with 7.1% for men.<sup>7</sup> Addressing economic abuse and supporting women to achieve financial security is the next step in advancing women's rights.

Almost all victim/survivors cannot fully recover from family violence without effective support to resolve related financial and legal issues. The majority of victim/survivors are forced to self-represent through the justice system and with creditors. Their legal and financial issues are intertwined, many of which have spiraled out of control, risking homelessness and poverty and further impeding emotional recovery.

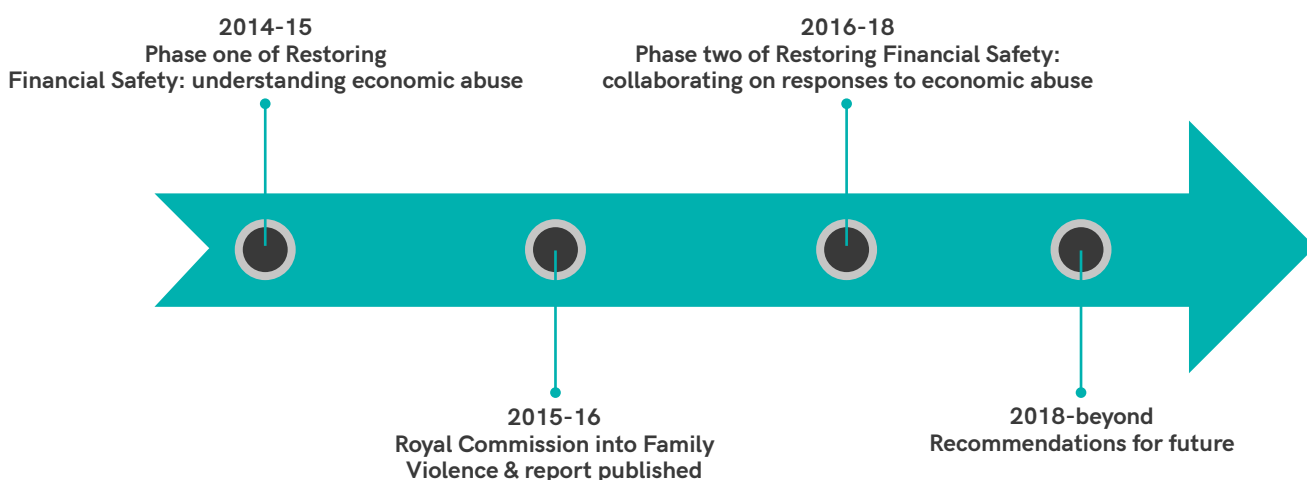
Some financial counsellors and lawyers provide economic abuse casework support, but we cannot keep up with demand. Most services are helping with economic abuse issues well after the client has separated (around 18 to 24 months) when the legal, financial and emotional issues have compounded (and are much harder or impossible to resolve). Clients tell us that they didn't know about the legal assistance or financial counselling sectors until long after separation.

In a report commissioned by the Victorian Government, KPMG estimates that in 2015-16, the total cost of family violence was \$5.3 billion; funding family violence support services cost the State \$1.8 billion, the cost to the economy and broader community was \$918 million and the cost to individuals and families was estimated at \$2.6 billion.<sup>8</sup> We estimate the full cost of an integrated and holistic economic abuse service, that has proven effective in resolving and preventing escalation of legal and financial problems related to family violence, to be \$300,000 per site, per annum (with some variance for economies of scale and distance).

## The Project Method

This report describes phase two of the Restoring Financial Safety project and specifically the programs and responses to economic abuse that WEstjustice, through cross-sector collaboration, has developed, piloted and refined (the Project). We also use our casework and policy experience to make nine recommendations for reform. Both phases of Restoring Financial Safety were generously funded by the Lord Mayor's Charitable Foundation and our organisations have contributed substantially to improving understanding and responses to economic abuse across Australia.

Figure 1: Restoring Financial Safety project timeline



<sup>4</sup> Jozica Kutin, Roslyn Russell, Mike Reid, 'Economic abuse between intimate partners in Australia: prevalence, health status, disability and financial stress' (2017) 41:3 Australian and New Zealand Journal of Public Health 269 at 269 <<https://onlinelibrary.wiley.com/doi/full/10.1111/1753-6405.12651>>.

<sup>5</sup> Australian Institute of Health and Welfare, Specialist Homeless Services Data Collection 2011-12 (2012) Cat. No. HOU 267 <<https://www.aihw.gov.au/reports/housing-assistance/specialist-homelessness-services-2011-12/contents/table-of-contents>>.

<sup>6</sup> Ibid.

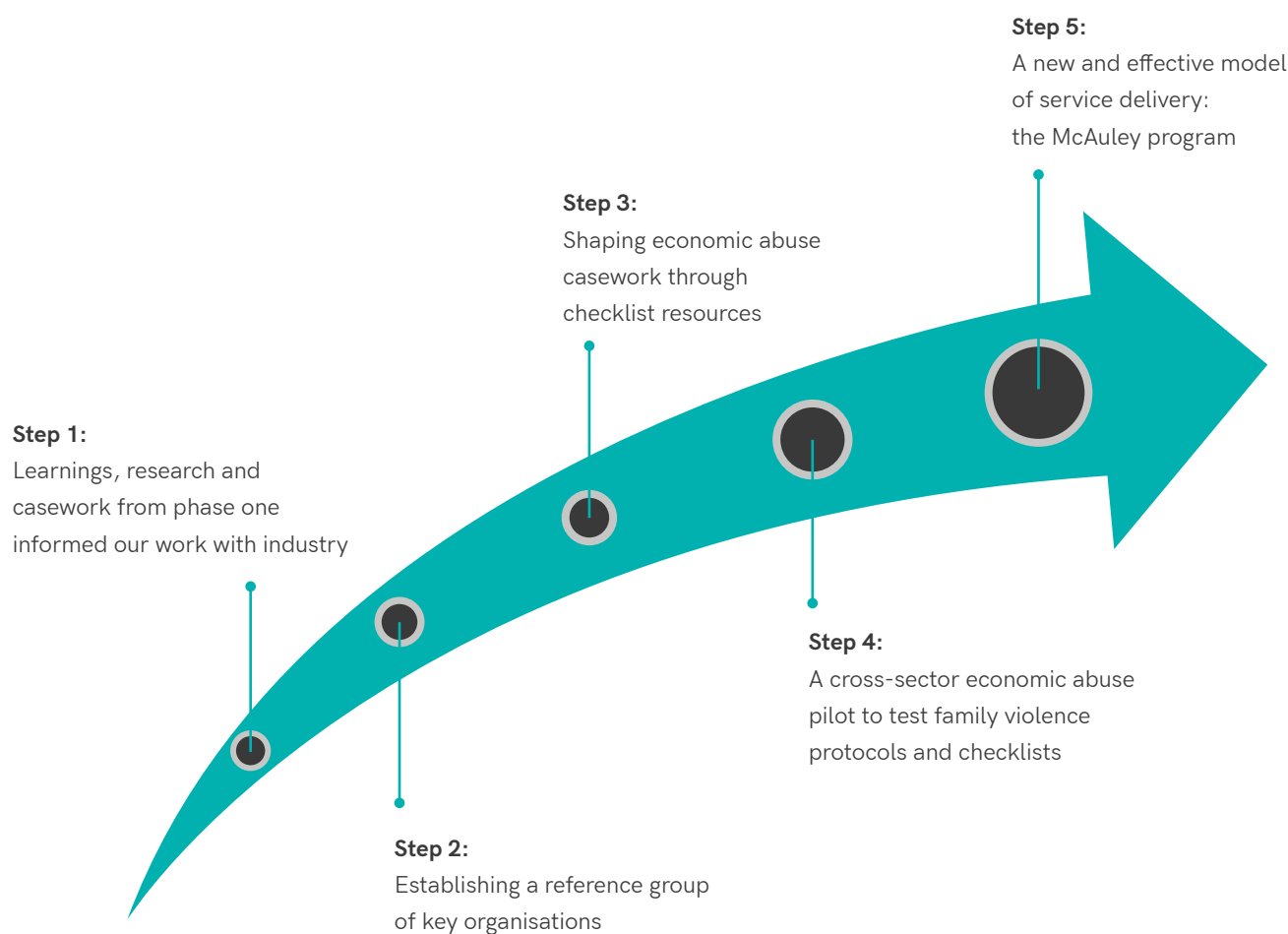
<sup>7</sup> Kutin, Russell, Reid, above n4, 270.

<sup>8</sup> KPMG, The cost of family violence in Victoria (2017), 2 <<https://www.vic.gov.au/familyviolence/cost-of-family-violence.html>>.

We executed the Project through the following five steps. We began working with industry (we use this term to include regulators, peak associations, ombudsman schemes and many large/top-tier companies) on improving the understanding and responses to family violence. In the Project's first year, industry was making real progress in introducing family violence reforms, yet our casework revealed that the reforms did not always translate into financial security for victim/survivors given the complexity and multiple barriers to recovery from family violence. We weren't reaching clients when they needed our help the most. By the time we did help clients with economic abuse issues, most of their legal and financial issues had intensified.

We shifted focus to develop a new model of delivering economic abuse casework to victim/survivors. Our own sector was working in silos, as noted by the Victorian Royal Commission into Family Violence's (RCFV) report, and our new model partnered the legal, financial counselling and family violence sectors to better support victim/survivors navigate the path to financial security.

Figure 2: The Project's five steps toward financial security



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# Recommendations

Our work is detailed throughout this report and makes the case for the following recommendations to continue the progress in responding to economic abuse.

## Recommendations relating to the model of economic abuse casework

**Recommendation 1:** Government to increase investment in specialist family violence lawyers and financial counsellors to deliver frontline economic abuse services.

**Recommendation 2:** Government to adopt the partnership model of economic abuse service delivery as best practice by requiring economic abuse casework to be delivered in partnership with family violence support services.

## Recommendations relating to reform of Government agencies

**Recommendation 3:** Government to establish and regularly consult with a cross-sector economic abuse advisory committee about the role Government agencies play in limiting the financial security of family violence victim/survivors.

**Recommendation 4:** Government to amend the *Family Violence Protection Act 2008* (Vic) to confer on Magistrates the power to direct VicRoads to transfer registration of a vehicle to either party to an intervention order, without the parties' signatures and without the need for plates to be returned.

**Recommendation 5:** Federal Government to establish a streamlined, fairer and more flexible process within Centrelink for victim/survivors of family violence and their workers to seek hardship arrangements and waiver of Centrelink debt incurred in family violence circumstances.

**Recommendation 6:** Courts and police to better enforce the laws that prohibit economic abuse including the intervention order laws and processes.

## Recommendations relating to the need for further industry reforms

**Recommendation 7:** Industry to continue its training, cross-sector consultation and review of processes to embed a culture of identifying and responding to economic abuse.

**Recommendation 8:** Government and industry to support a National Body to share industry good practice regarding family violence/economic abuse, and ensure input from organisations working with victims/survivors.

**Recommendation 9:** The National Body to work with key regulators, ombudsman services and industry associations to host economic abuse forums targeting smaller companies across the financial, debt collection, energy, water, telecommunications and insurance sectors.



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# Background

## Early work – ‘sexually transmitted debt’

Before the RCFV, the work to promote awareness of economic abuse was driven almost exclusively by the community sector. In 1990, the Consumer Credit Legal Service began using the term “*sexually transmitted debt*” in its advocacy<sup>9</sup>. At the time, this term was used to describe debt that was left with one partner, usually women, when a relationship came to an end. However, the term was later adopted internationally and throughout the Australian Law Reform Commission’s 1994 enquiry ‘*Equality before the law: women’s equality*’. In 2008, economic abuse was first included in the definition of ‘family violence’ in Victoria’s *Family Violence Protection Act 2008* (FVPA).<sup>10</sup>

## Phase one of Restoring Financial Safety

Despite the early work undertaken in the 1990s and the inclusion of economic abuse in family violence legislation, there was limited discussion and identification of economic abuse as we now define it<sup>11</sup> by workers or the companies or agencies they were dealing with. Few services were available to victims of economic abuse and industry misunderstood this issue and how it affected safety of women. To tackle this dearth of knowledge, in 2014, WEstjustice, together with Good Shepherd Australia and New Zealand, began phase one of Restoring Financial Safety.

Phase one explored the challenges to restoring survivors’ financial safety and wellbeing after experiencing economic abuse. Lawyers and financial counsellors began working with 25 victim/survivors. This casework, and roundtable discussions held with key organisations working in this area, led to the publication of a report. It had seven key findings and 23 recommendations, many of which focused on the role industry must play in improving the safety and the financial security of victims of family violence. The report and recommendations were cited heavily by the RCFV’s report and industry has implemented a number of the recommendations.

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<sup>9</sup> Anna Taylor and Women and Credit Task Group, Consumer Credit Legal Service, How to get out of sexually transmitted debt (1990).

<sup>10</sup> Tasmania was the first Australian State to introduce economic abuse into the definition of family violence in 2004.

<sup>11</sup> We define economic abuse as “a form of family violence that negatively impacts a person financially and undermines their efforts to become economically independent. It is not just about specific behaviours, but also the intent behind these behaviours”, in the phase one report: Owen Camilleri, Tanya Corrie and Shorna Moore, Good Shepherd Australia and New Zealand and Wyndham Community legal Centre, Restoring Financial Safety – Legal responses to economic abuse (2015) 7.



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## Context of the Project: Royal Commission into Family Violence and industry's commitment to reform

In 2015, organisations with expertise around economic abuse put forward submissions and provided evidence to the RCFV (including WEstjustice). The RCFV report, dated March 2016, dedicated a chapter to financial security (chapter 21) with 15 recommendations directed at industry, regulators, peak associations, ombudsman services and government agencies.

While lawmakers, government and funding bodies had always focused on the traditional family law aspects of family violence, the RCFV report mandated action by industry on the issue of economic abuse. Our sector's work and experience also showed the need for a targeted response to economic abuse. At the time of developing the Project, economic abuse caseworkers (lawyers and financial counsellors) frequently encountered the following problems when working with government agencies and industry. Many companies and government agencies:

- didn't see family violence as 'hardship', limiting victim/survivors' options for assistance;
- requested proof of the family violence (e.g. an intervention order). This was problematic for victim/survivors who:
  - were trying to leave a violent relationship;
  - had left some time earlier;
  - knew that obtaining an intervention order would put themselves and their children at even more risk; or
  - were in circumstances where the perpetrator had been imprisoned and therefore the victim/survivor couldn't obtain an intervention order;
- requested proof of a victim/survivor being forced to take out a loan or credit card. This was problematic for victim/survivors who:
  - feared the consequences of alerting or implicating the perpetrator by challenging a debt or loan; or
  - had no proof;
- didn't know what to do when family violence was disclosed or 'warning signs' were present;
- didn't appreciate the safety risks in family violence circumstances and regularly:
  - disclosed the confidential address or contact details of victims of family violence after a separation; and
  - required victim/survivors to obtain consent and a signature from their perpetrator partner (also a joint account-holder) to arrange a hardship variation even when the arrangement was sought because of the family violence;
- failed to appreciate the ongoing trauma and abuse experienced by victim/survivors; and
- misinterpreted common indicators of abuse and trauma as fraudulent behaviour by the victim/survivor such as inconsistent or unexplained stories, failure to answer phone calls and lack of evidence.

Because we were working on the Project at the time of the RCFV, we had the unique opportunity to collaborate with industry to develop practical and systemic responses to economic abuse issues that would have long-term, positive impacts on individual victim/survivors, and the broader community.

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# The Project - Five steps toward restoring financial safety

## Step 1 - Learnings, research and casework inform our work with industry

At the beginning of the Project we aimed to become a resource for industry on family violence, using:

- the learnings and outcomes from phase one of Restoring Financial Safety;
- our ongoing economic abuse casework experience; and
- our existing industry contacts.

Throughout the Project, we attended more than 100 meetings with industry and government, including industry associations, ombudsman services, individual banks and telecommunications, energy, water, debt collection and insurance companies, see Appendix 1. We continue to provide feedback on the family violence policies of companies and peak bodies and are regularly asked by industry for training and support when they have difficult or high-risk scenarios.

### What did we advocate for?

Economic abuse brings about unprecedented challenges because often the strict legal answer to a situation can lead to grossly unfair or inappropriate outcomes. Ingrid's case below had an exceptional outcome because of our relationship and work with industry, but had we not intervened, this case could have ended with the opposite result. We urged companies to be flexible and empathetic in their dealings with victim/survivors and when considering requests for hardship assistance.

#### Ingrid's case

*Ingrid and her husband were joint-owners and joint-mortgagors of their home, yet Ingrid's husband held all the details of their bank accounts and insurance policies, and only provided Ingrid with a very limited allowance to live on.*

*Ingrid came to WEstjustice soon after her husband burned down the family home. She and her young daughters had no money, were homeless, and were completely unaware of their options. Insurance assessors, who were conducting an investigation into the fire, had contacted Ingrid. She had not made a claim - she didn't even know who her Insurer was.*

*The assessors informed Ingrid that there was an insurance policy and claim on foot but in her husband's name alone. The assessors and the insurer denied Ingrid any information about the policy or the claim based on privacy concerns.*

*We alerted our contacts in senior management at the insurance company of Ingrid's case. We explained the family violence and privacy complications and were provided information about the claim. After months of negotiation Ingrid received a pay out despite being "uninsured". This outcome was unprecedented and was greatly helped by the relationship we had built with contacts at the insurance company. Ingrid has since purchased a house which she never imagined could have happened. We have also used Ingrid's case to seek systemic reform of insurance laws and regulation.*

**Family violence protocols:** Family violence protocols are the minimum agreed standards that industry must observe to ensure the financial safety of victim/survivors, and to help them establish financial security. In most cases, protocols with industry would remove the need for dispute resolution and litigation, increase efficiency and resolve the problems outlined above that existed at the beginning of the Project. Each of our project champions (see Annexure 1) agreed to follow certain protocols when dealing with a customer experiencing or who experienced family violence, and we drew the protocols together into checklist resources for community workers (see Step 3 below and Annexure 2). The protocols largely complemented the hardship options that companies already have in place. In some cases we sought greater commitment than the protocols, especially in relation to joint debts.

**Industry single entry points:** In WEstjustice's years of experience working on debt-related matters, we have found that reaching the right person in an organisation (generally within the hardship team) always leads to the best result for the client. Ingrid's case shows why it is so important that a company has a contact or single entry point. This can include, but is not limited to, a direct telephone number and/or email address. It ensures victim/survivors or their support workers can reach an industry contact who has the authority and training to resolve complex scenarios safely and appropriately.

We urged industry to make single entry points a standard protocol and this was adopted by our project champions and also the Essential Services Commission in its work with Victorian water businesses, the Australian Banker's Association in its Family Violence Guideline and recommended by the Energy and Water Ombudsman at its family violence forum. Companies such as Telstra have since adopted the idea.

**Staff training:** Ongoing training is critical to maintaining a responsive staff culture and an awareness of the safety risks when working with a customer experiencing family violence. Many of the barriers outlined in the Background above stemmed from a lack of staff training. We recommended that organisations invest in high-quality training across every level, including on how to:

- identify warning signs of family violence;
- ensure customer safety and confidentiality;
- make a flexible and appropriate decision;
- make effective referrals to support services; and
- deal with vicarious trauma.

The need for training has almost universally been accepted and in some cases included in industry guidelines and codes of practice by peak bodies, regulators and ombudsman services such as the Energy and Water Ombudsman of Victoria, Consumer Affairs Victoria, the Australian Bankers Association and the Insurance Council of Australia.

## Collaboration and Partnership

### Cross-sector partnership – family violence forum with Energy and Water Ombudsman of Victoria

*"Hosting a forum with WEstjustice was the impetus for the conversation that we needed to have with the energy and water industries. It helped EWOV and industry to focus on the important roles we have in working together to produce fair and reasonable outcomes for customers experiencing family violence."*

*- Cynthia Gebert, Victoria's Energy and Water Ombudsman*

In August 2016, we jointly hosted a family violence forum with the Energy and Water Ombudsman of Victoria (EWOV). The forum brought together more than 50 representatives from water and energy companies across Victoria to discuss how the companies can improve their responses to family violence.

As we didn't have the capacity to engage with every water business or energy company individually, working with EWOV added substantial weight to our influence regarding changing the practices of how industry should respond to family violence. The forum enabled us to communicate our clients' experiences of economic abuse and how industry's actions can put a victim/survivor at risk or prolong their financial disadvantage.

Together with the Ombudsman, we urged energy and water representatives to implement training programs and IT security measures and reconsider their approaches to hardship in family violence situations.

In just a few years, industry has moved from inconsistently acknowledging or identifying family violence as an issue for customers to becoming a leader in implementing reforms. This was in part due to the RCFV report and its binding recommendations but also showed a growing acceptance by industry that a response was needed.

### Focus on the insurance industry

The RCFV report did not tackle insurance issues and given WEstjustice's broad experience in this field, as with our client Ingrid, we decided to pursue reform in the insurance sector as part of the Project.

We presented Ingrid's case to the Insurance Council of Australia (ICA) early in 2016 and throughout the Project we continued the push for best practice with individual companies and the ICA e.g. for family violence to be a focus for training, improved security and flexible decision-making. We prepared an extensive submission that focused on family violence for the General Insurance Code of Practice 2014 Review<sup>12</sup> and many of our suggestions, including the need for extensive training and flexible decision making, appear in the ICA's draft family violence guideline.<sup>13</sup> We also contributed to a paper on Insurance and Family Violence by members of the EARG<sup>14</sup> and together our work has led to the ICA engaging an insurance law expert to consider the industry's approach to joint insurance underwriting in particular following the precedent set by the High Court in *Advance (N.S.W.) Insurance Agencies Pty. Limited v Matthews*.<sup>15</sup>

More work is now needed to embed the flexible and responsible culture across all staff within companies and bring along the smaller companies (see Recommendations below).

## Step 2 – Establishing a reference group of key organisations

The Economic Abuse Reference Group (EARG) is a significant legacy of the Project.

When the Project began in early 2016 and high-level negotiation with industry was concerned, organisations (including ourselves) were acting in silos with sometimes limited knowledge of each other's work. Those of us who could, met with companies, regulators and peak associations on an ad hoc basis, and at times duplicated work or conveyed inconsistent messages. Given the surge in interest by industry to respond to family violence, we and other organisations struggled to manage the workload involved in reviewing individual policies and negotiating company by company on such issues as dealing with joint debt and credit reporting.

WEstjustice brought together key community organisations working on economic abuse, initially to share information and take a joint approach to pursuing economic abuse reform with industry and government. After much discussion and planning, the group evolved into the EARG, an "informal group of community organisations which influences government and industry responses to the financial impact of family violence". Soon after EARG's establishment, Consumer Affairs Victoria funded it for 12 months (recently renewed for a further two years), enabling an industry expert to be employed as the reference group project manager.

The EARG's membership has expanded and organisations from outside Victoria contribute to submissions on national issues. The group meets every two months and continues to contribute to industry and government practice on economic abuse because it draws together the key agencies working in this area. EARG's work is dependent on the drive and capacity of member organisations that bring the voices of their clients and experiences of their workers to EARG's activities. This is complicated when organisations that drive the EARG's work, such as WEstjustice, are funded for their economic abuse casework by philanthropic organisations on time-limited contracts.

<sup>12</sup> WEstjustice, Submission No 2 to Insurance Council of Australia, Review of the General Insurance Code of Practice, 28 April 2017.

<sup>13</sup> We also contributed to a joint consumer sector submission in response to the ICA's interim report.

<sup>14</sup> Economic Abuse Reference Group, Insurance and Family Violence (2017)

<sup>15</sup> <<https://eargorgau.files.wordpress.com/2017/04/insurance-and-family-violence.pdf>>.

<sup>15</sup> (1989) 166 CLR 606.

Published work to which EARG members contributed includes:

- A good practice guideline on economic abuse;
- Submission to the General Insurance Code of Practice 2014 Review;
- Submission to the Financial Ombudsman Service to its policy on joint facilities and family violence;
- Submission to a government consultation paper regarding early release of superannuation (including for family violence); and
- Submission to Communications Alliance (industry peak body for telecommunications) on a proposed family violence guideline for the industry.

### Step 3 - Shaping economic abuse casework through checklist resources

We developed two financial safety checklist resources that are now used nationally by caseworkers with their clients.<sup>16</sup>

One checklist is used by [financial counsellors and community lawyers](#) (see Appendix 2), and the other by [social and family violence support workers](#).<sup>17</sup> The financial counselling checklist – which had a Victorian focus – has been updated and expanded by Financial Counselling Australia (FCA) into a national resource, and is available to financial counsellors as part of the FCA toolkit on the FCA website.<sup>18</sup> The checklists cover a range of issues that family violence victim/survivors need to consider to ensure financial security and financial safety, and an excerpt appears at Figure 3 below. As outlined at Step 1, after much negotiation and refinement, our industry champions agreed to implement and follow the protocols contained in the checklists.

The checklists also outline how to approach industry, what to ask for and contain industry single entry points for 11 major companies. They contain prompts for workers to enquire about safety and other issues, and also contain links to referral pathways, ASIC Money Smart factsheets, Centrelink forms, and so on. The checklists are relevant for a person considering leaving, in the midst of leaving or who some time ago left an abusive relationship.

Figure 3: Checklist excerpt

**6. Energy - gas and electricity**

**Client questions**

6.1 Do you need to **connect energy** at your property (new or old)? ☐ Yes ☐ No ☐ Unsure ☐ N/A

If YES or Unsure: ask energy company to:

- ☐ Immediately connect energy supply
- ☐ Supply and connection be considered separate to any debt

\* Contact the [Energy & Water Ombudsman of Victoria \(EWOV\)](#) if you have difficulty with energy companies 1800 500 509

Comments:

6.2 Do you need to **disconnect energy** at your **old property**? ☐ Yes ☐ No ☐ Unsure ☐ N/A

If YES: ask energy company to:

- ☐ Remove client's name from previous energy account if it was in joint names
- ☐ Disconnect previous energy if it remains in client's name (or in joint names with the perpetrator)

NB: consider if safe to do so as disconnection may impact perpetrator

Comments:

6.3 Have you **notified** your energy company of the **family violence**? ☐ Yes ☐ No ☐ Unsure ☐ N/A

If NO or Unsure:

- ☐ Put company on notice about privacy and safety issues
- ☐ Ask energy company to update customer profile security
- ☐ Specify that energy company must not disclose new address or information to perpetrator over phone, email etc.

Comments:

6.4 Are you **struggling** to pay your energy bills? ☐ Yes ☐ No ☐ Unsure ☐ N/A

If YES or unsure: Contact client's energy company to discuss:

- ☐ Hardship arrangements and programs available
- ☐ Client's eligibility for [Utilities Relief Grant](#)

Comments:

6.5 Is there an energy **debt outstanding** in your name or jointly with the perpetrator? ☐ Yes ☐ No ☐ Unsure ☐ N/A

If YES or Unsure: contact client's energy company to request:

- ☐ If there was NO family violence involved in debt:
  - ☐ Payment arrangement (if client can pay)
  - ☐ [Utilities Relief Grant](#) paperwork (if client is eligible)
  - ☐ Hardship arrangement (if client has some capacity to pay)
  - ☐ discount
  - ☐ payment plan
  - ☐ more time to pay
- ☐ Waiver of debt (if client has no capacity to pay)

If there WAS family violence involved in the debt: eg perpetrator intentionally refusing to pay bill or deceiving client

- ☐ Waiver of debt

NB: if there is a debt in the perpetrator's name alone - your client's not liable and does not need to take any action

\* Client may have received a letter or call from the energy company or a debt collection company seeking payment

Comments:

<sup>16</sup> Economic Abuse Reference Group, Economic Abuse Reference Group <[www.earg.org.au](http://www.earg.org.au)>.

<sup>17</sup> Consumer Affairs Victoria and Financial Counselling Australia provided a great deal of guidance and editing support.

<sup>18</sup> Both checklists are available at <http://www.westjustice.org.au/community-development-and-law-reform>.  
[www.financialcounsellingaustralia.org.au](http://www.financialcounsellingaustralia.org.au).

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We presented the checklists to more than 200 financial counsellors at the FCA National Conference in May 2016 and at the Financial and Consumer Rights Council conference in October 2016. We continue to receive positive feedback on the checklists, particularly for workers new to practicing in the family violence space. Workers who use the checklists say they would not have identified all the issues around safety, irresponsible lending and insurance. Feedback from industry was equally positive – one bank representative commented that the bank used the protocols to build the 'back end' of their systems, including bolstering security and hardship options.

In addition to being a useful casework resource, the checklists have the potential to be used by other workers or agencies who may encounter victim/survivors. For example, police or workers at the new Support and Safety Hubs could use the checklists to help identify economic abuse and take some immediate steps to secure victim/survivors' financial safety.

#### Step 4 – A cross-sector pilot to test family violence protocols and checklists

The next step was conducting a cross-sector pilot to test whether the checklist resources and our work with industry to implement the family violence protocols and single entry points led to improved financial security for victim/survivors. The pilot (Step 4 of the Project) can be broken down into the following five stages.

Over eight months, we partnered with industry and the community sector (family violence workers, financial counsellors and community lawyers) on the pilot. We:

- delivered training to more than 100 participants;
- provided secondary consultations to workers and industry; and
- evaluated the pilot processes and outcomes.

Figure 4: Companies and organisations that took part in the cross-sector pilot



Working closely with experienced community workers and industry gave us an insight into the views and practices of front-line workers and hardship teams before, during and after the pilot.

**Family violence worker perspective:** Family violence workers overwhelmingly reported improved understanding of the division of financial counselling and family violence sectors. Each agency told us they had established relationships with their local financial counsellors and made countless referrals following the training and pilot.

At the beginning of the training sessions, some of the participating family violence workers were unaware of the financial counselling sector and most didn't know their local agencies or contacts. One worker had negotiated a \$50 per month payment plan with a car finance company for a victim/survivor, yet the perpetrator remained in possession of the car. A financial counsellor or community lawyer would likely have sought a debt waiver or argued for the contract to be void on irresponsible lending grounds.

**Financial counsellor perspective:** A large part of economic abuse casework is typical financial counselling work and many financial counsellors are leading advocates in this space. Still, feedback from most financial counsellors was that there was considerable uncertainty over how their casework intersected with family law. Some financial counsellors were reluctant to disclose family violence to creditors, believing this information was too personal (and yet creditors were telling us that without knowing about the family violence, a hardship application may be rejected or the assistance offered less generous than it could be otherwise). While the checklists were good reminders and valuable to those new to this area of practice, some experienced financial counsellors said they didn't have time or that they were already running through a similar mental list and using their own contacts.

**Industry perspective:** By the end of the training, staff saw the relevance of, and need for, family violence awareness, flexibility in decision-making and an understanding of the impacts and ongoing complications of family violence. When delivering training to companies, many initially said they believed family violence would rarely arise in their work and expressed a need to see medical evidence or an intervention order to "prove" the family violence.



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## Reflecting on the pilot's challenges

This model of service delivery had great potential as it encouraged established services working in family violence and/or financial counselling to extend their help to existing clients experiencing economic abuse. Just one project manager oversaw the pilot that engaged more than 100 frontline workers delivering economic abuse casework by using the protocols, checklist resources and entry points.

Positive outcomes of the pilot included:

- increased awareness, collaboration and referrals between family violence caseworkers and financial counsellors;
- widespread uptake of the checklist resources; and
- improved confidence in the processes and laws surrounding family violence, credit, debt and hardship.

Despite great enthusiasm shown throughout the training sessions and early weeks of the pilot, caseworkers generally returned to business as usual. An evaluation of the pilot found that the protocols, industry single entry points, training and checklist resources proved very effective. Yet three fundamental issues with the cross-sector pilot – that related to the model of service delivery rather than the protocols and checklist we were testing – led to minimal or inconsistent outcomes from creditors. We used these learnings to develop the McAuley program detailed in Step 5 below.

**Capacity:** our model simply added to the high workloads of front line workers.

While workers noted an improvement in their knowledge of processes and external referrals, aside from the specialist family violence financial counsellors, few had the capacity to focus on or extend their casework to incorporate an economic abuse practice. Specialist family violence financial counsellors also reported being overwhelmed with client numbers and the complex nature of each case. These financial counsellors didn't have the capacity or desire to overhaul their way of working by testing the entry points or protocols – they were trying to keep up with their workload.

**Lack of early intervention:** there may be a better window in which to assist clients and prevent problems from escalating.

By the time clients approached financial counsellors and lawyers for help with their economic abuse issues, they were well down the path of separating from partners and trying to move on. Some debts had been repaid, new ones incurred, credit reports damaged, money borrowed from friends, family and payday lenders, cars repossessed and fines paid or put on a payment plan. All of this added to the strain on clients and their support workers.

Current demand for family violence financial counselling shows a clear need for services to continue supporting victim/survivors at the 'usual' stage – operating from the 'usual' locations (financial counselling or legal centre offices). Yet we began to consider whether we could reach clients at an earlier stage in their path toward financial security before the issues had unraveled. We anticipated that reaching clients sooner would lead to greater impact on the overwhelming demand on casework services and improve victim/survivors' outcomes by preventing escalation of the legal and financial issues.

### Need for legal triage and holistic service delivery

We underestimated the chaos and complexity of issues that prevent victim/survivors from moving on from a violent relationship. A client does not present with discrete issues. After just a few probing questions from a caseworker, clients reveal multiple, and related, legal and financial issues. Resolving just one or two of the issues rarely leads to financial security or safety because the next issue holds victim/survivors back from recovery.

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## Step 5 – A new and effective model of economic abuse service delivery

With the learnings from our cross-sector pilot, we developed and trialed a new economic abuse casework model in partnership with McAuley (the McAuley program). In just four months, we helped 24 clients and their 42 children navigate the path toward financial security and prevented the escalation of our clients' legal and financial problems (including saving 24 clients over \$100,000 to date). Early indications show that improving financial security also means victim/survivors and their children can be housed sooner relieving pressure from the refuge/homelessness system.

*McAuley's partnership with WEstjustice has built capacity across our organisations through information sharing and support. This leads to effective service delivery and improved confidence and support for our shared clients. We must keep the legal expertise available when and where it is needed. McAuley cannot do without this service anymore.*  
-- Jocelyn Bignold, Chief Executive Officer, McAuley Community Services for Women

The McAuley program breaks down the 'silos' referred to in the RCFV's report by partnering the legal, financial counselling and family violence sectors. Integrating our services allows us to:

- reach clients earlier in the cycle of their legal and financial issues to prevent escalation;
- provide holistic legal and financial counselling support to complement the family violence, emotional, employment and housing support services provided by McAuley – meaning we can resolve more issues to help clients regain financial security; and
- provide space, time and emotional support for clients to work through complex and multiple issues.

### Grace, McAuley Program Client

*As soon as I spoke with WEstjustice I was treated as an equal. I felt such relief that you could help with everything. My debts/economic abuse issues have certainly been the biggest issue for me (and a close second is the systematic abuse through the court system). My bank debt had caused me years of sweat, tears and stress and it was taken off my hands and then solved straight away.*

*The help WEstjustice provided was something I tried but couldn't do myself. It may have been a tiny amount to some but it wasn't just the \$20 I had to pay per month. It was the phone calls and letters after I would miss a payment. It was having to provide an explanation.*

*I now feel dignity coming back to who I am. I feel freedom and so much at ease and without the burden of my debts. This service is exactly what people need. There is no blame, just getting on with helping people.*

## The McAuley program

WEstjustice conducted a weekly holistic economic abuse casework service from McAuley's refuge. McAuley workers referred and continued to support our shared clients throughout our casework. We used the checklists, protocols and relationships with industry formed through the early steps in the Project to assist the McAuley program clients. Tamara's story in the Executive Summary above, the number of clients assisted and outcomes achieved highlight the effectiveness of our early work in practice.

Figure 5: list of family violence issues and outcomes for McAuley program clients

	Debts	Other issues we assisted with	Signs of early intervention	Outcomes
<b>Client 1</b>	<ul style="list-style-type: none"> <li>Electricity</li> <li>Gas</li> <li>Telephone</li> <li>Personal loan</li> <li>Debt collector</li> <li>Credit card</li> <li>Centrelink</li> </ul>	<ul style="list-style-type: none"> <li>Family law property advice</li> <li>Victims of Crime compensation advice</li> <li>Family violence and intervention order advice</li> <li>Centrelink debt advice</li> <li>Credit and debt advice and representation</li> </ul>	Bank retrieved debt from debt collector	Debts waived <b>total \$25,750</b>
<b>Client 2</b>	<ul style="list-style-type: none"> <li>Insurance</li> <li>Car finance</li> </ul>	<ul style="list-style-type: none"> <li>Discrimination advice</li> <li>Intervention order advice</li> <li>Family law custody, property and child support advice</li> <li>Police complaint advice</li> <li>Advice and support re unauthorised withdrawals from bank account</li> </ul>	IVO proceedings on foot  Recent car accident	<ul style="list-style-type: none"> <li><b>\$200</b> refunded by bank</li> <li>Car repairs paid by insurer</li> <li>Secured representation and made warm referrals for three IVO hearings</li> <li>Made complaint to insurer re discrimination on family violence/homelessness grounds</li> </ul>
<b>Client 3</b>	<ul style="list-style-type: none"> <li>Water</li> <li>Gas</li> <li>Electricity</li> <li>Council Rates</li> <li>Centrelink</li> <li>Mortgage</li> </ul>	<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Mortgage hardship advice and ongoing representation</li> <li>Fines advice and applied for enforcement review</li> <li>Centrelink debt advice and referral</li> <li>Credit and debt advice and representation</li> </ul>	Debts and fines in early stages of enforcement	<ul style="list-style-type: none"> <li>Debts waived</li> <li>Council rates hardship arrangement negotiated</li> <li>Mortgage moratorium and negotiated with bank for client to sell property</li> </ul>

	Debts	Other issues we assisted with	Signs of early intervention	Outcomes
<b>Client 4</b>	<ul style="list-style-type: none"> <li>Phone</li> <li>Centrelink</li> <li>Office of Housing</li> </ul>	<ul style="list-style-type: none"> <li>Office of Housing debt and eligibility advice and representation</li> <li>Centrelink advice and re-engaged client's Centrelink lawyer</li> <li>Credit and debt advice and representation</li> </ul>	Debts with original creditors	<ul style="list-style-type: none"> <li>Phone debt waived</li> <li>Office of Housing debt waived</li> <li>Managed Victims of Crime compensation award to pay telecommunications company</li> </ul> <b>Total: \$6,700</b> <ul style="list-style-type: none"> <li>Managed warm referral to Centrelink expert</li> </ul>
<b>Client 5</b>	<ul style="list-style-type: none"> <li>Credit card</li> <li>Energy</li> <li>Sporting club</li> <li>Dentist</li> </ul>	<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Credit and debt advice and representation</li> <li>Fines advice</li> </ul>	Debts and fines at early stages	<ul style="list-style-type: none"> <li>Debts waived <b>total: \$5,650</b></li> <li>Dentist payment plan arranged</li> </ul>
<b>Client 6</b>	<ul style="list-style-type: none"> <li>Insurance</li> </ul>	<ul style="list-style-type: none"> <li>Negotiations with insurer</li> <li>Family Law advice</li> <li>Family violence and intervention order process advice</li> <li>Victims of Crime compensation advice and referral</li> </ul>	<ul style="list-style-type: none"> <li>Insurance claim still on foot</li> </ul>	<ul style="list-style-type: none"> <li>Negotiated <b>\$4,500</b> settlement pay-out</li> </ul>
<b>Client 7</b>		<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Fines advice</li> <li>Power of attorney and administration advice</li> </ul>		
<b>Client 8</b>	<ul style="list-style-type: none"> <li>Mortgage</li> <li>Phone, computer debts</li> </ul>	<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Drafted support letter for public housing application</li> <li>Advice and warm referral regarding Centrelink debt</li> <li>Mortgage hardship advice and ongoing representation</li> <li>Credit and debt advice and representation</li> </ul>	Mortgage not in arrears Intervention order proceedings still on foot	<ul style="list-style-type: none"> <li>Debts and future fees <b>waived \$2,300</b></li> </ul>

	Debts	Other issues we assisted with	Signs of early intervention	Outcomes
<b>Client 9</b>	<ul style="list-style-type: none"> <li>Office of Housing</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing advice and casework re Office of Housing debt and eligibility</li> </ul>		Office of Housing debt <b>waived \$2,300</b>
<b>Client 10</b>		<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Return of property and vehicle registration advice</li> <li>Property Settlement - advice &amp; referral</li> </ul>	Intervention order proceedings on foot	Referral to family lawyers
<b>Client 11</b>	<ul style="list-style-type: none"> <li>Education</li> </ul>	<ul style="list-style-type: none"> <li>Superannuation issues - advice and referral</li> <li>Family law property advice and referral</li> <li>Advice and representation re criminal charges against client for property damage</li> </ul>	Recently separated Criminal charges laid after initial client meeting	<ul style="list-style-type: none"> <li>Payment plan negotiated</li> <li>Defended client in criminal proceedings and negotiated withdrawal of all charges</li> </ul>
<b>Client 12</b>	<ul style="list-style-type: none"> <li>Centrelink</li> </ul>	<ul style="list-style-type: none"> <li>Centrelink advice and representation</li> <li>Migration issues referral</li> <li>Discrimination law advice</li> <li>Family law property advice</li> <li>Family violence and intervention order advice</li> </ul>	Recent Centrelink debt	<ul style="list-style-type: none"> <li>Centrelink debt <b>waived \$6,000</b></li> <li>Referral to community engagement groups</li> </ul>
<b>Client 13</b>	<ul style="list-style-type: none"> <li>Credit card</li> </ul>	<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Family Law, child protection, property advice</li> <li>Credit and debt advice and representation</li> </ul>	Credit card still active	<b>Debt waived \$3,000</b>
<b>Client 14</b>		<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Family law advice and made warm referral</li> <li>Child Support and child protection advice</li> <li>Car registration advice</li> <li>Fines advice</li> </ul>	IVO proceedings on foot	Referral for family law representation

	Debts	Other issues we assisted with	Signs of early intervention	Outcomes
<b>Client 15</b>	<ul style="list-style-type: none"> <li>Council rates</li> <li>Mortgage</li> </ul>	<ul style="list-style-type: none"> <li>Advice and representation re rates debt</li> <li>Family violence and intervention order process advice</li> <li>Mortgage hardship and home repossession advice and referral</li> <li>Family law property advice</li> <li>Tenancy advice re property damage</li> <li>Victims of crime compensation advice</li> </ul>	<p>Judgment not yet entered on court proceedings for rates debt</p> <p>Assault incident soon after client appointment</p>	<ul style="list-style-type: none"> <li>Negotiated withdrawal of proceedings and rates moratorium</li> <li>Warm referral for Victims of Crime compensation</li> <li>Warm referral for family law property representation</li> </ul>
<b>Client 16</b>	<ul style="list-style-type: none"> <li>Payday loans (x3)</li> <li>Energy (x2)</li> </ul>	<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Credit and debt advice</li> <li>Family law property advice</li> <li>Office of Housing debt advice and ongoing representation</li> <li>Centrelink debt advice and representation</li> <li>Return of property advice and support</li> </ul>	Debts only 3-6 months old and with original creditors	<ul style="list-style-type: none"> <li>Payday loans and energy debts waived</li> <li>Centrelink debt no longer pursued</li> </ul> <p><b>Total \$17,500</b></p>
<b>Client 17</b>	<ul style="list-style-type: none"> <li>Credit card</li> </ul>	<ul style="list-style-type: none"> <li>Family violence and intervention order process advice</li> <li>Family law children, property and international travel advice and referral</li> </ul>	Debt with original creditor	Payment plan negotiated
<b>Client 18</b>	<ul style="list-style-type: none"> <li>Consolidated debt loan</li> <li>Payday loan</li> <li>Personal loan</li> <li>Car finance</li> <li>Phone</li> </ul>	<ul style="list-style-type: none"> <li>Family violence and intervention advice</li> <li>IVO process advice</li> <li>Family law property advice</li> </ul>	Family proceedings on foot	<ul style="list-style-type: none"> <li>Debt work ongoing</li> </ul> <p><b>\$650 waived</b> to date</p>
<b>Client 19</b>	<ul style="list-style-type: none"> <li>Energy</li> <li>Credit card x2</li> <li>Mobile phone x2</li> <li>Personal loan</li> </ul>	<ul style="list-style-type: none"> <li>Family law - divorce, separation, property and child custody advice</li> <li>Credit report advice</li> <li>Victims of crime advice</li> <li>Credit and debt advice and ongoing representation</li> </ul>	Recently separated	<ul style="list-style-type: none"> <li>Obtained credit report</li> <li>Warm referral for Victims of Crime compensation representation</li> <li>Debts waived or no longer pursued</li> </ul> <p><b>Total \$19,500</b></p>

	Debts	Other issues we assisted with	Signs of early intervention	Outcomes
<b>Client 20</b>	<ul style="list-style-type: none"> <li>Mortgage</li> </ul>	<ul style="list-style-type: none"> <li>Family law - divorce, separation, property and child custody advice</li> <li>Family violence and intervention order process advice</li> <li>Liaised with police about strengthening protection</li> <li>Police complaint advice</li> </ul>	Recently separated	<ul style="list-style-type: none"> <li>Representation to secure interim intervention order</li> <li>Warm referral for family law representation</li> </ul>
<b>Client 21</b>	<ul style="list-style-type: none"> <li>Solicitor costs</li> </ul>	<ul style="list-style-type: none"> <li>VCAT process advice</li> <li>Family law property and child custody advice</li> </ul>	Family and costs proceedings on foot	<ul style="list-style-type: none"> <li>Secured pro bono representation for proceedings</li> <li>Family law referrals</li> </ul>
<b>Client 22</b>	<ul style="list-style-type: none"> <li>Energy</li> <li>Phone</li> <li>Personal loan</li> </ul>	<ul style="list-style-type: none"> <li>Family law (custody and travel) advice and referral</li> <li>Victims of crime compensation advice and referral</li> <li>Credit and debt advice</li> </ul>	Family proceedings on foot	<ul style="list-style-type: none"> <li>Obtained and advised on credit report</li> <li>Debts <b>waived \$1,600</b></li> <li>Referrals for family law and Victims of Crime compensation representation</li> </ul>
<b>Client 23</b>	<ul style="list-style-type: none"> <li>Personal loan</li> <li>Water</li> </ul>	<ul style="list-style-type: none"> <li>VCAT proceedings provided advice</li> <li>Credit and debt advice and representation</li> <li>Family violence and intervention order process advice and ongoing support</li> <li>Victims of Crime compensation advice and ongoing representation</li> </ul>	Tenancy advice and ongoing representation proceedings on foot	<ul style="list-style-type: none"> <li>Debts waived <b>total \$10,000</b></li> <li>Victims of Crime compensation application made</li> <li>Representation in tenancy dispute</li> </ul>
<b>Client 24</b>	<ul style="list-style-type: none"> <li>Education</li> </ul>	<ul style="list-style-type: none"> <li>Victims of Crime compensation advice and ongoing representation</li> <li>Divorce advice</li> <li>Family violence advice</li> <li>Renewing passport information</li> <li>Centrelink advice</li> </ul>	Debt not yet due	<ul style="list-style-type: none"> <li>Application for debt waiver made</li> <li>Representing in divorce application</li> <li>Referral for expert Centrelink support</li> <li>Victims of Crime compensation application made</li> </ul>



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## Early intervention through partnership with a family violence service

Early intervention through the McAuley partnership played a major role in achieving successful outcomes and preventing many issues from escalating.

Clients of McAuley are living in refuge or transitional housing following family violence, or otherwise recently experienced family violence. Almost every McAuley program client we assisted:

- had unresolved legal and process issues that needed untangling;
- had multiple debts, most of which were with the original creditor and hadn't been repaid or incurred additional liabilities;
- did not know about financial counselling, the legal assistance sector or how to access free help;
- had not realized the extent of their financial and legal issues arising out of family violence; and
- found the justice system difficult (or impossible) to navigate.

Half of our clients (12) had immediate and unresolved problems with the intervention order process, for example:

- there were no orders for representation at upcoming contested hearings;
- paperwork had been lost or left behind when moving to emergency accommodation;
- alarming mistakes and conditions remained on intervention orders; and
- in three cases, deficient intervention orders enabled violent perpetrators to contact the victims and attend their children's schools.

WEstjustice was able to step in and help clients navigate the family violence system, including by securing representation, negotiating with police to apply for orders, seeking variations to orders to provide adequate protection and explaining what took place and what lies ahead.

Five clients had new family violence-related legal issues arise just weeks after their initial meeting with our lawyer, which meant they could seek immediate legal support.

One client and her child were found in their private rental by the perpetrator and physically assaulted. Another client needed support to make a police complaint and later the perpetrator made unauthorized withdrawals from her bank account. These examples demonstrate that we are reaching clients at a time when they needed our help and at a time where we can step in to resolve and prevent issues from escalating. These examples also demonstrate the inadequacies of the current system.

### Belinda's story

*Belinda attended an appointment with the McAuley program for advice about her family law entitlements and an outstanding education debt.*

*One week after our initial appointment, Belinda phoned her WEstjustice lawyer distraught because she had been served with four serious criminal charges for damage to her ex-partner's property and assault. These charges were based on false allegations and Belinda was terrified of attending court or doing something that would make her situation even worse.*

*WEstjustice lawyers represented Belinda and eventually negotiated withdrawal of the charges. If Belinda was unrepresented, she would have self-represented and likely pleaded guilty to the charges to 'minimise' the consequences.*

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## Holistic service delivery

We altered how we delivered casework services through the McAuley program given the nature and number of legal and financial issues our clients experience.

On reflection, the breadth, number and complexity of issues in Figure 5 – particularly at early intervention – are probably more typical than we had anticipated. For many reasons including a lack of time, expertise and funding and high demand, almost all traditional casework services must focus on limited areas of practice to the exclusion of other areas. Resolving just one or two debts or family law issues will not lead to financial security because complications remain e.g. with Centrelink, Office of Housing, smaller creditors, infringements and outstanding court proceedings. When personal loans or credit cards are used to pay fines and other bills, this leads to further indebtedness and increases the risk of homelessness.

A flexible and holistic approach is the key and we provide lengthy appointments and ongoing economic abuse casework support for almost every client, working alongside McAuley family violence workers. WEstjustice sends experienced lawyers to conduct the McAuley program who triage and provide holistic advice and representation as needed across almost all of the legal and financial issues. We have acted in criminal law proceedings, applied to vary intervention orders, negotiated hardship arrangements on joint-mortgages and sought many waivers of telephone debt. We continue to strengthen our referral processes internally, e.g. to WEstjustice's specialist mortgage hardship, tenancy and family law experts and externally with local agencies such as victims of crime specialists and Victoria Legal Aid.

### Grace's story

*When she separated from her violent ex-partner, Grace and her children were forced to live in a car for months. Grace was very unwell at the time of separation, suffering from cancer and later two strokes. Grace lives with and supports her two children in a private rental. She cannot afford all of her medications and still goes without to repay old debts and feed her family.*

*Grace was recently referred to the McAuley program for help with some debts she had been repaying for more than four years.*

*After a short discussion, Grace explained she is also in the middle of tenancy proceedings at VCAT in which she is pursuing compensation for urgently needed repairs. Her housing could be at risk because of the proceedings and she is unrepresented.*

*We also identified that Grace and her children are eligible for Victims of Crime compensation. To add to the complexity of Grace's issues, due to the finalisation of family law proceedings that Grace had previously self-represented in, she was concerned about her family's safety. We provided advice and support to Grace around the intervention order application process.*

*We set out to assist with as many of Grace's outstanding issues as possible. In just weeks we secured waiver of Grace's debts, saving her more than \$10,000. Grace's VCAT hearing was unsuccessful and we are representing her to resolve her dispute with her landlord's agent. We are supporting Grace and her children to seek Victims of Crime compensation and provided advice and support to Grace around applying for an intervention order.*

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## The optimal stage and environment for early intervention economic abuse casework

While there are other chances for early intervention in economic abuse matters, our work shows that the best practice model of economic abuse casework is a lawyer and financial counsellor embedded in a family violence service.

Duty lawyer services and the Support and Safety Hubs are inappropriate environments for holistic casework but could be useful opportunities for limited triage and referral.

### Duty lawyer services

WEstjustice lawyers help victim/survivors apply for the protection of intervention orders through our duty lawyer services at Werribee and Sunshine Magistrates' Courts (i.e. earlier than most agencies assist victim/survivors with economic abuse issues). We have long identified through this work and also in phase one of Restoring Financial Safety, that clients applying for intervention orders generally also have economic abuse issues such as being left with credit card debt or an ex-partner withholding access to the family car. However, providing economic abuse casework at the court or immediately afterwards at our office is almost always inappropriate because:

- duty lawyers help up to 12 clients at court in a day and do not have time;
- victim/survivors are under emotional stress due to the intervention order process and the perpetrator often being present at court;
- most duty lawyers lack economic abuse expertise beyond the court process; and
- victim/survivors generally would not have the support of a family violence caseworker.

### Support and Safety Hubs

#### Support and Safety Hubs

In response to the RCFV report, Government has undertaken an enormous amount of work and is close to rolling out physical family violence 'Support and Safety Hubs' in five pilot sites.<sup>19</sup> The Hubs are intended to provide access to a broad range of services for victims and perpetrators of family violence and their children. It is hoped the organisations and agencies working from and in connection with the Hubs will provide streamlined and coordinated services.

We welcome the substantial investment in the Hubs and support the inclusion of financial counselling and legal services in the Hubs. We understand that the focus of the Hubs will, at least in the short-term, be on immediate, crisis or urgent matters, such as pre-intervention order legal advice and child protection work. The Hubs appear to also rely on a woman seeking to access a service from the location (and eventually by phone or internet).

In contrast, the McAuley partnership model proves effective in establishing financial security for victim/survivors because, in addition to achieving early intervention, it provides the space and support for clients to think through and resolve their legal and financial issues holistically. It allows multiple and extended client meetings with a combination of a lawyer, financial counsellor and family violence caseworker present and providing ongoing representation.

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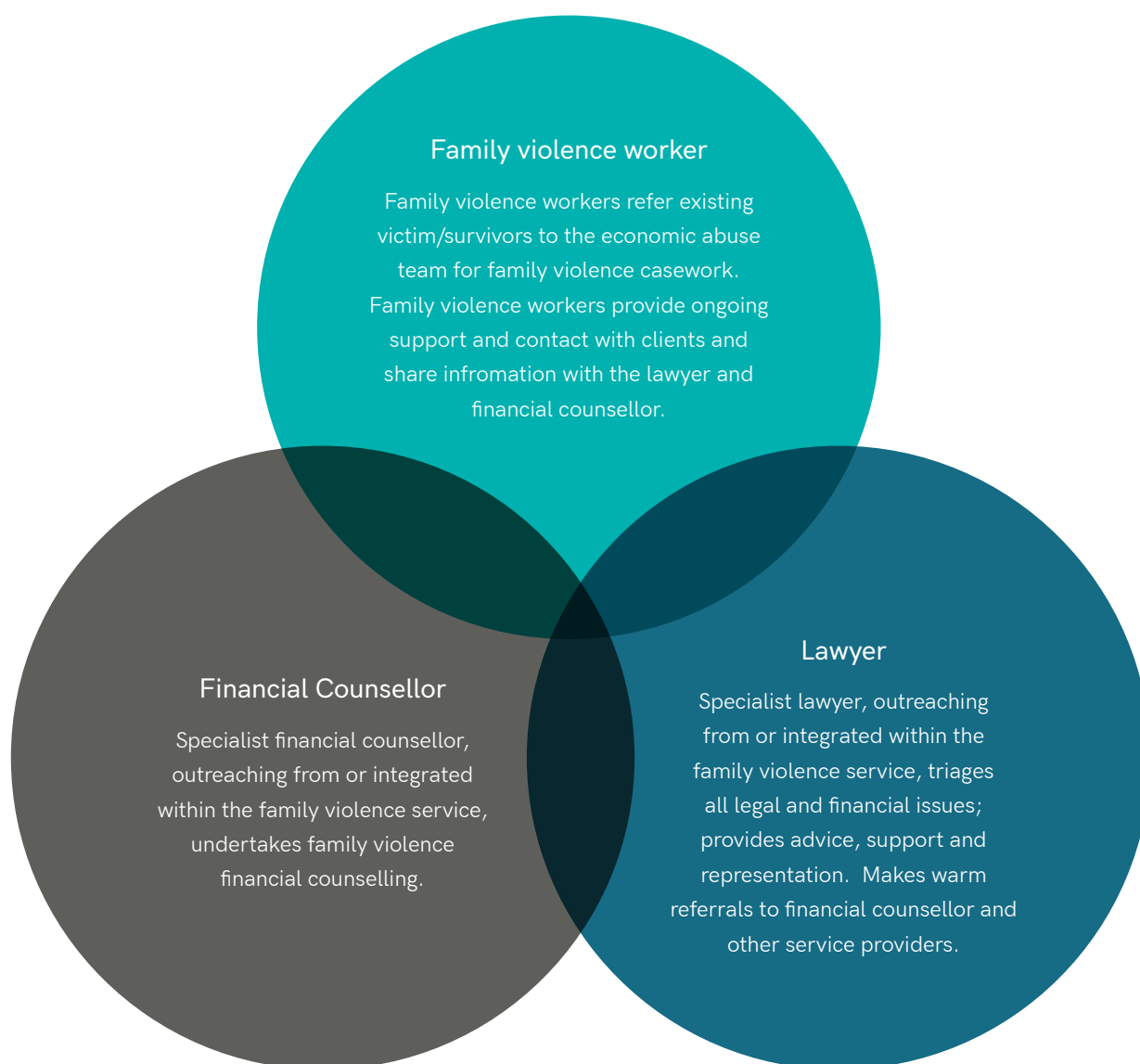
<sup>19</sup> State Government of Victoria, Support and Safety Hubs <<https://www.vic.gov.au/familyviolence/support-and-safety-hubs.html>>.

## Best practice model of economic abuse casework support

We recommend that best practice is a specialist financial counsellor and lawyer working as a team and, depending on the services involved, integrating with or outreaching from the family violence service.

We experimented with how to provide both legal and financial counselling services through the McAuley program. Given the clients' emotional history, vulnerabilities and the nature of family violence, we concluded that both workers attending the initial client meeting and providing advice and casework services could impede the building of rapport. Some sessions also took too long because both workers needed to go through their questions and deliver their advice/information. Instead, we determined that having an experienced lawyer to triage all the issues – many of them legal – and then refer the financial issues to a dedicated financial counsellor would be the most effective model. Alternatively, the financial counsellor could sit in the initial client meeting and conduct a follow up appointment to progress the financial counselling casework. With consent, the team shares client instructions and information to avoid the client having to re-tell the story.

Figure 6: proposed best practice model of economic abuse service delivery



Partnerships with family violence services help to break down silos within our sector and provide much needed support to overworked staff. Instead of family violence caseworkers feeling they need to renegotiate car loan payment plans or assist with Centrelink reviews, these matters can be referred and more effectively resolved by the economic abuse caseworker. The converse situation has also started to arise; clients present to WEstjustice, for example, with their tenancy, mortgage hardship or fines issues, but who also need support about family violence issues. This has led to clients being referred to McAuley by WEstjustice workers.

### Health Justice Partnership example of best practice<sup>20</sup>

Health justice partnerships typically involve placing a lawyer in a 'health' agency such as McAuley to help clients of the health agency with legal issues.<sup>21</sup> Placing a financial counsellor in a health agency to help with legal and financial issues may also fit the definition of a health-justice partnership.

A well-documented benefit of health justice partnerships is that lawyers or financial counsellors can reach clients who would not have otherwise sought legal or financial counselling assistance. For example, a victim/survivor may not feel safe, or a family in transitional housing may not have the energy, to seek out legal and financial counselling support. As a result of the health justice partnership, the most vulnerable victim/survivors can receive help in a supported environment, earlier in the cycle of their problems.

A dedicated lawyer or financial counsellor working with the health agency helps build trust with health worker colleagues, who are then confident about referring clients to the lawyer or financial counsellor. There is the added 'cross-pollination' and capacity building benefit: workers can consult the lawyer/financial counsellor on more general questions, which improves basic legal and financial understanding, identification of legal and financial issues and referral pathways. Equally, the lawyer/financial counsellor gain a far greater insight into clients' health and emotional issues, many of which impact on the legal and financial issues and the delivery of casework support.

## Recommendations based on our economic abuse casework experience and cross-sector work

This part addresses some of the systemic issues we encountered through our work with industry and the McAuley program, and makes achievable recommendations for reform. It is divided into recommendations relating to:

- A. the model of economic abuse service delivery;
- B. reform of Government agencies; and
- C. the need for further industry reform.

### A. Recommendations relating to the model of economic abuse service delivery

The McAuley program demonstrated the need for early intervention support around economic abuse. McAuley is just one of many family violence agencies in Victoria and we have only just scratched the surface of demand. Our cross-sector pilot also revealed that unless caseworkers have the capacity to focus on economic abuse issues, this work will fall by the wayside. The McAuley program provides the holistic, early intervention and collaborative approach to service delivery for victim/survivors, as contemplated by recommendations 11, 17, 21, 39, 187, 220, 224 and 225 in the RCFV report.

### What does it cost if we do nothing?

In a report commissioned by Government, KPMG estimates that in 2015-16, the total cost of family violence to Victoria was \$5.3 billion; family violence cost the State \$1.8 billion in funding support services and cost the community and Victorian economy \$918 million.<sup>22</sup> The same report estimates the cost of family violence to individuals and families to be \$2.6 billion.<sup>23</sup>

<sup>20</sup> For more information about Health Justice Partnerships, see Health Justice Australia, Health Justice Australia <[www.healthjustice.org.au](http://www.healthjustice.org.au)>.

<sup>21</sup> Some health justice partnerships involve a deeper integration whereby the lawyer/financial counsellor essentially becomes a part of the health agency and other partnerships have more of an 'outreach' model.

<sup>22</sup> KPMG, above n8, 2.

<sup>23</sup> Ibid.

Grace's story demonstrates the severe impact of the status quo. Without early intervention, debts spiral, victim/survivors and their children become homeless, health is compromised and dignity lost.

### Grace's story

*Grace has been a client of various family violence services for four years. Just recently she became a client of McAuley and was referred to the McAuley program for help with two debts and a tenancy dispute.*

*After separating from her violent ex-husband four years ago, Grace has struggled with the justice system, authorities, creditors and government agencies to survive. She is a New Zealand citizen but has lived in Australia for the past 15 years with her two children and she is ineligible for most social security. She and her children were forced to live from a car for months. Grace was also unwell at the time of separation, suffering from cancer and later two strokes.*

*Grace had almost no legal representation through years of family law proceedings and eventually learned the system to self-represent before a Family Court Judge (her husband had legal representation throughout all litigation). Grace also self-represented to apply for an intervention order. She ran spousal maintenance proceedings and her ex-husband complied with the payment order up until the expiry date of the intervention order.*

*All of this time, Grace has been repaying an old overdraft debt from a joint account that only her ex-husband had access to. Her ex-husband drew down the account \$13,000 on the day they separated. She has repaid thousands of dollars in other debts that, had we seen her earlier, would have been resolved.*

*Grace still lives with and supports her two children and they count every cent given her debt repayments and limited capacity for work – surviving on just \$100 for food each week, supplemented by food aid and eating scraps from tables. She can't afford all of her medications and still goes without to repay old debts and feed her family.*

Grace's story, our casework experience and sector colleagues' feedback all illustrate that without an early intervention casework service, victim/survivors will continue to be held back by having:

- debts that have been on-sold to debt collection agencies that may use tactics to pressure clients into repaying debts they can't afford;
- no option but to take out additional payday loans, debt consolidation loans or borrow money from family and friends;
- judgment entered in court proceedings for recovery of outstanding debts, meaning the debt will be enforceable and hanging over a client's head for a further 15 years;
- credit reports containing pages of defaults, meaning the impact of the economic abuse lasts at least a further five years;
- the risk of or experiencing homelessness;
- insufficient money to live, repay debts (such as Centrelink debts accrued as a result of economic abuse) and support children, meaning victim/survivors and their children go without food, new clothes, medication, school excursions etc. ;
- returned or be considering returning to a violent relationship because of the legal and financial barriers to financial security; and
- high levels of stress and anxiety.

The cost to just one McAuley program client in dollar terms would be tens of thousands as well as the cost to her health, housing, wellbeing and confidence. The billions of dollars it costs government, welfare services and charities to deal with family violence could be minimized through effective early intervention service delivery.



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## What does it cost to fund a holistic service and provide workers with the resources to do their job well

Financial recovery following family violence takes a long time. In the wake of the RCFV there are funding opportunities for family violence support services, including for financial counselling and legal help. Yet funding must be adequate with realistic deliverables to effectively:

- address financial insecurity;
- support victim/survivors to financial recovery; and
- prevent escalation of financial issues, homelessness and entrenched poverty.

Financial counsellors and lawyers undertaking economic abuse casework do not pick up an ordinary caseload; these cases take extra time to resolve the complex, novel and multiple issues arising, and then there are the additional management costs for debriefing, wellbeing and supervision. This is the consistent feedback we hear from services delivering specialist family violence financial counselling and legal help. We need to ensure the integrity of a holistic service so that safety of clients and workers is always paramount and there is the time to identify, triage and resolve over a long time the range of issues arising for our clients.

The McAuley program is successful because our lawyers have the time and capacity to build the relationship with McAuley staff and spend adequate time with each client to go through every issue and open complex ongoing case files. We also assist clients with the difficult and 'specialist' areas of poverty law such as Centrelink, Office of Housing and mortgage hardship.

### **An expanded, best practice economic abuse casework service**

An expanded economic abuse casework service would involve establishing teams of financial counsellors and lawyers, integrated into family violence support services. We envisage a program manager overseeing the expansion for consistency and a policy director would use the casework experience to continue working with industry and Government to improve family violence responses. The model could be expanded regionally (e.g. across Footscray, Geelong and Ballarat) or alternatively across six or more sites to cover a far greater proportion of Victoria. Expanding the McAuley program would cost approximately \$300,000 per site, per annum, with some variance for economies of scale and distance.

One step toward addressing the unmet demand was the Victorian Government's decision to fund ten 'Full Time Equivalent' (FTE) financial counsellors across Victoria in 2016. However, the ten FTE was split across more than ten Victorian agencies. As a result, some family violence financial counsellors cannot solely practice in economic abuse and many of these financial counsellors are operating from their existing agencies meaning there is no change in the nature of clients accessing help.

Current financial counselling and legal services continue to report a substantial and growing demand on their services for clients presenting at the 'later' stage. It is important to acknowledge that there will always be victim/survivors who need support at the 'later' stage as well as those who do not engage with family violence support services. Yet the McAuley program has demonstrated how, for many victim/survivors, issues can be more effectively resolved at an earlier stage, stemming the spiral of issues, debt and impacts of economic abuse issues.

**Recommendation 1:** Government to increase investment in specialist family violence lawyers and financial counsellors to deliver frontline economic abuse casework services.

**Recommendation 2:** Government to adopt the partnership model of economic abuse casework as best practice by requiring economic abuse casework to be delivered in partnership with family violence support services.

**Implementation:** Government funding for economic abuse service delivery to be contingent on organisations partnering with family violence support services and adopting the best practice model of service delivery. Peak legal, financial counselling and family violence organisations to establish a network of specialist economic abuse case-workers (financial counsellors, lawyers and family violence workers) to share knowledge, ideas, issues and practices.



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## B. Recommendations relating to reform of Government agencies

Government plays a big part in funding victim/survivor support services, creating family violence laws and implementing the RCFV report recommendations. However, more scrutiny is needed on Government as a service provider.

Our clients' experiences show how Government agencies and their processes undermine the financial security of victim/survivors. Often debts and complications with Government agencies are the most difficult to resolve but there is no sign of reform.<sup>24</sup>

Victim/survivors regularly encounter and find it impossible to resolve problems with:

- car registration processes;
- social security processes; and
- lack of enforcement through the Magistrates' Court.

As a first step, to better understand the problems and design effective reforms, an advisory group should be established between government and the community sector.

**Recommendation 3:** Government to establish and regularly consult with a cross-sector economic abuse advisory committee about the role Government agencies play in limiting the financial security of victim/survivors of family violence.

**Implementation:** Government to consult with WEstjustice and the EARG to establish the cross-sector economic abuse advisory committee.

### (i) Abuse of Motor Vehicle Registration Processes

Almost every week, clients of WEstjustice's duty lawyer service<sup>25</sup> report concerns about vehicles being used by perpetrators to monitor, control and abuse them.

The Family Court has the power to divide up assets according to family law. Magistrates have the power under the FVPA to include a condition on an Intervention Order directing the perpetrator to return personal property in certain circumstances<sup>26</sup>. Yet these powers don't explicitly deal with the transfer of registration so that a protected person can:

1. access the vehicle and drive it without fear of registration expiring or being cancelled by the perpetrator; or
2. transfer registration out of the protected person's name to avoid incurring fines and demerit points for which the perpetrator is actually responsible.

In our experience, Magistrates have ordered parties to sign registration transfer paperwork, but the transfer has been unsuccessful due to the perpetrator cancelling the registration or never complying with the orders. Contributing to the problem is that VicRoads will rarely transfer registration without signatures of both the transferor and transferee on the transfer documents (which can put the victim at risk in family violence cases). The problem is illustrated by Amy and Thi's stories below.

This is 'low-hanging fruit'. Making a relatively small legislative change would result in a substantial, positive difference to the freedom and security of victim/survivors.

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<sup>24</sup> We note there was some movement from the Victorian Government in further reforming infringements legislation beyond what was required by the RCFV report. At the time of publishing this report, none of WEstjustice's applications for enforcement review made under the new family violence provisions had been determined.

<sup>25</sup> WEstjustice provides advice and representation to applicants seeking protection through family violence intervention orders at the Sunshine and Werribee Magistrates' Courts.

<sup>26</sup> S.86 provides Magistrates with the power to order return of "personal property belonging to the protected person and the respondent that will enable the protected person's everyday life to continue with as little disruption as practicable in the circumstances".

#### **Any's story**

*Amy and Ben were parties to a recent intervention order application. The married couple owned two cars, both of which were registered in Ben's name. During the hearing, Amy sought an order from the Magistrates' Court for Ben to sign the forms to transfer registration of one car into her name.*

*The Magistrate directed that the parties should 'cooperate' on this matter. Ben instead deregistered the car. At a later hearing, WEstjustice sought on behalf of Amy to include a condition on the intervention order compelling the husband to sign transfer forms. The Magistrate ultimately made these orders yet in the interim weeks, Amy, who lives in the outer suburbs, was left stranded without a car.*

#### **Thi's story**

*Thi and Brendan recently separated and an intervention order is in place protecting Thi. Brendan is driving a car registered in Thi's name. Before they separated, Brendan transferred ownership and registration of the car into Thi's name as he had significant amounts of debt. Since the separation, Thi has been unable to transfer the registration back to Brendan and has now lost contact with him.*

*Thi is concerned that Brendan may incur fines that she will have to pay and that this will leave her with demerit points. Thi is also concerned that Brendan will become very angry and unpredictable if he discovers she didn't renew the registration, so she will likely borrow money to pay the registration.*

**Recommendation 4:** Government to amend the *Family Violence Protection Act 2008* (Vic) to confer on Magistrates the power to direct VicRoads to transfer registration of a vehicle to either party to an intervention order, without the parties' signatures and without the need for plates to be returned.

**Implementation:** Government to commence discussions with VicRoads, the Department of Justice and Regulation and the Victoria's Chief Magistrate about introducing this reform.

## **(ii) Abuse of Social Security**

One quarter of McAuley program clients reported Centrelink entitlements being controlled and abused by their ex-partners. Any steps taken by clients and their caseworkers to resolve family violence-related Centrelink debts and issues had failed or taken so long that the clients simply gave up.

#### **Tamara's story**

*Many months after their separation, Tamara's husband claimed falsely that their children had lived solely with him over a lengthy period. Tamara was thus accused of 'defrauding' the system and was ordered to repay thousands of dollars in 'overpayments'. Tamara was unwilling to challenge the debt as she was too scared of what could happen to her or her son.*

### **Fazia's story**

*Fazia had her Centrelink entitlements cancelled after her application for permanent residency was denied. This followed a separation from her violent ex-partner who was sponsoring her. Centrelink informed Fazia of her ineligibility months after the decision, resulting in a debt for months of overpayments. Fazia has no option but to rely on crisis payments from McAuley as her only 'income'.*

*WEstjustice successfully applied for review of the Centrelink decision and waiver of the debt. Fazia is seeking help from a refugee lawyer regarding her visa status.*

### **Cate's story**

*Cate had a Centrelink debt of \$20,000 owed as a result of her ex-partner's economic abuse and fraud. Cate was also receiving some legal assistance to apply for a debt waiver request due to extenuating personal circumstances including family violence. Despite many attempts by Cate and her case worker to contact Cate expert lawyer from another agency, she had not received a response from Centrelink or her lawyer for over a year. Cate was concerned that some mail may have gone to her old address before she fled to crisis accommodation.*

*WEstjustice reached out to our contacts within that organisation and within days Cate received a call back from a new expert lawyer taking over the case. Her application is now being pursued.*

### **Jenny's story**

*Jenny had a \$15,000 Centrelink debt because her violent ex-husband refused to let her declare her income over many years. Although Jenny has now separated from her ex-husband after 30 years, she is forced to repay this debt. This deduction from Jenny's Newstart income leaves her scarcely able to make ends meet. WEstjustice sought waiver of the debt which no longer being pursued.*

While Centrelink has dedicated workers and policies to deal with family violence issues, the prevalence and nature of the social security problems experienced by McAuley program clients highlights the need for urgent reform. The impact of a negative decision can push victim/survivors further into poverty. We are witnessing the government transfer the 'burden' of providing welfare support for vulnerable people from Centrelink to the not-for-profit sector (McAuley).

Work in this area is complicated and only some financial counsellors, Victoria Legal Aid and Social Security Rights Victoria (together with a handful of generalist community legal centres) have the capacity and expertise to practice in this area. Yet our clients are expected to prove their innocence and automatically know their entitlements.

We need to return justice to the welfare system. The Federal Government should consider as an example the new family violence reforms in the Victorian infringements legislation.

**Recommendation 5:** Federal Government to establish a streamlined, fairer and more flexible process within Centrelink for victim/survivors of family violence and their workers to seek hardship arrangements and waiver of Centrelink debt incurred in family violence circumstances.

**Implementation:** The Federal Government to consult with the cross-sector economic abuse committee or other social security network to investigate and inform on the impact of social security processes on victims of family violence. Federal Government to consider the new family violence provisions in the *Fines Reform Amendment Act 2017* (Vic) as an example of a streamlined, fairer and more flexible process for victim/survivors to resolve outstanding fines.

### (iii) Enforcement of laws prohibiting economic abuse

Economic abuse has long-lasting and devastating impacts on women and their children yet perpetrators are rarely held to account. For more than a decade it has been widely accepted that economic abuse is a form of family violence. Economic abuse was introduced into Victoria's FVPA in 2008, but in contrast:

- police fail to identify or investigate economic abuse when interviewing parties after a violent incident. Our clients repeatedly report that police regard economic abuse as a "private matter";
- lawyers, police and Magistrates do not use acts of economic abuse alone as the basis for an intervention order. Our lawyers who appear almost daily in family violence intervention order applications, report that a Magistrate would never make an intervention order on the grounds of economic abuse alone; and
- we have not heard of any cases of police prosecuting breaches of intervention orders on the grounds of economic abuse in Victoria. There has been one reported prosecution in Tasmania;<sup>27</sup>

The police and Magistrates must start treating economic abuse as a stand-alone ground for an intervention order and where relevant a criminal act. By enforcing laws that prohibit economic abuse, authorities would send a much clearer warning to the community that economic abuse is illegal and there are consequences.<sup>28</sup> The issues we see arising are (or should be) relevant to chapters 15 and 16 of the RCFV report. Specifically recommendations 46, 47, 48 and 52 concerning Victoria Police's strategy, reporting frameworks, performance measurement and investment with respect to all forms of family violence and recommendations 62 and 69 concerning capacity of Magistrates and duty lawyers in intervention order proceedings.

**Recommendation 6:** Courts and police to enforce the laws that prohibit economic abuse including the intervention order laws and processes.

**Implementation:** Government to fund a pilot project to focus on identifying and enforcing economic abuse through the intervention order system and measure its impact.

Government to consult with the Chief Magistrate, Victoria Police's Family Violence Commissioner and the cross-sector economic abuse committee to develop, deliver and evaluate the pilot.

## C. Recommendations relating to the need for further industry reform

Industry has demonstrated genuine commitment to tackle family violence among staff and customers. However, it is difficult to stay a step ahead of family violence issues.

### Continued focus on industry is still needed

Industry needs to remain committed to the process in two, five and ten years' time and long into the future. Will the crisis payments offered by banks or flexibility in decision making around joint debt be embedded into companies or will the situation slowly return back to the status quo? Moreover, while policies are championed by senior management and staff who attend conferences and partnership events, our casework reveals that not all company staff understand or act in accordance with their organisations' family violence training, processes or expectations.

More work is needed to embed lasting systems in banks, utilities, debt collectors, insurers and telecommunications companies so they are not so reliant on an individual relationship.

<sup>27</sup> Edith Bevin, 'Tasmanian man accused of preventing wife from making decisions, accessing joint accounts', The Age (online), 1 August 2016 <<http://www.abc.net.au/news/2016-08-01/tasmanian-man-prosecuted-for-alleged-economic-abuse/7679922>>.

<sup>28</sup> The RCFV report focused on conditions pertaining to personal property with intervention orders and recommendations 114 and 115 specify that the Magistrates' Court and police must take steps to increase the use of such conditions in intervention order proceedings. Yet the actions of Magistrates and police suggest that economic abuse is still not considered a stand-alone form of family violence or grounds for either an intervention order or for a breach of an intervention order around family violence.

**Recommendation 7:** Industry to continue its training, cross-sector consultation and review of processes to embed a culture of identifying and responding to economic abuse.

**Recommendation 8:** Government and industry to support a National Body to share industry good practice regarding family violence/economic abuse, and ensure input from organisations working with victims/survivors.

**Implementation:** The National Body to work with industry to monitor and improve companies' responses to family violence.

The list at Annexure 1 shows how top-tier companies have been willing to engage with community experts on family violence and to dedicate resources to implementing change.

The next phase of our work must focus on the hundreds of smaller companies that aren't as responsive. They don't face the same public scrutiny as larger organisations. Yet people with a poor credit history or limited finances may only be able to obtain credit from these smaller companies. The potential for harm to victim/survivors is therefore heightened.

#### **Jenny's story**

*Jenny sought help at the McAuley program after enduring 30 years of physical, emotional and economic abuse by her partner. Jenny owed debts to a major energy company, Centrelink, and the Office of Housing; we sought debt waivers and began the review process for the government debts. Jenny also owed \$1,500, \$500 and \$130 to payday lenders. These debts caused her the most stress as she was worried about having a bad credit report while she was applying for private rental. Jenny felt private housing was her best chance because she also had an Office of Housing debt of \$15,000 due to economic abuse.*

For industry-wide reform, top-tier companies must continue to take the lead because they have the broadest customer base and their behaviour sets the standard for smaller companies and other industries. Regulators, ombudsman services and industry associations also play a big role in holding smaller companies to a higher standard because of their regulatory role. Good examples are the Australian Banking Association's family violence guideline, the Essential Services Commission's work with water businesses and EWOV's approach to family violence for Victorian water and energy businesses.

Although smaller companies have proportionally fewer customers by comparison, they can cause great harm, as Jenny's story demonstrates. We have encountered smaller companies arguing that codes of practice and guidelines are "non-binding", while others won't entertain a hardship request until a complaint is made to an ombudsman service or commissioner. With similar training opportunities, advocacy and understanding, most companies, regardless of size, should improve their approach to victim/survivors of family violence.

**Recommendation 9:** The National Body to work with key regulators, ombudsman services and industry associations to host economic abuse forums targeting smaller companies across the financial, debt collection, energy, water, telecommunications and insurance sectors.

#### **Implementation**

The EARG or National Body to conduct a mapping exercise to identify and plan industry engagement through key regulators, ombudsman services and industry associations.

Forums similar to that held by EWOV and WEstjustice to be held across the financial, debt collection, energy, water, telecommunications and insurance sectors.

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# Conclusion

The spotlight will soon move on from family violence and it is critical that we document and publish what has happened since the RCFV and seek investment in the programs that have proven effective in achieving financial security for victim/survivors.

The context and timing of the Project has led to major economic abuse reforms and progress, especially from top tier companies, regulators and peak associations' efforts to improve industry's response to family violence. More work is needed to embed and expand this knowledge into all companies and especially government agencies that provide services to the community.

Work with industry alone does not lead to improved financial security for victim/survivors. We need all sectors working together on economic abuse reform, and the critical link is an effective economic abuse casework service. We know that the most vulnerable in our community rarely walk into community legal or financial counselling services seeking help with economic abuse issues. Our work shows that economic abuse issues are difficult to identify and resolve, and require a holistic, multidisciplinary approach. The McAuley program has proven highly effective in supporting victim/survivors to regain financial security by addressing the many barriers to moving on from a violent relationship, at the right time, in a supported environment. Government should invest in an expansion of this partnership model of service delivery.

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## Annexure 1 –

# List of companies and organisations we worked with throughout the Project

- AGL \*
  - ANZ \*
  - City West Water \*
  - Collection House \*
  - Commonwealth Bank of Australia \*
  - Energy Australia \*
  - IAG
  - National Australia Bank \*
  - Optus \*
  - Origin Energy
  - Suncorp
  - Telstra
  - Western Water
  - Westpac \*
  - Yarra Valley Water \*
- 
- Australian Banker's Association
  - Consumer Affairs Victoria
  - Consumer Policy Research Centre
  - Domestic Violence Victoria \*
  - Economic Abuse Reference Group
  - Energy and Water Ombudsman of New South Wales (EWON)
  - Energy and Water Ombudsman of Victoria (EWOV)
  - Essential Services Commission
  - Federation of Community Legal Centres
  - Fines Victoria
  - Financial and Consumer Rights Council
  - Financial Counselling Australia
  - Health Justice Australia
  - Insurance Council of Australia
  - Lord Mayor's Charitable Foundation
  - Thriving Communities Partnership
- 
- Anglicare \*
  - Annie North \*
  - Banyule Community Health \*
  - Child and Family Services Ballarat \*
  - Consumer Action Law Centre
  - Diversitat \*
  - Djerriwarrh Health Services \*
  - Eastern Domestic Violence Service \*
  - Gambler's Help \*
  - Good Shepherd Australia and New Zealand\*
  - IPC Health\*
  - Justice Connect
  - King & Wood Mallesons
  - Lander & Rogers Lawyers
  - Maddocks Lawyers
  - McAuley Community Services for Women
  - Mortgage Wellbeing Service
  - National Debt Hotline
  - Norton Rose Lawyers
  - Social Security Rights Victoria
  - South East Community Links – community caseworkers \*
  - South East Community Links – financial counselling \*
  - Tenants Victoria
  - Wesley Mission Victoria \*
  - WEstjustice \*
  - Women's Information and Referral Exchange (WIRE)
  - Women's Legal Service \*

\* Company / organization took part in cross-sector pilot



# Annexure 2 – Economic Abuse Checklist Resource for financial counsellors

## **WEstjustice** Restoring Financial Safety

Restoring Financial Safety is a project of  
WEstjustice, generously funded by the Lord  
Mayor's Charitable Foundation

### Financial Safety Checklist

#### Notes for financial counsellors using this Checklist

This Checklist resource is for financial counsellors to work through with their clients. It lists an extensive range of questions and actions for victims of family violence to work toward financial security, and will vary from client to client. It is hoped that this Checklist can be used to empower victims of family violence to take action to regain financial control and security.

**It is also important to consider if taking action might put your client or his/her children's safety at risk.** If you are unsure, please refer to the guidance within the Checklist and contact the client's social worker, lawyer or the police for help.

#### Pilot project and organisations involved

Following the Checklist is a list of industry contacts taking part in the pilot project. The contact details are for workers to directly call or email company staff who can answer family violence-related questions and respond to related actions. There is also a list of key community contacts to make appropriate referrals or for further information where needed.

You may still use the Checklist and request actions from companies not taking part in the pilot, although we cannot confirm whether these companies would consider or carry out the action.

#### Help using this Checklist and the pilot project

Please contact WEstjustice for any guidance or support using the Checklist or the pilot project. You can contact Stephanie Tonkin on (03) 9216 0024 [Stephanie@westjustice.org.au](mailto:Stephanie@westjustice.org.au) or WEstjustice reception on (03) 9749 7720.

We value your feedback! Please let us know of any improvements we can make to this resource.

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- 5 Housing - own home or mortgage
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- 7 Water
- 8 Communications - phones, devices and internet
- 9 Motor Vehicles - including fines, registration and debt
- 10 Wills, Powers of Attorney and Guardianship
- 11 Insurance Policies
- 12 Industry Contacts for the Pilot Program
- 13 Community Contacts and Referrals
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A. Restoring Financial Safety Checklist

Client Details	
Name:	
Contact Number:	
Any dependents?	
Other workers assisting client and contact details:	
Risk factors or issues:	
Current income source:	
Does client have a family violence support worker and safety plan?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A</div> <div><small>If NO or Unsure: Refer client to local family violence support organisation or call Safe Steps 1800 015 188 (24 hour Family Violence response)</small></div>
Does client have current intervention order or interim order protecting client and children?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A</div> <div><small>If NO or Unsure: Refer client to Community Legal Centre or Victoria Legal Aid: 1300 792 387 for advice and support to obtain order</small></div>

1. Government and Community Support

Client questions and worker actions	
1.1 Do you receive a Centrelink or Child Support Payment?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A</div>
If YES: <input type="checkbox"/> Contact <a href="#">Centrelink</a> and <a href="#">Child Support</a> to arrange payment be made into client's separate bank account	
If NO or Unsure: <input type="checkbox"/> Contact <a href="#">Centrelink</a> to investigate payment eligibility <input type="checkbox"/> Contact <a href="#">Child support</a> to begin investigating payments	
Comments: <div></div>	
1.2 Have you applied for a Centrelink family violence crisis payment?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A</div>
If NO or Unsure: <input type="checkbox"/> Apply for Centrelink <a href="#">family violence crisis payment</a> <input type="checkbox"/> Arrange payment to be made into separate bank account <small>NB: client must apply within 7 days of family violence or related event such as moving out of home</small>	
Comments: <div></div>	
1.3 Do you have a Centrelink debt that was caused by your ex-partner or family member?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A</div>
If YES or Unsure: <input type="checkbox"/> Refer client to <a href="#">community legal centre</a> or <a href="#">Victoria Legal Aid</a> (1300 792 387 weekdays) <ul style="list-style-type: none"><li>A community lawyer can provide advice and in some cases negotiate a waiver or reduction of debt incurred due to family violence</li></ul>	
Comments: <div></div>	
1.4 Have you applied for a family violence crisis payment from your local council or support service?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A</div>
If NO: <input type="checkbox"/> Contact your <a href="#">local council</a> to investigate family violence crisis payment <input type="checkbox"/> Arrange payment to be made into client's separate bank account <ul style="list-style-type: none"><li>Some local councils and community organisations provide financial support and/or material aid to victims of family violence and their families</li></ul>	
Comments: <div></div>	
1.5 Did or does anyone in your family member experience gambling addiction?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A</div>
If YES: <input type="checkbox"/> Refer client to local <a href="#">Gamblers Help</a> service for support from the <a href="#">Recovery Assistance Program</a>	
Comments: <div></div>	

1. Government and Community Support (cont...)

Client questions and worker actions			
1.6	Have you considered a No Interest Loan Scheme loan (NILS)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If YES, NO, Unsure: refer client for more information to:			
<input type="checkbox"/> No Interest Loan Scheme (NILS)			
<ul style="list-style-type: none"><li>This scheme provides no interest loans to individuals and families on low incomes and with a health care card</li><li>Loans are up to \$1,200 for essential goods and services eg fridge, washing machine, medical etc</li></ul>			
Comments			

2. Bank accounts and security

Client questions and worker actions			
2.1	Do you have a separate bank account?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If NO or Unsure:			
<input type="checkbox"/> Contact bank to setup separate bank account			
<input type="checkbox"/> Contact bank to ensure new paperwork is sent by secure email or to safe address			
<input type="checkbox"/> Redirect wages, benefit and/or other income to new account			
<ul style="list-style-type: none"><li>Some banks can send paperwork to the local branch instead of to a residential address</li></ul>			
Comments			
2.2	Have you updated security and changed all pins, passwords, authorised persons on accounts, phone and internet banking?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If NO or Unsure:			
<input type="checkbox"/> Contact client's bank(s) to update account security for all accounts			
<input type="checkbox"/> Contact client's bank(s) to cancel internet and phone banking or change security passwords			
<input type="checkbox"/> Suggest that client deletes banking apps that can be accessed from multiple devices			
Comments			
2.3	Have you notified your bank of the family violence?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If NO or Unsure:			
<input type="checkbox"/> Put bank on notice about privacy and safety issues			
<input type="checkbox"/> Specify that the bank must not disclose new address or account information to the perpetrator by phone, email, post etc			
Comments			
2.4	Have you asked your bank(s) about hardship assistance for victims of family violence?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If NO or Unsure:			
<input type="checkbox"/> Contact client's bank(s) to request any hardship assistance or programs for victims of family violence			
Comments			

2. Bank accounts and security (cont...)

Client questions			
2.5	Do you have joint bank accounts with your ex-partner (or other perpetrator)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If YES or Unsure:			
<input type="checkbox"/> Freeze access to account(s) OR			
<input type="checkbox"/> Require two signatures for withdrawals from joint account(s)			
NB: consider if client needs money from this account first			
consider safety risks of actions that might alert or impact perpetrator			
<ul style="list-style-type: none"><li>A joint account could be a savings or loan account in both client and perpetrator's name</li><li>Client can freeze a joint account without perpetrator's permission</li><li>To unfreeze account, both parties must consent</li><li>See also Debts at Item 3</li></ul>			
Comments			
2.6	Does a family member have access to your credit card and/ or account?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If YES or Unsure:			
<input type="checkbox"/> Freeze access to credit card(s)			
<input type="checkbox"/> Consider cancelling any supplementary card(s)			
<input type="checkbox"/> Require condition of two signatures for use of joint credit cards			
NB: consider if client needs money from this account first			
consider safety risks of actions that might alert or impact perpetrator			
<ul style="list-style-type: none"><li>Client may have joint or supplementary credit cards</li><li>See also Debts at Item 3</li></ul>			
Comments			
2.7	Do you have any joint loans or an overdraft facility?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If YES or Unsure:			
<input type="checkbox"/> Cancel drawdown facility (if possible)			
<input type="checkbox"/> Request no further drawdown without both signatures			
NB: consider if client needs money from this account first			
consider safety risks of actions that might alert or impact perpetrator			
<ul style="list-style-type: none"><li>Overdraft facilities allow account holders to withdraw more money from the loan account</li><li>See also Debts and Housing - own home or mortgage at Items 3 &amp; 5</li></ul>			
Comments			
2.8	Do you have any direct debits deducted from your accounts?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If YES: Contact companies deducting payments and bank to:			
<input type="checkbox"/> Transfer relevant direct debits to new account			
<input type="checkbox"/> Cancel relevant direct debits			
NB: consider safety risks of cancelling direct debits that might impact perpetrator			
Comments			
2.9	Do you have any safe custody/ deposit boxes with the bank?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> N/A	
If YES or Unsure:			
<input type="checkbox"/> Suggest that client attends local branch to locate any boxes and take items			
Comments			

## 3. Debts (unsecured)

Client questions		Yes	No	Unsure	N/A
3.1	Have you been contacted about money you owe (or you jointly owe with the perpetrator)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: <ul style="list-style-type: none"> <li><input type="checkbox"/> Ask creditor, debt collector or firm and ask to hold enforcement action if necessary</li> <li><input type="checkbox"/> Tell creditor or debt collector of only contact client's representatives about this debt</li> <li><input type="checkbox"/> A creditor, debt collector or firm may be contacting the client by phone or mail to seek payment of a debt</li> </ul>					
Comments:					
3.2	Are you unsure what debts you might owe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <ul style="list-style-type: none"> <li><input type="checkbox"/> Contact a <a href="#">debt reporting agency</a> to request a free copy of client's credit report</li> <li><input type="checkbox"/> See <a href="#">Money Smart's factsheet</a> on credit reports</li> <li><input type="checkbox"/> Be cautious as requesting a report may update client's contact information - and creditors may then see this information</li> </ul>					
Comments:					
3.3	Do you have debt(s) in your name and family violence was involved in loan process? e.g. duress, fraud, no benefit to client	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: Contact creditor, debt collector or firm to request: <ul style="list-style-type: none"> <li><input type="checkbox"/> Further documentation about the loan (if needed)</li> <li><input type="checkbox"/> Cancellation of debt based on family violence</li> </ul> NB: you will need to demonstrate that family violence was involved in the loan process consider safety risks of alleging fraud by perpetrator as police may be contacted					
Comments:					
3.4	Do you have joint debt(s) with the perpetrator and family violence was involved in loan process? e.g. duress, fraud, no benefit to client	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: Contact creditor, debt collector or firm to request: <ul style="list-style-type: none"> <li><input type="checkbox"/> Further documentation about the loan (if needed)</li> <li><input type="checkbox"/> Cancellation of client's share of debt based on family violence</li> <li><input type="checkbox"/> Confirmation in writing that creditor will not pursue debt against client</li> </ul> NB: you will need to demonstrate that family violence was involved in the loan process NB: consider safety risks of alleging fraud by perpetrator as police may be contacted					
<ul style="list-style-type: none"> <li><input type="checkbox"/> Must be after relationship has ended</li> <li><input type="checkbox"/> Cancellation of client's liability doesn't cancel joint-debtors liability</li> <li><input type="checkbox"/> Consider referring client to <a href="#">family lawyer</a> for property advice</li> </ul>					
Comments:					

## 3. Debts (unsecured) (cont...)

Client questions and worker actions		Yes	No	Unsure	N/A
3.5	Do you have debt(s) in your name or joint debt(s) with the perpetrator but NO family violence involved in loan process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: Contact creditor, debt collector or firm to request: <ul style="list-style-type: none"> <li><input type="checkbox"/> Payment arrangement (if client can pay)</li> <li><input type="checkbox"/> Hardship arrangement (if client has some capacity to pay)</li> <li><input type="checkbox"/> discount;</li> <li><input type="checkbox"/> payment plan; and/or</li> <li><input type="checkbox"/> more time to pay</li> <li><input type="checkbox"/> Waiver of debt (if client has no capacity to pay)</li> </ul> <ul style="list-style-type: none"> <li><input type="checkbox"/> Consider referring client to family lawyer for property law advice</li> </ul>					
Comments:					
3.6	Have you been harassed, coerced or misled by a debt collector or creditor trying to recover money? eg constant phone calls, misrepresentations or unreasonable pressure to pay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <ul style="list-style-type: none"> <li><input type="checkbox"/> Consider if activity breaches <a href="#">Debt Collection Guidelines</a></li> <li><input type="checkbox"/> Make complaint to debt collection company/ creditor or Ombudsman Service and / or seek compensation for non financial loss</li> <li><input type="checkbox"/> Consider referring client to consumer lawyer to assist with complaints</li> </ul>					
Comments:					

## 4. Housing - renting, emergency accommodation, homelessness

Including private rentals, public housing, rooming houses, refugees, caravans, informal accommodation if client is not renting, please skip to Item 5

Client questions and worker actions		Yes	No	Unsure	N/A
4.1	Are you renting or will you rent your room or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: for all tenancy matters, refer client to: <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">Tenants Union of Victoria</a>, <a href="#">Victoria Legal Aid</a> and <a href="#">Consumer Affairs Victoria</a> for tenancy advice over the phone and potential ongoing support</li> <li><input type="checkbox"/> A <a href="#">community legal centre</a> for tenancy advice and ongoing support</li> <li><input type="checkbox"/> <a href="#">Family Violence Protection Tenancy Kit</a> (Tenants' Union of Victoria)</li> <li><input type="checkbox"/> <a href="#">Consumer Affairs Victoria</a> website and resources for tenants</li> </ul> <ul style="list-style-type: none"> <li><input type="checkbox"/> Tenancy law can be tricky and clients should seek advice before acting, but there are excellent advice services and plenty of resources available</li> <li><input type="checkbox"/> Client should try to locate or recall if client has a fixed term tenancy agreement (sometimes called a lease)</li> </ul>					
Comments:					
4.2	Will you remain in the rental property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: before taking action, client should seek advice about: <ul style="list-style-type: none"> <li><input type="checkbox"/> Changing the locks and other security</li> <li><input type="checkbox"/> Any damage, outstanding rent and bond dispute</li> <li><input type="checkbox"/> Assigning rental agreement to the client</li> <li><input type="checkbox"/> Applying to the <a href="#">Victorian Civil and Administrative Tribunal</a> (VCAT) to remove perpetrator's name from rental agreement</li> </ul> NB: client will need a <a href="#">final intervention order (IVO)</a> with a clause excluding the perpetrator from the rental property <ul style="list-style-type: none"> <li><input type="checkbox"/> VCAT in Melbourne has a worker to assist with tenancy matters involving family violence</li> </ul>					
Comments:					

#### 4. Housing - renting (cont...)

Client questions and worker actions		Yes	No	Unsure	N/A
4.3	Do you need to <b>move out</b> (or have you already moved out) of the rental room or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: before taking action, client should seek advice about: <ul style="list-style-type: none"> <li><input type="checkbox"/> When to hand back keys</li> <li><input type="checkbox"/> Any damage, outstanding rent and bond dispute</li> <li><input type="checkbox"/> Assigning rental agreement to the perpetrator</li> <li><input type="checkbox"/> Applying to the <a href="#">Victorian Civil and Administrative Tribunal</a> to remove client's name from rental agreement</li> </ul>					
<ul style="list-style-type: none"> <li>Seek advice before acting as there are a number of options with potential consequences for clients moving out of a rental property if client's name is on lease eg handing back keys too early may result in lease break fees</li> <li>VCAT in Melbourne has a worker to assist with tenancy matters involving family violence</li> </ul>					
Comments:					
4.4	Are you <b>homeless</b> , living in <b>emergency accommodation</b> or at risk of homelessness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: Refer client to a: <ul style="list-style-type: none"> <li><input type="checkbox"/> Housing Support worker: 1800 825 955 (24 hour toll free)</li> <li><input type="checkbox"/> <a href="#">Local homelessness or housing service</a></li> <li><input type="checkbox"/> <a href="#">Crisis and emergency housing service</a></li> </ul>					
<ul style="list-style-type: none"> <li>Workers can also call Tenant's Union of Victoria's helpline for secondary advice (03) 9416 2577</li> </ul>					
Comments:					

#### 5. Housing - own home or mortgage

If client does not own a house, have a mortgage or is not entitled to some interest in property, please skip to [Item 6](#)

Client questions and worker actions		Yes	No	Unsure	N/A
5.1	Is your name on the <b>title</b> to your house or the perpetrator's house?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If NO or Unsure <ul style="list-style-type: none"> <li><input type="checkbox"/> Refer client to a family lawyer for advice</li> <li><input type="checkbox"/> Place a caveat on title as soon as possible if client may have an interest in the property</li> </ul>					
<ul style="list-style-type: none"> <li>Refer client for family law advice as soon as possible to protect client's interest in property</li> <li><a href="#">The Law Institute of Victoria</a> can give referrals to local family lawyers who can provide 30 minutes free legal advice (and ongoing help for a fee)</li> <li>Contact the <a href="#">Land Registry</a> for more information on lodging a caveat</li> </ul>					
Comments:					

#### 5. Housing - own home or mortgage (cont...)

Client questions and worker actions		Yes	No	Unsure	N/A
5.2	Are you <b>struggling to meet</b> your mortgage repayments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: consider if there has been any: <ul style="list-style-type: none"> <li><input type="checkbox"/> Duress or breach of responsible lending obligations</li> <li><input type="checkbox"/> Breaches of procedural requirements eg. default notice periods, harassment in treatment of client</li> </ul>					
Ask client's lender for: <ul style="list-style-type: none"> <li><input type="checkbox"/> Further information to support application (if relevant)</li> <li><input type="checkbox"/> More time for client to seek legal advice</li> <li><input type="checkbox"/> Hardship arrangement based on family violence eg:               <ul style="list-style-type: none"> <li><input type="checkbox"/> payment plan</li> <li><input type="checkbox"/> time for client to access superannuation, insurance, court payment or other funds</li> <li><input type="checkbox"/> capitalisation of arrears</li> <li><input type="checkbox"/> more time to pay or moratorium</li> <li><input type="checkbox"/> time for client to sell themselves</li> <li><input type="checkbox"/> other hardship options provided by lender</li> </ul> </li> </ul>					
NB: consider complaint to <a href="#">Financial Ombudsman Service</a> or <a href="#">Credit and Investments Ombudsman</a> . If repossession proceedings are on foot					
<ul style="list-style-type: none"> <li>Consider referral to a consumer lawyer for help with mortgage stress and later stages of home repossession</li> <li>Consider referral to a family lawyer for property advice: the <a href="#">Law Institute of Victoria</a> can give referrals to local family lawyers who can provide 30 minutes free legal advice (and ongoing help for a fee)</li> </ul>					
Comments:					
5.3	Do you have any <b>drawdown facility</b> on your mortgage account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <ul style="list-style-type: none"> <li><input type="checkbox"/> Cancel drawdown facility (if possible)</li> <li><input type="checkbox"/> Request no further drawdown without both signatures</li> </ul>					
NB: consider if client needs money from this account first consider risks of alleging fraud as police may be contacted					
<ul style="list-style-type: none"> <li>Drawdown facilities allow account holders to withdraw more money from the loan account</li> </ul>					
Comments:					
5.4	Are your <b>council rates</b> paid up to date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If NO or unsure: ask <a href="#">local council</a> rates department: <ul style="list-style-type: none"> <li><input type="checkbox"/> To put any enforcement activity on hold</li> <li><input type="checkbox"/> For a hardship arrangement</li> </ul>					
<ul style="list-style-type: none"> <li>Client may have received court papers or contact from council, debt collection company or firm trying to collect outstanding rates</li> </ul>					
Comments:					

## 6. Energy - gas and electricity

Client questions		Yes	No	Unsure	N/A
6.1	Do you need to <b>connect energy</b> at your property (new or old)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: ask energy company to: <input type="checkbox"/> Immediately connect energy supply <input type="checkbox"/> Supply and connection be considered separate to any debt • Contact the <a href="#">Energy &amp; Water Ombudsman of Victoria</a> (EWOV) if you have difficulty with energy companies 1800 500 509 Comments:					
6.2	Do you need to <b>disconnect energy</b> at your old property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: ask energy company to: <input type="checkbox"/> Remove client's name from previous energy account if it was in joint names <input type="checkbox"/> Disconnect previous energy, if it remains in client's name (or in joint names with the perpetrator) NB: <i>consider if safe to do so as disconnection may impact perpetrator</i> Comments:					
6.3	Have you <b>notified</b> your energy company of the <b>family violence</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If NO or Unsure: <input type="checkbox"/> Put company on notice about privacy and safety issues <input type="checkbox"/> Ask energy company to update customer profile security <input type="checkbox"/> Specify that energy company must not disclose new address or information to perpetrator over phone, email etc Comments:					
6.4	Are you <b>struggling</b> to pay your energy bills?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or unsure: Contact client's energy company to discuss: <input type="checkbox"/> Hardship arrangements and programs available <input type="checkbox"/> Client's eligibility for <a href="#">Utilities Relief Grant</a> Comments:					
6.5	Is there an <b>energy debt outstanding</b> in your name or jointly with the perpetrator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: contact client's energy company to request: If there was NO family violence involved in debt: <input type="checkbox"/> Payment arrangement (if client can pay) <input type="checkbox"/> <a href="#">Utilities Relief Grant</a> paperwork (if client is eligible) <input type="checkbox"/> Hardship arrangement (if client has some capacity to pay) <input type="checkbox"/> discount <input type="checkbox"/> payment plan <input type="checkbox"/> more time to pay <input type="checkbox"/> Waiver of debt (if client has no capacity to pay) If there WAS family violence involved in the debt: eg perpetrator intentionally refusing to pay bill or deceiving client <input type="checkbox"/> Waiver of debt NB: <i>if there is a debt in the perpetrator's name alone - your client's not liable and does not need to take any action</i> • Client may have received a letter or call from the energy company or a debt collection company seeking payment					

Checklist current at July 2016. For more information, contact Westjustice on (03) 9749 7720 or [www.westjustice.org.au](http://www.westjustice.org.au) Page 10

## 7. Water

Client questions		Yes	No	Unsure	N/A
7.1	Do you need to <b>set up a water account</b> at your property (new or old)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <input type="checkbox"/> Immediately connect supply of water at property <input type="checkbox"/> Consider supply separately from any water debt • Contact the <a href="#">Energy &amp; Water Ombudsman of Victoria</a> (EWOV) if you have difficulty with energy companies 1800 500 509 Comments:					
7.2	Do you need to <b>cancel a water account</b> from your old property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: ask water company to: <input type="checkbox"/> Remove client's name from previous water account in client's name (or in joint names with the perpetrator) <input type="checkbox"/> Disconnect previous water supply if it remains in client's name (or in joint names with the perpetrator) NB: <i>consider if safe to do so as disconnection may impact perpetrator</i> Comments:					
7.3	Have you <b>notified</b> your water company of the <b>family violence</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If NO or Unsure: <input type="checkbox"/> Put company on notice about privacy and safety issues <input type="checkbox"/> Ask water company to update customer profile security <input type="checkbox"/> Specify that water company must not disclose new address or information to perpetrator over phone, email etc NB: <i>discuss with water company as there are some specific rules for joint accounts and information included on bills</i> Comments:					
7.4	Are you <b>struggling</b> to pay your water bills?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or unsure: contact client's water company to discuss: <input type="checkbox"/> Hardship arrangements and programs available <input type="checkbox"/> Client's eligibility for <a href="#">Utilities Relief Grant</a> Comments:					
7.5	Is there a <b>water debt outstanding</b> in your name or jointly with the perpetrator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: contact client's water company to request: If there was NO family violence involved in debt: <input type="checkbox"/> Payment arrangement (if client can pay) <input type="checkbox"/> <a href="#">Utilities Relief Grant</a> paperwork (if client is eligible) <input type="checkbox"/> Hardship arrangement (if client has some capacity to pay) <input type="checkbox"/> discount <input type="checkbox"/> payment plan <input type="checkbox"/> more time to pay <input type="checkbox"/> Waiver of debt (if client has no capacity to pay) If there WAS family violence involved in the debt: eg perpetrator intentionally refusing to pay bill or deceiving client <input type="checkbox"/> Waiver of debt NB: <i>if there is a debt in the perpetrator's name alone - your client's not liable and does not need to take any action</i> • Client may have received a letter or call from the energy company or a debt collection company seeking payment					

Checklist current at July 2016. For more information, contact Westjustice on (03) 9749 7720 or [www.westjustice.org.au](http://www.westjustice.org.au) Page 11



## 8. Communications: phones, devices and internet (cont...)

Client questions and worker actions		Yes	No	Unsure	N/A
8.7	Do you have any <b>phone-related debt</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: contact client's phone company to request: If there was NO family violence involved in debt: <input type="checkbox"/> Payment arrangement (if client can pay) <input type="checkbox"/> Hardship arrangement (if client has some capacity to pay) <input type="checkbox"/> discount <input type="checkbox"/> payment plan <input type="checkbox"/> more time to pay <input type="checkbox"/> Waiver of debt (if client has no capacity to pay) If there WAS family violence involved in the debt: eg perpetrator intentionally refusing to pay bill or deceiving client <input type="checkbox"/> Waiver of debt <b>NB: if there is a debt in the perpetrator's name alone - your client's not liable and does not need to take any action</b>					
<ul style="list-style-type: none"> <li>Client may have received a letter or call from the phone company or a debt collection company seeking payment</li> </ul>					

## 9. Motor Vehicles - including fines, registration and debt

Client questions		Yes	No	Unsure	N/A
9.1	Do you need to <b>transfer vehicle registration into your name</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <input type="checkbox"/> Ask <a href="#">VicRoads</a> to transfer vehicle registration into client's name <input type="checkbox"/> Ask <a href="#">VicRoads</a> to send registration renewal paperwork to client (if client wants to pay registration) <input type="checkbox"/> Refer client to a <a href="#">community legal centre</a> if VicRoads cannot help					
<ul style="list-style-type: none"> <li>If client drives a vehicle registered in another person's name, the client may be unaware of registration renewal dates or fines being incurred in his or her name. Client therefore risks driving an unregistered vehicle or driving unlicensed</li> </ul>					
<b>Comments:</b>					
9.2	Do you need to <b>transfer vehicle registration out of your name</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: <input type="checkbox"/> Ask <a href="#">VicRoads</a> to transfer vehicle registration out of client's name <input type="checkbox"/> Refer client to a <a href="#">community legal centre</a> if VicRoads cannot help					
<ul style="list-style-type: none"> <li>If registration stays in client's name, client may be held responsible for fines incurred by another driver</li> </ul>					
9.3	Have you incurred <b>fines</b> as a result of family violence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <input type="checkbox"/> Refer client to a <a href="#">community legal centre</a> for help as soon as possible <input type="checkbox"/> Contact <a href="#">Fines Victoria</a> (phone or internet) to identify ALL fines in client's name <input type="checkbox"/> Contact issuing agency (eg local council) or <a href="#">Fines Victoria</a> to request more time to deal with fine(s)					
<ul style="list-style-type: none"> <li>Time limits apply to nominate another driver or to apply to cancel fines</li> <li>A community lawyer can help client apply to cancel or withdraw fines due to family violence, or if client wasn't the driver</li> <li>Fines Victoria: (03) 9200 8111 or Regional: 1300 369 819</li> </ul>					

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## 8. Communications: phones, devices and internet

Client questions and worker actions		Yes	No	Unsure	N/A
8.1	Have you changed your <b>pins, passwords, authorised persons</b> or your customer profile on ALL communication devices/ platforms eg facebook, twitter, mobile phone etc?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If NO or Unsure: <input type="checkbox"/> Update customer profile to remove authorised and check all contact details are updated <input type="checkbox"/> Change all passwords, pins and security questions <input type="checkbox"/> Request extra account security, such as requiring a password (ie more complex than date of birth) <input type="checkbox"/> Put phone company on notice about privacy and safety issues					
<ul style="list-style-type: none"> <li>Contact the <a href="#">Telecommunications Industry Ombudsman</a> (TIO) if you have difficulty with phone or internet companies 1800 062 058</li> <li><a href="#">WESNET</a> has useful mobile security resources</li> <li>Switch off any tracking devices on your and your children's mobile phones and devices</li> </ul>					
<b>Comments:</b>					
8.2	Do you need a <b>new mobile phone handset</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES: <input type="checkbox"/> Ask client's phone company for a free pre-paid mobile phone handset (due to family violence)					
<b>Comments:</b>					
8.3	Do you need a <b>new mobile phone number</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or unsure: <input type="checkbox"/> Buy a new pre-paid sim card <input type="checkbox"/> Ask phone company to cancel old mobile phone number(s)					
<b>Comments:</b>					
8.4	Do you want to <b>keep your old mobile phone number</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <input type="checkbox"/> Ask phone company to transfer old mobile number to a new handset through SIM swap (if the account is in client's name) <b>NB: consider the safety risks of keeping old number</b>					
<b>Comments:</b>					
8.5	Do you need a <b>new home phone number</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <input type="checkbox"/> Request new silent number (if desired) <input type="checkbox"/> Request fee exemption for new silent number <input type="checkbox"/> Request new non-silent number (if desired) <input type="checkbox"/> Cancel old number(s)					
<b>Comments:</b>					
8.6	Are you <b>struggling to pay your phone bills</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES or Unsure: <input type="checkbox"/> Contact phone company to discuss hardship arrangements or programs					
<b>Comments:</b>					

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## 9. Motor Vehicles - including fines, registration and debt (cont...)

Client questions and worker actions		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure	<input type="checkbox"/> N/A
9.4	Have you any <b>vehicle related debt</b> eg outstanding finance/ loan?				
If YES or Unsure: <input type="checkbox"/> Ask debt collector or finance company to hold enforcement action <input type="checkbox"/> Consider referring client to a community legal centre  If there was NO family violence involved in debt: <input type="checkbox"/> Payment arrangement (if client can pay) <input type="checkbox"/> Hardship arrangement (if client has some capacity to pay) <input type="checkbox"/> discount <input type="checkbox"/> payment plan <input type="checkbox"/> more time to pay <input type="checkbox"/> Waiver of debt (if client has no capacity to pay) <input type="checkbox"/> Return of car (if in client's possession and no safety risk)  If there WAS family violence involved in the debt: eg controlling behaviour or perpetrator usage of vehicle: <input type="checkbox"/> Waiver of debt <input type="checkbox"/> Return of car (if in client's possession and no safety risk) NB: consider safety issues (eg perpetrator's car being repossessed) when negotiating with debt collector or finance company  • Client may have received a letter or call from the energy company or a debt collection company seeking payment  Comments:					

## 10. Wills, Powers of Attorney and Guardianship

Client questions and worker actions		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure	<input type="checkbox"/> N/A
10.1	Do you have a will?				
If YES, NO or Unsure: refer client to a lawyer for advice on: <input type="checkbox"/> Making a will <input type="checkbox"/> Changing beneficiaries and executors under the will  • If your client may lose capacity soon - take action as soon as possible • <a href="#">The Law Institute of Victoria</a> can give referrals to local will and guardianship lawyers who will provide 30 minutes free legal advice (and ongoing help for a fee)  Comments:					
10.2	Do you have any <b>power of attorney, guardianship or administration</b> instruments or orders?				
If YES, NO or Unsure: <input type="checkbox"/> Refer the client to <a href="#">The Office of the Public Advocate</a> for more information on power of attorney, guardianship and administration <input type="checkbox"/> Refer the client to a lawyer for advice on making, revoking and altering documents  • If your client may lose capacity soon - take action as soon as possible • <a href="#">The Law Institute of Victoria</a> can give referrals to local will and guardianship lawyers who will provide 30 minutes free legal advice (and ongoing help for a fee)  Comments:					

## 11. Insurance Policies

Client questions and worker actions		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure	<input type="checkbox"/> N/A
11.1	Have you checked ALL of your <b>insurance policies</b> recently?				
If YES, NO or Unsure: <input type="checkbox"/> Contact insurance companies to check if policies are still in client's name: <input type="checkbox"/> Car <input type="checkbox"/> House <input type="checkbox"/> Personal belongings <input type="checkbox"/> Life <input type="checkbox"/> Income <input type="checkbox"/> Health <input type="checkbox"/> Confirm coverage of all policies or any recent changes <input type="checkbox"/> Remove perpetrator from relevant policies (if client is paying premium and insured item (eg house or car is client's property)  Comments:					

## C. COMMUNITY CONTACTS AND REFERRALS

Project Champion	Contact Details	Notes
1 Money Help	1800 007 007 <a href="http://www.moneyhelp.org.au">www.moneyhelp.org.au</a>	Free financial counselling over the phone and potential referral to local "face to face" financial counsellor
2 Consumer Affairs Victoria	1300 55 81 81 Monday to Friday, 9am - 5pm <a href="http://www.consumer.vic.gov.au">www.consumer.vic.gov.au</a>	Can provide information on tenancy issues and referrals for tenancy and financial counselling support
3 Women's Legal Service Victoria	03 8622 0600 (metropolitan callers) 1800 133 302 (country callers) Tuesday & Thursday 6.30pm - 8.30pm <a href="http://www.womenslegal.org.au">www.womenslegal.org.au</a>	Free family law advice over the phone
4 Tenant's Union of Victoria	Tenants: (03) 9416 2577 Mon, Tue, Thur, Fri 9am - 4pm Wed 12.30pm - 7.30pm Public Housing tenants help line: 1800 068 860 (times as above) Rooming house tenants: (03) 9411 1444 (leave message for call back) <a href="http://www.tuv.org.au">www.tuv.org.au</a>	Free tenancy advice over the phone for clients and workers
5 Victoria Legal Aid Legal Help Line	1300 792 387 Monday to Friday, 8.45am to 5.15pm <a href="http://www.legalaid.vic.gov.au">www.legalaid.vic.gov.au</a>	Free legal information and referrals over the phone on a broad range of legal issues
6 Consumer Action Law Centre	(03) 9629 6300 or 1800 468 477 - legal advice line (clients) Monday to Friday, 10am - 1pm (03) 9602 3326 - worker advice line Monday to Friday, 10am - 1pm, 2pm - 5pm <a href="http://consumeraction.org.au">http://consumeraction.org.au</a>	Free legal advice for clients and workers on consumer law matters
7 Federation of Community Legal Centres	(03) 9652 1500 Monday to Friday, 9am - 5pm <a href="http://www.communitylaw.org.au">www.communitylaw.org.au</a>	Referral to local or specialist community legal centre
8 Law Institute of Victoria	(03) 9607 9550 Monday to Friday, 9.30am - 5pm <a href="http://www.liv.asn.au/find-a-lawyer">www.liv.asn.au/find-a-lawyer</a>	Referral to local private lawyer with relevant expertise for 30 minutes free legal advice
9 Safe Steps	1800 015 188 <a href="http://www.safe.steps.org.au">www.safe.steps.org.au</a>	24 hour Family Violence response
10 Women's Information and Referral Exchange (WIRE) Domestic Violence Resource Centre of Victoria (DVRCV)	1300 134 130 <a href="http://www.wire.org.au">www.wire.org.au</a>	[WIRE] Free information, support and referrals for women [DVRCV] Help, advice and local referrals for victims of family violence and workers

Checklist current at July 2016. For more information, contact Westjustice on (03) 9749 7720 or [www.westjustice.org.au](http://www.westjustice.org.au) Page 17

## B. INDUSTRY CONTACTS FOR PILOT PROJECT

Organisation	Contact Details	Notes
<b>Banking</b>		
1 ANZ		
2 Commonwealth Bank of Australia		
3 National Australia Bank		
4 Westpac, including: • Bank of Melbourne • RAMS • St George		
<b>Energy and Water</b>		
5 AGL		
6 City West Water		
7 Energy Australia		
8 Yarra Valley Water		
<b>Telecommunications</b>		
9 Optus		
<b>Debt Collection</b>		
10 Collection House and Lion Finance		

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