

Australian Energy and Market Commission

Via email: AEMC@aemc.gov.au

Draft Determination and Rule – Protecting customers affected by family violence

The ACT Civil and Administrative Tribunal (ACAT) thanks the Commission for the opportunity to comment on the draft Determination and Rule proposing new protections and assistance in the National Energy Retail Rules for customers affected by family violence. We were pleased to be able to participate in the forum that was held prior to the drafting and welcome the outcomes which we believe will provide a strong framework of support to those customers.

To provide context, the ACAT is the jurisdictional energy ombudsman for the Australian Capital Territory and has legislative power, under the *Utilities Act 2000*, to protect energy and water consumers in the ACT from disconnection for utility debt, including by directly case managing the accounts of utility customers who have been unable to meet their payment commitments.

ACAT energy and water hardship assistance clients are in debt for a variety of reasons such as, but not limited to, domestic or family violence, unemployment, disability including mental health issues, chronic illness, addiction issues, generational poverty and low-income work, and high energy costs (related often to sub-standard housing). They are amongst the most disadvantaged and vulnerable in our community and include people who may be wary of, and reluctant to engage with, institutions such as government departments, tribunals and courts. They come from a variety of backgrounds including migrant families where English is a second language; refugee families who may be experiencing the results of torture and trauma; Aboriginal and Torres Strait Islander families who have experienced dispossession, alienation and racism; young people coming from the out-of-home care system; and women escaping family violence.

The ACAT particularly supports:

- the scope of the proposed draft Rule, which takes into account carer and Aboriginal and Torres Strait Islander kinship relationships, and acknowledges the need for customers in embedded networks to have the same protections;
- that the safety of customers is a priority and guides the security protections proposed;
- the requirements on retailers to develop and publish a family violence policy; to have staff specifically trained to recognise and understand the impact and complexities of family violence, and how to appropriately respond; and to

ENERGY AND WATER

PO Box 370 CANBERRA ACT 2601

Ph: 62071740 Fax: 62077739

Email: acatenergyandwater@act.gov.au

www.acat.act.gov.au

provide information to customers about support agencies within their community;

- the flexibility available to retailers so that they can provide the most effective assistance to customers; and
- the banning of the requirement for documentary evidence of family violence which could re-traumatise or severely complicate the situation for customers, and the requirement for processes that minimise the need for customers affected by family violence to repeatedly disclose details of their experience.

The ACAT suggests that the main focus for staff training should be on the specialist staff who are delegated to implement family violence policies, and the focus of training for front-line staff (e.g., call centre and credit staff) should be on identifying indicators of family violence for effective referral to family violence specialist staff.

Thank you again for the opportunity to comment on the proposed draft rules.

Yours Sincerely,



Graeme Neate AM
President
1 August 2022