



4 August 2022

Australian Energy Market Commission
GPO Box 2603
Sydney NSW 2000

Submitted on-line

RRC0042 - Protecting Customers Affected by Family Violence Draft Rule Change

Alinta Energy welcomes the opportunity to comment on the Draft rule change – Protecting Customers Affected by Family Violence.

Alinta Energy understands the scope and size of the issue that is family violence and the impact it can have on the people impacted, and the role energy retailers can play in providing support to customers impacted by family violence.

The proposed rule change was put forward by retail energy provider Red /Lumo in an effort to introduce a nationally consistent approach to providing support and protection for energy consumers experiencing the effects of family violence, through the setting of industry wide minimum standards for providing help and support to customers impacted by family violence.

The proposed rule change was based on the already existing requirements in Victoria and sought to leverage these existing requirements as the most effective way to broaden the support currently provided to Victorian consumers.

However, the Australian Energy Market Commission (AEMC) has chosen to make a “more preferable” rule change which will result in the introduction of jurisdictional divergences in Retailers systems, policies and processes under which Retailers seek to provide protection and support to customers affected by family violence.

Such an approach has the potential to result in poorer outcomes for customers due to the introduction of increased complexities into Retailers' systems, processes, and policies, which in turn may create a greater level of compliance risk for retailers seeking to assist customers.

Any jurisdictional divergence should be limited to where there is a materially different market structure that necessitates the need for a varied obligation to align with a unique market dynamic.

We do not believe there is such a need for the creation of a jurisdictional divergence in the case of this proposed rule change. To ensure the effectiveness of

the customer outcomes of the proposed rule change, as originally proposed, the AEMC should revise its position on seeking the introduction of a “more preferable” rule change.

During the course of other recent rule changes that seek to provide greater protections for consumers the role of Distribution Companies in providing protections has become more apparent, for example in the revised Life Support obligations. As in the example for the Life Support rule change, the role of the Distribution Company in providing support and protections for customers experiencing family violence should not be understated. Therefore, obligations under the proposed rule change should be extended to Distribution Companies where the Distribution Company has a role in both engaging with the customers and where it holds information about the affected customer.

Alinta Energy is concerned with what we believe is a “heavy-handed” approach to compliance enforcement associated with the proposed rule change. Whilst we appreciate there is a critical need to ensure these affected customers have access to and receive the help and support they require, seeking to deliver this through a heavy handed compliance approach, noting the varying nature of the individual customer circumstances, which in turn dictates the need for the availability of flexibility in customised solutions, means a black and white approach to compliance and enforcement can be counter-productive to achieving the desired outcomes of the rule change itself.

Retailers and their staff must have the ability to be able to respond to customers’ needs based on their individual circumstance; any heavy-handed approach to compliance and enforcement will stifle the ability to offer solutions best suited to the customers circumstance for fear of doing so in a non-compliant manner which may expose the retailer to significant penalties. A collaborative learning approach in place of a strict (black and white) compliance enforcement approach should be considered.

Such an approach may be considered a “transitional” approach where learnings can be gathered to better inform any future enforcement approach. This would also allow retailers time to imbed policies, processes, and procedures into their daily operations ensuring the best possible outcomes for affected customers.

Alinta energy understands the AEMC is considering the inclusion of some form of Family Violence reporting matrix. Any such consideration requires further detailed consultation, as it is unclear what the AEMC seeks to gain from the reporting, given the unique circumstances of each case as to how and why family violence becomes a factor.

Data should not be sought for data sake, If the AEMC continues to believe there is a reporting need, detailed consultation should be undertaken with retailers to determine the most appropriate and efficient approach.



Should you have any questions or wish to discuss any aspect of our submission I may be contacted on (02) 9372 2653 or via email: shaun.ruddy@alintaenergy.com.au

Yours sincerely

A handwritten signature in black ink, appearing to read "Shaun Ruddy", written in a cursive style.

Shaun Ruddy
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